

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 2	CHAPTER: 16	# OF PAGES: 5	
SUBJECT: EARLY WARNING SYSTEM (EWS)			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS: 1/17/2019-All sections revised	
REFERENCE: Attorney General's Directive 2018-3		ACCREDITATION STANDARDS: 2.2.3	
EFFECTIVE DATE: 1/17/2019		SUPERSEDES: Early Warning System V2Ch16	

PURPOSE: The purpose of this written directive is to establish and outline procedures to implement an Early Warning System (EWS) for sworn and non-sworn personnel that enables management to monitor the conduct of such personnel and to identify any patterns, practices or trends of problematic behavior that poses a risk to the public, to this agency or to the employee.

POLICY: It is the policy of this department to implement and utilize an EWS for detecting, tracking and reviewing at risk incidents related to employee conduct and provide timely intervention consistent with Attorney General Guidelines. This written directive is in accordance with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

PROCEDURE:

I. EARLY WARNING SYSTEM (EWS)

- A. The EWS is an important management tool designed to detect patterns and trends in employee conduct before the conduct escalates into more serious problems. As such, employees must understand that the EWS is not identical to the disciplinary process. The primary intent of the EWS is to identify and remediate problematic conduct that poses a risk to the public, to the agency, and to the employee. The EWS serves to not only increase public safety and public confidence in law enforcement, but also to assist employees through early intervention.
- B. Although the EWS may monitor many different categories of employee conduct that indicate a potentially escalating risk of harm to the public, the agency and/or the employee, the following performance indicators shall be included in the department's EWS:
 - 1. Internal affairs complaints against an officer, whether initiated by another employee or by a member of the public;
 - 2. Civil actions filed against the officer;
 - 3. Criminal investigations or criminal complaints against an employee;
 - 4. Any use of force by the officer that is formally determined or adjudicated (for example, by internal affairs or a grand jury) to have been excessive, unjustified, or unreasonable;
 - 5. Domestic violence investigations in which an employee is an alleged subject;
 - 6. An arrest of an employee, including on a driving under the influence charge;
 - 7. Sexual harassment claims against an employee;
 - 8. Vehicular collisions involving an officer that is formally determined to have been the fault of the officer;
 - 9. A positive drug test by the officer;
 - 10. Cases or arrests by the officer that are rejected or dismissed by a court;
 - 11. Cases in which evidence obtained by an officer that is suppressed by a court;
 - 12. Insubordination by the officer;
 - 13. Neglect of duty by the officer;
 - 14. Unexcused absences (absence without leave) by an employee; and
 - 15. Any other indicators, as determined by the Chief of Police.

- a. To the extent possible, supplemental performance indicators should be objectively measurable and reasonably related to potentially escalating harmful behavior by the employee.

II. NOTIFICATION OF PERFORMANCE INDICATORS

- A. Any civil actions/tort claims filed against an employee of the department shall be documented, and copies of the pertinent documents shall be forwarded to the Internal Affairs Commander for entry into the EWS.
- B. It is the responsibility of the Records Bureau Supervisor to report to the Internal Affairs Commander all cases or arrests by an officer of this department that are rejected or dismissed in court, or cases in which evidence obtained by an officer was suppressed in court.
- C. It is the responsibility of the Traffic Bureau Supervisor to report to the Internal Affairs Commander any collision by an officer when the officer is deemed at fault.
- D. All other performance indicators included in the department's EWS shall be reported to the Internal Affairs Commander via applicable departmental policies and procedures.

III. ADMINISTRATION OF EARLY WARNING SYSTEM

- A. The Internal Affairs Commander shall manage the department's EWS via a computer generated tracking system.
 1. All reviews prompted by the EWS shall be completed by the Internal Affairs Commander and documented in the computer generated tracking system, regardless of the action taken.
 2. At least every six (6) months, and no later than January 15th and July 15th of each year, the Internal Affairs Commander shall conduct an audit of the computer generated tracking system and records to assess the accuracy and efficiency the tracking system.

IV. INITIATION OF THE EARLY WARNING SYSTEM

- A. The Internal Affairs Commander, or his/her designee, shall enter each performance indicator into the EWS computer tracking system.
- B. Three (3) separate instances of performance indicators (as listed in section I.B. above) within any twelve (12) month period will trigger the EWS review process.
 1. If one incident triggers multiple performance indicators, that incident shall not be double or triple counted, but instead shall count as only one performance indicator.
- C. When an EWS review process is initiated, the Internal Affairs Commander or designee, should:
 1. Formally notify the subject employee in writing;

- a. If EWS notification to the employee could jeopardize an ongoing criminal investigation, notification to the employee or initiation of the EWS review process may be delayed upon BCPO approval.
 - b. Notification of the EWS review process would normally commence when the employee is notified of the underlying criminal investigation.
2. Conference with the subject employee and appropriate supervisory personnel;
 - a. Any statement made by the subject employee in connection with the EWS review process may not be used against the subject employee in any disciplinary or other proceeding.
3. Develop and administer a remedial program including the appropriate remedial/corrective actions listed in section V.A. below;
4. Continue to monitor the subject employee for a least three (3) months, or until the supervisor concludes that the employee's behavior has been remediated (whichever is longer).

V. REMEDIAL/CORRECTIVE ACTION

- A. Assigned supervisory personnel shall initiate remedial/corrective intervention to address behavior. Remedial/corrective action may include but is not limited to the following:
 1. Training or re-training;
 2. Counseling/policy and procedure review;
 3. Intensive supervision;
 4. Fitness-for-duty examination;
 5. Employee Assistance Program (EAP) referral; and
 6. Any other appropriate remedial or corrective action.
- B. This policy, and the EWS generally are focused on corrective actions to remediate employee behavior and to provide assistance to the employee. This policy and the EWS does not address disciplinary actions that might be warranted against an employee. Such disciplinary actions remain within the purview of the agency's internal affairs function and may be imposed in accordance within existing internal affairs guidelines and applicable law, separate from and independent of the EWS.

VI. REPORTING/COMPLETION OF THE EWS REVIEW/MONITORING PROCESS

- A. Upon completion of the EWS review/monitoring process, the employee's supervisor will complete an EWS Supervisory Report that will list remedial/corrective actions taken and the outcome.

1. If the subject employee was supervised by two different supervisors during the monitoring period, each supervisor will complete the EWS Supervisory Report for the period of time the employee was under his/her command.
- B. The completed report will be forwarded to the supervisor's Division Commander, who will review it and forward it to the Internal Affairs Commander for review.
- C. The Internal Affairs Commander will confirm that the employee has not had any other performance triggers during his/her monitoring period and will approve and file the report.
 1. If the employee has had any new performance triggers during his/her monitoring period, the EWS review/monitoring period will be modified and extended in accordance with this policy.
- D. Once the Supervisory Report is approved, the Internal Affairs Commander will notify the Chief of Police of the outcome.
- E. The Internal Affairs Commander will then notify the employee in writing of the completion of the EWS review/monitoring process.

VII. NOTIFICATION TO COUNTY PROSECUTOR (SWORN PERSONNEL ONLY)

- A. Upon initiation of the EWS review process, the Chief of Police or a designee shall make a confidential written notification to the County Prosecutor or his/her designee of the identity of the subject officer, the nature of the triggering performance indicators, and the planned remedial program. Upon completion of the EWS review process, the Chief of Police shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome of the EWS review, including any remedial measures taken on behalf of the subject officer.

VIII. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER (SWORN PERSONNEL ONLY)

- A. If any officer who is or has been subject to an EWS review process applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the EWS review process, it is the responsibility of the prior or current employing law enforcement agency to notify the subsequent employing law enforcement agency of the officer's EWS review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's EWS review process files with the subsequent employing agency.

IX. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The EWS policy shall be made available to the public upon request and shall be posted on the agency website.
- B. All written reports, or electronically stored data, created or submitted, pursuant to this policy that identify specific employees are confidential and not subject to public disclosure.

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 12-31-2002	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME V
VOLUME TITLE: INTER-AGENCY ASSISTANCE	# PAGES: 6					CHAPTER 2
ACCREDITATION STANDARD(S):	REFERENCE: V5C2					
SUBJECT: EMERGENCY MEDICAL RESPONSE						DISTRIBUTION ALL
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PROSECUTOR'S OFFICE:						
REFERENCE: Op. Man. 82-8, 90-6, AHA CPR Manual						

POLICY:

The purpose of this policy is to set forth guidelines that will enable officers to provide medical attention in an organized and efficient manner. The policy encompasses the following:

- . Qualifications of officers
- . Patrol vehicle equipment
- . Dispatching of patrol units and first aid to scene
- . Notification of MICU
- . Police response to a medical scene
- . Transportation of victims
- . Medical calls not requiring police response
- . Respiratory failure

PROCEDURE:

I. QUALIFICATIONS OF OFFICERS

- A. Patrol officers should be trained as CIM (Crash Injury Management) or EMT (Emergency Medical Technician) and CPR (Cardiac Pulmonary Resuscitation).
- B. Officers should maintain their current certification, EMT 3-year or CIM 3-year renewal, or EMT 2-year renewal (National Certification).

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- C. CPR instruction is to be given by certified American Heart Association or Red Cross instructors. The Training Bureau should maintain officers as CPR certified instructors.
- D. CPR certification should be maintained, 2-year renewal.
- E. Officers may be required to take any additional training in first aid as deemed necessary by the department.
- F. If available officers should receive a familiarization in child birth and light extrication during their training.

II. PATROL VEHICLE EQUIPMENT

- A. Officers should check the emergency equipment in each patrol vehicle prior to tour of duty and replace as needed.
- B. A first aid kit should be maintained in each patrol vehicle.
- C. An oxygen unit should be maintained in each patrol vehicle. Oxygen tanks should be changed when they reach one-quarter capacity (500 lbs. PSI).
- D. Full replacement oxygen tanks are available at VAC building when needed.
- E. Any other equipment deemed necessary for first aid purposes stored in the vehicle (i.e., flares, blankets) should be replaced as needed.
- F. It will be the responsibility of the Administrative Division Commander or his designee to assure that all depleted first aid supplies are available to replenish any used equipment.
- G. Officers should replenish any used equipment from the supply available in HQ. If unable to properly re-supply the first aid kit, the officer is to indicate the condition on the Vehicle Inspection Report.
- H. After the Tour Commander reviews the Vehicle Inspection Report, they should advise the Administrative Division Commander regarding the lack of available supplies.

III. DISPATCHING OF PATROL UNITS AND VAC TO THE SCENE

- A. All calls for first aid should be channeled through the Communications Center.
- B. Upon receipt of a call for an ambulance, the dispatcher should determine if it is an emergency. If it is an emergency, the nature of the emergency, the name of the caller, location of call (address) callback telephone number should be documented.
- C. A patrol unit from that sector should be dispatched to the scene.

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- D. The Fort Lee Volunteer Ambulance Corps. (VAC) should be dispatched according to their policy.
- E. In the event the VAC is unavailable to handle a call, the following actions may be taken:
 - 1. One or two EMT Police Officer(s) may be dispatched to the VAC building to operate the ambulance and provide medical attention to a patient.
 - 2. If the needed number of officers are unavailable, then mutual aid should be requested from the closest available jurisdiction to the scene.
- F. Mutual Aid Requests on Port Authority Property
 - 1. Fort Lee Police Officers operating one of the VAC ambulances should respond to requests from Port Authority Police only on the New Jersey side of the George Washington Bridge.
 - 2. If the Fort Lee officer determines that a victim may be transported by car rather than by ambulance, the Port Authority Police should be notified to perform the transportation.
 - 3. Whenever available a supervisor should respond to the Port Authority scene to supervise and assist the Fort Lee officer on the ambulance.

IV. NOTIFICATION OF MICU (MOBILE INTENSIVE CARE UNIT / PARAMEDICS / ALS)

- A. MICU should be notified by the communications on the following emergencies, at the request of medical personnel at the scene or if the officer feels it is required.
 - 1. Difficulty breathing
 - 2. Cardiac arrest
 - 3. Chest pains
 - 4. Entrapment
 - 5. Strokes
 - 6. Severe burns
 - 7. Potential disasters i.e.; building collapse, structural fires
 - 8. Drug overdose
 - 9. Diabetic Emergency
 - 10. Allergic reactions

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11. Severe trauma
 12. Gun shot wounds
 13. Seizures
 14. Childbirth
- B. If an ambulance is responding to the scene, arriving officers should not cancel the paramedics, but should await the VAC unit.
- C. If no VAC members are responding, the arriving officers may make a determination based upon their training, whether the paramedic response should be requested, cancelled, or if officers should await their arrival.
- D. Upon the arrival of the paramedic unit, paramedics should guide officers in all medical decisions regarding patient care.
- E. Officers of this department should cooperate in every way with the paramedic's efforts to treat the patient.

V. POLICE RESPONSE TO A MEDICAL SCENE

- A. Officer should acknowledge receipt of call and proceed quickly and adhere to N.J. Motor Vehicle Law 39:4-91 (Vol. 5, Ch. 7 Overhead Lights).
- B. Upon arrival, officer should apprise communications of condition of victim.
- C. Officer should render medical treatment corresponding to their training.
- D. Officer should turn over control of scene to a higher medical authority willing to accept responsibility of the scene in following descending order:
1. Doctor
 2. Nurse
 3. Paramedic
 4. VAC or other EMT
- E. In the event of an apparent crime, the ranking Police Officer at the scene should assume command of the scene and have the area protected as a crime scene.
- F. If the victim expires at the crime scene, the officer should remain at the scene and follow the Sudden Death / Homicide Policy (Vol. 5 Ch. 15).

VI. TRANSPORTING VICTIMS TO HOSPITAL

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- A. VAC should be responsible for transporting victims from the scene to the hospital.
- B. Officers operating the ambulance may elect to begin victim transport and meet responding paramedic assistance enroute, if that course of action should expedite victim care without further endangerment.
- C. Police vehicles may transport a victim in special circumstances with a supervisor's approval.
- D. Police vehicles should not provide an escort to the VAC by leading them through traffic.
- E. Police vehicles may provide necessary assistance by controlling traffic at intersections from scene to medical facility.
- E. Transportation of injured prisoners should be done by the VAC, with an officer guarding the prisoner as per the Prisoner Transportation and Holding Facility Policies (Vol. 7 CH. 8 & 9).

VII. MEDICAL CALLS NOT REQUIRING POLICE RESPONSE

- A. Non-emergency transportation.
- B. Calls with medical personnel in attendance, i.e. doctor's office, nursing home, school nurse's office.
- C. Routine pre-arranged transportations are to be handled by the VAC.
- D. Medical calls where:
 - 1. The VAC response time should be less than a police unit,
 - 2. When a police unit is not readily available, or
 - 3. When the nature of the call is one where a police officer is not needed.

VIII. RESPIRATORY / HEART FAILURE

- A. If the officer observes the victim is not breathing and / or there is no pulse, the officer should immediately administer CPR in accordance with their training.
- B. The only exceptions to this order would be when:
 - 1. The victim displayed signs of rigor mortis or lividity.
 - 2. The victim's death was caused by obvious fatal trauma.

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3. The victim has a valid DNR (Do Not Resuscitate) Order which is presented to the officer.
- C. When you are dealing in minutes, even an hour, or there is a question or doubt as to the specific cause or time of death, CPR should be given.
- D. The officer(s) should continue to administer CPR until:
 1. Effective spontaneous circulation and respirations have been restored.
 2. The scene is turned over to the higher medical authority.
 3. Resuscitation stopped by a physician.
 4. The officer is physically unable to continue resuscitation effort, environmental hazards endanger the officer, or continued efforts would jeopardize the lives of others.
 5. Reliable criteria for the determination of death are recognized.
 6. A valid DNR Order is presented to the officer.
- E. The officer should use the precautionary measures as specified in the Communicable Disease and Bloodborne Pathogen policies (Vol. 6 Ch. 6 & 6-1).

X. DEATH PRONOUNCEMENT AND REMOVAL

- A. The officer should follow the Sudden Death / DOA Policy (Vol. 15 Ch. 1).

XI. NEW JERSEY STATE DEPARTMENT OF HEALTH MEDIVAC HELICOPTERS

- A. The officer should follow the Medivac Policy (Vol. 9 Ch. 19).

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VOLUME: 1	CHAPTER: 4	# OF PAGES: 9	
SUBJECT: EMPLOYEE INJURY INVESTIGATION AND WORKER'S COMPENSATION			
BY THE ORDER OF: Keith M. Bendul Chief of Police		REVISIONS:	
REFERENCE:		ACCREDITATION STANDARDS: 2.1.5	
EFFECTIVE DATE: 07/27/2016		SUPERSEDES: Sick Leave and Workers Compensation Procedures V1Ch22 (only sections that apply to worker's compensation)	

PURPOSE: The purpose of this policy is to provide guidelines for all officers, supervisors, administrators and employees of the department with regard to injuries and exposures that occur while on duty.

POLICY: It is the policy of this agency that any and all injuries that occur while on duty shall be reported immediately to the employee's supervisor. Any employee who is injured while on duty shall be offered the opportunity to receive immediate attention for the injury at a medical facility approved by the department.

PROCEDURES:

I. Definitions:

- A. Authorized Departmental Physician: Any medical provider who is authorized, contracted, and or assigned by the Borough of Fort Lee, their Worker's Compensation Insurance carrier, and/or the Fort Lee Police Department to provide medical examinations or services to the Borough of Fort Lee or the Fort Lee Police Department.
- B. Injury or Illness: Injuries include cases such as, but not limited to a cut, fracture, sprain or amputation. Illness includes both acute and chronic illnesses such as but not limited to a skin disease, respiratory disorder or poisoning.
- C. Light Duty: A restricted assignment granted solely by the Chief of Police at his/her discretion and predicated on the availability of suitable work, which an employee may perform at a relatively reduced risk of aggravating an existing injury or illness.
- D. Worker's Compensation Leave/Injury On-Duty: Absence from duty due to a physical injury or illness which results either directly or indirectly from the performance of an employee's official duty.

II. Worker's Compensation Procedure:

- A. All Fort Lee Police Department employees who are injured while on duty, or in the performance of their official duties, must notify their supervisor as soon as it is safe to do so and file a Worker's Compensation injury packet as soon as possible after the incident occurs, whether or not immediate medical treatment was sought.
- B. All on duty injuries will be subject to a preliminary investigation by the injured employee's supervisor. The procedure to be followed in performing that investigation, as well as the documentation of the employee's on duty injury, is as follows:
 - 1. Immediately upon being injured, the employee's on-duty supervisor should be notified by the officer or another employee if the injured officer is unable.
 - 2. Appropriate medical attention will be requested immediately for the injured employee.
 - a. If the Employee declines treatment for a minor injury it shall be noted in the Investigation Report and the Workman's Compensation Report
 - 3. The supervisor should inspect the scene and surrounding area where the injury took place, and the injured employee should be interviewed as soon as possible in an effort to establish a cause for the events that led to the injury.
 - 4. If the injury was caused by some obvious or visible hazard or through the failure of department equipment or the employee's equipment, the hazard or failed equipment will be photographed, as well as the entire scene of the occurrence, by the supervisor or their designee.

- a. If the injury was caused by an actor who assaulted the victim employee, the employee's injuries should be photographed for evidence purposes in a possible future criminal proceeding.
- 5. If the employee is transported to a hospital emergency room for immediate treatment the following steps should be taken:
 - a. If the injury/exposure is considered serious in nature or life threatening the Chief of Police is to be notified through the chain of command.
 - 1) The PBA president or an on duty Executive Board Member should be notified as soon as possible.
 - b. If the employee is admitted to the hospital, the Chief of Police is to be notified through the Chain of Command.
 - c. The officer's supervisor, or the Tour Commander if need be, can notify the employee's family in a manner appropriate with the type and extent of injury:
 - 1) For life threatening injuries/exposures that necessitate an emergency response by the employee's family the supervisor may contact the local police department where the employee lives and ask if they could provide emergency transportation for the family to the employee's location at a medical facility.
 - 2) For serious injuries/exposures that do not necessitate an emergency response by the employee's family, the supervisor should assign personnel to go to the employee's house to make the notification in person. The assigned personnel are to assist the family with getting to the medical facility.
 - 3) For non-serious injuries/exposures a supervisor may notify the employee's family via telephone if desired by the employee.
 - d. If the employee is treated and released for a non-serious injury, the Tour Commander and their immediate supervisor should be notified. The notification of the employee's injury will be made via the report procedure outlined herein via chain of command. This includes the sending of an appropriate email message to the employee's commander.
- 6. PEOSHA. The Tour Commander on duty must notify the New Jersey Employee's Occupational Safety and Health Administration (PEOSHA) in the following cases and within the following time frames:
 - a. Work related fatality within 8 hours
 - b. Work related in patient hospitalization, amputation, or loss of an eye within 24 hours.
- 7. As soon as possible after the injury occurs, it is of utmost importance that the reporting procedure begin so that the Worker's Compensation claims

process can begin. It is imperative to the claim that all proper Worker's Compensation paperwork be completed and submitted as promptly as possible.

8. The reporting procedure is as follows:
 - a. The injured officer should Contact Bergen Risk (1-888-525-3454) as soon as possible to report the injury. If serious or life threatening injuries are sustained the Tour Commander should make the notification
 - b. A standard FLPD Investigation Report must be completed by the Road Supervisor;
 - 1) A new case number for the injury on duty must be generated.
 - 2) The report will contain adequate detail of the incident leading up to the injury, and must include the original case number of the call or incident that the employee was on when injured, if applicable.
 9. The employee, or if unable to then, the investigating supervisor will obtain a Worker's Compensation paperwork packet available at the police desk, and complete the following reports in addition to the FLPD Investigation Report:
 - a. The supervisor should immediately complete the Worker's Compensation "Supervisor Investigation Report".
 - b. At the earliest possible time that the employee and supervisor can confer, they should complete, working together, their respective sections of the "Confidential Report of Employee Injury".
 10. The employee will then be responsible to complete, as soon as physically possible, the "Employee's Report of Injury".
 11. The employee should also prepare a narrative describing in adequate detail their activity and the cause of the injury. This narrative may be included in the Investigation Report's narrative section if conditions allow the employee to fully explain the circumstances of their injury at the time the Investigation Report is made.
 12. The completed paperwork will then be placed in an envelope clearly marked "Attention: Worker's Compensation Liaison" and placed in the Record Room box.
- C. If possible, all proper paperwork should be completed prior to medical treatment. In cases where medical treatment is rendered before the paperwork is complete, the officer or investigating supervisor should complete the paperwork as soon as possible. The employee is to follow the below procedure if additional medical treatment is necessary:
1. The employee will schedule an appointment with the Borough's designated Worker's Compensation provider.

- a. Employees are not authorized to visit their personal physician on a Worker's Compensation claim; the Borough of Fort Lee and its

worker's compensation carrier (Bergen Risk) will not pay any medical expenses to providers other than those the employee is referred to by the carrier itself, unless special arrangements are made and prior approval obtained through Bergen Risk.

2. The worker's compensation medical provider will administer treatment to the employee unless the provider determines that the employee should see a specialist or determines that some other form of treatment is necessary.
 - a. If the primary provider determines that it is necessary for another doctor to treat the employee, the employee will be referred to the doctor or specialist designated by the Worker's Compensation provider.
 - 1) Employees are not authorized to seek specialist treatment while on Worker's Compensation unless referred by the Worker's Compensation provider.
 3. The employee shall forward to the Workman's Compensation Liaison copies of any medical documentation indicating treatment rendered, amount of anticipated time the employee will be absent from duty, and any limitations of duty, and the expected duration of those limitations.
 - a. The Workman's Compensation Liaison should advise the injured employees' Commanding Officer of their status for scheduling purposes.
 4. Employees who are absent from duty on Worker's Compensation are subject to all Rules and Regulations, Policies and Procedures, and any restrictions contained herein that apply to the use of the employee's Worker's Compensation.
 5. Any bills received by an employee while being treated under worker's compensation will be forwarded promptly to the Worker's Compensation Liaison for processing.
- D. All work related fatalities or in-patient hospitalization of three (3) or more workers, must be reported orally and in writing, within eight (8) hours of occurrence, to the Commissioner of Labor.
1. The oral report shall be made directly to the 24 hour hotline 1-800-624-1644, by the immediate supervisor.
 2. The written report shall be completed and must be faxed to the Office of Public Employees Occupational Safety and Health at 1-609-292-3749, by the immediate supervisor.
- E. Worker's Compensation Leave may be granted retroactively between the date of injury and the date of receipt of all proper medical and Worker's Compensation documentation upon the approval of the Chief of Police.

