

**ADMINISTRATION
GRIEVANCE PROCEDURE
VOL. I, CH. 21**

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 06-23-2003	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME I
VOLUME TITLE: ADMINISTRATION	# PAGES: 2					CHAPTER 21
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: GRIEVANCE PROCEDURES (Non-Contractual)						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

It is important that all employees know that all levels of the agency understand that resolution of differences is paramount to employee morale, overall effectiveness and efficiency.

POLICY:

This policy is designed to maintain a sound personnel system by the establishment of a formal mechanism to resolve **non-contractual** employee grievances with management. The procedures set forth in this policy should be followed when non-contractual grievances are presented to a supervisor. Contractual agreement grievances should follow the procedures set forth in the employee's contract.

PROCEDURE:

(A) STEP ONE

An Employee with a grievance shall within ten (10) calendar days of the occurrence of the event grieved present the same to his immediate superior. After full disclosure of the facts surrounding the event being grieved, the immediate superior must make every earnest effort to reach a satisfactory settlement with the Employee and Griever. The immediate supervisor shall render a decision within three (3) calendar days of his receipt of the grievance.

(B) STEP TWO

In the event the grievance is not resolved at **STEP ONE**, the Employee shall reduce the grievance and decisions respectively to writing and file same with the Captain or person in charge of the unit to which the Employee is assigned within three (3) calendar days of his receipt

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of the matter and all reports related thereto. The Captain shall respond within three (3) working days.

(C) STEP THREE

In the event the grievance is not resolved at STEP TWO, the matter and all reports shall be submitted to the Chief of Police within three (3) calendar days for his determination in writing within five (5) calendar days of his receipt of the matter and all reports related thereto. In the absence of the Chief the grievance shall be presented to the Ranking Officer in charge of the Department for determination.

(D) STEP FOUR

If the Employee wishes to appeal, the determination of STEP THREE proceeding, he should within five (5) working days submit the grievance in writing together with description of prior steps to the Borough Administrator who shall decide the matter within ten (10) working days of the presentation to him.

(E) STEP FIVE

If the Employee or PBA wishes to appeal the determination of the Borough Administrator, then he shall within five (5) working days of the Administrator's determination file said appeal with the Mayor and Council by filing his appeal with Borough Clerk, as agent for Mayor and council. The Mayor and Council shall respond within fifteen (15) working days.

(F) STEP SIX

1. If the grievance is not settled through the preceding steps, either party may refer the matter to the Public Employment Relations Commission within fourteen (14) calendar days after determination of the Step Five preceding.
2. Arbitration hearing shall be held until after the expiration of at least thirty (30) days after the decision rendered by the Mayor and Council.
3. No matter in dispute that is subject to the review and/or the decision of the Civil Service Commission of the State of New Jersey may be submitted to arbitration.
4. The time limits expressed herein shall be strictly adhered to. If any grievance has not been initiated within the time limits specified, the grievance shall be deemed to have been waived. If any grievance is not processed to the next succeeding step in the grievance procedure within the time limits prescribed, then the disposition of the grievance at the last preceding step shall be deemed to be conclusive. Nothing herein shall prevent the parties from mutually agreeing to extend or contract the time limits provided for in the Grievance Procedure. A failure to respond at any step within the provided time limits shall be deemed a denial.

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BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 06-24-2006	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME V
VOLUME TITLE: INTER-AGENCY PROCEDURES	# PAGES: 10					CHAPTER 10
ACCREDITATION STANDARD(S):	REFERENCE: V#C#					
SUBJECT: HANDLING HAZARDOUS MATERIALS						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
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REFERENCE:						

PURPOSE:

The purpose of the Hazardous Materials Policy is to define and to provide guidance for the development and operation of a viable hazardous materials program during any emergency or disaster situation and to ensure completion of required emergency actions.

POLICY:

Any time you handle chemicals, there is a potential hazard involved. You can minimize this potential hazard by knowing how to handle chemicals properly, then putting that knowledge into practice. This policy is designed to provide officers with a method in which they can efficiently and safely handle hazardous material accidents. The primary function of a police officer when responding to a hazardous material accident is to protect himself and the public from harmful vapors, substances, fire and explosion.

I. AUTHORITY:

- A. The Borough of Fort Lee Fire Department is the lead agency for Hazardous Materials Emergencies response. The Borough of Fort Lee Health Department is the lead agency for investigating environmental complaints in limited non-emergency situations, (i.e., oil run off in ditches, noxious odors, etc.)

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1. The Hazardous Materials Organization within Borough of Fort Lee consists of:
 - a. Borough of Fort Lee Fire Department - (initial response, lead agency, incident command).
 - b. Borough of Fort Lee Fire Inspector - (support, technical assistance).
 - c. Office of Emergency Management (support, logistics).
 - d. Borough of Fort Lee Public Works - (support, resource assistance).
 - e. Borough of Fort Lee Health Department - (technical assistance, environmental and health monitoring).
 - f. Borough of Fort Lee Police Department - (initial notification and response, alert and warning, incident assessment, scene security, traffic control, environmental crimes investigations).

II. OPERATIONS AND CONTROL:

- A. The following is a description of the total hazardous materials incident response within Borough of Fort Lee.
 1. Initial Notification.
 - a. Normally, the initial notification of a hazardous materials transportation or fixed site incident is received by the Borough of Fort Lee Police Department Communications Center.
 - b. The Police Department Communications operator will obtain the applicable information.
 - c. The Police Department Communications operator will immediately dispatch both police and fire department personnel to the scene and will provide all relevant data from the Initial Contact to all responding emergency departments.
 - d. The Borough of Fort Lee Communications Center will notify the following personnel of the incident, additional personnel or agencies will be notified by the Emergency Management Coordinator as required:
 - (1) **Emergency Management Coordinator**
 - (2) **New Jersey DEPE at (609) 292-7172**
 - (3) **Chief of Police (large scale)**
 - (4) **Borough of Fort Lee Health Officer**

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- e. The DOT Hazardous Material Manual, as well as a "Community Right to Know" binders for local businesses will be located in the Communications Center for future reference.
- 2. Incident Assessment.
 - a. Incident assessment is the responsibility of the first arriving police or fire department unit. The assessment should be made using the following concepts:
 - (1) The first responder should use caution when approaching any potential HAZMAT incident. He/she will always consider personal safety first.
 - (2) The police officer will have to make judgements whether to risk personal injury to free injured or trapped victims. Consideration will be given to the environment, traffic, population, etc.
 - (3) The following observations should be made by first responder after considering personal safety, looking at overall picture.
 - (a) Type of Incident: (i.e., motor vehicle, building, etc.)
 - Any personal injuries
 - Fire
 - Actual spills
 - Fumes
 - Run Off
 - (b) Transportation Accident:
 - Are any fumes present
 - Determine if fire is present or threatened
 - Determine if actual spill occurred
 - Are Placards present and there UNID #
 - Determine direction of run off of spill
 - Identify any personal injuries
 - Type of vehicle involved

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- Type of container involved, i.e., Tanker
 - License plate number of vehicle and trailer
 - Name of company involved
 - Locate driver of vehicle
 - Obtain bills of lading
 - Obtain from driver type of material
- (c) Fixed Facility Accident or Fire:
- Are any fumes present
 - Determine if fire is present or threatened
 - Determine if actual spill occurred
 - Identify HAZMAT, type and location in building
 - Determine direction of run off of spill
 - Locate Plant Manager or responsible party
 - Identify any personal injuries
 - Type and quantity of containers involved
 - Company HAZMAT or Fire Brigade present
 - Owner is responsible to respond and take necessary action for containment and eventual cleanup of site.
- (4) The first responding police officer should:
- (a) Take into consideration the environment when requesting response agencies. (i.e., routes of travel, wind direction, etc.)
 - (b) It is the responsibility of the Police Communications Center personnel to relay this information to responding agencies and departments.

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- (c) It is the responsibility of the first arriving Fire Department officer to obtain all pertinent information concerning the incident from the police officer and assume control of the incident.
- (d) The first arriving police officer at the scene of the HAZMAT incident shall assist the Fire Department officer in charge with incident command. The initial police officer or senior officer shall become the police liaison in the fire command post.
- (e) It is the responsibility of the incident commander or his/her designee to inform the Police Communications Center of any potential health hazard as soon as practical after the initial assessment.
 - (1). Evacuation of homes will be at the direction of the Chief of Police in a control situation where there is not immediate threat to life.
 - (2). The scene is not to be cleared, roads opened and people allowed to enter their homes until ordered to do so by the Chief of Police.
- (f) Upon verification of a HAZMAT emergency by the incident commander, the Borough of Fort Lee Police Department Communications Center shall notify the N.J. Department of Environmental Protection Emergency at (609) 292-7172, for notification purposes or request of additional help or support.
- (g) The incident commander will also have the Communications Center notify surrounding towns of the HAZMAT incident, if necessary.
- (h) When public notification is necessary, protective and preventative actions are anticipated. The Emergency Management Coordinator will respond to the Emergency Operating Center and assist the Hazardous Materials Assistant Coordinator and the fire officer in charge with coordinating municipal, county state and federal agencies.
- (i) Public notification is the responsibility of the police department.
- (j) It will be the responsibility of the fire department official at the scene to make the recommendation to notify the public.
- (k) This determination should be based on the combined assessments of the following supporting units:

- Police

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- Emergency Medical Services (EMS)
 - Health Department
 - OEM
 - Public Works Department
 - Company Officials
- (l) All Emergency Response personnel are responsible to respond to the incident commander and assist. They shall also assist in deployment of their respective manpower and services. Contact agencies may include:
- Local Officials
 - Bergen County Emergency Management
 - Responding Bergen County Departments
 - N.J. Department of Environmental Protection
 - N.J. State Police Emergency Management
 - N.J. State Police, Netcong Barracks
 - Environmental Protection Agency
 - Cleanup Contractors
 - Company officials or representatives
 - Tow Truck Operators
- (m) Officers are to complete detailed investigation reports or accident reports on every hazardous spill. Reports are to include:
- Causes
 - Violations
 - Evacuation methods
 - Estimated number of people evacuated

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- Location of the incident
- Nature: Fire - Gas - Explosion

III. HAZARDOUS MATERIALS RESOURCES:

- A. Presently, Borough of Fort Lee has no specialized equipment or personnel to respond to a hazardous materials incident (with regard to containment and clean-up). Assistance would be required from the county, state and federal levels of government.
- B. If additional resources are required, they could be drawn from the following:
1. **Bergen County Office of Emergency Management (BCPD)**

Phone Day (see Vol. 3 Ch 7)
Phone Nights and Weekends (see Vol. 3 Ch 7)
 2. **Bergen County Sheriff's Department**

Phone Day (see Vol. 3 Ch 7)
Phone Nights and Weekends (see Vol. 3 Ch 7)
 3. **State Police, North Region**

Phone Day, Totowa.....(see Vol. 3 Ch 7)

Phone Nights and Weekends(see Vol. 3 Ch 7)
 4. **Department of Environmental Protection**

Phone Day(see Vol. 3 Ch 7)

Phone Nights and Weekends(see Vol. 3 Ch 7)
 5. **Public Service Electric and Gas**

Electric 1-800-286-9247
Gas 1-973-772-4477.....
 6. **Clean-Up Contractors As Needed**
 7. **Other Utilities As Needed**

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IV. ENVIRONMENTAL EMERGENCY OR INVESTIGATION/CRIME:

- A. Contact the Bergen County Prosecutor's Office for assistance on a 24-hour basis.
(Environmental Crimes Unit)
 - 1. Normal business hours: (see Vol. 3 Ch 7)
 - 2. After normal business hours: (see Vol. 3 Ch 7)
 - 3. Duty Prosecutor, if the above individuals cannot be reached.
- B. The following situations shall require immediate notification to the Prosecutor's Office
Environmental Crimes Unit:
 - 1. The release/discharge or abandonment/dumping of a suspected hazardous or toxic material.
 - 2. Any hazardous/toxic material incident resulting in death or serious bodily injury or in the damage to a substantial quantity of property.
 - 3. Any violations of the Environmental Statutes to include, but not limited to:
 - a. Solid Waste Management Act N.J.S.A. 13:1E-1 et seq.
 - b. Water Pollution Control Act N.J.S.A. 58:10A-1 et seq.
 - c. Freshwater Wetlands Protection Act N.J.S.A. 13:9B-1 et seq.
 - d. Watercraft Sewage Disposal Act N.J.S.A. 58:10A-56 et seq.
 - e. Spill Compensation and Control Act N.J.S.A. 58:10-21.11 et seq.
 - f. Solid Waste Utility Control Act N.J.S.A. 48:13A-1 et seq.
 - g. Air Pollution Control Act N.J.S.A. 26:2C-1 et seq.
 - h. Comprehensive Regulated Medical Waste Management Act N.J.S.A. 13:1E- 48.1 et seq.
 - 4. Any other suspected violation which may constitute an environmental hazard.
 - 5. The actual containment of the hazardous/toxic material shall be handled by state, county or local HAZ-MAT Units, local health officers, municipal fire departments or any other agencies having authorization to handle such emergencies.
 - 6. The agency in closest proximity to the site should be contacted immediately to assure that the situation is dealt with promptly and properly.

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- C. Notification shall be made to the New Jersey Emergency Response Unit, 609-292-7172 for the following mutual aid assistance. 24-hours a day, on-call availability:
1. Contamination Control and Confinement
 2. Sampling of an Air-Release or Smoke
 3. Identification of Product
 4. Mitigation and Recovery Operations
 5. Decontamination of Victims and Emergency
 6. Response Personnel
 7. Alert, Warning and Evacuation Zones
 8. HAZMAT Exercise/Drill Training
 9. Tanker Truck, LPG, Gasoline, Chlorine Accidents
 10. Radioactive Transportation and Medical Facility Accidents
- D. Notification shall also be made to:
1. Borough of Fort Lee Health Officer

V. DEFINITION OF TERMS:

- A. The following terms and acronyms were used in addition to those defined in the Basic Plan:

CEHA:	N.J. County Environmental Health Act
DEP:	Department of Environmental Protection
DOT:	Department of Transportation
EOC:	Emergency Operating Center
EMC:	Emergency Management Coordinator
HAZMAT:	Hazardous Materials
HMT:	Hazardous Material Response Team

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ICS:	Incident Command System
OEM:	Office of Emergency Management
NFPA:	National Fire Protection Association
NIOSH:	National Institute for Occupational Safety & Health
NJDOH:	N.J. Department of Health
NRC:	National Response Center
OSHA:	U.S. Occupational Safety & Health Administration
RTK:	Right to Know
FLPDOM:	Fort Lee Police Department Operations Manual
SARA:	U.S. Superfund Amendments & Reauthorization Act
SCBA:	Self Contained Breathing Apparatus
TCPA:	N.J. Toxic Catastrophe Prevention Act

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 2	CHAPTER: 8	# OF PAGES: 6	
SUBJECT: HARASSMENT IN THE WORKPLACE			
BY THE ORDER OF: _____ Kelth M. Bendul Chief of Police		REVISIONS:	
REFERENCE: N.J.S.A. 10:5-1, Title VII of the Civil Rights Act of 1964		ACCREDITATION STANDARDS: 1.4.2	
EFFECTIVE DATE: 06/17/2016		SUPERSEDES: V6Ch5 Harassment in the Workplace	

PURPOSE: The purpose of this directive is to establish the procedures for defining the behavior, for reporting responsibilities of personnel, investigating the complaint and training personnel on the department's policy and procedures concerning harassment in the workplace. Unlawful discrimination/harassment undermines the integrity of the employment relationship, compromises equal employment opportunity, debilitates morale and interferes with work productivity.

POLICY: The Fort Lee Police Department is committed to providing every employee with a workplace free from discrimination, unlawful discrimination, and harassment and differential treatment. All forms of unlawful discrimination are prohibited and will not be tolerated. Sexual harassment is a form of unlawful gender discrimination and, likewise, will not be tolerated.

This directive applies to all employees, both sworn and civilian and applicants for employment in the Fort Lee Police Department. The Fort Lee Police Department will not tolerate harassment, discrimination or disrespectful behavior by anyone in the workplace including supervisors, co-workers, or non-employees.

This directive applies to conduct which occurs in the workplace and also extends to conduct which occurs at any location that can be reasonably regarded as an extension of the workplace, such as any field location, any off-site business-related social function, or any facility where Fort Lee Police Department business is being conducted and discussed.

This directive pertains to all employment practices such as recruitment, selection, hiring, training, promotion, transfer, assignment, layoff, return from layoff, termination, compensation, fringe benefits, working conditions and career development.

PROCEDURE:

I. DEFINITIONS

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

II. AUTHORITY

A. Authority is established under:

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

III. PROHIBITED CONDUCT

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

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

IV. EMPLOYEE RESPONSIBILITIES

- A. Each supervisor shall be responsible for preventing acts of harassment. This responsibility includes:
1. Monitoring the unit work environment on a daily basis for signs that harassment may be occurring;
 2. Counseling all employees on the types of behavior prohibited, and the department procedures for reporting and resolving complaints of harassment;
 3. Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and
 4. Taking immediate action to limit the work contact between two employees where there has been a complaint of harassment, pending investigation.
- B. Each supervisor has the responsibility to assist any employee of this department, who comes to that supervisor with a complaint of harassment, in documenting and filing a complaint with the internal investigations authority.

- C. Each employee of this department is responsible for assisting in the prevention of harassment through the following acts.
 - 1. Refraining from participation in, or encouragement of, actions that could be perceived as harassment;
 - 2. Reporting acts of harassment to a supervisor; and
 - 3. Encouraging any employee, who confides that he is being harassed, to report these acts to a supervisor.
- D. Failure to take action to stop known harassment shall be grounds for discipline.

V. COMPLAINT AND INVESTIGATION PROCEDURES

- A. Employees encountering harassment should tell the person that their actions are unwelcome and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation.
- B. Any employee who believes that he/she is being harassed should report the incident(s) to his/her immediate supervisor as soon as possible so that steps may be taken to protect the employee from further harassment, and appropriate investigative and disciplinary measures should be initiated. Where this is not practical, the employee may instead file a complaint with another supervisor, with the Internal Affairs Commander, or the Chief of Police. If the employee does not think that the matter can be discussed within their chain command, then he/she may as authorized in the Borough Employee Manual, report it directly to the Borough Administrator or the Chief Financial Officer.
 - 1. The supervisor or other person to whom a complaint is given should meet with the employee and will document the incidents complained of, the person(s) performing or participating in the harassment, and the dates on which it occurred.
 - 2. The department employee taking the complaint shall complete an investigation report and expeditiously deliver the complaint to the appropriate investigative authority.
 - 3. If the offending person is in the employee's chain of command, the employee may report the incident to another supervisor, the Internal Affairs Commander or the Chief of Police.
 - 4. Any employee who feels he/she has been subjected to harassment by the Chief of Police should report the incident to the Borough Administrator. The Borough Administrator will contact the Bergen County Prosecutor's Office to initiate an investigation.
- C. The Internal Affairs Commander shall be responsible for the investigation of any complaint alleging harassment.
 - 1. The Internal Affairs Commander shall immediately notify the Chief of Police and the Prosecutor's Office if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape.

2. The investigation should include a determination whether other employees are being harassed by the person, and whether other agency members participated in, or encouraged the harassment.
 3. The investigation procedures for harassment in the workplace complaints shall be in accordance with the Department's Internal Affairs Policy V2Ch15 and the New Jersey Attorney General's Internal Affairs Guidelines.
- D. There shall be no retaliation against any employee for filing a harassment complaint, or assisting, testifying, or participating in the investigation of such a complaint.
- E. Complainants or employees accused of harassment may file a grievance/appeal in accordance with department procedures when they disagree with the investigation or disposition of a harassment claim.
- F. This policy does not preclude any employee from filing a complaint or grievance with the New Jersey Division on Civil Rights and the United States Equal Opportunity Commission in accordance with N.J.A.C. 4 A:7-3.2(b).

VI. SUPPLEMENTAL

A. False Accusations and Information

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

B. Training

1. Training regarding this directive shall be provided to all employees to ensure continued compliance. Training shall be accomplished in accordance with the Training Policy V5Ch1.

