

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 2	CHAPTER: 9	# OF PAGES: 6	
SUBJECT: RACIALLY INFLUENCED POLICING			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS: 	
REFERENCE: AG Directive 2005-1		ACCREDITATION STANDARDS: 1.5.5	
EFFECTIVE DATE: 06/20/2016		SUPERSEDES: Profiling and Discriminatory Practices V3Ch9 and Racial Profiling V6Ch10	

PURPOSE The purpose of this policy is to codify this department's procedures regarding racially influenced policing, profiling and discriminatory practices.

POLICY It is the policy of the Fort Lee Police Department to deter and prohibit the practice of racially influenced policing, bias-based profiling and other discriminatory practices by employees of this agency. Biased based policing and discriminatory profiling are violative of the Equal Protection Clause of the 14th Amendment to the United States Constitution and in direct contravention of New Jersey Attorney General Directive 2005-01.

PROCEDURES

I. GENERAL

- A. A fundamental right guaranteed by the constitution of the United States is equal protection under the law. Along with the right to equal protection is the right to be free from unreasonable searches and seizures by government agents. Citizens are free to walk and drive the streets, highways and other public places without police interference so long as they obey the law. They are also entitled to be free from crime, and from the depredations of criminals, and to drive and walk our public ways safe from actions of reckless and careless drivers.
- B. Law enforcement officers are required to be observant, to identify unusual occurrences and law violations, and to act upon them. Law enforcement officers must also routinely engage in consensual contacts with citizens and are encouraged to do so. These proactive actions help keep citizens free from crime, help keep the streets and highways safe to drive upon, and help in the detection and apprehension of criminals.
- C. In accomplishing the mission of this department, personnel must not exercise their authority based upon an individual's or class of individuals' race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation, physical or mental disability.
- D. The following terms are defined:
 - 1. Citizen contact is a consensual encounter between an agency employee and a member of the public, initiated by either party, wherein the person is free to terminate the encounter at any time.
 - 2. Detain or detention is the act of stopping or restraining a person's freedom to leave; approaching and questioning a person outside the realm of a consensual encounter, or stopping a person suspected of being personally involved in criminal activity.
 - 3. Field interview/investigative detention is the brief detainment of a person, whether on foot or in a vehicle, based upon reasonable suspicion for the purposes of determining the individual's identity and resolving an officer's suspicions.
 - 4. Racially influenced policing is the detention, interdiction, or other disparate treatment of an individual or class of individuals on the basis of their race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation, physical or mental disability. Other synonymous terms include, bias-based profiling, discriminatory profiling, racial profiling, etc.
 - 5. Reasonable suspicion – is suspicion that goes beyond a mere hunch, but is based upon a set of articulable facts and circumstances that would warrant a reasonable person to believe that an infraction of the law has been committed, is about to be committed, or is in the process of being committed by a person or persons under suspicion. Reasonable suspicion can be based on the observations of a police officer combined with his/her training

and experience and/or reliable information provided by credible outside sources.

6. Search is looking for or seeking out that which is otherwise concealed from view.
 7. Stop is the restraining of a person's liberty by physical force or a show of authority.
- E. Racially influenced policing of persons by employees of this agency is strictly prohibited.
 - F. Absent a valid warrant, reasonable suspicion, or probable cause, race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation, physical or mental disability (unless a danger to themselves or others) will not be a factor in determining whether to interdict, detain, stop, arrest or take a person into custody.
 - G. Unless acting on a valid warrant or in response to a specific report of criminal activity, race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation, physical or mental disability will not be a sole factor in determining the existence of probable cause to arrest a person.
 - H. The stop or detention of any person(s) or vehicle(s) that is not based on factors related to a violation or violations of the laws and ordinances of the United States, State of New Jersey, County of Bergen, Borough Ordinance, BOLO, or any combination of, or in response to the community caretaking function is prohibited.
 - I. No employee of this agency shall search a person, their effects, or vehicle based upon their race, color, gender, creed, national origin, ethnicity, religious beliefs, age, marital status, sexual orientation, physical or mental disability.
 - J. Race, color, gender, creed, national origin, ethnicity, ancestry, religious beliefs, age, marital status, sexual orientation, physical or mental disability shall not be a factor in any asset seizure or asset forfeiture proceeding.
 1. Officers must be able to articulate specific facts and inferences drawn from those facts that establish reasonable suspicion or probable cause to take any enforcement action.
 2. Nothing in this policy shall be construed in any way to prohibit a Borough of Fort Lee Police officer or civilian employee from taking into account a person's race, ethnicity, age, gender, sexual orientation, religion, economic status, cultural group, or any other identifiable group, when race, ethnicity, age, gender, sexual orientation, religion, economic status, cultural group, or any other identifiable group is used to describe physical characteristics that identify a particular individual or individuals who is/are the subject of a law enforcement investigation; or who is/are otherwise being sought by a law enforcement agency in furtherance of a specific investigation or prosecution.
 - K. The intentional altering or concealing of any information related to enforcement actions by an employee when based on discriminatory profiling factors is prohibited and subject to criminal, civil, and administrative sanctions.