III. Worker's Compensation Sick Call Procedure:

- A. After being injured on duty and applying for worker's compensation, employees will use the following procedure when calling in sick on Worker's Compensation:

1. Upon completion of both the employee's medical examination and all proper Worker's Compensation paperwork, the employee will notify the Workman's Compensation Liaison and their Division Commander of the examining physician's recommendation for how much time is needed to recuperate. Documentation verifying this time must be provided by the employee as soon as possible.
 2. The Tour Commander will be notified of the employee's Worker's Compensation time, either by the employee's commanding officer, or the employee at the Commanding Officer's direction. The Tour Commander will then:
 - a. Enter the employee into the scheduling software.
 - b. Make an entry in the Workman's Compensation section of the Sick Log Book for each individual date that the employee will be out on Worker's Compensation, but not assigning a sick day number to any of those dates;
 - c. Any employee out on Worker's Compensation should be entered into the scheduling software by their Commanding Officer or the Tour Commander.
 - d. The Tour Commander can ascertain the status of an employee on Workman's Compensation by referring to the posted daily roster or to the sick logbook.
- B. Worker's Compensation time will be granted to employees who have documented physician's statements verifying the time requested. The physician must be one of the Borough of Fort Lee's approved Worker's Compensation doctors, or a doctor to whom the employee was referred by the Worker's Compensation physician.
- C. An employee out on worker's compensation shall notify their Commanding Officer and Workman's Compensation Liaison of their anticipated return date to active duty as soon as the employee obtains this information from the physician, or the department's authorized physician.
1. No employee will work an off duty detail, authorized secondary employment or departmental overtime while on worker's compensation.
 2. If on workman's compensation, an officer may respond to a scheduled court appearance with the permission of a supervisor.
- D. Employees who are out on worker's compensation leave are prohibited from operating departmental vehicles.
- E. The Chief of Police reserves the right to reassign tours of duty for members who are out on extended worker's compensation leave to accommodate the scheduling needs of the department.
- F. An employee who has experienced an injury while on duty is prohibited from using the departmental exercise room and any equipment contained therein.

IV. Light Duty

- A. The Chief of Police reserves the right to order, grant, or decline light duty to an employee and to predicate the assignment of light duty to any employee on the availability of suitable work, which an employee should be able to perform at a relatively reduced risk of aggravating an existing injury or illness.
 - 1. The employee must submit a doctor's note from their treating physician stating the employee is able to perform light duty and include their anticipated return date to active duty or the date of their next appointment.
 - 2. The employee's hours and assignment are established by the Chief of Police.
 - 3. No employee will work an off duty detail, authorized secondary employment or departmental overtime while the employee is on light or restricted duty.
 - 4. If on light duty, an officer may respond to a scheduled court appearance with the permission of a supervisor.
- B. The assignment of any employee shall always be considered temporary with the Department making no implication or statement that any such assignment is permanent or obligatory. There is no absolute responsibility on the part of the Chief of Police to assign light duty to any employee.
- C. Employees who are on light or restricted duty are prohibited from operating departmental vehicles.
- D. The Chief of Police reserves the right to reassign tours of duty for members who are approved for light or restricted duty to accommodate the scheduling needs of the department.
- E. An employee who has experienced an injury and is assigned to light or restricted duty, is prohibited from using the departmental exercise room and any equipment contained therein.

V. Rules, Restrictions, and Verification Process

- A. The proper use of all Worker's Compensation time are subject to verification by this department. In view of the need to monitor the use of worker's compensation time, as well as to deter, detect, and prevent abuse, the following restrictions and procedures should be adhered to:
 - 1. If the employee calls in on worker's compensation from a location other than their home, the employee shall furnish the Tour Commander with the name, address, and telephone number of their place of confinement during their scheduled tour of duty.
 - 2. The use of worker's compensation time is subject to verification by a designated supervisor of this department by phone confirmation or physical visitation to the employee's stated place of confinement.
 - a. It is the responsibility of the employee to be in a position to respond to the door and/or telephone in their place of confinement when such verification is attempted. If the verifying supervisor receives no

response, it will be presumed that the employee is not at their stated place of confinement, and the employee may be charged as in violation of this policy and with Absence without Leave.

- B. Employees are to remain at their place of confinement during their assigned working hours while on worker's compensation leave. The employee should contact their Division Commander to request permission to leave their place of confinement if it becomes necessary to do so. This request should include the employee's destination and anticipated time of return.
- C. Employees absent from their place of confinement without legitimate, verifiable reason during their scheduled duty hours who do not have permission from their commanding officer are subject to disciplinary action, up to and including discharge. "Legitimate purposes" would include visits to physicians, treatment centers, drug stores, religious services, exercise of voting privileges, or emergencies which have been duly reported to the employee's commanding officer, or the Tour Commander in their absence.
- D. Where clearly evident, longstanding medical incapacitation exists, documented by an authorized departmental physician's report, the officer's Division Commander may, at their discretion and with the Chief's approval, grant exceptions from the reporting and confinement requirements of this procedure. The Chief of Police also reserves the right to grant exceptions to the provisions contained herein when good cause for such exceptions exist.

VI. Administrative Investigation:

- A. A supervisor should respond to the scene and conduct an investigation into the cause of the injury/exposure.
 - 1. The investigation should include the interviewing of any available witnesses to the injury/exposure, as well as the injured/exposed employee.
 - 2. The supervisor should visit the accident site, as part of their investigation, and document the scene by photographing it, if necessary.
 - 3. If there was any faulty equipment that lead to the injury/exposure it should be collected and secured pending an official review of its operation.
 - 4. The supervisor should review the written account of the incident by the employee as part of their investigation into the cause of the injury/exposure.
 - 5. The supervisor should complete a Narrative Report documenting their findings at the conclusion of their investigation.
- B. Insurance Reporting: a supervisor will complete all appropriate reporting forms as required by the department's workers' compensation insurer.
- C. If the injury/exposure is due to a blood borne pathogen a supervisor or other designee should follow-up with the employee to make sure he/she has received follow-up treatment in accordance with initial medical treatment protocols and the Exposure Control Plan and the Blood Borne Pathogens Policy V4Ch2.3.

VII. Meaningful Review and Analysis of Incident

- A. The Administrative Division Commander or designated supervisor should perform a review of all injuries/exposures. This should include at a minimum the following:
 - 1. Review all the material compiled by the supervisor investigating the injury/exposure;
 - 2. Speak with the supervisory investigator regarding their findings; and
 - 3. Analysis Reporting: the assigned supervisor will complete a written report documenting their findings through the administrative review including, implementing changes that will likely reduce or eliminate future occurrences. These include, but are not limited to, policy changes, training, equipment enhancements, and/or discipline.

VIII. Confidentiality

- A. Doctors notes, correspondence, or other documents are to be handled, treated and filed as confidential medical records.
- B. Reports, documents and communications completed by an injured employee, investigating supervisor, Workman's Compensation Liaison and the reviewing commander or designee are to be handled, treated and filed as confidential medical records in the Workman's Compensation file.
- C. These confidential documents are not to be distributed beyond the normal business practices by the Workman's Compensation Liaison without the approval of the Chief of Police. Whenever practicable, the subject officer should be notified of a request for such documents.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES



VOLUME: 3

CHAPTER: 26

OF PAGES: 14

SUBJECT: EMPLOYEE INVOLVED DOMESTIC VIOLENCE

BY THE ORDER OF: Thomas O. Ripoll
Chief of Police

ACCREDITATION STANDARDS: N/A

Effective Date: August 29, 2012

Supersedes: All Previous

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

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

PROCEDURES

I. General

- A. This department will act quickly where incidents of domestic violence are alleged to have occurred to protect the victim, arrest the actor where appropriate and conduct parallel administrative and criminal investigations. Additionally, this department will strive to develop and implement appropriate, case-specific remedies to the situation.
- B. **Domestic Violence** is the occurrence of one or more of the following criminal offenses upon a person protected under the Prevention of Domestic Violence Act of 1991, N.J.S.A 2C: 25-17 et seq.
- | | |
|-------------------------|---------------------------|
| Homicide | N.J.S.A 2C: 11-1, et seq. |
| Assault | N.J.S.A 2C: 12-1, et seq. |
| Terroristic threats | N.J.S.A 2C: 12-3 |
| Kidnapping | N.J.S.A 2C: 13-1 |
| Criminal restraint | N.J.S.A 2C: 13-2 |
| False imprisonment | N.J.S.A 2C: 13-3 |
| Sexual assault | N.J.S.A 2C: 14-2 |
| Criminal sexual contact | N.J.S.A 2C: 14-3 |
| Lewdness | N.J.S.A 2C: 14-4 |
| Criminal mischief | N.J.S.A 2C: 17-3 |
| Burglary | N.J.S.A 2C: 18-2 |
| Criminal trespass | N.J.S.A 2C: 18-3 |
| Harassment | N.J.S.A 2C: 33-4 |
| Stalking | N.J.S.A 2C: 12-10 |
- C. Domestic Violence investigation guidelines can be found on the NJ DCJ Website at http://www.nj.gov/oag/dcj/agguide/directives/dv_manual.htm
- D. A listing of all Attorney General Guidelines can be found on the NJ DCJ Website at <http://www.nj.gov/oag/dcj/agguide.htm>
- E. This policy does not supersede:
1. Attorney General's Guidelines on Police Procedures in Domestic Violence Cases;
 2. Attorney General Directives Implementing Procedures for the Seizure of Weapons from Municipal and County Law Enforcement Officers and from All State Law Enforcement Officers Involved in Domestic Violence Incidents.
- F. These guidelines and directives remain in full force and effect and must be followed by officers responding to a domestic violence call involving a law enforcement employee.
- G. Failure of any officer or supervisor to comply with any provision of this SOP may subject the officer to discipline and criminal, civil, and administrative sanctions.
- H. This policy adopts the definitions found within NJSA 2C: 25-19 and all Attorney General Guidelines and Directives involving domestic violence.

- I. Employee shall mean any employee of this police department including sworn personnel, non-sworn personnel, and special and auxiliary police personnel.

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

- A. The department will conduct a thorough background investigations of all potential new employees to determine if there is a criminal history with particular attention to acts of domestic violence, sexual abuse, stalking, elder abuse, or child abuse, including a check of the Domestic Violence Registry to determine the existence of any active restraining orders and to determine if there is a history of domestic violence.
- B. Candidates shall be interviewed about any history of acts of domestic violence, sexual assault, stalking, elder abuse, or child abuse and past or present restraining orders and their disposition. Applications for employment to the position of police officer shall be required to provide information on these topics.
- C. Those candidates with a history of perpetrating acts of domestic violence, sexual assault, stalking, elder abuse, or child abuse shall be identified and declared ineligible for employment as police officers.
- D. Following a conditional offer of employment, candidates shall be required to undergo a psychological examination, performed by an experienced and licensed psychiatrist/psychologist or other mental health professional. The psychological screening should include a focus on indicators of violent or abusive tendencies or behaviors, including domestic violence, in their background.

III. Education & Training

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

IV. Early Warning & Intervention

A. Department responsibilities:

1. In response to observed warning signs of domestic violence behavior or at the request of an employee, this department will provide non-punitive avenues of assistance to employees, their partners, and other family members.
2. To encourage employees to take personal responsibility in seeking referrals and assistance, confidential or otherwise, and assistance from the department, or on their own initiative, to prevent a problem from escalating to the level of criminal conduct.
3. When this department is aware that an employee is undergoing a separation or divorce, or that an employee is otherwise undergoing a high conflict period with a spouse or intimate partner, and the employee is exhibiting any of the warning signs of domestic violence behavior, the department will encourage the employee to seek individual counseling.
4. This department will investigate reports of domestic violence reported by family members, other employees, or neighbors of employees.
5. In response to observed signs of domestic violence behavior or at the request of an employee, this department will refer the employee to Employee Assistance Program (EAP).

B. Supervisor responsibilities

1. Supervisors shall document any information potentially indicative of domestic violence including, but not limited to:
 - a. Aggressiveness
 - 1) Excessive or increased use of force on the job;
 - 2) Inappropriate surveillance activities;
 - 3) Unusually high incidences of physical altercations and verbal disputes;
 - 4) Citizen and fellow officer complaints of unwarranted aggression or verbal abuse;
 - 5) Inappropriate treatment of animals;
 - 6) On or off-duty officer injuries.
 - b. Domestic violence-related issues
 - 1) Monitoring, controlling, or harassing the purported victim directly or through any other person.
 - c. Deteriorating work performance

- 1) Tardiness;
 - 2) Excessive unscheduled absences;
 - 3) Evidence of alcohol and/or drug abuse.
2. When the Internal Affairs supervisor notices a pattern of behavior potentially indicative of domestic violence, the supervisor will:
- a. Address the behaviors, through interviews with the employee and document all contacts.
 - b. Under no circumstances will the identity of a reporting victim or witness be disclosed to the employee at this stage.
 - c. Forward written reports detailing the behaviors to Internal Affairs through the appropriate chain of command in a timely manner to determine if disciplinary or other appropriate action is required.
 - d. Prepare and submit to the Chief of Police a written request for a psychological exam or counseling by a licensed psychologist, psychiatrist, or other mental health professional. The supervisor's written report will include the factual basis for the referral and will attach any relevant supporting documentation. A copy of the report will also be forwarded to the County Prosecutor for consideration and discussion with the Chief of Police.
3. When the Internal Affairs supervisor determines that an employee is an actor in a domestic violence, the supervisor will:
- a. Prepare and submit to the Chief of Police a written request for a psychological examination or counseling by a licensed psychologist, psychiatrist, or other mental health professional. The psychologist, psychiatrist, or mental health professional must be provided with all reports and information available regarding the domestic violence incident(s) and other history. The psychologist, psychiatrist, or mental health professional must attempt to contact the reported victim for their input and must be provided with the reported victim's contact information; the contact information must be kept confidential. A copy of the report will also be forwarded to the County Prosecutor.
 - b. Request that the Chief of Police order the employee to seek assistance from a program for batterers that has been approved by the County Prosecutor or the department. If such a program is not available, request that the Chief of Police order the officer to a counselor who has demonstrable training and experience in counseling domestic violence batterers. The cost of the counseling may be incurred by the officer.
 - c. Contact and inform the victim of the concerns regarding the employee's behavior; that the employee has been ordered to undergo a psychological evaluation; that the evaluator will be contacting the victim; that the victim is not required to speak with

the evaluator; and, that any information disclosed by the victim may not be confidential. The supervisor will document that he/she informed the reported victim concerning this procedure.

- d. If the department decides to take disciplinary action against the employee, it will provide a copy of the psychological report to the employee in a timely manner, unless doing so would endanger the safety of the victim.

C. Employee responsibilities

1. When an employee knows or is made aware of any information of abuse or violence involving a fellow employee, the employee must report that knowledge or information to a supervisor.
2. Employees have an obligation to cooperate with any investigation of a domestic violence case involving a law enforcement employee, except in the case where the employee is the victim.
3. Employees may be subject to criminal charges or discipline if they:
 - a. Interfere with domestic violence cases involving themselves or fellow employees;
 - b. Intimidate or coerce witnesses or victims (e.g. surveillance, harassment, stalking, threatening, or false reporting).
4. Employees who are involved in any domestic violence incident involving a police response, regardless of jurisdiction, must immediately notify the tour commander or designee and provide notice of the court dates, times, appearances, and proceedings. Failure to do so may result in disciplinary action.
5. Employees, who are the subject of any domestic violence restraining order or protective order proceeding, whether or not the order is issued and regardless of jurisdiction, must immediately notify their supervisor and provide a copy of the order, if issued. Failure to do so may result in disciplinary action.

V. Incident Response Protocols

A. Department-wide response

1. This department will accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence as on-the-record information. A detailed investigation report must be completed by the responding officer. This report shall be completed regardless of whether or not an arrest is made and regardless of whether or not a criminal offense has been committed.
2. All reports of possible criminal activity implicating law enforcement employees in domestic violence will be documented in accordance with approved SOPs governing the handling of reports of domestic violence incidents.

3. A copy of the report alleging domestic violence by an employee will be forwarded to the Chief of Police and the Internal Affairs Office through the chain of command.
4. The department will make all such incident reports available to the victim and the employee without cost.
5. The Chief of Police will consult with the County Prosecutor, who will determine who should be the designated Principal Law Enforcement Contact person. If the designated Principal Law Enforcement Contact person is not available 24/7, then, after consultation with the Chief of Police, the County Prosecutor will select an alternate contact person. The contact person's information must be provided to the victim. The Principal Law Enforcement Contact person will:
 - a. Advise the victim to immediately report any violation of any restraining order to the police department where it occurred and to the designated Principal Law Enforcement Contact person.
 - b. Advise the victim to contact the designated Principal Law Enforcement Contact person if there is any harassment, witness tampering or intimidation by a law enforcement officer.
 - c. Intervene if the officer or agents of the employee are harassing or intimidating the victim, or violating no-contact orders.
 - d. Provide the victim with the name and contact number of the Domestic Violence Assistant Prosecutor in the county where the actor employee is charged with committing a criminal offense, contempt of a domestic violence restraining order, or subject to a motion for forfeiture of weapons. The victim should also be provided with the name of the victim-witness advocate or detective in the Prosecutor's Office who have been designated as the resource persons in the Prosecutor's Office.
 - e. Provide the victim with contact information for a local domestic violence program and with approved safety planning material.
 - f. Keep the victim apprised of all case developments.
 - g. Ensure that the chain of command, including the Chief of Police is regularly briefed on both the administrative and criminal investigations.
 - h. Assist the victim with safety planning should the employee be terminated. Assistance will be provided by linking the victim with resources and preparation planning either within the department or via outside government and non-profit agencies.

B. Communications response

1. Communications personnel will assign a high priority to all domestic violence calls, including those that involve or appear to involve law enforcement personnel from any agency.

2. Communications personnel will immediately notify the tour commander or designee of any domestic violence call received that involves, or appears to involve, law enforcement personnel from any agency.
3. Communications personnel will prepare and preserve documentation of the facts and circumstances of the call, including any relevant recorded call for service, for use in potential administrative or criminal investigations upon knowledge or notification that the domestic violence incident involved law enforcement personnel from any agency.

C. Patrol Response

1. Upon arrival on the scene of a domestic violence call or incident involving a law enforcement officer, the primary patrol unit will immediately notify communications and request the road supervisor to report to the scene, regardless of the involved employee's jurisdiction.
2. Responding officers will follow standard police response procedures as set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* and the policies of this department.

D. On-scene supervisor response

1. The road supervisor will immediately report to the scene of all law enforcement employee domestic violence incidents regardless of the involved employee's jurisdiction.
2. The road supervisor will immediately notify the County Prosecutor's Office of any domestic violence incident involving a law enforcement employee for direction on handling the case regardless of whether criminal charges are filed or a restraining order is issued.
3. The road supervisor will assume command and ensure that the scene is secured and that all evidence is collected in accordance with approved investigative procedures.
4. The road supervisor will ensure that an arrest is made in cases where mandatory arrest is required or probable cause exists.
5. If the alleged offender has left the scene and probable cause exists, the supervisor will:
 - a. Exhaust all reasonable means to locate the alleged offender;
 - b. Ensure that an arrest warrant is sought, if unable to locate the alleged offender;
 - c. Document all subsequent actions in a timely manner.
6. If the victim has left the scene, the supervisor will make every effort to follow through on the investigation and attempt to locate the victim.
7. Arrest of both parties involved in a domestic violence incident should be avoided. The road supervisor will ensure that a thorough investigation is

conducted and an arrest of the primary aggressor is made in accordance with State law. In determining which party is the primary aggressor where both parties exhibit signs of injury, the tour commander or designee should consider such factors as:

- a. Any history of domestic violence or violent acts by either person;
 - b. Whether the injury was caused by a person acting in self-defense;
 - c. Relative size and strength of the persons involved;
 - d. The comparative severity of the injuries suffered or inflicted;
 - e. Each person's fear of physical injury resulting from the other person's threatened use or history of use of force.
8. The tour commander or designee will ensure the victim is informed of the following:
- a. Victims' rights as set forth in the Victim Notification Form;
 - b. Procedures for obtaining a restraining order;
 - c. The availability of a Domestic Violence Response Team member or a domestic violence advocate immediately following the incident;
 - d. The availability of confidential transportation to a location that can provide improved victim safety.
 - e. Community resources, local domestic violence victim services, including shelter, and safety planning information.
9. Whenever a domestic violence call involving a law enforcement officer does not result in an arrest or a warrant is not sought, the on-scene supervisor will explain in a written report why these actions were not taken, and the report shall be forwarded to the Internal Affairs unit.
10. The road supervisor will notify the Chief of Police through the chain of command as soon as possible. If the employee is from another jurisdiction, the supervisor will ensure that notification is made to the Chief of Police or law enforcement chief executive in the department where the accused employee is employed. All notifications, and attempts to notify, will be fully documented in writing and shall be forwarded to the Internal Affairs Unit.
11. The road supervisor will ensure that communications personnel are notified that the incident involves a law enforcement employee.

E. Additional critical considerations

1. When responding to a domestic violence incident involving a law enforcement officer from another jurisdiction, all responding officers, investigators, and supervisors will follow the same procedures that are to be followed in responding to a domestic violence complaint involving an officer from this department as set forth in the *Attorney General's*

Guidelines on Police Response to Domestic Violence Cases and Attorney General Weapons Seizure Directives.

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

F. Department follow-up

1. In a timely manner, the Chief of Police shall ensure that all officers who responded to a law enforcement officer domestic violence call are debriefed. The debriefing should include:
 - a. A review of department confidentiality guidelines;
 - b. A direct order prohibiting discussion of the incident outside of the official inquiry;
 - c. A clear delineation of assignments.
2. Follow-up investigators will proactively seek out information on existing protective orders and, if found, will enforce them and any applicable state and federal firearms laws and determine whether the officer violated

department policy by failing to report the temporary or final restraining order.

3. Arrest warrants charging law enforcement officers with domestic violence and protective orders issued at a later time should all be served by no fewer than two officers with at least one being of senior rank to the officer being served. In cases where firearms have not previously been seized, firearms will be seized and decisions about seized weapons shall be made as set forth in the *Attorney General's Guidelines on Police Response Procedures in Domestic Violence Cases* and in the *Attorney General Weapons Seizure Directives*.
 4. This department will conduct a thorough Internal Affairs investigation even if the temporary or final restraining order is dismissed against a member of this department.
 5. Following the reported incident, the Chief of Police or law enforcement chief executive of the primary investigative department or designee will immediately contact the designated Principal Law Enforcement Contact person and advise that person of the domestic violence incident and request that he/she perform the duties listed in Subsection V.A(6) of this policy.
- G. Response in cases involving restraining order only
1. Any law enforcement officer who is served with a temporary or final restraining order must immediately inform his or her supervisor and provide a copy of the order to the supervisor.
 2. Whenever this department is notified that a temporary or final restraining order is issued against a member of this department, this department will serve the restraining order, if it has not already been served, or will assist any other agency in ensuring the immediate service of the restraining order. This department will also ensure that a supervisory officer will be present at any time the law enforcement officer is removing personal items from any common residence with the victim pursuant to the restraining order.
 3. If a law enforcement officer's duty and off-duty firearms and weapons have not already been turned in pursuant to the *Attorney General Weapons Seizure Directives*, the weapons shall be immediately seized by this department.
 4. No weapon is to be returned or issued to the law enforcement officer except pursuant to the procedure set forth in *Attorney General Weapons Seizure Directives*.
 5. This department will ensure that an Internal Affairs investigation is initiated pursuant to the procedures set forth in the *Attorney General's Internal Affairs Policy and Procedures Manual*.
 6. This department will immediately notify the Prosecutor's Office of the issuance of a restraining order against the officer.

7. The Chief of Police or designee will immediately contact the designated Principal Law Enforcement Contact person to perform the duties listed in Section V A(6) of this policy.