C. Relief/Remedial Action

1. Disciplinary measures, if warranted shall be consistent with Department's Rules and Regulations.

D. Annual Questionnaire

1. During the Annual Performance Evaluation process, the immediate supervisor is to provide each employee under their direct command and review the Annual Review of Anti-Harassment Policies and Victimization form.

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HOMELESS PERSONS
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BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 02-02-2004	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME III
VOLUME TITLE: COMMUNITY ASSISTANCE	# PAGES: 4					CHAPTER 6
ACCREDITATION STANDARD(S):	REFERENCE: V# -III C#-6					
SUBJECT: HOMELESS PERSONS						DISTRIBUTION ALL
ISSUING AUTHORITY: <u>ACTING CHIEF BERNARD M. HART</u>						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

POLICY:

Police, in their daily interaction with the public, will sometimes encounter adults that are homeless. These adults may be abused, neglected, exploited or even self-neglecting. This policy will explain the police responsibility to these people in order to provide them shelter for their safety. Assistance for these people can be obtained on a local level and county level.

PROCEDURE:

HOUSING OF HOMELESS IN THE BOROUGH OF FORT LEE

A. Emergency Housing, One or Two Nights Maximum.

1. The police department will check through the NCIC/SCIC and ATS/ACS computer for any previous criminal records, warrants and/or if the person is listed as missing. An attempt will be made to run a character check with the local police authority where the person originated from.
2. The Borough of Fort Lee Welfare Director will be notified and can be part of this screening process.
3. Initial screening will exclude anyone under the influence of alcohol and/or drugs, or whose behavior would be dangerous to themselves or others.

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4. Placement may be made only by the Borough of Fort Lee Welfare Director.
 - a. Homeless shelters should be called first.
 - b. When the welfare director can not be reached, an L.A.B. (Local Assistance Board) member should be notified.
 - c. When a L.A.B. member cannot be notified, then the Police may place the person(s) in the Holiday Inn until either the welfare director or L.A.B. member can be reached. A report should be completed and a voucher signed by the Hotel, these will then be forwarded to welfare department.
 5. The Borough of Fort Lee Welfare Director will do a follow-up investigation the next day and refer to the county level if the need arises.
- B. This service is for emergencies only and is not advertised to the general public. This service is only to be used when all other avenues are exhausted.
- C. Emergency notifications, addresses and telephone numbers:
1. Local Welfare Director:

Jillian Raimondo
500 Windsor Dr. apt 103
Palisades Pk, NJ. 07650
201-592-3581 office
201-346-0762 home
201-517-2411 pager

 - a. L.A.B. MEMBERS:

Argia Rubino 89 Bluff Rd. Fort Lee, NJ 201-227-4033 work 201-224-0035 home	Beverly Rosas 217 Riverdale Dr. Fort Lee, NJ. 201-947-1067 home
Sam Lipp 5 Horizon Rd. Fort Lee, NJ. 07024 201-886-0188 home	Pat Rumi 333 Tremont Ave. Fort Lee, NJ. 201-947-6729 home 201-592-3600 work
Father John Ryan Madonna Rectory 340 Main St. Fort Lee, NJ 201-944-2727	

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2. Notify the Bergen County Board of Social Service for homeless families with children at 201-368-4200, if not during business hours contact county communications.
3. The following information will be needed for placement:
 - a. Name
 - b. Date of Birth
 - c. Social Security Number

II. SHELTERS:

- A. If a female is homeless due to a domestic violence situation or just does not wish to return to the scene of the violence, Shelter our Sisters can be called at 201-944-9600 they are located at 733 Pomander Walk. Teaneck, NJ.
- B. The following homeless shelters should be called for available beds prior to calling Welfare Director, unless extenuating circumstances exist.

ESU CHURCH PROGRAM
214 STATE ST. HACKENSACK, NJ
201-488-5100

BERGEN COUNTY C.A.P. SHELTER
21 E. KANSAS ST. HACKENSACK, NJ
201-489-2449

ANTHONY HOUSE
246 2ND ST. JERSEY CITY, NJ
201-656-0139

GOOD SHEPPARD SHELTER
336 BROADWAY PATERSON, NJ.
973-742-9244

SHELTER FOR HOMELESS (Singles)
300 BLOOMFIELD ST. HOBOKEN, NJ.
201-656-5069

ST. JOHNS LUTHERAN CHURCH (Men)
3511 PALISADE AVE. UNION CITY, NJ.
201-863-6630

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ST. PAULS SHELTER (Men)
BROADWAY AND E. 18TH ST. PATERSON, NJ.
973-279-5309

EVA'S SHELTER (Women)
389 GRAND ST. PATERSON, NJ.
973-523-6220

MORRIS COUNTY SHELTER
57 PARK PL. MORRISTOWN, NJ.
973-993-0833

ST. LUCY'S SHELTER
619 GROVE ST. JERSEY CITY, NJ.
201-656-7201

III TRANSPORTATION

- A. The Police Department will transport homeless persons to shelters as needed.

**ADMINISTRATION
INSPECTION SERVICES
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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 03-05-05	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME I
VOLUME TITLE: ADMINISTRATION	# PAGES: 4					CHAPTER 13
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: INSPECTION SERVICES						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS RIPOLI						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

The inspection process is an essential mechanism for evaluating the quality of the department's operations, ensuring that the department's goals are being pursued, identifying the need for additional resources and assuring that control is maintained throughout the agency.

POLICY:

The inspection of personnel assures that members of the department are properly equipped, attired and present a positive professional image of law enforcement. This policy will identify those areas that shall be part of the inspection process and set forth procedures that will ensure that this policy is continuous.

PROCEDURE:

I. SQUAD / UNIT SUPERVISOR RESPONSIBILITIES

- A.** The supervisor should conduct a documented line inspection of personnel on a monthly basis, and complete the personnel inspection report. (See Appendix A)
 - 1.** The squad supervisor should:
 - a.** Conduct daily inspections of personnel before an officer begins each tour of duty or assignment.
 - b.** Check to ensure that each officer complies with the department Uniform and Issued Equipment Policies (Vol. 1 Ch. 17 & Vol. 4 Ch. 16-1).

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- c. Duty-weapons should be inspected monthly during the above inspection. Duty-weapons should be made safe by unloading (using bullet containment system at south entrance) and locking the slide back. Upon completion of the inspection, the duty-weapon should be reloaded and holstered before the officer is sent out on patrol.
- d. Should also make certain that particular details are given extra attention (i.e. extra magazines and ammunition, handcuffs, body armor).
- e. The inspection should also include the general condition of headquarters and the parking lot.
 - 1. If poor conditions exist, the problems should be brought to the attention of the Buildings & Grounds staff, and the Equipment inspection report (Appendix "B") should be completed and forwarded through the chain of command to the Administrative commander.
- f. The Personnel Inspection Report (Appendix A) should be completed whenever an officer does not comply with the uniform or equipment requirements.
 - (1) Follow-up action or a progressive discipline recommendation should be included on the report before it is submitted. It may include:
 - (a) Verbally advising the officer about the problem.
 - (b) Notice of oral or written reprimand.
 - (c) In the case of extreme deficiency, that would render the officer unable to safely perform their assigned duty, the supervisor may relieve the officer from duty and send the officer, on their own time to get equipment when they do not possess:
 - (I) Duty-weapon,
 - (II) Duty holster, gun belt, magazine pouches,
 - (III) Complete uniform of the day,
 - (IV) Soft body armor,
 - (V) Or any other equipment which would render the officer unable to perform their assigned function.

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Note: If arrangements can be made for suitable equipment to be loaned to the officer then the officer may remain on-duty. However the incident should be documented.

- g. There may be many other minor uniform discrepancies that can be handled by the supervisor advising the officer to take corrective action in the future.
 - h. Any unsatisfactory inspection rating must be explained thoroughly in the comments section.
 - 1. The nature of the problem.
 - 2. Corrective action taken.
 - i. Squad Supervisors are responsible to inspect all subordinate officers working on their shift.
- B. The supervisor should submit all reports to their supervisor. The reports should be forwarded through to the Operations Division Commander then to the Administrative Division Commander for his review, approval and filing.
- C. Any supervisor may conduct a line inspection of personnel under their command to ensure that an officer complies with the department Uniform and Issued Equipment Policies (Vol. 1 Ch. 17 & Vol. 4 Ch. 16-1).

II. OFFICER RESPONSIBILITIES

- A. Each officer should maintain department issued equipment as specified in the Issued Equipment Policy (Vol. 4 Ch. 16-1).
- B. Each officer shall present themselves and any required equipment to any supervisor conducting an Inspection.

III. REPORT FORMS

- A. Any supervisor conducting an inspection should use the Personnel Inspection Report (Appendix A).
- B. Reports (Inspecting Supervisor)
 - 1. Must be submitted as specified within this policy.
 - 2. All blocks must be completed.
 - 3. All reports must be typed and signed by the inspecting supervisor.

OPERATIONS

EQUIPMENT: ISSUED / REQUIRED, USE, ASSIGNMENT AND MAINTENANCE

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- e. PR-24 and Holder, when qualified
- f. Tactical Patrol Helmet with Face Shield
- g. Automobile Lock Out Tool
- h. Borough of Fort Lee Map
- i. White dress cloth gloves
- j. Black leather gloves
- k. Pocket MV Law Book
- l. S&W 911 Knife
- m. Traffic Gloves

B. Required Equipment

1. Probationary Officers will purchase equipment as mandated by the Police Academy that they will be attending for the first day of school. The equipment may include:
 - a. Athletic gear (shorts, sweatsuits, sneakers, watch cap, gear bag)
 - b. Academy Uniforms (dress uniform, BDU uniform, jacket)
2. Members of the department should purchase the following equipment to assist them in the proper performance of their duties after meeting the Police Training Commission's requirements (Police Academy Training).
 - a. A complete department uniform as required in the Uniform Policy (v1c17).
 - b. Leather Duty belt
 - c. Leather Garrison Belt
 - d. Off duty badge and holders.
 - e. Minimum of 2 pairs of handcuffs w/ key, off-duty pair optional.
 - f. Whistle and chain

OPERATIONS

EQUIPMENT: ISSUED / REQUIRED, USE, ASSIGNMENT AND MAINTENANCE

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- g. Police Flashlights: large (i.e. Streamlight SL-20) and belt size (i.e. Streamlight Stinger)
- h. Black shoes

C. Optional Equipment

- 1. Members of the department may purchase the following equipment to assist them in the proper performance of their duties:
 - a. A watch w/ night sight
 - b. A multi purpose knife tool
 - c. A handcuff key keeper
 - d. A set of work keys
 - e. A set of compact binoculars
 - f. Pens
 - g. A police note pad
 - h. A clip board
 - i. A summons clip board
 - j. Black boots
 - k. Black winter boots
 - l. Thermal pants & shirts
 - m. Pocket Size Drug ID Book
 - n. Chalk / Carpenter Marking Crayon
 - o. Antibacterial hand cleanser
 - p. Small tape measure (12 / 25 ft)

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES



VOLUME: 3

CHAPTER: 14

OF PAGES: 16

SUBJECT: JUVENILE MATTERS

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

ACCREDITATION STANDARDS:
44.2.2, 44.2.3

Effective Date: 09/11/2012

Supersedes: All Previous

PURPOSE: The purpose of this policy is to establish procedures for the juvenile function, as well as to outline the responsibility of all agency personnel in relation to the juvenile function.

POLICY: It is the policy of this department to be fully committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. It is also the policy of this department that the responsibility for participating in or supporting the department's juvenile operations function is to be shared by all agency components and personnel.

PROCEDURES

I. Definitions.

- A. Curbside warning means the offense or incident is of such a minor nature that it does not warrant custodial detention and a verbal warning and advisement of the consequences of such action would suffice. No further action required aside from documentation.
 - 1. Example: Juvenile throwing stones but not causing damage.
- B. Delinquency means the commission of an act by a juvenile which, if committed by an adult, would constitute:
 - 1. A crime;
 - 2. A disorderly persons or Petty Disorderly Persons offense; or
 - 3. A violation of any other penal statute, ordinance or regulation (see N.J.S.A. 2A:4A-23 - exceptions to this definition are identified).
- C. Detain means any holding of a person in police custody, whether pending court or other disposition of charges filed or to be filed against the person, or under circumstances where the person is being held on account of a serious danger to the person's health or safety.
- D. Detention means a situation in which a person is being detained.
- E. Juvenile means an individual who is under the age of 18 years (see N.J.S.A. 2A:4A-22).
- F. Juvenile-Family Crisis means behavior, conduct or a condition of a juvenile, parent or guardian, or other family member which presents or results in:
 - 1. A serious threat to the well-being and physical safety of a juvenile;
 - 2. A serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian;
 - 3. Unauthorized absence by a juvenile for more than 24 hours from his/her home; or
 - 4. A pattern of unauthorized absences from school by a juvenile subject to compulsory education provision of Title 18A of the New Jersey State Statutes (See N.J.S.A. 2A:4A- 22g).
- G. Non-offender means a detained juvenile, other than one charged with an act of delinquency or a status offense.
- H. Non-secure custody means detention in conditions such that a juvenile is not being held in secure custody.

- I. Secure area means a building or an area within a building that restricts the mobility of an individual in custody through the use of hardware or architectural features.
- J. Status offender means a juvenile accused, charged or adjudicated for conduct that, under the laws of the jurisdiction in which the conduct took place, would not be a crime if committed by an adult, or a juvenile detained protectively because the juvenile's health or safety is in serious danger.
- K. Status offense means conduct that if committed by an adult would not constitute a crime in the jurisdiction in which the conduct occurred.
- L. Stationhouse adjustment means the offense is still minor in nature; however, custodial detention is justified. Parent or legal guardian must be contacted.
 - 1. Example: Juvenile throws rocks that causes damage to property or person but is still relatively minor in nature.

II. Administration.

- A. The Chief of Police shall designate a juvenile officer or juvenile unit to have primary responsibility for juvenile operations.
- B. The responsibility for participating in and supporting the department's juvenile operations is shared by all department components and personnel.

III. Enforcement Alternatives.

- A. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion in deciding appropriate action. Officers shall use the least coercive and most reasonable alternative to custody, consistent with preserving public safety, order and individual liberty if the juvenile has not engaged in criminal behavior.
- B. Alternatives available include the following:
 - 1. Release with no further action or following informal counseling when no arrest has been made. Officers may turn the juvenile over to his/her parent or guardian when appropriate;
 - 2. Informal referral to an appropriate community social service agency;
 - 3. Limited custody and station house warning. The juvenile shall be held in non-secure custody until released to his/her parent(s) or guardian;
- C. Criteria When Choosing an Alternative - In considering a course of action, the officer shall consider the nature of the offense, the age of the juvenile, the juvenile's prior contacts with the police, the availability of community-based rehabilitation programs, and, in some cases, the recommendation of the complainant or victim.

IV. Taking Juveniles into Custody.

- A. Pursuant to N.J.S.A. 2A:4A-31, a juvenile may be taken into custody:

1. Pursuant to an order or warrant of any court having jurisdiction; or
 2. For delinquency, by a law enforcement officer, pursuant to the laws of arrest and Rules of Court.
- B. Except where delinquent conduct is alleged, a juvenile may be taken into short-term custody by a law enforcement officer without order from the court when:
1. The officer has reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and taking into immediate custody is necessary for his/her protection; or
 2. The officer has reasonable grounds to believe the juvenile has left the home and care of his/her parents or guardian without consent of such persons; or
 3. An agency legally charged with the supervision of a child has notified that the child has run away from out of home placement, provided, however, that in any case where the law enforcement officer believes that the child is an "abused or neglected child" as defined in section 1 of P. L. 1974, c119 (C 9:6-8.21), the officer shall handle the case pursuant to the procedure set forth in that act.
- C. The taking of a juvenile into custody shall not be construed as an arrest, but shall be deemed a measure to protect the health, morals and well being of the juvenile.
- D. The following offenses should result in the filing of a juvenile delinquency complaint. Station house adjustments are not appropriate for the below listed offenses:
1. Offenses involving the use or possession of a controlled dangerous substance or drug paraphernalia as defined under Chapters 35 or 36 of the Criminal Code shall not be adjusted without permission from the Bergen County Prosecutor's Office.
 2. Bias offenses shall not be adjusted without the permission of the Bergen County Prosecutor's Office.
 3. Sexual Offenses shall not be adjusted without the permission of the Bergen County Prosecutor's Office.
 4. Offenses resulting in serious and/or significant bodily injuries shall not be adjusted without permission of the Bergen County Prosecutor's Office.
 5. Third degree offenses shall not be adjusted without the permission of the Bergen County Prosecutor's Office.
 6. Offenses shall not be adjusted if the law enforcement agency is aware that the juvenile has other charges already pending before the court.
 7. Offenses shall not be adjusted when the juvenile is currently on probation, parole, home detention or other court ordered disposition.

- E. Offenses that may result in the taking of the juvenile into custody but may result in either the signing of a juvenile complaint or a stationhouse adjustment. The officer should consider these types of offenses to be first addressed by the use of a stationhouse adjustment.
 - 1. Ordinance violations
 - a. Including offenses that if committed by an adult would not be a violation (status offenses).
 - 2. Petty disorderly persons offense
 - a. Including offenses that if committed by an adult would not be a violation (status offenses).
 - 3. Disorderly persons offense
 - a. Including offenses that if committed by an adult would not be a violation.
 - 4. 4th degree offenses
 - a. May be considered for stationhouse adjustment if the juvenile has no prior record that is known to the law enforcement agency.
- F. Advisement of Constitutional Rights: Juveniles taken into custody are to be immediately advised of the reason for custody and their constitutional rights. Ideally, the juvenile's rights shall be read with a parent/guardian present. If a parent/guardian cannot be contacted, then the juvenile's constitutional rights may be read directly to the juvenile. Documentation by the arresting officer must be made of the attempt and failure to contact the parent/guardian.
- G. Juveniles taken into custody are to be transported directly from the scene to the police department or other juvenile facility as directed. The only exception being when directed to do otherwise by an appropriate authority or circumstances require that the juvenile be transported to a medical facility for treatment.
- H. Notification to parent or guardian - Upon taking a juvenile into custody, the detaining officers shall immediately notify the parents or guardians of the juvenile: 1) that the juvenile is being detained; 2) where the juvenile is being held; and 3) the reasons that the juvenile is being detained.

V. General Considerations.

- A. Pursuant to 13:94-2.2 a juvenile held in secure custody shall be placed only in a holding room, cell or other designated area that has been determined by the Commission to conform to prevailing safety standards for the detention of juveniles.
- B. Status-offenders and non-offenders shall not be held in secure custody.
- C. A detained juvenile, other than a juvenile detained in a secure holding room or cell, shall not be left unattended at any time.

- D. Status-offenders, non-offenders and juveniles held on a charge of delinquency but not being held in secure custody, shall not be held in custody for more than six hours.
- E. A juvenile held on a charge of delinquency may be held in secure custody, provided that such secure custody may not exceed six hours commencing from the time the juvenile was placed in secure custody,
 - 1. The six-hour restriction set forth in this section shall not apply to the holding of a juvenile in a judicial facility in connection with a court appearance.

VI. Juvenile Officers.

- A. The Chief of Police will designate one or more officers as Juvenile Officers.
- B. Juvenile Officers will be responsible for reviewing all cases where a juvenile is taken into custody by this agency.
- C. The Juvenile Officer who reviews the arrest of a juvenile shall, using this policy as a guide, determine which enforcement option is most appropriate.
- D. The Juvenile Officer shall ensure that all aspects of this policy are followed.

VII. Notification of the Juvenile Officer.

- A. If a Juvenile Officer is on duty when a juvenile is taken into custody, the Juvenile Officer will be notified as soon as possible.
- B. If there is no Juvenile Officer on duty when a juvenile is taken into custody, the officer will forward a copy of the report to the Juvenile Officer.
- C. Any juvenile investigation regarding a 1st or 2nd degree crime requires the immediate notification of the Juvenile Officer (on-duty or off-duty) by the investigating officer.