II. RESPONSIBILITIES

- A. Commanders and supervisors of all ranks and assignments are responsible for providing effective supervision to reasonably monitor employees under their command to ensure compliance with this policy and to take or recommend corrective action where indicated. Corrective action includes, but is not limited to:
 - 1. Counseling;
 - 2. Training;
 - 3. Punitive discipline (up to and including termination) in accordance with Internal Affairs Policy V2Ch15 and NJ Civil Service Commission guidelines.
- B. Commanders and supervisors who possess information regardless of assignment shall take or recommend corrective action if an employee, even when that employee is not under their direct command, does not appear to be in compliance with this policy.
- C. All counseling, training, and/or punitive discipline must be documented and forwarded to the Chief of Police through the Internal Affairs Commander.
- D. Employees witnessing behavior contrary to this policy are required to take immediate action to end the behavior.
 - 1. Employees must immediately report their knowledge of the incident to their immediate supervisor in writing.
 - 2. If their supervisor is the subject of the report or in the absence of their supervisor, the employee must report it directly to Internal Affairs or the Chief of Police.
- E. All department personnel will receive periodic training regarding cultural diversity and the prohibition against discriminatory profiling, including legal aspects. This training shall be conducted minimally once every three years and may be conducted electronically.
 - 1. Other related subjects such as search and seizure, investigative detention, probable cause, reasonable suspicion, motor vehicle violations, forfeiture, interviewing and arrest procedures may be included as part of the training.
 - 2. This training will be documented and included as part of the officer's training file.

III. PROFILING COMPLAINTS

- A. Any person may file a complaint with the Fort Lee Police Department if the individual feels that any enforcement action was based solely on racially influenced policing or discriminatory profiling. In addition, no one shall be discouraged, intimidated, coerced from filing, or discriminated against because they have filed, a racially influenced policing or profiling complaint.

- B. If a person makes an allegation that they have been subjected to racially influenced policing or discriminatory profiling, the officer shall allow the individual to complete a citizen's complaint form regarding the incident. The reports shall then be submitted to the Chief of Police through the Internal Affairs Commander.
- C. All investigations of racially influenced policing, profiling, and/or discriminatory practices shall be conducted in accordance with this department's policy and procedures on internal affairs investigations.
- D. Whenever this department conducts a criminal investigation into possible commission of the crime of Official Deprivation of Civil Rights in violation of N.J.S.A. 2C: 30-6, or Pattern of Official Misconduct in violation of N.J.S.A. 2C: 30-7, which is based on two or more violations of N.J.S.A. 2C: 30-6, the Chief of Police or designee shall promptly notify the Bergen County Prosecutor's Office and provide such information as the Prosecutor may require.
- F. The Internal Affairs Unit shall conduct an annual administrative review of this department's practices, including citizen and community concerns regarding profiling and other discriminatory practices.
 - 1. This administrative review is a documented review to determine whether policy, training, equipment, or disciplinary issues should be addressed.
 - 2. Agency practices are best described as what the agency does. Officer-initiated encounters with the public are best suited for annual analysis to assess possible or potential bias-based profiling. These agency practices may include, but are not limited to:
 - a. Vehicle stops and investigative detentions;
 - b. Consent searches;
 - c. Arrests;
 - d. Complaints of differential treatment by department employees whether formal or informal;
 - e. Asset seizure & forfeiture incidents.
 - 3. The annual administrative review should be completed generally by March 15th. The Chief of Police shall cause any remedial action as recommended in the annual review.

IV. RECORDING DEMOGRAPHIC DATA

- A. Following the stop of an individual, other than for a motor vehicle violation, (suspicious person, mental subject, etc.), officers will enter that individual's pedigree information into the Master Name Index in the Record's Management System.
- B. Following motor vehicle stops and pedestrian stops, officers will go to the **Log** screen in **Enforsys®** and click on their stop.
 - 1. Click the **Edit GC** tab and open the **COMSTAT** tab;

2. Enter information from the stop in the Racial Profiling Information section
3. Information must be filled out in all 4 tabs and changes must be saved.
4. Officers who do not have a laptop in their vehicles will make note of the race, gender and ethnic origin of the persons stopped and they will enter the information in **Enforsys®** when they return to headquarters.

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECT DATE: 3/17/09	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME VII
VOLUME TITLE: AUTHORITY	# PAGES: 4					CHAPTER 13.1
ACCREDITATION STANDARD(S):	REFERENCE: v7c13.1					
SUBJECT: RECORDING DEVICES						DISTRIBUTION ALL
ISSUING AUTHORITY: _____						EVALUATION DATE:
CHIEF THOMAS O. RIPOLI ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE: FLPD 91-2 rev.						

PURPOSE

The purpose of this policy is to prevent the unauthorized surreptitious recording by members or employees of the Borough of Fort Lee Police Department.

One of the key components of effective law enforcement is the cooperation, which an officer receives from fellow members as well as the general public. The use of surreptitious recording devices will inhibit expression and cooperation among officers in addition to all members of our department.