VI. Seizure of Weapons

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

VII. Victim Safety & Protection

- A. This department will make all reasonable efforts to:
 1. Provide law enforcement protection and other safety measures to a victim of law enforcement officer domestic violence.
 - a. Directed patrol initiatives including:
 - 1) Drive-bys;
 - 2) Dismounted patrols;
 - 3) Welfare checks.
 2. Assist in arranging for the transportation of the victim to a safe place when necessary.
 3. Ensure victim contact with trained domestic violence advocates for safety planning.
 4. These protective measures will remain in effect even if the officer is terminated as a result of committing domestic violence.
- B. Victim Notification - To better ensure victim safety, the designated Principal Law Enforcement Contact person will inform the victim as to the status of the case as far in advance as possible to all impending actions taken against or with the officer. This department will provide reasonable assistance to help the victim with safety measures.
- C. Confidentiality of Victim Location - If the victim wishes to be placed in an undisclosed safe home, she/he may be transported by another party in lieu of a law enforcement officer. Those law enforcement employees who do have contact with the victim must keep all information concerning his/her whereabouts and safety plans confidential.
- D. Prohibition of Law Enforcement Court Accompaniment - No law enforcement officer will attend any domestic violence related court proceeding of any law enforcement employee unless subpoenaed to appear, or authorized by the agency, or as part of their investigation.

VIII. Post Incident Administrative & Criminal Decisions

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

IX. Supplemental

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

X. 18 USCA § 922 et seq. Lautenberg Law

- 1. The Lautenberg Law, 18 USCA § 922 (g) (9) prohibits police officers convicted of certain domestic violence related crimes and offenses from carrying firearms. The Chief of Police shall ensure compliance with this federal law.
- 2. 18 USCA § 922 (g) (9) makes it unlawful for any person who has a prior conviction for a "*misdemeanor crime of domestic violence*" to ship, transport or receive firearms or ammunition. Federal, state and local officers and employees who carry firearms in the course of performing their duties are ***not*** exempt from this law. This law applies regardless of the date of the conviction and regardless of the date of the commission of a "*misdemeanor crime of domestic violence*".
- 3. In order for this law to be applicable, the actor and the victim must have a relationship covered by this law. Consistent with this law's focus on domestic violence, it applies only if the actor is:
 - 1. The current or former spouse of the victim; or
 - 2. The parent or guardian of the victim; or
 - 3. A person with whom the victim shares a child in common; or
 - 4. A person who is cohabiting or has cohabited with the victim as a spouse, parent or guardian; or
 - 5. A person who is similarly situated to a spouse, parent, or guardian of the victim.
 - 6. A person who is cohabiting with a victim, but not as a spouse, parent or guardian. Dating relationships are not included unless living together.
- 4. The offense must have specific violent elements, specifically:

1. The use or attempted use of physical force; or
2. The threatened use of a deadly weapon.
5. If a particular offense has alternative elements then the conviction counts only if the conviction is based upon facts that include the use or attempted use of physical force or the threatened use of a deadly weapon.
6. The offense must be a misdemeanor within the meaning of federal law. Since New Jersey does not have misdemeanor offenses, the term should be construed to include offenses that New Jersey classifies as disorderly person and petty disorderly person offenses.
7. The actor must have been represented by counsel or waived the right to counsel. Under federal law, a conviction for a crime that is a "*misdemeanor crime of violence*" does not count if the person convicted was not represented by counsel or did not knowingly and intelligently waive the right to counsel at the time of trial or guilty plea.
8. The conviction must be one that has not been expunged, set aside or pardoned.
9. Pursuant to the provisions of the Lautenberg Law, 18 U.S.C.A. § 922 (g)(8), if a final domestic violence restraining order is issued, and for the duration of that order:
 1. A police officer may be authorized by a court to possess a department-issued firearm under conditions recommended by the appropriate county Prosecutor; and
 2. The officer may not possess any personally owned firearms.
10. Any police officer convicted of a domestic violence related crime or offense requiring them to be disarmed will be subject to termination from employment as a police officer upon final disciplinary action.
11. Police officers, who are the subject of a final restraining order for domestic violence under the Lautenberg provisions, shall be disarmed unless otherwise ordered by the court that issued the final order, and will be terminated from employment as a police officer upon final disciplinary action, unless the restraining order is dismissed.

**ADMINISTRATION
EQUAL EMPLOYMENT OPPORTUNITY PLAN
VOL. I, CH. 10
DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES**

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 12-31-2002	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME I
VOLUME TITLE: ADMINISTRATION	# PAGES: 3					CHAPTER 10
ACCREDITATION STANDARD(S):	REFERENCE: V#C#					
SUBJECT: EQUAL OPPORTUNITY PLAN						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

POLICY:

It is the policy of the Borough of Fort Lee Police Department to promote the realization of equal employment opportunity through a positive continuing program of specific practices designed to recruit, hire, train and promote persons in all job classifications without regard of race, color, religion, sex or national origin.

Base decisions on employment so as to further the principle of equal employment opportunity. Ensure the promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.

Ensure that all personnel actions, including but not limited to compensation, benefits, transfers, layoffs, return from layoffs, company sponsored training, education, tuition assistance, social and recreational program will be administered without regard to race, color, religion, sex or national origin.

Equal Employment Opportunity is not only the law, but it is a principle of the Borough of Fort Lee Police Department's operation. Each employee is expected to cooperate to achieve this goal.

**ADMINISTRATION
EQUAL EMPLOYMENT OPPORTUNITY PLAN
VOL. I, CH. 10**

**BOROUGH OF FORT LEE
POLICE DEPARTMENT
Borough of Fort Lee, New Jersey**

**EQUAL EMPLOYMENT OPPORTUNITY PLAN
STATEMENT OF MANAGEMENT COMMITMENT
(AFFIRMATIVE ACTION STATEMENT)**

POLICY STATEMENT

It is the policy of the Borough of Fort Lee Police Department to promote the realization of equal employment opportunity through a positive continuing program of specific practices designed to ensure without regard to race, color, religion, sex or national origin.

To implement these policies, the Borough of Fort Lee Police Department will continue to:

- A. Recruit, hire, train and promote persons in all job classifications without regard to race, color, religion, sex or national origin.
- B. Base decisions on employment so as to further the principle of equal employment opportunity, following valid Civil Service requirements.
- C. Ensure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid Civil Service requirements for promotional opportunities.
- D. Ensure that all personnel actions, including but not limited to compensation, benefits, transfers, layoffs, return from layoffs, Department sponsored training, education will be administered without regard to race, color, religion, sex or national origin.

Equal Employment Opportunity is not only the law, but it is a principle of the Borough of Fort Lee Police Department's operation. It is expected that each employee will cooperate in achieving this goal.

**ADMINISTRATION
EQUAL EMPLOYMENT OPPORTUNITY PLAN
VOL. I, CH. 10**

NARRATIVE OF AGENCY AND MISSION

New Jersey Statute 40A:14-118 states, "The governing body of any municipality, by ordinance, may create and establish a police department and force and provide for the maintenance, regulation and control thereof, and except as otherwise provided by law, appoint such members, officers and personnel as shall be deemed necessary, determine their terms of office, fix their compensation and promulgate rules and regulations for the government of the department and force and for the discipline of its members."

The Police Department is established by authority of the Borough of Fort Lee ordinance entitled, (Article 1-90) Police Department, of the Code of Borough of Fort Lee, in the County of Bergen, State of New Jersey, to establish, maintain, regulate and control a police department in and for Borough of Fort Lee in the County of Bergen.

RECRUITMENT

A recruitment program shall be designed to effectuate the Plan. The recruitment procedures shall include, but not be limited, to the following:

- A. Recruitment process will comply with Civil Service standards.

HIRING OF APPLICANTS

Hiring of applicants will follow background investigations and approval of the Chief of Police and the Mayor and Council, applicants will be taken from the New Jersey Department of Personnel Civil Service list.

STATUTORY REFERENCES

- A. The Civil Rights Act of 1964
- B. The Equal Employment Opportunity Act of 1972
- C. The New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 et seq.)
- D. Age Discrimination Employment Act of 1967
- E. The Rehabilitation Act of 1973
- F. Proposed Affirmative Action Regulation, promulgated by the New Jersey Department of the Treasury, pursuant to P.L. 1975, c 127

**OPERATIONS
EQUIPMENT OFFICIAL CREDENTIALS
VOL. IV, CH. 16-1.1**

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 12/29/99	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME IV
VOLUME TITLE: OPERATIONS	# PAGES: 3					CHAPTER 16-1.1
ACCREDITATION STANDARD(S):	REFERENCE: V4C16-1.1					
SUBJECT: EQUIPMENT: OFFICIAL CREDENTIALS						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To establish guidelines for the use and care of departmental issued identification.

POLICY:

The Fort Lee Police Department will:

1. Issue a badge and hat badge to sworn officers identifying the bearer as a police officer;
2. Issue identification cards (ID) to officers and civilian employees verifying the personal identity of the bearers and their relationship to the Fort Lee Police Department;
3. Badges and identification cards will be issued by the Administrative Division Commander, who should maintain a record of assigned credentials, indicating date issued, person issued to, person authorizing issue, and date replaced, if applicable. An inspection and inventory of the badges and badges in inventory should be conducted by the Administrative Division Commander's office, at least annually.
4. Require employees, to whom such symbols of authority are issued, to make every reasonable effort to ensure the security and safekeeping of badges and ID cards at all times; and
5. Take disciplinary action against employees failing to safeguard their credentials.

**OPERATIONS
EQUIPMENT OFFICIAL CREDENTIALS
VOL. IV, CH. 16-1.1**

Police officers are to carry their badge and ID cards:

1. At all times when in the state of New Jersey, except when it would jeopardize an operation and is authorized by a supervisor.
2. At all times when carrying a firearm, except when it would jeopardize an operation and is authorized by a supervisor.
3. At all times when out of state on an assigned detail including training.

Civilian employees are to carry their ID at all times.

Police officers may purchase duplicate badges as needed for additional uniforms and badge holders.

Employees are prohibited from photocopying department ID cards without written authorization from the Chief of Police.

PROCEDURE

I Officers

- A. Each officer that is issued a department badge and ID card should make every reasonable effort at all times to prevent the theft or loss of such items.
- B. When acting in an official capacity, an officer should produce their badge and/or ID card for any member of the public requesting to see the credentials as a means of identifying them as an officer. Conforming to such a request is not required if the situation is such that conforming would endanger the officer, another Fort Lee Police Department employee or the general public.

II Civilian Employees

- A. Each civilian employee that is issued a department ID card should make every reasonable effort at all times to prevent the theft or loss of such items.
- B. When acting in an official capacity, a civilian employee should produce their ID card for any member of the public requesting to see the credentials as a means of identifying them as an employee.

III Identification cards

- A. Identification cards are to be issued to a police officer when:
 1. The officer is hired, promoted or retired.
 2. A new Chief of Police takes office.

OPERATIONS
EQUIPMENT OFFICIAL CREDENTIALS
VOL. IV, CH. 16-1.1

3. Anytime, as deemed necessary by the Chief of Police.
- B. Identification cards should contain enough personal information to ensure that the bearer is the person to whom the ID card was issued.
- C. Identification cards shall bear of photograph of the employee.
- D. Expiration Dates
 1. Police ID cards should not have an expiration date.
 2. Full-time civilian employee ID cards should expire 5 years from the date of issue.
- E. Badges and ID cards that are issued to employees are property of the Police Department.
- F. Civilian employees will surrender their issued ID card to the police department upon terminating their employment with the department.

IV Missing badge or ID card

- A. Immediately upon determining a badge or ID card is missing, the employee should report the theft or loss to the immediate supervisor, if available, or to the Tour Commander if their supervisor is not available.
- B. The employee should follow the verbal notification by completing a report detailing the circumstances surrounding the missing items.
- C. The supervisor to whom the disappearance is reported should ensure the loss or theft is entered immediately into NCIC if the badge / ID card have a unique identification characteristic (engraved badge). The officer's badge number by itself is not unique.
- D. The commander of the unit to which the employee is assigned should take appropriate action to verify the facts surrounding the loss and submit a written report through the chain of command, to the Administrative Division Commander within five (5) working days from the date of notification. The written report should include:
 1. The supervisor's assessment of whether or not the loss was avoidable, and
 2. An assessment of the employee's negligence, if any.
- E. The employee's Division Commander should determine whether or not the loss of the badge or ID card was avoidable and will take appropriate disciplinary action if required. The employee will receive notification of the finding and its factual justification.

OPERATIONS
EQUIPMENT PORTABLE RADIOS
VOL. 4, CH. 16-1.2

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 01-15-2003	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME IV
VOLUME TITLE: OPERATIONS	# PAGES: 3					CHAPTER 16-1.2
ACCREDITATION STANDARD(S):	REFERENCE: V4C16-1.2					
SUBJECT: EQUIPMENT: PORTABLE RADIOS						DISTRIBUTION ALL
ISSUING AUTHORITY: <u>CHIEF THOMAS R. TESSARO</u>						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE: SOP 95-1 (rev.)						

PURPOSE

To outline the procedures for providing officers with effective communications through the issuance of portable radio.

POLICY

The Fort Lee Police Department shall issue a portable radio to all sworn officers as supplies warrant.

PROCEDURE

- I. Upon issue, every officer will:
 - A. Acknowledge on the Issued Equipment Sign Off sheet that the issued radio and equipment was received.
 - B. Ensure that the issued radio is always available whenever the officer is on duty, properly charged, and in working condition.
 - C. The officer will list their radio number on the car sheet on a daily basis.
 - D. The Tour Commander will enter each working officer's radio number in the blotter on every tour.

OPERATIONS
EQUIPMENT PORTABLE RADIOS
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II. Replacement Radios

- A. Spare radios will be deployed, in compliance with sections B & C below, if an assigned portable radio is:
 - 1. In communications for repairs,
 - 2. Reported lost or stolen, or
 - 3. An officer reports for duty without their portable. In such cases the officer's immediate supervisor should take the appropriate steps to ensure that the officer does not repeatedly report for work unprepared. If the problem persists, then the officer should receive discipline for failing to comply with this policy.
- B. Upon notification, the Tour Commander will allow an officer to utilize one of the spare radios. This radio must be bar-coded to the officer.
 - 1. The supervisor issuing the spare radio will ensure that the proper bar-coding procedures are completed.
 - 2. The officer receiving the spare radio will be held strictly accountable for it until such time that it is bar-coded back into HQ (office) by the supervisor receiving it at the end of the tour.
 - 3. Spare portables may only be used for the duration of the officer's daily tour and must be returned at the completion of said tour.
- C. If an officer who has not been issued a portable radio should need one in the performance of his duties:
 - 1. The officer must notify the Tour Commander.
 - 2. The Tour Commander will issue the portable and make proper entry in the barcode system.
 - 3. The officer to whom the radio was issued must return the radio at the completion of the tour, whereupon the receiving supervisor will barcode it back in and place it in the charger.

III. Battery Exchanges

- A. In the event that an officer's assigned radio battery should run down during the course of a tour, or during a double shift, that officer may request the Tour Commander to exchange their radio battery with the battery of a spare radio behind the police desk.

OPERATIONS

EQUIPMENT PORTABLE RADIOS

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- B. Spare portable radio batteries will be issued by the Tour Commander on an exchange basis only; the officer requesting a battery must turn in their battery upon receiving the fresh battery.
- C. A SPARE RADIO WILL NEVER BE LEFT BEHIND THE DESK WITHOUT A BATTERY.
- D. The Tour Commander will mount the exchanged battery on the spare portable and place it in the charger behind the desk.

IV. Radio Malfunctions and Repairs

- A. If an assigned portable radio is in need of repair, or fails to function properly, the assigned officer is to:
 - 1. Send an E-mail (copy interoffice) to Communications Repair, the immediate supervisor and the Administrative Division Commander, detailing the radio's malfunction as specifically as possible.
 - 2. Transport the faulty radio to the Communications Repair and turn it over for repair. If Communications Repair is closed, the officer may leave the radio in the Communications Center for the Communications Center Supervisor. If this is done the Communications Center Supervisor should be included in the E-mail.
 - 3. It shall be the assigned officer's responsibility to inquire as to the radio's status and to pick it up when the repair is completed.
 - 4. If a spare radio is malfunctioning, the Tour Commander will have it delivered to Radio Repair using the above procedure, make an entry in the barcode system as to the radio's status, and place a 3x5 card indicating the radio's status in its respective charger slot behind the desk.
 - a. When the radio returns to service, the entry in the barcode system will be completed by the receiving officer, and the radio will be returned to the charger or the officer it was issued to.

V. Lost or Stolen Radios

- A. If an assigned portable radio is either lost or stolen:
 - 1. An investigation report must be completed by the officer utilizing the radio.
 - 2. A detailed narrative report on the circumstances surrounding the loss of the radio will be prepared.
 - 3. The make, model and serial number must be entered into N.C.I.C.
 - 4. Copies of the above reports must be forwarded up the chain of command to the Chief.

OPERATIONS

EQUIPMENT SUPPLEMENTAL NYLON RESTRAINING CUFF

VOL. 4, CH. 16-1.3

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 02-02-2004	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME IV
VOLUME TITLE: OPERATIONS	# PAGES: 3					CHAPTER 16-1.3
ACCREDITATION STANDARD(S):	REFERENCE: V4C16-1.3					
SUBJECT: EQUIPMENT SUPPLEMENTAL NYLON RESTRAINING CUFF						DISTRIBUTION ALL
ISSUING AUTHORITY: <u>ACTING CHIEF BERNARD M. HART</u>						EVALUATION DATE:
ATTORNEY GENERAL:						Special Instructions
PROSECUTOR'S OFFICE:						
REFERENCE: SOP 96-6						

PURPOSE

To outline the procedures as to when, where and how to employ supplemental nylon restraining cuffs.

This policy shall apply to all sworn police personnel while in the performance of their duties in the field and in headquarters under the conditions and circumstances described herein.

POLICY

The department shall make supplemental nylon restraints system handcuffs available to officers by either issuing them to the individual officer or placing them in department vehicles. Officers are authorized to employ the use of supplemental nylon restraints as described herein.

DEFINITIONS

"Supplemental Nylon Restraining Cuffs" shall be defined as a single use disposable device, constructed of nylon, employed for the temporary restraint of non violent individuals under conditions similar to those in which regular handcuffs would be employed. They are referred to as "Supplemental Restraints" because they are not to be employed instead of regular handcuffs, but only under the circumstances and applications discussed herein. The supplemental nylon restraining cuffs are also known under various trade marked manufacturer's names as "Tuff Cuffs", "Flexi-Cuffs", and others. As various types of these products become commercially available, this department may eventually employ them; they will be described in this policy in the generic sense only.

OPERATIONS

EQUIPMENT SUPPLEMENTAL NYLON RESTRAINING CUFF

VOL. 4, CH. 16-1.3

PROCEDURE

- I. Conditions For Use of Supplemental Nylon Restraining Cuffs
 - A. Officers effecting an arrest will generally use their standard handcuffs in restraining as many actors under arrest as possible.
 - B. The supplemental restraints will generally be used only when the number of actors arrested exceeds the pairs of standard handcuffs available to restrain them.
 - C. There are exceptions, however, under which the nylon restraints may be used. These exceptions include:
 1. Biohazard cases: If a suspect is bleeding, has vomited, or is or has otherwise been excreting bodily fluids that may contaminate standard handcuffs, the supplemental nylon restraining cuffs may be employed if the prisoner is non-violent. Upon being removed from the prisoner the device must be disposed of in a manner proper for the disposal of infectious waste.
 2. As Leg Restraints: If a suspect is an extraordinary escape risk AND leg irons are unavailable, the supplemental nylon restraints may be employed on a temporary basis. They should be immediately removed upon cessation of the escape risk, upon obtaining regular leg irons, or upon the prisoner's arrival in a secure holding facility.
 3. Civil Unrest/Riot/Demonstrations/Mass Arrests: These are generally situations in which the number of suspects under arrest may exceed the number of regular handcuffs available. In these cases, the supplemental nylon restraints should be employed on the least violent or resistive subjects, if possible, with regular cuffs being employed for those suspects who are violent or resistive.
- II. Procedures for use of Supplemental Nylon Restraints
 - A. All personnel who are to use the supplemental nylon restraining devices are to read or view any applicable training materials or tapes, and sign off on the appropriate sign off sheet indicating so prior to being authorized to use the devices.
 - B. The devices shall be applied to prisoners under circumstances discussed previously in a manner consistent with the use of regular handcuffs. Considerations for the application of these devices include, but are not limited to:
 1. They should only be applied in situations where the use of regular handcuffs is justified.
 2. Care should be taken to not apply the cuffs too tight, as they cannot be loosened.

OPERATIONS

EQUIPMENT SUPPLEMENTAL NYLON RESTRAINING CUFF

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3. If the particular brand of nylon restraint provides a double locking feature, then that feature should be employed.
- C. The nylon restraints may be marked with defendant's identity or other pertinent information, this being particularly useful in multiple arrest situations.
- D. Once the suspect is under control in a secure holding facility, or otherwise no longer needs to be restrained; the supplemental nylon restraints will be removed. The device should then be disposed of in a proper manner, particularly if a biohazard case is involved.

III. Follow-Up:

- A. Any time the supplemental nylon restraints are employed, the officer who uses the restraints, will replenish the respective unit's supply. Extra sets should be available at the police desk in a supply cabinet. The Tour Commander will issue extra sets as necessary.
 1. When the supply of spare restraints becomes low, the Tour Commander will be responsible for restocking the cabinet via request to the Shift Supervisor or Patrol Captain.
 2. Spare restraints may also be available from any on duty Shift Supervisor.
- B. The officer utilizing the Patrol Vehicle will be responsible for ensuring that the supplemental restraints are present and intact in all patrol units during daily vehicle equipment inspections. Restraints in need of replacement should be noted on inspection sheets and brought to the Tour Commander or Road Supervisor's attention.
- C. The Road Supervisor / Tour Commander will be responsible to ensure that the officer conducted a daily inspection of the vehicle and its equipment.
- D. Written critiques of the supplemental nylon restraints employed by this department are welcome. If there is a problem with, or suggestion concerning the use of these devices, it should be put in formal report form and specifically note any details concerning said problem or suggestions. All suggestions and problems concerning these devices will be reviewed and considered.

OPERATIONS
EQUIPMENT TRAFFIC SAFETY VESTS
VOL. IV, CH. 16-1.4

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 02-03-2003	REVISION DATE: 11/5/2007	PAGE #: 1 2	SECTION: Policy II-A3	APPROVED	VOLUME IV
VOLUME TITLE: OPERATIONS	# PAGES: 3					CHAPTER 16-1.4
ACCREDITATION STANDARD(S):	REFERENCE: V4C16-1.4					
SUBJECT: EQUIPMENT: TRAFFIC SAFETY VESTS						DISTRIBUTION ALL
ISSUING AUTHORITY: _____ CHIEF THOMAS O. RIPOLI						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE: SOP 96-4						

PURPOSE

To establish guidelines for the issuance, proper use and care of departmental traffic safety vests.

POLICY

This policy will apply to all sworn police personnel in this department under the conditions described herein.

This department shall issue all sworn police personnel an ANSI Level II florescent yellow green colored traffic safety vest, with orange reflective striping and "POLICE" emblazoned in black capital letters down the right chest and across the horizontal reflective material on the rear of the vest. As with all issued equipment, the officer will sign for the vest when it is issued to them.

Plainclothes officers may use ANSI Level I blue police vests issued to specific vehicles for identification purposes ONLY when involved in special operations that do no involve traffic control (i.e. active shooter response, crime scene control).

OPERATIONS
EQUIPMENT TRAFFIC SAFETY VESTS
VOL. IV, CH. 16-1.4

PROCEDURE

I Responsibilities

- A. It shall be the responsibility of each individual officer to have the traffic safety vest available for their immediate use while on duty at all times.
- B. Each individual officer shall maintain their vest in an appropriate manner so that it remains clean, unwrinkled, and in a usable condition.
- C. As with all issued equipment, the officer shall be financially responsible for the replacement of the traffic safety vest in the event of its loss, destruction, or deterioration through misuse, or abuse.
 - 1. The department will only replace a worn or destroyed vest with good cause, and only upon receipt and approval of appropriate documentation describing the circumstances of the loss.
- D. Supervisors shall, in the course of their normal equipment inspections, periodically inspect traffic safety vests of all personnel under their respective command.

