

**COMMUNITY ASSISTANCE
CBRNE LEVEL AWARENESS
VOL. III, CH 8.1**

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

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PURPOSE:

To provide officers with guidance in situations involving possible Chemical, Biological, Radiological, Nuclear and Explosive incidents.

PROCEDURES:

This directive is not intended to be an all-inclusive set of procedures to be followed in every incident of this type, but a generic guide in determining the best course of action to take. Because of the rapidly evolving nature of this type of incident, there is no precise formula for the application of these guidelines.

I. CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR or EXPLOSIVE (CBRNE)

- A. The following information is designed to provide all members of the Fort Lee Police Department with awareness level guidelines for events involving chemical, biological, radiological, nuclear weapons. Any other Hazmat conditions; follow procedures set forth in Hazmat Policy Volume V, Chapter 10 and 10-1.
 - 1. The general objectives for responding to known or unknown potential biological, radiological, chemical or explosive threats may include:

- a. Assess the situation;
 - 1) Use current Emergency Response Guide Book, or electronic version during identification if possible.
- b. Remove people from harm's way;
- c. Be cognizant of secondary or tertiary devices;
- d. Secure the perimeter, set up operations areas, and establish hazard control zones (i.e. hot, warm and cold zones), if applicable;
- e. Control and identify biological/chemical agents involved, if applicable;
- f. Don Personal Protective Equipment (PPE) and escape suit consistent with level of training, if available;
- g. Consider containment, decontamination, triage, treat and transport victims, if applicable;
 - (1) Unless properly trained, rescue operations are not to be conducted in the Hot Zone.
- h. Stabilize the incident;
- i. Avoid additional contamination, if applicable;
- j. Secure evidence and treat as a crime scene, if applicable.

II. ASSESSMENT/RESPONSE STRATEGY:

For purposes of clarity, this section will contain potential scenarios along with their recommended response strategy as guides.

A. A suspicious package/envelope (package/envelope unopened/open; no release):

Protective equipment or decontamination and prophylaxis treatment should normally not be required unless hazards or risks are indicated (warning on the package, stains, leaks etc). At a minimum, personnel should wear latex gloves.

- 1. A police officer and a supervisor should be dispatched to the scene.
- 2. Immediately contact the Borough or County Health Department, if indicated.
- 3. Contact the Bergen County HAZMAT Team, if indicated (presence of chemical or biological threat).

4. Contact Fort Lee's Explosive Ordinance Disposal (E.O.D.) Officer.
 5. Contact the Bergen County Police Department, Bomb Squad, if indicated.
 6. Contact the Fire Department, if indicated:
 - (1) Explosive or incendiary warning or other signs of such items (smell or leak etc.).
 7. Treat the area as a crime scene.
 8. Response strategies include:
 - a. Investigation will be similar to a bomb threat investigation. This includes making an assessment of the potential threat to determine if it is necessary for other support agencies to respond;
 - b. In most cases, it is unnecessary to evacuate or close an entire building or facility. However, the scene (area, floor, etc) where the material was discovered should be calmly secured. Persons in the at-risk area should be removed, secured, contained, decontaminated if necessary and evaluated by medical/public health professionals, as appropriate;
 - c. If applicable, have the facility closed or at a minimum shut down the ventilation system. Do not cause or permit the material to become airborne;
 - d. Gather information/intelligence at the scene to determine the credibility of a threat or criminal activity;
 - e. Isolate and contain the envelope/package. If necessary, have the package/envelope screened by the Bomb Squad/Hazmat Team to ensure that no dispersal mechanism/device is inside;
 - f. Secure the envelope/package as evidence if cleared of material or threat;
 - g. Search the area to confirm no additional substance or package/envelope is present;
 - h. Attention should be focused on items or devices foreign to the surroundings.
- B. A package/envelope/device with a potential threat of a biological agent (present and/or released material):
1. Biological agents are organisms or toxins that can kill or incapacitate people, livestock, and crops. The three basic groups of biological agents that would likely be used as weapons are bacteria, viruses, and toxins. Most biological agents are difficult to grow and maintain.

Many break down quickly when exposed to sunlight and other environmental factors, while others, such as anthrax spores, are very long lived. Biological agents can be dispersed by spraying them into the air, by infecting animals that carry the disease to humans and by contaminating food and water. Delivery methods include:

- a. Aerosols - biological agents are dispersed into the air, forming a fine mist that may drift for miles. Inhaling the agent may cause disease in people or animals.
 - b. Animals - some diseases are spread by insects and animals, such as fleas, mice, flies, mosquitoes, and livestock.
 - c. Food and water contamination - some pathogenic organisms and toxins may persist in food and water supplies. Most microbes can be killed, and toxins deactivated, by cooking food and boiling water. Most microbes are killed by boiling water for one minute, but some require longer.
- C. Person-to-person - spread of a few infectious agents is also possible. Humans have been the source of infection for smallpox, plague, and the Lassa viruses.

Suspicious materials(s) with a threat of a biological agent may initiate a full public safety response, including the following;

1. A police officer and a supervisor should be dispatched to the scene. Additional units should be dispatched as the need arises.
2. Immediately contact the Fort Lee Health Department.
3. Contact the Fire Department.
4. Contact the Bergen County HAZMAT Team.
5. Contact Fort Lee's E.O.D. officer
6. Contact the Bergen County Police Department, Bomb Squad, if necessary.
7. Contact EMS.
8. Contact NJDEPE (Department of Environmental Protection and Energy) as per their criteria.
9. Treat the area as a HAZMAT incident and crime scene, following guidelines in
 - a. Hazardous Materials Vol V, Ch. 10 and 10-1 and Crime Scenes Vol. VIII, Ch 1.
10. Notify surrounding police departments and request mutual aid, if necessary;

11. Recall of personnel, if necessary;

a. Response strategies may include:

- 1) Investigation will be similar to a bomb threat investigation;
- 2) In most cases, it is unnecessary to evacuate or close an entire building or facility. However, the scene (area, floor, etc) where the material was discovered should be calmly secured. Persons in the at-risk area should be removed, secured, contained, identified, decontaminated if necessary and evaluated by medical/public health professionals, as appropriate;
- 3) Evaluate the risk regarding potential explosive devices and address accordingly;
- 4) Have the facility's ventilation system shut down. Do not permit the substance to become airborne;
- 5) If an explosive device is not ruled out, coordinate efforts with the Bomb Squad;
- 6) If an explosive device is ruled out, evaluate for potential chemical, biological, or radioactive source material;
- 7) Establish perimeter security and deny entry into the crime scene for those without a legitimate need;
- 8) Document the crime scene per existing evidence procedures;
- 9) Decontamination at the site should be considered for the individuals(s) who came into direct physical contact/inhalation with alleged biological substance; Decontamination is a fire department and Hazmat Unit operation, however, crowd control of the scene is a police function.
- 10) Identify exposed persons and have them secure their clothing. If suspect material is noticeable on clothing, have clothing sprayed lightly with a water spray to adhere the material to the clothing prior to removal of the clothing;
- 11) Clothing and contaminated personal items should be triple bagged in plastic and secured, the persons name should be written on the exterior of the bag. They should be given gowns to wear, blankets etc.

- 12) Immediate medical evaluation and transport to a medical facility are usually not indicated. This decision can be made in conjunction with the local health official based upon the threat assessment;
 - 13) Even in a true release, treatment can be temporarily delayed until a definitive identification of the agent is completed;
- b. Post decontamination considerations include:
- 1) Interview all potential victims and document their names, addresses, telephone numbers and any other useful information;
 - 2) Decisions to provide treatment for biological threat agents should be made by public health officials;
 - 3) Consider the mental health of potentially exposed persons;
 - 4) It is important that sample results be relayed to exposed victims once available to either initiate additional medical procedures if tests are positive or to eliminate fears and anxiety if tests are negative;
 - 5) If explosive devices are ruled out and the evaluation for potential chemical, biological, or radioactive source material is negative, then the response continues as a law enforcement investigation.

D. Chemical Attacks

1. Chemical agents are poisonous vapors, aerosols, liquids, and solids that have toxic effects on people, animals, or plants. They can be released by bombs or sprayed from aircraft, boats, and vehicles. They can be used as a liquid to create a hazard to people and the environment. Some chemical agents may be odorless and tasteless. They can have an immediate effect (a few seconds to a few minutes) or a delayed effect (2 to 48 hours). While potentially lethal, chemical agents are difficult to deliver in lethal concentrations. Outdoors, the agents often dissipate rapidly. Chemical agents also are difficult to produce.
 - a. A chemical attack could come without warning. Signs of a chemical release include people having difficulty breathing; experiencing eye irritation; losing coordination; becoming nauseated; or having a burning sensation in the nose, throat, and lungs. Also, the presence of many dead insects or birds may indicate a chemical agent release.
 - b. On Scene Assessment/Response Strategy:

As indicated above, for purposes of clarity, this section will contain potential scenarios along with their recommended response strategy as guides.

An indication of a chemical agent threat (no material release):

Protective equipment or decontamination and prophylaxis treatment should normally not be required unless hazards or risks are indicated.

- 1) A police officer and a supervisor should be dispatched to the scene.
- 2) Immediately contact the Fort Lee Health Department, if necessary.
- 3) Contact Fort Lee's E.O.D. officer.
- 4) Contact the Bergen County Police Department, Bomb Squad, if necessary.
- 5) Contact Bergen County HAZMAT, if necessary.
- 6) Contact the Fire Department:
- 7) Treat the area as a crime scene.
- 8) Response strategies include:
 - a) Investigation will be similar to a bomb threat investigation;
 - b) Persons in the at-risk area should be removed and evaluated by medical/public health professionals as appropriate;
 - c) Gather information/intelligence at the scene to determine the credibility of a threat;
 - d) Isolate and contain the envelope/package. Have the envelope/package screened by the Bomb Squad, if necessary, to ensure that no dispersal mechanism/device is inside;
 - e) In most cases it is unnecessary to evacuate or close an entire building or facility. However, the scene (area, floor, etc) where the material was discovered should be calmly secured. Have the facility's ventilation system turned off, if warranted;
 - f) Search to confirm that no additional substance or package/envelope is present;
 - g) Assess the building ventilation system, if applicable, to rule out forced entry or tampering. An inspection of the HVAC system may be warranted;

- h) Attention should be focused on items or devices foreign to the surroundings;

E. A package/device with a potential threat of a chemical agent (present or released):
Suspicious materials(s) with a threat of a chemical agent should initiate a full public safety response, including the following:

1. A police officer and a supervisor should be dispatched to the scene. Additional units should be dispatched as the need arises.
2. Immediately contact the Fort Lee Health Department.
3. Contact Fort Lee's E.O.D. officer.
4. Contact the Bergen County Police Department, Bomb Squad, if necessary.
5. Contact the Fire Department.
6. Contact local HAZMAT Team.
7. Contact NJDEPE
8. Contact EMS.
9. Treat the area as a HAZMAT incident and crime scene.
10. Contact surrounding police departments, if necessary;
11. Recall of personnel, if necessary;
12. Response strategies include:
 - a. Investigation will be similar to a bomb threat investigation;
 - b. Persons in the at-risk area should be rapidly removed, identified, and evaluated by medical/public health professionals as appropriate;
 - c. Evaluate the risk regarding potential explosive devices and address accordingly, See Vol. III, Ch 8 Bomb Threats.
 - d. Isolate and contain the envelope/package;
 - e. In most cases it is unnecessary to evacuate or close an entire building or facility. However, the scene (area, floor, etc) where the

material was discovered should be calmly secured. Have the facility's ventilation system turned off;

- f. If an explosive device is not ruled out, coordinate efforts with the Bomb Squad;
- g. If an explosive device is ruled out, evaluate for potential chemical, biological, or radioactive source material;
- h. Establish perimeter security and deny entry into the crime scene for those without a legitimate need;
- i. Document the crime scene per existing evidence procedures;
- j. Be alert for secondary or tertiary devices;
- k. Wear personal protective equipment in compliance with level of training;
- l. Wear the highest level of personal protective equipment available until additional agent information indicates otherwise;
- m. Assist in the set up of decontamination capability and begin HAZMAT operations;
- n. Ascertain if there is a need to evacuate or protect those in place;
- o. Preserve crime scene;
- p. If necessary, alert hospitals regarding imminent mass casualties. Consider use of field hospitals, if necessary;
- q. Coordinate control of personnel;
- r. Provide scene security;
- s. Estimate the number of casualties, if applicable;
- t. Arrange for transportation and logistics, if applicable;
- u. Decontamination at the site should be considered for the individuals(s) who came into direct physical contact/inhalation with alleged chemical substance; Decontamination is the responsibility of hazmat and the fire department, however, control of the scene is a police function.

- v. Identify exposed persons and have them secure their clothing. If suspect material is noticeable on clothing, have clothing sprayed lightly with a water spray to adhere the material to the clothing prior to removal of the clothing;
- w. Clothing and contaminated personal items should be triple bagged in plastic and secured with the persons name on the exterior of the bag;
- x. Immediate medical evaluation and transport to a medical facility are usually not indicated. This decision can be made in conjunction with the local health official based upon the threat assessment;
- y. Separate victims with symptoms at triage from those without symptoms;
- z. Set up separate decontamination sites for civilians and emergency response personnel.

F. Radiological Attacks.

1. Terrorist use of a Radiological Dispersion Device (RDD)—often called “dirty nuke” or “dirty bomb”—is considered far more likely than use of a nuclear explosive device. An RDD combines a conventional explosive device—such as a bomb—with radioactive material. It is designed to scatter dangerous and sub-lethal amounts of radioactive material over a general area. Such RDDs appeal to terrorists because they require limited technical knowledge to build and deploy compared to a nuclear device. Also, the radioactive materials in RDDs are widely used in medicine, agriculture, industry, and research, and are easier to obtain than weapons grade uranium or plutonium.
 - a. The primary purpose of terrorist use of an RDD is to cause psychological fear and economic disruption. Some devices could cause fatalities from exposure to radioactive materials. Depending on the speed at which the area of the RDD detonation was evacuated or how successful people were at sheltering-in-place, the number of deaths and injuries from an RDD might not be substantially greater than from a conventional bomb explosion.
 - b. The size of the affected area and the level of destruction caused by an RDD would depend on the sophistication and size of the conventional bomb, the type of radioactive material used, the quality and quantity of the radioactive material, and the local meteorological conditions—primarily wind and precipitation. The area affected could be placed off-limits to the public for several months during cleanup efforts.
 - c. While the explosive blast will be immediately obvious, the presence of radiation will not be known until trained personnel with specialized equipment are on the scene. It would be safer to assume radiological contamination has occurred—

particularly in an urban setting or near other likely terrorist targets—and take the proper precautions. As with any radiation, avoid or limit exposure. This is particularly true of inhaling radioactive dust that results from the explosion. As you seek shelter from any location (indoors or outdoors) and there is visible dust or other contaminants in the air, breathe through the cloth of your shirt or coat to limit your exposure. If you manage to avoid breathing radioactive dust, your proximity to the radioactive particles may still result in some radiation exposure. If the explosion or radiological release occurs inside, get out immediately and seek safe shelter.

- d. Contamination from an RDD event could affect a wide area, depending on the amount of conventional explosives used, the quantity and type of radioactive material released, and meteorological conditions. Thus, radiation dissipation rates vary, but radiation from an RDD will likely take longer to dissipate due to a potentially larger localized concentration of radioactive material.

G. Nuclear Attacks.

1. A nuclear blast is an explosion with intense light and heat, a damaging pressure wave, and widespread radioactive material that can contaminate the air, water, and ground surfaces for miles around. A nuclear device can range from a weapon carried by an intercontinental missile launched by a hostile nation or terrorist organization, to a small portable nuclear device transported by an individual. All nuclear devices cause deadly effects when exploded, including blinding light, intense heat (thermal radiation), initial nuclear radiation, blast, fires started by the heat pulse, and secondary fires caused by the destruction.
2. Hazards of Nuclear Devices.
 - a. The extent, nature, and arrival time of these hazards are difficult to predict. The geographical dispersion of hazard effects will be defined by the following:
 - b. Size of the device. A more powerful bomb will produce more distant effects.
 - c. Height above the ground the device was detonated. This will determine the extent of blast effects.
 - d. Nature of the surface beneath the explosion. Some materials are more likely to become radioactive and airborne than others. Flat areas are more susceptible to blast effects.
 - e. Existing meteorological conditions. Wind speed and direction will affect arrival time of fallout; precipitation may wash fallout from the atmosphere.

H. Radioactive Fallout.

1. Even if individuals are not close enough to the nuclear blast to be affected by the direct impacts, they may be affected by radioactive fallout. Any nuclear blast results in some fallout. Blasts that occur near the earth's surface create much greater amounts of fallout than blasts that occur at

higher altitudes. This is because the tremendous heat produced from a nuclear blast causes an up-draft of air that forms the familiar mushroom cloud. When a blast occurs near the earth's surface, millions of vaporized dirt particles also are drawn into the cloud. As the heat diminishes, radioactive materials that have vaporized condense on the particles and fall back to Earth. The phenomenon is called radioactive fallout. This fallout material decays over a long period of time, and is the main source of residual nuclear radiation.

2. Fallout from a nuclear explosion may be carried by wind currents for hundreds of miles if the right conditions exist. Effects from even a small portable device exploded at ground level can be potentially deadly.
3. Nuclear radiation cannot be seen, smelled, or otherwise detected by normal senses. Radiation can only be detected by radiation monitoring devices. This makes radiological emergencies different from other types of emergencies, such as floods or hurricanes. Monitoring can project the fallout arrival times, which will be announced through official warning channels. However, any increase in surface build-up of gritty dust and dirt should be a warning for taking protective measures.
4. In addition to other effects, a nuclear weapon detonated in or above the earth's atmosphere can create an electromagnetic pulse (EMP), a high-density electrical field. An EMP acts like a stroke of lightning but is stronger, faster, and shorter. An EMP can seriously damage electronic devices connected to power sources or antennas. This includes communication systems, computers, electrical appliances, and automobile or aircraft ignition systems. The damage could range from a minor interruption to actual burnout of components. Most electronic equipment within 1,000 miles of a high-altitude nuclear detonation could be affected. Battery-powered radios with short antennas generally would not be affected. Although an EMP is unlikely to harm most people, it could harm those with pacemakers or other implanted electronic devices.

I. Nuclear Response

The following are guidelines for what to do in the event of a nuclear explosion:

1. Take cover as quickly as you can, below ground if possible, and stay there until instructed to do otherwise.
2. Listen for official information and follow instructions from response teams.
3. Do not look at the flash or fireball - it can blind you.
4. Take cover behind anything that might offer protection.
5. Lie flat on the ground and cover your head. If the explosion is some distance away, it could take 30 seconds or more for the blast wave to hit.
6. Take shelter as soon as you can, even if you are many miles from ground zero

where the attack occurred - radioactive fallout can be carried by the winds for hundreds of miles. Remember the three protective factors: Distance, shielding, and time.

7. The three factors for protecting oneself from radiation and fallout are distance, shielding, and time.
 - a. Distance - the more distance between you and the fallout particles, the better. An underground area such as a home or office building basement offers more protection than the first floor of a building. A floor near the middle of a high-rise may be better, depending on what is nearby at that level on which significant fallout particles would collect. Flat roofs collect fallout particles so the top floor is not a good choice, nor is a floor adjacent to a neighboring flat roof.
 - b. Shielding - the heavier and denser the materials - thick walls, concrete, bricks, books and earth - between you and the fallout particles, the better.
 - c. Time - fallout radiation loses its intensity fairly rapidly. In time, you will be able to leave the fallout shelter. Radioactive fallout poses the greatest threat to people during the first two weeks, by which time it has declined to about 1 percent of its initial radiation level.
8. Remember that any protection, however temporary, is better than none at all, and the more shielding, distance, and time you can take advantage of, the better.
9. CBRN Incident Response Equipment.
 - a. The Fort Lee Police Department does not maintain any equipment (personal or otherwise) that can be used in responding to a CBRN or other hazardous materials incident. This equipment is maintained by The New Jersey State Police, Bergen County Office of Emergency Management, or the Bergen County Police and County Hazmat who maintains a professional and credentialed staff of hazardous materials / CBRN response experts and technicians. Their equipment meets the standard for the U.S. Department of Homeland Security's Science and Technology Division standards for first responder CBRN equipment.

III. Other Considerations

- A. Advise responding ancillary agencies to limit or avoid using radio communication in order to not broadcast incident information that can be picked up by individuals using scanners. Misinformation, paranoia and panic are real possibilities in these incidents.
- B. Questions to be asked during the handling of a biological/chemical threat when gathering information at the scene are the same questions that must be asked by communication personnel during initial contact. These questions include:

1. Does the package contain dust(s), powder(s), stains, discoloration, residues, liquids, solids and/or foreign objects?
 2. Did anyone report an unusual odor or smell? **Do not smell it yourself or direct anyone to smell it!**
 3. How was the package received, U.S. Mail, Federal Express, U.P.S., messenger, inter-office, unknown, or placed?
 4. If placed, has the package been disturbed?
 5. Who has had contact with the package?
 6. Has anyone who had contact with the package experienced any ill effects? If so, what are they?
 7. When was the first contact with the package made? Date/Time?
 8. Has the package been opened? Who opened it? When?
 9. Does the package contain a written or audio threat? If so, what is the wording or what does it say?
 10. Have any threats been received prior to receiving the package?
 11. Are there any conditions that may have initiated this package such as labor disputes, community action, Neighborhood disputes, domestic violence, sensitive research, etc.?
 12. Is there a return address on the package? If so, what is the exact wording?
 13. Can the package and immediate/exposed area be secured?
- C. The County of Bergen has developed a plan and has the necessary equipment to investigate incidents involving a suspicious substance, suspicious device, or a weapon of mass destruction. The Bergen County Office of Emergency Management and the Bergen County HAZMAT Unit have been supplied with detection equipment used to detect biological and chemical substances in addition to bomb detection equipment.
- D. The Bergen County Police Department, the County HAZMAT Unit, Bergen County Prosecutor's Office and the Fort Lee Fire Department will work in conjunction with the Fort Lee Police when investigating these types of incidents. When investigating a potential biological/chemical incident, the procedures to be used are:
1. Contact the Bergen County Police Department;

2. Describe to their dispatcher the type of incident that we are investigating.
 - a. If it is a suspicious package or suspicious device incident, the Bergen County Bomb Squad will ordinarily be dispatched;
 - b. If it is a suspicious substance (biological/chemical) incident, the County HAZMAT Unit will ordinarily be dispatched.
 - c. If HAZMAT is dispatched, the communications supervisor must ensure that both the fire department and NJDEPE are notified of their response. NJDEPE will provide a case number. This number must be memorialized on the subsequent investigative report and any property/evidence reports.
3. Ensure that the scene is secured and personnel are kept at a safe distance, as provided in the E.R.G. book and upwind from any release, if necessary. This includes restricting the use of any nearby radio transmissions that could trigger the device. (Remember that these investigations are similar to bomb threat investigations.)
4. Anyone that may have become contaminated by a substance should be decontaminated using large amounts of water. All clothing should be removed and secured. HAZMAT and the fire department will coordinate decontamination and the securing of clothing. Please note:
 - a. Hospitals may not accept a patient who has not been decontaminated;
 - b. EMS should not treat a patient until the patient is decontaminated;
 - c. Fire personnel should be in full turnout gear and be equipped with Self Contained Breathing Apparatus when performing any decontamination;
 - d. Police crowd control and security should don the appropriate PPE in an effort to minimize possible exposure and contact with the material.
 - e. Limit contact with the victims prior to decontamination.
5. If HAZMAT responds to the scene of any suspected biological/chemical threat, the Fort Lee Health Department must be immediately notified. All police personnel involved in the incident must have their names included in the investigative report. The Health Department may promulgate a form to document the names of the personnel at the scene.

E. Reporting/Notifications

1. The Tour Commander will make notifications to Department Administration.

2. Investigation report
3. Hazmat report
4. Bomb threat report

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CHIEF OF POLICE RESPONSIBILITIES
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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 05-08-2002	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME II
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I. CHIEF OF POLICE, AUTHORITY AND RESPONSIBILITY

The Chief of Police is the executive head of the police department responsible for the general direction, control and administration of the police department, as authorized and provided for by statute, ordinance and the department's Rules and Regulations. The Chief of Police, as head of the department, shall be the final department authority in all matters of policy, procedure, operations, discipline and shall:

- A. Be the chief executive officer of the police force.
- B. Administer and enforce Rules and Regulations for the control, disposition and discipline of the department and of its officers and employees.
- C. Administer procedures consistent with state law, for the hearing and determination of charges of violation of department Rules and Regulations by any member of the police force.
- D. Have and exercise all of the functions, powers and duties delegated to him by the governing body.