The State has a continuing duty to disclose and provide defendants all materials related to their particular case, unless of course such disclosure is otherwise excused via a court rule. If a police officer or other conversation could be discoverable in a traffic or criminal case, failure to provide such discovery is a violation of court rules and may have a negative impact on the matter before the Court.

DEFINITIONS

Surreptitious: done, received, got, made, broadcast, forward, transmit, obtained, (etc.), in a secret, stealthy manner; clandestine; acting in secret way.

Member: sworn police officer

Employee: employee or volunteer of the Borough of Fort Lee assigned to the Police Department.

POLICY

No member, employee or volunteer of the Police Department (sworn or civilian) will utilize a surreptitious recording device without specific authorization from the Chief of Police except as part of an official agency investigation or an authorized Internal Affairs investigation conducted according to the Internal Affairs SOP (v1c9).

All recordings made by a member, employee or volunteer of the Police Department while working becomes the work product of the department and shall be turned into the department as a department record. If the recording is part of an agency authorized investigation then it shall be secured as specified in the Evidence SOP.

All members and employees will comply with all applicable federal and state statutes when operating audio equipment.

No member or employee will copy, duplicate, transfer, transmit, or possess an unauthorized copy of a department recording.

PROCEDURES:

1. Authorized Use of Recording Devices

- A. Upon authorization by the Attorney General's Office or the Bergen County Prosecutor's Office, the Chief of Police may authorize the use of recording devices by officers in the lawful performance of their duties. (Under the State Act, only the Attorney General, a County Prosecutor or, in limited circumstances, the Chairman of the State Commission of Investigation may provide written authorization necessary for law enforcement officers to make an ex parte application for a wiretap order. N.J.S.A. 2A:156A-8. The written authorization should include the name of the judge who has been designated to receive the application.)
- B. Upon authorization by the Attorney General's Office or the Bergen County Prosecutor's Office, the Chief of Police may authorize in writing the recording of a member or employee of the Police Department who is suspected to be involved in criminal activity. Otherwise, members or employees will not be recorded without their direct knowledge and approval.
- C. Authorized and trained members or employees of the department are permitted to use the department's MVR system while acting in the performance of their duties and as required by the MVR SOP (v9c24). Members of the department are advised that their participation in calls may be recorded by another officer's MVR in compliance with the MVR SOP. The MVR system shall not be used for personal purposes or to record personal conversations, which the department does not need documented in an audio/video format.

Members and/or employees will not be recorded without their direct knowledge and approval.

- D. Authorized and trained members of the department are permitted to utilize department owned / issued recording devices as part of a department investigation to collect evidence for prosecuting persons who have violated a law or to document certain events or audio evidence.

2. Unauthorized Use of Recording Devices

- A. No member, employee or volunteer of the Police Department will surreptitiously record other members, employees, volunteers or citizens.
- B. All personal recording devices are prohibited to be used by members or employees, on-duty or off-duty, on borough property, in borough vehicles and by employees during working hours unless authorized by the department as part of an official department investigation.
- C. No member, employee or volunteer, on-duty or off-duty, of the Police Department will allow any other person to enter on to borough property, in borough vehicles, or engage members, employees or volunteers during the performance of their duty with the purpose to record a member, employee or volunteer. This does not restrict the other person's independent public liberties in an area that is open to the general public.
- D. Members or employees of the Police Department, who are discovered surreptitiously recording and/or possessing any unauthorized recordings, will have the devices confiscated and be subject to disciplinary action. It is the responsibility of every member or employee to report in writing to the Chief of Police discovery of surreptitious recording and/or the use of unauthorized recording devices.

3. Evidence

- A. When an audio recording device is used in an investigation or other contact with the public and supporting evidence of a violation of law is obtained, the recording will be properly secured as Evidence.
- B. Audio recordings should be stored in an area which prevents exposure to magnetic fields or extremes in temperature or humidity and will not be altered or destroyed.

4. Applicability

- A. This SOP will not apply to any recording made during the course of an authorized department internal investigation, an administrative hearing, or documentation or production of training recordings produced by the Training Bureau.

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- B. This SOP will not apply to communication logging tapes unless evidence of a crime is recorded. If evidence of a crime is recorded on a communication logging tape, the original tape containing the evidence will be duplicated. The duplicate will be retained for file purposes, and the original will be released by the supervisor who will secure the tape as evidence.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 5	CHAPTER: 5	# OF PAGES: 10	
SUBJECT: RECORDS ACCESS			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS: 	
REFERENCE: 		ACCREDITATION STANDARDS: 1.8.1, 1.8.2.	
EFFECTIVE DATE: 08/31/2016		SUPERSEDES: Records Access and Security V5Ch5/Records Accountability V4Ch8	

PURPOSE To ensure that proper procedures are followed in the handling and maintenance of all records.

POLICY As a matter of Department Policy, strict accountability will be maintained for all records, which are maintained by this agency. The procedures set forth in this policy should be followed in maintaining and releasing records. Any question regarding release of information to the media may be addressed in Public Information Policy V5Ch10. It is the policy of this agency to maintain computer records in a manner to meet operational, informational and management needs in conformance with applicable law, administrative code, and Attorney General and Prosecutor Guidelines.