II. Conditions and Procedures for Use:

- A. The traffic safety vests shall be used by the specified police personnel under the following circumstances:
 - 1. All Traffic and Patrol personnel, while engaged in maintaining a normally assigned traffic post, such as those that are manned by this department on a daily basis, shall wear the traffic safety vest for the duration of that post.
 - 2. Traffic and patrol personnel, while engaged in the diversion of traffic from an incident or collision scene, when that temporary post will be manned for all but the briefest period of time, shall wear the traffic safety vest.
 - 3. Any time a plainclothes officer mans a traffic post, for any period of time, the traffic vest shall be worn, for obvious safety and identification reasons. Plainclothes officer should be relieved as soon as manpower permits. Plainclothes officers may use ANSI Level I blue police vests issued to specific vehicles for identification purposes ONLY when involved in special operations that do no involve traffic control (i.e. active shooter response, crime scene control).
 - 4. Any officer, while assigned to or manning a traffic detail of any sort, or a security detail that involves directing traffic, shall wear the vest for the duration of the detail.

OPERATIONS

EQUIPMENT TRAFFIC SAFETY VESTS

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5. During hours of darkness, plainclothes personnel, while working in the roadway at the scene of an incident or collision, will wear the safety vest for the duration of their involvement at the scene.
6. The traffic vest shall be worn, at the direction of a supervising officer, at any scene, event, special operation, incident, or collision where the supervisor deems it necessary. Supervisors will ordinarily issue such an order within their own chain of command, unless exigent circumstances are present.
7. The supervisor at the scene of any incident where the wearing of the vest by police personnel is called for will be accountable for ensuring the proper wearing of the vests by those under their supervision and command.

**INVESTIGATION
EYEWITNESS IDENTIFICATION
VOL. VIII, CH. 11
DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES**

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 06-18-2003	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME VIII
VOLUME TITLE: INVESTIGATION	# PAGES: 10					CHAPTER CH-11
ACCREDITATION STANDARD(S):	REFERENCE: V# VIII C#-11					
SUBJECT: EYEWITNESS IDENTIFICATION						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 the use of eyewitness identifications involving showups, photographic identifications and lineups.

POLICY:

Eyewitness identification is a frequently used investigative tool. As such, officers shall strictly adhere to the procedures set forth here in order to maximize the reliability of identifications, minimize unjust accusations of innocent persons and to establish evidence that is reliable and conforms with established legal procedure.

DEFINITIONS:

- A. **Show-up:** The presentation of one suspect to an eyewitness in a short time frame following commission of a crime.
- B. **Photo Array:** The showing of several photographs to an eyewitness for the purpose of obtaining an identification.
- C. **Lineup:** The presentation of a number of individuals, including the suspect, simultaneously before an eyewitness.

**INVESTIGATION
EYEWITNESS IDENTIFICATION
VOL. VIII, CH. 11**

I. PROCEDURES:

A. Initial Procedures

1. The first investigative step is to secure the crime scene and assemble all persons on the premises where the incident occurred, along with anyone else in the vicinity who might have observed the perpetrator and record their names and addresses.
2. Initially the police should seek to ascertain if anyone knew or recognized the perpetrator.
3. The police then should promptly conduct separate interviews of any persons who can provide a description.
4. Pertinent information will include the number of perpetrators, their physical characteristics, including race, height and build, and their clothing.
5. It should be noted that court rules and proper investigative procedures mandate a complete record of all steps in the identification process be maintained. Therefore, officers should carefully record all pertinent information in their memo books and safeguard this material for future use.
6. Written or taped statements should be obtained.

B. Follow-Up Procedures

1. When preliminary investigation indicates that the perpetrator may have remained in the general vicinity, it is often beneficial to peruse the area with a witness. During this procedure, it is imperative that the officer refrain from implicating anyone he believes suspicious.
2. When a likely suspect is observed, all that should be done is to point him out in order to elicit the witness' attention and reaction. That response will, of course, dictate whether further action is warranted.

C. On the Scene Identification

1. If a suspect is apprehended within a reasonable period after the crime, he/she may be detained where he/she was stopped, for a drive-by identification by the victim and witnesses.
2. If there are several witnesses, they should be kept apart.
3. Separate viewings should be conducted.

**INVESTIGATION
EYEWITNESS IDENTIFICATION
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4. The police should eliminate as many suggestive factors as possible, (handcuffs, physical restraints, etc.) as security will influence the viewer.

D. Headquarters Identifications

1. If a suspect is not apprehended within 90 minutes of the crime, all subsequent eyewitnesses identification procedures should be conducted at the police station.
 - a. These should be photo array's or line-up procedures (line-ups should be in conjunction with Bergen County Prosecutors Office).
 - b. No show-up identification should be made at headquarters.
2. When such an identification is to be attempted, the proper headquarters personnel should be advised of the witness's expected arrival.
3. All measures necessary to prevent an inadvertent confrontation between the witness and suspect before the actual procedure commences, should be taken.
4. If the suspect has recently been apprehended on the street, the witness should not be permitted to remain in any station house area, which will afford him a view of the suspect's arrival.
5. The integrity of the witness' identification should not be jeopardized by an unauthorized observation made prior to the commencement of the identification procedure.

E. Show-ups (Bringing suspect back to crime scene)

Many courts have suppressed identification evidence based on the use of show-ups because of the inherent suggestiveness of the practice. Therefore, the use of show-ups should be avoided whenever possible in preference for the use of a lineup. However, when exigent circumstances require the use of show-ups, the following guidelines should be followed.

1. Show-ups should not be conducted when the suspect is in Headquarters, manacled or dressed in jail clothing.
 - a. Show-ups should be conducted at the scene within the first 90 minutes if possible with the approval of a supervisor.
 - b. Under extreme circumstances, a show-up may be conducted in other locations (Hospital, ambulance etc).

**INVESTIGATION
EYEWITNESS IDENTIFICATION
VOL. VIII, CH. 11**

2. Show-ups should not be conducted with more than one witness present at a time. If the show-up is conducted separately for more than one witness, the witnesses should not be permitted to communicate before or after the show-up regarding the identification of the suspect.
3. The same suspect should not be presented to the same witness more than once.
4. Show-up suspects should not be required to put on clothing worn by the perpetrator, to speak words uttered by the perpetrator or to perform other actions of the perpetrator.
5. Words or conduct of any type by officers that may suggest to the witness that the individual is or may be the perpetrator should be scrupulously avoided.

**F. COMPOSING THE PHOTO OR LIVE LINEUP
(Attorney General Guidelines)**

The following procedures will result in the composition of a photo or live lineup in which a suspect does not unduly stand out. An identification obtained through a lineup composed in this manner should minimize any risk of misidentification and have stronger evidentiary value than one obtained without these procedures.

1. In order to ensure that inadvertent verbal cues or body language do not impact on a witness, whenever practical, considering the time of day, day of the week, and other personnel conditions within the agency or department, the person conducting the photo or live lineup identification procedure should be someone other than the primary investigator assigned to the case. The Attorney General recognizes that in many departments, depending upon the size and other assignments of personnel, this may be impossible in a given case. In those cases where the primary investigating officer conducts the photo or live lineup identification procedure, he or she should be careful to avoid inadvertent signaling to the witness of the "correct" response.
2. The witness should be instructed prior to the photo or live lineup identification procedure that the perpetrator may not be among those in the photo array or live lineup and, therefore, they should not feel compelled to make an identification.
3. When possible, photo or live lineup identification procedures should be conducted sequentially, i.e., showing one photo or one person at a time to the witness, rather than simultaneously.
4. In composing a photo or live lineup, the person administering the identification procedure should ensure that the lineup is comprised in such a manner that the suspect does not unduly stand out. However, complete uniformity of features is not required.
5. **Photo Lineup.** In composing a photo lineup, the lineup administrator or

**INVESTIGATION
EYEWITNESS IDENTIFICATION
VOL. VIII, CH. 11**

investigator should:

- a. Include only one suspect in each identification procedure.
- b. Select fillers (non-suspects) who generally fit the witness' description of the perpetrator. When there is a limited or inadequate description of the perpetrator provided by the witness, or when the description of the perpetrator differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.
- c. Select a photo that resembles the suspect's description or appearance at the time of the incident if multiple photos of the suspect are reasonably available to the investigator.
- d. Include a **minimum** of five fillers (non-suspects) per identification procedure.
- e. Consider placing the suspect in different positions in each lineup when conducting more than one lineup for a case due to multiple witnesses.
- f. Avoid reusing fillers in lineups shown to the same witness when showing a new suspect.
- g. Ensure that no writings or information concerning previous arrest(s) will be visible to the witness.
- h. View the array, once completed, to ensure that the suspect does not unduly stand out.
- i. Preserve the presentation order of the photo lineup. In addition, the photos themselves should be preserved in their original condition.

G. **Live Lineups.** In composing a live lineup, the lineup administrator or investigator should:

1. Include only one suspect in each identification procedure.
2. Select fillers (non-suspects) who generally fit the witness' description of the perpetrator. When there is a limited or inadequate description of the perpetrator provided by the witness, or when the description of the perpetrator differs significantly from the appearance of the suspect, fillers should resemble the suspect in significant features.
3. Consider placing the suspect in different positions in each lineup when conducting more than one lineup for a case due to multiple witnesses.
4. Include a **minimum** of four fillers (non-suspects) per identification procedure.

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5. Avoid reusing fillers in lineups shown to the same witness when showing a new suspect.

II CONDUCTING THE IDENTIFICATION PROCEDURE

The identification procedure should be conducted in a manner that promotes the accuracy, reliability, fairness and objectivity of the witness' identification. These steps are designed to ensure the accuracy of identification or non-identification decisions.

A. Simultaneous Photo Lineup: When presenting a simultaneous photo lineup, the lineup administrator or investigator should:

1. Provide viewing instructions to the witness as outlined in subsection F, 2, above.
2. Confirm that the witness understands the nature of the lineup procedure.
3. Avoid saying anything to the witness that may influence the witness' selection.
4. If an identification is made, avoid reporting to the witness any information regarding the individual he or she has selected prior to obtaining the witness' statement of certainty.
5. Record any identification results and witness' statement of certainty as outlined in subsection II E, "Recording Identification Results."
6. Document in writing the lineup procedure, including:
 - a. Identification information and sources of all photos used.
 - b. Names of all persons present at the photo lineup.
 - c. Date and time of the identification procedure.
7. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

B. Sequential Photo Lineup: When presenting a sequential photo lineup, the lineup administrator or investigator should:

1. Provide viewing instructions to the witness as outlined in subsection F, 2, above.
2. Provide the following **additional** viewing instructions to the witness:
 - a. Individual photographs will be viewed **one at a time**.
 - b. The photos are in random order.

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- c. Take as much time as needed in making a decision about each photo before moving to the next one.
 - d. All photos will be shown, even if an identification is made prior to viewing all photos; or the procedure will be stopped at the point of an identification (consistent with jurisdictional/departamental procedures).
- 3. Confirm that the witness understands the nature of the sequential procedure.
- 4. Present each photo to the witness separately, in a previously determined order, removing those previously shown.
- 5. Avoid saying anything to the witness that may influence the witness' selection.
- 6. If an identification is made, avoid reporting to the witness any information regarding the individual he or she has selected prior to obtaining the witness' statement of certainty.
- 7. Record any identification results and witness' statement of certainty as outlined in subsection II E, "Recording Identification Results."
- 8. Document in writing the lineup procedure, including:
 - a. Identification information and sources of all photos used.
 - b. Names of all persons present at the photo lineup.
 - c. Date and time of the identification procedure.
- 9. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.
- C. Simultaneous Live Lineup:** When presenting a simultaneous live lineup, the lineup administrator or investigator should:
 - 1. Provide viewing instructions to the witness as outlined in subsection F, 2, above.
 - 2. Instruct all those present at the lineup not to suggest in any way the position or identity of the suspect in the lineup.
 - 3. Ensure that any identification actions (e.g., speaking, moving, etc.) are performed by all members of the lineup.
 - 4. Avoid saying anything to the witness that may influence the witness' selection.

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5. If an identification is made, avoid reporting to the witness any information regarding the individual he or she has selected prior to obtaining the witness' statement of certainty.
6. Record any identification results and witness' statement of certainty as outlined in subsection II E, "Recording Identification Results."
7. Document in writing the lineup procedure, including:
 - a. Identification information of lineup participants.
 - b. Names of all persons present at the lineup.
 - c. Date and time of the identification procedure.
8. Document the lineup by photo or video. This documentation should be of a quality that represents the lineup clearly and fairly.
9. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

D. Sequential Live Lineup: When presenting a sequential live lineup, the lineup administrator or investigator should:

1. Provide viewing instructions to the witness as outlined in subsection F,2, above.
2. Provide the following **additional** viewing instructions to the witness:
 - a. Individuals will be viewed **one at a time**.
 - b. The individuals will be presented in random order.
 - c. Take as much time as needed in making a decision about each individual before moving to the next one.
 - d. If the person who committed the crime is present, identify him or her.
 - e. All individuals will be presented, even if an identification is made prior to viewing all the individuals; **or** the procedure will be stopped at the point of an identification (consistent with jurisdictional/departamental procedures).
3. Begin with all lineup participants out of the view of the witness.
4. Instruct all those present at the lineup not to suggest in any way the position or identity of the suspect in the lineup.

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5. Present each individual to the witness separately, in a previously determined order, removing those previously shown.
6. Ensure that any identification action (e.g., speaking, moving, etc.) are performed by all members of the lineup.
7. Avoid saying anything to the witness that may influence the witness' selection.
8. If an identification is made, avoid reporting to the witness any information regarding the individual he or she has selected prior to obtaining the witness' statement of certainty.
9. Record any identification results and witness' statement of certainty as outlined in subsection II E, "Recording Identification Results."
10. Document in writing the lineup procedure, including:
 - a. Identification information of lineup participants.
 - b. Names of all persons present at the lineup.
 - c. Date and time the identification procedure was conducted.
11. Document the lineup by photo or video. This documentation should be of a quality that represents the lineup clearly and fairly. Photo documentation can either depict the group or each individual.
12. Instruct the witness not to discuss the identification procedure or its results with other witnesses involved in the case and discourage contact with the media.

E. Recording Identification Results

When conducting an identification procedure, the lineup administrator or investigator shall preserve the outcome of the procedure by documenting any identification or non-identification results obtained from the witness. Preparing a complete and accurate record of the outcome of the identification procedure is crucial. This record can be a critical document in the investigation and any subsequent court proceedings. When conducting an identification procedure, the lineup administrator or investigator should:

1. Record both identification and non-identification results in writing, including the witness' own words regarding how sure he or she is.
2. Ensure that the results are signed and dated by the witness.
3. Ensure that no materials indicating previous identification results are visible to the witness.

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4. Ensure that the witness does not write on or mark any materials that will be used in other identification procedures.

DUE TO THE LEGAL REQUIREMENTS CONCERNING LINEUPS, ALL LINEUPS WILL BE CONDUCTED THROUGH THE BERGEN COUNTY PROSECUTORS OFFICE.

M. Right To Counsel

1. The right to counsel attaches when "formal prosecution" of the accused commences. Therefore, if the identification procedure is to be conducted after the suspect has been formally charged, arraigned or indicted, he is entitled to have counsel present.
2. When counsel arrives, he/she should be permitted to observe and record all the steps taken in the identification attempt.
3. The police should be receptive to any constructive suggestions offered by defense counsel. Nevertheless, police officers should not abdicate their responsibility to conduct the identification procedure according to department regulations and guidelines and their own best judgement.
4. If the attorney is disruptive, he/she may be compelled to leave.
5. The role of the defense attorney is not to act as an advocate. As noted, he may make suggestions which, if reasonable, generally should be followed. Nevertheless, his principal role is to witness the identification procedure toward the end that he/she might testify at a later date as to any infirmities in the identification procedures utilized.

N. Hypnosis

- a. No police officer or police department shall cause any crime victim or witness to undergo hypnosis for the purpose of refreshing or expanding his/her recollection without the prior written approval of the Bergen County Prosecutor's Office.

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 4/22/2001	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME IX
VOLUME TITLE: TRAFFIC	# PAGES: 11					CHAPTER 22
ACCREDITATION STANDARD(S): PROSECUTOR REVIEW POLICY	REFERENCE: V9C22					
SUBJECT: FATAL /SERIOUS ACCIDENT INVESTIGATION						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 areas of responsibility for those officers answering calls to fatal or serious motor vehicle accident scenes.

To provide effective methods and procedures for the investigation of fatal or serious accidents and deploying of specially trained officers in the Accident Investigation Unit (AIU).

POLICY:

The Borough of Fort Lee Accident Investigation Unit (AIU) is a specialized unit utilizing personnel from divisions that demonstrate special knowledge and skills in conducting a professional investigation. This unit will be responsible for and control the investigation of all serious or fatal motor vehicle accidents.

DEFINITIONS:

- I. An accident shall be defined as a motor vehicle collision which is a sequence of events that usually produces unintended injury, death or property damage.
- II. Serious motor vehicle accident shall be defined as:

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- A. The possibility of a fatality or serious bodily injury of any involved driver, passenger, bicyclist or pedestrian. Serious bodily injury as defined in 2C11-1b, as unconscious, major bleeding or other injury causing incapacitation of the involved party.
 - B. DWI or narcotics involvement where at least one of the drivers may be arrested **AND** a serious bodily injury is produced.
 - C. Incidents involving any police agency vehicle or suspect's vehicle involved in a pursuit which resulted in an injury to any involved party (See Accidents Involving Police Vehicle Policy (Vol. 9 Ch. 20).
 - D. Incident is suspect to the result of reckless, purposeful action on the part of at least one involved driver (i.e. vehicular assault, drag racing, etc.).
- III. At-Scene measurements are measurements taken of roadway evidence during the initial investigation.
- IV. At-Site measurements are measurements taken of the roadway and adjacent area if relevant. They may be taken during the initial investigation or at a later time.
- V. The Borough of Fort Lee Accident Investigation Unit (AIU) is a specialized unit utilizing personnel from divisions that demonstrate special knowledge and skills in conducting a professional investigation. This unit will be responsible for and control the investigation of all serious or fatal motor vehicle accidents. For the remainder of this policy the Borough of Fort Lee Accident Investigation Unit and its members will be referred to as AIU.

PROCEDURE:

I. ACCIDENT INVESTIGATION: INITIAL RESPONSE

- A. Respond to the accident scene as specified in the Accident Investigation Policy (Vol. 9 Ch. 21).
- B. Supervisors and responding officers should assess the incident as soon as practical after their arrival on the scene for the following criteria to determine the need for notification and response by other Agencies, Bureaus or Units.
 - 1. If narcotics are involved , the Narcotics Bureau is to be contacted.
 - 2. If a juvenile driver is involved, the Juvenile Bureau is to be contacted.
 - 3. If the incident meets the above definition of a "Serious Accident" and the AIU has not yet been called out, then the Traffic Bureau Supervisor must be notified and the below AIU notification made according to Section IV of this policy.

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- C. Should an officer come upon a serious accident, they should immediately:
 - 1. Advise Com-Cen of the accident as specified in the Accident Investigation Policy (Vol. 9 Ch. 20)
 - 2. Request the Road Supervisor and additional equipment as needed.
 - 3. The scene should be secured as a crime scene, 200 feet in both directions, until the AIU arrives and assumes control.
- D. Involved vehicle(s) should not be moved from its position of final rest until photographs and measurements have been taken. If a vehicle(s) is to be moved to treat an injured party then:
 - 1. The location of the vehicle(s) tires are to be visibly marked.
 - 2. Likewise, parts of the vehicle(s) should not be moved until they are either photographed and measured or their location is visibly marked.
- E. Moving injured persons:
 - 1. If possible, an injured party should not be moved from their position of rest until their location has been visibly marked. Photographs may be taken while they are being treated. In no circumstances is patient care to be delayed or compromised to comply with this section.
 - 2. The body of the deceased should not be removed from the scene until approved by the AIU and ordered by the Incident Commander.
 - 3. Likewise, clothing and other roadway evidence should not be moved until they are either photographed and measured or their location is visibly marked.
- F. The MVR system in the responding units may document the accident scene which may assist with the accident investigation. If the MVR system documented the scene in any manner, then the AIU should be advised of the recording. This information should be forwarded to the Bergen County Prosecutor's Office FAIU if handling the investigation.

II. SUPERVISOR / INCIDENT COMMANDER RESPONSIBILITIES

- A. When the supervisor in charge arrives at the scene, their function is to assume the role of the Incident Commander and oversee the scene and to coordinate responding units.
- B. The Incident Commander is responsible for:
 - 1. Advising responding officers of assignments, traffic, etc.

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2. Directing officers to secure the area as a crime scene, lane closures 200 feet in each direction, or longer as dictated by the scene.
 3. Remove all unauthorized personnel to prevent destruction of evidence and prepare a crime scene log.
 4. Obtain sufficient illumination of night time collision scenes.
- C. The Incident Commander should be the only person at the scene to communicate with Com-Cen or headquarters to assign any units at the scene.
- D. All further requests for special equipment or personnel should be directed to the Incident Commander. The Incident Commander should use the criteria listed above to determine the necessity of additional resources and advise the Tour Commander or Com-Cen.
- E. When the need for additional specialized personnel or resources is established, the Tour Commander should ensure that the appropriate personnel are contacted.
- F. If the need for a General Investigations , Narcotics or Juvenile Bureau detective is established and the incident occurs at a time when the detectives are off-duty, the Detective Bureau Call Out policy should be followed (Vol. 2 Ch. 17).
- G. After the scene is secure, the Incident Commander should ensure the scene is photographed.
- H. After the scene is secure, the Incident Commander should ensure that witnesses are identified, interviewed and statements taken.
- I. The Incident Commander may utilize any department personnel, regardless of division assignment, to achieve objectives during an emergency incident. The Incident Commander should follow Unity of Command principles.
- J. The final approval to clear the scene will be made by the Incident Commander or the AIU.
- K. The Incident Commander, with Traffic Bureau Supervisor, may review and critique the field operations at the scene afterwards at headquarters.

III. DETECTIVE RESPONSIBILITIES

- A. Respond to the scene and photograph the vehicle and any roadway evidence, as requested by the AIU.
- B. Locate and identify witnesses. Interviews and witness statements are to be conducted with the AIU as per Section X.
- C. To assist the AIU with follow-up photography and / or witness statements.

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Note: As per the Bergen County Prosecutor's Office Policy I-3, In cases where the BC FAIU criteria is present or suspected and / or where potential indictable cases exist, investigative procedures such as taking of photographs, statements, and technical examinations shall not be undertaken by any police department without prior approval of the Prosecutor's Office.

IV. NOTIFICATION OF ACCIDENT INVESTIGATION UNIT (AIU)

- A. When receiving a report of an accident suspected to meet the above criteria, in addition to dispatching needed emergency equipment, Com-Cen shall:
 - 1. Dispatch an on-duty Traffic Bureau unit, or a patrol unit, to the scene for the report.
 - 2. Dispatch the on-duty Traffic Bureau supervisor, or Road Supervisor, to the scene to coordinate operations.
 - 3. Advise the Tour Commander and an on-duty Detective Bureau supervisor.
 - 4. Dispatch an on-duty Detective Bureau unit to the scene for photographs. If not available, a patrol unit should be dispatched to pick up the camera in HQ for either the AIU or the Road Supervisor.
- B. The AIU will be notified immediately about all accidents resulting in death or "serious" bodily injury that could result in death.
- C. Requests for the AIU will be made to the Tour Commander by the Incident Commander.
- D. The Tour Commander will notify the Traffic Bureau Supervisor, who will make the final determination to call out the AIU. Two members of the AIU should normally be utilized.
- E. The AIU will be called out by the Tour Commander as directed by the Traffic Bureau Supervisor.
- F. If the Traffic Bureau Supervisor is unavailable (vacation etc.) or unable to be contacted, an AIU member should be contacted in the Supervisors place.
- G. Responding personnel who are notified to respond, should inform the Tour Commander of their estimated time of arrival to the scene.
- H. If no AIU members are available or can be contacted, the Bergen County Prosecutor's Office FAIU will be contacted, if required according to their guidelines as listed in Section IV Paragraph C.
- I. The Chief of Police shall be advised by the Tour Commander when the AIU or Bergen County FAIU are notified to investigate an accident.