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- E. Prescribe the internal organization of the department and the duties of his subordinates and assistants.
- F. Administer the work of the department through the divisions established and such other units of administration, as he may find necessary or desirable.
- G. Assign functions, responsibilities and duties to members and employees of the department.
- H. Delegate responsibilities as he may deem necessary for the efficient administration of the department to be exercised under his direction and supervision of division heads.
- I. Report at least annually to the Mayor and Council, in such form as shall be approved by the governing body, on the work of the department during the preceding year.

II. PLANNING RESPONSIBILITY

- A. Long Range
 - 1. Capital Improvements
 - a. Communications
 - b. Headquarters
 - c. Equipment
 - d. Training
 - e. Personnel
 - 2. Methods of Operation
 - a. Special Events
 - b. New Growth
 - c. Special Units
 - d. Special Projects
 - e. Rules and regulations, Policies, Procedures, Department Memoranda, Special Orders, operations orders and personnel orders.

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B. Short Range

1. Day to Day Operations
2. Division Head Assignments and Responsibilities
3. Staff Meetings

III. RESEARCH RESPONSIBILITIES

- A. Evaluate and update on a continuous basis ongoing operations and programs.
- B. Implement new methods for operations and new programs to meet the goals and objectives of the department.
- C. Avail himself of information for all areas possible to provide the knowledge and facts to prepare manuals and procedures for operations.

VI. MANAGEMENT

- A. Found Property and Evidence
 1. Oversee the proper handling of all property coming into control of the Borough of Fort Lee Police Department.
- B. Prepare and submit the overall police department budget to the Borough of Fort Lee Mayor and Council at the proper designated time.
- C. Control and supervise expenditures in accordance with the Borough of Fort Lee budget system.
- D. Coordinate annually, an independent audit with the Borough of Fort Lee auditor.

VII. RESPONSIBILITY TO THE BOROUGH OF FORT LEE MAYOR AND COUNCIL

- A. Be responsible for the required department reports to be submitted to the Borough of Fort Lee Mayor and Council at the proper designated time and dates.
- B. Be available to the Borough of Fort Lee Mayor and Council, conference and regular meetings, to assist with any input deemed necessary by the Borough of Fort Lee Mayor and Council. Assign personnel to assist when Chief of Police is not available.

VIII. EXTERNAL AFFAIRS

- A. Join and attend required meetings of the various Chiefs of Police Associations.

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- B. Represent the police department in all required public functions and police related functions on the federal, state and county level.
- C. Take an active part in organizations to assist in promoting good, professional law enforcement and gaining knowledge and aid for the Borough of Fort Lee Police Department.

IX. CLERICAL STAFF RESPONSIBILITIES

- A. Supervise and direct civilian secretaries and clerk-typists.
- B. Maintain proper schedules for work assignments.

X. PERSONNEL FILES AND RECORDS

- A. Maintain and update complete accurate records on all personnel relating to their attendance, performance, status, etc.

XI. RULES, REGULATIONS, POLICIES, PROCEDURES AND SPECIAL ORDERS

- A. The Chief of Police is responsible for development, reviewing, purging and updating the rules, regulations, policies, procedures and special orders on a continuous basis.

XII. EMERGENCY MANAGEMENT

- A. The Chief of Police will, as part of the duties of the Office of Chief of Police, assign personnel to be liaison to the O.E.M. Coordinator for the Borough of Fort Lee.
- B. The O.E.M. Coordinator is responsible for the development and implementation of the O.E.M. Plan.
- C. The Municipal Emergency Management Coordinator shall be responsible for the planning, activating, coordinating and the conduct of Emergency Management Operations within Borough of Fort Lee.
- D. The Municipal Emergency Management Coordinator shall be a member and serve as Chairman of the local Emergency Management Council.
- E. The O.E.M. Coordinator shall appoint one, and may appoint more than one, Deputy Municipal Emergency Management Coordinator(s) with the approval of the Mayor. Wherever possible, such Deputy(s) shall be appointed from among the salaried officers or employees of the municipality.

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RECEPTIONIST TO THE CHIEF OF POLICE RESPONSIBILITIES
VOL. II, CH. 8**

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 05-08-2002	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME II
VOLUME TITLE: ORGANIZATION	# PAGES: 4					CHAPTER 8
ACCREDITATION STANDARD(S):	REFERENCE: V2C8					
SUBJECT: CHIEF'S RECEPTIONIST'S RESPONSIBILITIES						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:	Special Instructions					
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To establish a clear guide for civilian employee acting in the position as the Chief's Receptionist.

POLICY:

All persons acting in the capacity of the Chief's Receptionist shall have the following responsibilities as listed in this policy.

PROCEDURE:

I. RECEPTIONIST TO THE CHIEF OF POLICE RESPONSIBILITIES:

- A. The duties of the receptionist to the Chief of Police of the Borough of Fort Lee Police Department are various. The receptionist's main function is to be available for any and all work assignments requested by the Chief of Police. The Chief of Police will direct the receptionist as to what he wants done (i.e., dictation, special projects, etc.). All tasks should be completed as soon as possible. The distribution of correspondence, memoranda, Policies and Procedures, etc. as directed by the Chief. All telephone calls to the Chief of Police will go through the receptionist's office. If the Chief is not available, the receptionist will take all messages.

- B. Administrative Tasks

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1. The receptionist may, from time to time, be requested by Administrative Commanders to type letters, reports or memos as needed. At that time, the Commander should direct the receptionist as to what he wants done and it will be the receptionist's responsibility to complete the task, as directed.
2. If, for some reason, the receptionist is unable to assist the supervisor or officer, she will direct the officer to one of the clerks in the office that has the time to do the reports, letter, etc.

C. General Responsibilities

1. It will be the responsibility of the receptionist to distribute all incoming mail.
2. Any mail that has to go to Borough of Fort Lee Hall is to be placed in an Inter-Office envelope and kept in the receptionist's office until such time as General Services can deliver it.
3. It will be the responsibility of the receptionist to the Chief of Police to collate the monthly reports. Said reports are placed in the monthly book that is kept in the Police Chief's office. The reports will be received from the Division Commanders, Investigative, Operations and Support Services.
4. It will be the responsibility of the receptionist to the Chief of Police to collate the yearly report. The Chief of Police will direct the receptionist as to what reports he wants included in his annual report.
5. It will be the responsibility of the receptionist to have knowledge of the operation and use of office equipment, i.e. Computer, typewriters, Dictaphone machine, photocopier, etc.
6. The receptionist to the Chief of Police shall have the ability to work with high level officials, department heads, employees and to deal with the public by being courteous and tactful at all times.
7. It will be the responsibility of the Chief's receptionist to keep all personnel listings, personnel jackets etc. up to date and to notify Borough of Fort Lee Hall of any changes in addresses, telephone numbers, etc.
8. It will be the responsibility of the Chief's receptionist to keep the general file up to date by adding new folders and removing older material for storage.
9. The receptionist will be responsible for the Temporary Handicapped Placards.
10. Special Orders/ Memorandums may be typed by the receptionist for the Chief of Police. All Special Orders and Department Memorandums will be put in the appropriate file and forwarded to the Computer Division and placed on the computer network.

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11. When the Administrative Division Commander submits Traffic Surveys and they are approved by the Chief of Police, it will then be the responsibility of the receptionist to forward it to the department requesting the survey.
12. The receptionist to the Chief of Police is responsible for filing correspondence, memos, etc. in the full-time and part-time dispatchers personnel jackets/files and police matrons files and the administrative assistant's file.
13. The receptionist to the Chief of Police should have a working knowledge of the responsibilities of the other department clerks and receptionists.
14. Make appointments for the Chief. Keeping his calendar schedule
15. Answering phones for the Chief, Administration and other offices when vacant.
16. Phone messages for the Chief, Administration and other offices when vacant.
17. Contact Com-Cen and Tour Commander for personnel to report to the Chief's Office.
18. Distribute Memos & Correspondence to all personnel for further information.
19. Reception- Assisting people when they come in and direct to proper person or Bureau.
20. Assist with paperwork and typing during police applicant interviews.
21. Record keeping of time, date, daily sign-in sheets showing time earned, taken, VAC, of white-collar workers including part-time.
22. Responsible to make service call appointments and repair orders for copy machines, fax machines and typewriters.
23. Typewriters & copy machine supplies.
24. The Chief's Receptionist may be requested to type confidential memos, letters and reports. It is of the utmost importance that the nature of these assignments not be discussed.
25. Handicap Parking Permits, maintain a record book of all Handicap Parking Permits issued at police headquarters.
26. Special Orders
 - a. A Special Order Number can be obtained from the Chief's Receptionist.
 - b. Prepare as requested by Administrative Division Commander.

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- 27. Department Personnel Orders
 - a. A Department Personnel Orders Number can be obtained from the Chief's receptionist.
 - b. Prepare orders as requested by Administrative Division Commander.
- 28. News Articles
 - a. Collect and maintain notebook for the current year.
- 29. Telephone Calls
 - a. Forward calls for the Division Commanders to their respective office or take a message.
 - b. Forward calls for respective units to their office.

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

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VOLUME TITLE: ADMINISTRATION	# PAGES: 7					CHAPTER 7
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: CHILD ABUSE AND NEGLECT						DISTRIBUTION ALL
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ATTORNEY GENERAL: AG 15-1		Special Instructions				
PROSECUTOR'S OFFICE: 110 V-8 C-1						
REFERENCE:						

PURPOSE:

It is a great privilege to be blessed with the opportunity to raise children, however, with this privilege comes an even greater responsibility. The individual, be it the parent or the guardian must maintain the highest moral standards and trustworthiness as possible. This policy will set forth guidelines for action to be taken when an individual violates this responsibility and trust.

POLICY:

Because of the sensitivity of Child Abuse cases, a joint investigatory protocol has been established between the Bergen County Prosecutor's Office, Local Police Departments and the Division of Youth and Family Services (DYFS). The procedures in this policy should be followed when dealing with such incidents.

PROCEDURE:

I. DIVISION OF YOUTH AND FAMILY SERVICES (DYFS)

- A. Pursuant to N.J.A.C. 10:129-1.3 DYFS is required to immediately report all instances of suspected child abuse and neglect which imply the commission of a criminal offense to the County Prosecutor. Reportable conditions involve cases of suspected criminal

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conduct on the part of a parent, caretaker, or any person, regardless of the child's residence, with whom the child lives, or the child's relationship to the alleged perpetrator. Regulations require DYFS to report cases involving any of the following conditions immediately to the designated representative of the Prosecutor's Office:

1. Death of a child;
 2. The subjecting or exposing of a child to unusual or inappropriate sexual activity;
 3. Any type of injury or condition resulting in hospitalization for more than superficial emergency room treatment;
 4. Any type of injury or condition that requires more than superficial medical attention (e.g., treatment for a broken bone at a physician's office);
 5. Repeated instances of physical violence committed against a child, or substantially depriving a child of necessary care over a period of time; or
 6. Abandonment of a child.
- B. The Prosecutor's Office will periodically disseminate to DYFS and local police the names and 24-hour contact phone number of the designated representatives who shall receive such reports.

II. RECEIPT OF A REPORT/COMPLAINT

- A. A case can initially come to the attention of any of the three appropriate agencies: DYFS, Local Police or the Prosecutor's Office. Whoever receives the complaint shall notify the other parties immediately. **NOTE:** If a case is reported to DYFS in which the alleged offender is not a caretaker of a child (i.e., it is not a Title IX case), DYFS shall notify the local police.
- B. In cases where there is a question of municipal jurisdiction for law enforcement, the Department receiving the complaint shall notify the Prosecutor's Office and work jointly with the Prosecutor's Office to determine jurisdiction.
- C. Prosecutor's Office will exercise discretion based on case characteristics and workload and may or may not respond to the initial complaint.

III. RESPONSE TO INITIAL COMPLAINT

A. Law Enforcement

1. Ideally, a detective should be assigned to respond to the initial complaint. If a patrol officer is to be detailed to the location of the victim, the sole objective is to

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obtain enough information from sources other than the victim (whenever possible) to determine if a crime has occurred.

When the officer feels that a crime may have occurred, he/she will stop the investigation and request a detective through appropriate Department channels. This very preliminary contact by a patrol officer may occur without DYFS, although it is preferable that even this preliminary step be coordinated.

2. The assigned detectives, investigators from the Prosecutor's Office and DYFS shall confer before initial interviews whenever possible.
3. The crime scene should be preserved in accordance with "best practice" law enforcement efforts. Search and seizure tactics should be employed as necessary and appropriate.

B. Interviews

1. Liaison Officers
 - a. This Department shall designate no less than two police officers to handle such investigations.
2. Location
 - a. The time and place of the initial interviews shall be determined considering first the safety and comfort of the child. DYFS and law enforcement shall confer to make such a determination; in cases of disagreement, the assigned detective shall make the final determination, however in all cases involving child sexual abuse, interviews shall be conducted at the Child Advocacy Center (The Children's House) of the Bergen County Prosecutor's Office.
 - b. DYFS can only remove a child from a school under the conditions specified in the affiliation agreements (Form 21-6) signed with each school district or from other locations as specified in Title IX.
 - c. For the interviews, the Bergen County Prosecutor's Office Child Advocacy Center (The Children's House) shall be considered whenever practical.
3. Roles and Responsibilities
 - a. Interviews other than with the alleged perpetrator will be conducted so that the person not taking the lead has the opportunity to observe and participate in the interview process. Given the more stringent standard for evidence in a criminal case, the law enforcement officer/detective will

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generally conduct the interviews; the DYFS worker shall be present. However, in many cases, issues of rapport and gender may indicate that the interview may be conducted more effectively by DYFS; in that case the law enforcement officer shall be present.

Once again, in cases of disagreement, the detective assigned to the case shall make the final determination.

- b. Disagreements between the assigned detectives and DYFS should be processed as part of the coordinated follow-up.
 - c. The Law Enforcement Officer shall interview the alleged perpetrator. Police reports shall be shared with DYFS as soon as practical. Prior to disclosing the contents of police reports and statements, DYFS should confer with the Prosecutor. DYFS may be present for the interview if both the Prosecutor and local law enforcement agree.
4. Child Sexual Abuse Victim Under the Age of Twelve
- a. Generally, every child sexual abuse victim under the age of twelve (12) years should have his/her interview videotaped. This videotape interview is to be conducted at the Bergen County Prosecutor's Office, Child Advocacy Center (The Children's House) by a qualified interviewer. For the purposes of this protocol, a qualified interviewer is any sworn law enforcement officer who;
 - (1) Has completed a training course on interviewing child victims, or
 - (2) Has conducted at least five interviews with child victims of sexual abuse.
 - b. Obviously, some cursory, preliminary discussions with the victim may be necessary; however, the videotape interview should be the first in depth interview of the child victim. In other words, there should not be an in depth pre-videotape interview with the child victim. Therefore, before conducting the videotape interview with the victim, every effort must be made to gather as much information concerning the alleged sexual abuse from all other sources as is possible and prudent.
 - c. Although there is no legal requirement to obtain permission from the victim, parent, or guardian before videotaping the interview, unless the surrounding circumstances strongly suggest otherwise, the procedure should be to advise the parent or guardian that the interview will be videotaped. The decision whether to tell the child victim that he/she is being videotaped must be made on a case by case basis, considering all of the surrounding circumstances, including but not limited to the age, health,

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intelligence, maturity and emotional state of the child, and the specific facts of the alleged sexual assault(s).

- d. In no event should a promise be made to the victim or his/her parents or guardian that the videotape can or will be used instead of the child's testimony at trial.
- e. One purpose in videotaping these interviews is to avoid multiple interviews of the child victim by different agencies. Therefore, the videotape should be made available to other agencies, which have a legal interest in the welfare of the child victim (i.e., DYFS).
- f. In the event that there is more than one victim in a given case, each victim must be interviewed separately, and each interview must be recorded on a separate videotape.
- g. Under some rare circumstances, based on the victim's physical, emotional or mental state, or because of some emergent or unanticipated event, it may not be possible to do an initial videotape interview. If, for some reason, a decision is made not to do a videotape of the child victim, the reasons for that decision must be set forth in detail in the police report.
- h. If it is necessary to conduct the videotape interview after regular business hours, the on-call investigator from the Prosecutor's Office should be contacted to make the necessary arrangements.
- i. At least two persons must be present during a videotape interview: one person to operate and maintain the videotape equipment and one qualified interviewer (as defined above).
- j. Normally there should be only one interviewer conducting the interview with the victim; however, under certain circumstances, it may be appropriate for a second person, other than the victim's parent or guardian, to assist the primary interviewer. For example, a victim may have developed a rapport with a non-qualified interviewer, such as a DYFS worker, whose presence in the interview room would serve to aid the child in being more comfortable and forthcoming.

The decision as to whether such a person should be present in the interview room to assist must be made on a case by case basis, considering all of the surrounding circumstances, including, but not limited to, the age, health, intelligence, maturity and emotional state of the victim. In the event that a second person is in the interview room, the role of each interviewer must be determined prior to conducting the interview, in order to obtain the most complete statement possible.

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- k. The victim's parent or guardian shall not be allowed in the interview room unless the child cannot be separated from the parent or guardian, or the child's speech is so incoherent that the parent or guardian must act as an interpreter. In the rare event that a parent or guardian is present in the interview room, he/she shall be carefully instructed to refrain from actually participating in the interview.
- l. Before starting the videotaping, the person operating the video equipment shall label a new videotape with the following information:
 - a. Victim's name
 - b. Case number
 - c. Date
 - d. Operator's initials
 - (1) Immediately before the victim enters the interview room, the qualified interviewer shall instruct that the operator begin recording and place the following information on the tape:
 - (a) Date and time
 - (b) Location of interview
(Child Advocacy Center/ The Children's House)
 - (c) Crime under investigation
 - (d) Victim's name
 - (e) Name of all other individuals who will be in the interview room and their professional affiliation.
 - (2) Once the recording has been started, the equipment should not be turned off until the child victim leaves the room at the conclusion of the interview.
 - (3) The operator of the video equipment shall make every effort to keep the child victim on camera at all times.
 - (4) Once the victim leaves the interview room at the conclusion of the interview, the qualified interviewer shall state the time that the

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interview concluded. The operator of the video equipment shall then turn off the camera.

(5) Immediately upon completing the videotape, it shall be reviewed and copied.

(6) The videotape shall be preserved and maintained as evidence.

m. Nothing in this protocol should be interpreted as limiting or superseding the authority of any municipal police department to conduct child sexual abuse investigations. Rather, this protocol has been promulgated in an attempt to provide consistency in the manner in which statements are taken from child sexual assault victims, and to provide the evidence necessary in court for the State to establish that such statements have been obtained during non-coercive, non-suggestive interviews, and that such statements are "trustworthy".

5. Medical Exam

a. A decision regarding a forensic examination, one in which evidence will be gathered as part of the criminal investigation, shall be made by the Prosecutor once contact has been made with the victim. If a forensic examination is required for suspected sexual abuse only, the child shall be transported to the appropriate medical facility. Decisions regarding other-than-forensic medical examinations should be made by DYFS and/or the Prosecutor.

6. After regular working hours:

The DYFS Office of Child Abuse Control (OCAC) can be reached at 1-800-792-8610 to handle calls after hours and will be subject to these policies and procedures.

**ORGANIZATION
CIVILIAN ASSISTANT RESPONSIBILITIES
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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 06-06-2002	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME II
VOLUME TITLE: ORGANIZATION	# PAGES: 2					CHAPTER 10
ACCREDITATION STANDARD(S):	REFERENCE: V2C10					
SUBJECT: CIVILIAN ASSISTANT ASSIGNMENT & RESPONSIBILITIES						DISTRIBUTION ALL
ISSUING AUTHORITY: _____						EVALUATION DATE:
CHIEF THOMAS R. TESSARO						
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To establish a clear guide for civilian employees acting in the position as a Civilian Assistant to the department.

POLICY:

The position of Civilian Assistant is designed to provide the Chief of Police, Division Commanders, Divisions, Bureaus, Units or staff with personnel that can be utilized as specific needs occur.

The position of Civilian Assistant will include full-time, part-time employees, volunteers, and student interns completing a portion of the schooling.

The procedures set forth in this policy should be followed in assigning civilian assistants to particular tasks.

PROCEDURE:

- I. Approval

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- A. The Chief of Police must authorize a person to become a Civilian Assistant to the department.
 - B. If the Civilian Assistant is being hired as a consultant or specialist the borough's hiring process is to be followed.
- II. Assignment
 - A. The Civilian Assistant should be assigned to a specific supervisor.
 - B. The Civilian Assistant should be advised by the supervisor of their responsibilities, authority and limitations.
- III. The general responsibilities are as follows:
 - A. Provide technical or analytical assistance in the following areas:
 - 1. Emergency Management
 - 2. Vehicle Maintenance
 - 3. Property Inventory Tracking
 - 4. Budget Analysis and Tracking
 - 5. Traffic Accident Analysis
 - 6. Any area as authorized through the Chief's Office
 - B. Will provide assistance with general activities as approved by the Chief of Police and within the guidelines of their position.
 - C. Provide specific assistance relating to a project.
 - D. Conduct themselves in a professional manner at all times.
 - E. Maintain confidentiality of all department business and records.

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CODE OF ETHICS
VOL I, CH 25**

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BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 04-01-08	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME I
VOLUME TITLE: ADMINISTRATION	# PAGES: 2					CHAPTER 25
ACCREDITATION STANDARD(S): 1.1.2						
SUBJECT: CODE OF ETHICS						DISTRIBUTION ALL
ISSUING AUTHORITY: _____						EVALUATION DATE:
CHIEF THOMAS O. RIPOLI						
ATTORNEY GENERAL:	Special Instructions					
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I. BACKGROUND

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

II. POLICY

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

III. ACTION

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

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

I WILL maintain courageous calm in the face of danger, scorn, or ridicule; develop self-control; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law of the land and regulations of my department. Whatever I see or hear of a confidential nature, or that is confided to me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

IV. TRAINING

All personnel will receive ethics training biennially.

**TRAFFIC
COMMERCIAL DRIVERS ACT
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BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 06-06-2002	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME IX
VOLUME TITLE: TRAFFIC	# PAGES: 6					CHAPTER 23
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: COMMERCIAL DRIVERS ACT						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

The purpose of this policy is to establish guidelines for handling violations of the Commercial Driver's License (CDL) Act (N.J.S.A. 39:3-10.9 et seq.).

POLICY:

The procedures set forth in this policy shall be followed by officers of this department when dealing with commercial motor vehicle operators who posses, or should posses a commercial drivers license.

COMMERCIAL MOTOR VEHICLES:

A. Definitions

1. Commercial Motor Vehicle or CMV means a motor vehicle or combination of motor vehicles used or designed to transport passengers or property:
 - a. If the vehicle has a gross vehicle weight rating of 26,001 or more pounds or displays a gross vehicle weight rating of 26,001 or more pounds;
 - b. If the vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

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- c. If the vehicle is designed to transport 16 or more passengers including the driver;
- d. If the vehicle is designed to transport 8 or more but less than 16 persons, including the driver, and is used to transport such persons for hire on a daily basis to and from places of employment; or
- e. If the vehicle is transporting or used in the transportation of hazardous materials and is required to be placarded, or the vehicle displays a hazardous material placard.

The director of the division of motor vehicles may, by regulation, include within this definition such other motor vehicles or combination of motor vehicles as he deems appropriate.

This term shall not include recreation vehicles.

COMMERCIAL MOTOR VEHICLE STOPS:

The law allows a police officer who has a reasonable articulable suspicion that a commercial motor vehicle (or the vehicle's operator) is in violation of the CDL Act or another law to stop that vehicle. (Enforcement of federal laws and regulations pertaining to the Transportation of Hazardous Materials and Motor Carrier Safety is limited to the New Jersey State Police and NY/NJ Port Authority Police.) Random commercial motor vehicle stops, for no articulable reason by roving police patrols in the field, are not permissible.

I. OPERATING PROCEDURES:

- A. When stopping commercial motor vehicles for any reason, officer safety is paramount. Officers will take all steps and precautions necessary during traffic stops to assure their safety and well being. They shall adhere to acceptable police practices and with department operating procedures for traffic stops of motor vehicles.
 - 1. Notify the Communications Center of the location and vehicle description prior to effecting the stop.
 - 2. Approach the vehicle with caution, or ask that the driver step out and to the rear, but with minimal delay.
 - 3. Obtain the driver license, registration and insurance card.
 - 4. Interview the driver and passengers.

II. CDL VIOLATION: Officers of this department will investigate all reported violations of the Commercial Driver's License (CDL) Act as well as those encountered during traffic stops within this jurisdiction.

- A. **HANDLING OF LICENSING VIOLATIONS FOR CDL:** The purpose of this section is to establish guidelines for handling persons operating a commercial motor vehicle without a valid CDL or while their CDL driving privileges have been suspended or revoked.

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Note: On and after April 1, 1992, (except when operating under a valid CDL learner's permit), a person shall not operate a commercial motor vehicle unless that person is in possession of a valid CDL and applicable endorsements.