VIII. Assessing the Juvenile for Signs of Harm.

- A. Officers shall visually observe the juvenile looking for any visual cues, both physiological and psychological, to determine whether the juvenile has been harmed. Officers will also interview the juvenile in order to determine if the juvenile is alleged to have been harmed or in danger of harm. Any emergent medical conditions shall be treated immediately at an appropriate medical facility. Officers will assist the hospital staff, as needed, in locating and contacting the juvenile's parents and/or guardians for authorization of treatment.
- B. Emergent Protective Custody: Protective custody is a device to be used in crisis situations. It does not apply to a juvenile taken into custody on delinquency matters. An officer who determines there is an emergent need to take a juvenile into protective custody in order to protect the child shall immediately inform his/her supervisor prior to taking any such action (absent exigent circumstances). Once taken into custody, the Division of Youth and Family Services must be notified immediately. DYFS will direct where the juvenile is to be taken by the officer.

- C. The Division of Youth and Family Services (DYFS) shall be immediately notified when any of the following is suspected:
1. Abuse or neglect by a parent, guardian or other person having custody or control.
 2. The child has been exposed to any indecent, immoral or unlawful act that may tend to debauch, endanger or degrade the morals of the child, or is suspected of having been subjected to an act of sexual abuse.
 3. The child has been employed in an occupation which would be injurious to his/her health, dangerous to his/her life, contrary to the law of this State or in such a manner to be dangerous to the morals of the child.

IX. Enforcement Options.

- A. In keeping with the doctrine of *parens patriae*, i.e., that the state plays the role of parent to the child rather than adversary, it is the policy of this department to use the least forceful alternative when disposing of cases involving juveniles, provided that the course of action will effectively deal with the youthful offender. The following options are available when dealing with juvenile offenders:
1. Curbside Warning.
 - a. Juvenile is detained but is not taken to the police department or any other custodial or law enforcement facility because the offense does not rise to the level of an arrest situation. While detained, juvenile is counseled as to the consequences of his/her actions.
 - b. Upon completion of counseling, officer may elect to either transport the juvenile home or direct him/her to return home on his/her own. Such action should only be taken when the officer reasonably believes the juvenile will return home and will be able to do so in a safe manner.
 - c. In instances where curbside warnings are deemed appropriate, the investigating officer will complete or verify completion of a CAD entry ensuring that the name of the juvenile is entered. No other action will take place. The officer handling this type of incident will forward a copy of the CAD entry to the Juvenile Officer.
 2. Stationhouse Adjustment.
 - a. The juvenile is taken into custody and transported to the police department.
 1. Custody at the police department shall be maintained in a non-secure detention location.
 2. A police officer shall, at all times, remain with the juvenile until released from custody.

- b. A parent or legal guardian/caregiver will be contacted and advised as to why the juvenile is in custody. The parent, guardian/caregiver or their designee shall be required to respond to the police department.
 - 1. The parent, guardian/caregiver or their designee is required to respond to the police department if the officer is considering conducting a stationhouse adjustment.
- c. When considering the appropriateness of conducting a stationhouse adjustment, the following factors shall be considered:
 - 1. The age of the offender. Younger offenders, particularly those who may be less able to understand the consequences of their actions, may be more appropriate for stationhouse adjustment. However, no juvenile offender is automatically excluded due to age.
 - 2. Officers shall consider any record of prior juvenile complaints or stationhouse adjustments. Juveniles with a prior serious offense, or more than two minor offenses, should ordinarily not receive a stationhouse adjustment.
 - 3. Officers shall consider the cooperation and attitude of all parties (juvenile, parents, guardians/caregivers, or designee and victim).
- d. The Juvenile shall be advised of the consequences of future delinquent activity. They shall be read the information contained within the contents of the Stationhouse Adjustment Warning Form. The parent, guardian/caregiver or their designee shall also be provided with a copy of the warning.
- e. If there is a known victim of the alleged offense, the victim must be notified and agree to the process. Where appropriate, victims should be informed that this process is a more efficient and expeditious process that enables a matter to be resolved locally.
 - 1. A stationhouse adjustment may proceed without the active participation of a victim, but is not permitted when the victim objects.
 - 2. A victim who objects to a stationhouse adjustment should be permitted to sign a juvenile delinquency complaint, unless the complaint is clearly frivolous or lacking probable cause, in which case the officer has the discretion pursuant to N.J.S.A. 2B:12-21(b) to refuse to accept the complaint.
- f. The juvenile shall agree not to offend again and the juvenile and his or her parent, guardian/caregiver or designee shall be informed that a subsequent offense or failure to comply with the terms of the stationhouse adjustment agreement may result in the filing of a juvenile delinquency complaint for the offense.

- g. The officer shall complete a Stationhouse Adjustment Agreement Form, which must be signed by the juvenile and a parent, guardian/caregiver or designee.
 - 1. Examples of stationhouse adjustment techniques:
 - a. Letter of apology.
 - b. Essays on a criminal justice topic.
 - c. Requesting parent or guardian/caregiver to require juvenile to perform additional household jobs.
 - d. Juvenile agreement to make restitution in appropriate cases - this option requires officer follow-up. The restitution should be simple and short term to avoid long term involvement by the Police department.
 - e. Copies of the agreement shall be maintained in the case file and provided to the juvenile and to the parent, guardian/caregiver or designee.
- h. Any time that a stationhouse adjustment is utilized by officers, there shall be a clear record of the action. Listed below are some, but not all documents required.
 - 1. CAD entry. This shall include all information required for an accurate record of the incident-names of juvenile(s), victim(s), parent(s) or guardian(s). Description of incident as well as a description of the agreed upon stationhouse adjustment techniques.
 - 2. Stationhouse Adjustment Agreement.
 - 3. Stationhouse Adjustment Warning.
 - 4. Statements.
- i. The police department shall maintain the records of all stationhouse adjustments. The Juvenile Officer will submit a quarterly report to the Chief of Police detailing incidents during that quarter. This report will also be forwarded to the Bergen County Prosecutor's Office.
 - 1. Information reported shall be recorded on the Stationhouse Adjustment Quarterly Report. There shall not be any names of juvenile offenders on this report. The only information identified shall be as listed below:
 - a. Age at time of offense.
 - b. Race (as reported by the juvenile).
 - c. Gender.

- d. Alleged offense.
 - e. Outcome.
 - f. If no stationhouse is conducted, identify the reason why.
 - 2. Quarterly Reports are to be submitted no later than the dates indicated below:
 - a. April 15 (first quarter).
 - b. July 15 (second quarter).
 - c. October 15 (third quarter).
 - d. January 15 (fourth quarter).
 - 3. Quarterly Reports will be completed by the Juvenile Detective using the Bergen County Prosecutors Office Intranet.
- 3. Juvenile Complaints with Custody.
 - a. The juvenile is taken into custody and transported to the police department.
 - 1. Custody at the police department shall be maintained in a non-secure detention location.
 - 2. A police officer shall at all times remain with the juvenile until released from custody.
 - b. A parent or legal guardian/caregiver will be contacted and advised as to why the juvenile is in custody. The parent, guardian/caregiver or their designee shall be required to respond to the police department.
 - c. Under no circumstances will any juvenile taken into short-term custody for a juvenile family crisis be held more than six hours, and a juvenile taken into short-term custody will not be detained in a detention facility or jail.
 - d. A juvenile that has been taken into custody may be released to a responsible person or agency except in the following circumstances. If one of these circumstances exists, contact must then be made with the on-call Juvenile Intake Unit and they will determine if the juvenile will be further detained at the Youth Detention Center:
 - 1. The release of the juvenile will adversely affect the health, safety or welfare of the juvenile.

2. The juvenile was charged with an offense of the first or second degree.
 3. Detention is necessary to secure the presence of the juvenile at the next hearing or likelihood exists that the juvenile will not appear at the next court hearing.
- e. When a Juvenile Complaint has been initiated and continued detention is not warranted, the juvenile may be released to a parent, guardian/caretaker or a designee.
 1. The parents will be advised of the pending complaint.
 2. All related reports and the original juvenile complaint shall be forwarded by the Records Bureau to the appropriate juvenile court once the case has been reviewed by the Juvenile Officer.
- f. The investigating officer will prepare the Juvenile complaint and the original complaint will be forwarded to the Juvenile Officer. The Juvenile Officer will review the original juvenile complaint before it is forwarded to juvenile court.
4. Juvenile Complaints without Custody.
 - a. The investigating officer will prepare the Juvenile Complaint and the original complaint will be forwarded to the Juvenile Officer. The Juvenile Officer will review the original juvenile complaint before it is forwarded to juvenile court.
 - b. Notice to the parent(s) or guardian/caregiver must be made explaining the pending complaints within (72) hours of complaint initiation and that they will receive these complaints from the Superior Court-Family Part once they have been processed.
5. Issuance of Written Traffic Citations.
 - a. There are only a few exceptions which allow an officer to issue a citation or summons in lieu of taking a juvenile into custody. Most of these exceptions pertain to motor vehicle laws. N.J.S.A. 2A:4A-23 specifically excludes violations of chapters 3, 4, 6, and 8 of Title 39 as delinquent conduct. Therefore, any such motor vehicle violation alleged against a juvenile of any age can be heard in Municipal Court. All officers may issue a motor vehicle summons to the juvenile for a violation. Officers may arrest a juvenile for those violations which would warrant the arrest of an adult.
 - b. Notification to Parent/Guardian: Where a motor vehicle summons has been issued to a juvenile under the age to lawfully obtain a permit, the issuing officer shall ensure that the juvenile's parent or guardian is notified. For minor offenses, this notification can be made by telephone.

X. Referral to the Juvenile Justice System.

- A. In those cases where an alleged juvenile offender has been involved in serious criminal conduct or repeated violations, officers should, as a matter of course, refer the case to the juvenile justice system (sign a Complaint of Juvenile Delinquency), unless there are specific mitigating circumstance to recommend otherwise. In general, delinquent acts requiring referral to the juvenile justice system would include:
1. All delinquent acts that if committed by an adult, would be an indictable offense (first through third degree crimes).
 2. All delinquent acts involving weapons.
 3. All serious gang-related delinquent acts.
 4. All delinquent acts committed by juveniles on probation, parole, home detention or suspended sentence.
 5. Acts committed by juveniles who have been identified as an Impact Offender, or who have charges pending or have a history of repeated delinquent acts.
 6. Juveniles, who have been selected to participate in a diversion program, but refuse to participate.
 7. In those cases where it has been determined that parental supervision is not effective.
 8. In those cases where it has been determined that the juvenile offender represents a threat to him/herself or the community if released.
 9. Any act that is committed by a juvenile where there is sufficient probable cause to believe that the juvenile has committed an act of delinquency that would constitute a violation of any offense defined in Chapter 35 or 36 of Title 2C ("The Comprehensive Drug Reform Act"), as required by Directive 5.7 of the Statewide Action Plan for Narcotics Enforcement. Where a juvenile is taken into custody for an act of delinquency involving a violation of any offense defined in Chapter 35 or 36 of Title 2C, a complaint alleging delinquency shall be filed.
 10. Violations of underage possession and/or consumption of alcoholic beverages.

XI. Fingerprinting and Photographing.

- A. When a juvenile who is fourteen or older is charged with an offense that would be a crime if committed by an adult, all reasonable steps shall be taken to photograph and fingerprint the Juvenile. This includes those times when a delinquency complaint is signed by a private citizen.
1. "Fourteen or older" means that the juvenile was fourteen or older at the time the charged offense was committed.

2. "All reasonable steps" shall include taking the juvenile into custody pursuant to law, or having the juvenile voluntarily respond to headquarters.
- B. Fingerprints of a juvenile may be taken only in the following circumstances:
1. Where latent fingerprints are found during the 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 purpose of comparison with the latent fingerprints. Fingerprint records taken pursuant to this paragraph may be retained by the department or agency taking them and shall be destroyed when the purpose for the taking of fingerprints has been fulfilled.
 2. Where a juvenile 14 years of age or older is charged with delinquency on the basis of an act which, if committed by an adult, would constitute a crime, fingerprint records taken pursuant to this paragraph may be retained by a law enforcement agency for criminal identification purposes.
- C. No juvenile under the age of 14 shall be photographed for criminal identification purposes without the consent of the court or of the juvenile and his parent or guardian.

XII. Release of a Juvenile on Own Recognizance.

- A. All releases of a juvenile detained will be in accordance with New Jersey Code 2A:4-A-35.
- B. A juvenile charged with delinquency may be released at either the police or court level on his own recognizance if all of the following circumstances have been met:
1. The nature of the offense charged is not such that a danger to the community would exist if the juvenile were released;
 2. There is no parent, guardian or other appropriate adult custodian to whom the juvenile could be released and all reasonable measures have been exhausted by either police or court personnel to locate and contact any such person;
 3. The juvenile is at least 14 years of age;
 4. The identity and address of the juvenile are verified through a positive form of identification; and
 5. Reasonable certainty exists on the part of the releasing authority that upon release, the juvenile will return to school or home safely and will appear at his/her hearing.

XIII. Custodial Interviews of Juveniles.

- A. Juveniles have the right to counsel at every stage of the juvenile process. Prior to interviewing a juvenile concerning a criminal investigation, officers must first contact the parents or guardians of the juvenile and request that they respond to police headquarters. The investigating officer shall then give Miranda Rights to the

juvenile in the presence of his/her parents. The officer shall not question or take statements from juveniles without the parent's permission. If the parents cannot be reached after a reasonable amount of time, then another responsible adult family member may take their place.

- B. Although the parent or legal guardian may elect not to be present for the interview, they and the juvenile must be advised of their right to confer privately prior to questioning and the parent's right to be readmitted to the interview or to stop the interview at anytime.
- C. Should a parent or legal guardian choose not to be present, they are to complete and sign the bottom portion of the Rights form. The advising officer and a witness will also sign the form.
- D. If a parent or legal guardian chooses not to be present and refuses or is unable to respond to the location of the interview, the rights form may be faxed to them as long as prior to faxing the advising officer reads the form to them via telephone and reasonably believes that they understand its contents. The interview is not to be conducted until the signed form is returned. If necessary, the form may also be hand carried to the parent or legal guardian if authorized by the supervisor in charge of the investigation. If a parent or legal guardian refuses to sign the form, no interview is to be conducted unless authorized by a supervisor.
- E. Prior to any questioning, the officer conducting the interview must clearly explain to the juvenile and parent or legal guardian, if they choose to be present, the department's interview procedures and policies regarding juvenile offenders. They shall also be advised of any possible action that may be taken within the juvenile justice system and procedures within the system.
- F. No more than two officers may be involved in the interviewing of a juvenile at any one time. Although there may be instances where other officers become involved in the interview, only two officers may actively conduct the interview. Other officers may be present as witnesses only, if approved by the officers conducting the interview and their supervisor.
- G. No juvenile shall be interviewed in excess of one continuous hour without a break of at least (10) minutes. After each break, the interview may be resumed for another hour until such a time as the juvenile or parent invokes the right to counsel or silence, or further interviewing would be fruitless, or the purpose of the interview has been accomplished. Juveniles should not be questioned longer than four (4) hours unless authorized by the Bergen County Prosecutor's Office.
- H. Juveniles shall have reasonable access to toilets and water or other beverages while being interviewed. Juveniles will be given an opportunity to eat if an interview extends through a normal meal period.
- I. Situations involving school interviews or other third party interviews, where a school official or other non law enforcement officer conducts the interview and the officer stands by in silence, are prohibited. This type of interrogation should only be conducted after the juvenile and his/her parents have been notified of their rights and where the parents or guardians are present.
- J. A spontaneous confession by the juvenile is acceptable. However, the officer is not to further question the juvenile until he/she has given the juvenile his/her Miranda Rights in the presence of the parents/guardians.

- K. When juvenile complaint is initiated and a judicially approved arrest warrant is obtained the juvenile may only waive their Miranda Rights in the presence of and after consultation with their attorney. This requirement applies to adults as well if they were a juvenile at the time of the offense or when the arrest warrant was obtained (reference State of New Jersey In the Interest of P.M.P. A-63-08).
- L. Electronic Recordation of Interviews/Interrogations of Juveniles (New Jersey Court Rule 3-17).
 - a. Unless one of the exceptions set forth in paragraph (2) below are present, all custodial interrogations conducted in a place of detention must be electronically recorded when the person being interrogated is charged with murder, kidnapping, aggravated manslaughter, manslaughter, robbery, aggravated sexual assault, sexual assault, aggravated criminal sexual contact, criminal sexual contact, second degree aggravated assault, aggravated arson, burglary, violations of Chapter 35 of Title 2C that constitute first or second degree crimes, any crime involving the possession or use of a firearm, or conspiracies or attempts to commit such crimes. For purposes of this rule, a "place of detention" means a building or a police station or barracks that is a place of operation for a municipal or state police department, county prosecutor, sheriff or other law enforcement agency, that is owned or operated by a law enforcement agency at which persons are or may be detained in connection with criminal charges against those persons. Place of detention shall also include a county jail, county workhouse, county penitentiary, state prison or institution of involuntary confinement where a custodial interrogation may occur.
 - b. Electronic recordation pursuant to paragraph (1) above must occur unless:
 - a. A statement made during a custodial interrogation is not recorded because electronic recording of the interrogation is not feasible;
 - b. A spontaneous statement is made outside the course of an interrogation;
 - c. A statement is made in response to questioning that is routinely asked during the processing of the arrest of the suspect;
 - d. A statement is made during a custodial interrogation by a suspect who indicated, prior to making the statement, that he/she would participate in the interrogation only if it were not recorded; provided however, that the agreement to participate under that condition is itself recorded;
 - e. A statement is made during a custodial interrogation that is conducted out of state;
 - f. A statement is given at a time when the accused is not a suspect for the crime to which that statement relates while the accused is being interrogated for a different crime that does not require recordation; or
 - g. The interrogation during which the statement is given occurs at a time when the interrogators have no knowledge that a crime for

which recording is required has been committed. The State shall bear the burden of proving, by a preponderance of the evidence, that one of the exceptions is applicable.

XIV. Police Operations on School Property.

- A. All police operations conducted near or on any school grounds will be conducted in accordance with the "Uniform State Memorandum of Agreement between Education and Law Enforcement Officials." A copy of this document is filed with this policy. It will be the responsibility of the Detective Supervisor to make sure the most recent copy of this agreement is on file with this policy.

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 12-06-2003	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME I
VOLUME TITLE: ADMINISTRATION	# PAGES: 4					CHAPTER 14
ACCREDITATION STANDARD(S):	REFERENCE: VIC14					
SUBJECT: LABOR RELATIONS						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To establish a clear understanding of the roles and activities of the department in relation to labor negotiations with the recognized bargaining unit representing members of the department.

POLICY:

This policy will identify the role of the agency in the labor negotiation process and address the administrative, procedural and contract management aspects of labor negotiations. It is important to understand that one group does not dominate the negotiating process and that all who enter into negotiations are involved and participate in good faith.

PROCEDURE:

I. RECOGNITION

- A. The following organizations are recognized, as per the current contract, as bonafide bargaining units:
1. Patrolmen's Benevolent Association:
 - a. Patrolmen's Benevolent Association #245 is recognized to act as the sole and exclusive collective negotiation bargaining agent for all employed Police Officers, Sergeants, Lieutenants and Captains.

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- b. This shall not include members of the Administrative or Chief of Police bargaining units or civilian bargaining unit employees.

2. Administrative Unit:

- a. The Administrative Unit is recognized to act as the sole and exclusive collective negotiation bargaining agent for all employed Inspectors and Deputy Chiefs.
- b. This shall not include members of the PBA or Chief of Police bargaining units or civilian bargaining unit employees.

3. Chief of Police

- a. The Chief of Police shall negotiate his own collective bargaining agreement with the Borough of Fort Lee.
- b. The Chief shall bargain solely for himself with the assistance of legal counsel if deemed necessary.

4. Clerical, Craft and Civilians:

- a. Where applicable, clerical, craft and civilian employees should utilize those bargaining agents that have been previously agreed upon and recognized by all concerned parties.
- b. In all other cases, compensation for the services of clerical, craft and civilian employees shall be determined in accordance with those procedures relevant to all other civilian employees of Borough of Fort Lee.