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IV. ACCIDENT INVESTIGATION UNIT (AIU) RESPONSIBILITIES

- A. The AIU should respond to the scene with the AIU equipment, assume control of and conduct an investigation, consistent with the Bergen County Prosecutor's Office Vehicular Homicide Investigation Manual Procedure (I-3), as a guide in their investigation, and as dictated by the situation based on their training and experience. The investigation may include:
1. At scene investigation.
 2. Communicate with and if appropriate, conduct cooperative investigation with Bergen County Prosecutor's Office FAIU.
 3. Assist with interviewing and taking statements from witnesses and / or involved parties.
 4. Collection, documentation and packaging of any physical evidence.
 5. Assist with supplemental photographing of the scene.
 6. Assisting in obtaining and serving court orders.
 7. Conducting follow-up technical investigation.
 8. Attend Autopsies, when required.
 9. Coordination release of information.
 10. Assisting in follow-up non-technical investigations.
 11. Analysis of physical evidence.
 12. Conduct reconstruction and Cause Analysis.
 13. Obtaining outside experts or services when required.
 14. Prepare Reconstruction Reports and additional case material for court.
- B. The AIU members, assigned by the Traffic Bureau Supervisor, will be responsible for completing all required reports, with the exception of the initial accident report (NJTR-1), the department's Incident and Workman's Compensation Reports.
- C. As soon as possible after arriving on the scene the AIU should determine the need to notify the Bergen County Prosecutor's Office Fatal Accident Investigation Unit, using their guidelines.

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1. When one or more vehicle(s) is involved with a surviving driver:
 - a. DWI /CDS is involved or suspected;
 - b. There are indications of excessive speed;
 - c. A hit and run vehicle is involved;
 - d. There are indications of a moving violation;
 - e. Where on-duty police vehicles are involved;
 - f. Where the death or serious bodily injury resulted from a police pursuit;
 - g. Where any other emergency vehicle is involved;
 - h. Multiple fatalities
 2. Single vehicle accident involving any of the above (1a-g).
 3. Struck pedestrian / bicyclist involving any of the above (1a-g).
- D. Once the body is pronounced dead and the photographs have been taken, the AIU should provide the Incident Commander with the name, if known, of the deceased so that proper notification may be made as specified by the Death Notification Policy (Vol. 4 Ch. 14).
- E. When photographs have been completed, the AIU should make certain diagramming and measurements notes of skid mark(s), damage to property, vehicle position, body position and debris.
- F. When all areas of investigation at the scene have been completed, the scene may be cleared **only** after the AIU has determined that all pertinent information has been collected. The Incident Commander will then order the scene to be cleared and the roadway opened to normal traffic.
- G. If there is a question of mechanical failure, and upon the recommendation of the AIU, All suspected vehicles involved will be impounded for the purpose of mechanical inspection. Said inspection shall not occur unless the owner's consent is obtained or a search warrant is issued.
1. The mechanical inspection of an automobile shall be conducted by an ASE certified mechanic. Assistance may be obtained for inspection of other types of vehicles from the Bergen County Prosecutor's Office FAIU.
 - a. The ASE certified mechanic shall complete the Mechanic's Vehicle Inspection Report documenting the inspection of the automobile.

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2. If the Bergen County Prosecutor's Office FAIU is investigating the accident, the vehicle will be inspected as per their procedures. No Fort Lee officer shall conduct or authorize any actions concerning the vehicle.

Note: On scene brake tests are no longer done. Mechanical issues require the above procedure be followed.

- H. The AIU will be responsible for compiling all accident reports, statements, photos and diagrams. The case jacket will then be submitted to the Traffic Bureau Supervisor for review.

Note: As per the Bergen County Prosecutor's Office Policy I-3, In cases where the BC FAIU criteria is present or suspected and / or where potential indictable cases exist, investigative procedures such as taking of photographs, statements, and technical examinations shall not be undertaken by any police department without prior approval of the Prosecutor's Office.

VI. TRAFFIC BUREAU SUPERVISOR RESPONSIBILITIES

- A. Make certain every phase of investigation has been completed.
- B. When the investigation and reports are completed, they will be submitted to the Traffic Bureau Supervisor for review and approval. The Traffic Bureau Supervisor, with the Incident Commander, may review and critique all phases and data of the investigation afterwards at headquarters.
- C. Ensure that the accident is reported to the New Jersey State Police Fatal Accident Unit within twenty-four hours of the incident via CJIS, NJLETS Fatal Accident Report. (Appendix #B, Format and Sample).
- D. Ensure that the Bergen County Prosecutor's Office and Medical Examiner are notified as soon as practicable.
- E. Advise the Municipal Court that any motor vehicle summonses issued as a result of the incident must be held in abeyance until other potential criminal matters are dealt with. The Bergen County Prosecutor's Office will authorize when the disposition of the summonses can be completed.
- F. All reports must be forwarded to the Bergen County Prosecutor's Office Homicide Unit within three (3) working days.

VII. MEDIA RELATIONS

- A. Media relations and press releases are to be handled as per the Police / Media Relations Policy (Vol. 6 Ch. 6).
- B. As per Vol. 6 Ch. 6 Section 1 Paragraph I:

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News media representatives may be granted access to the outer perimeter of a scene, except as follows:

When open access to the area will interfere with the investigation, the commanding officer may establish police lines and restrict entry. Should such restrictions, become necessary, the commanding officer should explain the circumstances requiring the closure and access should be granted to news media personnel as soon as practical. Preservation of evidence and public safety shall be of paramount importance.

VIII. AUTHORITY NOTIFICATIONS

- A. In the event of any motor vehicle related fatality, the Traffic Bureau Supervisor, if off then the Tour Commander will ensure that the following authorities are notified by the AIU within 24 hours:
 - 1. The Bergen County Medical Examiner's Office.
 - 2. The New Jersey State Police (609) 882-2000
 - 3. The New Jersey Division of Motor Vehicles, Fatal Accident Unit (609) 292-0150.
 - 4. The AIU is to complete the Fatal Accident Teletype Form and submit it to Com-Cen. Com-Cen will immediately send a teletype message File 18.
- B. A copy of the sent teletype is to be included in the case jacket.
- C. Notifications are to be documented in written form including the officer making the notification, the date and time.

IX. PHYSICAL ARREST AND CHARGING

- A. When applicable, department personnel may file motor vehicle charges for motor vehicle violations.
- B. When applicable, department personnel may sign criminal charges for criminal violations. However, no complaint should be issued in any case by the investigating officer without prior approval by the Prosecutor's Office.
- C. When an arrest is required, the Incident Commander may direct an officer to make the physical arrest except in the following situations:
 - 1. If the AIU is conducting the investigation, they should be consulted before making a physical arrest.

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2. If the Bergen County Prosecutor's Office FAIU is conducting the investigation, they shall be consulted before making a physical arrest.

X. EVIDENCE

- A. If DWI / CDS are not detectable and death or serious bodily injury is present, then whenever possible, legal written consent should be requested from the driver to draw a samples of their blood and urine.
- B. Getting blood samples at the hospital, securing as evidence, and transportation to State Police Labs for analysis, must follow proper chain of evidence as specified in Evidence Handling Policy (Vol. 7 Ch. 11).
- C. All evidence shall be processed and controlled as specified in Evidence Handling Policy (Vol. 7 Ch. 11)

XI. STATEMENTS / INTERVIEWS

- A. Witnesses to the accident should be located and identified by any officer at the scene.
- B. Witnesses should be briefly interviewed at the scene to determine if further interviews or statements are appropriate.
- C. Victims should be briefly interviewed at the scene to determine the circumstances of the accident.
- D. Victim statements may be obtained at a later time by a detective and the AIU.
- E. The driver may be briefly interviewed at the scene but care should be given regarding their Miranda Warnings if criminal charges may follow. Detailed interviews should be conducted by a detective and the AIU officer assigned to the case.
- F. Statements should be obtained from witnesses, victims and the driver(s).
- G. Every effort should be made by the detective to obtain a witness statement with the involvement of the AIU or their approval. If a witness is unable or unwilling to respond to HQ for a statement an affidavit may be utilized.
- H. Every effort should be made by the detective to obtain a victim statement with the involvement of the AIU or their approval.
- I. If the driver is willing to provide a statement the following procedures are to be followed:
 1. The driver should be advised of their Miranda Warnings before obtaining their statement.

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2. The Bergen County Prosecutors Office Death by Auto Investigation Statement Guide should be utilized for relevant questions.
3. Driver statements are to be taken by a detective and the AIU in charge of the case or their designee.

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DEATH BY AUTO INVESTIGATION STATEMENT GUIDE

To insure that a death by auto investigation is professional and complete, it is necessary that sworn written statements be taken by a police officer.

Statements should be taken from witnesses, passengers in the vehicle(s) driver(s) and witnesses not directly involved in the accident.

The statements should be of a factual context as to what happened and they should not be opinionated by the officer taking the statement.

Do not use preprinted fill-in-the blank statement forms.

Be sure to obtain the full names, dates of birth, social security numbers, as well as, residence addresses, mailing addresses, and home and work telephone numbers at the time the statements are taken.

Some typical questions that may be used in a statement are:

- 1) State your full name and date of birth
- 2) State your residing address and mailing address, if different
- 3) Who is your employer and at what address do you work?
- 4) What is your home telephone number?
- 5) What is your employment telephone number?
- 6) What is your social security number?
- 7) Are you a licensed driver, and if yes, for how long and in what state?
- 8) What did you see or hear?
- 9) Where were you when the accident occurred?
- 10) What were you doing when the accident occurred?
- 11) Where were you going at the time?
- 12) Where were you looking when the accident occurred?
- 13) What is the condition of your vision and hearing?
- 14) Can you provide the names of anyone else who may have any information regarding how this accident happened?

Typical questions which may be used when interviewing occupants of vehicles involved.

- 1) State your full name and date of birth
- 2) State your residing address and mailing address, If different
- 3) Who is your employer and at what address do you work?
- 4) What is your home telephone number?
- 5) What is your employment telephone number?
- 6) What is your social security number?
- 7) Are you a licensed driver, and if yes, for how long and in what state
- 8) Where were you sitting?

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- 9) What were you doing at the time of the accident?
- 10) Where was the car when you were first aware that you were in trouble?
- 11) What did the driver do before the accident?
- 12) Did the driver complain of a vehicle defect or component failure?
- 13) Was the driver warned or criticized about any aspect of the vehicle's condition?
- 14) Did the driver appear to have difficulty controlling the vehicle?
- 15) Did you hear or see anything that may have indicated a vehicle malfunction?
- 16) Were there other occupants in the car, and if no, what are their names and addresses?
- 17) Was there any conversation in the car between the driver and yourself or any of the other occupants of the car prior to the accident, and if so, what was said?
- 18) What is your opinion as to the speed of the vehicle?
- 19) What is your opinion as to the defendant's ability to drive the vehicle with regard to intoxication?
- 20) How long were you in the accompaniment of the driver of the vehicle prior to the accident?
- 21) Did you observe the driver of the vehicle drink any intoxicating beverages, and if so, in what quantity and where?
- 22) Did you observe the driver of the vehicle take any pills or ingest any possible narcotics prior to the accident, and if so, where did this happen?
- 23) In what manner was the driver operating the vehicle?
- 24) How long have you known the driver of the vehicle, and what is your relationship, if any, to the driver?

DRIVER'S STATEMENT

(NOTE: This statement should be preceded by an advisement of Miranda Warnings to the driver(s) and waiver thereof)

- 1) State your full name and date of birth
- 2) State your residing address and mailing address, if different
- 3) Who is your employer and at what address do you work?
- 4) What is your home telephone number?
- 5) What is your employment telephone number?
- 6) What is your social Security number?
- 7) Are you a licensed driver, and if yes, for how long and in what State?
- 8) On what date were you involved in an accident on what street in what town, New Jersey?
- 9) How much sleep did you get the day or night before the accident?
- 10) What time did you get up on the date of the accident?
- 11) Describe exactly what you did from the time you got up until the time of the accident.
Certain questions will be developed from this answer. Try to determine if the driver got enough rest, if the driver's mood was good, if the driver was depressed due to an argument at home or work or at school and maybe the driver has a wife or boy/girlfriend problems, and how hard did he work during the day, where he had lunch, dinner, the time he ate, what he ate, and how much he had to drink while he ate and what, in fact, he did drink. Find out if he is on any type of medication and how it would affect his driving mood. Find out his hours of employment and the time of employment and those he associates with during the course of his employment for possible social contacts after employment hours.
- 12) Prior to the accident, describe where you started from, what time you left, the routes you took, and

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your final destination

- 13) Did anything unusual happen from the time you left until the time you had the accident?
- 14) Describe your vehicle make, model, color, vehicle registration plate number and license
- 15) When was the vehicle last inspected? Did it pass? If not, why not?
- 16) What was your direction of travel on street prior to the accident?
- 17) Name the persons that were in your vehicle at the time and where they were seated.
- 18) Describe in your own words what happened. Start with the direction you were going and when you first noticed the danger. (Develop as much as you can here, getting the driver to say if he had on his lights, were there any streetlights, were they on, was the road clear and dry, wet, snow, etc. Was there a curve, a hill, anything to affect his vision of the other vehicle, such as, high shrubbery, parked cars, dirty windshield, a defective windshield. Ice or fog on the windshield, etc. How many lanes were in the roadway, his position in the roadway, any traffic controls, such as, signals, stop signs. Find out if he known what the posted speed limit is in that particular area, etc.)
- 19) Where were you when you first saw the other car, object, etc.?
- 20) What were you doing at the moment you first saw the other car, object, etc.?
- 21) Where were you when you first realized you were in trouble?
- 22) Exactly what did you do to avoid the accident?
- 23) What happened next?
- 24) Exactly where did the collision occur?
- 25) Where did you stop after the collision?.
- 26) What is the last thing you remember before the accident?
- 27) What was the first thing you remember after the accident?
- 28) Who did you first see after the accident and what did you say to this person?
- 29) What was your vehicle speed prior to the accident? (Determine how he determined this speed, did he see the speedometer, rely on his judgment, experience, etc.)
- 30) At the time you first noticed the danger to the time the crash occurred, how much time elapsed, approximately?
- 31) While you were travelling on (north, south, east or west and name of street), how far from the other vehicle or object were you when you first thought there would be accident?
- 32) Describe the other vehicle or vehicles or object or objects involved in the accident.
- 33) What was the speed of the other vehicles?
- 34) Were there any other vehicles ahead of you, approaching you, or behind you other than the vehicle(s) involved?
- 35) Can you identify any of these vehicle(s) or person(s) in them?
- 36) How long have you owned this vehicle?
- 37) Describe the 'vehicle you owned or operated prior to this one
- 38) Did you consume any alcoholic beverages during the immediate eight hours before the crash?
- 39) Describe. (Find out the time the driver started drinking, what the driver drank, how many drinks he had, who was with him, where he did his drinking, and what time he stopped drinking.)
- 40) How much to you weigh

At this point, you should obtain from the driver as much information about the other vehicle as possible; such as, the make, color, direction of travel, who was in it, were the lights on, was it on the wrong side

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of the road. The more you can get him to talk about the other car, the more you may find out about how the accident happened and you may even uncover some faulty driving on his part.

41) Do you think this accident could have been avoided? By who?, why?

42) Do you read, write, and understand the English language?

43) Is there anything else you would like to tell me about this accident

44) Is all you told me the truth and correct to the best of your knowledge and belief, and after reading the statement and making any corrections that you wish to make, will you sign it and swear to the truthfulness of it?

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**Fort Lee Police Department
Traffic Bureau
Accident Investigation Unit**

Fatal Accident Teletype Format

File Number Police Department Name

1. To: SP Trenton NJ – Fatal Accident Unit
Re: Fatal Motor Vehicle Accident
2. Date of accident:
3. Time of accident (military time):
4. Weather & Road Condition (i.e. dry & clear,
5. Exact location (street city and county):
6. All driver's involved:

Name:	Name:
Address:	Address:
Sex:	Sex:
Age:	Age:
7. Type of Accident (pedestrian, other MV, bicyclist):
8. List deceased:
Date of death: Time (military):
Deceased classification (circle below):
Driver Passenger Pedestrian Bicyclist

Name:
Address:
Sex;
Age:
9. Alcohol involvement: Violations of Title 39:
10. Investigating Department, Officer's rank, name, and badge number)
11. Agency Sending : "Authority: Fort Lee Police Department"
12. Sent by: Dispatcher: #: Date: Time:

**SERVICE
FEES FOR REPORTS AND STORAGE
VOL X CH 6**

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 06-23-2003	REVISION DATE: 08-04-05	PAGE #: 1&2	SECTION: I, B, C and E	APPROVED	VOLUME X
VOLUME TITLE: SERVICE	# PAGES: 2					CHAPTER 6
ACCREDITATION STANDARD(S):	REFERENCE: V# -X C#-6					
SUBJECT: FEE FOR REPORTS/DISCOVERY						DISTRIBUTION ALL
ISSUING AUTHORITY: _____ CHIEF THOMAS RIPOLI						EVALUATION DATE:
ATTORNEY GENERAL:						Special Instructions
PROSECUTOR'S OFFICE:						
REFERENCE: Borough Ordinance 2004-33						

POLICY:

The Borough of Fort Lee Council adopted an ordinance (316-1) setting fees for reports, photos, video's, statements pertaining to the police departments' operations. Most requests for these items will be handled through the Records Room. However, all personnel will make themselves aware of the fee structure.

PROCEDURE:

I. FEE STRUCTURE

- A. All public records which are required by law to be made, maintained or kept on file by the Borough shall be available to every citizen during regular business hours to copy such records by hand and shall have the right to purchase copies of such records, pursuant to N.J.S.A. 47:1A-2. Copies of records shall be made available upon the payment of the following fees, which shall be based on the total number of pages or parts thereof, to be purchased:
- (1) First page to 10th page: \$0.75 per page.
 - (2) Eleventh page to 20th page: \$0.50 per page
 - (3) All pages over 20: \$0.25 per page.

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VOL X CH 6**

- B. Police accident reports: In the event that accident reports are not requested in person and not part of municipal court discovery, copies of reports shall be made available upon the payment of the following fees.
 - (1) First three pages: \$5.00
 - (2) Each page thereafter: \$1.00
- C. In the event said public records are requested and necessitate the location and mailing of same to the party requesting said public records, then the additional fees therefor shall be as follows:
 - (1) Mailing charge: Actual postage plus \$0.25 for stationary related expenses.
- D. Police escort for the transportation of moneys, valuables or other personal property: \$5.00 per trip per hour or fraction thereof.
- E. Writs of discovery:
 - (1) \$0.75 per page for first 10 pages.
 - (2) \$0.50 per page for the next 10 pages.
 - (3) \$0.25 per page thereafter
 - (4) Photographs/complete sets only: \$5.00 each photo. Three-inch-by-five-inch photos shall be forwarded unless the person requesting the photographs specifically requests eight-inch-by-ten-inch photos. Eight-inch-by-ten-inch black and white glossies and eight-inch-by-ten-inch color photos shall cost \$10 per photograph.
- F. Videotapes. Fees for the purchase of police audio/video tapes will be charged at the following rates:
 - (1) Up to first 10 minutes: \$50.
 - (2) Longer than 10 minutes: \$100.

AUTHORITY
FIELD CONTACT CARD PROCEDURE
VOL, 7. CH, 22.

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 01-25-2002	REVISION DATE: 07-21-2010	PAGE #: 1-2	SECTION: Pol St I, D-C	APPROVED 07-26-2010	VOLUME VII
VOLUME TITLE: OPERATIONS	# PAGES: 2					CHAPTER 22
ACCREDITATION STANDARD(S): 1.2.3	REFERENCE:					
SUBJECT: FIELD CONTACT CARD/REPORT PROCEDURES						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS O. RIPOLI						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE: 95-6						

PURPOSE:

To provide for the creation of a cumulative database in this department's in-house computer system of all individuals stopped for field inquiry purposes and the nature of the stop.

GOAL:

To maintain the above noted database so that all police personnel may access it as necessary any time in the future.

POLICY:

Officers of this department engaged in field operations should have in their possession field contact cards, these cards are to be filled out when conducting a field inquiry of a suspicious person, suspicious vehicle, persons involved in unusual incidents, or when documentation of previous police contact with a person may be needed for future investigations. Field contact cards are to be used when the officer does not have access to a lap-top computer to make the entries in a field contact report for that contact.

I. PROCEDURE:

- A. All members of this department who are engaged in field operations will have in their possession field contact cards.

AUTHORITY
FIELD CONTACT CARD PROCEDURE
VOL, 7. CH, 22.

- B. Whenever a member of this department conducts a field inquiry of a suspicious person, suspicious vehicle, person involved in an unusual incident, or where documentation of previous police contact may be needed for a future investigation, that officer will fill out as completely as possible during the routine course of this inquiry, a field contact card, or field contact report if they have access to a lap-top, paying particular attention to gathering accurate pedigree information.
 - 1. If field contact cards are utilized, the information should be entered in Enforsys as soon as possible in a field contact report for that contact.
- C. Supervisors will periodically check officers activity and follow up on whether entries are being made for the field contact reports.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES



VOLUME: 5

CHAPTER: 21

OF PAGES: 7

SUBJECT: FIELD REPORTING SYSTEM

BY THE ORDER OF:

Keith M. Bendul
Chief of Police

REVISIONS:

REFERENCE:

ACCREDITATION STANDARDS:

1.8.3

EFFECTIVE DATE:

06/17/2016

SUPERSEDES: All Previous

V4Ch7 Reporting Guide

PURPOSE: The purpose of this directive is to establish and maintain the policy and procedures concerning the appropriate submission, storage, maintenance and control of the reports and records of this agency.

POLICY: It is the policy of the Fort Lee Police Department to maintain records in a manner to meet operational, informational and management needs in conformance with applicable law, administrative code, and Attorney General and Prosecutor Guidelines.

PROCEDURES:

I. General

- A. Records serve as the official memory of the police department. As such, they are subject to scrutiny at all levels of the criminal justice system. The agency may be judged for competency by citizens and representatives of other governmental entities by the manner in which reports and records are completed and maintained.
- B. The release of records must be in conformance with the Open Public Records Act and applicable New Jersey Attorney General Guidelines.
- C. Records shall be retained in accordance with the schedule promulgated by the New Jersey Division of Archives and Records Management.
- D. The records room is the repository of all agency records with the exception of the following:
 - 1. Accreditation files.
 - 2. Records related to police personnel (internal affairs, training, personnel, medical, disciplinary, grievance, applications, selection, etc.);
 - 3. Fiscal records;
 - 4. Juvenile Crime Records;
 - 5. Confidential informants; and
 - 6. Criminal intelligence.
- E. The supervisor of Records is responsible for maintaining the security and integrity of all the records and files in the records room.
- F. Access to files in the records room is restricted to authorized personnel only. The supervisor of Records may grant access to such other personnel on an as-needed basis.
- G. Most of the information contained in the agency's criminal records is available through the in-house computer system or State and Federal electronic records systems. If an investigation is of such magnitude to require copying or inspection of original records, said records may be accessed.
- H. Once the data from the written records is entered into the in-house incident records management system, the physical record shall be promptly filed away.
- I. Original reports will be completed electronically.
- J. Follow-up reports (original copies) shall be identified with the same case number as the original precipitating event and forwarded to the records room for storage in the original file or case jacket.

- K. The supervisor of Records shall conduct a periodic audit to determine whether agency field reports have been received by Records and shall promptly report any discrepancies through the chain of command.
- L. Data compiled from individual reports provides a basis for analyzing crime, determining manpower needs and assignment and aids in budget preparations.
- M. See also the Records Access Policy V5Ch5.

II. Case Numbering System

- A. The department's case numbering system requires:
 - 1. Assignment of a number to every case; and
 - 2. Assignment of a different number to each case.
- B. The CAD (Computer Aided Dispatch) system produces a single numbering series (case and incident number) for all incidents of law enforcement service, including traffic accident investigations, criminal investigations, and miscellaneous calls for law enforcement service. The numbering system is designed to ensure that all cases receive a number, that no numbers are omitted, and that no numbers are duplicated.