1. When an officer comes in contact with a commercial motor vehicle operator who is not in possession of a valid CDL, the officer shall issue a summons to that operator for N.J.S.A. 39:3-10.18a.(2).
2. When an officer comes in contact with a commercial motor vehicle operator who has had his commercial driver license suspended or revoked, the officer shall issue a commercial motor vehicle summons to that operator for N.J.S.A. 39:3-10.18b.(1).
3. The officer shall not permit an unlicensed, suspended or revoked operator to continue driving the commercial motor vehicle. If a licensed commercial vehicle operator is not readily available, the vehicle is to be removed and impounded as provided by department towing and impounding policy.

Note: The decision to tow a vehicle from the location of the stop should be guided by department policy. The officer should attempt to have the person responsible for the vehicle contacted (owner, employer, lessor, etc.) to arrange for another driver or wrecker to move the vehicle. Under normal circumstances, the operator or person responsible for the vehicle, should be given the opportunity to select a wrecker of his choice, provided the wrecker can arrive within a reasonable amount of time. This decision should include consideration of the type of cargo, giving special consideration to the containment of hazardous or perishable materials.

4. The officer shall permit the violator to remove any personal property, within reason, from the vehicle before it is moved.

V. ENFORCEMENT OF PROHIBITION AGAINST DRIVING WHILE INTOXICATED

The purpose of this section is to establish guidelines for handling persons suspected of operating a commercial motor vehicle with a prohibited alcohol concentration or while under the influence of alcohol or drugs.

Note: In order to comply with federal law, New Jersey has adopted a lower permissible alcohol concentration for operators of commercial motor vehicles. A person may not operate a commercial motor vehicle in this State with an alcohol concentration of 0.04% or more, or while under the influence of drugs (39:3-10.13). The implied consent provisions of the CDL Act are the same as the implied consent provisions for N.J.S.A. 39:4-50.

- A. **DWI Detection and Pre-Arrest Screening** - Detection is the first step in any DWI enforcement action. The Officer's observations at this stage are critical to the establishment of Probable Cause to Arrest. The presence of an alcoholic beverage on the breath of a Commercial Motor Vehicle Operator constitutes probable cause. Officers must perform the following tasks:

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1. Recognize and identify specific driving behaviors that signify a high probability that the driver may be operating with an alcohol concentration of 0.04% or more and/or while under the influence of drugs.
 2. Recognize and identify specific driving patterns and other behavior occurring during vehicle stops that provide additional evidence/suspicion that the driver may be operating with an alcohol concentration of 0.04% or more and/or while under the influence of drugs.
 3. Exercise due care and caution in stopping impaired drivers and be alert for unusual or inappropriate reactions from the driver.
 4. Apprehension should be made as soon as possible in a safe location in accordance with agency guidelines for motor vehicle pursuits.
 5. Summon assistance if necessary or if an arrest is going to be made.
 6. Once the vehicle has stopped and a determination by the officer has been made that the driver may be operating with an alcohol concentration of 0.04% or more and/or while under the influence of drugs, do not allow the driver to move the vehicle.
 7. Recognize and identify the specific characteristics, attitudes, and actions commonly manifested by drivers operating with an apparent alcohol concentration of 0.04% or more and/or while under the influence of drugs, during face to face contact.
 8. Note all observations leading to the suspicion that the driver may be operating with an alcohol concentration of 0.04% or more and/or while under the influence of drugs.
 - a. Ask the operator some general questions, paying particular attention to his manner of speech.
 9. If operation of the vehicle was not observed, the officer must establish evidence of operation prior to arrest.
 10. If probable cause exists to support a suspicion that the driver was operating with an alcohol concentration of 0.04% or more and/or while under the influence of drugs, request the driver to exit his vehicle and move to a safe location to conduct field sobriety tests.
 11. Administer field sobriety tests to assess impairment.
 12. Formulate appropriate arrest decisions based on the evidence accumulated as a result of the above steps.
- B. After conducting an initial examination at the scene of the traffic contact, and upon determining that probable cause to arrest is present, officers should effect an arrest of the subject. Once the officer has determined that he is going to arrest the subject, he will read the Miranda Rights to the subject.

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- C. Breath tests will be administered to the subject in compliance with N.J.S.A. 39:3-10.24 (implied consent to taking of samples of breath). If the subject has a mouth injury or has been taken to the hospital due to injuries or for medical reasons, the arresting officer shall inform the subject that a blood and/or urine sample shall be drawn by qualified personnel for the purpose of determining the presence and quantity of alcohol and/or drugs in the subject's blood or urine.
- D. Chemical Breath Testing - Chemical breath testing shall be conducted at police headquarters by a certified Breath Test Operator.
1. Breath Test Operators will follow procedures for the administration and operation of breath test equipment as instructed by the New Jersey State Police Breath Testing Unit.
 - a. An officer shall re-read the Miranda Rights and read the CDL Standard (Refusal) statement and document all responses.
 2. Should the suspect refuse to submit to the chemical breath tests after having been read the CDL Standard Statement by the officer, or fail to give satisfactory breath samples as determined by the Breath Test Operator, the arresting officer shall issue a summons for refusal pursuant to N.J.S.A. 39:3-10.24. Full documentation of the refusal shall be made on the Drunk Driving Report and its narrative.
 3. In the event the suspect refuses to give samples of his breath, the Breath Test Operator or arresting officer shall not end his investigation at that point, but shall continue gathering evidence of the suspect's impairment. Documentation shall be made on the Drinking-Driving Report and its narrative.
 4. Breath Test Operators will also follow the procedures and checklist as set forth on the Alcohol Influence Report and document and record all steps.
 - a. A minimum of two breath tests shall be administered and results, to be considered valid, must not differ by more than 0.01 from each other and should be within 15 minutes of each other. If needed, additional breath tests shall be administered.
 - b. If the suspect performs the breath tests satisfactorily, and it is determined that the alcohol concentration is 0.04% or more, the arresting officer shall issue a summons for N.J.S.A. 39:3-10.13, a per se violation.
 - c. If the suspect performs the breath tests satisfactorily, and it is determined that the alcohol concentration is 0.10% or more, the officer shall issue a summons to the suspect for N.J.S.A. 39:3-10.13, a per se violation and shall also issue a summons to that suspect charging a violation of N.J.S.A. 39:4-50, operating a motor vehicle under the influence of alcohol. The N.J.S.A. 39:4-50 summons will be supported by the observations of the arresting officer as documented on the Drunk Driving Report and its narrative, in addition to the .10 per se violation.

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Note: If the suspect has a low breath test result and those results are inconsistent with the officer's observations, the suspect may be under the influence of drugs. In that event, a hospital or other appropriate medical facility can be contacted and the operator can be administered blood and/or urine tests.

5. The suspect shall not be permitted to make any phone calls prior to the completion of the above proceedings.

E. Completion of Documentation

1. The arresting officer shall be responsible for obtaining a driver record of the suspect and attaching a copy to the incident report, both the arresting officer and the breathalyzer operator are responsible for the completion of the required reports for a DWI arrest case jacket, as listed in Volume IX, Chapter 5, of the DWI Policy and Procedures.
2. Procedures involving the release of a vehicle should comply with Vol, 9. Ch 5 A&B, 12 hour impound and potential liability warnings.

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BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 11-01-2002	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME VI
VOLUME TITLE: GENERAL	# PAGES: 6					CHAPTER 3
ACCREDITATION STANDARD(S):	REFERENCE: V#C#					
SUBJECT: COMMUNICABLE DISEASES/ BLOODBORNE PATHOGENS						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To provide a workable operating procedure for management of employee exposure to Bloodborne Pathogens.

POLICY:

The Fort Lee Police Department recognizes the danger to employees which result from occupational exposure to Bloodborne Pathogens, and the need to protect employees from risk. The policies in this SOP comply with applicable Federal (OSHA rule 29 CFR 1910.1030) and Bergen County Health Standards.

DEFINITIONS:

Bloodborne Pathogen - microorganisms present in human blood that can infect and cause disease. This includes, but is not limited to HIV and Hepatitis B.

Contaminated - the presence of blood or other infectious materials.

Exposure incident - a specific eye, mouth, mucous membrane, non intact skin, or contact with blood or other potentially infectious materials that may result from the employee's performance of duty.

Other potentially infectious materials (OPIM) - Human body fluids to include semen, amniotic fluid, saliva, vaginal secretions, or any body fluids which cannot be determined. Any unfixed tissue or human

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organ, any cultures or solutions containing HIV or HBV cells, or blood / organs from experimental animals infected with

HIV or HBV. Regulated waste - Liquid or semi liquid blood or OPIM, items caked with dried blood or OPIM, contaminated sharps.

Universal precaution (U/P) - the concept of assuming that everything is contaminated.

I. PROCEDURES :

- A. It is the responsibility of each officer to check their personal pathogen kit and to replace any needed items at the beginning and end of tour. The kit will be kept with the officer's personal duty gear and will be available for use at all times while the officer is on duty.

It is the officers responsibility to replace any missing items in their respective kits with replacement items from HQ, and reseal the bag with a new label. In accordance with the FLDOH exposure control plan revised 3/96, all officers have been issued, will carry with them, and be responsible for the daily replacement of their own personal pathogen kits.

1. Officers will assume that all persons are carriers of a communicable disease.
2. Disposable gloves shall be worn when handling any persons, clothing, or equipment with body fluids on them.
3. Masks, face shield, and gowns shall be worn in situations where bodily fluids may be splashed on the officer. These items are in the pathogen kits of each vehicle.
4. Disposable CPR barriers shall be used by any officer performing CPR. These are located in the pathogen kits, and are replaceable as needed.
5. All needles will be handled with care and shall be considered contaminated items.
6. Officers will not smoke, eat, drink, or apply makeup around body fluid spills.
7. Any evidence contaminated with body fluids will be sealed in accordance with current evidence handling procedures. A red bio hazard label will be put on the outside of the evidence bag. This does not pertain to sealed urine and blood samples taken from a hospital, or taken in HQ under controlled conditions for arrest purposes.
8. Any waste including clothing which has a large amount of blood on it can be dropped off at the Health Department. (note: Health Dept will not accept unless clothing is SATURATED.) Small amount of blood, officer can wash in washing machine in the cell area.
9. Other waste, such as used gloves, toweletts, or non bloody materials may be disposed of in the garbage.

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B. CUSTODY OF PRISONERS / PEOPLE / EQUIPMENT

1. No officer will refuse to arrest or physically handle any person who may have a communicable disease where the appropriate PPE (personal protective equipment) has been provided. All officers have been issued disposable gloves, and all officers shall carry disposable gloves on their person while on duty. It is the individual officer's responsibility to ensure he or she has the appropriate PPE prior to the start of tour. These items include gloves, face/eye mask, and gown.
2. Persons being transported who have blood or bodily fluids spilling / leaking from their person shall be transported in a separate vehicle from other individuals.
3. Officers transporting a person with a communicable disease who has bodily fluids on their person shall notify other officers who come into contact with the subject.
4. Persons taken into custody with blood or body fluids on their person shall first be checked for any needed medical aid. They will then be brought into the holding cell for processing. Other prisoners will not be allowed in the holding cell area until the area has been decontaminated. A sign stating "BIOHAZARD Area, Do Not Enter." shall be placed on the holding cell door. The Tour Commander shall call maintenance to decontaminate the cell area or any area where a prisoner was held if:
 - a. Any prisoner has blood or body fluids spilling, leaking, bleeding on his person.
 - b. If a person states that he / she has a communicable disease, but has no bodily fluids on their person, the area will be sprayed with Staphene spray by the arresting officer after the prisoner has been removed.

The spray is located behind the HQ desk. UNDER NO CIRCUMSTANCES WILL BOTH BLEACH AND SPRAY BE USED AT THE SAME TIME.

5. Officers shall note on their incident report when a suspect has body fluids on his / her person.
6. Any officer who's skin comes into contact with body fluids shall wash the area immediately for a minimum of 20 seconds with hot running water and soap before rinsing and drying. Antiseptic towelettes from the pathogen kit, or rubbing alcohol may be used where soap and water is unavailable. Rinse the disposable gloves prior to taking them off. Your hands and arms should then be washed. An incident report and workers comp package must be done even if blood etc gets on unopened skin.
7. All open cuts and abrasions shall be covered with waterproof bandages prior to reporting for duty.
8. Officers shall remove clothing that has been contaminated with bodily fluids ASAP. Any contacted skin area should then be cleaned as per procedure #7 above.

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9. Clothing that has been contaminated shall be placed in a red bio hazard bag and labeled with a bio hazard label on the outside. It may then be brought to a commercial dry cleaner. Home laundering must be done at a minimum temperature of 140 - 160 degrees for at least 25 minutes using a commercial detergent. Blood soaked uniforms shall be placed in a red bio hazard bag and discarded at the Health Department.

II. SUPPLIES:

- A. The following supplies will be located in HQ for compliance with the borough's Exposure Control Plan:
 1. Sharps containers - Main Desk, 461, & 462. For use of needles found and turned over to the PD where arrests will not be made. The containers shall be picked up by the Health Department as needed.
 2. Red Bio Hazard Bags
 3. Syringe / needle containers (plastic tubes)
 4. Disinfectant spray - Desk, G.I., cell room.
 5. Bleach
 6. Toweletts
 7. Bio Hazard Labels
 8. High Risk Gloves
- B. KITS WILL BE KEPT AT DESK, NARCO, GI, AND BOOKING AREA.
 1. Replacement kits shall be kept in the headquarters supply area.
 - a. The kits are sealed, officers should take an entire sealed kit and place it in the vehicle.
 - b. Certain items such as gloves, CPR shield, etc. will be in single packs. It will not be necessary to take an entire sealed kit to replace these items.
 2. Bloodborne pathogen kits shall be issued to each police officer. They contain: Latex gloves, CPR shield (disposable), Face / eye shield, gown, BioHazard garbage bag, clean up towel, skin wipes and scoop.
 3. If any item is used it will be replaced by the officer.
- C. Vehicles which have been exposed to dripping / flowing blood or OPIM shall be placed out of service. A red bio hazard label shall be placed on the outside of the driver side door, and a note

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will be made on the car sheet. An incident report shall be made to the tour commander. The vehicle will then be cleaned by a professional cleaning company contracted to do so.

- D. The Department of Health will be notified to pick up any bloody wastes, which must be sealed in a red bio hazard bag.

III. WORK PRACTICES:

- A. The following PPE will be utilized by the officer for these tasks:

1. First Aid with blood or OPIM in small amounts - Universal precautions U.P. - (see definition), and latex gloves.
2. First Aid with blood or OPIM in large amounts - UP, gloves, gown, face mask.
3. Prisoners with blood / OPIM in large amounts - UP, gloves, gown, face mask and disposable cuffs.
4. Handling contaminated reusable equipment - UP, latex gloves.
5. Handling disposable / or contaminated PPE - UP, gloves, labels, red bags as appropriate.
6. Handling needles - UP, gloves, leak proof puncture resistant containers.
7. Handling / transport blood urine specimens - UP, gloves, leak proof puncture resistant containers.
8. CPR - UP, reusable mask with disposable mouthpiece or reusable mechanical CPR mask on Oxygen unit.
9. Clean up of blood / OPIM - UP, latex gloves, gown and cleaning supplies as needed. A mixture of 1 part bleach to 10 parts water will decontaminate equipment.

- B. In the event of an incident where an officer is exposed to blood or bodily fluids on his / her person, the officer(s) exposed shall report this to the tour commander as soon as practical, and an incident report shall be made up reflecting this situation and notification. The nature of the incident, the type of PPE used, the blood / OPIM to which the officer was exposed shall be included. The incident title "Pathogen / OPIM Exposure" shall be used.

ANY OFFICER WHO HAS BEEN BITTEN, OR HAS BEEN INVOLVED IN AN "EXPOSURE" AS DEFINED, SHALL BE TRANSPORTED TO THE HOSPITAL WHERE A CONFIDENTIAL MEDICAL EVALUATION AND FOLLOWUP SHALL BE CONDUCTED. AN INCIDENT REPORT SHALL BE MADE UP AS ABOVE, AND A COPY SHALL BE SENT TO THE FORT LEE HEALTH DEPARTMENT.

1. In any report generated from an exposure, the following data will be included, either on the blue incident report form or a supplemental narrative if needed:

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- a. Vaccination status (Hep-B) of officer
 - b. What the officer was doing,
 - c. What PPE the officer was wearing,
 - d. What body fluids the officer was exposed to, where on his / her body the exposure took place, the size of the area exposed.
 - e. If a foreign object penetrated your body (i.e. a needle.)
 - f. How long the blood / OPIM was on your person.
 - g. Where, when, and by whom you received medical attention.
 - h. What treatment you gave the person who exposed you (CPR etc.)
2. Officers that seek any medical attention must also complete any workers compensation forms necessary, as per Sick Leave/Workers Compensation Policy Vol, I. Ch, 22.

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 3/17/2000	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME VIII
VOLUME TITLE: INVESTIGATIONS	# PAGES: 11					CHAPTER 14
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ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
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REFERENCE: NJSA 34:1-69, ADA 42 U.S.C. 12131-12134						

PURPOSE:

To institute guidelines for establishing effective communication methods when members of the deaf community are in contact with the Fort Lee Police Department.

POLICY:

It is the policy of the Borough of Fort Lee Police Department to secure the rights of hearing-impaired persons who, because of impairment of hearing or speech, are unable to readily understand or communicate spoken language and who consequently cannot be fully protected in legal proceedings unless qualified interpreters are available to assist them.

In such circumstances the hearing-impaired individual will be furnished with the appropriate auxiliary aids and services to ensure effective communications.

Auxiliary aids and services may include qualified interpreters, assisted listening devices, telecommunications devices for the deaf (TDD), written materials, note pads, and other effective methods of making aurally delivered materials available to individuals with hearing impairments. The auxiliary aid requirement is flexible as long as the result is effective communication for the hearing-impaired individual.

When an auxiliary aid or service is required to ensure effective communications, the Borough of Fort Lee Police Department must provide an opportunity for individuals with hearing impairments to request the auxiliary aids and services. Primary consideration should be given to the choice expressed by a

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victim or witness. "Primary Consideration" means that the Borough of Fort Lee Police Department should honor the individual's choice. The selection should be evaluated to ensure the integrity of a statement obtained from a defendant. Care should be taken to ensure that individual's selection does not result in a fundamental alteration in the service, program, or activity or place an undue financial or administrative burden on the department. If another equally effective means of communication is available it may be utilized.

This policy primarily addresses situations where a police officer, after consulting with the individual with a hearing impairment, determines that the service of a qualified interpreter are necessary to ensure effective communications.

A supervisor should approve all requests for a qualified interpreter or service.

DEFINITIONS:

- I. Hearing-Impaired / Deaf - As used in this policy, means those persons in whom the sense of hearing is nonfunctional for ordinary purposes of life. It includes those who were born deaf and those individuals whose sense of hearing became nonfunctional through illness, accident, etc. In addition it should also include individuals with speech handicaps that require alternative methods of communication in place of oral communications. For this policy the terms should be synonymous
- II. American Sign Language - Is also referred to as ASL and sometimes Amesian. ALS is a visual / gestural language utilized in the Deaf Community in which finger and hand movements represent specific words.
- III. Finger Spelling – is a visual / gestural method spelling out a word one letter at a time.
- IV. Qualified Interpreter – means an interpreter certified by the National Registry of Interpreters for the Deaf, Inc. (RID) and listed by the State Division of the Deaf in the Dept. of Labor or the New Jersey Registry of Interpreters for the Deaf. RID is the professional organization and certifying body of sign language and oral interpreters in the United States.
- V. Certified Interpreter - is a trained individual who has been awarded a credential by passing an examination offered by the National Registry of Interpreters for the Deaf, Inc. (RID).

PROCEDURE:

I. SPECIAL CONSIDERATIONS FOR THE DEAF COMMUNITY

A. Officers should be aware that:

1. Deafness is considered an invisible handicap, as it can not be seen.

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2. They may not know at first contact that the person is hearing impaired. The person may inform the officer by writing, "I am deaf" or by pointing to their ear and mouth while shaking their head.
 3. Hearing-impaired people have individual personalities and methods of dealing with their handicap.
 4. Interpreters may function as the ears and voice for a deaf person.
 5. Written communication depends on persons reading level. This method may be slow and cumbersome.
- B. Officers should be aware that hearing-impaired individuals might not be able to communicate when their hands are cuffed. The individual may not understand the need for handcuffing and may panic because their ability to communicate has been taken away. Handcuffing should be done according to established policy, but compassion should be used.
- C. Hearing-impaired individuals may use touch to initiate communication. Officers should try not to misinterpret this communication skill as an aggressive act. This does not mean that a hearing-impaired individual can not injure or assault another person.
- D. The following steps should help officers communicate with hearing-impaired individuals:
1. Identify the signs and symptoms: Individuals may point to their ear or mouth, reach for a pad and pencil and write a note or display a Medical Alert tag.
 2. Start Writing: Once you believe that a person is hearing impaired, offer them a pencil and pad. Officer safety should be maintained.
 3. Don't Be Fooled by Lipreaders: The best method of communication is through a qualified interpreter. Help a lipreader by
 - a. Looking directly at them.
 - b. Speak slowly and clearly.
 - c. Do not over exaggerate your words.
 - d. Keep sentences or questions short.

Note: Lip reading is only about 25% effective.

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4. Know the Law: American With Disabilities Act of 1990 (ADA)
 - a. The Americans with Disabilities Act prohibits discrimination against individuals with disabilities by all places of public accommodation.
 - b. Hearing-impaired individuals have the same rights as other individuals.
 - c. Hearing-impaired individuals must be provided with equal access to services.
 - d. Hearing-impaired individuals have a right to have an interpreter present or to have access to telecommunications devices for the deaf (TDD).
5. Ask for Help: There are numerous agencies and groups available to assist officers when dealing with hearing-impaired individuals.
6. The method of communication should be determined by the individual not the department because the individual knows what method works best for them.
7. Get the deaf person's attention before speaking; use a light touch on the shoulder or a wave.
8. Beware of false impressions such as nodding head.
9. Openly ask the deaf person what is the best method to communicate.
10. Be flexible in use of language and terminology.
11. Be direct, don't underestimate the hearing-impaired persons intelligence.
12. Convey your desire to communicate.
13. Watch your facial expressions, they tell a great deal. Use facial expressions to supplement your communication.
14. Maintain eye contact.
15. Double-check impressions for understanding, be sure of accuracy.
16. Allow time for effective communications to be established.
17. If communications falters, try another way of saying it.

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18. Look directly at the person when speaking at all times.
19. Be patient, friendly and casual (if possible).
20. **Do Not** pretend to understand the deaf person when you can't.
21. **Do Not** exaggerate your lip movements.
22. **Do Not** put any objects in your mouth or cover it with your hand when speaking.
23. **Do Not** repeat the same word if the deaf person has trouble understanding you. Change to another word that is more meaningful to them.
24. **Do Not** speak to a deaf person with your back to a light, window or mirror as it interferes with their observation of you.

II. COMMUNICATIONS WITH A SUSPECT PRIOR TO ARREST

- A. An individual with a hearing impairment may be arrested on probable cause in the same manner that a hearing person would. For example, if an officer responds to an aggravated assault call and, upon arriving at the scene, observes the victim bleeding and the individual with a hearing impairment holding a weapon in their hand, and is told by either a witness or the victim that the hearing-impaired individual struck the victim with the weapon, then the officer obviously has sufficient probable cause to make an arrest without taking any statement from the suspect.
- B. A qualified interpreter may still be required if an officer is unable to convey to the arrestee the nature of the criminal charges by communicating on a note pad or by using another means of communication. If the arrestee does not decline the opportunity to communicate through an interpreter, the arrestee should be transported to HQ and secured in the holding cell. The arresting officer or the transporting officer should convey the information through the interpreter when the interpreter arrives.
- C. If it is established that an interpreter is needed, the officer should notify a supervisor. The supervisor should respond to the location and evaluate the situation. If needed, the supervisor should authorize the contact of a qualified interpreter or service.

III. INTERVIEWING A SUSPECT TO ESTABLISH PROBABLE CAUSE

- A. If a police officer needs to interview a hearing-impaired suspect to determine if there is probable cause to make an arrest, a qualified interpreter must be provided if the written communication is ineffective. When the services of a qualified interpreter are required to provide effective communication, but the officer cannot wait until a qualified interpreter arrives, the following procedures apply:

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1. If the investigation does not involve a serious offense, the officer should postpone the interview and possible arrest until a qualified interpreter is present. If the qualified interpreter is unable to respond, the officer should document this fact and continue with the investigation as completely as possible and file the appropriate report.
 2. If the investigation involves a serious offense, the officer should contact the appropriate supervisor and advise the supervisor of the situation. The supervisor will determine if a detective will be called and how to obtain the services of a qualified interpreter. If the supervisor determines that a detective will not be responding, then the officer should document their actions continue with the investigation as completely as possible and file the appropriate report.
- B. If it is established that an interpreter is needed, the officer should notify a supervisor. The supervisor should respond to the location and evaluate the situation. If needed, the supervisor should contact a qualified interpreter or service.