New Jersey law relating to the public's right to access government records has been expanded under the Open Public Records Act (hereinafter OPRA) which was enacted on January 8, 2002 and became effective on July 8, 2002. Members of the general public will be granted access to all records maintained by our department unless specifically exempted by OPRA, other state or federal law, regulation or order. Such access shall be through the custodian of department records. This policy will establish procedures for the receipt and processing of requests for access to department records.

PROCEDURES

I. General.

- A. Any release of records must be in conformance with the New Jersey Open Public Records Act (OPRA), applicable Attorney General Guidelines, and this directive.
 - 1. Our Department recognizes the legal and non-legal consequences of failure to respond properly to a public records request. In addition to the distrust in government that failure to comply may cause, failure to comply with a request may result in a court ordering our Department to comply with the law and to pay attorney's fees and damages to the requester.
- B. Records shall be retained and destroyed in strict accordance with the applicable schedules promulgated by the New Jersey Division of Archives and Records Management.
 - 1. All criminal history records shall be placed in the case jacket. (By order of the Municipal Court Judge)
 - 2. After the New Jersey Division of Archives and Records Management authorizes the destruction of a physical record (paper, CD, tape media, etc.) the record will be destroyed in a way and manner that it will not be discernable again.
- C. New Jersey Expungement Law.
 - 1. An expungement is the removal and isolation of all records on file within any court, detention or correctional facility, law enforcement, criminal justice agency or juvenile justice agency concerning a person's apprehension, arrest, detention, trial or disposition of an offense within the criminal or juvenile justice system. Unless otherwise provided by law, if an order for expungement is granted, the adult arrest, the record of law enforcement taking a person into custody as a juvenile, conviction, adjudication of delinquency, disposition and any related proceedings are considered not to have occurred.
 - 2. The New Jersey expungement law states (N.J.S.A. 2C:52-1 through N.J.S.A. 2C:52-32) in detail who is eligible for an expungement.
 - 3. An eligible person must prepare and file a petition for expungement. The petition for expungement must be filed in the Superior Court in the county where the arrest or prosecution took place. A judge then decides whether the person should be granted an expungement order.
 - 4. This department will follow all granted expungement orders and take appropriate action to separate and isolate all records in accordance with the order.

II. Officer Responsibility.

- A. All officers who require a case jacket must request it through the Officer in Charge (OIC) of the Record Bureau.
- B. All case jackets must be signed out in the Record Bureau logbook.
- C. The officer signing out the file will be held strictly accountable for the integrity of the contents.
- D. At no time will the officer in possession of the file release any contents to anyone except the Chief, OIC of Records or the Records Custodian.
- E. It is the responsibility of the officer in possession of the file to return it directly to the OIC of Records or their designee.

III. Controlling Access to Agency Criminal and Quasi-Criminal Records.

- A. The following measures shall be taken and adhered to in order to control access to criminal and quasi-criminal records.
- B. The OIC of Records or their designee will be responsible for completing the appropriate section of the jacket sign out log when releasing or receiving a case jacket.
- C. Record Bureau Personnel may only release a report to an officer after the OIC of Records has authorized the release.
- D. The OIC of Records is responsible for the filing and re-filing of all reports. All original reports shall be filed in Central Records.
- E. Central Records will be secure if Records personnel are not present.
- F. The Court Liaison Officer will be responsible for preparing all applicable reports for Municipal court presentation.
- G. After case jackets are prepared for court, the Court Liaison and OIC of Records will ensure that all jackets are signed out in the record bureau log.
- H. Jackets authorized to be released to the OIC of the Court, or any other officer who signs out a report, must be recorded in the Record Bureau Log.
- I. All other requests for reports must be made in writing on the letterhead of the agency making that request.
 - 1. After the request is received, it will be submitted to OIC of Records for final approval.
 - 2. After approval is granted by the OIC of Records, it will be the responsibility of the Record Bureau Personnel to process the reports and collect all the required fees.
- J. All reports pertaining to an indictable arrest must be submitted to the Bergen County Prosecutor's Office Intake Section

1. Reports must be submitted within 48 hours after a complaint is signed when a defendant is incarcerated in lieu of bail.
 2. Reports must be submitted within five days after a complaint is signed when a defendant is released on bail.
- K. Extra security measures shall be taken to protect the following types of records: Juvenile, Confidential, and Non-Public Personnel Records.
1. **Juvenile** - Juvenile records will be marked as such so that they may be protected from inadvertent release or from the disclosure of information about the case or juvenile that is prohibited under other related regulations or laws.
 2. **Confidential** - All records of a confidential nature shall be clearly marked as such and depending on their sensitivity may also be secured in a filing system separate or segregated from the general records management system as determined by the Chief of Police. Access to these types of files may be regulated to personnel with a need to know basis as determined by the Chief of Police.
 3. **Non-Public Personnel Records** - All non-public personnel records shall be stored in a secure manner in its own separate filing system in a location determined by the Chief of Police. Access to these types of files will be regulated to personnel with a need to know basis as regulated by the Chief of Police.