III. Field Reporting and Management System

- A. A standardized process should be used to memorialize police activity for future reference. CAD entries should be "packed" with as much information as possible for future investigative leads. Complaints may be received by phone, in-person, or electronically. At a minimum, a CAD entry will be generated for the following:
 - 1. Citizen reports of crimes;
 - 2. Citizen requests for services when:
 - a. An officer is dispatched;
 - b. An officer is assigned to investigate; or
 - c. An officer is assigned to take an action now or at a later time
 - 3. Criminal and non-criminal cases initiated by law enforcement members.
 - 4. All incidents involving arrests, complaints, or summonses
- B. A CAD entry by an officer or dispatcher is required in all of the following, but not limited to, incidents/events occurring within this agency's service area:
 - 1. Citizen reports of crimes or alleged criminal activity;
 - 2. Criminal investigations (assigned or self-initiated);
 - 3. Arrests;

4. Issuance of CDR warrants or summonses, and Special Complaints;
 5. Domestic Violence;
 6. Field interviews/investigative detentions;
 7. Found/recovered property or vehicles;
 8. Injured persons;
 9. Vehicle crashes (NJTR1);
 10. Building entry;
 11. Property damage;
 12. Firearms discharges;
 13. Missing/Located/Unidentified Person investigations;
 14. Assists to other law enforcement agencies; and
 15. Any situation for which a 10-code was created involving an incident that could generate publicity.
- C. Incidents brought to the attention of the department for investigation are ordinarily first answered by a uniformed patrol officer. It is the uniformed patrol officer who conducts the preliminary investigation. This involves an interview with the complainant to obtain the full details as to what happened. The patrol officer then prepares the first report on the matter if it is appropriate to do so.
- D. Many incidents, particularly those involving crimes, require subsequent investigation which will be the primary responsibility of the investigating detective.
- E. The following forms are typically utilized to record patrol actions or investigations requiring an electronic report noted above:
1. Investigation Report;
 2. Supplemental Report;
 3. Daily Report
 4. Arrest Report;
 5. DWI Reports:
 - a. DWI Questionnaire
 - b. Alcotest
 - c. Drinking-Driving Report w/continuation
 6. Motor Vehicle Crash Report (NJTR-1);

7. Motor Vehicle Report (Tow Sheet);
 8. Property Evidence Report;
 9. Missing Person Forms;
 10. Unidentified Person Forms;
 11. Pursuit Incident Report; and
 12. Victim Notification Form;
 13. Use of Force Report
- F. Some offenses and incidents are directly observed by an officer or reported directly to them by a citizen. Under such circumstances, Com-Cen should be immediately notified by the officer of the action being taken. The officer is to then obtain a case number and complete the appropriate report.
- G. Most forms are self-explanatory concerning the information required. Personnel are responsible for completing these field reports according to the guidelines established in these report guides. For CAD questions, please refer to the software manual.
1. Officers may add comments to the disposition entered by Com-Cen into the Initial Narrative window if desired.
 2. If an officer elects to use the CAD narrative to document additional details but where a formal report is not appropriate, then they should add "See CAD Narrative" to the Initial narrative window
- H. Personnel should complete all reports by the end of their shift and submit it to their supervisor for review and approval. This should be done prior to the end of the shift.
1. Teletypes and supporting documents shall be attached.
- I. Reports submitted due to incidents late in a shift should be completed as soon as possible, but no later than the officer's next assigned shift. The officer's supervisor should be notified and the pending report is to be kept in the "Incomplete Box" at the Tour Commander's Desk.
- J. Supervisors are responsible for reviewing reports submitted by subordinates or unapproved reports submitted on the previous shift(s) unless directed otherwise by that supervisor to ensure that they were completed in compliance with this directive. Reports containing errors or deficiencies will be returned to the officer for correction prior to receiving final approval. Supervisors will indicate that they reviewed and approved the report by placing their initials in the appropriate fields.
- K. Reports authored by supervisors should be reviewed by another supervisor in the next level of command, if working. Supervisors should not approve their own report
- L. The Records Bureau shall provide copies of criminal reports and criminal records to the county prosecutor, New Jersey Attorney General, Commissioner of the

Department of Corrections, and any other State and Federal law enforcement agency upon request, on an as-needed basis, and in accordance with law and the departments Records Access and Security Policy V5Ch5.

- M. Reports containing descriptions of hazardous or dangerous conditions that are under the purview of other governmental agencies shall be copied and forwarded to the appropriate government agency with jurisdiction without undue delay after they have received supervisory permission. Confidential information within the report that is not subject to public disclosure shall be redacted. These governmental agencies include, but are not limited to municipal, county, and State:
1. Public Works Departments;
 2. Zoning, Property Maintenance, Borough Engineer and other code officials;
 3. Fire Department;
 4. Public health officials;
 5. Boards of Education/educational institutions; and
 6. Parks and or Recreation.

IV. Reporting an Offense/Arrest

- A. In many instances, combinations of offenses will be present in the same incident. When this occurs, the offense considered the most serious takes precedence. Only one Investigation Report should be completed in a multiple crime case as long as the incident occurred at one location, with one victim and at the same time. If there is more than one victim, location or time of occurrence then multiple CAD entries and reports are appropriate. CAD entries may be cross referenced for investigative purposes.
- B. One Arrest Report must be completed for each person arrested in an incident.
- C. At accident scenes where 2 vehicles are towed (and the owner is not aware of the location the vehicle is being towed), two tow reports should be completed out with the same case number.
- D. A tow report should always be prepared for a police impound, if two vehicles are being impounded from the same incident, then the same case number can be used on each report.
- E. Juvenile arrest reports will be filed separately and not with adult arrest reports. Juvenile information will not be put in a report involving an adult. The juvenile's initials will only be used and will refer to the Juvenile Contact Report for further information.

V. Report Review by Supervisors

- A. Supervisors will ensure that reports are accurately and correctly completed prior to the conclusion of the officer's shift. Any delay in the submission of a report requires approval of the immediate supervisor.

- B. Supervisors are responsible for the quality of reports prepared by their subordinates. When the reviewing supervisor finds deficiencies in a report, he/she will guide the reporting officer in making the necessary corrections.
- C. When the reviewing supervisor determines the report is satisfactory, he/she will approve the electronic report.
- D. All approved police reports will be forwarded to Records at the end of each shift.
 - 1. Approved reports, which are part of a Case File or Criminal Jacket are to be submitted in the case jacket.
- E. Police reports will not be disseminated to the public or involved parties by officers without the approval of their supervisor. All requests for copies of police reports must be directed to the Records Bureau.

VI. Photocopying of Records

- A. Photocopying of department records is permissible only when used for official purposes. These photocopies will be subsequently destroyed, placed on file in the employee's bureau/unit or returned to Records for destruction as applicable.
- B. Official records or copies thereof will not be retained in personal files or maintained outside of the office without prior written approval from the Chief of Police or designee.
- C. Official department records will not be used in conjunction with educational study projects, surveys, or thesis, unless approved by the Chief of Police.
- D. Under no circumstances will any information regarding a juvenile be given to anyone unless authorized by statute. Questions concerning appropriateness of release of juvenile information will be directed to the Juvenile Bureau. If unavailable, then the supervisor in charge of the Detective Division should be contacted.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 5	CHAPTER: 2	# OF PAGES: 11	
SUBJECT: FIELD TRAINING & EVALUATION PROGRAM			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS:	
REFERENCE:		ACCREDITATION STANDARDS: 1.9.4	
EFFECTIVE DATE: 08/02/2016		SUPERSEDES: All Previous	

PURPOSE: The purpose of this policy is to establish a Field Training and Evaluation Program facilitating the transition from academy training to agency specific training. The success of the program is dependent upon the combined efforts of everyone involved. To achieve the maximum benefits from this Field Training and Evaluation Program, both the supervisors and their subordinates must approach this training with an attitude that reflects confidence in its value and purpose.

POLICY: The Field Training and Evaluation Program is designed to augment the basic training courses taught at the police academy and commences upon the graduation of each trainee from the academy or upon hire, whichever is later. Each newly sworn officer is assigned to an experienced police officer who has been selected to mentor them through their field training. The Fort Lee Police Department must always strive to maintain the highest standards of professionalism. The Field Training and Evaluation Program has been developed to meet this responsibility. The standards for proficiency set by the Field Training and Evaluation Program are developed to ensure that each officer completing the program will have received the necessary instructions and guidance under field conditions to meet the minimum standards of the department.

PROCEDURE:

I. PROGRAM OBJECTIVES

- A. The Borough of Fort Lee Police Department's Field Training Program is an objective evaluation to ensure that the standards of a competent law enforcement officer are met. The goal of the Field Training Program is to improve the overall effectiveness and efficiency of law enforcement service delivery by:
1. Improving the overall applicant screening process: The Field Training Program is one phase of the department's overall applicant screening process designed to facilitate on-the-job observations and performance assessment.
 2. Establishing a probationary police officer appraisal system: The program is designed to provide a valid, job related, post-Basic Training Academy evaluation of probationary law enforcement officer performance. The process utilizes a standardized and systematic approach to documenting a probationary law enforcement officer's performance.
 3. Establishing a program review procedure: The program provides an appraisal system to measure the effectiveness of the department's selection and training processes by allowing feedback to the appropriate departments/sections regarding probationary law enforcement officer strengths and weaknesses.
 4. Improving the probationary law enforcement officer training process: The program provides post-Basic Academy training and on-the-job training to probationary law enforcement officers. Field Training Officers serve as role models for Probationary Officers in the development of the knowledge/skills/abilities that are needed to perform patrol duties and practical application of police academy materials.
 5. Establishing career opportunities within the department: The Field Training Program is another career path within the police department. It provides incentive for the demonstration of proficiency in the knowledge/skills/abilities needed to perform patrol functions. While performing the duties of the Field Training Officer (FTO), the officer gains experience and knowledge that increases leadership, training/evaluation skills and may enhance career opportunities.

II. DEFINITION OF TERMS

- A. **Field Training Program (FTP)** - A structured and closely-supervised program provided to recruit officers to facilitate the application of skills and knowledge obtained in the academy/classroom to actual performance in on-the-job situations.
- B. **Field Training Coordinator (FTC)** - The Field Training Coordinator (FTC) shall be the Training Bureau Supervisor. The Field Training Coordinator shall be responsible for the supervision, management and administration of the Field Training Program.
- C. **Field Training Officer (FTO)** - A specially selected and trained officer who provides field training to recruit officers, and participates in the evaluation of the recruit officer.

- D. **Probationary Officer (Trainee)** - A newly sworn law enforcement officer who has successfully completed the required training course and is certified by the New Jersey Police Training Commission. This shall include full-time police officers, and if applicable, and Special Law Enforcement Officers.
- E. **Intergovernmental Transfer (IGT) Trainee** – Is a newly hired Police Officer who is already certified by the New Jersey Police Training Commission as a full-time police officer

III. PROGRAM STRUCTURE

- A. The duration of the Field Training and Evaluation Program shall be no less than four (4) weeks and a maximum of the probationary period. The Chief of Police shall approve any duration of the program beyond four (4) weeks.
- B. The Field Training Program shall consist of:
 - 1. Orientation of Police Training Commission, (PTC) Objectives
 - a. The in-house Police Training Commission (PTC) Objectives orientation should be conducted during the four (4) business days prior to the start of the academy and again prior to the day of graduation, which will include an introduction to the Field Training Program and demonstrated proficiency of critical department policy.
 - b. The probationary officer and IGT Trainee shall be issued the Probationary Officer Field Training Manual and complete a receipt of issuance.
 - c. The Field Training Coordinator or their designee shall review with the probationary officer and IGT Trainee, the goals of the program, the department's expectations and the responsibilities of the probationary officer.
 - d. The critical department policy review may minimally include:
 - 1) Vehicle Pursuit;
 - 2) Use of Force;
 - 3) Domestic Violence;
 - 4) Arrest, Search and Seizure;
 - 5) Motor Vehicle Inventory;
 - 6) Evidence and Property;
 - 7) Missing Persons;
 - 8) Juvenile Procedures;
 - 9) Cell Block Management/Suicide Awareness;

- 10) Blood borne/Airborne Pathogens;
- 11) Sick Policy.
- e. The Training Bureau Supervisor will coordinate the trainee completion employment paperwork with various Borough Hall offices during the Orientation Training.

2. Training in the Field

- a. Work day is defined as all training/evaluation days during which the probationary officer is assigned to a Field Training Officer.
- b. On each working day, the Field Training Officer shall be responsible for the completion of the following:
 - 1) Training and observation of all areas covered on the weekly evaluation report.
 - 2) Ensure that the probationary officer follows all Department Rules and Regulations and Written Directives in the performance of his/her duties.
- c. The Field Training Officer shall be responsible to complete the Weekly Evaluation Report and submit it to the Training Bureau Supervisor. The Training Bureau Supervisor may forward the report to the Patrol Captain. The Training Bureau Supervisor will submit periodic reports to the Operations Commander regarding the probationary officer's progress.
- d. The Field Training Officer shall be responsible to review all daily reports completed by the trainee and will ensure that the reports are submitted to the Tour Commander for approval. The Tour Commander may discuss any concerns regarding the probationary officer's progress with the Training Bureau Supervisor.
- e. On each working day, the Probationary Officer or IGT Trainee shall be responsible for the completion of the following:
 - 1) Accident Reports, Investigation Reports and Motor Vehicle Summonses;
 - 2) MV Inspection sheet;
 - 3) Vacant House Checks.
- f. The probationary officer and IGT Trainee shall complete a biweekly probationary officer Self-Evaluation Report that will be reviewed by the Field Training Officer and forwarded to the Training Bureau Supervisor for review
- g. Patrol Squad Supervisors are required to complete a monthly evaluation report for probationary officers until their probationary

status has ended. They will forward the report to the Training Bureau Supervisor for review.

- h. The Field Training for the IGT Trainee should be modified in such a manner by the Training Bureau Supervisor to focus on familiarizing the experienced officer with the policies and procedures, as well as the geographic aspects and work environment of Fort Lee.

- 1) Patrol Squad Supervisors are required to complete a monthly evaluation report for IGT Trainee on a modified schedule as designated in the Personnel Order until their Field Training is completed.

3. Solo Field Patrol Assignment

- a. Duration of the probationary period.

- 1) The Patrol Squad Supervisors shall complete the monthly evaluation report. The monthly evaluation report is submitted to the Training Bureau and forwarded to the Patrol and Administrative Division Commanders to brief the Chief.
- 2) During the balance of the probationary patrol period, the probationary officer may be periodically assigned to a Field Training Officer for the purpose of performance reviews.
- 3) Prior to successful completion of the field training assignment, a Probationary Officer shall not be assigned to solo patrol responsibilities without the approval of the Chief of Police.

4. Upon Completion of Field Training/Probationary Period

- a. Narrative reports will be completed by the Field Training Coordinator, FTO, and Squad Supervisors indicating the probationary officer's employment status:

- 1) Employment Status Report.
 - a) Recommend end of Field Training Period;
 - b) Recommend extension of Field Training Period;
 - c) Recommend Termination of Employee

- b. The Operations Commander may continue the field training assignment of a Probationary Officer beyond the predetermined time if the need for further training and evaluation is apparent with the approval of the Chief of Police.

5. Extension of Training - Recycle

- a. Recycle period may be recommended at the end of the training period if performance falls below minimum established performance guidelines.

- b. The probationary officer's Field Training period may be extended (recycled) upon the recommendation of the Field Training Coordinator, FTO or Squad Supervisor with the recommendation of the Operations Commander and the approval of the Chief of Police.
- c. Each recycle period may last up to (20) working days
- d. The probationary officer shall be issued a Performance Improvement Plan developed by the Training Bureau Supervisor that identifies a schedule, performance deficiencies and outlines training methods to be utilized by the Field Training Officer.
- e. The recycle period shall consist of continued training by the FTO, demonstration of competency by probationary officer and supplemental end of training report.
- f. Failure of the probationary officer to demonstrate improvement will result in an employment status hearing & possible termination.

6. Employment Status Process

- a. At any time during the probationary period, if a probationary officer is not performing at a satisfactory level, a recommendation for termination may be initiated by the FTO, or Squad Supervisors.
- b. Memorandums and recommendations for termination are to be forwarded to the Patrol Captains, Operations Commander, Immediate Supervisor of the FTO and the Training Bureau.
 - 1) The Training Bureau shall gather all paperwork of and by the recruit officer and his FTO, and ensure that all supporting data is attached.
 - 2) The Training Bureau will prepare a detailed report and forward it to the Operations Officer and Chief of Police with recommendations.
- c. The Chief of Police will review the administrative recommendation in reference to the requested dismissal.
 - 1) If the Chief of Police concurs with the recommendation, the probationary officer shall be administratively relieved of duty by the Chief of Police (or designee) and scheduled for an Employment Status Hearing within 72 hours of such notification.
 - 2) The Appropriate Authority, or their designee, shall preside over the Employment Status hearing at which time the Chief of Police will be present and the Operations Commander, Training Bureau Supervisor and the Patrol Division Commander shall present the reasons for the termination recommendation. The probationary officer shall be afforded an opportunity to respond to the Field Training Coordinator's Report of Recommendation.

- d. The Chief of Police shall carry out the final decision in reference dismissal within forty-eight (48) hours of the Employment Status hearing.

IV. FIELD TRAINING OFFICER ELIGIBILITY AND SELECTION PROCESS

- A. The success of the Field Training and Evaluation Program depends on the abilities and efforts of the personnel instructing the trainee. It is important that the FTOs are properly motivated, trained, and have the desire to instruct. The FTOs must demonstrate traits that include, but are not limited to:
 1. A commitment to organizational goals and objectives as evidenced by their attitude and overall performance;
 2. Interpersonal communications skills;
 3. Technical proficiency to include a good working knowledge of Title 2C, Title 39, Attorney General Guidelines, and Criminal Procedure.
 4. A willingness to instruct others;
 5. A willingness to make critical observations;
 6. A willingness to recommend and implement improvement plans;
 7. A superior record of attendance;
 8. A willingness to undergo training as an FTO;
 9. Although not mandatory requirements, FTOs should:
 - a. Have a minimum of 2 years of service;
 - b. Be certified in the operation of radar;
- B. Any patrol officer wishing to be considered as a FTO may submit a written request to their immediate supervisor. The immediate supervisor is to review the request, and recommend approval or denial based upon the above listed required traits. A supervisor can also recommend a patrol officer to be assigned as an FTO based on his/her job performance and desire to instruct. The supervisor will forward the request to the Training Bureau Supervisor who will then interview the candidate. If the candidate is accepted, the Training Bureau Supervisor will forward the request through the chain of command.
- C. A patrol officer may be selected as an FTO by the department based on the above requirements, with the approval of the Chief of Police. The Chief of Police ultimately selects FTOs with input from the supervisors.

V. DUTIES AND RESPONSIBILITIES

- A. Administrative Division Commander

1. The Administrative Division Commander shall be the highest ranking officer in charge of the Administrative Division as designated by the Chief of Police.

B. Field Training Coordinator

1. The Field Training Coordinator shall be the Training Bureau Supervisor. The Field Training Coordinator's responsibilities include the general administration and evaluation of the Field Training Program and the monitoring of all probationary officers for the duration of their probationary period.
 - a. The Field Training Coordinator shall monitor and evaluate the overall development of probationary officers during the probationary period for purposes of ascertaining any deficiencies and resolving them through training and retraining.
 - b. The Field Training Coordinator shall be responsible for planning, directing and evaluating field training assignments and any changes in such assignments or variations in the length of the assignments.
 - c. The Field Training Coordinator shall work closely with the probationary officer's immediate squad supervisors during and after the completion of field training, make assignments to determine and correct any training deficiencies, and may recommend a recycling of a probationary officer for retraining.
 - d. FTOs are under the supervision of the Field Training Program Coordinator regarding their FTO function. The FTO and trainee are under the daily supervision of the Patrol Supervisors. Supervisors of all ranks shall closely supervise the entire field training process as the initial experience of trainees often shapes their future careers.
 - e. The Field Training Coordinator shall conduct a comprehensive evaluation of each Probationary Officer during the last month of the field training period, and prepare a statement of the probationary officer's development and submit it to the Operations Commander, with a recommendation to retain, recycle (extend training) or dismiss the officer. All other department supervisors and field training personnel will be offered the opportunity to provide input to assist in this final field training period evaluation.
 - f. The Field Training Coordinator shall keep the other supervisors/command personnel informed of the progress of Probationary Officers assigned to the shift. All patrol supervisors shall receive awareness training in the supervision of the Field Training Process from the Field Training Coordinator.
 - g. The Field Training Coordinator must ensure that the training and evaluation process is properly administered. Various sources of information should be utilized to achieve these goals, including (but not limited to) weekly observation reports, oral communications with the Field Training Officers, and personal observations of probationary officer performance to assist in the summary of weekly progress.

- h. The Field Training Coordinator shall meet periodically with the FTOs and probationary officers; he/she may also meet periodically with patrol supervisors. These meetings will be for the review of progress in the training of the probationary officers.

- 1) The meetings should occur at points when the trainee is transitioning from one FTO to another.

C. Field Training Officer

- 1. The Field Training Officer is the essential means by which the goal of the program is achieved, specifically, the development of a probationary officer's ability to work a solo assignment in a safe, skillful, productive and professional manner.
- 2. The Field Training Officer has two primary roles to fulfill: that of police officer with full patrol responsibility and that of a trainer and evaluator of probationary officers.
- 3. All Field Training Officers shall receive formal FTO training consistent with this program, either in-house or externally, depending upon the directions of the Chief of Police.
- 4. The Field Training Officer shall be responsible for the training and evaluation of the probationary officers when assigned to them, as directed by the Field Training Unit command staff.
- 5. An officer's status as an FTO should be considered and given the appropriate priority when reviewing In-Service Training Requests.
- 6. The Field Training Officer is responsible for the weekly progress meeting with their immediate supervisor.
- 7. The Field Training Officer is responsible for the review of all reports generated by the Probationary Officer. Reports written by the probationary officer serve to identify deficiencies, especially ones of spelling, grammar, neatness; attention to detail and the general organization of thought.

D. Probationary Officers and IGT Trainees

- 1. The probationary officer and IGT Trainee may be released from field training upon completion of the FTP as scheduled by the Field Training Coordinator and as approved by the Chief of Police.

VI. TRAINING

- A. When applicable, the Field Training Coordinator shall liaison with the police academy staff to learn about a recruit's progress while at the academy.
- B. All candidates selected to become Field Training Officers shall undergo a basic training program to:

1. Familiarize them to the skills and subjects that had been taught in the police academy to the trainees;
 2. Familiarize them with their duties and responsibilities as set forth in this directive;
 3. Familiarize them with the evaluation criteria established in Field Training Guide;
 4. Familiarize themselves with the various forms and documentation criteria used in the program;
 5. Enhance their critical evaluation skills.
- C. Incumbent FTOs must receive refresher training regarding this program minimally every three years. More frequent refresher training may be indicated if there are any substantial modifications to the program.

VII. ASSIGNMENT OF FIELD ASSIGNMENTS

- A. Assignments will be decided by the Operations Commander.
- B. Probationary officers shall be assigned to the Field Training Program and scheduled with the Patrol Division unless otherwise ordered by the Chief of Police.
- C. Each probationary officer who is assigned to the Patrol Division shall be placed in a field training assignment under the supervision of a Field Training Coordinator and Field Training Officer as defined in this policy.
 1. Probationary officers will be assigned to the day, afternoon, midnight shift, or Traffic Bureau, unless directed by the Chief of Police.
 2. Probationary officers will be rotated from their assignments every 30 days, unless directed by the Chief of Police.
- D. Field Training Officers and their recruits shall be deemed **a single officer unit** for purposes of calls for service with the exception of prisoner transports, bank escorts or any other administrative detail approved by the Chief of Police. They still count as regular numbers for minimum manpower.

VIII. STANDARDIZED EVALUATION GUIDELINES

- A. Evaluation processes shall be the same for all trainees and strict compliance with the standardized evaluation guidelines should be followed by the Field Training Officers.
- B. No prejudicial or bias evaluation can be tolerated if the program is to be reliable.
- C. These guidelines are established to assist the FTO when utilizing the Weekly Evaluation Report. The FTO shall evaluate the performance of the trainee using the Weekly Evaluation Report.