IV. INTERROGATING AN ARRESTEE

- A. When a hearing-impaired person is arrested for an alleged violation of a criminal law, a qualified interpreter shall be appointed prior to reading of Miranda warnings interrogating or taking a statement from the hearing-impaired person in compliance with the law (NJSA 34:1-69.10c(1)).
- B. An officer seeking to interrogate a hearing-impaired arrestee must obtain the services of a qualified interpreter prior to any interrogation whenever an interpreter is needed for effective communication. The officer may proceed with a written interrogation, without an interpreter if:
1. Exigent circumstances do not permit a delay in the interrogation of the arrestee.
 2. If an interpreter cannot be located or cannot be located within a reasonable period of time (which should occur very infrequently).
 3. If the arrestee specifically declines the opportunity to communicate through an interpreter and if written communication between the officer and the arrestee was then effective in conveying an understanding of the Miranda warnings and.
 - a. Any statement, written or oral, made by a hearing-impaired person in reply to a question from a law enforcement officer may be inadmissible unless it was obtained in compliance with the law as determined by the court system.
- C. If written communication becomes ineffective because:
1. The factual pattern is complex;

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2. The arrestee is having difficulty communicating without an interpreter or

3. The arrestee chooses to discontinue the interrogation;

Then officer must discontinue the interrogation and wait until a qualified interpreter is present before continuing the interrogation. In most instances a qualified interpreter should be available and the interrogation should not be delayed.

- D. If an interpreter is used, the interrogation may be video taped to protect the admissibility of the statements made through the interpreter.

V. COMMUNICATING WITH A NON-CRIMINAL VIOLATOR

- A. When dealing with a hearing-impaired individual during motor vehicle violations the officer should deal with the individual in the same manner as a hearing person and the individual does not need to be provided with a qualified interpreter. For example, if the suspect with a hearing impairment is caught on radar speeding, the officer does not have to provide an interpreter to the violator in compliance with the law (NJSA 34:1-69.10).
- B. When stopping a hearing-impaired individual for a possible Borough Ordinance violation the officer should deal with the individual in the same manner as a hearing person. If the officer is unable to convey the nature of the non-criminal infraction to the individual via a note pad or another means of communication, then the officer should use their discretion whether to call a supervisor and request a qualified interpreter or issue a warning rather than a citation.

VI. INTERVIEWING A VICTIM OR WITNESS

- A. If an officer is able to communicate effectively by writing questions on a note pad and having the hearing-impaired victim or witness write their responses, then the officer may proceed with the interview using a note pad. However, if an investigating officer is unable to communicate effectively with a victim or critical witness by using a note pad or some other means of communication, other than a qualified interpreter (i.e. friend, family TTY, etc.), then the investigating officer must provide the victim with a qualified interpreter.
- B. If the investigating officer cannot wait until a qualified interpreter arrives, the following procedures apply:
1. If the investigation does not involve a serious offense, then:
 - a. The officer can attempt to have the victim's relative or friend provide assistance. The officer may request that a supervisor approve the need for a qualified interpreter. The interpreter may be dispatched to the victim's or critical witness's location and if the interpreter's arrival will be delayed then request that the Tour Commander be notified upon the interpreter's

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arrival. The Tour Commander should then notify the investigating officer that the interpreter arrived.

- (1) If a qualified interpreter is unable to respond, the officer should document their actions and the investigation in a report.
 - b. The officer can ask the victim or witness to come voluntarily to the police station when a qualified interpreter is available. At that time the investigating officer can return to the police station to complete the investigation. If a qualified interpreter is unable to respond, the officer should document their actions and the investigation in a report.
2. If the investigation involves a serious offense and if the victim or witness with a hearing impairment is critical to establishing probable cause for an arrest or for completing the investigation, then the investigating officer should contact their supervisor and advise the supervisor of the situation. The supervisor will determine if a detective will be called and how to obtain the services of a qualified interpreter. If the supervisor determines that a detective will not be responding, and if neither option (a) nor (b) above is available, then the officer may leave the victim(s) or witness(es) at the scene if appropriate. The investigating officer should document their actions and the investigation in a report.

VI. HEARING-IMPAIRED COMPLAINANTS OR OTHER CONTACTS

- A. Hearing-impaired individuals are entitled to a qualified interpreter or auxiliary aids when effective communications can not be established.
- B. Other contacts would also include hearing-impaired parents of a juvenile in contact with the department, crime victims or other individuals seeking assistance from the department.

VII. PROCEDURES FOR REQUESTING AND UTILIZING AN INTERPRETER

- A. All requests for an interpreter should be approved by a supervisor before contacting an outside agency or service.
- B. A request for an interpreter should be made through the New Jersey Division of Deaf or the New Jersey Registry of Interpreters for the Deaf, during normal business hours, or through a referral service, during non-business hours.
 1. The request should be made for a Qualified Interpreter whose skills correspond to the needs of the hearing-impaired individual.
 2. Proof of qualifications should also be requested, copied and attached to the reports.

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C. The following information should be provided at the time of the request:

1. Date and time that an interpreter is needed.
2. Nature and purpose of the matter: arrest, obtain statement, victim assistance, etc.
3. Approximate duration of the interpretation, if known.
4. Location and directions.
5. Age of the person involved.
6. The person's nationality (to determine if ASL is appropriate).
7. The person's sign language skill, if known.
8. The person's physical condition including intoxicated or under the influence of CDS.
9. Number of people involved.
10. If video recording equipment will be utilized to document the interview / statement.
11. Payment process by borough voucher.

D. Interpreters Oath (NJSA 34:1-69.14)

1. Every appointed interpreter before entering upon his duties, shall take an oath that he will make a true interpretation in an understandable manner to the person for whom he is appointed and that he will repeat the statements of the person in the English language to the best of his skill and judgement.
2. The Tour Commander or supervisor in charge of the operation should have the interpreter complete the Interpreter's Oath Form before begging the interpretation.

E. Confidentiality and Privilege (NJSA 34:1-69.17)

1. Any information that the interpreter gathers from the hearing-impaired person pertaining to any proceeding then pending shall at all times remain confidential and privileged on an equal basis with the attorney-client privilege.

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- F. The hearing-impaired person should:
 - 1. Have a full view of and be spatially situated with the interpreter to assure proper communication.
 - 2. Be un-handcuffed to allow effective communications with the interpreter.
 - 3. Remain in a secured area of headquarters. Additional officers may be required to stand-by to maintain security.
 - 4. Not be left alone with the interpreter.
- G. If the appointing authority's choice of a qualified interpreter does not meet the needs or wishes of the hearing-impaired person, the appointing authority shall appoint another qualified interpreter.
- H. Different kinds of interpreters:
 - 1. American Sign Language
 - 2. Signed English
 - 3. Sign languages from foreign countries

Note: Not all hearing-impaired individuals know or use sign language as a method of communication.
- I. Family and friends should not be utilized, unless no other alternatives are available, because they may be emotionally or personally involved in the incident. It also presents confidentiality problems.

VIII. COMPLETING THE REPORT

- A. All identifying information and qualifications on the interpreter should be included in the report.
- B. All written questions and responses between and among police officers and hearing-impaired persons must be treated as evidence and handled accordingly.
 - 1. A copy of the written questions and responses should be forwarded with the police report, and the originals must be placed into evidence.

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VIII. PAYMENT FOR INTERPRETER

- A. The supervisor that authorized the use of a qualified interpreter should have the interpreter sign a Borough of Fort Lee voucher. The voucher should be attached with the reports and submitted for payment.

IX. RESOURCES

- A. New Jersey Relay Service (800) 852-7897
- B. New Jersey Division of Deaf and Hard of Hearing (800) 792-8339
- C. National Information Center on Deafness (202) 651-5059
- D. New Jersey Association of the Deaf (908) 840-6511
- E. American Sign Language Interpreter Referral Service (800) 275-7551
- F. Deaf Services Inc. (856) 228-1900
- G. The Communication Connection Inc. (610) 272-4948
- H. Deaf-Hearing Communication Centre (610) 534-5025
- I. Sign Language Resources Inc. (914) 566-7951
- J. New Jersey Division of the Deaf Sign Language Interpreters List, as provided by their office.

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Fort Lee Police Department
Interpreters Oath

Case #: _____

I, _____ (name) do swear that as an appointed interpreter, I will make a true interpretation in an understandable manner to the person for whom I am appointed and that I will repeat the statements of the person in the English language to the best of my skill and judgement.

I also recognize that all information that I, as an interpreter, gather from the person for whom I have been appointed pertaining to any proceeding shall at all times remain confidential.

Date: _____

Interpreter's Signature: _____

Supervisor's Signature: _____

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Fort Lee Police Department
Interpreters Oath

Case #: _____

I, _____ (name) do swear that as an appointed interpreter, I will make a true interpretation in an understandable manner to the person for whom I am appointed and that I will repeat the statements of the person in the English language to the best of my skill and judgement.

I also recognize that all information that I, as an interpreter, gather from the person for whom I have been appointed pertaining to any proceeding shall at all times remain confidential.

Date: _____

Interpreter's Signature: _____

Supervisor's Signature: _____

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 06-12-2002	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME III
VOLUME TITLE: COMMUNITY ASSISTANCE	# PAGES: 7					CHAPTER 12
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: COMMUNITY POLICING						DISTRIBUTION ALL
ISSUING AUTHORITY: _____ CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To enhance our service to the public in order that the needs of the people we serve are met to the best of our abilities. To comply with the Federally funded COPS FAST program.

GOALS:

To produce an atmosphere of mutual assistance and satisfaction between our agency and the residents, businesses and visitors of the Borough. To better understand the needs of the people in the Borough on a person to person basis. To ensure our data regarding business and residential properties is current, to gain citizen input on day to day matters which they deem as important for security and quality of life, to instruct merchants and residents on basic security and safety procedures.

POLICY:

The Borough of Fort Lee Police Department recognizes that public cooperation is essential to the successful accomplishment of the Police Departments Goals. As such, it is the policy of this department to make every effort to establish close ties with the community, responding to its needs and encouraging its input regarding the goals and practices of this agency. While this specific responsibility is centralized in the Community Policing Officer, it should also continue as a general responsibility and concern of all police officers.

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PROCEDURES:

Officers shall be assigned as deemed necessary and needed by the Administration in order to comply with the terms of COPS FAST and agency needs. All divisions within the PD including Patrol, Detective, Administration, and specialized units such as Traffic, Juvenile, Fraud, Anti-Crime, Asian Squad, and DARE unit shall be engaged in Community Policing activities to include but not be limited to meetings, walking posts, speaking engagements, door to door canvassing and safety programs as the opportunity and need arise.

I. Community Policing and Public Relations Officers

- A. Community Policing and Public relations Officers will be appointed by the Chief of Police from within the ranks of the department.
- B. The Community Policing & Public Relations Officers will work directly under the supervision of the Administrative Division.
- C. The Community Policing & Public Relations Officers will hold sufficient authority to implement those programs and policies required, with the approval of the Chief of Police.

II. Major Areas of Responsibility Will Cover Public Information Releases and Community Relations

A. Public Information Responsibilities

- 1. Evaluate public opinions and attitudes with respect to police methods of operation, etc.
- 2. Advise the Chief of Police, through the chain of command, of public reactions to new or revised programs.
- 3. Plan and carry out programs aimed at keeping the public informed and educated.
- 4. Develop crime resistance and public safety programs.
- 5. Act as liaison with local newspapers, publications and radio stations in order to adequately publicize department objectives, problems and successes, and receive input from the media in reference to news release policies pertaining to Community Policing issues.

B. Community Relations Responsibilities

- 1. Act as liaison with formal community organizations.
- 2. Conduct periodic surveys of citizen opinions with respect to:
 - a. Agency Performance
 - b. Satisfaction with Agency Personnel

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- c. Specific Needs and Problems of Local Groups
 - d. General Concerns of Town Residents
 - e. Recommendations and Suggestions for Improvement
- 3. Assist in the gathering and sharing of information with community groups where and when necessary.
- 4. Meet periodically with all concerned community groups to discuss present agency policies, problems, etc.
- 5. Evaluate all incoming community information and identify training needs for agency personnel when necessary and submit training suggestions to Training Division Supervisor.
- 6. Submit to the Chief of Police a periodic report which will include:
 - a. A description of current concerns voiced by the community.
 - b. An analysis of current policies including areas of potential problems.
 - c. Recommendations and suggestions.
- 7. Review on a periodic basis the overall Community & Public Relations Program with the Chief of Police and the other effected Division Commanders.

III. Field Assignments

- A. Community Policing field assignments shall be by foot patrol or bicycle patrol, communication to Headquarters shall be made by radio or telephone when needed.
- B. Officers shall report for assignment in uniform of the day, included equipment should consist of:
 - 1. White gloves and whistle.
 - 2. Notebook.
 - 3. Flashlight.
 - 4. Assigned portable radio.
 - 5. Inclement weather gear as necessary.
 - 6. 3x5 cards pre-printed with officer's name, badge number, mailing address of HQ and department phone number, or business card. These cards should be offered to proprietors

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of each commercial establishment that the officer goes into, as well as any other person the officer comes in contact with as part of this assignment.

7. PR-24.

- C. A major function of this assignment will be for the officer to meet as many people as possible and to develop a professional relationship in order to assist the people in his / her assigned post. In order to meet these needs to the best of our ability, it is incumbent upon the officer(s) assigned to this function to perform a "needs survey" of the people the officer comes into contact with. This will be done in the following manner:

1. The officer shall enter every establishment on the assigned post and introduce him/herself.
2. The officer shall advise the merchant(s) of the goals and purpose of the Community Policing Program.
3. The Officer shall leave a business card or 3x5 card with his / her name, badge#, mailing address and department phone number with the merchant.
4. The officer shall ask and make note of the following:
 - a. What does the person believe are the 3 biggest problems that concern them in Fort Lee.
 - b. What solutions do they have, if any, to those problems. A weekly summary shall be written and submitted by the officer listing the address, establishment, person, and answers to these questions.

- D. Other duties shall include, but not be limited to:

1. Periodic checks of ATM locations within the Borough.
2. Monitor Traffic Signals - Any broken traffic signal or hazardous road condition shall be reported in the assigned post, and the officer shall direct traffic or take appropriate actions until relieved.
3. Assist funeral escorts when possible entering or exiting traffic in the post.
4. Be aware of early dismissals of schools in the assigned post, and assist with traffic conditions at the schools.
5. Monitor pedestrian and bicycle laws. Take a proactive community oriented approach to pointing out the transgressions if seen and to maintain a safe beat.

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6. Hand out pamphlets and brochures of interest to the public.
7. Carry out all normal Police functions and take appropriate action as needed.

IV. Patrol Unit Grid Responsibilities

- A. All patrol officers shall be assigned a series of grids - geographic areas which divide the town into manageable sectors and the officers shall become familiar with the people and establishments in their assigned grids.
- B. When performing the 1089 (walking assignment), the officer(s) must advise Com-cen of the grid number in which they will be walking.
- C. Most grids cover an area of 3 to 4 square blocks. Each officer is responsible for the following in their respective assigned grids:
 1. Check parks, schools, and 1067's.
 2. Selective Enforcement
 3. Street signs:
 - a. That must be replaced.
 - b. Recommendations of new signs that may be needed.
 - c. Note areas where vegetation is obstructing existing signs.
 4. Abandoned vehicles.
 5. Commercial Vehicle Ordinances (12x8 shift.)
 6. Defective Street Lights / Traffic Signals (4x12 / 12x8 shift.)
 7. Road conditions and potholes.
 8. Parking violations.
 9. The ability to gather and disseminate intelligence data to better aid in the prevention of unlawful activity.
 10. To ensure any possible criminal activity is investigated, and the actors arrested.
 - a. If criminal or suspicious activity is detected within an officer's assigned grid area, he is expected to:

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- (1). Act directly against said activities, in cases where they are directly observed by the officer, and where such action is appropriate;
 - (2). Gather intelligence as possible without compromising a potential case, and report those findings to the appropriate investigation bureau within this department. Officers in these cases should also notify their supervisors and keep them apprised of their findings. The investigating bureau from that point will make appropriate efforts to keep the original reporting officer apprised of the progress of the investigation.
11. In order to ensure the most complete utilization of resources, each officer shall vary their walking assignment from one grid to another on a rotating basis; no officer shall take a 1089 in the same grid two days in a row unless specific circumstances dictate same. Each 1089 shall be 30 minutes in duration. While the midnight shift has the same grid responsibilities, they will not do 1089's. Each officer shall specifically patrol their grid(s) on every shift, in addition to their assigned sector. A grid that intersects a highway does not mean the car is assigned to the highway; the officer is to patrol the grid from the most direct roadway, then return to the assigned sector.

V. Reporting Community Policing Activities

Officers, while in patrol cars in their respective grids, and while on walking assignment, shall report their community policing activities using the following ten codes and reporting resources:

A. Ten codes:

The following ten codes have been re-assigned to the Community Policing Program:

1. 10-89: Indicates Walking Post as in the past, but all walking posts will be within the respective officer's assigned grid. Any comments or observations on which action should be taken should be relayed to Com-Cen for entry into the CAD system's "unit comments" or "completion comments" fields.
2. 10-90: Indicates Grid Activity Notification. This ten code will be used whenever a patrol officer takes action on a condition within his grid by requesting Com-Cen to make notification to a proper authority. The actions requested will be noted in the CAD fields indicated above by Com-Cen. The 10-90 will be used at a time other than when the officer is on a 10-89.
3. 10-91: Indicates Community Policing Assignment. This ten code is to be used when an officer is working an assigned community policing task or project such as crime prevention activities, safety lectures, or participation in a community activity while representing this department.

B. Reporting:

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Whenever an officer reports unusual activities or conditions or activities related to sections IV, subsection A, or section V of this SOP, reporting will in most instances consist of the notifications to Com-Cen for entry into the CAD log as described above. Some conditions, however, will dictate the occasional use of an investigation report. These conditions would include, but not necessarily be limited to:

1. Serious or major items of a nature that:
 - a. Could compromise a potential criminal investigation if called in to Com-Cen;
 - b. Require a report of such great detail and length that calling it in to Com-Cen for entry into the CAD log would be impractical;
 - c. Other circumstances where an officer after consulting a supervisor determines that an investigation report is needed.

C. Record keeping and follow up:

1. On every Wednesday as early as practical, the Record Bureau officer will run a report program of all Community Policing activities for the previous week, and deliver said report to the Patrol Division Commanding Officer.
2. The Community Policing Walking Post Officer will report to the Patrol Commander's office each Wednesday after completing his/her traffic post and obtain the Community Policing Activities Report after the supervisor has reviewed it.
3. The Community Policing Walking Post Officer will then be tasked to follow up on all reports received to determine whether all reported problems have been adequately resolved. A Traffic or Patrol vehicle may be used by the officer to conduct inspections as necessary on Wednesdays.
 - a. If a given problem is not adequately resolved, the Community Policing officer will take direct action to see that the problem is properly remedied. He will utilize resources at his disposal such as notifications to an appropriate borough or outside agency, or, if it is within his capability to do so, he will work to solve the problem himself. It will be the responsibility of the community policing officer to monitor all concerns that he encounters and to positively affirm that those concerns or problems have been addressed.
 - (1). The officer should keep a running log of all problems and concerns pending from week to week.
 - b. The community policing officer will, by each Thursday afternoon, submit a report to the Patrol Commander via chain of command of his activities and outlining the steps he has taken to remedy all problems brought to his attention. Pending concerns, problems, and remedies should be noted as such.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 3	CHAPTER: 3.4	# OF PAGES: 19	
SUBJECT: CONDUCTED ENERGY DEVICES			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS:	
REFERENCE: Attorney General Directives & Bergen County Prosecutor's CED Directive		ACCREDITATION STANDARDS: 3.3.1, 3.3.2, 3.3.3, 3.3.4	
EFFECTIVE DATE: 09/15/2017		SUPERSEDES:	

PURPOSE The purpose of this policy is to authorize the use of conducted energy devices by Fort Lee sworn law enforcement officers in accordance with the *Attorney General's Revised Supplemental Policy on Conducted Energy Devices* and the policy set forth by the Bergen County Prosecutor's Office and to establish the requirements for reporting and the procedures for training, carrying and handling, and deployment.

POLICY It is the policy of the Fort Lee Police Department to utilize conducted energy devices to the extent possible in accordance with *New Jersey Attorney General's Revised Policy on Conducted Energy Devices* and *New Jersey Attorney General's Directive Revising the Supplemental Policy on Conducted Energy Devices* (03/03/2016), along with the policy set forth by the Bergen County Prosecutor's Office.

Officers of the Fort Lee Police Department must review, understand and adhere to these policies before deploying a conducted energy device.

Private ownership or possession of a conducted energy device or any other form of stun gun is strictly prohibited while on duty.

The New Jersey Attorney General's *Use of Force Policy*, *CED Supplemental Policy* (with revision) and the Fort Lee Police Department policies and procedures supersede any type of private or manufacturer policy

PROCEDURES

I. General Provisions

- A. In certain situations a conducted energy device (CED) may reduce the risk of death or injury to members, bystanders, victims, and persons subject to arrest and against whom this form of less-lethal force would be directed. CEDs are considered enhanced mechanical force.
- B. While CEDs are designed and intended to be used as less lethal weapons, these devices can result in serious bodily injury or death. The risk of causing immediate or long-term injury depends on many factors, including but not limited to the terrain on which the targeted person is standing, given the risk that the device might cause the person to fall uncontrollably. CED officers must at all times recognize the seriousness and potential lethality of these weapons. Accordingly, this policy establishes strict requirements for carrying, displaying and using these devices.
- C. The *Attorney General's Supplemental Policy on Conducted Energy Devices* provides an exemption from the provisions of N.J.S.A. 2C: 39-3(h) for any law enforcement officer authorized pursuant to this policy to deploy or use a CED during an actual law enforcement operation, and for any officer who is participating in a training program pursuant to this policy.
- D. This agency, nor any employee shall purchase, possess, deploy, fire, discharge, or exercise control over any CED or other CED component not owned or authorized by the Fort Lee Police Department and approved by the Attorney General and the Bergen County Prosecutor's Office unless specifically directed by the Police of Chief or designee. Any officer believed to be in violation will be immediately reported to the Internal Affairs Commander and the Chief of Police.
- E. The CED is not a replacement for lethal ammunition in situations where deadly force is justified and, when feasible, should not be deployed in a deadly force situation without the cover of an officer with lethal ammunition.
- F. An officer **is not required** to exhaust the option of using a CED before using lethal ammunition in any circumstance where deadly force would be justified and authorized.
- G. The private ownership or possession of a CED or any other form of stun gun by any department employee while on duty is strictly prohibited and may be subject to criminal prosecution.

II. Definitions

- A. Aerosol spray device: A device that is carried by an officer that projects a spray or stream of oleoresin capsicum (OC), tear gas, or other chemical or natural agent intended to produce temporary physical discomfort or to incapacitate a suspect. NOTE: This term does not include a tear gas canister or similar projectile that is launched by a firearm or by a non-firearm delivery device or system.
- B. Anti-felony identification device (AFID): Confetti-like contents of each conducted energy device cartridge bearing the serial number of the cartridge deployed.

- C. Cartridge: A shell containing AFIDs and two probes that penetrate the target and deliver neuromuscular incapacitation (NMI).
- D. Conducted energy device (CED): Any device approved by the New Jersey Attorney General that is capable of firing darts/electrodes that transmit an electrical charge or current intended to temporarily disable a person.
- E. Constructive authority: Constructive authority does not involve actual physical contact with the subject, but involves the use of the law enforcement officer's authority to exert control over a subject. Examples include verbal commands, gestures, warning and un-holstering a weapon. Pointing a CED at a subject is an element of constructive authority to be used only in appropriate situations.
- F. Data download: Method of electronic recovery of the firing and video data saved by the CED upon activation.
- G. Deadly force: Deadly force is force, which a law enforcement officer uses with the purpose of causing, or which the officer knows to create a substantial risk of causing, death or serious bodily harm. Purposely firing a firearm in the direction of another person or at a vehicle, building or structure in which another person is believed to be constitutes deadly force. NOTE: A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the officer's purpose is limited to creating an apprehension that deadly force will be used if necessary, does not constitute deadly force.
- H. Deploy: includes both definitions of Discharge or Fire.
- I. Discharge: To cause an electrical charge or current to be directed at a person in contact with the darts/electrodes of a conducted energy device.
- J. Display: The presentation of the CED by un-holstering the device.
- K. Drive stun mode: To discharge a conducted energy device where the main body of the device is in direct contact with the person against whom the charge or current is transmitted.
- L. Emotionally disturbed person: A generic term used to describe a person with an emotional disturbance, behavioral disorder, or mental illness. There is a wide range of specific conditions that differ from one another in their characteristics and treatment including, but not limited to:
 - 1. Anxiety disorders;
 - 2. Autism/Autism Spectrum Disorder;
 - 3. Bipolar disorder (sometimes called manic-depression);
 - 4. Conduct disorders (including disorder due to substance abuse);
 - 5. Diminished capacity;
 - 6. Obsessive-compulsive disorder (OCD); and
 - 7. Psychotic disorders.