II. PROCEDURE FOR NEGOTIATIONS

A. Size of Bargaining Teams:

- 1. Borough of Fort Lee:
 - a. As per local ordinance, the Administrator is authorized to negotiate and execute contracts with Borough of Fort Lee employees.
- 2. Chief of Police:
 - a. The Chief of Police shall negotiate on his own or shall obtain the assistance of any persons or individuals he deems necessary.
- 3. Administrative Unit:

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- a. The Administrative Unit should select a negotiating team in accordance with the PBA Bylaws.
- 4. Patrolmen's Benevolent Association:
 - a. Patrolmen's Benevolent Association #245 should select a negotiating team in accordance with the PBA Bylaws.
- B. Negotiations During Duty Hours:
 - 1. If a member of any bargaining unit is on duty during a scheduled contract negotiating session, they will be allowed to attend the session.
 - 2. This session does afford contract negotiators duty time to meet within their own bargaining unit to discuss proposals unless the session would interfere with the proper operations of the department.
- C. Time Schedules and Agendas:
 - 1. A time schedule and meeting date will be established in advance of all negotiating sessions.
 - 2. The time schedule will be set up by the Borough of Fort Lee Administrator and the bargaining unit according to the previous contract.
- D. News Releases:
 - 1. News releases may be formulated jointly by the bargaining teams and agreed upon prior to distribution. This will ensure continuity for both parties.
 - 2. No member of this department, unless authorized, is to make a release on behalf of the department or the Borough of Fort Lee.
- E. Distribution of Contracts:
 - 1. The following personnel shall receive a copy of the final agreement.
 - a. Borough of Fort Lee Mayor & Council and Borough Clerk
 - b. Borough Administrator
 - c. Chief of Police
 - d. President of Policeman's Benevolent Association
 - e. The Administrative Bargaining Unit
 - 2. The Borough of Fort Lee Administrator is responsible for dissemination of the contract to the above parties.

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3. The Chief of Police shall have a copy of each contract placed in all volumes of the Operations Manual in Volume 1 Chapter 7.

III. CONTRACT MANAGEMENT

- A. All affected personnel should be advised of the collective bargaining agreements through their respective bargaining agents.
- B. It shall be the responsibility of the Chief to ensure that those administrative directives that must be reviewed or amended as a result of new contractual agreements, are accomplished within a reasonable amount of time.
- C. It shall be the responsibility of the Chief to review the contractual agreements and advise his personnel of any and all terms of the agreements that affect the functioning of the department.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 2	CHAPTER: 17	# OF PAGES: 22	
SUBJECT: LAW ENFORCEMENT DRUG TESTING			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS: 	
REFERENCE: AG Drug Testing Policy/AG Directive 2018-2/Bergen County Prosecutor's Office Policy		ACCREDITATION STANDARDS: 	
EFFECTIVE DATE: 9/14/2018		SUPERSEDES: Drug Screening for Police Officers V1Ch4	

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

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

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

PROCEDURES:

I. APPLICABILITY

A. This policy applies to:

1. Applicants for a position as a law enforcement officer who, if appointed, will be responsible for the enforcement of the criminal laws of this State and will be authorized to carry a firearm under N.J.S.A. 2C:39-6;
2. Law enforcement officer trainees subject to the Police Training Act while they attend a mandatory basic training course; and
3. Sworn law enforcement officers, including Class III Special Law Enforcement Officers (SLEO), who are responsible for the enforcement of the criminal laws of this State, come under the jurisdiction of the Police Training Act and are authorized to carry a firearm under N.J.S.A. 2C:39-6.
4. This policy does not apply to civilian employees.

II. TYPES OF DRUG TESTING

A. Applicants for Law Enforcement Officer Position

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

B. Law Enforcement Trainees

1. Individuals hired as law enforcement officers who are required to attend and successfully complete a mandatory basic training course approved by the Police Training Commission are subject to drug testing during their attendance at a police academy. Trainees will be required to submit one or more urine specimens for testing while they attend a mandatory basic training course. The drug testing of law enforcement trainees will be

conducted by the police academy staff under rules and regulations adopted by the Police Training Commission.

2. Individual trainees shall also be required to submit a urine specimen for testing when there exists reasonable suspicion to believe that the trainee is illegally using drugs. A trainee shall be ordered to submit to a drug test based on reasonable suspicion only with the approval of the County Prosecutor, the Chief of Police of the Fort Lee Police Department, or the academy director.

C. Sworn Law Enforcement Officers

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

III. NOTIFICATION OF DRUG TESTING PROCEDURES

A. Applicants

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

B. Trainees

1. All newly appointed law enforcement officers shall be informed that drug testing is mandatory during basic training. Newly appointed officers shall also

be informed that a negative result is a condition of employment and that a positive result will result in: a) upon final disciplinary action, the officer's termination from employment; and b) inclusion of the officer's name in the Central Drug Registry maintained by the Division of State Police; and c) the officer being permanently barred from future law enforcement employment in New Jersey.

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

C. Sworn Law Enforcement Officers: Reasonable Suspicion Testing

1. In accordance with this written directive, individual law enforcement officers will be ordered to submit to a drug test when there is a reasonable suspicion to believe that the officer is illegally using drugs.
 - a. The reasonable suspicion standard is "less demanding" than the probable cause standard in two ways. First, the amount of evidence needed to satisfy the reasonable suspicion standard is less than that needed to satisfy the probable cause standard. Second, the type of information used to satisfy the reasonable suspicion standard may be "less reliable than that required to show probable cause." The following factors should be evaluated to determine the quality and relevance of the information acquired by the law enforcement agency:
 - 1) The nature and source of the information;
 - 2) Whether the information constitutes direct evidence or is hearsay in nature;
 - 3) The reliability of the informant or source;
 - 4) Whether corroborating information exists and the degree to which it corroborates the accusation; and
 - 5) Whether and to what extent the information may be stale.
2. Any employee who has reasonable suspicion to believe that a fellow employee is illegally using drugs shall immediately report that fact, in writing, to the Chief. This report shall include detailed observations that let the reporting employee to this conclusion.
 - a. The Chief of Police shall review the report before ordering a suspicion based drug test.
 - b. Any employee of the police department who discloses the identity of an officer that will be or has been subject to a drug test based on reasonable suspicion shall be subject to disciplinary action including up to termination.

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

D. Sworn Law Enforcement Officers: Random Drug Testing

1. All sworn officers of the Fort Lee Police Department are eligible for random drug testing, regardless of rank and assignment.
2. At least 10 percent of the total number of sworn officers within the Fort Lee Police Department shall be randomly tested each time.
3. At a minimum, random drug testing shall be conducted at least once in the remainder of 2018 and at least twice in every subsequent calendar year.
4. A method of random selection has been established, which ensures that every probationary or sworn officer in the Fort Lee Police Department has an equal chance to be selected for a testing each and every time a selection takes place, regardless of rank, and regardless of the fact that one or more officers were randomly selected for testing at a prior selection process during the same calendar year. See section IV Random Selection Process.
5. The selection process will be verified and documented in writing by the Chief of Police or Internal Affairs Commander, and the report will be maintained in confidential files.
6. A representative of the collective bargaining unit(s) is permitted to witness the selection process.
7. Should a randomly selected officer be unavailable on the date selected, the following shall apply:

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

IV. RANDOM SELECTION PROCESS

- A. The Bergen County Prosecutor's Office has designated a randomizer program to be used as the sole means in the random drug testing selection process. Once the program is available, it will be used by this department in all random drug screening selection processes.
 - 1. The Chief will notify the Internal Affairs Commander to conduct either a standard panel or steroid panel for random drug testing. The Internal Affairs Commander will:
 - a. Use the randomizer program to create a list of officers who will be subjected to a random drug test;
 - 1) Ten (10) percent of the sworn workforce shall be selected for each screening process (rounded up).
 - 2) An additional five (5) percent of the sworn workforce shall be selected as Alternatives, who will be tested in order if an

officer is determined, by policy, to be unavailable for screening.

- b. Print three (3) copies of the Randomized Officer Selection List. One copy will be maintained by the Chief, one will be maintained by the Internal Affairs Commander, and one will be placed in a sealed envelope for the PBA.
 - c. The sealed envelope will be marked as confidential and will be presented to the PBA representative for his/her signature and date over the seal. The envelope will then be returned to the Internal Affairs Commander.
 - 1) After all samples have been collected and submitted to the lab for analysis, the PBA may request to meet with the Chief to unseal the confidential Randomized Officer Selection List" envelop to verify the names of the selected officers.
- B. Until the randomizer program is available, the following selection process will be adhered to:
- 1. The Internal Affairs Commander will maintain a spreadsheet, format as determined by the Chief, with all officers subject to Random Drug Testing as defined by the AG Directive.
 - 2. The Chief will notify the Internal Affairs Commander to conduct either a standard panel or steroid panel for random drug testing. The Internal Affairs Commander will:
 - a. Print the sorted officer list by the category selected by the Chief for this round of testing, and
 - b. Prepare the manual Selection Form clearly indicating the 10% point based on the department size (rounded up).
 - 3. Three copies of the sorted officer list will be made. One copy will be maintained by the Chief, one will be maintained by the Internal Affairs Commander, and one copy will be placed in a sealed envelope for the PBA.
 - 4. The Internal Affairs commander will seal the list in an envelope marked "Confidential: Sorted Officer List".
 - 5. The Chief, or his/her designee, will notify the PBA to meet.
 - 6. The Internal Affairs Commander will set out numbered tags equal to the number of officers eligible for random selection.
 - 7. The PBA representative will be allowed to verify that all tags are present.
 - 8. The Internal Affairs Commander will present the sealed "Confidential: Sorted Officer List" envelope to the PBA representative for his/her signature and date over the seal.
 - 9. The envelope with be returned to the Internal Affairs Commander.

- a. After all the samples have been collected and submitted to the lab for analysis, the PBA may request to meet with the Chief to unseal the "Confidential: Sorted Officer List" envelope to verify the names of the selected officers.
10. The Internal Affairs Commander will then place all the displayed tags into a container. The tags will be mixed to the satisfaction of the Chief. The Internal Affairs Commander will then begin selecting one tag at a time and recording the selection on the Selection Form.
 - a. Five additional tags will be selected as Alternates to replace officers that are determined to be unavailable for collection as specified in the policy.
 - b. Alternates will be used as selected and listed in numerical order on the Selection Form.
11. The completed original Selection Form will be retained by the Internal Affairs Commander.
12. A copy of the signed Selection Form will be provided to the Chief, and the PBA Representative.
- C. The frequency and dates of the selection shall be at the sole discretion of the Chief of Police up to twelve (12) times per calendar year.
- D. The Internal Affairs Commander will then begin the collection process with the assistance of a supervisor.
 1. If the Chief is selected, then the Deputy Chief, will be brought into the process. If the Deputy Chief is unavailable then the senior on-duty Captain will be brought into the process. The Internal Affairs Commander will notify the Prosecutor's Office that the Chief has been selected for Random Testing.
 2. If the Internal Affairs Commander is selected, then the senior on-duty Captain will be brought into the process. If a Captain is unavailable then the Deputy Chief will be brought into the process. The Chief will notify the Prosecutor's Office that the Internal Affairs Commander has been selected for Random Testing.
 3. If the Chief and Internal Affairs Commander have been selected then the senior uninvolved Captain will be brought into the process. At least two uninvolved supervisors, in rank and seniority order, will be brought in to supervise the process.
- E. No PBA representative will be involved with the sample collection or transportation process.
- F. No officer is to disclose the name(s) of any officer selected for Drug Testing while the samples are being collected and submitted for analysis. This does not apply to the selected officer themselves disclosing their name while seeking legal assistance through the PBA. This does not apply to the PBA review process with the Chief, or designees.

- G. Officers on approved time off (VAC, TD, SHT, Sick, WC, etc.) leave will be maintained on the Eligibility List.
- H. Officers on approved time off, exceeding 10 consecutive work days will be excused from the collection process. The next available Alternate will then be included in the process.
 - 1. Approved leave should be in writing and must be designated before the testing occurs. An officer cannot be placed on approved leave after that officer's name has been pulled in a random testing period.
- I. Samples should be obtained from an employee as close as possible to when the selection process was completed, i.e. either during the officer's current shift in conjunction with the Internal Affairs Commander or designated monitor's assignment or during the officer's next shift in conjunction with the Internal Affairs Commander or designated monitor's assignment.

V. SPECIMEN ACQUISITION PROCEDURES

A. Preliminary Acquisition Procedures

- 1. The Chief of Police or his designee shall serve as monitor of the specimen acquisition process. The monitor shall always be of the same sex as the individual being tested. In the event there is no member of the same sex available from the agency collecting the specimens, the agency may request that a member of the same sex from another law enforcement agency serve as monitor of the process.
- 2. Prior to the submission of a specimen, an applicant for a law enforcement position shall execute a form consenting to the collection and analysis of their urine for illegal drugs. (Attachment A). The applicant will also complete a form consenting to the collection and analysis of their urine for illegal drugs during enrollment in a basic training course (Attachment B). The forms shall also advise the applicant that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III A of this policy. Applicants shall not complete a Drug Testing Medication Information form (Attachment D) prior to the submission of a specimen unless they have already received a conditional offer of employment. However, applicants who have not received a conditional offer of employment can be required to complete a medical questionnaire if, following the submission of their specimen to the State Toxicology laboratory for analysis, the Fort Lee Police Department receives a report indicating that the specimen tested positive for a controlled substance.
 - a. Applicants who received a conditional offer of employment shall complete a Drug Testing Medication Information form (Attachment D), which clearly describes all prescription medication, non-prescription (over the counter) medication, dietary supplements and nutritional supplements that were ingested by the applicant during the past 14 days.

3. Prior to the submission of a urine specimen, a trainee enrolled in a basic training course shall execute a form (Attachment B) advising the trainee that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III B of this policy. The form shall also advise trainees that the refusal to participate in the test process carries the same penalties as testing positive. Trainees shall also complete a Drug Testing Medication Information form (Attachment D), listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the trainee during the past 14 days.
4. Prior to the submission of a urine specimen, an officer shall execute a form (Attachment C) advising the officer that a negative result is a condition of employment and that a positive result will result in the consequences outlined in Section III C of this policy. The form shall also advise the officer that the refusal to participate in the test process carries the same penalties as testing positive. Sworn officers shall complete the Drug Testing Medication Information form (Attachment D) listing all prescription medication, non-prescription (over-the-counter) medication, dietary supplements and nutritional supplements that were ingested by the officer during the past 14 days.
5. The Drug Testing Medication Information form (Attachment D) shall be placed in an envelope, which is sealed by the donor. The donor shall date and initial the seal.

B. Monitor Responsibilities

1. The monitor of the specimen acquisition process shall be responsible for:
 - a. Ensuring that all documentation is fully and accurately completed by the individual submitting the specimen (the donor).
 - b. Collecting specimens in a manner that provides for individual privacy while ensuring the integrity of the specimen. Individual specimens and forms shall be identified throughout the process by the use of social security numbers. At no time shall a name appear on any form or specimen container sent to the State Toxicology Laboratory.
 - c. Complying with chain of custody procedures established by the New Jersey State Toxicology Laboratory for the collection and submission for analysis of urine specimens.
 - d. Specimens shall be collected utilizing equipment and supplies approved by the State Toxicology Laboratory. Under no circumstances shall a specimen be collected and submitted for analysis in a specimen container that has not been approved by the State Toxicology Laboratory. It is the responsibility of each agency to contact the Laboratory to obtain the appropriate supplies and equipment including the Drug Testing Custody and Submission Form.
 - 1) The only source for vials to be used for urine testing pursuant to Directive 2018-2 and/or the AG's Drug Testing Policy, are

the vials provided by the State Toxicology Laboratory at 325 Norfolk Street, Newark, NJ. Vials are available free of charge at the laboratory. No appointment is necessary, but the laboratory is only open between the hours of 0830 and 1400 hours.

- e. Collecting and submitting urine specimens in accordance with procedures established by the State Toxicology laboratory.
- 2. In order to ensure the accuracy and integrity of the collection process a monitor may:
 - a. Direct an individual officer who has been selected for drug testing to remove outer clothing (jackets, sweaters etc.), empty their pockets, and wash their hands under running water, before they produce a specimen.
 - b. Add tinting agents to toilet water and secure the area where the specimens are to be collected prior to specimen collection.
 - 3. If the monitor has reason to believe that an individual officer will attempt to adulterate or contaminate a specimen, substitute another substance or liquid for their specimen, or compromise the integrity of the test process, the monitor may conduct a direct observation of the individual officer. If a monitor concludes that direct observation is necessary, he or she must document the facts supporting the belief that the officer will attempt to compromise the integrity of the test process before there can be direct observation.
- C. Specimen Collection
- 1. Unless otherwise noted, all steps must be completed by the donor in the presence of the monitor.
 - 2. The monitor shall inform the donor to wash his/her hands prior to beginning the specimen collection process.
 - 3. The monitor allows the donor to select two sealed specimen container kits.
 - 4. The donor unseals both kits and removes the kit contents on a clean surface.
 - 5. Using an ordinary pencil, the donor writes his/her SSN and the letter "A" below the SSN on one of the I.D. labels.,.
 - 6. Next, using an ordinary pencil, the donor writes his/her SSN and the letter "B" below the SSN on the second I.D. label.,
 - 7. The monitor checks that the donor SSN on both labels matches the SSN provided on the submission form. The monitor shall never touch an unsealed unpackaged specimen container.
 - 8. The donor places the labels inside one of the specimen containers printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle A" and "first specimen", respectively.

9. The donor then places the label inside the second specimen container printed side out, thereby designating this bottle, and subsequently produced specimen, as "bottle B" and "second specimen", respectively.
10. The monitor instructs the donor to void a specimen between 45 mL and 60 mL into each specimen container, to not flush the toilet, and return with both specimens immediately after the specimen is produced.
 - a. The auto-flush feature should be disabled by blocking the sensor.
 - b. Flushing the toilet by anyone other than the monitor will void the test and necessitate the collection of another specimen.
 - c. The monitor must follow the "shy bladder" procedure for donors that initially are unable to produce an adequate amount of urine (See Section D. "Shy Bladder" Procedure below)
11. The monitor visually checks each specimen for adequate volume and temperature indicator strip on the specimen container within 4 minutes. A color change between 90° and 100°F indicates an acceptable specimen temperature. The monitor indicates if the temperature is acceptable in the "Yes/No" column for each specimen and writes the collection date and his/her initials in the spaces provided on the submission form. If a temperature strip does not indicate the acceptable temperature, the monitor must consider the possibility that the officer attempted to tamper with the collection.
12. If the monitor is satisfied that all test requirements are met and the required documentation is accurate, he/she shall request the donor to seal each one of the specimen containers.
13. The monitor will take possession of the specimens and documentation. The monitor will ensure that all specimens, including second specimens, are delivered to the NJSTL in a timely manner (See Section V. Submission of Specimens for Analysis below).

D. "Shy Bladder" Procedure

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

whether the inability to produce a specimen was the result of a medical or physical infirmity or constituted a refusal to cooperate with the drug testing process.

E. Second Specimen

1. A donor whose specimen tested positive may only challenge the positive test result by having the second specimen independently tested. The first specimen will not be retested.
2. The second specimen will be maintained at the State Toxicology Laboratory for 60 days following the receipt of a positive drug test result from the laboratory by the submitting agency.
3. The second specimen will be released by the NJSTL under the following circumstances:
 - a. The agency is notified by the State Toxicology Laboratory that the first specimen tested positive for a controlled substance;
 - b. The agency notifies the donor that the first specimen tested positive for a controlled substance; and
 - c. The agency is informed by the donor whose specimen tested positive that he/she wishes to challenge the positive test result.
4. The positive urine donor must designate, from a list maintained by the NJSTL, a laboratory that is certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) and accredited by the College of American Pathologists (CAP) to conduct workplace urine drug testing, and pay all costs associated with the reception and testing of the sample.
 - a. The State Toxicology Laboratory maintains an up-to-date list of SAMSHA and CAP certified laboratories and will furnish that list upon request.
5. A representative of the second test laboratory may, in person, take possession of the second sample in accordance with accepted chain of custody procedures or the sample may be sent to the laboratory by pre-paid tracking mail also following accepted chain of custody procedures.
6. Following testing of the second specimen, the independent laboratory will report the result of the second specimen drug test to the donor, to the submitting agency, and to the medical review officer.

VI. SUBMISSION OF SPECIMENS FOR ANALYSIS

- A. The State Toxicology Laboratory is the only facility approved for the analysis of law enforcement drug tests conducted under the Law Enforcement Drug Testing Policy. Law enforcement agencies are not permitted to use any other facility or laboratory for the purpose of analyzing urine specimens for illegal drug use by law enforcement officers.