IV. Traffic Records.

- A. The Records Custodian is responsible for filing and re-filing all traffic records.
- B. The Records Custodian will be responsible for preparing all reports for court presentation.
- C. When the records have been prepared for court, the Court Liaison Officer will submit all the required records to the court.

V. Authorized Persons.

- A. Removal of reports from the report file for internal use requires authorization from the OIC.
- B. The following personnel are exempt from this requirement;
 1. Chief of Police;
 2. Detective Division Commander;
 3. Operations Division Commander;
 4. Investigative Division Personnel;

5. Records Custodian;
 6. Supervisors; and
 7. Specific officers granted fob access by the Chief of Police.
- C. The removal of any file from the records bureau must be documented in the logbook.
 - D. Fob access to records is granted to only the above personnel, access is recorded in the system for entry of the records room.
 - E. The officer that removes a report file for internal use will be responsible for returning all reports back to the records room.
 - F. All other requests for report files must be approved by the Chief of Police or the OIC of Records. This includes any internal or external use.
 - G. Only Investigative Division Personnel and the Chief of Police will have access to criminal history record information.
 - H. NCIC/SCIC information will be protected for privacy and security precautions, as would any other report.
 - I. No criminal history report, or copy, should under any circumstances be transmitted through any facsimile type equipment.

VI. Records Check Waiver Form.

- A. Anyone requesting a check of police records must produce a waiver form from the individual who is the subject of the check.
- B. If an individual is requesting a records check on themselves, a waiver form is still required.

VII. Discovery Requests.

- A. All discovery requests should be made through the Borough of Fort Lee Municipal Prosecutor, or in indictable crimes through the Bergen County Prosecutor's Office.
- B. After approval of the Municipal Prosecutor, the request should be forwarded to the proper Bureau or officer in control of the information requested:
 1. Records Bureau; for reports such as accidents, arrests, incident reports and case files for arrests, fatal accidents, DOA's etc.
 - a. Some of these are considered public records and do not need a request for discovery, such as accident reports and crime reports.
 2. Evidence Bureau; for copies of items in evidence which are discoverable such as any documents put into evidence, video tapes, photo's etc.

3. Individual officers; for copies of officers notes from summonses issued, arrests etc.
- C. The Records Bureau should receive any discovery to be supplied to an individual or Attorney.
- D. The Records Bureau shall charge a fee for copies of discovery as authorized by law, five cents for letter page and 7 cents per legal page, unless a special service price is applicable.

VIII. Release of Records under Court Order or Subpoena.

- A. This department shall abide by any court order for the release of any information. Records personnel shall fill such request and return it to the employee requesting it as soon as possible. All documents released under a court order shall be reviewed by the Chief of Police or their designee before its release to make sure it complies with the court order.
- B. **Procedures for Release under Discovery** - Records Bureau personnel shall follow New Jersey Court Rule 7:7-7 in releasing any department record in a discovery request. If there is a question as to the release of a specific document Records personnel shall seek clarification from their supervisor. Any decision that has to be made that is not outlined in rule 7:7-7 shall be made under the advice of the appropriate prosecutor or their designee.
- C. **Procedures for Release under Court Order or Subpoena** - This department shall abide by any court order for the release of any information. Records personnel shall fill such request and return it to the employee requesting it as soon as possible. All documents released under a court order shall be reviewed by the Chief of Police before its release to make sure it complies with the court order.
- D. Any other records release not covered under this policy shall require approval by the Records Custodian and the Chief of Police.

IX. Procedures and Criteria for the Release of Agency Records. (Open public Records Act N.J.S.A. 47:1A-1 et seq.)

- A. **Criteria** - The Open Public Records Act, or OPRA, is the name of the New Jersey law guaranteeing access to public records in the state. Any release of a departmental record will be in accordance with OPRA or Common Law.
 1. For any questions related to OPRA, the Government Records Council (GRC) operates a toll-free inquiry hotline to provide guidance to requestors of government records and records custodians regarding the Open Public Records Act (OPRA). The toll-free phone number is 1-866-850-0511. Additionally, the GRC accepts inquiries from requestors of government records and records custodians regarding OPRA by e-mail at grc@dca.state.nj.us, by fax (609) 633-6337, and by US mail at "NJ Government Records Council, 101 S. Broad Street, P.O. Box 0819, Trenton, New Jersey 08625-0819."

B. Procedures for Release - Requesting access to Government Records under the New Jersey Open Public Records Act.

1. Any person requesting public records must first fill out a proper written request and deliver it to the Borough Clerk as the Borough's Records custodian who will forward the request to the Records Bureau. Crash Report OPRA requests may be submitted directly to the Records Bureau.
2. The records custodian will within 7 days notify the requesting party of the denial or approval of the release of the records requested.
3. If approved, the records custodian will make sure that any redaction necessary is made to the document, and a copy of the redacted document will be given to the party after proper fees are collected.
4. Generally the Borough of Fort Lee releases OPRA information through the Borough Clerk's Office.