- M. Enhanced mechanical force: An intermediate force option between mechanical force and deadly force requiring a greater level of justification than that pertaining to physical or mechanical force, but a lower level of justification than that required for the use of deadly force.
- N. Excited delirium is a medical disorder generally characterized by observable behaviors, including extreme mental and physiological excitement, intense agitation, hyperthermia often resulting in nudity, hostility, exceptional strength, endurance without apparent fatigue, and unusual calmness after restraint accompanied by a risk of sudden death. Specific signs and characteristic symptoms may include, but are not limited to:
1. Constant or near constant physical activity;
 2. Irresponsiveness to police presence;
 3. Nakedness/inadequate clothing that may indicate self-cooling attempts;
 4. Elevated body temperature/hot to touch;
 5. Rapid breathing;
 6. Profuse sweating;
 7. Extreme aggression or violence;
 8. Making unintelligible, animal-like noises;
 9. Insensitivity to or extreme tolerance of pain;
 10. Excessive strength (out of proportion to the person's physique);
 11. Lack of fatigue despite heavy exertion;
 12. Screaming and incoherent talk;
 13. Paranoid or panicked demeanor;
 14. Attraction to bright lights, loud sounds, glass or shiny objects.
- O. Exhibit: The presentation of the CED by un-holstering the device that is done as an exercise of constructive authority to convince an individual to submit to custody.
- P. Fire: To cause the darts/electrodes of a conducted energy device to be ejected from the main body of the device and to come into contact with a person for the purpose of transmitting an electrical charge or current against the person.
- Q. Imminent danger: Imminent danger describes threatened actions or outcomes that may occur during an encounter absent action by the law enforcement officer. The period of time involved is dependent on the circumstances and facts evident in each situation and is not the same in all situations. The threatened harm does not have to be instantaneous. For example, imminent danger may be present even if a subject

is not at that instant pointing a weapon at the law enforcement officer, but is carrying a weapon and running for cover.

- R. Mechanical force: Mechanical force involves the use of some device or substance, other than a firearm, to overcome a subject's resistance to the exertion of the law enforcement officer's authority. Examples include the use of a baton or other object, canine physical contact with a subject, or chemical or natural agent spraying.
- S. Physical contact: Physical contact involves routine or procedural contact with a subject necessary to effectively accomplish a legitimate law enforcement objective. Examples include guiding a subject into a police vehicle, holding the subject's arm while transporting, handcuffing a subject and maneuvering or securing a subject for a frisk.
- T. Physical force: Physical force involves contact with a subject beyond that which is generally utilized to affect an arrest or other law enforcement objective. Physical force is employed when necessary to overcome a subject's physical resistance to the exertion of the law enforcement officer's authority, or to protect persons or property. Examples include wrestling a resisting subject to the ground, using wrist locks or arm locks, striking with the hands or feet, or other similar methods of hand-to-hand confrontation.
- U. Resisting arrest: refers to the act of a person who purposely prevents a law enforcement officer from affecting an arrest, to include such things as threatening to use physical force or violence against the law enforcement officer or use of any other means to create a substantial risk of causing physical injury to a law enforcement officer when acting under the color of his/her official authority (N.J.S.A. 2C: 29-2).
 - 1. Active resistance: refers to a person who uses or threatens to use physical force or violence against the law enforcement officer or another, or uses any other means to create a substantial risk of causing physical injury to the public servant or another.
 - 2. Passive resistance: refers to a person who doesn't obey a command to submit to an arrest (e.g., a person refuses a police command to exit a vehicle and grabs on to the steering wheel to prevent being removed by physical force, refuses to get on the ground, etc.)
- V. Spark display: A non-contact demonstration of a conducted energy device's ability to discharge electricity that is done as an exercise of constructive authority to convince an individual to submit to custody.
- W. Stun Gun: means any weapon or other device, which emits an electrical charge or current intended to temporarily or permanently disable a person.
- X. For the purposes of CED instructor certification, the following terms are defined:
 - 1. County Instructor: An instructor with the authority to train/create new CED operators as well as to perform annual re-qualifications. All Bergen County Prosecutor's Office CED instructors fall within this category.
 - 2. Re-Qualification Instructor: A CED instructor with only the authority to perform annual CED re-qualifications within this agency.

III. Training And Qualification

- A. The Chief of Police shall designate those officers that are authorized as CED operators.
- B. No officer shall be authorized to carry or use a CED while on duty until having completed a training course and qualification procedure approved by the Police Training Commission (PTC) in the proper use and deployment of CEDs.
- C. Training shall include a component on techniques to de-escalate a confrontation with a person from a different culture or background. The training program also shall include a component on how to interact with an emotionally disturbed person, how to recognize mental illness, and techniques to de-escalate a psychiatric crisis to prevent injury and death.
- D. The Chief of Police has the continuing responsibility of making sure officers remain CED certified.
- E. CED Operator certification requirements:
 - 1. Authorization letter from the Chief of Police and approval of the Bergen County Prosecutor's Office;
 - 2. NJ Learn certificate, or equivalent, that indicates the officer has successfully completed the pre-class material, inclusive of the exam;
 - 3. Successful completion of a New Jersey Division of Criminal Justice PTC approved CED Operator Course;
 - 4. Operator training certificate;
 - 5. In order to continue as a certified CED Operator, an officer must attend an annual Re-Qualification program conducted by a "County Instructor" or a "Re-Qualification Instructor." This annual re-qualification must be in strict accordance with the standards established in the PTC CED Certification Course, and shall include an update on the Attorney General's Supplemental Use of Force Policy on CED's.
- F. CED Re-Qualification Instructor certification requirements:
 - 1. Authorization letter from the Chief of Police and approval of the Bergen County Prosecutor's Office;
 - 2. Manufacturer's instructor training certificate from a class taught in conjunction with a New Jersey PTC approved instructor course, which must be maintained at all times
 - 3. NJ Learn certificate, or equivalent, that indicates the officer successfully completed the pre-class material, inclusive of the exam;
 - 4. New Jersey Division of Criminal Justice PTC certificate for the one-day CED class;;
 - 5. Should maintain certification as a firearms instructor;

6. Must attend the Division of Criminal Justice Use of Force Training every other year (biennially), and the Instructor must annually complete the re-qualification process, which shall include an update on the Attorney General's Supplemental Use of Force Policy on CED's.
 7. Must continue to be "approved and designated" by the Bergen County Prosecutor's Office.
- G. Officers authorized to carry a CED shall qualify annually in a training course and qualification procedure approved by the PTC. Any officer who fails to achieve a passing score during a session of the annual qualification shall receive remedial instruction and afforded two additional attempts to qualify.
1. If the CED officer does not qualify after the remedial instruction they must attend a Basic Course before being eligible to carry a CED.
- H. The Range Master will contact the Bergen County Prosecutor's Officer when any CED officer fails to attend an annual qualification session to schedule a training session.
- I. Any officer who fails to complete the required qualifications or maintain the requirements of the manufacturer's certification is not authorized to carry the CED and shall relinquish the issued device and all associated equipment. To be re-authorized, the officer must complete the Basic CED Course again before being authorized to carry and use a CED.
- J. Any CED officer who does not attend an annual requalification due to a long term assignment, or long term leave may requalify within a year. If longer then the officer must attend a Basic Course before being eligible to carry a CED.
- K. CED officers should maintain their CED qualification unless they submit a written request to no longer carry a CED, which is approved by the Chief of Police after consulting with the Range Master or other CED instructor.
- L. The Bergen County Prosecutor's Office shall be responsible for providing the necessary instruction and proficiency training for CEDs authorized for use by sworn members of law enforcement.

IV. Carrying and Handling

- A. The Range Master, under the supervision of the Training Bureau Supervisor, is designated as the lead CED instructor and shall be responsible for the inventory, care and maintenance of all CEDs and associated equipment.
1. The Range Master shall maintain an inventory of all CED's and cartridges by assigning a number to each device, and documenting the devices' serial numbers. Upon the assignment of cartridges to a particular device, the Range Master shall document the cartridge serial number(s) assigned to the device, and shall be responsible to document the serial number of any subsequent cartridge(s) assigned to a particular device when a cartridge is changed due to firing, malfunction, defect or any other reason.

- a. The CED inventory is to be audited by the Training Bureau Supervisor on an annual basis in January and documented to the Administrative Division Commander.
 - b. The CED inventory is subject to an audit by Training Bureau's chain of command at any time.
 - c. An officer's CED equipment is subject to inspection at any time by a supervisor having command over that officer.
2. CED Instructors are authorized to issue and receive CEDs and related equipment. The Chief of Police may assign staff to assist with the inventory tracking function.
3. If a CED is found to be defective, the Range Master will send it to the manufacturer for repair/replacement. The CED shall not be returned to service until it has been certified by the manufacturer or authorized repair center. Records of the removal of a CED, its repair, and return to service shall be maintained by the Range Master.
- B. Each CED qualified officer should be issued a CED, which they are to maintain control of unless relinquished as authorized in this or other department policy or written directive.
- C. No CED or related equipment shall be transferred between officers without the authorization of a CED Instructor. The CED Instructor shall notify the Range Master of any actions taken in writing.
- D. Authorized CED officers should carry the CED when on-duty in Uniform Patrol.
 1. CED officers shall notify the Road Supervisor of any reason they are unable to carry their issued CED.
 2. CED officers are not required to, but may, carry their issued CED while on a special assignment by a supervisor or the Tour Commander.
 3. CED officers on-duty in the Detective Bureau or Administrative Division are not required to, but may, carry their issued CED.
 4. CED officers functioning as Court Liaison/court security should carry their issued CED regardless of division assignment.
 5. CED officers may carry their CED at any time when working.
- E. When not in use, CEDs will be locked and secured in the officer's assigned equipment locker or their assigned charging locker.
 1. The charging lockers are the property of the Fort Lee Police Department, and officers do not have any expectation of privacy in their assigned charging lockers.
- F. At the beginning of each shift, the CED officers shall inspect their issued CEDs, cameras, battery and cartridges to ensure that they are maintained in accordance with the manufacturer's guidelines and are functioning properly.

- G. The CED officer shall conduct a pre-operational spark test and function test of the device's video in the designated area in the South Stairwell prior to leaving headquarters.
- H. The officer carrying an issued CED shall document on the *Fort Lee Police Officer's Conducted Energy Device Monthly Log* the CED's serial number, the serial number of each cartridge, and determine and document that the device, including the video recording function, is functional. If the officer works two continuous shifts on the same date, the officer will perform one spark test and function test prior to the first shift worked and indicate in the comments section that one spark test and one function test were performed. If the two shifts are not continuous, then a spark test and function test are to be performed before each shift and noted in the comments. If the officer is equipped with a body worn camera as defined in *Attorney General Law Enforcement Directive No. 2015-1* that will be used to record the circumstances of the firing/discharge of the CED in lieu of an internal video camera, the officer shall determine and record on an appropriate log that the body worn camera is functional. ****The Bergen County Prosecutor's Office requires the CED video recording function regardless if a body worn camera is worn and functional.**
1. The monthly log will be submitted by the 15th of the following month in a manner approved by the Chief of Police. The log will be forwarded to the officer's direct supervisor, or if unavailable, to the Shift Lieutenant, who will review and sign the log. The log will then be forwarded to the Range Master.
 2. The Range Master will review the logs and compare them to the quarterly downloads as specified in section IX.F.
 3. The Range Master will report to the Training Bureau Supervisor upon the completion of the quarterly review listing the number of *CED Deployment Review Reports* and the number of *Fort Lee CED Exhibit Tracking Reports* for the quarter.
 4. The Range Master will forward to the Records Bureau his/her report along with the *Fort Lee Police Officer's CED Monthly Logs*, the *CED Device Deployment Review Reports* and the *Fort Lee CED Exhibit Tracking Reports*.
- I. In an emergency situation, the CED officer may leave HQ prior to performing the function tests and related documentation, with notification to the supervisor as soon as possible. In such circumstances the CED officer should return to HQ as soon as practical to perform and document the required functions tests.
- J. Any inoperable, malfunctioning, or defective CEDs, cameras, or cartridges shall be removed from service by the CED officer after advising the supervisor, and submitted to the Range Master with a description of the malfunction.
- K. If the function check reveals that the device battery is below 80% charged, the officer will ensure that the device is fully charged prior to field deployment.
- L. Officers shall ensure the cleanliness of their assigned issued CEDs.
- M. All CEDs shall be worn on the officer's support side of his/her duty belt in a Bergen County Prosecutor's Office authorized holster, in a position for a cross-draw with

the primary hand. Any alternate holster location (e.g. thigh or body armor) must be approved by the Chief of Police through the Range Master.

N. The settings for the CED's and cameras will be set as specified, and no changes are to be made unless authorized by the Chief of Police:

1. The device will have the following settings:
 - a. APPM/SPPM Setting: ARC Switch Override.
 - b. SPPM Auto Shutoff: Disabled.
 - c. 35' Laser: Disabled.
 - d. Automatic Cartridge Select: Semi-Automatic.
 - e. Share Engineering Logs: No.
2. The device's camera will have the following settings;
 - a. Microphone: On.
 - b. Resolution: 1280x720
 - c. Frame Rate: 30

V. Authorization to Use CEDs

A. CEDs may be deployed under the following circumstances:

1. The officer believes such force is reasonably necessary to prevent the person against whom the device is targeted from causing bodily injury to him/herself, an officer, or any other person; or
2. The person against whom the device is targeted is armed with an object that the officer reasonably believes could be used as a deadly weapon, and the person refuses the officer's command to put down or surrender the object after having been given a reasonable opportunity to do so; or
3. The officer believes such force is reasonably necessary to prevent the immediate flight of an individual whom the officer has probable cause to believe has committed an offense in which the suspect caused or attempted to cause death or serious bodily injury; or
4. The person against whom the device is targeted resists a lawful arrest by using or threatening to use physical force or violence against the officer or another in a manner and to a degree that the officer reasonably believes creates a substantial risk of causing bodily injury to the officer, a victim, or a bystander; and
5. The individual will not voluntarily submit to custody after having been given a reasonable opportunity to do so considering the exigency of the situation and the immediacy of the need to employ force.

- B. An officer **shall not** direct an electrical charge against a person who has already received an electrical charge from a CED unless the subject, despite the initial discharge, continues to pose a substantial risk of causing bodily injury to oneself, an officer, or any other person. The subject shall be given a reasonable opportunity to submit to law enforcement authority and comply with law enforcement commands before being subjected to a second or subsequent discharge, unless the subject's conduct after the initial discharge creates a risk of bodily injury that is so immediate that any delay in applying a second or subsequent discharge would likely result in bodily injury.
1. The person's refusal to comply with law enforcement commands after having been given a reasonable opportunity to do so shall not be a basis for a second or subsequent discharge unless the person continues to refuse to put down or surrender an object that the officer reasonably believes could be used as a deadly weapon, or unless the person continues to use or threaten to use physical force or violence against the officer, or another, in a manner and to a degree that reasonably creates a substantial risk of causing bodily injury to the officer or another. Furthermore, the person's attempt instinctively to reduce the leverage of a wristlock, hammerlock, or other pain compliance hold applied by the officer while attempting to apply handcuffs, or the person's bracing or pulling against an officer's attempt to pull/move him or her, shall not be a basis for discharging the device unless such resistance reasonably creates a substantial risk of causing bodily injury to the officer, a victim or a bystander.
 2. In the event that a second or subsequent discharge is authorized and necessary, unless the officer is equipped with and activates a body worn camera as defined in *Attorney General Law Enforcement Directive No. 2015-1* so that the circumstances justifying a second or subsequent discharge are recorded by the body worn camera, the officer shall, when feasible, point the main body of the device so that the focus of the device's internal video camera is centered on the person in order to record the circumstances justifying any such second or subsequent discharge. The CED may be pointed in the direction of another threat if present.
- C. An officer **shall not** direct an electrical charge or current against a person who is restrained by handcuffs unless:
1. The officer reasonably believes, based on the suspect's conduct while handcuffed, that such force is immediately necessary to protect the officer, subject or another person from imminent danger of death or serious bodily injury, and;
 2. The use of physical or mechanical force (e.g., baton or pepper spray) is not immediately available to be employed; has been tried and failed to stop the imminent threat of death or serious bodily injury; reasonably appears to be unlikely to stop the imminent threat if tried; or would be too dangerous to the officer to employ.
 3. In the event that a CED is discharged against a person who is restrained by handcuffs, unless the officer is equipped with and activates a body worn camera as defined in *Attorney General Law Enforcement Directive No. 2015-1* so that the circumstances justifying the discharge is recorded by the body

worn camera, the officer shall point the main body of the device so that the focus of the device's internal video camera is centered on the person in order to record the circumstances justifying the discharge. The CED may be pointed in the direction of another threat if present.

- D. An officer **shall not** use a CED in drive stun mode unless the officer reasonably believes, based on the suspect's conduct, that discharging the device in drive stun mode is immediately necessary to protect the officer, subject or another person from imminent danger of death or serious bodily injury.
- E. Officers shall not be required to exhaust the option of using a CED before using lethal ammunition in any circumstance where deadly force would be justified and authorized pursuant to this policy.

VI. Unauthorized Uses of CEDs

- A. The following uses of a CED are prohibited:
 - 1. A CED shall not be fired or discharged against a person who is exhibiting only passive resistance to officer's commands to move from or to a place, to get onto the ground, or to exit a vehicle. A CED shall not be fired or discharged against a person, for example, who is attempting instinctively to reduce the leverage of a wristlock, hammerlock, or other pain-compliance hold applied by an officer, or who is bracing or pulling against an officer's attempt to pull/move him or her.
 - 2. A CED shall not be fired or discharged for the sole purpose of preventing a person from committing property damage.
 - 3. A CED shall not be fired or discharged against the operator of a moving vehicle unless the use of deadly force against the operator would be authorized.
 - 4. A CED shall not be fired or discharged when a subject is situated on an elevated surface (e.g. ledge, scaffold, near a precipice, etc.) unless reasonable efforts have been made to prevent or minimize a fall-related injury (e.g., deploying a safety net).
 - 5. A CED shall not be fired or discharged in, on or adjacent to a body of water in which the targeted person could fall during any stage of the application of the electrical current generated or transmitted by the device.
 - 6. A CED shall not be fired or discharged in an environment an officer knows, or has reason to believe, is potentially flammable, volatile or where explosive material is present that might be ignited by an open spark, including but not limited to pepper spray with a volatile propellant, gasoline, natural gas or propane.
 - 7. Two or more CEDs shall not be discharged upon a person at the same time.
 - 8. A CED shall not be used or threatened to be used to retaliate for any past conduct or to impose punishment.

9. Any firing or discharge of a CED against a person, except as authorized by this supplemental policy, is prohibited. Any intentional misuse or reckless abuse of any such device will not be tolerated and will result in administrative discipline, criminal prosecution, or both.

VII. Deployment Techniques

- A. When feasible, an officer should warn the person against whom the CED is directed of the intent to fire/discharge the CED. If a second or subsequent discharge is authorized by this policy, the officer, when feasible, should warn the person that the officer intends to discharge the device once again. It shall not be necessary to warn the person of the impending firing/discharge of the device, or to provide the person with an opportunity to submit to law enforcement authority before firing/discharging the device, if the person's conduct is creating a risk of death or serious bodily injury that is so immediate that any delay in firing the device would likely result in death or serious bodily injury (e.g., where the person is actively engaged in committing an aggravated assault, or is actively engaged in an attempt to commit suicide or an act of self-mutilation).
- B. CED officers shall not un-holster a CED during an actual operation unless he/she reasonably believes that it may be necessary for him/her to use the CED. Officers shall not exhibit a CED to a person or conduct a spark display during an actual operation unless he/she reasonably believes that display of the device and/ or a demonstration of its ability to discharge electricity as an exercise of constructive authority would help to establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure officer safety.
- C. A spark display may be conducted when the following conditions are met:
 1. The purpose of such a display is to create a belief, as an element of constructive authority, that the device will be fired/discharged if necessary so as to induce compliance with an officer's commands; or
 2. The subject to whom the CED is exhibited is refusing to comply with an officer's commands; and
 3. The use of some form of actual force (physical, mechanical, enhanced mechanical or deadly) against the subject may potentially be needed if the exercise of constructive authority is not successful in inducing the subject to comply with an officer's commands.

NOTE: In the event the subject refuses to comply with an officer's commands after witnessing a spark display, the officer **would not be authorized** to fire or discharge the CED unless the deployment criteria and prerequisites as set forth in this policy are satisfied.

- D. In **all** situations in which the CED is fired or discharged, the officer should point the main body of the device so that the focus of the video camera is centered on the subject in order to record the circumstances justifying the discharge.
- E. An officer may un-holster and exhibit a CED or conduct a spark display if another officer on the scene has un-holstered and exhibited a firearm, in accordance with the *Use of Force Policy*.

- F. An officer may, through verbal commands, threaten to use a CED, so long as the officer's purpose is limited to creating an apprehension, as an element of constructive authority, that the device will be used if necessary.
- G. The CED should not be fired if there is a substantial risk that the darts/electrodes will strike an innocent person unless firing the device in such circumstances is reasonably necessary to protect an innocent person from death or serious bodily injury by the subject to whom the CED is targeted.
- H. To ensure officer safety and when feasible, at least one officer other than the one deploying the CED should be present, armed with lethal ammunition, and be prepared to deploy deadly force in the event the use of the CED, for any reason, fails to incapacitate the suspect and prevent him/her from causing death or serious bodily injury to the officer equipped with the device, or any other person.
- I. During the deployment of a CED, the deploying officer shall, when feasible, continually evaluate the (force) options selected against the changing circumstances.
- J. Officers trained and authorized to carry a CED should be aware of any targeting recommendations made by the manufacturer.
- K. A CED may be used in conjunction with a distraction device, water-based chemical agent or less-lethal ammunition. If the individual has already received an electrical charge from a CED, the officer should, when feasible, provide the subject a reasonable opportunity to submit and comply with commands, considering the physiological effects of the discharge before deploying a distraction device, chemical agent, or less-lethal ammunition.
- L. While officers must at all times respect the seriousness and potential lethality of a CED, officers should use particular care when considering whether to use a CED against an individual who is particularly vulnerable due to age (elderly or young) or due to a known or reasonably apparent medical condition (e.g., pregnant).
- M. The CED officer shall, as soon as safe to do so, call on the radio "CED Deployed" when deployed or "CED Exhibited" when exhibited.
 - 1. Communications should acknowledge and make a CAD entry documenting the transmission time. The actual time of deployment or exhibit shall be determined by reviewing the record(s) of the incident.
- N. The CED officer shall notify the Tour Commander/Road Supervisor on any deployment of a CED, other than for training purposes, as soon as it is safe to do so.
 - 1. The on-duty Tour Commander shall immediately notify the Bergen County Prosecutor's Office and the Chief of Police when the use of a CED results in death or serious bodily injury as established in the *Use of Force Policy* (notification requirements).
 - 2. In all other cases where a CED has been deployed or discharged against a person, the Bergen County Prosecutor's Office and the Internal Affairs Commander shall be notified as soon as practical, but within 3 hours.

3. The Tour Commander will contact the Bergen County Prosecutor's Office via the Department of Public Safety, Public Safety Operations Center at 201-785-8500 and will provide the following information:
 - a. Agency name;
 - b. Contact person's name and telephone number;
 - c. Type of CED deployment – cartridge (probe) and/or drive-stun mode;
 - d. Location of incident; and
 - e. Date of incident.
- O. The Bergen County Prosecutor's Office shall investigate any deployment that results in serious bodily injury and/or death as set forth in the Use of Force Reporting requirements.

VIII. Handling of Injured Suspects

- A. Subjects against whom a CED has been directed shall be transported to a medical facility for examination if any of the following circumstances exist:
 1. Subject requests medical attention.
 2. Subject has been rendered unconscious or is unresponsive.
 3. After being subjected to a discharge and does not appear to have recovered normally, as described in CED training.
 4. Subject has exhibited signs of excited delirium as described in CED training prior to, during or after the discharge of the CED.
 5. Subject has suffered bodily injury requiring medical attention as a result of a fall, or otherwise reasonably appears to be in need of medical attention.
 6. Subject was exposed to three or more discharges from a CED during the encounter.
 7. Subject has been exposed to a continuous discharge lasting 15 seconds or more.
 8. No one present at the scene is qualified or authorized to remove the CED darts/electrodes from the subject's person.
 9. When an officer trained in the removal of CED darts/electrodes experiences difficulty during the removal.
 10. Any part of the dart/electrode has broken off and remains imbedded.
 11. The dart/electrode is lodged in a sensitive area (e.g., face, head, eye, throat, neck, groin or female breast, etc.).