- B. Urine specimens should be submitted to the State Toxicology Laboratory as soon as possible after their collection. In the event a specimen cannot be submitted to the laboratory within one working day of its collection, the Fort Lee Police Department shall store the specimen in a controlled access refrigerated storage area in Internal Affairs until submission to the State Toxicology Laboratory.
- C. Submission of specimens to the State Toxicology Laboratory may be accomplished by personnel from the law enforcement agency or commercial courier using "next day delivery." Specimens submitted by commercial courier must be packaged to ensure their integrity.
- D. All specimens must be accompanied by the Law Enforcement Drug Testing Custody and Submission Form which can be obtained from the lab and the sealed envelope containing the Medication Information Form. The State Toxicology Laboratory will inspect all documentation to ensure that it has been properly completed. Failure to include the appropriate documentation with each submission will cause the Laboratory to delay conducting an analysis of the specimen or specimens until the missing documentation is submitted.
- E. In addition to ensuring that the appropriate documentation has been completed and submitted for each specimen, the State Toxicology Laboratory shall inspect each specimen for damage and evidence of tampering.
 - 1. The Laboratory may reject any specimen it has reason to believe has been tampered with or is damaged; and
 - 2. Notify the submitting agency in writing with the reason for rejection clearly stated.

VII. ANALYSIS OF SPECIMENS

- A. The analysis of the first specimen shall be done in accordance with currently accepted procedures adopted by the State Toxicology Laboratory. These procedures shall include but not be limited to security of the test specimens, chain of custody, initial screening and confirmation testing, parent drug and metabolite cut-off levels and the issuance of test reports. In addition to the controlled substances listed below, every Law Enforcement Executive may request that specimens be analyzed for the presence of steroids.
- B. The Laboratory's drug testing procedures will screen specimens for the following controlled substances:
 - 1. Amphetamines;
 - 2. Barbiturates;
 - 3. Benzodiazepine;
 - 4. Cocaine;
 - 5. Marijuana;
 - 6. Methadone;

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

VIII. DRUG TEST RESULTS

- A. The State Toxicology Laboratory will provide written test results for every specimen submitted for analysis. All efforts will be made to deliver these reports within 15 working days of the submission. Reports will be addressed to the contact person listed on the specimen submission record. Positive test results will be sent to the

contact person by certified mail.

- B. In some cases, the State Toxicology Laboratory will report that a specimen tested positive for a particular substance and that the information on the medication information form explains the test result. For example, the Laboratory may report that a specimen tested positive for barbiturates and a prescription for that barbiturate was listed on the form by the officer. At this point, it is the responsibility of the submitting agency to determine whether the officer had a valid prescription for that drug. Officers who do not have a valid prescription are subject to disciplinary action including, termination by the agency.
- C. Under no circumstances will the State Toxicology Laboratory provide law enforcement agencies with verbal reports of drug test results. In addition, no individual or agency may ask the Laboratory to conduct a second analysis of a specimen that has already been analyzed.

IX. CONSEQUENCES OF A POSITIVE TEST RESULT

- A. When an applicant tests positive for illegal drug use:
 - 1. The applicant shall be immediately removed from consideration for employment by the department.
 - 2. The applicant shall be reported to the Central Drug Registry maintained by the Division of State Police by the law enforcement agency to which the individual applied.
 - 3. The applicant shall be precluded from consideration for future law enforcement employment by any law enforcement agency in New Jersey for a period of two years. After 2 years, the positive test may be considered in evaluating an applicant's fitness for future Law Enforcement employment.
 - 4. Where the applicant is currently employed by another agency as a sworn law enforcement officer, the officer's current employer shall be notified of the positive test result by the Internal Affairs Commander. Under these circumstances, the officer's current employer is required to dismiss the officer from employment and also report his or her name to the Central Drug Registry maintained by the Division of State Police.
 - 5. Any Fort Lee Police Officer who is an applicant in another jurisdiction and yields a positive drug test result after undergoing drug testing by that jurisdiction in compliance with the guidelines established by the Attorney General of the State of New Jersey shall be:
 - a. Immediately suspended from all duties;
 - b. Terminated from employment as a police officer upon final disciplinary action;
 - c. Reported to the Central Drug Registry maintained by the Division of State Police; and

- d. Permanently barred from future law enforcement employment in the State of New Jersey.
- 6. Any Fort Lee Police Officer who is an applicant in another jurisdiction and is notified of a positive drug test result by that jurisdiction shall immediately notify the Internal Affairs Commander, or Chief of Police if Internal Affairs Commander is unavailable, of the positive drug test results.
 - a. The officer shall not report for his/her normal assignment or begin his/her work shift without advising a supervisor.
 - b. The officer shall not request time off or a leave without providing the above notification.
- B. When a trainee tests positive for illegal drug use, subject to rules adopted by the Police Training Commission:
 - 1. The trainee shall be immediately dismissed from basic training and suspended from employment this department;
 - 2. Upon final disciplinary action, the trainee shall be terminated from employment as a law enforcement officer by the appointing authority.
 - 3. The trainee shall be reported to the Central Drug Registry maintained by the Division of State Police.
 - 4. The trainee shall be permanently barred from future law enforcement employment in New Jersey.
- C. When a sworn law enforcement officer tests positive for illegal drug use (without a possible medical form explanation):
 - 1. The officer shall be immediately suspended from all duties.
 - 2. The officer shall be administratively charged and, upon final disciplinary action, terminated from employment as a law enforcement officer.
 - 3. The officer shall be reported by his or her employer to Central Drug Registry maintained by the Division of State Police.
 - 4. The officer shall be permanently barred from future law enforcement employment in New Jersey.
- D. If an officer tests positive for a prohibited substance, but the officer's medication form lists a substance that might explain the positive result:
 - 1. The state laboratory will send a report to this agency, which will indicate that the officer tested positive with an explanation.
 - 2. The Internal Affairs Commander will be responsible for conducting an investigation and obtaining a prescription from the tested officer to authenticate the listed substance on the medication form.

3. If the officer is able to authenticate that medication (i.e., from a prescription, a doctor's note, etc...), then the Chief of Police is not required to immediately suspend that officer nor is the Chief of Police required to report that officer to the Central Drug Registry because the test result, albeit positive, was properly explained and vetted.

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

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

XI. RESIGNATION/RETIREMENT IN LIEU OF DISCIPLINARY ACTION

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

XII. RECORD KEEPING

- A. The Fort Lee Police Department's Internal Affairs Unit shall maintain all records relating to the drug testing of applicants, trainees and law enforcement officers.
 1. Applicants-The Background Investigation Supervisor will forward all applicants' drug testing results to the Internal Affairs Commander.

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

XIII. CENTRAL DRUG REGISTRY

- A. The Fort Lee Police Department shall notify the Central Drug Registry maintained by the Division of State Police of the identity of applicants, trainees and sworn law enforcement officers who test positive for the illegal use of drugs or refuses an order to submit a urine sample on the form prescribed in Attachment F.
- B. A sworn law enforcement officer who tests positive for illegal drug use or refuses to submit to a drug test, and who resigns or retires in lieu of disciplinary action or prior to the completion of final disciplinary action, shall be reported by the Chief of Police to the Central Drug Registry and shall be permanently barred from future law enforcement employment in New Jersey.
- C. Notifications to the Central Drug Registry shall include the following information as to each individual:
 - 1. Name and address of the submitting agency, and contact person;
 - 2. Name of the individual who tested positive;
 - 3. Last known address of the individual;
 - 4. Date of birth;
 - 5. Social security number;
 - 6. SBI number (if known);
 - 7. Gender
 - 8. Race
 - 9. Eye color
 - 10. Substance the individual tested positive for, or circumstances of the refusal to submit a urine sample;
 - 11. Date of the drug test or refusal;
 - 12. Date of final dismissal or separation from the agency; and
 - 13. Whether the individual was an applicant, trainee or sworn law enforcement officer.
- D. The certification section of the notification form must be completed by the Chief or director, and notarized with a raised seal.
- E. Notifications to the Central Drug Registry shall be sent to:

Division of State Police
State Bureau of Identification
Central Drug Registry
P.O. Box 7068
West Trenton, New Jersey 08628-0068

- F. Information contained in the Central Registry may be released by the Division of State Police only under the following circumstances:
1. In response to an inquiry from a criminal justice agency as part of the background investigation process for prospective or new personnel.
 2. In response to a court order.

XIV. NOTIFICATION TO COUNTY PROSECUTOR

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

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

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

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

XV. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The Fort Lee Police Department Drug Testing Policy shall be made available to the public upon request and shall be posted on the agency website.
- B. All written reports created or submitted pursuant to this written directive that identify specific officers are confidential and not subject to public disclosure.

XVI. CONSEQUENCES OF ALTERING OR ATTEMPTING TO ALTER THE OUTCOME OF A DRUG TEST

- A. Anyone who attempts to alter or alters the outcome of any drug test and/or the administration of any drug test is subject to dismissal and may be criminally charged pursuant to N.J.S.A. 2C:36-10.
- B. Anyone who is found to possess any tool, product, device or substance adapted, designed, or commonly used to defraud the administration of any drug test, shall be subject to disciplinary action, up to and including termination from employment and may be charged criminally pursuant to N.J.S.A. 2C:36-10.

XVII. ACCIDENTAL/INADVERTENT EXPOSURE

- A. Any officer who believes that they may have been exposed to any substance that could render a positive test result must notify this department immediately after the exposure. If the exposure occurs on duty, the officer must immediately notify his/her supervisor.
- B. A report detailing the exposure shall be forwarded to the Chief of Police or the Internal Affairs Commander through the chain of command.
- C. If the exposure occurs off duty, notification must be made without undue delay and prior to the officer's next tour of duty.

**SERVICE
LITTER REGULATIONS
VOL X CH 5**

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 12-06-2003	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME X
VOLUME TITLE: SERVICE	# PAGES: 2					CHAPTER 5
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: LITTER REGULATIONS						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To ensure proper procedures are followed in enforcing litter regulations.

ORDINANCE:

§ 356-53. Unlawful acts.

It is unlawful for any person to throw, drop, discard or otherwise place litter of any nature upon any public or private property, other than in a litter receptacle.

§ 356-54. Definitions.

As used in this article, the following terms shall have the meanings indicated:

LITTER -- Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material, or any combination thereof, including but not limited to any bottle, jar or can or any top, cap or detachable tab of any bottle, jar or can or any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, saw-milling, farming or manufacturing.

§ 356-55. Violations and penalties.

Penalties for violations of this article shall be as provided by Chapter 1, Article III, § 1-17.

**SERVICE
LITTER REGULATIONS
VOL X CH 5**

POLICY:

The Borough of Fort Lee Committee adopted an ordinance to regulate, and in some cases, prohibit dumping of garbage and other refuse within Borough of Fort Lee. The ordinance is in the Borough of Fort Lee code book, Chapter # . 356-53. Most complaints regarding dumping are reported to the police department for proper assistance and action. It is, therefore, important that the police officer receiving the complaint made every effort to provide assistance to the complainant in a courteous and effective manner to meet the requirements of Chapter # 356-53 . The following procedures will be adhered to by all department personnel.

PROCEDURE:

I. CITIZEN COMPLAINT

- A. Respond to the call for assistance
 - 1. Attempt to resolve the problem for the complainant.
 - 2. If the caller insists on signing a Borough of Fort Lee ordinance complaint, the officer will follow procedures in Vol. X, Ch. 8.
 - 3. If the officer chooses to sign the complaint, follow Vol. X, Ch. 3.
- B. If complaint is signed, the officer will complete an investigation report, fill out the Borough of Fort Lee ordinance summons and have caller sign or sign himself.
- C. If no complaint is signed, the officer will complete an incident report.
 - 1. If the officer feels it appropriate, he may issue a verbal warning. This must be indicated on the incident report and relayed to communications to be noted in the CAD system.
- D. Before issuing a warning, the officer should first ascertain if there are any previous warnings, which can be checked through the computer added dispatch system (CAD).

II. OFFICER COMPLAINT

- A. When an officer observes a violation of Ordinance # 356-53 , he should follow the steps outlined in Vol. X, Ch. 3.

AUTHORITY
"MEGAN'S LAW" N.J.S.A. 2C:7-1
VOL. VII, CH. 14

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 02-18-2003	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME VII
VOLUME TITLE: AUTHORITY	# PAGES: 6					CHAPTER 14
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: MEGAN'S LAW N.J.S.A. 2C:7-1						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:						Special Instructions
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To provide a guide in which to follow when encountering a Megan's law offender who wishes to register, or when making Megan's law notifications.

POLICY:

This policy will set forth guidelines that officers shall follow when registering a sex offender, pursuant to Prosecutor's Memorandum.

PROCEDURE:

- I. The following sex offenders are required to register with the police department in the municipality in which they reside.

A. All sex offenders who have been found to be "compulsive and repetitive" by the sentencing judge regardless of when the offense occurred, who were found guilty, adjudicated delinquent or found not guilty by reason of insanity of the offenses listed below, who are released from custody since the effective date of this statute, October 31, 1994; those offenders who are on parole or probation on the effective date of the statute; and those offenders who have been found to be repetitive and compulsive by the court regardless of the date of conviction or adjudication. These provisions are set forth in New Jersey law at N.J.S.A. 2C:7-1 through 2C:7-11. The law establishing the Megan's Law sex offender Internet registry was signed on July 23, 2001 (chapter 167 of Public Laws of 2001). The provisions of the Internet registry law are set forth in New Jersey law at N.J.S.A. 2C:7-12 through 2C:7-19.

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1. Aggravated Sexual Assault
 2. Sexual Assault
 3. Aggravated Criminal Sexual Contact
 4. Kidnapping, if the victim was less than 18 years of age and the defendant was charged with a sexual offense or endangering the welfare of a child by engaging in sexual conduct.
 5. Any attempts of the above noted crimes
- B. Anyone convicted, sentenced or on probation or parole (still actively on probation or parole on effective date) on or after October 31, 1994 for any of the following charges:
1. Aggravated Sexual Assault
 2. Sexual Assault
 3. Aggravated Criminal Sexual Contact
 4. Criminal Sexual Contact if the victim was less than 16 years of age.
 5. Endangering the Welfare of a Child involving sexual conduct.
 6. Endangering the welfare of a child involving photographing or filming of the child engaging in sexual conduct.
 7. Child Luring
 8. Kidnapping if the victim is less than 18 years of age and there is an accompanying act of sexual conduct or endangerment.
 9. Criminal Restraint if the victim is less than 18 years of age.
 10. False imprisonment if the victim is less than 18 years of age and the offender is not a parent or guardian.
 11. Any attempt of the above noted crimes.
- C. All sex offenders convicted, adjudicated delinquent or found not guilty by reason of insanity in Federal, State, County, District, City Municipal, Military, Territorial or any other Court of comparable offenses or attempts. The registration must be completed within 70 days of first residing in or returning to a municipality in this State.

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- D. All sex offenders must re-register every year. All sex offenders who have been found to be compulsive and repetitive must re-register every 90 days.
1. It is incumbent upon the sex offender to register and re-register. Prosecutor's Address Verification Form should be completed.
 2. **FAILURE TO REGISTER AS DESCRIBED ABOVE IS A FOURTH DEGREE CRIME. THE APPROPRIATE STATUTE IS 2C:7-2a.**
 3. Re-registration requires only **one (1)** new sex offender fingerprint card
Two polaroid photographs will be taken if the subject's appearance has drastically changed.
- E. Ten (10) days prior to moving, sex offenders must notify the police departments in the town they currently reside and the town they intend to reside, of their plan to move.
1. Offenders must go through this entire initial registration process in the town they intend to reside in.

NOTE: Sex offenders who received P.T.I., conditional discharge (adults) or a Carry Order (juveniles) are not required to register and are not subject to any form or notification.

II. If a sex offender contacts our department to arrange registration, you must complete the following:

- A. Telecommunications Operator's Responsibilities
1. Obtain name, address and telephone number and record on the applicable department form.
 2. Notify Tour Commander, who will notify Detectives.
- B. Detectives Responsibilities
1. Complete sex offender registration form .
 2. Complete four (4) Sex Offender Fingerprint Cards, (SBI 15B) and one (1) red Federal Fingerprint Card.
 3. Take two (2) 35 mm and three (3) Polaroid Photographs with the municipal police department placard with the Incident Number.
 4. Prepare **"POLICE INFORMATION ONLY"** Flyer for all Divisions to make officers aware of the individual registering, with a copy of photo.
 5. Forward the packet to Records.

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C. Records Secretary Responsibilities

1. Maintain a separate file, recording all Sex Offender Registrations, containing a copy of the Registration Form, a Sex Offender Fingerprint Card and a Polaroid Photo.
2. Forward three (3) Sex Offender Fingerprint Cards, the red Federal Fingerprint Card, two (2) Polaroid Photographs and the Sex Offender Registration form to the Bergen County Prosecutor's Office, Attention: Megan's Law Unit, within three (3) business days.
3. Forward the two (2) 35 mm photographs within forty-five (45) days.

D. The Bergen County Prosecutor's Office will classify the Sex Offender based upon the forwarded packet.

Tier One: Law Enforcement Alert - where the risk of re-offense is low.

Tier Two: Law Enforcement, School and Community Organization Alert - moderate risk.

Tier Three: Community Notification - Highest Risk

1. The prosecutor's office will notify the department liaison officer with the offender designation.
2. If Tier Two or Three designation is made, appropriate notification regarding the registrant living or working within the community will be made by our department.
3. No notifications will be made without prior written authorization by the prosecutor's office.

See also Vol,7 ch, 14-1 thru 12

E. Guidelines for community notification:

This is intended to assist law enforcement agencies charged with conducting a Tier Three notification pursuant to the Registration and Community Notification Laws. For detailed procedures, you should refer to the Attorney General Guidelines for Community Notification.

1. The information you have to disseminate should under no circumstances be released to or shared with the media or posted in a public location.
2. You may not confirm or deny that there is a notification in progress or that one has been conducted in any location. If asked what you are doing while in the course of disseminating the Notification Forms, please answer

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"confidential police work."

3. Any inquiries from the media, members of the public, local officials or any other person not specifically designated to receive notification by the court order should be referred to the County Prosecutor's Office Megan's Law Unit.
4. When conducting a door-to-door Tier Three Notification you should check:
 - a. To see that you have been provided with two separate Notification Forms: an Unredacted Notice, which includes all sex offender information without omission and a Redacted Notice, which omits the specific street number of the offender's home and exact street address and name of the employer.
 - b. To see that you have been provided with Megan's Law Rules of Conduct Forms.
 - c. To see that you have been provided with Megan's Law Receipt Forms for residents to sign.
5. You must hand-deliver the Notification Form to an adult member of each household and to a full-time adult supervisory employee or owner of every business located in the Scope of Notification area defined by the court order. Before leaving an Unredacted Notification Form with the resident, you must obtain a signed Megan's Law Receipt Form. Retain the Form for the County Prosecutor's Office Megan's Law Unit. Do not leave a form with anyone under the age of 18, unless the person is an emancipated head of household.
 - a. If the resident declines to sign the Megan's Law Receipt Form, you should leave the Redacted Form only.
 - b. In all circumstances, you must provide a copy of the Megan's Law Rules of Conduct and review the information included in the Rules with the resident receiving the Notification.
6. If no one is at home:
 - a. Do not leave the Notification Form.
 - b. Leave a copy of the Attempted Delivery Form under the door or in the mailbox of the residence. A door hanger may be substituted by the County Prosecutor's Office for you to use.
7. When delivering to a place of business:
 - a. Identify the owner, manager or supervisor who is in charge on a full-time basis.

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- b. Provide one copy of the Redacted Notice, and the Rules of Conduct for Businesses form.
- c. Inform the individual that the Notice cannot be posted in any location. Inform the individual that the Notice cannot be shared with customers or any employees not assigned to the location or regularly employed at that location. The owner/manager should be advised to maintain the Notice in a secure location available to regular, full-time employees. The Notice should also be shared with any security officers employed at that location.