C. Denial of public records.

1. By State Law, a custodian must deny access to a person who is convicted of an indictable offense in New Jersey, any other state, or the United States, who is seeking government records containing personal information pertaining to the person's victim or the victim's family.
2. By law, the records custodian must notify the requesting party that it grants or denies a request for access to government records within 7 business days after the custodian of the record requested receives the request, provided that the record is currently available and not in storage or archived. If the record requested is not currently available or is in storage or archived, the custodian will advise the requesting party within 7 business days when the record can be made available and the estimated cost. The requesting party may agree with the custodian to extend the time for granting or denying your request or making records available.
3. The requesting party may be denied access to a government record if the request would substantially disrupt agency operations and the custodian is unable to reach a reasonable solution with the requesting party.
4. If the records custodian is unable to comply with the request for access to a government record, the custodian will indicate the reasons for denial on the request form and send the requesting party a signed and dated copy.

D. Commons Law Right of Access to Government Records

1. Access to records should be granted only when the requestor has standing (interest) in the contents of the report, as established by law or Court decision(s).
2. Crime victims shall have access to copies of their Investigation Report.
3. Drivers of vehicles shall have access to copies of the Crash Report (NJTR1).

4. Domestic Violence Victims shall have access to copies Domestic Violence file (Investigation Report, Arrest report, DV Offense Report, Restraining Order, or other documents needed to prepare for a Final Restraining Order).
5. Proof of identification may be required prior to access being granted.
6. Requestors may be required to respond to HQ to obtain reports.

X. After Hours Accessibility.

- A. On a daily basis records personnel will be available from 0830 hours to 1600 hours, and on Wednesday of each week records will be staffed until 1900 hours.
- B. Records personnel may be recalled in case of emergencies involving the records bureau upon notification and approval of the Chief of Police or the Chief's designee.

XI. Juvenile Records.

- A. Juvenile criminal records shall be separated from adult criminal records and stored in secure file cabinets in the Juvenile Bureau. The Juvenile Bureau Supervisor is responsible for maintaining the confidentiality of these records. Access is restricted to personnel with a need to know.
- B. Procedures for the collection, dissemination, and retention of fingerprints, photographs and other forms of identification pertaining to juveniles are contained in the Fingerprinting Policy V7Ch12.

XII. Security of Central Records Computer Systems.

- A. One employee under the direct supervision of the Records Bureau Supervisor, or a consultant, shall be designated as a Network Administrator who will be responsible for ensuring all the procedures outlined in this policy and any other agency policy related to agency owned computers and electronic equipment is adhered to.
- B. **Data Back-Up** – The Network Administrator shall provide for a nightly back-up of the electronic records management system. This will assure continual continuity of data integrity and retrieval in case of a catastrophic failure of the system. The back up or a copy shall be securely stored off site.
- C. **Data Storage** – All data from the central records computer records management system will be stored in a manner compliant with the hardware and software manufacturer's recommendations as well as what is considered to be the current best practices in the IT field. All data will be stored in the records management system. The storage of any electronic files or other forms of electronic data not the property of the agency on computers owned by the agency is strictly prohibited. All data will be stored on network resources that are backed up nightly. No unauthorized data or documents will be stored on desktop computer media.
- D. **Password Protection and Access Security** – Physical security of our computer systems must be maintained at all times. Only appropriate personnel are to be given access to the office computers regardless of their location whether that is in the office or off-site on mobile systems. The electronic records management system has a password protected access control system. Only personnel with a need to

access the system will be assigned a user name and password. Personnel are required to change their Password for the records management system at least every six (6) months.

1. **Password Strength and Security.** All personnel shall have a strong password. Strong passwords should be at least eight alphanumeric characters long and contain both upper and lower case characters. Passwords should never be written down or stored on-line. Ideal passwords are not only hard to guess but also easily memorized. Passwords are not to be shared with anyone. They should be considered as sensitive, confidential information that belongs to the organization. Passwords should not be included in an email message, revealed to co-workers or family members.
2. **Internet Access.** All computers that allow Internet access are secured with an industry standard firewall to prevent unauthorized access to the central electronic records management system. Even with this level of protection, internet use is for mission critical requirements only.
3. **Inactivity.** When personnel are not using their computer or a workstation they will log off the system and not leave it unattended.
4. **Unauthorized Downloading.** Personnel shall not download or open any information from an unknown source. This is required to protect the network from intrusive programs such as viruses, malware, and spyware.
5. **Personnel shall not email their username or password.**

E. RMS System Integrity Measures - The following internal controls will be strictly adhered to in order to maintain RMS integrity:

1. **Annual Security Audit:** On an annual basis the Network Administrator will perform an audit of our RMS system of all user names and passwords to determine the following:
 - a. Only currently employed personnel have access;
 - b. All users' access rights are for their specific duties and responsibilities;
 - c. Any personnel on suspension or other related leave of absences are temporarily removed from having access rights;
 - d. Any violations or discrepancies shall be immediately reported in writing to the Chief of Police through the chain of command; and
 - e. The Network Administrator shall report their findings in writing to the Chief of Police through their chain of command using the Annual Computerized Records Security Audit form.
2. **Security Breach Procedures:**
 - a. An immediate audit of the RMS system will be conducted at any time a breach, violation, or similar type of situation is determined to have occurred or exists.