- B. An officer is authorized to remove a CED dart/electrode from a subject only if the officer has received training on dart/electrode removal, provided, however, that an officer is not authorized to remove a CED dart/electrode from any part of the subject's head or neck, or where the dart/electrode is located in the area of the subject's genitalia or female breast.
 - 1. In the absence of exigent circumstances requiring immediate action, a CED dart/electrode may only be removed from these areas of the subject's body by qualified medical personnel at the hospital.
- C. Officers shall wear protective gloves during dart/electrode removal. Darts/electrodes shall be handled as a biohazard risk and secured as outlined in CED training.

IX. Evidence Collection and Data Download

- A. In all deployments, other than for training purposes, the probes, cartridge(s), wires and a sample of AFIDS shall be secured by a supervisor or designee, as specified in training, and placed in an evidence bag, affixed with a bio-hazard label and entered into evidence.
- B. The firing data and video of the deployment shall be downloaded by a supervisor authorized to conduct a data download as soon as operationally feasible and electronically saved to a CD/DVD. Supervisors shall print out a copy of the related firing data, which shall be submitted with the *Reportable Use of Force Form*, scanned into the records management system and attached to the case.
- C. Only authorized users shall have access to data stored on the CED and on the CD.
- D. In all instances when a CED is fired at or discharged upon a person, the supervisor or designee shall take custody of the device and secure it.
 - 1. The information stored on the device concerning the use of force incident (i.e. data concerning the time the weapon was fired, the time of all electrical discharges, and video recordings of the weapon and all electrical discharges) must be preserved as evidence.
 - 2. The supervisor shall download all data from the device onto Evidence.com and backup the data to digital preservation media-such as CD or DVD to preserve a record of the event as evidence.
 - 3. Once the data is secure on Evidence.com and burned to digital preservation media (and placed into evidence), the unit shall be placed back in service.
- E. Except in deadly force incidents, an authorized supervisor shall afford the CED officer the opportunity to review the stored video and firing data when completing reports.
- F. Supervisors shall conduct quarterly data downloads of devices assigned to personnel under their command. Data downloads should be completed by the 15th of the month following the end of the quarter.

1. The lead CED instructor shall conduct the quarterly data downloads for the CED's assigned to any member of the Command Staff.
2. The data will be downloaded to Evidence.com where the lead CED instructor will reconcile the data obtained to ensure accountability between the discharge cycles recorded and those documented in reports and the CED officers' monthly logs. Printed-out copies of the data downloads shall be forwarded by the Training Bureau.
3. The Training Bureau CED records are subject to inspection or audit by the Administrative Division Commander or Chief of Police.
4. Any discrepancy between the quarterly downloads and the reports and officers' monthly logs will be brought to the attention of the Training Bureau Supervisor, who will notify the Internal Affairs Commander.

X. Reporting and Evaluation

- A. In all instances when a CED is fired or discharged upon a person the officer who employed such force shall complete, if possible:
 1. An *Investigation and/or Arrest Report*; and
 2. A *Use of Force Report*; and
 3. A *Conducted Energy Device Deployment Review Report*-Header and Part I: Officer.
- B. In all instances when a CED is fired at or discharged upon a person, the Tour Commander shall:
 1. Conduct a *Use of Force Review*;
 2. Review the *Conducted Energy Device Deployment Review Report* and complete Part II: Supervisor;
 3. Document the circumstances and outcome of the device's use.
 4. Ensure that the *Use of Force Report* is completed via the BCPO Intranet as soon as practical, preferably within three (3) hours; and
 5. Forward the *Use of Force Review* to the Internal Affairs Commander.
- C. The Internal Affairs Commander will review the incident and report on the incident to the Chief of Police, providing the Chief of Police information on all relevant circumstances, deployment, and outcome, including whether the deployment avoided injury to an officer and avoided the need to use deadly force.
 1. Upon receipt, the Chief of Police shall render a finding on whether the firing and all discharges complied with the *New Jersey Attorney General's Supplemental Policy on Conducted Energy Devices* and this policy.

2. The Chief of Police shall have the Internal Affairs Commander deliver the Chief of Police's findings along with a copy of the following reports to the Bergen County Prosecutor within three (3) business days of the discharge, unless the Bergen County Prosecutor grants the Chief of Police's request for a reasonable extension of time within which to forward the reports for good cause shown:
 - a. The completed *Use of Force Report*;
 - b. The *CED Deployment Review Report*;
 - c. The officer's written report on the use of force and any other associated case reports;
 - d. Two copies of the downloaded video;
 - e. Two copies of any other related video (e.g., MVR, surveillance video, etc.);
 - f. A copy of the officer's training record and last qualification record; and
 - g. A printed copy of the downloaded firing data.
- D. The Bergen County Prosecutor shall review all reports detailing CED usage.
- E. When an officer un-holsters and exhibits a CED and/or conducts a spark display, but does not fire or discharge a CED or otherwise employ actual force against a subject, a *Use of Force Report* is not required, but the action shall be documented in the *Fort Lee CED Exhibit Tracking Report* in addition to any or supplemental report made necessary by the nature of the underlying incident.
 1. The *Fort Lee CED Exhibit Tracking Report* will be completed listing either "Constructive Authority- CED Exhibited" or "Constructive Authority- CED Spark Display" to document the CED officer's action(s).
 2. The *Fort Lee CED Exhibit Tracking Report* will be filed by the Range Master for review and analysis on the CED Program.
 3. The *Fort Lee CED Exhibit Tracking Report* will not be forwarded to the Bergen County Prosecutor's Office as the event was not a deployment
- F. A CED officer shall report any unintentional discharge of a CED to their immediate supervisor and prepare a special report entitled, "Discharge of a CED", which will be forwarded to Internal Affairs. The special report shall include the date, time and location of the incident, device serial number, cartridge serial number, and a description of the circumstances surrounding the discharge.
 1. The Internal Affairs Commander will notify the Chief of Police within 24 hours.
- G. All CED usage is subject to the meaningful review requirement and the removal from line duty requirement in the *Use of Force Policy*.

XI. Sanctions for Non-Compliance

- A. If the Attorney General or designee has reason to believe that a law enforcement agency or officer is not complying with or adequately enforcing the provisions of the statewide CED Directive, the Attorney General may temporarily or permanently suspend or revoke the authority of the department, or any officer, to possess or use CEDs, may initiate disciplinary or criminal prosecution proceedings, and may take such other actions as the Attorney General in his/her sole discretion deems appropriate to ensure compliance with this supplemental policy.
- B. The Chief may, at any time, limit, suspend, or revoke the authority of an officer to carry or use a CED.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 3	CHAPTER: 25	# OF PAGES: 5	
SUBJECT: CONSULAR NOTIFICATION & ACCESS			
BY THE ORDER OF: Thomas O. Ripoli Chief of Police		ACCREDITATION STANDARDS: N/A	
Effective Date: August 29, 2012		Supersedes: All Previous	

PURPOSE The purpose of this policy is to comply with the provisions of the Vienna Convention on Consular Relations regarding notifications to consulate officials in the event foreign nationals die or are arrested or detained.

POLICY Under the provisions of the Vienna Convention on Consular Relations, Apr. 24, 1963, articles 5, 36, 37, 21 U.S.T. 77, 101, when foreign nationals are arrested or detained, they must be advised of the right to have their consular official notified. In some cases notification is mandatory, whether the foreign national consents to the notification or not. Further, in the event a foreign national dies, their consulate must be notified.

The Vienna Convention on Consular Relations is a bilateral agreement between nations regarding the legal obligations that countries have towards foreign nationals in certain situations.

All personnel must be aware that they are required to provide prompt notification to a foreign national's consular officials. Failure to provide prompt notification may result in the reversal of any criminal conviction (State v. Cevallos-Bermo, 333 N.J. Super. 181 (App. Div. 2000)).

It is the policy of this agency to promptly provide these notifications, where necessary, in the event a foreign national is arrested or detained.

PROCEDURES

I. Definitions

- A. Arrest shall refer to any detention or other commitment to custody that results in a foreign national being incarcerated for more than a few hours triggering the consular notification requirements in this order.
 - 1. A brief traffic stop or an arrest that results in a uniform traffic ticket or special complaint and release at the scene for an infraction or offense would not require that consular notification is provided.
 - 2. Requiring a foreign national to accompany a law enforcement officer to a place of detention may trigger the consular notification requirements, particularly if the detention lasts for a number of hours or overnight.
 - 3. The longer a detention continues, the more likely it is that a reasonable person would conclude that the consular notification obligation is triggered.
- B. Consular Assistance is defined as the right to visit, correspond with, and arrange for legal representation of a foreign national detained or in detention.
- C. Consular Official or Consul is a citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government's citizens in a foreign country. The term consul should not be confused with counsel, which means an attorney authorized to provide legal counsel and advice.
- D. Detention/Detained shall refer to the temporary seizure of a person not amounting to a custodial arrest, but more than the brief stopping of a person to answer questions in a street or motor vehicle investigative encounter. The detention is greater than that which occurs during a simple Terry stop or a field interview.
- E. Foreign National is any person who is not a United States citizen. The term foreign national and alien are used interchangeably. Resident aliens who have a resident alien registration card, commonly known as a green card, are considered foreign nationals for the purposes of consular notification, as are undocumented aliens.
- F. Without Delay is a term contained in the Vienna Convention on Consular Relations generally understood to mean that there should be no deliberate delay, and that notification should occur as soon as reasonably possible under the circumstances. Nevertheless, notification to consular officials should be made within the first 24 hours of the detention, and certainly within 72 hours.

II. General Provisions

- A. When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified.
- B. Some countries require that the nearest consular official must be notified of the arrest or detention of a foreign national, regardless of the foreign national's wishes.

- C. Consular officials are entitled to have access to their foreign national in detention and are entitled to provide consular assistance.
- D. A listing of countries that require mandatory notification is contained in Attachment A to this policy. (Note: Although the U.S.S.R., Yugoslavia and Czechoslovakia no longer exist, some nationals of its successor states may still be traveling on its passports. Mandatory notification must be given to consular officials for all nationals of these states, including those traveling on old U.S.S.R., Yugoslavia or Czechoslovakia passports. The successor states are listed separately).
- E. A formatted fax sheet for notifying consular officials of arrests or detentions is contained in Attachment B.
- F. A formatted fax sheet for notifying consular officials of death/serious injuries is contained in Attachment C.
- G. A compendium of translated statements in multiple languages is contained in Attachment D to this policy. (For purposes of this policy only 13 languages are listed. It is impossible to list all possible languages. Only those languages common to this region are listed.)
- H. A listing of Foreign Embassies and Consulates in the United States are contained in Attachment E to this policy.
- I. The Vienna Convention on Consular Relations, articles 5, 36, and 37, are contained in Attachment F to this policy.
- J. These are mutual obligations that also pertain to American citizens in foreign countries. In general, treat a foreign national as you would want any American citizen to be treated in a similar situation in a foreign country. This means prompt, courteous notification to the foreign national of the possibility of consular assistance, and prompt, courteous notification to the foreign national's nearest consular officials so that they can provide whatever services they deem appropriate.
- K. Under no circumstances should any information indicating that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person's government.
- L. If a foreign aircraft crashes, consular officials **must** be notified. In all probability, a state or federal agency having overall jurisdiction for the crash will make this notification.

III. Notification Procedures

- A. When a foreign national is arrested or detained, determine their country of nationality. Normally, this is the country on whose passport or other travel document the foreign national travels.
- B. If the foreign national's country is not on the mandatory notification list in Addendum A:
 - 1. Without delay, offer to notify the foreign national's consular officials of the arrest/detention. See Statement #1 listed below.

- a. If the foreign national understands English, then the statement can be given in English. If the foreign national does not understand English, a listing of statements in 13 foreign languages is contained in Attachment D.
 - b. If the language is not listed, notify the appropriate consulate by telephone to obtain a copy of the notification in their language or access the U.S. State Department's Web site at http://travel.state.gov/law/consular/consular_5126.html
 2. If the foreign national asks that a consular notification be given, notify the nearest consular official of the foreign national's country without delay.
 - a. For phone and fax numbers, this contact information can be found on the U.S. State Department's Web site at http://travel.state.gov/law/consular/consular_745.html
- C. If the foreign national's country is on the list of mandatory notification countries:
1. Notify that country's nearest consular officials of the arrest/detention, without delay immediately via fax. Notification should occur as soon as is reasonably possible under the circumstances. Notification must be made regardless of whether the foreign national desires notification. Phone and fax numbers can be found on the U.S. State Department's Web site at http://travel.state.gov/law/consular/consular_745.html
 2. Inform the foreign national of the mandatory notification of their arrest/detention. See Statement #2 listed below.
 - a. If the foreign national understands English, then the statement can be given in English. If the foreign national does not understand English, a listing of statements in 13 foreign languages is contained in Attachment D.
 - b. If the language is not listed, notify the appropriate consulate by telephone to obtain a copy of the notification in their language or access the U.S. State Department's Web site at http://travel.state.gov/law/consular/consular_5126.html
- D. Document the notification or the declined notification on the investigative report noting the following:
1. Name of Consulate notified;
 2. How notified, voice, fax, etc;
 3. Name of the official notified;
 4. Time notification was made;
 5. If notification was made by fax, a copy of the fax sheet and the transmission verification report must be appended to the report.

6. A copy of the appropriate statement whether in English or in one of the other languages, noting **Yes** or **No**, (in the case of a non-mandatory notification) must be attached to the investigative report.

IV. Statement #1

- A. To be read to or viewed by a foreign national in a non-mandatory notification setting:

"As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?"

V. Statement #2

- A. To be read to or viewed by a foreign national in a mandatory notification setting:

"Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible."

VI. Death or Serious Injury of a Foreign National

- A. Notification of the death or life-threatening injury of a foreign national must be made immediately to the nearest consulate of the national's country. The notification will be documented in the investigative report documenting the death or serious injury.
- B. Whenever possible, notification must be made by fax. The fax sheet found on the U.S. State Department's Consular Notification Web site (Attachment C or http://www.travel.state.gov/docs/notification_faxsheet_injury.doc) can be used to document and transmit the notification of death or serious injury.
- C. Such notice will help to ensure that passports and other legal documentation issued by that country are cancelled and not reissued to fraudulent claimants. Additionally, it may help ensure that the foreign national's family and legal heirs, if any, in the foreign country are aware of the death and that the death is known for estate purposes in that country.

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BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 08-21-2002	REVISION DATE: 9/13/04	PAGE #: 3 4	SECTION: I-K, L, M II,D,I& 2	APPROVED	VOLUME VII
VOLUME TITLE: AUTHORITY	# PAGES: 9					CHAPTER 3
ACCREDITATION STANDARD(S):	REFERENCE: V#C#					
SUBJECT: COURT APPEARANCE AND TESTIMONY						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS RIPOLI						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

The trial court appearance is frequently the critical stage in the handling of a case by a police officer. At this juncture, the guilt or innocence of an arrested person is determined. Within the comparatively short time of the court proceeding, all of the initiative, personal sacrifice and preparation that the development of a case requires, may be lost if the testifying officer gives an unprofessional presentation. Therefore, the following guidelines are promulgated to assist police officers in their preparation and presentation of evidence.

Before trial, each police officer should carefully review the incident report or copy of summons which he prepared long in advance of the proceedings. It should be the goal of the officer to be able to testify without the need to refer to the report or summons. Nevertheless, it cannot be overly emphasized that the report or summons should be as complete as possible. Furthermore, the officer should review all other significant facts not contained in the report or summons about which he may be expected to testify.

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Officers will sign in at court on time, Road Supervisor will respond to the court at the start time or as soon as practical to do so and sign the book. An incident report should be prepared by the Road Supervisor when an officer fails to show up for court or is late.

PROCEDURE:

I. PREPARATION

- A. If there is any chance that the legality of an arrest, stop, search, frisk, interrogation or identification will be challenged in the proceeding, the officer should carefully reread those sections in this policy to familiarize himself with the operational concepts.
- B. The legal requirements set forth in those sections should allow the officer to articulate those factors which led him to act as he did and which substantiate the legality of those actions.
- C. Of course, the officer should not deviate in any respect from the events as they actually transpired.
- D. Before the court appearance, the prosecutor assigned to the case should request a pretrial conference to discuss the forthcoming trial. If the prosecutor feels a pre-trial conference is not required he will so advise the officer how he plans to proceed with the case.
- E. The officer should also request a copy of his grand jury testimony, if available, for review.
- F. If the officer believes that there are strengths and weaknesses to his case, he should discuss his analysis with the prosecutor.
 - 1. Thereafter, if in cross-examination or at any time during the proceeding, the officer is asked whether he participated in a pretrial conference, he/she should have no hesitation in acknowledging that he/she did so.
 - 2. Such pretrial conferences are acceptable procedures for both the prosecution and the defense.
- G. Any requests for court adjournment shall be made directly to the court liaison officer. The court administrator is not to be contacted by officers.
- H. It shall be the court liaison officer's responsibility to submit a list of witnesses needed for court a least four (4) working days prior to the court date.
- I. It shall be the testifying officer's responsibility to submit a notice to the Property/Evidence Officer of any evidence needed for the court date, prior to the court date.

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- J. When an officer is notified by a supervisor or the court liaison officer that his appearance is not needed, or that the case is postponed, that officer is not to respond to court.
- K. Any officer that calls in sick on a court date will not respond to court on that date. When calling the desk, the officer should also advise the desk officer that he is scheduled for court on that date. If there are extenuating circumstances (such as a family member being sick etc) and the officer is unable to report for his tour of duty, but will be able to respond for court later the same day, then this should be approved by a shift captain as soon as possible, and the court liaison officer shall be notified immediately.
 - 1. Officers calling in sick for court, when they are off duty will call the desk at least 3 hours prior to the court time and advise the tour commander that they are sick for court.
 - a. The tour commander will contact the court liaison officer and advise him that the officer is sick.
 - b. The tour commander will then make a notation in his/her activity report of the sick call.
- L. Any officer that has been approved for vacation should also advise the court liaison in writing that they will be unavailable for court during that time period.
- M. Court appearances will take precedence over any other personal scheduled events or appointments.

II. CONDUCT:

- A. While awaiting the commencement of trial in the courtroom, the officer should act with respect for the court and avoid unnecessary conversation or distracting motions. The officer should also be cognizant of the fact that even though the trial is not in progress, the officer is in view of the judge and the public.
 - 1. Officers may be able to wait in the lounge area (which will be kept clean, all officers will clean up after themselves, if the room is found dirty the court liaison should be notified) for their case to be heard, this is depending on the wishes of the judge on the bench. If the judge requests that all officers wait in the court room, then this should be adhered to.
 - 2. No officers are to leave the court without checking with the liaison officer, this includes leaving to pick up a meal or to retrieve a summons or report at headquarters.
 - 3. Officers waiting for a trial in Superior Court should wait outside the courtroom, until summoned into the court by the Assistant Prosecutor or a court security officer. Following the officer's testimony, he/she should not leave until told to due so by the Assistant Prosecutor.

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4. Officers waiting for a Grand Jury appearance should stand by in the witness waiting area, until summoned by the Assistant Prosecutor assigned to the case, after testimony the officer should not leave until told that it is OK to do so by the Assistant Prosecutor.
 5. Officers attending Superior Court should have their subpoenas signed by a Court Security Officer, Grand Jury Administrative Office personnel, the Assistant Prosecutor, or Agent prior to leaving for the day. A copy of the Subpoena should be submitted with the officer's court sheet for compensation of any off duty time.
- B. Generally, contact with the defendant or any defense witness should be avoided.
- C. If a witness sequestration order is in effect, the officer should determine whether he/she is affected and how he is affected.
- D. During the trial, each police officer should utilize care in ensuring that his uniform or other attire is in order, that the officer is well groomed and that the officer appears neat.
1. For Superior Court, male officers will dress in uniform of the day or a suit and tie. Female officers will dress in uniform of the day or business dress, pants suit or dress pants and blouse.
 2. For Municipal Court, they will dress in the uniform of the day or dress slacks, collared shirt and tie. Female officers will dress in the uniform of the day or an appropriate dress, dress slacks and blouse.
 3. In all instances business appropriate footwear will be worn and on duty grooming standards apply to all official appearances.

Officers are not to wear golf shirts, jeans, BDU type slacks, painter's pants etc of any color.

III. TESTIMONY

- A. When the officer is called to testify, he/she should recognize that the jury and the judge's first impression of the police officer is when he/she walks to the stand and accepts the oath.
- B. By manner and bearing, the police officer should make it clear that he/she considers his courtroom appearance to be an important duty.
- C. After taking the oath, the officer should be careful to refrain from any movements, sounds or posture that might distract the jury's attention from testimony.

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- D. Intangible factors such as appearance, sincerity and generally credibility commonly exert a very significant influence on the decision of a judge or jury.
 - 1. A relaxed, unhurried demeanor is preferable.
 - 2. Accidental or nervous pauses and short lapses of memory are insignificant.
 - 3. Testimony may be logical and complete, but is to no avail if the finder of fact does not believe the person testifying.
 - 4. Consequently, an effort should be made to project a professional and honest image.
- E. If a question is not understood or if it is in any way unclear, the testifying officer should ask that it be repeated.
 - 1. One must never respond to a question that is not understood, whether put forth by the prosecutor, judge or defense counsel.
 - 2. Before answering a question, the officer should carefully consider the subject of the question and the facts that relate to the inquiry.
 - 3. When answering the proponent of the question, whether the person is counsel or judge, that person is to be directly addressed.
 - 4. Eye contact should be utilized and answers must be deliberate and loud enough to be heard by the judge or jury, although a conversational tone should be adopted.
- F. The officer should attempt to be exact and logical, pointing individually to each factor, however trivial, that led to his conclusion.
 - 1. Nevertheless, it must be emphasized that judges and juries may be alienated by "robot-like" testimony, which tends to radiate a false quality.
 - 2. If it is necessary while on the stand to refer to notes, permission to do so should be requested from the judge.
 - 3. This is accepted procedure, and there is no need for embarrassment.
- G. The testifying officer should not volunteer information by answering more than propounded by the question. The prosecutor should be relied upon to ask those questions, which require a response.
- H. Even if the officer realizes that the prosecutor is omitting an important point, he should wait until he has been excused from the stand to inform the prosecutor.

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- I. Unless the officer is a qualified expert witness, he should refrain from offering his "opinions" as evidence.
 1. If given they will be struck from the record. Consequently, any terms such as "I think", "in my opinion", "I believe", "probably", or "in my judgement", should be avoided and all statements must be definite.
 2. If the question concerns distance or time, and if the answer is only an estimate, the officer is to state that it is only an approximation.
 3. However, the officer should never simply guess at the answer to a question.
 4. If the answer is not known, then the witness should simply say, "I don't know".
 - a. By guessing, the officer exposes his/herself to contradiction and challenge for dishonesty.

IV. CROSS-EXAMINATION

- A. During cross-examination, it is a common tactic for defense counsel to confuse, mislead, frustrate and anger a witness in the hope of breaking down the effect of their testimony on direct examination.
- B. Being aware of this fact, any temptation or inclination to become agitated or impatient should be resisted.
- C. Responses should be calm, unhurried and deliberate.
- D. If time is needed either to consider a question further or compose oneself, a request to counsel to repeat the question is proper.

V. BOROUGH OF FORT LEE PROSECUTOR: ASSIGNMENT OF CASES

A. Court Clerk's Office

1. The Court Clerk's Office will be responsible to notify the Borough of Fort Lee Prosecutor of the following:
 - a. All drunk driving cases. (39:4-50)
 - b. All cases, wherein the defendant will be represented by legal counsel.

B. Police Department

1. All Borough of Fort Lee cases will be reviewed by the Borough of Fort Lee Prosecutor.

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2. The Police Department will provide the Borough of Fort Lee Prosecutor with whatever documents are required to properly prosecute each case.
3. At all times police personnel will follow department policy and procedure in handling, preservation of evidence and in handling and distribution of reports.
4. **Borough of Fort Lee Ordinance** - All sworn officers, when completing a Borough of Fort Lee Ordinance complaint on the small Borough of Fort Lee Ordinance complaint form, can receive the oath from another officer. Make sure that the complaint officer signs in both places required and that the officer taking the oath also signs. **This is not necessary if the officer signs the certification side (right side) of the ordinance summons.**
5. Do not hold traffic summonses and complaints that have been issued. They must be delivered to the court as quickly as possible, the officer should turn them in to the tour commander as soon as possible and they will then be disseminated properly by the tour commander.
6. Any officer that is scheduled for court shall be in court on time.
7. On any summonses regarding registration, licenses and inspections, the officer should:
 - a. Write somewhere on the ticket how long they are overdue.
8. On all traffic summonses, be sure to circle the violation number, write the statute number and describe the offense.
9. Locations of violation should be the location where the violation occurred, the time should be the time of the violation.
10. **INDICTABLE CRIMINAL COMPLAINTS**
 - a. Procedures should be followed as listed in Criminal Complaint policy VOL VII, CH 19.