COMMUNITY ORGANIZATION INFORMATION REFERENCE SHEET FOR OFFICIAL SUPERVISORS VOL. 7, CH. 14-7

This procedure shall apply to all community organizations, day care centers, and summer camps. It is intended to provide the official supervisor of the organization, day care center or summer camp with information to assist you in notifying the appropriate personnel in your organization who should receive a copy of the Notification Form you have received:

1. You have received two forms – one contains all the information pertaining to the offender (referred to as Unredacted) and the other has the exact street address of his residence taken out (referred to as Redacted). Most staff members should be provided only with the Redacted Notice.
2. You should provide a copy of the Redacted Notice (with no exact street address) to any staff member who is charged with the direct supervision or care of children or women.
3. You should provide a copy of the Unredacted Notice to appropriate staff members in the following circumstances:
 - a. Where the organization routinely conducts activities for its children or women under its supervision in the area adjacent to the offender's residence or place of work/schooling
 - b. Where the offender lives in direct proximity to where the organization is located and conducts activities with children or women.
4. In order to receive the Unredacted Form for your use, you must sign the Community Organization Designated Official Receipt Form indicating that you understand that the information is to be treated as confidential and may be shared only with appropriate staff members. The Receipt Form also states that you are bound by the terms of the court order which authorizes notification and agree to submit to the jurisdiction of the court. The Receipt Form also indicates that you agree to abide by the provisions of these guidelines.
5. When you provide a copy of either the Redacted or Unredacted Form to one of your staff, you must also provide a copy of the Community Organization Rules of Conduct.
6. When you provide a copy of the Unredacted Form to one of your staff, you must obtain a signed Megan's Law Receipt Form from that person and send the Receipt Form to your County Prosecutor's Office. If a staff person declines to sign the Receipt Form, he or she should receive a Redacted Form only.

MEGAN'S LAW COMMUNITY ORGANIZATION
DESIGNATED OFFICIAL RECEIPT FORM
VOL. 7, CH. 14-9

I acknowledge the receipt of the information contained in the sex offender notification provided to me and agree to comply with the following:

- 1. I understand that the information in the notification form is to be treated as confidential and may be shared only with appropriate staff members as set forth in the Information Reference Sheet provided to me, for the purpose of taking precautions to protect those at risk.**
- 2. I agree to be bound by the terms of the Court Order which authorized the provision of notification to me and I agree to submit to the jurisdiction of the Court.**

SIGNATURE OF DESIGNATED OFFICIAL: _____

NAME OF DESIGNATED OFFICIAL (PRINT): _____

ORGANIZATION: _____

DATE RECEIVED: _____

NAME OF SERVER: _____

INFORMATION REFERENCE SHEET FOR SCHOOL PRINCIPALS

VOL. 7, CH14-6

This procedure shall apply to all public and private schools located in an area where the students are likely to encounter the offender. It is intended to provide the school principal or director with information to assist you in notifying the appropriate personnel in your school who should receive a copy of the Notification Form you have received:

1. You have received two forms – one contains all the information pertaining to the offender (referred to as Unredacted) and the other has the exact street address of his residence taken out (referred to as Redacted). Most staff members should be provided only with the Redacted Notice.
2. You should make the determination as to which staff in your school should be informed of the notification and which should have access to the Redacted or Unredacted Notice.
3. The Notice Form should never be posted in a location where it can be viewed by the public, by students or by staff who are not to have access to it.
4. You should share the Notice with any person who in the course of the duties of his or her employment or assignment is regularly in a position to observe unauthorized persons on or near the property of the notified school. To determine which staff members should be given access to either the Redacted or Unredacted Notice, you should refer to the Attorney General Law Enforcement Guidelines which have been provided to you. If you do not have a copy of the Guidelines, please contact your County Prosecutor's Office.
5. In order to receive the Unredacted Form for your use, you must sign the Principal's Receipt Form indicating that you understand that the information is to be treated as confidential and may be shared only with appropriate staff members. The Receipt Form also states that you are bound by the terms of the court order which authorizes notification and agree to submit to the jurisdiction of the court.
6. When you provide a copy of either the Redacted or Unredacted Form to one of your staff, you must also provide a copy of the School Rules of Conduct.
7. When you provide a copy of the Unredacted Form to one of your staff, you must obtain a signed Megan's Law Receipt Form from that person and send the Receipt Form to your County Prosecutor's Office. If a staff person refuses to sign the Receipt Form, he or she should receive a Redacted Form only.

PUBLIC SAFETY INFORMATION NOTICE
VOL. 7, CH. 14-11

Dear Resident of the Borough of Fort Lee:

On _____, while you were not at home, a representative of the Fort Lee Police Department, came to your residence to give you important information. You are not being investigated for any crime. We need to provide valuable information to you and your family.

Please contact the Fort Lee Police Department at 201-592-3500 to make arrangements to receive this information. You will need to provide proof of your address to receive the material. Also, please keep this letter and present it to the Fort Lee Police Department.

Thank you for your cooperation.

MEGAN'S LAW SCHOOL PRINCIPAL RECEIPT FORM
VOL. 7, CH. 14-8

I acknowledge the receipt of the information contained in the sex offender notification provided to me and agree to comply with the following:

- 1. I understand that the information in the notification form is to be treated as confidential and may be shared only with appropriate persons as set forth in the Memorandum of Understanding between the Attorney General of New Jersey and the Commissioner of the Department of Education for the purpose of taking precautions to protect those at risk.**
- 2. I agree to be bound by the terms of the Court Order which authorized the provision of notification to me and I agree to submit to the jurisdiction of the Court.**

SIGNATURE OF PRINCIPAL: _____

NAME OF PRINCIPAL (PRINT): _____

SCHOOL: _____

DATE RECEIVED: _____

NAME OF SERVER: _____

MEGAN'S LAW RECEIPT FORM
VOL. 7, CH. 14-10

I HAVE RECEIVED THE MEGAN'S LAW NOTIFICATION FORM AND AGREE:

I will comply with the Order of the Court which allows me to receive the sex offender information provided to me;

I will comply with the Megan's Law Rules of Conduct which have been provided to me;

I will submit to the jurisdiction of the Court.

SIGNATURE OF PERSON RECEIVING: _____

NAME OF PERSON RECEIVING (PRINT): _____

ADDRESS OF PERSON RECEIVING: _____

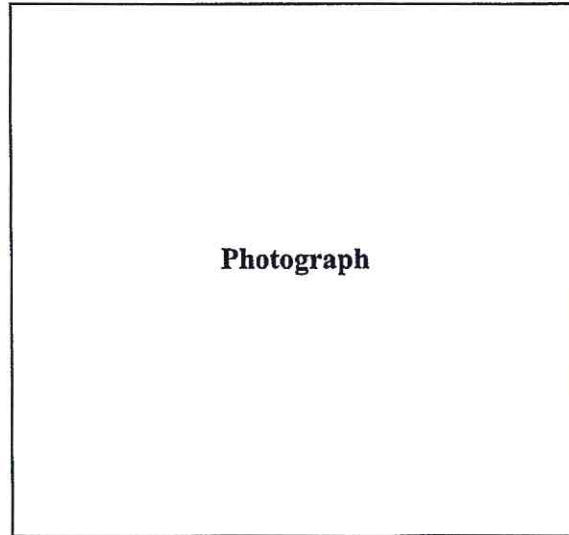
DATE RECEIVED: _____

NAME OF SERVER: _____

DEPARTMENT OR AGENCY OF SERVER: _____

**BERGEN COUNTY PROSECUTOR'S OFFICE
MEGAN'S LAW NOTIFICATION**

Name of Registrant _____



AKA _____

Race _____

Eye Color _____

Sex _____

Hair _____

DOB _____

Complexion _____

Weight _____

Vehicle _____

Address _____

Location of Employment _____

School attendance _____

Comments _____

This notification is made in compliance with N.J.S.2C:7-6, intended to assist in the protection of those at risk, it is not to be disseminated to the community at large.

BERGEN COUNTY PROSECUTOR'S OFFICE
MEGAN'S LAW NOTIFICATION

Tier 1 low risk of re-offense. Notification is for Law Enforcement use only, not for community dissemination.

MEGANS LAW RULES OF CONDUCT FOR BUSINESSES

VOL. 7, CH. 14-5

You have received a notification flyer from law enforcement that there is a convicted sex offender living in this neighborhood. You must comply with the following rules:

You may do the following:

1. Do share and discuss the information you have received with your full-time employees.
2. Do share the notification flier with your security officers who are employed by your business at this location.
3. Do keep the copy of the notification flier you have received in a secure location which is not accessible to the public.
4. You should remain alert for the presence of this individual in the vicinity.
5. If you believe that you have seen this individual in the vicinity and have a reasonable belief that the offender presents a threat to your employees or customers, you should contact your local law enforcement agency.

Doing the following is inappropriate and may result in court action or prosecution being taken against you:

1. Do not share the information in this notification flier, or the flier itself, with anyone who is who is not a regular employee or security officer employed by your business at the location receiving notification.
2. Do not share the information in this notification flier, or the flier itself, with the media.
3. Do not post the flier in a public location, or display it in a place where it is visible to persons who are not employees of your business.
4. Do not copy the flier or reproduce it in any way.
5. Do not attempt to harm the offender or his/her property. Do not attempt to harass the offender or make unsolicited, unwanted contact. Do not take any action against the offender's family, household members or employer that may in any way harm or harass a person or property.

This flier is provided to you for the sole purpose of giving you information that can assist you in protecting your family. Law enforcement will notify all appropriate community members, schools, organizations, residences and businesses. If you are not certain whether sharing the notification flier with a particular individual or disclosing the notification information would be appropriate under particular circumstances, you should contact the Megan's Law Unit in the County Prosecutor's Office, at 201-646-2300 for specific direction.

COMMUNITY ORGANIZATION RULES OF CONDUCT

Vol. 7, Ch. 14-3

You have received a Notice Form from law enforcement that there is a convicted sex offender living in the neighborhood where your organization is located. You must comply with the following rules:

You may do the following:

1. You should use the information you have received to exercise appropriate caution to those under your care or supervision, based upon the information provided.
2. You should remain alert for the presence of this individual in the vicinity of those under your care or supervision.
3. You should keep the notification flier in a secure location accessible to appropriate staff members, but which is not accessible to those in your care or supervision or to others.
4. If you believe that you have seen this individual in the vicinity and have a reasonable belief that the offender represents a threat to you or those under your care or supervision, you should contact your local law enforcement agency.

Doing the following is inappropriate and may result in court action or prosecution being taken against you:

1. Do not share the information in this notification flier, or the flier itself, with anyone outside of the community organization. Specifically, you should not share the information in this notification flier, or the flier itself, with those under your care or supervision, their parents, guardians or other relatives, your own family members, or the media.
2. Do not make any copies of the notification flier, or reproduce it in any way.
3. Do not post the notification flier in a public location, or display it in a place where it is visible to anyone.
4. Do not attempt to harm the offender or his/her property. Do not attempt to harass the offender or make unsolicited, unwanted contact. If you believe the individual is a physical threat to you or children in your care, please contact your local police.
5. Do not take any action against the offender's family, household members or employer that may in any way harm or harass a person or property.

This flier is provided to you for the sole purpose of giving you information that can assist you in exercising your supervisory obligations. Law enforcement will notify all appropriate community members, schools, organizations, residences and businesses. If you are not certain whether sharing the notification flier with a particular individual or disclosing the notification information would be appropriate under particular circumstances, you should contact the Megan's Law Unit in the County Prosecutor's Office, at 201-646-2300 for specific direction.

SCHOOL PERSONNEL RULES OF CONDUCT

Vol. 7, Ch. 14-2

You have received a Notice Form from law enforcement that there is a convicted sex offender living in the neighborhood where your school is located. You must comply with the following rules:

You may do the following:

1. You should use the information you have received to exercise appropriate caution to protect those under your care or supervision, based upon the information provided.
2. You should remain alert for the presence of this individual in the vicinity of those under your care or supervision.
3. If you believe that you have seen this individual in the vicinity and have a reasonable belief that the offender represents a threat to those under your care or supervision, you should advise the school principal or contact your local law enforcement agency.
4. Without revealing any confidential information concerning the offender, you may conduct age-appropriate discussions in the classroom to explain the potential danger to students, and participate in school meetings to discuss notification-related issues with parents and other interested parties.

Doing the following is inappropriate and may result in court action or prosecution being taken against you:

1. Do not share the information in this notification flier, or the flier itself, with anyone. Specifically, you should not share the information in this notification flier, or the flier itself, with those in your care, their parents, guardians or other relatives, your own family members, or the media.
2. Do not make any copies of the notification flier, or reproduce it in any way.
3. Do not post the flier in a public location (such as a school bulletin board), or display it in a place where it is visible to anyone.
4. Do not attempt to harm the offender or his/her property. Do not attempt to harass the offender or make unsolicited, unwanted contact. If you believe the individual is a physical threat to you or children in your care, please contact your local police.
5. Do not take any action against the offender's family, household members or employer that may in any way harm or harass a person or property.

This flier is provided to you for the sole purpose of giving you information that can assist you in exercising your supervisory obligations. Law enforcement will notify all appropriate community members, schools, organizations, residences and businesses. If you are not certain whether sharing the notification flier with a particular individual or disclosing the notification information would be appropriate under particular circumstances, you should contact the Megan's Law Unit in the County Prosecutor's Office, at 201-646-2300 for specific direction.

MEGANS LAW RULES OF CONDUCT (GENERAL) VOL. 7, CH. 14-4

You have received a notification flier from law enforcement that there is a convicted sex offender living in this neighborhood. You must comply with the following rules:

You may do the following:

1. Do share and discuss the information you have received with those residing in your household, such as family members.
2. Do share the information you have received with anyone caring for your children at your residence in your absence.
3. Do take appropriate precautions to protect your children, based on the information provided.
4. Do discuss with your children how to act and what to do when dealing with strangers.
5. Do use the information responsibly, in a manner that will facilitate the safety and well-being of those in your care.

Doing the following is inappropriate and may result in court action or prosecution being taken against you:

1. Do not share the information in this notification flier, or the flier itself, with anyone outside of your household or anyone not in your care. Do not share the information in this notification flier, or the flier itself, with the media.
2. Do not make any copies of this notification flier, or reproduce it in any way.
3. Do not post this notification flier in a public location, or display it in a place where it is visible to persons who are not members of your household.
4. Do not attempt to harm the offender or his/her property. Do not attempt to harass the offender or make unsolicited, unwanted contact. If you believe the individual is a physical threat to you or children in your care, please contact your local police.
5. Do not take any action against the offender's family, household members or employer that may in any way harm or harass a person or property.

This flier is provided to you for the sole purpose of giving you information that can assist you in protecting your family. Law enforcement will notify all appropriate community members, schools, organizations, residences and businesses. If you are not certain whether sharing the notification flier with a particular individual or disclosing the notification information would be appropriate under particular circumstances, you should contact the Megan's Law Unit in the County Prosecutor's Office, at 201-646-2300 for specific direction.

**ADMINISTRATION
MISSION STATEMENT
VOL I, CH 26**

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 04-01-08	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME I
VOLUME TITLE: ADMINISTRATION	# PAGES: 1					CHAPTER 26
ACCREDITATION STANDARD(S): 12.2.1	REFERENCE:					
SUBJECT: MISSION STATEMENT						DISTRIBUTION ALL
ISSUING AUTHORITY: _____						EVALUATION DATE:
CHIEF THOMAS O. RIPOLI						
ATTORNEY GENERAL:						Special Instructions
PROSECUTOR'S OFFICE:						
REFERENCE:						

MISSION STATEMENT

Our mission is to provide and maintain, as much as is practicable, and given all available resources, a feeling of security and safety among all persons within our legal jurisdiction. It is critical that all members understand and support this mission. The mission forms our legitimate basis for existence and is the basis of our professional ethics, rules, regulations, operating policies, procedure and practices.

The mission is functionally defined by the power established by legislated authority and demands for service from the public. It is the direct and ultimate responsibility of the administrative head to interpret public demands and, within budgeted resources, provide for the best possible delivery of services.

The nature of public safety and security forces is varied. Examples include, but are not limited to: equal, equitable and fair enforcement of laws; responding to calls for non-enforcement services; active patrol; housing of prisoners; public relations contacts; and the personal demeanor, conduct and image of our personnel on duty as well as off duty. These services and the perception we create while engaging in these services are functionally defined, made real and ultimately judged by the nature of the activities we engage in as well as how we appear while engaged in such activities. In summary, our mission is to deliver a service as well as a perception of service, i.e., a feeling of safety and security.

The authority by which we operate and the granted resources we are provided with are an affirmation of the public's trust. Each employee must be cognizant that the misuse or inefficient use of these resources leads to citizen apathy, alienation and eventually the loss of public confidence.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES



VOLUME: 5

CHAPTER: 13

OF PAGES: 10

SUBJECT: MOBILE VIDEO RECORDERS

BY THE ORDER OF: Keith M. Bendul
Chief of Police

ACCREDITATION STANDARDS: 3.5.5

Effective Date: 02/12/2016

Supersedes: V9C24 (all versions)
Video Camera in Police Vehicles

PURPOSE The purpose of this policy is to establish procedures for the use of mobile video recording equipment (MVR). MVR is intended to enhance officer safety, produce effective materials for training and to produce an additional method of collecting evidence to prosecute those who violate the law.

POLICY It is the policy of the Fort Lee Police Department to utilize MVR to its fullest extent for the day-to-day patrol function and to maintain the necessary safeguards that will ensure the non-discriminating use as well as the proper preservation of evidence that may be obtained through use of this technology.

All personnel shall use this equipment consistent with manufacturer's guidelines, this policy, and those directives or guidelines issued by the Bergen County Prosecutor.

All recording media, images, and audio from an MVR are the intellectual property of the Fort Lee Police Department and will not be copied, released or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police.

Under no circumstances shall vehicles equipped with MVR be jumpstarted without disconnecting the yellow-tagged MVR fuse (next to the stinger fuse panel) to prevent possible damage to the MVR equipment by a power surge.

PROCEDURES

I. DEFINITIONS:

A. For purposes of this policy, the following terms are defined:

1. Flashback digital video recorder (DVR) – the vehicle-mounted data storage device and flashcard.
2. In-car microphone – the microphone permanently installed in the patrol vehicle.
3. Monitor console – the screen unit mounted to the vehicle.
4. Nite-Watch® Camera – the camera unit attached to the vehicle windshield or motorcycle engine guard.
5. Owner – is a term used by the DVR to identify the officer using the equipment. The term does not imply or bestow any additional rights or privacy to an employee regarding a video file created by this department and its equipment of an employee during working conditions.
6. Pre-event recording – when the DVR is on, it is constantly capturing images and putting them in temporary memory. When a trigger is received, the unit starts recording to the compact flash card, but it can also grab images captured before the trigger (from temporary memory) and store them.
7. USB key fob – a USB (thumb drive) device issued to each officer, which is used by the MVR system, to properly identify the officer creating the video file. The key fob is considered officially issued equipment and must be carried during working hours. Officers should take steps to avoid losing the device.
8. Voice link plus (VLP) microphone – also referred to as a body microphone.

II. GENERAL

- A. MVR recordings are invaluable to law enforcement for evidential purposes. MVR has consistently demonstrated its value in the prosecution of criminal, traffic, and other related offenses and to protect personnel from false claims of misconduct. Additionally, this equipment will provide valuable instructional material that can be utilized for in-service training programs.
- B. MVR is used to accomplish the following law enforcement objectives:
1. Accurate documentation of events, actions, conditions and statements made during arrests and critical incidents, which will enhance officer reports, collection of evidence, and testimony in court.
 2. The enhancement of this agency's ability to document probable cause for arrest, arrest procedures, officer/suspect interaction, and evidence for investigative purposes, as well as officer evaluation and training.