- b. The audit will be conducted concurrently by the Network Administrator and Internal Affairs unless it is determined that another course of action is needed by the Chief of Police.
 - c. The investigative team conducting the audit will keep the Chief of Police informed regarding progress made.
- 3. **Annual Password Audit of Shared Databases:** On an annual basis an audit will be performed of all user names and passwords for any shared database to determine the following:
 - a. Only currently employed personnel have access;
 - b. All users' access rights are for their specific duties and responsibilities;
 - c. Any personnel on suspension or other related leave of absences are temporarily removed from having access rights;
 - d. Any violations or discrepancies shall be immediately reported in writing to the Chief of Police through the chain of command; and
 - e. The Network Administrator shall report their findings in writing to the Chief of Police through their chain of command using the Annual Computerized Records Security Audit form.
 - f. Shared databases include, but are not limited to the following:
 - 1). NJCJIS (audited in accordance with the NJSP CJIS User Agreement); and
 - 2). AOC applications.
- F. **Clearing, Sanitizing, and Releasing Computer Components** - No computer, hard drive, CD, DVD, cellular phone or other remotely related electronic data storage device owned by this agency shall be released from custody and control of this agency until such time as it can be cleared of all data and software and sanitize it in a way that no one will be able to retrieve any data from any type of storage device at any later date.
- G. **Virus Protection** – Due to the possibility of computer virus infection, all outside software, discs, or other electronic data storage devices will be scanned utilizing an antivirus program on each computer. Should anyone need assistance with this process, they will contact the Network Administrator before using or connecting the device to any computer.
- H. All software shall be properly licensed.

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 05-08-2002	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME I
VOLUME TITLE: ADMINISTRATION	# PAGES: 6					CHAPTER 19
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ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						
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PROSECUTOR'S OFFICE:						
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PURPOSE:

The purpose of this policy is to provide employees with guidelines for responding to those types of law enforcement activities that represent a potential high risk of civil liability, in a manner that will decrease this risk level, and for responding to civil litigation that involves the department, or employees who will be represented by the department.

POLICY:

Litigation alleging misconduct by law enforcement officers has increased dramatically in recent years. These cases involve complex issues based on evidence that has traditionally been considered confidential internal information. While such litigation can be extremely expensive and harmful to the reputation of the department, it can also serve to clarify issues and ultimately provide better service. In order to be adequately prepared for such litigation, it shall be the policy of this department to maintain a strong and coordinated response, and to reduce future litigation through increased training and education.

DEFINITIONS:

- A. Department Legal Counsel:** Any licensed attorney hired by the governmental unit under which the law enforcement agency operates for the purpose of rendering legal advice or other legal services to the agency.

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- B. Discovery:** The judicial process for compelling production of written records or other evidence for use in litigation.
- C. In Camera Inspection:** Judicial inspection of allegedly privileged information to determine whether the need to present such information as part of the essential proof of the case outweighs the interest in maintaining its confidentiality.

I. PROCEDURES

A. High Risk Incidents

1. It has been determined that the following types of law enforcement activities generate the major amount of civil litigation; therefore, these events merit special procedures:
 - a. Uses of deadly and non-deadly force that result in death or bodily injury.
 - b. Vehicular pursuit resulting in personal injury or property damage.
 - c. Searches and seizures; physical arrests.
 - d. Failure to take law enforcement action.
 - e. Rendering of medical assistance.
 - f. Lack of supervision.
2. All personnel shall regularly review department policy on these topics.

B. Response to High Risk Incidents

1. Law enforcement officers shall adhere to the following procedures when on the scene of a high-risk incident:
 - a. Ensure that the scene is safe to enter prior to doing so, if an actor in a crime is present, make the arrest if possible. Secure the Crime Scene.
 - b. Record the names and addresses of all witnesses on the scene, and attempt to obtain a statement. A statement should also be obtained from ambulance and emergency room personnel, where applicable. Document any statements, even if they saw nothing.
 - c. Request that a supervisor and/or an investigator be dispatched to the scene.
 - d. Where a high-speed chase has occurred, comply with all reporting requirements outlined in Vol. V, Ch. 6.

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2. A supervisor should be requested to conduct an independent review of all relevant information prior to the booking process or a search where circumstances indicate that there is a potential for a false arrest or improper search.
3. On-scene investigators shall process the scene according to department procedures.
 - a. Color photographs or a videotape shall be taken from several angles of the entire scene.
 - b. Where possible, photographs of all witnesses should be taken on the scene.
4. Where an arrest has been made, the following information shall be documented by the officer during the booking process:
 - a. Whether medical treatment is necessary, or was requested or received prior to arrival at the facility. The suspect's general physical health, and the presence of any specific health problems requiring special treatment should be documented.
 - b. Assessment of suspect's general mental health, including any obvious indications of overt, aggressive behavior or potential suicidal tendencies indicating a need to summon a mental health specialist.
 - c. A booking photograph of the suspect shall be taken. Any injuries shall be specially photographed and documented.
 - d. Medical or psychological services shall be obtained for any suspect that has requested, or is in apparent need of such assistance, prior to the booking process if necessary.
 - e. Whether or not an arrestee has any children or other individual(s) that depend on them for care. See also Vol, VII. Ch, 16. Alternate care for arrestee's dependants.