- D. Documentation is an absolutely essential requirement if a true picture of the probationary officer's response to training is going to be memorialized.

IX. REPORTING REQUIREMENTS

A. Weekly Evaluation Report

1. Completed by the designated Field Training Officer for each week of training and evaluation period. APPENDIX "A"

B. Probationary Officer Self Evaluation.

1. Completed by the probationary officer at the completion of each 2 week training period. APPENDIX "B"

C. Monthly Supervisor Evaluation Report

1. A monthly evaluation report will be completed by each squad supervisor during and after the field training period, until the officers' probationary period has ended. APPENDIX "C"

D. Other Police Reports

1. The probationary officer shall be required to complete agency specific reports during their FTO training and evaluation period.

X. DISPOSITION OF FIELD TRAINING EVALUATIONS

- A. Upon completion of the probationary officer's Field Training Program, reports will be filed as follows:

1. Department personnel file.
 - a. Field Training Program files are confidential and shall be reviewed only by persons in the Field Training Program, Administrative Officers and Internal Affairs, upon approval of the Chief of Police.

- B. The Field Training Program files shall be maintained in accordance with the New Jersey Administrative Code and applicable records retention schedule.

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 06-18-2001	REVISION DATE: 01-19-04	PAGE #: 4	SECTION: E, 1, h	APPROVED 01-22-2004	VOLUME VII
VOLUME TITLE: AUTHORITY	# PAGES: 16					CHAPTER 12
ACCREDITATION STANDARD(S):	REFERENCE:					
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ATTORNEY GENERAL:	Special Instructions					
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To ensure that officers have a policy and procedure to follow in the process of fingerprinting individuals for various reason.

POLICY:

Fingerprinting is a very diverse function. Today, people are fingerprinted for many reasons. Fingerprints are a method of positive identification, but the reasons for positive identification are varied. Therefore, clear procedures have been developed to eliminate confusion between criminal fingerprinting procedures, non-criminal fingerprinting procedures and the fingerprinting of juvenile offenders.

PROCEDURE:

I. ARRESTS (See Appendix A)

- A. Whenever an adult is arrested for the following offenses, they are to be fingerprinted:
1. Indictable Offenses
 2. Narcotic Violations

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3. Shoplifting
4. Suspect Identification Questionable
5. Pursuant to the mandatory arrest provisions of the Prevention of Domestic Violence Act N.J.S.A. 2C:25-21.
 - a. This includes anyone who is arrested for a disorderly persons offense that constitutes a mandatory arrest (i.e., a person arrested for a simple assault because there is a sign of injury must be fingerprinted).
 - b. A person who is convicted of an assault or harassment which constitutes an act of domestic violence as defined in N.J.S.A. 2C:25-21. Note that this provision of the statute only takes effect upon conviction of an assault or harassment. Therefore, officers should not fingerprint upon arrest unless fingerprinting is required under another provision of the fingerprint statute. (i.e., if a person is arrested on a simple assault on a citizens complaint, N.J.S.A.2C:12-1a, and the arrest is not made pursuant to the mandatory arrest provisions of N.J.S.A.2C:25-21, Then the person should not be fingerprinted at the time of arrest. The person should only be fingerprinted upon conviction of the simple assault). In this situation, any person convicted of domestic violence assault or harassment, (DP) must submit to the fingerprinting process, including the submission of one state criminal fingerprint card (SBI-19) and one federal fingerprint card (FD-249) to the SBI. The final disposition should be entered on the back of the state criminal fingerprint card so that the criminal history record can be updated (i.e., guilty on 02-01-2000 with a fine of \$250.00 and \$50.00 VCCB etc). Prior to this change, domestic violence charges of simple assault and harassment, which are disorderly persons offenses, did not require fingerprinting.
 - c. Any person against whom a final restraining order has been issued for a domestic violence situation. This order will be issued at the county level and fingerprinting of the subject, if he/she attends the hearing, should occur there. Municipal involvement occurs when the county has tried to serve the final restraining order, but has been unsuccessful and gives the final order to a police department to serve. Regardless of who serves the final order for the domestic violence situation, the subject must be fingerprinted by the Bergen County Sheriffs Department. This will ensure that this individual is entered into the database that

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will prohibit the purchase of a firearm. Any person who knowingly fails to submit to these identification procedures (within a reasonable time) may be charged with 2C:29-1, a disorderly persons offense.

- d. A copy of Receipt of Service form must be given to the person being issued the FRO and a Notification and Instruction form, the signed receipt of service form must be complete by the officer and forward with the return of service. See Domestic Violence Policy Vol. III, CH. 1 Appendix A.

B. When an adult is fingerprinted, the following fingerprint cards are to be completed:

1. Two (2) N.J. State Fingerprint Cards

- a. One for the state
- b. One for the County

2. Two Red Federal Fingerprint Card

- a. One for the FBI.
- b. One for Fort Lee Records

C. When the fingerprint cards are completed, the person who has been fingerprinted, must sign each card in the location listed as: PERSON BEING FINGERPRINTED. Person taking prints must also sign all cards,

D. The completed fingerprint cards are to be placed in case jacket and forwarded to case management and then to the records bureau.

1. Records personnel shall complete the fingerprint cards and forward the cards to the appropriate authority.

- a. One black and red card will be forwarded to the State of N.J., Dept. of Law & Public Safety, Division of State Police, Records and I.D. Section.
- b. One red card will be retained in the Fort Lee Police Department Identification file for the person fingerprinted.
- c. One black card will be forwarded to the Bergen County Sheriff's Department.

E. Whenever a juvenile is arrested, any fingerprinting must comply with New Jersey State Statute 2A:4A-61. (All juveniles age 14 and over charged with a crime)

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1. The fingerprints of a juvenile shall be obtained under the following circumstances:

- a. Where latent fingerprints are found during an investigation of an offense and a law enforcement officer has reason to believe that they are those of a juvenile, he may, with the consent of the court or juvenile and his parent or guardian, fingerprint the juvenile for the purposes of comparison with the latent fingerprints. Fingerprint records taken pursuant to this paragraph may be retained by the department but shall be destroyed when the purpose of taking the fingerprints has been fulfilled.
- b. If the parent, guardian and juvenile do not consent to the taking of fingerprints for comparison purposes, then a court order must be obtained. The investigating officer shall prepare an Affidavit stating the reasons for believing that the juvenile is involved. Contact the Juvenile Unit of the Prosecutor's office so that an order may be prepared and presented to the court along with the Affidavit.
- c. If a juvenile is 14 years or older and charged with delinquency on the basis of an act which if committed by an adult would constitute an indictable crime, fingerprints are to be taken along with photographs.
- d. Juvenile fingerprints shall remain in the case file pending disposition of the case.
- e. If the juvenile is adjudicated delinquent on the basis of an act which, if committed by an adult would constitute a crime, then the fingerprints are to be submitted to the New Jersey State Police Bureau of Identification at: (Amended by L.1994, c. 56(2) eff. 6-29-94). This includes juveniles under the age of 14.

New Jersey State Police
Bureau of Identification
P. O. Box 7068
West Trenton, N. J. 08628-0068

- f. If the juvenile is **not** adjudicated a delinquent then the fingerprints shall remain with the case file for identification purposes only.
- g. The juvenile shall be fingerprinted utilizing two (2) State Fingerprint Cards.
 - (1). One (1) card will remain in the local arrest file.
 - (2). One (1) card will be submitted to the State Bureau of Identification, (SBI) for inclusion in the SBI files. (5-1-96, 96-6 NJSP Newsletter).
- h. Juveniles whose cases are waived to adult court (superior or municipal), whether involuntarily or at their own election, should be fingerprinted for any offense that would require fingerprinting if it were committed by an adult. The fingerprinting should take place prior to the trial, at the time of the waiver.

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F. Whenever an arrested person is fingerprinted, a photograph of the person will also be taken.

1. The Photograph will be taken using an RG number from the RG book in the processing room. The following information will be filled in to the book.
 - a. Next sequential number in book.
 - b. Defendants name.
 - c. Race.
 - d. Sex.
 - e. Case number.
 - f. Date.
 - g. Charges.
 - h. Arresting officer.
 - i. Officer printing and photographing .
2. The RG information screen will then be completed in the computer.

II. APPLICANT CARDS

- A. When an adult must be fingerprinted as a requirement of law, one Federal Applicant Fingerprint Card and one State Applicant Fingerprint Card is to be completed.
 1. The Applicant Fingerprint Cards are to be given to the applicant after the person has been fingerprinted.
 - a. The only exception would be when the applicant is applying for a position with the Fort Lee Police Department. Other employment within the Borough of Fort Lee requiring fingerprinting and applicant fingerprinting for licensing or service within Fort Lee.
 - b. For Firearms ID Pistol Purchase.
- B. Applicant Fingerprint Cards are to be completed for the following:
 1. Alcoholic Beverage Control
 - a. Purpose:
 - (1) Liquor Industry Employment Screening N.J.S.A. 33:1-25, N.J.S.A. 33:1-26

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- (2) Alcohol Beverage Control Licenses
N.J.S.A. 33:1-25, N.J.S.A. 33:1-31
 - (3) **See II, A.1.a.**
 - b. Authorized Agency:
 - (1) Municipal Police Departments
 - (2) Municipal ABC Boards
 - (3) State Police
- 2. Attorneys-At-Law
 - a. Purpose:
 - (1) Applicants for admission to the practice of law, and the disciplining of persons so admitted. Chapter 370, P.L. 1979.
 - b. Authorized Agency:
 - (1) New Jersey State Supreme Court
- 3. Licensing for Cemetery Salesman N.J.S.A. 8A:9-8
- 4. Applicants for officers, directors, or employees N.J.S.A. 17:9A-18.1
- 5. Applicants for banking institutions federally chartered or insured 86 STAT. 1115 (P.L. 92-544)
 - a. Authorized Agency:
 - (1. Department of Banking
 - (2. Consumer Credit Bureau (Dept. of Banking)
 - (3. Banking Institutions
- 6. Cigarettes
 - a. Purpose:
 - (1. Applicants for Vendor Licenses N.J.S.A. 54:40A-4

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- b. Authorized Agency:
 - (1. Division of Taxation
- 7. Civil Service Employment
 - a. Purpose:
 - (1. Civil Service Applicants (state) N.J.S.A. 11:10-6.1
 - b. Authorized Agency:
 - (1. Various departments and agencies of state government.
- 8. Controlled Dangerous Substances
 - a. Purpose:
 - (1. Registration of applicants to manufacture, distribute or dispense certain CDS N.J.S.A. 24:21-11, N.J.S.A. 24:21-12
 - b. Authorized Agency:
 - (1. Drug, Device and Cosmetic Program, Division of Community Health Services, Department of Health
- 9. Explosive Control
 - a. Purpose:
 - (1. Explosive manufacturing, selling, storing, transportation or use permits N.J.S.A. 21:1A-134
 - b. Authorized Agency:
 - (1. Office of Safety Compliance, Department of Labor and Industry
- 10. Federal Government Employment
 - a. Purpose:
 - (1. Federal Government Applicants Executive Order 10450

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- b. Authorized Agency:
 - (1. Various Federal Government agencies
- 11. Firearms
 - a. Purpose:
 - (1. Firearms retail dealer and employee licenses N.J.S.A. 2C:58-2
- 12. Firearms, permit to carry N.J.S.A. 2C:58-4
- 13. Machine Gun, permits to purchase, possess to carry N.J.S.A. 2C:58-5
 - a. Authorized Agency:
 - (1. Various Police Department
 - (2. State Police
- 14. Firemen
 - a. Purpose:
 - (1. Applicants for appointment as member of a paid fire department or a paid member of a part-time fire department N.J.S.A. 40A:14-9
 - b. Authorized Agency:
 - (1. Various Police Departments
 - (2. State Police
- 15. Gaming
 - a. Purpose:
 - (1. Amusement Game License for applicants who wish to hold, operate or conduct amusement games N.J.S.A. 5:8-103
 - (2. Bingo licenses to hold, operate and conduct N.J.S.A. 5:8-27

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- (3. Renters licenses N.J.S.A. 5:8-49.6, N.J.S.A. 5:8-49.8
 - (4. Raffles, licenses to hold, operate, conduct and raffles leasing licenses N.J.S.A. 5:8-53, N.J.S.A. 5:8-6
 - (5. Gaming licensing and control Casino gaming N.J.S.A. 5:12-84
 - (6. Casino license applicants N.J.S.A. 5:12-86
 - (7. Casino employee applicants N.J.S.A. 5:12-90
 - (8. Casino hotel employee applicants N.J.S.A. 5:12-91
 - (9. Casino service industry license applicants N.J.S.A. 5:12-92
 - (10. Labor organization personnel requesting registration of licensees under the Casino Control Act N.J.S.A. 5:12-93
 - b. Authorized Agency:
 - (1. Legalized Games of Chance Commission
 - (2. Various Police Departments
 - (3. State Police
16. Health
- a. Purpose:
 - (1. Nursing Home Licenses N.J.S.A. 30:11-1.1, N.J.S.A. 30:11-1.4
 - (2. Nursing Home Administrator License N.J.S.A. 30:11-23
 - b. Authorized Agency:
 - (1. Department of Health
17. Human Services
- a. Purpose:
 - (1. Child Adoption Applicants N.J.S.A. 9:3-47, N.J.S.A. 9:3-48
 - (2. Child Abuse Investigators N.J.S.A. 30:4c-12, N.J.S.A. 9:6.1
 - b. Authorized Agency:

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- (1. Various regional offices of the Department of Human Services, Division of Youth and Family Services
18. Insurance
 - a. Purpose:
 - (1. Agent Broker or Solicitor license N.J.S.A. 17B:22-9, N.J.S.A. 17B:22- 27
 - (2. Insurance Brokerage Business, partnership or corporation license N.J.S.A. 17:22-6.9, N.J.S.A. 17:22-6.16
 - (3. Insurance Company Applicants (life and health insurance) N.J.S.A. 17B:18-42
 - (4. Insurance Company Applicants (all others) N.J.S.A. 17:17-10
 - b. Authorized Agency:
 - (1. Department of Insurance
19. Motor Vehicle and Operation of Vehicles
 - a. Purpose:
 - (1. Auto dealership licenses N.J.S.A. 39:10-19, N.J.S.A. 39:10-20
 - (2. Drive Instructor Licenses N.J.S.A. 39:12-6, N.J.S.A. 39:12-8
 - (3. Motor Vehicle Reinspection Station Licenses N.J.S.A. 39:8-19
 - (4. Driving School Owner Licenses N.J.S.A. 39:12-7, N.J.S.A. 39:12-3
 - b. Authorized Agency:
 - (1. Division of Motor Vehicles
 - (2. State Police, Highway Patrol Bureau
20. Municipal Employment

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- a. Purpose:
 - (1. Applicants for municipal office, position or employment N.J.S.A. 40:69A-166
 - b. Authorized Agency:
 - (1. Municipal Police Departments
 - (2. State Police
21. Private Detective:
- a. Purpose:
 - (1. Private Detective licenses N.J.S.A. 45:19-12, N.J.S.A. 45:19-16
 - b. Authorized Agency:
 - (1. State Police
22. Professional Boards
- a. Purpose:
 - (1. Applicants for Acupuncture Licenses N.J.S.A. 45:9B-12
 - (2. Applicants for Barber Licenses N.J.S.A. 45:4-40
 - (3. Applicants for Beauty Consultant Licenses N.J.S.A. 45:9-42.15
 - (4. Applicants for Bioanalytical Laboratory Licenses N.J.S.A. 45:9-42.12
 - (5. Applicants for Chiropody Licenses N.J.S.A. 45:5-8
 - (6. Applicants for Dental Hygiene Licenses N.J.S.A. 45:6-7
 - (7. Applicants for Dental Licenses (Doctor of Dentistry) N.J.S.A. 45:6-7

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- (8. Applicants for Embalmer or Funeral Director Licenses N.J.S.A. 45:8-38
 - (9. Applicants for Engineer Licenses N.J.S.A. 45:8-38
 - (10. Applicants for Hearing Aid Dispenser Licenses N.J.S.A. 45:9A-17
 - (11. Applicants for Land Surveyor Licenses N.J.S.A. 45:8-38
 - (12. Applicants for Marriage Counselor Licenses N.J.S.A. 45:8B-5
 - (13. Applicants for Medicine and Surgery licenses N.J.S.A. 45:9-16
 - (14. Applicants for Midwife Licenses N.J.S.A. 45:10-9
 - (15. Applicants for Nursing Licenses N.J.S.A. 45:11-32
 - (16. Applicants for Ophthalmic Dispenser or Technician Licenses N.J.S.A. 52:17B-41.22
 - (17. Applicants for Optometry Licenses N.J.S.A. 45:12-11
 - (18. Applicants for Orthopedic Licenses N.J.S.A. 45:12A-7
 - (19. Applicants for Pharmacist Licenses N.J.S.. 45:14-12
 - (20. Applicants for Physical Therapist Licenses N.J.S.A. 45:9-37.7
 - (21. Applicants for Plumbers Licenses N.J.S.A. 45:14C-22
 - (22. Applicants for Psychologist Licenses N.J.S.A. 45:14B-24
 - (23. Applicants for Public Accounting Licenses N.J.S.A. 45:2B-18
 - (24. Applicants for Veterinarian Licenses N.J.S.A. 45:16-6
- b. Authorized Agency:

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- (1. Division of Consumer Affairs Enforcement Bureau, Department of Law and Public Safety
- 23. Racing
 - a. Purpose:
 - (1. Applicants (Track Employees) N.J.S.A. 5:5-34
 - b. Authorized Agency:
 - (1. Racing Commission
 - (2. State Police
- 24. Real Estate
 - a. Purpose:
 - (1. Applicants for licenses as real estate brokers or salesmen N.J.S.A 45:15-12.1, N.J.S.A. 45:15-17, N.J.S.A 45:15-19.2.
 - b. Authorized Agency:
 - (1. Real Estate Commission
- 25. Securities Industries
 - a. Purpose:
 - (1. Securities Agent, broker-dealer or investment advisor Licenses N.J.S.A.49:3-58
 - b. Authorized Agency:
 - (1. Department of Law and Public Safety Bureau of Securities
- 26. School Bus Drivers and Public School Employment
 - a. Purpose:

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- (1. School Bus Drivers or Substitute Driver Applicants N.J.S.A. 18A:39-19
 - b. Authorized Agency:
 - (1. County Superintendents of Schools
 - c. Senate Bill 223
 - (1. Mandates the submission of applicant fingerprint cards on all prospective public school employees.
 - (2. Prints to be taken by local county or state law enforcement agencies.
 - (3. Applicant will bring with them the specific applicant fingerprint cards from the Department of Education.
 - (4. Personal identification should be examined prior to taking the applicants fingerprint impressions. The cards will be **turned over** to the applicant for submission to the Department of Education.
 - (a. The police department **will not** forward the cards directly.
27. Waterfront/Airport Employment or Union Activities Port of New York District
- a. Purpose:
 - (1. Applicants for Airfreightman and Airfreightman Supervisor N.J.S.A. 32:23-156, N.J.S.A. 32:23-158
 - (2. Applicants for Airfreightman Labor Relations Consultant Licenses N.J.S.A. 32:23-162
 - (3. Air Freight Terminal Operator Licenses N.J.S.A. 32:23-162
 - (4. Air Freight Truck Carrier Licenses N.J.S.A. 32:23-162
 - (5. Applicants for Longshoreman N.J.S.A. 32:23-29, N.J.S.A. 32:23-44
 - (6. Applicants for Port Watchman Licenses N.J.S.A. 32:23-41, N.J.S.A. 32-23-24
 - (7. Applicants for Stevedore Licenses N.J.S.A. 32:23-21, N.J.S.A. 32:23-18
 - (8. Applicants for Checker Licenses N.J.S.A. 32:23-105

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- (9. Applicants for Hiring Agent Licenses N.J.S.A. 32:23-14, N.J.S.A. 32:23-18
- (10. Applicants for Union Officer, Agent or Employee N.J.S.A. 32:23-211, N.J.S.A. 32:23-212
- (11. Applicants for Pier Superintendent Licenses N.J.S.A. 32:23-14, N.J.S.A. 32:23-18.

b. Authorized Agency:

- (1. Waterfront and Airport Commission of New York and New Jersey.

III. FIREARMS I.D. CARDS

- A. Two State Firearms Application Fingerprint Cards are to be completed.
- B. One blue Federal Applicant Fingerprint Card is to be completed.
- C. When the fingerprint card is completed, the person fingerprinted is to sign each card.
- D. When the I.D. card is issued, the thumb print of the cardholder must be placed on the back of the I.D. card.

IV. PISTOL PURCHASE PERMITS

- A. One blue Federal Fingerprint Card is to be completed.
- B. Two N.J. State Firearms Application Cards are to be completed.
- C. The officer that fingerprinted the applicant shall check for completion and forward the application forms, fingerprint cards, and I.D. card to the Records Office.
- D. All fingerprint cards must be signed by the applicant and the officer taking the fingerprints.

V. RESPONSES FROM THE F.B.I. FOR CRIMINAL FINGERPRINT CARD SUBMISSION

- A. When fingerprint cards are submitted to the F.B.I. the "reply desired" block on the back of the Federal Criminal Arrest Fingerprint Card (FD-249) must be checked "yes" in order to receive a criminal records check response.
- B. When the F.B.I. does identify a Fort Lee fingerprint card submission with an existing criminal record on the Interstate Identification Index (III) System, other than New Jersey, a .PIR (prior index record) message will be sent to the Fort Lee Police via teletype.

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When the telecommunications operator receives the message, the teletype will be Forwarded to the record secretary who will include the record with the case file.

- C. When the F.B.I. does not identify a Fort Lee fingerprint submission with an existing criminal record, a .NPR (no prior record) message will be sent to the Fort Lee Police via teletype.

When the telecommunication operator receives the message, the teletype will be forwarded to the records secretary, who will include the record with the case file.

- D. The F.B.I. will not respond via the mail to criminal fingerprint card submissions. Only non-criminal fingerprint card submissions will the F.B.I. respond via the mail.

CRIMINAL ARREST FINGERPRINT REQUIREMENTS

Law enforcement officers must fingerprint any person and forward one state and one federal fingerprint card to the State Bureau of Identification without delay in the following circumstances:

- a. Arrested for an indictable offense (N.J.S.A. 53:1-15)
- b. Arrested for a violation of any state law relating to narcotics or dangerous drugs, whether indictable or otherwise. (N.J.S.A. 53:1-18.1)
- c. Within a reasonable time after the filing of a complaint summons by a law enforcement officer charging the defendant with an indictable offense. (N.J.S.A. 53:1-15)
- d. Arrested for shoplifting (N.J.S.A. 53:1-15)
- e. Convicted of a non-indictable offense where the identity of the person convicted is in question. (N.J.S.A. 53:1-15) Indicate in the "charge & statute" block, on the state card, that the identity is in question. List the final disposition in the appropriate block.
- f. Charged in an indictment/accusation, who has not been arrested and fingerprinted for the charges. (N.J.S.A. 53:1-15) List the indictment/accusation number in the appropriate block on the state card.
- g. When a juvenile 14 years of age or older is adjudicated delinquent on the basis of an act which, if committed by an adult, would constitute a crime. (N.J.S.A. 2A:4A-61c and d) List the final disposition in the appropriate block.
- h. Arrested and believed to be wanted for an indictable offense (N.J.S.A. 53:1-15)
- i. Arrested and believed to be a habitual criminal. (N.J.S.A. 53:1-15) Indicate in the "charge & statute" block, on the state card, that the subject is a habitual criminal.
- j. When a juvenile is convicted as an adult. List the indictment/accusation and final disposition in the appropriate blocks.

NOTE: Questions can be addressed to Bureau Chief, State Bureau of Identification (See Vol. 3, Ch. 7 tab 5)

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 02-14-05	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME VIII
VOLUME TITLE: INVESTIGATION	# PAGES: 14					CHAPTER 12
ACCREDITATION STANDARD(S):	REFERENCE: V8C12					
SUBJECT: FIREARMS APPLICATIONS, PERMITS & INTER-STATE TRANSPORT						DISTRIBUTION ALL
ISSUING AUTHORITY: _____						EVALUATION DATE:
CHIEF THOMAS RIPOLI		Special Instructions				
ATTORNEY GENERAL:						
PROSECUTOR'S OFFICE:						
REFERENCE: NJSA 2C:58 & 2C:39						

PURPOSE:

To establish procedures to ensure that an in depth background check on anyone who has submitted a Firearms Application.