C. Borough of Fort Lee Prosecutor

1. The Borough of Fort Lee Prosecutor, after notification of specific court cases outlined under the Court Clerk's Office, will contact the Police Department Records Section to coordinate the particular cases and distribution of required reports.
2. Will coordinate all required reports and information with the Police Department Records Supervisor and court liaison officer.

VI. MOTOR VEHICLE WARRANTS

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- A. When there is an arrest for any motor vehicle warrants from the Fort Lee Municipal Court, the following steps should be taken by the officer accepting bail.

1. If defendant is posting his or her own bail only.

Advise the defendant that the bail monies can be applied towards their fines, costs and contempt of court charges and there will be **NO FURTHER COURT DATES REQUIRED. (Only for non-mandatory appearance charges).**

The required bail waiver forms are at the tour commander desk. Cash bail receipt is not to be issued if waiver form is used, the yellow copy is the defendants receipt and the white copy goes to the court with the bail money.

2. If another person is posting bail for the defendant, please give the surety each of the choices below.

- a. The court may take the surety money and apply it to the defendant's fine, cost and contempt of court charges and there will be no further court appearance required, yellow copy of waiver is the defendants receipt, no cash bail receipt is to be issued, white copy of waiver goes to the court with the bail money or; **(Only for non-mandatory appearance charges).**
- b. The court will list the surety's money as bail and the defendant or surety will have to appear at a bail hearing before the surety will receive his or her money back. Cash bail receipt required.

VII. REPORTS, RECORDS AND EVIDENCE FOR COURT

- A. All officers requiring any reports or records for court must adhere to the following:

1. Any case folder should be signed for in the logbook in the records bureau.

- a. In reference to criminal cases, all officers are required to document the case disposition on the case folder when appropriate.
- b. When an officer is requested to provide copies of records via discovery request, such as summonses to the Records Clerk, the records will be provided without undue delay.

- B. Return of reports and records.

1. All items signed out are the responsibility of the officer signing them out. He must assure their security and only use them for official police department business.

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2. No reports or case folders are to be kept out of the police department records room for more than twenty-four (24) hours.
- C. Any evidence required for court, the officer will sign for and will be responsible for unless turned over to the Prosecutors office, at which time the officer will have the Assistant Prosecutor sign for the evidence.
- D. Recording of Dispositions.
1. In Municipal cases, the court liaison officer will make notification of disposition of cases.
 2. The Prosecutor's office will make notification to the department when final disposition is made on a case.

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CRIME PREVENTION
VOL, III. CH, 11**

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 09-01-2002	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME III
VOLUME TITLE: COMMUNITY ASSISTANCE	# PAGES: 2					CHAPTER 11
ACCREDITATION STANDARD(S):	REFERENCE: V#C#					
SUBJECT: CRIME PREVENTION						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

POLICY:

The Borough of Fort Lee Police Department has established a Crime Prevention Unit to provide the citizens of Borough of Fort Lee with assistance in making their families, homes and businesses more secure. Also to provide crime awareness and prevention programs to the neighborhoods, schools, senior citizens and business organizations (Community Policing Division).

It is also the policy of the Borough of Fort Lee Police Department that crime prevention and awareness is not only the responsibility of the Crime Prevention Unit, but every member of the Borough of Fort Lee Police Department.

PROCEDURE:

- I. The Community Policing Division Commander will be responsible for the coordination, supervision, planning and evaluation of the Crime Prevention Unit.
- II. All referrals from officers within the department for home security checks, commercial checks, business loss prevention, public awareness programs or any other crime prevention referrals must be made to the Community Policing Division Commander.
- III. It will be the responsibility of the Community Policing Division Commander to complete the following:
 - A. Home Security Surveys

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- B. Commercial Security Checks
 - C. Business Loss Prevention
 - D. Public Awareness Programs
 - E. All other special crime prevention programs
- IV. All crime prevention reports will be filed by the Community Policing Division Commander. All crime prevention records will be kept as a permanent record of the police department.
- V. Any time an officer investigates a burglary and the victim requests assistance in preventing future burglaries, they should be referred to the Community Policing Division Commander.
- VI. Any incident referral other than a burglary can be submitted to the Community Policing Division Commander. Any recommendation of this type can be submitted at the discretion of the officer.
- VII. It will be the responsibility of the Community Policing Division Commander to follow-up on all referrals, or assign an officer to conduct the follow-up.
- VIII. The Community Policing Division Commander will be responsible to provide input on crime prevention to other Fort Lee agencies, such as zoning officer, fire department, building code inspector.

IX. CITIZEN RECOGNITION LETTER

- A. The Community Policing Division Commander shall review incident reports where citizens initiated reporting suspicious activity which led to a criminal arrest.
- B. Upon review of the report, a recommendation including a brief description of the events shall be forwarded to the Chief of Police. The Chief may then send out a citizen recognition letter to commend the actions taken by the citizen.

X. BUSINESS EMERGENCY NOTIFICATION

- A. In an effort to maintain current information on owners of businesses within the Borough of Fort Lee to notify them in case of an emergency, a Business Emergency Form shall be maintained on each commercial establishment.
- B. The forms will contain the name, address and telephone number of the business. The owner/manager shall then designate at least two (2) employees to be notified in case of an emergency.
- C. The forms shall be revised on an annual basis to reflect changes in ownership or employees.
- D. The forms shall be filed and kept in the dispatchers' area.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 3	CHAPTER: 10	# OF PAGES: 8	
SUBJECT: CRIMINAL CASE MANAGEMENT			
BY THE ORDER OF: _____ Kelth M. Bendul Chief of Police		REVISIONS: 	
REFERENCE: N.J.A.C. 15:3-2.2		ACCREDITATION STANDARDS: 4.1.1	
EFFECTIVE DATE: 07/06/2016		SUPERSEDES: All Previous	

PURPOSE: The purpose of this directive is to provide an organized method of reviewing, organizing and tracking the progress and disposition of cases assigned for investigation. This information is invaluable in assessing the effectiveness of investigative efforts and methods.

This directive will further provide guidance in the proper completion, assembly, and review of all case jackets generated during this department's daily operations, as well as to provide for proper dissemination of selected documents contained therein to the Municipal Court, Prosecutor's Office or other agencies as needed. The need for a department to gauge the quality of its enforcement activities is vital to maintaining credibility in the view of the court and the public.

POLICY: The Case Tracking System has been designed to provide the department with a concise report that outlines the department's overall conviction rate in the areas of motor vehicle violations, Borough of Fort Lee ordinance violations, disorderly person violations and criminal cases.

In order to accomplish this objective, each court case must be monitored, as well as those cases where a guilty plea has been entered or where a summons has been paid out of court.

This policy is also designed to provide the department with an organized method of reviewing, organizing and tracking the progress of cases that are assigned to Detective Division personnel. Therefore, this directive will also maintain accountability for follow-up investigations.

PROCEDURE:

I. CASE MANAGEMENT

- A. Case Management shall be maintained through a hard copy case jacket system as well as an electronic case management/status system through the Police Department's computer system.

II. CASE MANAGEMENT RESPONSIBILITIES

A. Police Officer(s) Responsibilities

1. The initial reporting/investigating officer will complete a case jacket for all of the following incidents:
 - a. Arrests of adults or juveniles – Criminal and disorderly persons offenses only, unless unusual circumstances are involved and a case jacket is needed for continuity of reports;
 - b. D.O.A/sudden death incidents;
 - c. Fatal accidents / collisions;
 - d. Crimes involving numerous victims, or unusual incidents; public unrest, sensationalism, bias incidents;
 - e. D.W.I. arrests;
 - f. Unusual occurrences: Disaster scenes, fire scenes with major property damage, fire scenes with injuries or involving arson;
 - g. Missing or unidentified persons;
 - h. Officer(s) injured.
2. The case jacket will not be labeled until it is processed through the Record Bureau. No staples or any other fastening devices are to be used on the case jacket; this will also be handled by the Records Bureau.
3. Main or companion case identification:
 - a. When there are numerous arrests under the same case number or crime(s) committed, there must be a MAIN JACKET designated.
 - 1) The MAIN JACKET will be marked as such on the front cover of the case jacket by checking off "Main Jacket". The main defendant's name will also be listed in the appropriate space provided.
 - 2) The names of any co-defendants will be listed on the front cover of the case jacket.

- a) When the arrest involves a juvenile co-defendant, only the juvenile's initials will be listed on the front cover of the MAIN JACKET.
- 3) The COMPANION JACKET will be marked as such on the front cover of the case jacket by checking off "Companion". All co-defendant's names, along with the main defendant's name, will be listed in the appropriate spaces provided.
- b. All documents pertaining to the case will be contained in the main jacket. All companion jackets (except juveniles) shall consist of an empty jacket properly marked as indicated above, and placed inside the main jacket. There is no need to make any copies for the purpose of assembling a companion case jacket. Case Management will make any copies needed for the companion jacket.
- 4. Officer(s) will ensure that all proper reports, complaints, forms, printouts, fingerprint cards etc. are completed. The checklist should be used and included in the case-jacket, and the control sheet should be affixed to the front of the jacket. The control sheet should not be signed unless the officer is sure that all items that are in the jacket are complete. Officers should proofread all reports.
 - a. No original evidence is to be attached to the jacket, evidence such as photos, receipts etc. should be logged on an evidence form and placed into evidence.
 - b. Copies of paper evidence may be photocopied and included in the case jacket.
- 5. The case jacket will then be turned over to the Tour Commander for review.

B. Tour Commander's Responsibilities

- 1. The Tour Commander will proof-read the reports, determine if any corrections need to be made, ensure that the arresting officer made the necessary corrections, and approve the jacket by signing the control sheet in the proper location.
- 2. The case jacket will then be handled as follows:
 - a. If the case jacket is complete, but the prisoner(s) have not been arraigned, the jacket will be reviewed and held at the desk by the Tour Commander.
 - b. After the arraignment is completed, and bail has been set, and the prisoner has either made the required bail, or has been sent out to the Jail, the Tour Commander will update the arrest reports and the CDR (Complaint warrant or summons), complete the return of service if appropriate, and sign off on the control sheet in the appropriate location.
 - c. The Tour Commander will ensure that copies of any crime reports and arrest reports are made and disseminated as follows; to the

respective Crime Report clipboard or Arrest Report clipboard at the desk, one in juvenile or narcotics if applicable.

- d. In the case of a violation of a Domestic Violence restraining order, the jacket will be forwarded to the Records Bureau, so that the original complaints can be sent to the Superior Court the next business day.
- e. The completed case jacket will then be placed in the Records box located behind Headquarters Desk for Case Management Processing.
- f. Juvenile jackets will be forwarded to the Juvenile Division.

C. Detective Division Commander or Supervisor Responsibilities

- 1. The Detective Division Commander or supervisor or his designee should screen and assign all active cases to Detective Division personnel.
- 2. The Division Commander or supervisor will enter each case assigned in the Case Management System.
 - a. The Division Commander or supervisor will enter the assigned detectives name on the investigation report of each case assigned.
- 3. The Detective Division Commander or supervisor is responsible for the swift and proper management of all cases forwarded to the Detective Division.
 - a. Cases that have been recorded will be screened and forwarded to the Detective Division personnel based upon:
 - 1) Detective's investigative experience;
 - a) Experience with type of case;
 - b) Crime scene technical experience.
 - 2) The caseload of the Detective dictates the number of cases assigned to each Detective.
 - a) The Detective with a greater number of cases pending will be assigned a lower number of new cases.
 - b) The Detective Division Commander or supervisor will keep abreast of the caseload of all Detective Division personnel.
 - 3) Solvability factors relate to the likelihood that a case will be solved. Example:
 - a) A crime which recently occurred with witnesses and evidence found at the scene would be a "hot case".
 - b) The same case where the lab report for the evidence indicates that the evidence is no longer valuable (i.e.

latent prints belonging to the owner), this would be a "cool case".

- c) Thirty (30) days and all leads have been exhausted, would classify this as a "cold case".
 - d) Factors relating to solvability are witnesses, suspect identification, evidence, criminal patterns, resources, availability and/or the absence of leads after 30 days.
 - e) Cases deemed low solvability will be administratively closed by the Division Commander or supervisor.
- 4) The seriousness of a crime dictates the number of Detectives assigned to that case and dictates which Detective is assigned the case.
- b. The following administrative designators/case disposition shall be applied to each case, as applicable.
- 1) Closed by Adult Arrest or Closed by Juvenile Arrest - The investigation is cleared by arrest and court proceedings have been initiated.
 - 2) Open - The case is still actively investigated.
 - 3) Closed - The crime is active but all investigative leads have been exhausted.
 - a) Cases may remain "Closed" unless the status changes.
 - b) Cases may be reopened immediately upon the development of new information.
 - c) The Detective Division Commander or supervisor should review all detective case notes of Detective Division personnel immediately under his/her control prior to determining the proper disposition of the case.
 - 4) Administratively Cleared - The crime may be active but the case is not a prosecutable case for various reasons, including but not limited to: jurisdiction, determined by the supervisor to not be a criminal act, deceased suspect, etc.
 - a) The Detective Division Commander or supervisor may determine that assigning a detective would not be appropriate. If assigned, the detective may determine the existence of facts justifying this disposition.
 - b) Cases may remain "Administratively Cleared" unless the status changes.
 - c) Cases may be reopened immediately upon the development of new information.

- d) The Detective Division Commander or supervisor should review all detective case notes of Detective Division personnel immediately under his/her control prior to determining the proper disposition of the case.
 - 4. When a case is presented to be closed, the Division Commander or supervisor shall review the case file and make the following notations:
 - a. Review Date;
 - b. Enter administrative designators/case disposition and completion date.
 - 1) The Division Commander or supervisor should provide an explanation if a case has not been approved, and clear directions should be provided so that the investigating detective can complete the case.
 - 5. The Division Commander or supervisor will provide case management assistance to all Detective Division personnel under his supervision.
- D. Detective Responsibilities
- 1. Detectives are responsible for the management of all cases assigned to them.
 - a. The Detective will record in the case management system any activity the detective has performed on the case.
 - b. The detective is responsible for updating case management in a timely fashion.
 - c. The detective is responsible for investigating any and all leads prior to presenting his case management file for final disposition.

III. CASE FILE SYSTEM

A. Active Case Files

- 1. Individual case files will be placed into a work jacket file folder that is labeled for the assigned detective.
- 2. At no time are active case files to be stored in anyone's desk. When an officer has temporarily completed working on a case, the folder is to be returned to the appropriate case file folder.

B. Closed Case Files

- 1. Individual closed case files will be placed into the respective cabinet file drawer that is labeled by the offense, (i.e. Burglary, M.V. Theft, Fraud, etc.).

C. No cases shall be filed in the "Closed" section unless the detective's case management has been reviewed by the Detective Division Commander or

supervisor and they cleared the case in the case management system, indicating the actual completion date and proper disposition.

- D. Reports maintained in the case file may minimally include investigation reports, supplemental reports, evidence submission request, analysis reports, photograph requests, any telephone messages relating to the case and any other reports/forms relating to the case.
- E. Access to the active files should be available to only Detective Division personnel, Administrative Division personnel and the Chief of Police. Patrol personnel may have limited access of case files to check on the case status only.
- F. Internal Disposition of Case Files
 - 1. Case files that are electronic shall remain in the Records Management System (RMS).
 - 2. Any evidentiary documents shall be forwarded to the evidence/property function.
 - 3. Working copies of the active case file shall be maintained by the Detective handling the case until the case is closed. Once the case is closed, any added evidence will be forwarded to the evidence/property function.
- G. Purging of Case Files
 - 1. Detective Division closed files should only be recommended for purging upon the approval of the Detective Division Commander.
 - 2. Procedures for the destruction of department criminal investigation files shall be in accordance with the New Jersey Administrative Code N.J.A.C. 15:3-2.2 and applicable records retention schedule.
 - a. The Records Bureau should dispose of these records following the expiration of the designated retention period unless otherwise indicated by the Chief of Police or designee.
 - b. The Records Bureau shall prepare the necessary disposal forms and forward the completed forms to the Chief of Police or designee for endorsement or use the Artemis on-line system.
 - c. The New Jersey Records Retention Schedule contains a list and description of various records, the minimum retention schedule, method of destruction, and their associated series number.
 - d. Completed forms or on-line submissions shall be transmitted to the Division of Archives and Records Management for approval.
 - e. When approval to destroy the records has been received from the Division of Archives, the records shall be promptly destroyed by shredding.
 - f. Upon destruction, notification shall be made to the Division of Archives and a copy maintained by the department.

3. Case management files are not purged from the computer system.

IV. COURT DISPOSITIONS

A. Municipal Court

1. When the Court Liaison returns from a court session, he/she will fill out a Criminal Court Disposition report indicating the disposition on each case.
 - a. Court dispositions will be listed as:
 - 1) Guilty
 - 2) Not Guilty
 - 3) Dismissed-Other
 - 4) Guilty but Merged
 - 5) Dismissed-Rule
 - 6) Dismissed for Lack of Prosecution
 - 7) Dismissed-Pros Motion/Vic Req
 - 8) Conditional Discharge
 - 9) Dismissed-Prosecutor Discretion
 - 10) Dismissed-Mediation
 - 11) Dismissed-Plea Agreement
 - 12) Disposed at Superior Court
 - 13) Dismissed-False ID
2. The Court Liaison will place one copy of the Criminal Court Disposition report in the case jacket and forward one copy to the Property/Evidence Custodian for their records.

B. Superior Court

1. The Evidence Custodian will be notified via letter by the Bergen County Prosecutor's Office of the dispositions of any cases involving indictable offenses. The Evidence Custodian will forward a copy of the disposition letter to the Records Bureau, to be filed in the proper case jacket.

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 01-06-2002	REVISION DATE: 06-10- 2003	PAGE #: 4	SECTION: III	APPROVED	VOLUME #VII
VOLUME TITLE: AUTHORITY	# PAGES: 8					CHAPTER 19
ACCREDITATION STANDARD(S):	REFERENCE: V7C19					
SUBJECT: CRIMINAL COMPLAINTS						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

POLICY:

In order to provide officers with direction when issuing complaints for non-indictable and indictable offenses, procedures have been established that allow for the proper issuance of complaint/summons or complaint/warrants.

PROCEDURE:

I. COMPLAINT WARRANT

A. A complaint warrant shall be issued for the following:

1. The accused is charged with murder, kidnapping, aggravated manslaughter, robbery, aggravated sexual assault, sexual assault, aggravated sexual contact, criminal sexual contact, aggravated assault, aggravated arson, arson, burglary and crimes involving possession or use of a firearms, and all violations of Chapter 35 of Title 2C that constitute first or second degree crimes and conspiracies or attempts at the foregoing crimes.
 - a. The accused has previously failed to respond to a summons.
 - b. There is reason to believe the accused is a danger to himself or others.

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- c. There are one or more outstanding warrants for the accused.
 - d. The whereabouts of the accused are unknown and arrest warrant is needed to subject him to jurisdiction of the court.
 - e. There is reason to believe the accused will not appear in response to the summons and this is demonstrable to the court.
- B. Police officers are authorized to sign warrant complaints.
- C. The following individuals can issue Complaint Warrants:
 - 1. Municipal Judge
 - 2. Court Clerk or Deputy Court Clerk
- D. Unless otherwise outlined in Section "A", a complaint summons shall be issued for all other crimes, disorderly and petty disorderly offenses.
- E. Probable Cause Statements
 - 1. A probable cause statement is not required when an arrest warrant is sought following a warrantless arrest. A probable cause statement is required when a police officer is applying for an arrest warrant which is then to be executed. In other words, if you already have a suspect in custody, a simple statement such as, "on view arrest", is enough. If you must go out and get the suspect, then probable cause is needed.
 - 2. Officers may use an affidavit to offer probable cause to support the issuance of an arrest warrant. Although a probable cause statement can also be placed on the face of the complaint.
 - 3. A person other than a police officer who wishes to offer probable cause for the issuance of an arrest warrant must utilize this affidavit or one similar. The affidavit must be signed by a person legally authorized to administer oaths.
 - 4. Probable cause must be evaluated by a Judge. A court clerk may sign an arrest warrant upon being advised by a Judge that he has determined probable cause to exist.
 - 5. The original of the probable cause affidavit should be filed with the complaint. At least one copy should be retained by the police. One copy should be sent to the Bergen County Prosecutor's Office, along with the police reports. If the affidavit contains discoverable material, it need not be given to the defendant. The defendant need not receive a copy of the probable cause affidavit at the time of the defendant's arrest if the affidavit contains sensitive information.
 - 6. Following processing after an arrest with a warrant, the defendant must be

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taken before the court that issued the warrant to be advised of his/her rights and have bail set during arraignment .

Impact crimes will be handled with established procedures currently in effect.

If a warrant complaint is filed following a warrantless arrest, the person shall be taken before a Judge to be advised of his/her rights and have bail set during arraignment.

7. A Superior Court Judge shall be contacted through Prosecutor's channels for the purpose of setting bail only if the individual is charged with one of the following: murder, aggravated manslaughter, manslaughter, kidnapping, aggravated sexual assault, sexual assault, aggravated criminal sexual contact. Questions concerning arrest procedures should be directed to the duty prosecutor, after hours, through the Bergen County Communications Center; and have the on duty detective check with the on call assistant Prosecutor.

II. COMPLAINT SUMMONS

- A. Officers shall not arrest for a violation of a petty disorderly or a disorderly persons offense unless the offense occurs in the officer's presence.
- B. A civilian may sign a Complaint Summons against another civilian for an offense that occurred in their presence.
 1. A probable cause hearing will be assigned to determine probable cause to issue the summons.
- C. The only exception to the requirement for the offense occurring in the officer's presence are Domestic Violence incidents and Shoplifting. In both cases, a police officer is authorized to arrest an individual without the violation occurring in the officer's presence.
 1. Domestic violence offenses that would normally have been put on a summons, should be put on a warrant, and the defendant then must be arraigned by a judge.
- D. When a person is arrested, a Complaint Summons must be prepared and served before the person arrested is released from custody.
 1. If a summons is issued, the person may be detained only as long as is necessary to complete post-arrest identification and processing procedures. The defendant shall then be released to await the court appearance date indicated on the summons.
 2. Preset bails should be assigned for Shoplifting and CDS offenses.
- E. Before a Complaint Summons will be prepared and served for a violation(s) of disorderly or petty disorderly offenses, the following must be completed:
 1. Where the complainant is the arresting police officer, the officer in charge is authorized to issue and sign a complaint summons .

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F. Citizen Signing of Complaint Summons

1. Where the complainant is a citizen, the officer in charge is only authorized to administer the oath and witness the complainant's signature.
2. The Judge, court clerk or deputy court clerk are authorized to issue complaint summonses on citizen complaints, after making a probable cause determination
3. An officer is not authorized to issue a complaint summons signed by a citizen.
 - a.. Offenses that warrant contacting the Judge, court clerk or deputy court clerk after hours:
 - (1). Domestic Violence Offense (citizen's complaint)
 - b. All other offenses will be reviewed for probable cause and issuance on the following day by the Judge, court clerk or deputy court clerk.

The only exception to this would be for Shoplifting offenses, where the officer in charge will issue the defendant the copy of the complaint, and a preset bail will be assigned.

III. MUNICIPAL ORDINANCE VIOLATIONS

Each supervisor will maintain a Boro Ordinance violation book with their other supplies and equipment. Books will be signed for in the court office in the same manner as Motor Vehicle summonses. Violations covered by State Statute may not be issued on a Boro Ordinance complaint.

- A. Police officers are not authorized to arrest for a violation of a local ordinance, nor can they conduct a search of the property or the person that is issued a Municipal Ordinance Summons.
 1. The only exception would be if the officer had reasonable suspicion that his/her safety was in jeopardy.
- B. When a violation of a Municipal Ordinance occurs in the presence of the officer, the Officer will request a supervisor to respond, the supervisor will provide the officer with the ordinance book and the officer may then issue a Municipal Ordinance Summons.
 1. The officer that observed the violation shall complete the Municipal Ordinance Complaint Summons.
 - a. The officer shall indicate the race of the offender with the sex in the space allotted for "Sex".