3. To enhance the ability to defend against accusations made against the department or officers.
 4. MVR shall only be utilized for legitimate law enforcement purposes.
- C. Officers are to receive training in the use of MVR are permitted to use the system and must demonstrate a satisfactory degree of familiarity and efficiency in the use of the system. If any officer is unclear with this policy or the operation of the MVR, he/she should contact his/her immediate superior to arrange for additional training.
- D. MVR equipment installed in a police vehicle is the responsibility of the officer assigned to that vehicle and will be maintained according to the manufacturer's recommendations.
- E. MVR equipment will automatically power up 30 seconds after the ignition is turned on. A patrol vehicle's MVR will automatically power down when the pre-set time has passed after the ignition is turned off.
1. The motorcycle will power down immediately upon the ignition being shut off.
 2. Motorcycle officers should allow the MVR time to upload upon returning to HQ at the end of their shift.
- F. The administrative division commander is responsible for the entire MVR system through the vehicle maintenance coordinator (vehicle equipment), MVR supervisor (video titling), computer division (network system) and evidence bureau (archiving and exporting).
- G. Installation, removal or repairs to any of the MVR equipment shall only be performed under the direction of the vehicle maintenance coordinator or his/her designee.
1. If a police vehicle is towed due to a collision or a mechanical problem, the administrative division commander or vehicle maintenance coordinator will decide whether to immediately remove the removable media or wait until the next working day.
 - a. The internal affairs supervisor shall be promptly notified as part of the internal affairs process concerning any MVR equipped vehicle directly involved in:
 1. A serious crime;
 2. A collision with serious bodily injuries to any party;
 3. A motor vehicle pursuit.
 - b. The internal affairs commander shall either respond and collect the removable media or designate a supervisor to collect the removable media and secure it as evidence.

1. The internal affairs commander or designated supervisor will upload the video using either of the two computers located at Headquarters desk following the instructions provided by L3 Mobile Vision. (Direction stored in the W drive in the desk folder.)
 2. The removable media shall be packaged, labeled and secured in a temporary evidence storage locker in accordance with standard evidence procedures.
 3. If a supervisor needs to manually upload a video recording to the MVR system, they should follow the sequence described in b.1
- H. If an MVR equipped vehicle needs to be jumpstarted, the following steps must be taken to prevent possible damage to the MVR equipment by the sudden power surge:
1. The person jumpstarting the vehicle will disconnect (separate) the yellow-tagged MVR in-line fuse (next to the stinger fuse panel).
 2. The motorcycle SHALL NOT be jumpstarted unless the main fuse is disconnected located in the bottom level of the radio equipment box.
 3. The vehicle can then be jumpstarted following normal jumpstart procedures.
 4. After the vehicle is started, the person jumpstarting the vehicle will reconnect the separated MVR in-line fuse next to the stinger fuse panel (main fuse for motorcycles).
 5. The officer should then verify that the power to the MVR is functioning properly.

III. UNIFORMED OFFICER RESPONSIBILITIES

- A. Uniformed officers should wear their department-issued microphones and wireless transmitter at all times clipped to their outermost garment (e.g., jacket, coat, shirt, or lapels) in order to obtain the best audio clarity.
- B. Prior to starting each shift or as soon as possible prior to normal patrol duties, the officer assigned shall ensure that the equipment is operating properly by signing into the vehicle's MVR using his/her issued key fob as directed in the training course.
1. The key fob will identify the officer as the owner (creator) of the MVR recordings.
 2. The officers using patrol vehicles should sign out of the vehicles MVR at the end of their shift to prevent videos created under their name by officers on the next shift.
 3. Any loss of a key fob shall be immediately reported to the duty patrol supervisor or the duty tour commander.

- C. Officers will verify and note on the vehicle inspection report any missing/damaged equipment or problems should be brought to the attention of the supervisor as soon as possible.
- D. To operate:
 - 1. The officer will start the vehicle.
 - 2. The officer will sign into the MVR by:
 - a. Inserting their issued key fob into the USB cable located by the radio console.
 - b. Press the 'T' (Trace) button once. The login screen will be displayed.
 - c. Press the '>>' (Fast Forward) button once; this will move the blue highlight to OK. The '<<' (Rewind) button will move the blue highlight to the left.
 - d. Press the 'R' (Record) button once.
 - e. Your badge number will appear on the monitor. You are now signed into the MVR and can remove the key fob.
 - 3. The officer will then synchronize his/her issued body microphone with the MVR by placing it in the microphone docking station. The officer should ensure that it is properly synchronized with the MVR by testing the '*Mic-Activation*' switch.
 - 4. At the end of the shift, the officer is to sign out of the MVR by:
 - a. The officer will verify that the MVR unit is NOT in '*Record Mode*'.
 - b. Press the 'T' (Trace) button once. The login screen will be displayed.
 - c. Press the '>>' (Fast Forward) button once; this will move the blue highlight to OK. The '<<' (Rewind) button will move the blue highlight to the left.
 - d. Press the 'R' (Record) button once.
 - e. Your name will no longer appear on the monitor. You are now signed out of the MVR.
- E. The unit will automatically record when:
 - 1. The vehicle's emergency warning devices (lights and/or siren) are in operation;
 - 2. The vehicle exceeds the system's designated speed;

3. The vehicle is involved in a collision. NOTE: The collision recording system is NOT functional for motorcycles; instead, the leaning of a motorcycle may trigger the function;
 4. The 'R' (Record) button is manually pressed on the monitor console;
 5. The 'Mic-Activation' switch is manually pressed on the microphone.
- F. Manual deactivation should occur during non-enforcement activities such as protecting crash scenes from other vehicular traffic, traffic construction details, etc. The intent and purpose to deactivate should be noted into the microphone prior to deactivation.
- G. Officers should ensure that the equipment is operating in a way that will allow for the recording of traffic stops and other enforcement action. In so doing, the camera should be positioned to record the event(s). Deactivation does not occur until the enforcement action is complete. The active audio transmitter may be used in order to provide narration with the video recording to explain the reason for current or planned enforcement action.
- H. Officers may note in the narrative portion of any reports related to the incident, arrest, investigative detention, or motor vehicle stop the fact that audio/video recordings were made and also indicate the unit number of the police vehicle that was used. UNDER NO CIRCUMSTANCES, shall officers simply reference an MVR recording instead of articulating the facts of the incident in the report (e.g., "...see MVR recording for details...", etc.)
- I. Officers and other police personnel shall not erase or in any other manner alter, tamper with, destroy, or conceal video/audio recordings or remove or disable any camera or monitoring device installed in a police vehicle. Any such tampering is a violation of N.J.S.A. 2C: 28-7, and is a 4th degree crime. This section does not apply to authorized record destruction covered by the Records SOP.

IV. INCIDENTS/EVENTS TO RECORD

- A. Every enforcement action to which an officer is either dispatched or the officer self-initiates should be recorded. Such incidents include, but are not limited to:
1. All vehicle stops from the time the violation is observed until the stop is concluded, including sobriety testing;
 2. Stationary police details, such as DWI sobriety checkpoints, car/truck inspections, seatbelt use checkpoints, etc.;
 3. All vehicle responses when using emergency lights and/or siren;
 4. Crash scenes, including interviews on the scene;
 5. Crime scenes;
 6. Motor vehicle pursuits;
 7. Motor vehicle assistance calls;

8. Special events or projects including, but not limited: to crowd control, unruly crowds, or any incident requiring activation of the All Hazards or Emergency Operations Plan;
 9. Investigative detentions/field interviews;
 10. Strikes, picket lines, demonstrations;
 11. Domestic disturbances;
 12. All transports of arrestees, prisoners, and other civilians;
 13. In all other situations wherein an officer's training and experience indicates that the situation should be recorded or when instructed to do so by a supervisor.
- B. The only exceptions to the recording requirement involve prolonged calls where the MVR recording would have no anticipated value (e.g., traffic direction posts, unattended death investigations, medical assist calls, etc.). When in doubt, ask a supervisor.
- C. When placing a person in the rear of a patrol vehicle, he/she should be advised, on the record, that he/she is being recorded in the vehicle. Officers should be certain that they also understand this.
1. When officers are in the vehicle with a suspect, there is no need to advise him/her that they are being recorded.
 2. At no time, shall an officer audio record the rear-seat compartment of a patrol vehicle, when a person is placed into custody and detained or another party is in the rear passenger compartment and the officer is not present.
- D. If a recording memorializes an incident that led to an arrest, the issuance of a summons for serious motor vehicle violations or a citizen complaint against a police officer, that fact shall be noted in the officer's report and that file shall be preserved in accordance with the policy and procedure governing the retention and preservation of evidence.
1. Recordings will be retained on-line in the video management system as long as the system memory will allow. The files will be automatically be archived by the video management system on a daily basis depending on the numbers of files created. The archived DVDs will be maintained following the department policy and procedures for evidence handling.
 2. If an officer determines that they need to review a video file that is in archive storage, he will make an email request to the Evidence Unit and his/her immediate supervisor.

V. SUPERVISORY RESPONSIBILITIES

- A. Upon being informed by an officer that he needs to view another officer's MVR file relating to their incident, the supervisor should provide them with access by locating and opening the recording through the supervisor's login to the video management system.

- B. If the recording is relevant to the officer's incident, the supervisor should request via an email to the MVR supervisor and evidence bureau and copy the administrative division commander that the additional officer's MVR file be added to the 'created case' in the video management system.
- C. Supervisors are to ensure that officers under their command properly utilize the MVR system.
- D. Supervisors are to periodically review video files of officers under their command to ensure compliance with this policy.
 - 1. The patrol road supervisor should make this part of his daily activities.
 - 2. The immediate supervisor should make this part of his supervisory activities and may be included as part of their annual evaluations.

VI. RECORDS REVIEW AND RETENTION

- A. Officers can review their MVR files from the in-car monitor prior to the file being uploaded at headquarters by the wireless transfer equipment (access points). After a file has been uploaded, it can be reviewed by logging into the video management system software via a desktop computer in headquarters. The officer's issued network logon and password will provide access.
- B. Officers can only access video files they created. Officers cannot access MVR files mistakenly created under a previous officer's sign-in.
 - 1. If an officer creates an MVR file under a previous officer's sign in, he shall email their immediate supervisor, the MVR supervisor and the administrative division commander explaining the circumstances and the steps to be taken to prevent a reoccurrence.
 - 2. The immediate supervisor will then enter the system and change the file owner to the correct officer.
- C. Access to MVR files may be further restricted or denied to any member(s) of the department, including the officer creating the video as approved or directed by the Chief of Police (e.g., officer involved in a deadly force incident).
- D. Officers involved in an incident which is documented in a report (arrest situation, enforcement action resulting in a criminal summons, warrant, ordinance violation or for a serious MV violation, or a citizen complaint) should:
 - 1. Create a case in the video management system entering the date in the field provided and the case number in the 'Display Name' field as instructed during the training course or supplemental instructions.
 - 2. The officer will print out the chain of custody report and submit the report as evidence by listing the document on the evidence report. A DVD will not be made or exported by the officer creating the case.
 - 3. If the MVR file is needed for court then the evidence bureau will make (export) a DVD of the appropriate video file(s) and they will add the DVD to the evidence for the particular criminal case.

4. An officer may request that a video file be exported to a DVD by submitting an email to the evidence unit. The evidence detective will then add the DVD to the evidence report of the criminal case.
 5. All DWI arrest recordings are to be saved to DVD as soon as possible by the evidence bureau, even if the dexterity tests are not captured on the recording. The above procedures should be followed in all DWI arrests.
- E. The original DVD will remain in possession of the evidence bureau. Any files produced for evidence or review will be duplicate files.
- F. MVR recordings are considered routine business records of this police department and shall be maintained and disposed of in accordance with New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules.
1. Except for recordings being stored for criminal, civil administrative proceedings, or evidentiary purposes, recordings shall be retained for a period of at least 28 months.
 2. Recordings that are being stored for criminal, civil, or administrative purposes are to be retained as evidence in accordance with this department's procedures on evidence.
 3. Archived DVDs can only be purged from storage upon approval of the Chief of Police.
 4. The video files data information (metadata) shall be saved in the video management system software for the same time period that the archived DVDs are maintained in storage.
- G. Video and/or audio recordings shall be provided in discovery to defendants and their attorneys, in accordance with *R. 3:13-3*, *R. 7:4.2*, and *R. 7:7-7*.
1. Such request must be specific and on the proper instrument, i.e., subpoena, discovery request, etc.
 2. Only those portions of the recording pertinent to the request shall be copied and forwarded.
 3. All requests for copies or review of MVR recordings are subject to the fee requirements of the prevailing municipal ordinance.
 4. When the evidence bureau replicates a DVD for an attorney, defendant or involved person, the evidence unit will make an additional copy, which will be added to the evidence report for the incident if not done so already.
 5. The updated evidence report will be forwarded to the records bureau so it can be added to the case jacket.
 6. The records bureau will forward a copy of the evidence report to any party that has submitted a discovery notice and to the prosecuting agency.

- H. All requests by the media or general public to view video/hear audio related to a crime must first be referred to the Bergen County Prosecutor's Office and or municipal prosecutor, depending on jurisdiction of the prosecution.
- I. MVR files will not be released to any other agency or individual without their written request, and permission from the Chief of Police or his/her designee. Attorneys, defendants or involved citizens requesting information regarding the contents of an MVR file will be afforded the opportunity to view the file at police headquarters during normal business hours after a written request has been made to the Chief of Police and only after permission has been granted by the Chief of Police or his/her designee.
- J. No member of the department is authorized to copy or record any file (using any format or source) from the server without the authorization of the Chief of Police or otherwise in compliance with this policy or other policy.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 3	CHAPTER: 20	# OF PAGES: 11	
SUBJECT: MOTOR VEHICLE IMPOUNDS & INVENTORIES			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS: 	
REFERENCE:		ACCREDITATION STANDARDS: 3.1.1f	
EFFECTIVE DATE: 09/19/2016	SUPERSEDES: Towing V5Ch8/Property Inventory of Motor Vehicles V7Ch10		

PURPOSE The purpose of this policy is to provide department personnel with standardized, predetermined and nondiscriminatory procedures to follow whenever a motor vehicle is to be impounded or its contents inventoried.

POLICY It is the policy of the Fort Lee Police Department that no vehicle shall be impounded as a matter of routine, convenience, or without a substantial law-enforcement need. Similarly, no inventory of the contents of a vehicle, or other receptacle contained within, may be conducted as a matter of routine, convenience, or as an exploratory investigative tool unless in compliance with this department's Search Procedures Policy V3Ch5.

Vehicles are released to the registered owner(s) of the motor vehicle. A notarized letter from the vehicle's owner may authorize an identifiable third party to retrieve the motor vehicle on the owner's behalf.

PROCEDURES

I. Definitions

- A. **Abandoned vehicle** – A vehicle that has remained on or along any highway or other public property or on any private property without the consent of the owner or other person in charge of the private property for a period of more than 48 hours or for any period without current license plates.
- B. **Disabled vehicle** – Any motor vehicle that is unable to be operated under its own power.
- C. **Impounded vehicle** – A vehicle, which at the direction of the police department is taken into police custody for a law enforcement purpose.
- D. **Motor vehicle** – All vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks and motorized bicycles.
- E. **Towing list** – A rotating list of all towing companies registered with the Borough of Fort Lee maintained by the Chief of Police.

II. General

A. Towing Services:

- 1. The police department shall establish an annual call list for the performance of wrecking and towing services. A secondary list shall be prepared and maintained by the Chief of Police to be used when the primary tow company does not call in by 8:00 a.m. on assigned date or does not respond to a call within 20 minutes. No towing company shall substitute any other tow company. This shall be the sole responsibility of the police department as per Borough Ordinance 406-20.
- 2. No towing company shall be placed upon the annual call list for towing and storage of motor vehicles within the Borough of Fort Lee without obtaining the proper registration (Borough Ordinance 406-6) and insurance (Borough Ordinance 406-4).
- 3. All towing companies placed on the annual call list shall be available to respond to a call 24-hours a day, 7 days a week, including holidays.
- 4. The police department will maintain a rotating tow list, in which each towing company will be on call for one week at a time. The police department will utilize the towing company that is on call for that week, unless one of the following conditions exists:
 - a. If a towing company is unavailable to perform required services when called by the police department, for whatever reason, said towing company shall be placed on the bottom of the towing list, and the next available towing company shall be contacted. The towing company that responds in its place shall remain at the top of the list for that day only. The following day, the original towing company will resume its on call status.

- b. If a towing company fails to respond to the scene within 20 minutes, the next available towing company shall be contacted.
- 5. All towing vehicles must be equipped with a 24-hour dispatch service or a cellular telephone for the purpose of maintaining communications with the Police Department
- 6. Each towing vehicle used and operated in the Borough of Fort Lee shall contain certain designated equipment; such as, but not limited to, brooms, flares, chains, fire extinguishers, jumper cables, shovel, air tank, lug wrench, and substances for application to small liquid spills. (Borough Ordinance 406-20)
- B. Officer Responsibilities for Towing Company Call-Outs:
 - 1. Towing services are only to be called to the scene after the officer in charge of the scene requests the services.
 - 2. The officer on scene will make sure that the towing company adequately cleans the scene.
 - 3. Whenever an officer has requested a towing service, the officer shall provide the owner or operator of the vehicle with the towing company's information, unless the vehicle has to be released by the police department.
- C. Dispatcher Responsibilities:
 - 1. When an officer requests a towing company to respond to the scene, the dispatcher will document the name of the towing company, the date, time and location of the requesting officer, and proper notations will be made in the CAD system.
- D. Impounding a vehicle that lawfully comes in possession or under the control of agency personnel and inventorying its contents are permitted solely for the:
 - 1. Protection of the owner's property; or
 - 2. Protection of the investigating officer and the agency against claims of lost or stolen property; or
 - 3. Protection of the investigating officer and others from potential danger; or
 - 4. Safeguarding of evidence in connection with the criminal activity.
- E. It will be the responsibility of the Chief of Police or his designee to make a continuous evaluation of impounded vehicles.
 - 1. A determination will be made as soon as possible as to the necessity of retaining the impounded property.
 - 2. As soon as a decision is made wherein there is no further need or purpose for the evidence, the property shall be released to its rightful owner.

3. The owner should be notified, in writing, to pick up their property or that a storage charge will be levied.
- F. If an impounded vehicle is held for civil forfeiture, the arresting officer is to assist the Narcotics Bureau with completing the applicable paperwork designated by the Bergen County Prosecutor's Office.
1. Vehicles held for civil forfeiture or those held subject to the Bergen County Prosecutor's Office direction should be stored at the Fort Lee Police headquarters, locked and secured.

III. Vehicle Impound Not Dependent Upon the Presence of the Owner or Authorized User

- A. A motor vehicle may be seized and impounded when it is determined that:
1. The vehicle is unregistered;
 2. The vehicle is unlawfully obstructing traffic or in a specially designated or restricted area or zone; or
 3. Reasonable grounds exist to believe that the vehicle is in violation of N.J.S. 39:4-136, which reads in pertinent part:

"Any vehicle, upon a roadway, which is disabled to the extent that the operator cannot move it, or any unoccupied vehicle parked or standing in violation of this chapter shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any peace officer may provide for the removal of such vehicle."
 4. The vehicle is mechanically defective and is creating a threat to the public safety or is a nuisance and menace to the safe and proper regulation of traffic.
 5. Probable cause exists to believe that the vehicle constitutes an instrumentality or fruit of a crime and that absent immediate impoundment, the vehicle will be removed by a third party;
 6. Probable cause exists to believe that the vehicle contains evidence of a crime and that absent immediate impoundment; the evidence will be lost or destroyed;
 7. Probable cause exists to believe the vehicle is currently stolen or wanted as a result of an Unlawful Taking of Means of Conveyance.
 8. The vehicle is abandoned.
- B. A motor vehicle may be seized and impounded when there is probable cause to believe that the vehicle contains contraband or evidence of criminal activity and the seizure and removal of the vehicle is authorized by a recognized exception to the written warrant requirement. A subsequent search of the vehicle or contents must comply with this department's Search Procedures Policy V3Ch5.
1. Whenever a vehicle is impounded for evidence purposes, it is to be stored at the Fort Lee Police Headquarters, locked and secured. A Vehicle Tow/Inventory Report is to be completed immediately.

2. Proper inventory and chain of evidence will be maintained as stated in section VII.
3. No vehicle or property will be released from the impoundment area until all evidence collection and photographs have been completed.
4. Upon completion of all evidence collection and photographs the original Tow Company will be called to take possession of the vehicle for storage in their impound yard.
5. When an officer requires a vehicle for further investigative requirements and the vehicle has been taken to a towing service storage area, he/she shall immediately notify the towing service not to release the vehicle without authorization from the Police Department.