POLICY:

The Chief of Police is vested with the responsibility for reviewing Firearm Identification Card Applications, Permit to Purchase Pistol Applications and Permit to Carry Firearms.

In order to ensure that the applicants meet statutory requirements, it is necessary to conduct an in depth background check on anyone who has submitted a Firearms Application as outlined in this policy. The procedures contained within the context of this policy will set forth guidelines for each phase of the firearm application process. The Voluntary Registration of Firearms will also be addressed within this policy.

All formal requests for Firearms Applications shall be directed to the Records Bureau.

PROCEDURE:

I. RECORDS BUREAU RESPONSIBILITY

- A. The following blank application forms, as designated by the State of New Jersey, shall be available in the Records Bureau:**

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1. Firearm Purchaser Identification Card / Handgun Purchase Application (STS-33)
2. Voluntary Register of Firearms form. (SP 650)
3. Duplicate Firearm Purchaser Identification Card form. (STS-3)
4. Application For Permit To Carry Handgun (SP 642)
5. Consent for Mental Health Record Search form. (SP-66)
6. Request for Criminal History Record Information (SBI-212)

B. Firearms Purchase Identification Application:

1. Whenever someone contacts the Records Bureau seeking to purchase a rifle or shotgun, the Records Bureau will provide the person with an "APPLICATION FOR FIREARMS PURCHASER IDENTIFICATION CARD", a "CONSENT FOR MENTAL HEALTH RECORDS SEARCH" form. The Records Bureau may make arrangements for after hours pick up of the paperwork packet.
2. The Records Bureau is to advise the applicant that the fees outlined below must be returned with the application, payable as follows:
 - a. \$54.00 Money Order made payable to: Division of State Police S.B.I. This fee covers the state police fingerprinting fees. ALL APPLICANTS ARE TO BE ADVISED THAT FINGERPRINTING IS DONE AT THE RECORD ROOM EACH WEEKDAY AT 1PM SHARP AND WEDNESDAY EVENINGS AT 7PM SHARP.
 - b. \$5.00 Cash or Check made payable to: **Borough of Fort Lee.**
3. When a completed application is received, the Records Bureau should:
 - a. Make sure that both checks are attached to the application.
 - b. Make sure that the dollar amounts are correct.
 - c. Have the witness section of the Mental Health form signed by a sworn officer.
 - d. Complete the Request for Criminal History Record Information as needed and make sure that it is properly filled out by the applicant.
 - e. Place the completed package in the Record's Bureau Supervisor's mailbox.

C. Application to Purchase Handgun

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1. Whenever someone contacts the Records Bureau seeking to purchase a handgun, the Records Bureau will provide the person with an "APPLICATION TO PURCHASE HANDGUN/ ID CARD", "CONSENT FOR MENTAL HEALTH RECORDS SEARCH" and CRIMINAL HISTORY RECORD INFORMATION" form. The Records Bureau may make arrangements for after hours pick up of the paperwork packet.
 - a. If the applicant does not possess a Firearms Identification Card, the Records Bureau is to provide the person with an "Application for Firearms Purchaser Identification Card" (see section I.B)
2. The Records Bureau is to advise the applicant that a check or cash must be returned with the application, made payable as follows:
 - a. \$2.00 Cash or Check made payable to **Borough of Fort Lee**.
3. When a completed application is received, the Records Bureau should:
 - a. Make sure that the check or cash is attached to the application.
 - b. Make sure the dollar amount collected is correct.
 - c. Sign the witness section of the Mental Health form.
 - d. Complete the Request for Criminal History Record Information as needed and make sure that it is properly filled out by the applicant.
 - f. Place the completed package in an Inter-Office Envelope and place it in the Records Bureau Supervisor's mailbox.

D. Voluntary Form of Register of Firearms

1. Anytime someone contacts the Records Bureau and requests to register a firearm, the Records Bureau should provide the person with the New Jersey Voluntary Registration Form. Applicant must have a NJ FIREARMS ID CARD.
2. There is no fee for this type of registration.
3. When completed, the original form is to be forwarded to the NJ State Police Firearms unit at the address on the form, the local police carbon copy should be forwarded to the Records Bureau Supervisor's.

E. Application for a Duplicate Firearms Purchaser Identification Card

1. This form is to be completed when:
 - a. An Identification Card has been stolen

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- b. An Identification Card has been lost
 - c. When an Identification Card has been mutilated
 - d. When the bearer has changed address
 - e. When the bearer has changed their name
 - f. When the bearer has changed their gender
- 2. Applicant must fill out a request for criminal history record information form and provide a \$18.00 money order payable to the state police. A \$5.00 fee payable in cash or check to the BOROUGH OF FORT LEE is also required..
 - 3. When completed, the application is to be forwarded to the Records Bureau Supervisor's.

F. Carrying Permits

- 1. When someone contacts the Records Bureau and inquires about obtaining a permit application to carry a firearm, the Records Bureau shall:
 - a. If the Records Bureau Supervisor is working, refer the person immediately to the Records Bureau Supervisor.
 - b. If the Records Bureau Supervisor is not working, advise the person that they are to call the Records Bureau Supervisor anytime between Monday to Friday, 9:00 A.M. and 3:00 P.M. The Records Bureau Supervisor will make arrangements for the person to pick up the necessary application forms.
 - c. A fee of \$20.00 must accompany the Application for Permit to Carry, made payable to the Bergen County Clerk.

II. INVESTIGATIVE DIVISION

A. Fingerprinting

- 1. All applicants for Identification Cards, first time Handgun Purchase Permits or Handgun Carry Permits shall be fingerprinted as outlined within this section.
- 2. Firearms Identification Cards:
 - a. One black New Jersey State Application Fingerprint Card is to be completed by selecting the appropriate box.
 - b. One blue Federal Applicant Fingerprint Card is to be completed.

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- c. When the fingerprint card is completed, the person fingerprinted is to sign each card.
- 3. First Time Handgun Purchase Permits:
 - a. Applicant must also apply for a Firearms Identification Card if He/She does not have one.
 - b. All fingerprint cards must be signed by the applicant and the officer taking the fingerprints.
 - c. If the applicant has a valid New Jersey Firearms I.D. Card (with a Fort Lee address) or has previously obtained a Handgun Purchase Permit from this department then there is no need to obtain fingerprints. Applicant must file Request for Criminal History form and submit \$18.00 fee in money order payable to NJ State Police SBI Unit

III. RECORD'S BUREAU SUPERVISOR'S RESPONSIBILITIES

A. Background Checks, Firearms I.D. Cards, Pistol Purchase Permits, Duplicate Firearms I.D. Cards and Voluntary Registration.

- 1. A motor vehicle Driver History may be obtained and placed with the file for Firearms I.D. Cards and Pistol Purchase Permits and Duplicate Firearms I.D. Cards.
- 2. The licensing authority shall investigate the same and, unless good cause for the denial thereof appears, shall grant the permit or the identification card, or both, if application has been made therefor, within thirty (30) days from the date of receipt of the application for residents of this State. All background checks and paperwork should be completed within thirty (30) days from the date that the application was received at police headquarters, pending FBI fingerprint review.
- 3. A Criminal Case History should be run on the applicant.
- 4. The Records Bureau Supervisor should evaluate the findings and either recommend "approved" or "**not** approved".

B. Firearms Identification Card

- 1. Application
 - a. Check the application to make sure that all questions have been answered by the applicant.

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- b. Check block 29030 to see if the applicant listed a relative as a character reference (i.e. same last name or address). If they did, contact the applicant for a new reference.
- c. If the application has not been completed properly, so advise the applicant.
- d. Send out the character reference letter to both references listed on the application. Keep a copy of the returned letters with the application.
- e. When checking the application, if the applicant has answered "YES" to numbers 12, 13, 17, 18 or 20, do the following:

#12 and/or #13: Forward the applicant information to the respective Court in a letter requesting that they give you the disposition of the case.

#17 and /or #18: A letter has to be written to the doctor or hospital as noted on the application requesting that they give you a recommendation on the applicant's condition and if it would be unsafe for them to handle a firearm.

2. Mental Consent Form

- a. The applicant is required to sign the consent when filing the application.
- b. Refusal to sign the form requires immediate denial or disapproval of the application. In this event, the applicant fingerprints **are not to be submitted** to the S.B.I.
- c. It is the procedure that neither form is to be forwarded to the State Police (S.B.I.). The white (original) copy is made a part of the Borough of Fort Lee Police Department's firearm applicant file. The yellow copy is made part of the file of the Bergen County Adjuster or the responding institution and or doctor.
- d. Form **SP-66** is **not** used unless the applicant or the **investigation** indicated commitment or treatment for a mental problem. In the event of commitment or treatment, the form is to be forwarded to that particular institution or doctor for confirmation.
- e. Proper use of the **SP-66** for investigative purposes:
 - (1) If questions #17 or #20 of the application for firearms Purchase Identification Card, (Form STS-33), Application to Purchase Handgun, (Form STS-33), or Application for Permit to Carry

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Handgun, (Form S.P. 642), is answered "yes", SP-66 is then used to confirm said commitment of treatment. The applicant is required to produce a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that they are no longer suffering from that particular disability in such a manner that would interfere with or handicap them in the handling of firearms. Failure to produce would require denial, and item C, under "Reason for disapproval" on form STS-33, checked off.

- (2) If the investigation reveals that questions #17 or #20 of the application are falsified, the form is forwarded to the institution or doctor for conformation. When confirmed, the application will be denied and items C and E under "Reason for Disapproval" on Form STS-33, should be checked off. The applicant may also be charged with 2C:39-10, a violation of the regulatory provisions relating to false representation in firearms applications.
- f. Check the consent form to make sure that it has been completed, signed and witnessed.
 - g. Make a copy of the consent form to be attached to the application.
3. **Fingerprint Cards and \$49.00 Money Order** made payable to Division of State Police, S.B.I.
 - a. Complete all sections of the fingerprint cards (two cards). Take the information from the application.
 - b. Make sure that the check for \$54.00 is a money order made payable to the Division of State Police, S.B.I. (must include S.B.I.).
 - c. Forward the money order with the fingerprint cards to the NJSP.
 - d. Send both completed fingerprint cards and the attached check to the State of New Jersey in the envelope that have been provided by them.
4. **Firearms Identification Card**
 - a. When the Identification Card is issued, the right index finger of the cardholder must be placed on the back of the I.D. Card. The card must be right index fingered before it can be given to the applicant.
 - b. Keep the Identification Card with the application until it is approved or denied by the Chief of Police in the "pending" firearms application file.

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5. Pending Firearms Application File

- a. The applications are filed alphabetically in the pending firearms file until the following is received: (Note: All papers are kept with the application in the pending file also).
 - (1) Mental Consent Form - signed by the County Adjuster, if applicable.
 - (2) Two character reference letters
 - (3) State and Federal Criminal Records, both must be returned.
 - (4) Motor Vehicle Driver History, if obtained.
- b. After all of the above have been returned, if any of the documents indicate any negative remarks about the applicant, bring it to the attention of the Chief of Police by attaching a note to him along with the application.

Example: Mental Consent Form lists a record of commitment to a mental institution. Criminal Records are listed on the State or Federal lookups. The Character Reference letters are returned with negative comments, i.e. bad temper, drinks, unstable, unemployed, etc.

6. After all the necessary information is received as outlined in Section II, do the following:

- a. Complete the application.
- b. Complete the Identification Card.
- c. Enter the application information into the Firearms Register.
- d. Check/Cash in the amount of \$5.00 is received by the Records Bureau and secured in the cash register.
- e. The application is then given to the Chief of Police for his signature on the application, along with the Identification Card. Attach the Mental Consent Form, character reference letters, criminal records and any other information received to the back of the application for the Chief's review. The Identification Card should be attached to the front of the application with a paper clip.

7. After the application is returned from the Chief of Police, check to see that the application has been signed, dated and either approved or denied. Check to see that the I.D. Card has also been signed and dated. If the application is approved, do the following:

- a. Separate the two-part application.

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- (1) Original application is forwarded to the New Jersey State Police Firearms Unit.
 - (2) The copy of the application is filed in the Firearms File in the Records Room along with all attachments, letters, consent form and fingerprint cards.
- b. The Identification Card is to be held by the Records Bureau Supervisor until the applicant picks up the card in the Records Bureau.
 - (1) The Records Bureau should contact and inform the applicant that their I.D. Card is ready.

8. Application Denied

- a. Send the department's form Letter of Denial to the applicant. This letter advises the applicant that he has thirty days to appeal the decision of the Chief of Police to the Superior Court, and that the applicant must advise the Police Department of his intent to appeal. If the Applicant does not appeal proceed as follows.
- b. Record that the application has been denied in the Firearms Register.
- c. Write on the top of the application, **DENIED**.
- d. Separate the two-part application.
 - (1) Original application is forwarded to the New Jersey State Police Firearms Unit.
 - (2) The copy of the application is filed in the Firearms File in the Records Room along with all attachments, letters, consent form and fingerprint cards.

C. Processing of application for permit to purchase a handgun

1. The Records Bureau Supervisor should receive the following from the Records Bureau staff:
 - a. The completed application
 - b. The signed Request for Criminal History Record Information form.
 - c. Motor Vehicle Driver History, if obtained.

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- d. Character references.
 - e. The signed Mental Consent Form
 - f. \$2.00 permit fee for each permit requested.
2. Check the application, as follows:
- a. Check to make sure that all questions have been answered by the applicant.
 - b. Check block 29-30 to see if the applicant listed a relative as a character reference. If they did, contact applicant.
 - c. If the applicant has answered "YES" to numbers 12, 13, 17, 18 or 20, do the following:
 - (1) **#12 and/or #13:** Forward the applicant information the respective Court in a letter requesting that they give you the disposition of the case.
 - (2) **#17 and /or #18:** A letter has to be written to the doctor or hospital as noted on the application requesting that they give you a recommendation on the applicant's condition and if it would be unsafe for them to handle a firearm.
 - d. Make sure that the applicant has an S.B.I. number. If he does not, tell the applicant that he will have to be fingerprinted in order to obtain an S.B.I. number. The S.B.I. number is usually obtained when a person applies for a Firearms Identification Card.
3. Mental Consent Form
- a. Refer to **Mental Consent form III, A, 2**, of this policy.
4. Fingerprinting:
- a. The applicant must have a State Bureau of Identification (SBI) number on their Firearms ID card, they will be required to obtain two (2) character reference letters. Send the letters to the names listed under #29 and #30 on the application.
5. File the application and a copy of the Mental Health Consent Form in the pending Firearms File. The applications are filed alphabetically.

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6. The application will remain in the pending file until the Mental Consent Form is returned. When it is received, proceed as follows:
 - a. Determine how many permits have been requested. This is found at the top of the application.
7. Type the permit.
8. Give the permit, application, Mental Health Consent Form to the Chief of Police for his signature on both the permit and application. The Chief will also date the permit and application.
9. When the application is approved by the Chief of Police, check the permit to make sure it has been signed and dated. The permit is then given to the Records Bureau Supervisor to call and advise the applicant that his permit is ready. Note: Be sure to include the telephone number of the applicant.
 - a. **Before giving the Permit to Purchase to the applicant, the Records Bureau will have the applicant sign the Permit in the space provided on the Permit to Purchase a Handgun & Form of Register.**
10. Advise applicant to file the respective copies as indicated on the form after purchase of handgun.
Application Denied
 - a. Send the department's form Letter of Denial to the applicant. This letter advises the applicant that he has thirty days to appeal the decision of the Chief of Police to the Superior Court, and that the applicant must advise the Police Department of his intent to appeal. If the Applicant does not appeal proceed as follows.
 - b. Record that the application has been denied in the Firearms Register.
 - c. Write on the top of the application, **DENIED**.
 - d. Separate the two-part application.
 - (1) Original application is forwarded to the New Jersey State Police Firearms Unit.
 - (2) The copy of the application is filed in the Firearms File in the Records Room along with all attachments, letters, consent form and fingerprint cards.
14. **S.B.I. Number.** Permits cannot be issued unless the applicant has a Firearms ID Card with a S.B.I. Number. This is obtained when he is fingerprinted. If the applicant does not have an S.B.I. Number, tell the applicant that he will have to be fingerprinted before he can receive the Permit to Purchase.

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15. **Copy of Permit.** After the applicant has purchased a handgun, a copy (yellow) of the completed permit will be returned to headquarters. The information that has been completed on the permit by the seller must be recorded in the Firearms Register. The copy of the permit is attached to the permit application and filed in the Firearms File in the Records Room.

C. Application for a duplicate Firearms Purchaser Identification Card

1. Check the application to make sure the appropriate block(s) and information are completed and questions answered. Have Applicant submit Request for Criminal history form with \$18.00 money order payable to NJ State Police SBI.
2. If the application is for a "**Change of Address**", send a letter to the police department where the original I.D. Card was issued, and request a copy of the original application, and complete the file.
3. Type in **Borough of Fort Lee Police Department** on the line provided at the bottom of the application.
4. Type a new I.D. Card. If the application is for a Change of Address, a new card cannot be issued until a copy of the original application has been received. A supply of blank I.D. Cards are kept in the Record Bureau Supervisor's office.
5. Give the application and I.D. Card to the Chief of Police for his signature on both the application and card. The Chief of Police will sign the application and fill in the date of issue. The Chief of Police will sign the I.D. Card and date it.
6. If the I.D. Card does not contain the applicant's right index fingered already, the Records Bureau Supervisor will take the application and the I.D. Card and fingerprint the applicant's card and before giving it to the applicant.
7. Record the application in the Firearms Register.
8. Send the white copy of the application to the Superintendent of State Police. Address is noted on the application.
9. If the application is for a "change of address", send the blue copy to the original issuing authority.
10. The yellow copy of the application is filed in the Firearms File in the Records Room.

IV. INTRASTATE TRANSPORTATION OF CIVILLIAN FIREARMS

- A. New Jersey residents transporting their firearm must comply with NJSA 2C:39-6g.

V. TRANSPORTATION OF FIREARMS WITH CHANGE OF STATE RESIDENCY

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- A. Any person who becomes a resident of this State may own firearms in this state providing that:
1. They were legally purchased in their original state of residency.
 2. The firearm is not prohibited by any state or federal law.
 3. The ownership of a firearm is not prohibited by any state or federal law.
- B. The firearm(s) may be voluntarily registered with the department and the New Jersey State Police.

VI. INTERSTATE TRANSPORTATION OF CIVILLIAN FIREARMS

- A. New Jersey laws governing firearms permits, purchaser identification cards, registration and licenses do not apply to a person who is transporting a firearm through this State if that person is transporting the firearm in a manner permitted by federal law, 18 U.S.C.A. 926A.
- B. This federal law permitting interstate transportation of a firearm applies only if all of the following requirements are met:
1. The person's possession of the firearm was lawful in the state in which the journey began;
 2. The person's possession of the firearm will be lawful in the state in which the journey will end;
 3. The person is transporting the firearm for a lawful purpose;
 4. The firearm is unloaded;
 5. The firearm is not directly accessible from the passenger compartment of the vehicle;
 6. The ammunition is not directly accessible from the passenger compartment of the vehicle;
 7. If the vehicle does not have a compartment separate from the passenger compartment, the firearm must be in a locked container other than the vehicle's glove compartment or console;
 8. The person is not:
 - a. a convicted felon
 - b. a fugitive from justice
 - c. an addict or unlawful user of drugs, or

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- d. an illegal alien
- 9. The person has not:
 - a. been adjudicated to be a mental defective
 - b. been committed to a mental institution
 - c. been dishonorably discharged from the armed forces, or
 - d. renounced his United States citizenship.
- C. A person who is transporting a firearm through the State of New Jersey in the manner permitted by 18 U.S.C.A. 926A, see Section II above, need not give notice.
- D. Procedures for Investigation of Conduct Involving the Possession or Transportation of Firearms.
 - 1. An officer who reasonably suspects that a person is transporting a firearm in violation of New Jersey law should make reasonable inquiries in order to confirm or dispel that suspicion.
 - 2. In a case where circumstances reasonably indicate that the person's possession and transportation of the firearm may be permitted by 18 U.S.C.A. 926A, the officer should make reasonable inquiries in order to determine whether the person's possession is permitted by that federal law.
 - 3. If reasonable inquiries lead an officer to conclude that the person's possession is lawful under either New Jersey law or 18 U.S.C.A. 926A, as described above in Section II, the officer should promptly allow the person to proceed.
 - 4. Whenever an officer has probable cause to believe that a person's possession of a firearm is in violation of New Jersey law and not permitted by 18 U.S.C.A. 926A, as described above in Section II, then the officer should make an arrest.

NOTE: See Assault Weapons Policy (Vol. 8 Ch. 15).

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 06-26-2003	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME VII
VOLUME TITLE: AUTHORITY	# PAGES: 3					CHAPTER 17
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ISSUING AUTHORITY: _____ CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To ensure that there are proper procedures to follow when a fugitive from justice is in the custody of the Fort Lee Police Department.

POLICY:

When a fugitive from another state is apprehended in Fort Lee, whether on local charges or on a check through N.C.I.C., it is the responsibility of the Police Department to give immediate notice to the state where that fugitive is wanted. Determination should be made by that jurisdiction on extradition of the party involved.

The Uniform Extradition Act, N.J.S. 2A;160-1 et seq., requires that a state seeking extradition of a fugitive complete its paperwork within 90 days after the complaint is sworn in. Therefore, it is imperative that prompt notice is given to the state where the fugitive is wanted in order for that state to be able to make a speedy determination as to whether or not to extradite and to begin to prepare the required work.

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PROCEDURE:

I. SIGNING OF FUGITIVE COMPLAINTS

- A. When a person is charged in Fort Lee on local charges or is stopped and is run in NCIC, and the officer making the arrest or stop learns that the defendant is also wanted as a fugitive in another jurisdiction, the officer is to have the jurisdiction in question notified. If there are no local charges, the officer should wait for a decision from the other jurisdiction on whether to extradite the subject. If they do not wish to extradite, the officer should release the subject after obtaining all needed information for an incident report.
- B. Complaints on local charges should be signed in the usual manner. The officer should then verify whether or not the jurisdiction with the fugitive warrant will extradite, hard copy verification should be utilized (teletype/fax etc). If so:
 - 1. The officer will sign a fugitive from justice complaint on a separate warrant (should be only charge on the warrant).
 - 2. Judge should be contacted for arraignment on any criminal charges and for the fugitive from justice complaint.
- C. After fugitive complaint is signed by our department, and the fugitive refuses to waive extradition, bail will be set on the complaint by a Superior Court Judge. (R.3:26-2 allows Superior Court Judges to set bail in extradition proceedings). If the fugitive waives extradition, the fugitive will be held without bail for a period of ten days pending the return to the demanding state.

II. BERGEN COUNTY SUPERIOR COURT WARRANT

- A. The Bergen County Prosecutor's Office Fugitive Unit is responsible for recording and entering fugitives into N.C.I.C./S.C.I.C., based on the following types of warrants:
 - 1. Warrants on Indictment
 - 2. Failure to Appear for Early Disposition Conference
 - 3. Failure to Appear for Arraignment
 - 4. Failure to Appear for Pre-Trial Conference
 - 5. Failure to Appear for Trial
 - 6. Failure to Appear for Sentencing
 - 7. Juvenile warrants Pre-Judication

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Other Superior Court Warrants,(i.e. Violation of Probation and Contempt of Court), are the responsibility of the Bergen County Sheriff's Office Warrant Unit.

III. REQUEST TO ARREST FUGITIVES BY BAIL BONDSMAN OR BOUNTY HUNTERS

- A. When this agency receives a request to assist with the arrest of a fugitive by a bail bondsman or bounty hunter, the agency should verify the person's identity, confirm the warrant through N.C.I.C./S.C.I.C. and the issuing agency.
- B. All fugitives arrested will be lodged in the Bergen County Jail Facility and be given the option to exercise their right for an extradition hearing.