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2. The officer that observed the violation shall date and sign the complaint on the line marked signature of complaining witness, under the certification on the right side.
 - a. Officer must then check box below this area marked law enforcement use only.
3. The officer may then issue the summons by signing the bottom and dating it.
 - a. There is no administering of oath when the officer signs the certification side of the summons.
 - b. The Boro ordinance summons is issued at the scene.
4. The officer must then complete and investigation report on the issuance of the Boro Ordinance complaint.
 - a. No other reports need to be generated unless the narrative can not be fit on the investigation report, a motor vehicle is involved or involved in a collision.
 - b. Before the end of his/her tour of duty the summons and report should be turned in to the tour commander for review.
 - c. The summons should then be disseminated as follows:
 - (1) Blue copy to the court.
 - (2) White copy to case jacket or Records Division
 - (3) Pink copy to police officer.
 - (4) Green copy remains in summons book.
 - (5) Hard copy to defendant (Delivered to defendant at the scene by issuing officer).

C. Citizen signing of Boro Ordinance Complaint.

1. Follow the same procedure as outlined in Section II, subsection "E" of this policy.

IV. COMPLAINT PREPARATION

- A. Indictable and disorderly persons' offenses, even if they relate to the same incident, should be typed on separate CDR forms. A list of indictable offences and disorderly persons' offenses is attached hereto.
 1. Municipal court judges may not set bail on the following:

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Murder

Kidnapping

Manslaughter

Aggravated Manslaughter

Aggravated Sexual Assault

Sexual Assault

Aggravated Criminal Sexual Contact

Persons arrested in any extradition proceeding

Bail should not be set on summonses, unless for CDS related offenses or Shoplifting

Officers preparing complaint summonses or warrants are to refer to the N.J. Code of Criminal Justice Charging Manual.

INDICTABLE OFFENSES

2C:5-1	CRIMINAL ATTEMPT
2C:5-2	CONSPIRACY
2C:12-1b	AGGRAVATED ASSAULT
2C:12-3	TERRORISTIC THREATS
2C:13-1	KIDNAPPING
2C:13-2	CRIMINAL RESTRAINT
2C:13-4	INTERFERENCE W/CUSTODY
2C:13-5	CRIMINAL COERCION
2C:15-1	(ARMED) ROBBERY
2C:17-1	ARSON
2C:17-3	CRIMINAL MISCHIEF (OVER \$500.00)
2C:18-2	BURGLARY

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2C:18-3a	CRIMINAL TRESPASS (IN A DWELLING)
2C:20-3	THEFT (\$200.00 OR OVER)
2C:20-4	THEFT BY DECEPTION (\$200.00 OR OVER)
2C:20-5	EXTORTION (ANY AMOUNT)
2C:20-6	THEFT OF PROPERTY LOST, MISLAID OR DELIVERED BY MISTAKE (\$200.00 +)
2C:20-7	RECEIVING/POSSESSION STOLEN PROPERTY (\$200.00 +)
2C:20-8	THEFT OF SERVICE (\$200.00 +)
2C:20-9	THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF PROPERTY (\$200.00 +)
2C:21-1	FORGERY AND RELATED OFFENSES
2C:21-5	BAD CHECK (\$200.00 +)
2C:21-6	CREDIT CARD OFFENSES
2C:28-4a	FALSELY INCRIMINATING ANOTHER
2C:29-2a	RESISTING ARREST (USES/THREATENS PHYSICAL FORCE)
2C:29-3	HINDERING APPREHENSION
2C:29-5	ESCAPE
2C:33-3	FALSE PUBLIC ALARM
2C:39-	ALL WEAPONS OFFENSES

DISORDERLY PERSONS OFFENSES

2C:5-5	POSSESSION BURGLAR TOOLS
2C:12-1a*	SIMPLE ASSAULT
2C:13-3	FALSE IMPRISONMENT
2C:17-3*	CRIMINAL MISCHIEF (\$500.00 OR UNDER)
2C:18-3*	CRIMINAL TRESPASS (IN A NON-DWELLING)

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2C:20-3*	THEFT (UNDER \$200.00)
2C:20-4*	THEFT BY DECEPTION (UNDER \$200.00)
2C:20-6*	THEFT OF PROPERTY LOST, MISLAID OR DELIVERED BY MISTAKE (UNDER \$200.00)
2C:20-7*	RECEIVING STOLEN PROPERTY (UNDER \$200.00)
2C:20-8	THEFT OF SERVICES (UNDER \$200.00)
2C:20-9*	THEFT BY FAILURE TO MAKE REQUIRED DISPOSITION OF PROPERTY (UNDER \$200.00)
2C:20-10	UNLAWFUL TAKING OF MEANS OF CONVEYANCE/JOYRIDING
2C:20-11	SHOPLIFTING
2C:21-5*	BAD CHECK (UNDER \$200.00)
2C:28-4b*	FICTITIOUS REPORT
2C:29-1	OBSTRUCTING ADMINISTRATION OF LAW
2C:29-2*	RESISTING ARREST (NO PHYSICAL FORCE);ELUDING/FLEEING
2C:29-3*	HINDERING APPREHENSION (ASK!)

CDS OFFENSES - INDICTABLE

2C:35-5	DISTRIBUTION/POSSESSION WITH INTENT TO DISTRIBUTE CDS/ANALOG
2C:35-7	DISTRIBUTION ON SCHOOL PROPERTY (1,000 FT. RADIUS)
2C:35-10(a)	(1) POSSESSION CDS (SCHEDULE I, II, III AND IV)
2C:35-10(a)	(3) POSSESSION MARIJUANA (OVER 50 GRAMS); HASHISH (OVER 5 GRAMS)
2C:35-13	OBTAINING CDS BY FRAUD: MISREPRESENTATION; FORGERY; DECEPTION

CDS DISORDERLY

2C:35-10(a)	(2) POSSESSION OF CDS (SCHEDULE V)
2C:35-10(a)	(4) POSSESSION MARIJUANA (UNDER 50 GRAMS); HASHISH (UNDER 5 GRAMS)

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2C:35-10(b) UNDER THE INFLUENCE/USE OF CDS

2C:36-2 POSSESSION OF DRUG PARAPHERNALIA

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 10-18-2002	REVISION DATE: 3/27/09	PAGE #: 4	SECTION: IV, A, 8	APPROVED 05-12-2009	VOLUME III
VOLUME TITLE: COMMUNITY ASSISTANCE	# PAGES: 8					CHAPTER 5
ACCREDITATION STANDARD(S):	REFERENCE: V#C#					
SUBJECT: CRISIS INTERVENTION TEAM D.V.						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS O. RIPOLI						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

I. Purpose

- A. The purpose of this policy is to provide the members of the Fort Lee Police Department and members of the **Southeast Regional Domestic Violence Crisis Response Team** with guidelines for determining when the assistance of the Southeast Regional Domestic Violence Crisis Response Team will be utilized for responding to incidents of domestic violence.
- B. This policy is developed to conform with the Prevention of Domestic Violence Act, N.J.S.A. 2C:25-17 et seq.

II. Introduction

The Fort Lee Police Department acknowledges the significant impact which incidents of domestic violence have on their victims. Domestic violence victims have special needs and issues, which cannot be addressed simply through the enforcement of criminal statutes and the issuance of court imposed restraining orders. Domestic violence victims experience personal tragedy, and as such, need access to special treatment at the time of victimization.

By the establishment of a cooperative effort between the Cliffside Park, Edgewater, Fairview, Fort Lee and Ridgefield Police Departments, Alternatives to Domestic Violence (ADV), Shelter Our Sisters (SOS), the Bergen County Prosecutor's Office and community volunteers, the Southeast Regional

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Domestic Violence Crisis Response Team has been developed. This team has been formed to provide the domestic violence victim with the opportunity to be provided with information about services which exist to help them through the experience of being a domestic violence victim.

Strict adherence to this policy will insure proper utilization of the Southeast Regional Domestic Violence Crisis Response Team and the ultimate goal of providing quality services to the victims of domestic violence.

III. Definitions

- A. Southeast Regional Domestic Violence Crisis Response Team** - Volunteer citizens who have been accepted by the participating law enforcement agencies of the Southeast Regional Domestic Violence Response Team Project and trained by the participating law enforcement agencies, ADV and SOS, to respond to and provide immediate assistance to victims of domestic violence.
- B. Police Department CRT Project Coordinator**- the sworn member of the Fort Lee Police Department, who has been assigned by the Chief of Police, to coordinate all activities of the **Southeast Regional Domestic Violence Crisis Response Team**. The duties of the Coordinator will include, but will not be limited to: liaison between the Fort Lee Police Department, ADV and SOS, oversee/assign all training provided to members of the Southeast Regional Domestic Violence Crisis Response Team, oversee the schedule and maintenance of the on-call list of volunteers to provide response services, maintain statistics on domestic violence incidents and DVCRT activation, continuous evaluation of the program to identify areas of needed improvement and areas which have proven to be beneficial to victims, and any other responsibility which the Chief of Police, or designee, deems necessary for the proper and efficient operation of the Southeast Regional Domestic Violence Crisis Response Team.
- C. Police Department Liaison** - Each participating agency of the Southeast Regional Domestic Violence Crisis Response Team shall appoint one sworn officer as a representative between the participating law enforcement agency and the Southeast Regional Domestic Violence Crisis Response Team. The duties of the Liaison will include, but will not be limited to: liaison between their agency and the Police Department CRT Project Coordinator, SOS and ADV, maintain statistics on domestic violence incidents and DVCRT activation, continuous evaluation of the program to identify areas of needed improvement and areas which have proven to be beneficial to victims, maintain the interview room and any supplies needed, and any other responsibility which the Chief of Police, or designee, deems necessary for the proper and efficient operation of the Southeast Regional Domestic Violence Crisis Response Team.
- D. Team Leader** - Volunteer citizen member(s) of the Southeast Regional Domestic Violence Crisis Response Team who are the liaisons between the team, the Police Department CRT Project Coordinator, ADV and SOS, and who are responsible to maintain the on-call schedule, hold monthly team meetings, and perform other duties as described in the team leader job description.

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IV. Procedures

- A. The standard operating procedure for patrol officers' response to incidents of domestic violence is enumerated in full detail by the Prevention of Domestic Violence Act of 1990, the Bergen County Prosecutor's Office policy and the Fort Lee Police Department's policy. These procedures, specifically those mandating instances when an arrest is required, shall be followed in responding to all domestic violence incidents.
1. The responding officer shall secure the scene to prevent further violence. The officer's first duty should be to stop the violence and provide for the safety of the victim.
 2. The responding officer shall determine whether an incident of domestic violence has occurred.
 3. The responding officer shall take immediate steps to remove the alleged offender from the scene and to assist the victim of domestic violence.
 4. Based upon a review of the facts involved in the incident, the responding officer will notify a supervisor of the circumstances. According to the facts provided by the investigating officer, a supervisor will determine if the Southeast Regional Domestic Violence Crisis Response Team should be activated at this time.
 - a. If it is determined that the Team will be activated, a supervisor or designee shall explain the function of the Southeast Regional Domestic Violence Crisis Response Team and offer its services to the victim.
 5. The following are the criteria that will be used to guide a supervisor in determining whether or not to activate the team:
 - a. The offender was arrested for committing one of the offenses delineated under the Prevention of Domestic Violence Act of 1990; or
 - b. The victim exhibits signs of injury which are attributed to an act of domestic violence; or
 - c. The victim requests to apply for a restraining order; or
 - d. The alleged offender exhibits behavior that is believed would place the victim in immediate fear for personal and/or family safety; or
 - e. All incidents where shelter for the victim or shelter for the victim's children is an issue; or
 - f. The domestic violence incident involves the welfare and care of minor children; and/or

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- g. The victim requests to speak with a member of the Southeast Regional Domestic Violence Crisis Response Team; and
 - h. The victim has agreed to go to police headquarters.
- 6. The Southeast Regional Domestic Violence Crisis Response Team will **NOT** be activated in any of the following circumstances:
 - a. Minor verbal disputes between parties where there is no threatening behavior, no history or prior responses for domestic violence calls, and no criminal complaints are issued; or
 - b. Non-violent domestic disturbances resolved by individuals at the scene; or
 - c. Neighborhood disputes that do not involve domestic violence, as defined in N.J.S.A. 2C:25-19, et al.; or
 - d. Child custody and/or visitation disputes; or
 - e. When the victim has explicitly declined the offer to speak or meet with a member of the Southeast Regional Domestic Violence Crisis Response Team; or
 - f. When the victim is under the influence of intoxicating liquor or drugs.
- 7. Fort Lee Police Department members will not utilize the members of the Southeast Regional Domestic Violence Crisis Response Team for activities which are not directly related to their duties.
- 8. At the time when a supervisor makes the determination to notify the on-call member of the Southeast Regional Domestic Violence Crisis Response Team, that supervisor will inform the Fort Lee Police Department Tour Commander. The Tour Commander will attempt to contact the on-call team member by dialing the primary call # **201-646-3532**.
 - a. In the event that the assigned on-call member does not return the page within ten (10) minutes, the Tour Commander will utilize the pager again in an attempt to contact the on-call member.
 - b. In the event the assigned on-call member does not return the second page within ten (10) minutes, the Tour Commander will attempt to contact any available member by dialing the pager number and entering the department telephone number followed by 911.
 - c. The Tour Commander will follow the same procedure to contact a back-up member as followed to contact the primary on-call member.

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- d. In the event neither the primary nor the back-up on-call members return the pages sent by the Tour Commander, the Tour Commander will then contact the Team Leader of the Southeast Regional Domestic Violence Crisis Response Team and request assistance in activating a team member.
9. Upon contact with the Southeast Regional Domestic Violence Crisis Response Team member, the Tour Commander shall notify the member as to the need for their response, and will advise the on-call team member of the names of the victim(s) and actor(s) involved in the incident that prompted the activation of the team.

NOTE: In the event the team member and the victim know each other, the option to request a different team member to respond to the call shall be available. An additional team member may be requested at this time to help with any children if needed.

 - a. The team member(s) will respond to the Fort Lee Police Department, and report to a supervisor.
 - b. Upon the team member's arrival at the Police Department, the supervisor or the investigating officer will confirm the team member's identity by checking their issued Southeast Regional Domestic Violence Crisis Response Team Identification cards.
 - c. The team members will then be escorted to the designated CRT room where they will be introduced to the domestic violence victim. The team member and the victim have been provided with this secure and private environment to conduct their conversations.
10. At the conclusion of the team member's interaction with the victim, the team member will notify the supervisor that they have concluded and return the victim to the police officer.
11. It is deemed **impermissible** for Southeast Regional Domestic Violence Crisis Response Team members to:
 - a. Maintain detailed notes or reports of conversations with the victims except for statistical reports which are required by the Fort Lee Police Department and/or ADV and SOS;

NOTE: Upon completion of the Domestic Violence Intervention Summary sheet and Victim Confidentiality Statement, the team member shall fax both forms to **SOS, or ADV when appropriate**, utilizing a separate cover sheet, and seal the two forms in an envelope addressed to the Southeast Regional Domestic Violence Crisis Response Team Leader and place it in the Team Leader's mailbox.
 - b. Disclose any information about the persons served through the Southeast Regional DVCRT project and their families, including all communications with victims, to the police, prosecutor or any unauthorized person, unless the victim consents to such disclosure, or the team member is required by Southeast Regional DVCRT confidentiality policy and procedure or by law to make such disclosure;

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- c. Meet with victims of domestic violence at any location other than the participating Southeast Regional Police Departments;
- d. Divulge their home telephone number(s), Southeast Domestic Violence Crisis Response Team Pager number(s) or home address to victims, develop a relationship with, or offer themselves for additional assistance or services beyond the on-site duties of a Domestic Violence Crisis Response Team volunteer, including, but not limited to, outings, visits, correspondence, and telephone communications with clients and former clients;

NOTE: Members will utilize only their first name to victims and not disclose their last name.

- e. Promise a particular result to a victim such as: you will get a restraining order, you will get welfare or we will stop the abuse.

12. Services to be provided by members of the Southeast Regional Domestic Violence Crisis Response Team:

- a. Each team member will be prepared to provide the following services to each victim:
 - (1) Advise the victim about available options.
 - (2) Explain the applicable criminal justice and civil court procedures to the victim.
 - (3) Explain to the victim the option of obtaining a restraining order and the remedies available, when appropriate.
 - (4) Arrange shelter for victim and minor children.
 - (5) Provide referral to, or information about, the appropriate crisis services available in Bergen County.
 - (6) Arrange for language interpreter to assist the victim in communicating with the police and/or the team member.

A team member shall immediately inform the Chief of Police or designee:

- (7) If contacted by an attorney or any individual who is not a member of the Southeast Domestic Violence Crisis Response Team for information regarding any case in which the member has responded.
- (8) If served with a subpoena to testify or produce documents in connection with any case in which the team member has responded.

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- (9) If the member is injured and/or there is any damage to Police Department property while services are being performed for the Southeast Regional Domestic Violence Crisis Response Team.

13. Confidentiality of Information

- a. It is the position of the Southeast Regional Domestic Violence Crisis Response Team, the Fort Lee Police Department, The Bergen County Prosecutor's Office, Alternatives to Domestic Violence and Shelter Our Sisters, that the Victim Counselor Privilege found in N.J.R.E. 517 applies to communications made by victims to the members of the Southeast Regional Domestic Violence Crisis Response Team.
- b. It is the policy of the Southeast Regional Domestic Violence Crisis Response Team that team members shall advise a victim of domestic violence that all statements made by the victim to the team member will be treated as confidential by the team member and the supervising social service agency (ADV), and that this information will not be disclosed to the police or prosecutor or any other individual without the permission of the victim **except** where there is an issue of child abuse or neglect.

The victim shall be given a confidentiality statement which details this policy and seeks a waiver of that confidentiality in the following limited circumstances:

- (1) Where the victim communicates an intent to harm her/himself or others;
 - (2) Where failure to disclose the information communicated presents a clear and present danger to the health or safety of an individual.
- C. If the victim chooses to sign this form, she/he shall sign the form indicating that she/he understands and accepts the policy. In addition, the team member will inform the victim that unless one of the above exceptions applies, all communications will be held confidential and, while it is the position of the Southeast DVCRT Project that the Victim Counselor Privilege found in N.J.R.E. 517 applies, the team member may be required to disclose the content of those communications if ordered to do so by a court of law.
 - d. If the victim chooses not to sign this form, the team member shall not proceed with an intervention beyond the offering of resource materials. The team member should indicate the refusal on the confidentiality form and in the intervention summary. At the conclusion of the meeting, the officer in charge should be advised that further services were not offered.
 - e. A Southeast Regional Domestic Violence Crisis Response Team member who improperly and without authority reveals any information received from a victim or otherwise obtained in connection with the domestic violence call shall be dismissed from the Southeast Regional Domestic Violence Crisis Response Team Program.

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14. Dismissal of volunteers.

- a. Southeast Regional Domestic Violence Crisis Response Team members may be dismissed from the Southeast Regional Domestic Violence Crisis Response Team by the Police Department CRT Project Coordinator, the Director of ADV, the Executive Director of SOS, the Bergen County Prosecutor, or his/her designee, for any reason, including, but not limited to poor performance or attitude, lack of attendance at meetings, or lack of commitment to the team.

**INTERAGENCY PROCEDURES
CRITICAL INCIDENT STRESS MANAGEMENT
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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 11-1-2002	REVISION DATE: 9-10-08	PAGE #: 5	SECTION: IV, A,1	APPROVED	VOLUME V
VOLUME TITLE: INTERAGENCY PROCEDURES	# PAGES: 6					CHAPTER 12
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: CRITICAL INCIDENT STRESS MANAGEMENT						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To provide officers with procedures that should be followed, when an officer is involved in a critical incident which could cause post-traumatic stress to the officer, or other emergency response personnel involved.

DISCUSSION:

Responding to an accident or crime scene and finding dead, beaten, and dismembered bodies of what once were walking talking people in perfectly good health is not a normal part of our growing up and going to school before becoming a police officer. There are no courses to prepare an officer for that except on-the-job exposure, and perhaps a trip or two to the morgue to witness autopsies. It becomes more personal when you are actually on the scene trying to administer aid and comfort to those victims, while you may show no signs of this bothering you, and you should not, these pent-up emotions sometimes need to be released.

The best way to cope with these stressful situations is to remember that you are not superhuman and that you have no control over the results of most of the things that you do. This also applies to those tragedies you witness and later feel that there was something more that you could have done.

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Officers who feel that they cannot cope with the stress of a recent situation, should seek to tell someone about their feelings, a fellow officer, a supervisor, or a family member.

POLICY:

The procedure set forth in this policy should be followed by all officers and supervisors of this department when there is a critical incident which has a high probability of causing post-traumatic stress, or they recognize any symptoms, or are advised of any symptoms of an officer being effected by post traumatic stress.

PROCEDURES:

I. Identifying stress:

- A. Officers and supervisors should be aware of the signs of post-traumatic stress.
Some of the signs of stress include:

1. Physical signs.
 - a. Nausea.
 - b. Upset stomach.
 - c. Tremors (lips and hands).
 - d. Feeling uncoordinated.
 - e. Profuse sweating
 - f. Chills.
 - g. Diarrhea.
 - h. Dizziness.
 - i. Chest pain.
 - j. Rapid heart beat.
 - k. Rapid breathing.
 - l. Increased blood pressure.
 - m. Headaches.
 - n. Muscle aches

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- o. Sleep disturbance.
 - 2. Cognitive signs.
 - a. Slowed thinking.
 - b. Difficulty making decisions.
 - c. Difficulty in problem solving.
 - d. Confusion.
 - e. Disorientation.
 - f. Difficulty calculating.
 - g. Difficulty concentrating.
 - h. Memory problems.
 - i. Difficulty naming common objects.
 - j. Seeing an event over and over.
 - k. Distressing dreams.
 - l. Poor attention span.
 - 3. Emotional signs.
 - a. Anxiety.
 - b. Fear.
 - c. Guilt.
 - d. Grief.
 - e. Depression.
 - f. Sadness.
 - g. Feeling lost.
 - h. Feeling abandoned.

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- i. Feeling isolated.
- j. Worry about others.
- k. Wanting to hide.
- l. Wanting to limit contact with others.
- m. Anger.
- n. Irritability.
- o. Feeling numb.
- p. Startled.
- q. Shocked.
- 4. Behavioral.
 - a. Withdrawal from others.
 - b. Erratic behavior.
 - c. Acting out.
 - d. Avoidance.
 - e. Clinging behavior.
 - f. Unusual behavior.
 - g. Emotional outbursts.
 - h. Pacing.
 - i. Change in sexual function/desire.
 - j. Any significant change in behavior.
- B. When an officer notices some of the symptoms listed in section "A" above either in themselves, a co-worker or other emergency response personnel, they should immediately notify that persons supervisor of these conditions.

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II. Causes of traumatic stress:

- A. A police officer, firefighter, or EMS worker dies or is seriously injured in the line of duty; or
- B. A police officer is involved in any incident in which a fatality occurs either directly or indirectly because of an officer's actions, including but not limited to a motor vehicle accident or officer-involved shooting,
- C. A mass casualty incident;
- D. The sudden death of a child;
- E. Death of a victim after prolonged rescue efforts;
- F. Death of a victim resembling a loved one;
- G. An extreme high-risk event;
- H. A high visibility event which draws considerable media or public attention;
- I. Any other event occurs which produces significant and unusual stressors.

IV. Supervisors responsibilities:

- A. When officer(s) display symptoms of critical incident stress, either at the scene or later on, the tour commander or other involved supervisor is to notify a CISD Team.
 - 1. The Tour Commander or other supervisor should call either CISM Team out of Valley Hospital at 201-447-8502, MICOM at 1-973-595-7900, or the State of NJ Critical Incident Stress Debriefing Team at 1800-581-7883 / pager 1800-800-9724.
- B. When an incident occurs which has a high probability of causing critical incident stress, the supervisor should call a CISD team for a debriefing of all officers involved.
- C. When officers are involved in a shooting incident, whether they fired at someone or were fired at, the supervisor should contact a CISD team for debriefing.
- D. The Chief may order all officers involved in a critical incident to attend a confidential CISD session with a CISD team.
- E. If symptoms persist, the supervisor may want to recommend professional counseling. If such counseling is deemed necessary, the supervisor should advise the administration of the department through the chain of command.

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- F. It is recommended in street survival training that there is a down time after an incident for a period of 20 minutes.
 - 1. All officers involved sit quietly in a room for 20 minutes.
 - a. During this time they do nothing but sit quietly.
 - b. After the 20 minutes, any officer that falls asleep should be allowed a power-nap for 1 hour before being allowed to drive home.
 - 2. Statistics have shown that if this procedure is followed after a long, drawn out incident, it will help keep officers from being involved in collisions while driving home.
- G. Document all actions and forward through the chain of command.

V. Administration responsibilities:

- A. When Critical Incidents occur, the administration of this department should assign a supervisor to follow-up on the status of any officers that needed to be debriefed or counseled due to such an incident.
 - 1. Follow-up should include; post trauma counseling interview with the officer involved, contact with a family member to check on any symptoms which may persist while the officer is not at work, and follow-up with any professional counselor the officer was sent to, just to verify that the officer has been attending sessions.
- B. Review reports submitted by supervisor assigned to do the follow-up, and make any recommendations deemed necessary for continued counseling.