IV. Vehicle Impound When the Owner or Authorized User is Present

- A. A vehicle may be impounded when the owner or authorized user consents to the impoundment or, after being given a reasonable opportunity to do so, cannot or will not make reasonable prompt arrangements for the vehicle's removal from the public or quasi-public roadway or area on which it is situated. Owner's consent is not needed if it is determined that:
 1. The vehicle is unregistered;
 2. The vehicle is unlawfully obstructing traffic or in a specially designated or restricted area or zone; or
 3. Reasonable grounds exist to believe that the vehicle is in violation of N.J.S.. 39:4-136, which reads in pertinent part:

"Any vehicle, upon a roadway, which is disabled to the extent that the operator cannot move it, or any unoccupied vehicle parked or standing in violation of this chapter shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any peace officer may provide for the removal of such vehicle."
 4. The vehicle is mechanically defective and is creating a threat to the public safety or is a nuisance and menace to the safe and proper regulation of traffic.
 5. Probable cause exists to believe that the vehicle constitutes an instrumentality or fruit of a crime and that absent immediate impoundment, the vehicle will be removed by a third party;
 6. Probable cause exists to believe that the vehicle contains evidence of a crime and that absent immediate impoundment; the evidence will be lost or destroyed;
 7. Probable cause exists to believe the vehicle is currently stolen or wanted as a result of an Unlawful Taking of Means of Conveyance.
- B. If the owner or authorized user **does not** consent to the impoundment and cannot or will not make other arrangements for the removal or custody of his/her vehicle,

and none of the circumstances set forth in this subsection exists, the vehicle should not be impounded.

1. Under these circumstances, the motorist will be presumed to have assumed the risk for any claims of property loss, theft or damage, and the motorist shall be so advised.
 2. Whenever the owner or authorized user cannot or will not make other arrangements for the removal or custody of his/her vehicle, the officer should so note the fact in CAD notes.
- C. If the owner or authorized user **does** consent to the impoundment of the vehicle, the owner or authorized user must nonetheless be given the option of either consenting to an inventory or making his or her own arrangements for the removal and safekeeping of the property contained in the vehicle.
- D. A disabled motorist may have the vehicle towed by a towing company other than the on-call towing company only when the vehicle is not hindering traffic or causing a safety concern. The requested towing company must respond within a reasonable time period. If these conditions are not met, the on-call towing company will be contacted.
1. When the on-duty tow is called Com-Cen should be advised and note that the tow is by 'owner's request'. If a crash report is completed then this should be noted on the crash report also.

V. Impounding a Motor Vehicle Operated by Intoxicated Person

- A. In accordance with N.J.S. 39:4-50.23, a motor vehicle shall be impounded for 12 hours when the vehicle's operator has been arrested for violation of *N.J.S. 39:4-50* (DWI) or 39:4-50.4a (Refusal to Submit to Chemical Breath Testing). However, Appendix B of the [Attorney General's Directive 2004-1](#) affords the arrested person the right to make other arrangements for the removal of the vehicle.
1. If there is a passenger in the vehicle at the time the operator is arrested, or if there is another person readily available and willing to assist the arrestee, the arrestee may permit that passenger or other person to operate and remove that vehicle and make arrangements for its removal without the vehicle being impounded. The person taking control of the vehicle on behalf of the arrestee:
 - a. Must present a valid operator's license, proof of ownership, or lawful authority to operate motor vehicle; and
 - b. Must present proof of valid motor vehicle insurance for that vehicle; and
 - c. Must be able to operate the vehicle in a safe manner and not otherwise be in violation of New Jersey Motor Vehicle & Traffic Code, Title 39.

2. A vehicle impounded pursuant to this section may be released to a person other than the arrestee prior to the end of the 12-hour impoundment period only if the vehicle is:
 - a. Not owned or leased by the person under arrest and the person who owns or leases the vehicles claims the vehicle and meets the conditions for release in subsection V.C; or
 - b. Owned or leased by the arrestee, the arrestee gives permission to another person, who has acknowledged in writing receipt of the POTENTIAL LIABILITY WARNING statement required by *N.J.S.A. 39:4-50.22* to operate the vehicle, and the conditions for release in subsection V.C are met. The POTENTIAL LIABILITY WARNING statement required by *N.J.S. 39:4-50.22* is set forth in Appendix A of the [Attorney General's Directive 2004-1](#), along with the applicable guidelines.
3. If the arrestee cannot or will not make reasonably prompt arrangements for removal of the vehicle, the vehicle shall be impounded for a period of 12 hours after the time of arrest or until such later time as the arrestee claiming the vehicle meets the conditions for release in subsection V.C.

VI. Return of Vehicles

- A. Seized Vehicles will be released in the following manner:
 1. Vehicles seized for criminally related purposes should not be returned to the owner without authorization from a Detective Bureau supervisor.
 2. Vehicles seized for forfeiture purposes shall not be returned to the owner without written authorization from the Bergen County Prosecutor's Office or direction from the court.
 3. Vehicles held for seizure will only be released after checking with detectives involved with the case.
- B. Impounded Motor Vehicles will be released in the following manner:
 1. The Tour Commander or Desk Officer releasing the vehicle may only do so if a report has been signed as approved for release. After the report is completed, the Tour Commander or Desk Officer releasing the vehicle will give a release to the owner seeking it. The owner should then be advised that it is the release for the vehicle and it should be turned over to the indicated tow company when picking up the vehicle.
 - a. The owner may authorize a third party to retrieve their vehicle in a notarized letter.
 - b. The notarized letter is to be filled with a copy of the person's identification and the completed Tow Report.
 2. Persons seeking the release of a vehicle must sign the Tow Report in the proper location, which indicates they are obtaining the release. The tour

commander will then fill out the Release Form authorizing the release of the vehicle. He/she will then check the appropriate Tow Company, which is listed on the back of the release.

- a. If for any reason the vehicle is in the police yard, the tow company's charges must be paid prior to the physical release.
- C. After a release has been completed, the Vehicle Tow/Inventory Report in its completed form and any photocopies attached to the report will then be submitted to the Records Bureau for updating and filing.
1. A completed copy will also be submitted to the tow officer.
- D. The Tow Book will be then be updated documenting the releasing officer's name and the date the vehicle was released.
- E. No vehicle impounded pursuant to this policy shall be released unless the person claiming the vehicle:
1. Presents a valid operator's license, proof of ownership or lawful authority to operate the motor vehicle (such as a notarized letter) and proof of valid insurance for that vehicle;
 2. Must be able to operate the vehicle in a safe manner and not otherwise be in violation of the New Jersey Motor & Traffic code, Title 39; and
 3. Meets the conditions of *N.J.S.A. 39:4-50.22*;
 4. Meets any other conditions for release established by this department.

VII. Documentation & Notification

- A. A Tow Report shall be completed for all impounded motor vehicles and made a part of the case file.
1. In the case of a collision-involved tow, the same case number will be assigned for all of the towed vehicles involved in the same collision.
 2. In the case where there are multiple vehicles towed from the same location, such as emergency no parking areas, each vehicle will receive its own case number on the report.
 3. Any vehicle towed at the request of the owner does not require a Tow Report. The officer assisting with the tow will ensure that the owner/operator is made aware of the towing company's information.
 4. Officers will run the vehicle for ownership and through NCIC.
 - a. The officer will attach the NCIC printout to the Tow Report or provide the printout to the Tour Commander when completing the Tow Book.
 5. Officers will note in the comment section of the Tow Report whether or not a vehicle is releasable and why and what documents are required for the

vehicle to be released. If the vehicle is subject to seizure, the officer should not that in the comments section as well.

6. All Vehicle Tow Reports shall be submitted to the Tour Commander or Desk Officer for review.
 - a. Any valuables secured in the Evidence Bureau as a result of an inventory will be documented as directed in section VII.B.
 - b. Upon receiving the Tow Report, the Tour Commander or Desk Officer will check it for accuracy and approve it pending release.
 - c. The officer who completed the Tow Report will fill out the bound Towed Vehicle Log book with the appropriate case number and information needed. If the officer is unable to complete the Towed Vehicle Log book, they will notify the Tour Commander as soon as possible. The Tour Commander or Desk Officer will then complete the Towed Vehicle Log book with the appropriate information.
 - d. Print the approved Tow Report, attach the NCIC printout provided by the officer towing the vehicle, and forward them to the Tow Officer.
- B. A Property Report will be completed when an officer secures valuables from a towed motor vehicle at headquarters.
- C. When there is reason to believe that a motor vehicle or other property is subject to forfeiture, the Detective Bureau Commander, Evidence/Property Custodian, and the Bergen County Prosecutor's Office, or other appropriate designee(s), should be promptly notified.

VIII. Inventory Procedures

- A. Inventory of contents of motor vehicles impounded for non-criminal matters when the owner or authorized user is present:
 1. In the absence of a search warrant or a recognized exception to the warrant requirement, no inventory may be conducted unless the owner or authorized user consents to the inventory.
 2. In the absence of consent, the owner or authorized user shall be given a reasonable opportunity to make other arrangements for the removal and safekeeping of the property contained in the vehicle.
 3. If the owner or authorized user cannot or will not consent to the inventory, and cannot or will not make other arrangements for the safekeeping of the property contained in the vehicle, an inventory may not be undertaken. In such circumstances, the vehicle owner or authorized user will be presumed, as a matter of law, to have assumed risk for any property loss or theft arising from the impoundment, and the owner or authorized user will be so advised and this advisement will be noted in the officer's Incident or Tow Report.

B. Inventory of contents of motor vehicles when the owner or authorized user is absent:

1. If the owner or authorized user is not present at the time the vehicle is impounded and cannot be located within a reasonable period of time, officers must demonstrate a substantial police need to justify an inventory to:
 - a. Protect the owner's property while in police custody;
 - b. Protect the agency against claims over lost or stolen property; or
 - c. Protection of the police from physical danger.
2. If this need is satisfied, a thorough inventory of the vehicle's contents shall be conducted.

C. Inventory of contents of motor vehicles impounded for criminally related or forfeiture purposes:

1. A thorough inventory shall be conducted of an impounded motor vehicle when there is probable cause to believe the vehicle:
 - a. Is stolen;
 - b. Contains evidence of criminal activity and the circumstances surrounding the vehicle's seizure create such an exigency that it makes it impractical to secure a search warrant. (See Search and Seizure policy for possible exigency factors)
 - c. Is being held pending forfeiture.
 - 1) Before searching a vehicle being held for forfeiture, detectives must discuss the disposition of the owner's personal property with them. Where it is feasible to do so, the owner must be given the option of either consenting to the inventory or making arrangements for the safekeeping of his/her personal property. If the owner is unable to make arrangements for the property, an inventory will still be conducted.
 - 2) Any personal property collected during the inventory of a vehicle being held for forfeiture must be returned to the owner.

D. All inventories shall be performed:

1. With reasonable care and circumspection; and
2. By the officer or investigator who initially seized, impounded or otherwise exercised control over the vehicle.

E. All inventories shall be documented in a Tow Report, as required.

VIII Tow Officer Responsibilities

- A. The Tow Officer function is assigned by the Traffic Bureau Supervisor to a member of the Traffic Bureau.
- B. The Tow Officer is to:
 - 1. Ensure tow companies are complying with state law, borough ordinances, and departmental policies.
 - 2. Receive a copy of all completed Towed Vehicle Reports for completeness and accuracy. Any issues should be brought to the Traffic Supervisor's attention.
 - 3. Ensure that every impounded vehicle is run through NCIC and not stolen or wanted at the time of the tow.
 - 4. Once a vehicle is released, the Traffic Officer is to receive the original signed towed vehicle report and properly file said report.
 - 5. Assist the tow company with locating and notifying the owner of the vehicle attempting to facilitate its release in a timely manner.
 - 6. Visit each tow yard and visually confirm the presence of each vehicle remaining in impound on a monthly basis.
 - 7. Review the Tow Book and compare the entries to the pending Towed Vehicle Reports in the filing system.
 - 8. Have a filing system for tracking impounded vehicles and their subsequent release.
 - 9. Complete the Monthly Towed Vehicle Report in the format approved by the Chief of Police.

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 11-14-2003	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME #VI
VOLUME TITLE: GENERAL	# PAGES: 3					CHAPTER 8
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: MOTOR VEHICLE REPOSSESSION						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE: A30 V-6 C-8						
REFERENCE:						

PURPOSE:

As difficult economic times continue, the number of motor vehicle repossessions is likely to increase. Repossession is a process that is often misunderstood. The question also arises as to what role, if any, law enforcement should take when encountering these situations.

POLICY:

This directive is designed to explain the repossession process and give local law enforcement some guidance in dealing with repossessions. These guidelines should be helpful in addressing a number of concerns within this area.

I. PROCEDURE:

- A. A repossession occurs when a bank or finance company, (the lender), takes back a motor vehicle which it has financed because the owner (the debtor), has defaulted in his payments. The lender takes this action in hopes of selling the vehicle to recover the money that the debtor owes.

There are two types of repossessions:

1. Repossession under a court order
2. Self help repossession.

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In a self help repossession, the lender does not obtain any judicial intervention before taking the vehicle. Instead, the lender relies solely on statutory authority and in many cases, the terms of the loan agreement. These repossessions are generally conducted by independent contractor's (repossession agents), hired by the lender solely to conduct the repossession.

N.J.S.A. 12A:9-503 authorizes self-help repossessions, provided they can be conducted without a breach of the peace. The loan agreement usually specifies that the borrower gives the lender permission to repossess the vehicle if the borrower defaults on his payments. If a self help repossession cannot be conducted without a breach of the peace, the lender must obtain a court order to authorize the action. Given the time and legal fees involved, the lenders much prefer to conduct self help repossessions.

Breaches of the peace are not uncommon in repossessions. A homeowner who looks out his bedroom window at 2 A.M. has no way of distinguishing between a person lawfully repossessing his car and a thief who may be stealing it. Even a person who recognizes that his car is being repossessed may react in a hostile manner.

When the repossession is conducted by a private entity, constitutional rights are not implicated because there is no state action. However, when the police become involved, the repossession becomes a state action when a certain level of involvement is reached. Cf. Callen v. Sherman's Inc., 92 N.J. 114 (1983). Because state action can activate due process rights, the police may be liable for damages if they become excessively involved in the repossession. The case law is less than clear on what level of involvement is needed to convert a self-help repossession into a state action.

The following Guidelines will assist police in handling repossessions:

1. The sole function of law enforcement in a repossession matter is to preserve the peace. The police must not seek to determine who is entitled to possession of the vehicle. The police role must be strictly neutral.
2. When a repossession agent reports that he plans a repossession in your town, that agent should be required to come to headquarters and produce the following information and documents:
 - a. A description of the vehicle to be repossessed, including the make, model, color, registration number and VIN.
 - b. The address where the vehicle is located.
 - c. The name and address of the registered owner.
 - d. The names and addresses of the person(s) who will conduct the repossession. It is recommended that you photocopy the drivers license and/or other photo

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identification of the person coming into headquarters.

e. Copies of any documents from the lender purporting to authorize the repossession.

B. Repossession Information Sheet should be placed in the repossession book in Communications.

1. The repossession agent should be expressly advised of the following:

a. The police are not sanctioning or authorizing the repossession.

b. If the repossession agent violates any criminal statute or local ordinance, he will be prosecuted.

c. The repossession agent shall not enter any structure, such as a garage, to effect the repossession.

2. The police should not accompany the repossession agent to the site of the repossession in any way that would give the appearance the police are authorizing or participating in the repossession. If the repossession agent is concerned about potential problems, and believes that a police escort may be necessary, then it does not appear that this repossession can be conducted without a breach of the peace. If the repossession cannot be conducted without a breach of the peace, the lender loses the right to conduct a self help repossession.

3. Any altercation constitutes a breach of the peace. If the vehicle has not been taken, the repossession agent should be required to leave without the vehicle. The lender should then obtain a court order.

4. If the vehicle owner denies being in default, the repossession agent should be required to leave without the vehicle. The lender should then obtain a court order.

5. The police should not say or do anything, which would make it appear that the police are authorizing or participating in the repossession.

6. If either the vehicle owner or the repossession agent wishes to sign criminal complaints, they can do so in the manner which citizens normally sign complaints. R. 3:2. The police should sign complaints only for offenses they actually witness.

7. If there are any further questions, please contact the duty prosecutor during business hours or through the Communication Center after business hours.

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BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 03-06-2002	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME IX
VOLUME TITLE: TRAFFIC	# PAGES: 4					CHAPTER 8
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SUBJECT: MOTOR VEHICLE SUMMONS CONTROL						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
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I. PURPOSE

To provide guidelines to ensure proper control and security of citation books.

II. DISCUSSION

The Motor Vehicle Summons forms the basis for prosecution and ultimate adjudication of traffic offenses; thus it is essential that specific procedures be followed from the point that summons books are received by the department through ultimate adjudication and disposition of each individual summons.

III. PROCEDURE

A. Supply and Maintenance

1. Request for a given quantity of summons books by each officer can be made at the Court Clerk's office at Borough Hall.
2. Upon receipt of summons books, check numerical accuracy of every summons book prior to signing receipt.
3. The Court Clerk's office will maintain summons book control forms.

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B. Distribution of books

- 1.. As each book is issued, every officer will record his name, ID #, the date of issuance, and book start and end numbers on the summons book control form.

C. Summons Control

1. Control copies (BLUE) of each summons will be forwarded to the Records Bureau as they are issued.
 - a. They are to be reviewed by the Tour Commander prior to being forwarded to the records bureau.
 - b. The Tour Commander will ensure that the summons is filled out properly, with proper court dates, times and violation statutes.
2. If the summons was issued in an arrest case, the summons should be copied for the case jacket and the white copy forwarded to the court with the criminal complaints and the blue copy to records.
3. If the summons was issued for an offense which requires bail to be collected, then an arrest report should be completed and a copy should be sent with each copy of summons to records and to the court.

D. Issuing Officer

1. Complete all required sections of the summons.
2. After completion of the summons, give the defendant the appropriate copy.
3. Provide the defendant with the following information:
 - a. Court appearance date
 - b. If court appearance is mandatory
 - c. If a plea can be entered and the fine may be paid by mail or at the traffic violations bureau
 - d. any other relevant information

E. Voiding of a summons

1. If an error is made while writing a summons, or if summonses have become damaged due to accidental exposure to rain, snow, etc., they may be administratively voided by the judge.

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2. The officer fill out a request to void a summons form, giving a concise justification for the voiding of the citation and return them to his supervisor.
3. The officer will forward this form and the summons to the Tour Commander for review as soon as possible to explain the reason the citation was voided and to permit the Supervisor to review the officer's action.
4. The supervisor shall forward all copies to be processed through normal channels for accounting from the records bureau to the judge.
5. The following are the most common reasons for voiding traffic summonses.
 - a. Violator gave false information, such as wrong name, address, etc. (When voiding the summons, indicate the number of the new summons issued.)
 - b. Officer entered wrong information, which caused the summons to be invalid.
 - c. Violation occurred outside legal jurisdiction.
 - d. Vehicle parked in prohibited zone, but was broken down. Driver returned with assistance before officer completed summons.
 - e. Driver parked in prohibited zone but returned before the officer completed the summons. (Officer may warn and release subject, depending on the circumstances.)
 - f. After issuing summons on parked vehicle officer discovered previous summons had been issued by another officer. (Officer must indicate on the voided summons the number of the summons previously written on that vehicle.)
 - g. Stopped wrong car.
 - h. Traffic signs missing or obscured.
 - I. Officer misread parking restriction.
 - j. Error in computing vehicular speed.
 - k. Officer unable to complete summons because of receiving an emergency call (such as a robbery in progress, assist another officer, etc.)
6. In no case shall an officer, supervisor or commanding officer, including the chief of police, void a traffic summons issued by another officer. If investigation reveals that an improper charge has been filed, the matter will be referred to the judge for proper disposition.

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F. Loss or Theft of Summonses

1. In the event a summons or summons book is lost or stolen, the officer to whom it was issued shall immediately notify his immediate supervisor and submit a written report through appropriate channels to the commanding officer.
2. Upon review and acceptance of the required report by the commanding officer, a copy will be forwarded to the court clerk's office so that proper adjustments will be made in the summons control records.

G. Miscellaneous Provisions

1. Continual checks will be maintained by the Chief or his designee to ensure compliance with approved procedures.