Post Incident Procedures

1. All law enforcement personnel involved in a high-risk incident shall (where appropriate) submit to their supervisor before concluding their tour of duty a special report fully documenting the incident.
2. The supervisor shall review the report, requesting any necessary supplemental information, and then forward it to the Chief as soon as practicable.
3. The Chief or his designee shall prepare and submit a confidential memo to the department's legal counsel if deemed necessary, providing a full assessment of the incident. As soon as practical, the Chief or his designee shall meet with legal counsel, and the officers involved in the incident to:

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- a. Advise the officers that any internal investigation initiated does not necessarily imply misconduct on their part.
 - b. Advise the officers that they are not required to discuss the incident with reporters, or attorneys not associated with the department unless pursuant to court order.
4. The internal investigator shall have responsibility to assemble the following items for the Chief's litigation files:
 - a. Copies of all relevant departmental policies pertaining to the incident.
 - b. Copies of any relevant radio communications, computer, or telephone records or audio and videotapes.
 - c. Blowup of all relevant photographs pertaining to the incident.
 - d. Copies of the disciplinary and training records of all involved personnel.
 - e. Where applicable, the criminal docket number from any criminal case arising from the incident.

D. Responsibilities of Chief's Office

1. The Chief or his designee shall coordinate all departmental responses to pending or potential litigation in conjunction with the department's legal counsel.
2. A litigation file shall be developed and maintained containing copies of all legal documents generated in each case, and the responses to such documents. All litigation files shall be kept in a secure fashion.
3. An accounting process shall be established to ensure that:
 - a. All documents are routed to the appropriate unit for resolution.
 - b. All documents are processed and fulfilled by the due date.
 - c. A record is kept detailing the information released in each case, and the purpose for its release.
4. The Chief or his designee shall undertake a regular audit of departmental litigation to determine whether a need for policy revision or training exists. The audit shall include settlements, and all litigation filed or resolved during the period to be reviewed.
5. Updates on current case law and statutes relevant to law enforcement shall be disseminated to the department employees.

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6. Upon conclusion or settlement of any civil litigation, the Chief's Office shall provide notification of the outcome of the case to those officers, and their supervisors, who were directly involved with the incident forming the basis for the lawsuit.
7. The Chief or his designee shall comply with discovery requests and subpoenas for internal records as advised by the department's legal counsel on or before the due date.

E. Responsibilities of Law Enforcement Employees

1. Any law enforcement employee receiving a subpoena to testify as to actions undertaken in his/her official capacity shall immediately notify the Chief, or his designee (Court Liaison) of such subpoena. A copy of the subpoena shall be forwarded to the Chief's office.
2. Any law enforcement employee named as a party in a civil action for acts or omissions allegedly arising out of the scope of his/her official duties shall immediately notify the Chief.
 - a. The employee shall inform the Chief whether the employee will engage a private attorney, or whether representation through the department's legal counsel is requested.
 - b. Where the employee has requested legal representation through the department's legal counsel, the employee has a duty to cooperate fully with his/her legal representative.
 - c. Departmental legal counsel shall determine whether the employee is eligible for departmental representation or will be required to seek separate representation, and shall notify the employee of such determination.
3. All law enforcement employees shall maintain accurate and detailed reports at all times.
4. No law enforcement employee shall make public statements in his/her official capacity as a law enforcement agency employee concerning litigation affecting the department without the Chief's approval.

F. Response to Subpoenas and Discovery Requests

1. All discovery requests or subpoenas for department records, reports or notes will be complied with as directed by the department's legal counsel and in accordance with state law.

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G. Response to Media

1. The Chief or his designee shall be responsible for coordinating all department statements pertaining to any incident or litigation involving the department.
2. No statements regarding any incident or legal case involving the department shall be given before the Chief has received all relevant facts.
3. A file shall be maintained detailing the media coverage of litigation and incidents involving the Department.
4. The Chief or his designee shall work with the department's legal counsel to present fair and accurate media statements pertaining to testimony, legal issues or other concerns arising from litigation or any other incident involving the department.

FORT LEE POLICE DEPARTMENT



VOLUME: 1

CHAPTER: 2

OF PAGES: 38

SUBJECT: RULES AND REGULATIONS

BY THE ORDER OF:

REVISIONS:

Keith M. Bendul
Chief of Police

REFERENCE:

ACCREDITATION STANDARDS:

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CHAPTER 1

INTRODUCTION

1:1. ESTABLISHMENT OF THE FORT LEE POLICE DEPARTMENT

1:1.1 Legal Authorization

The Police Department of the Borough of Fort Lee is established pursuant to **N.J.S.A.** 40A:14-118 and Municipal Ordinance § 90-1. The Fort Lee Police Department shall hereinafter be called the "Department".

1:1.2 Rules and Regulations Established

The appropriate authority of the Borough of Fort Lee hereby adopts and promulgates the Department Rules and Regulations, known as the Borough of Fort Lee Police Department Rules and Regulations and hereinafter called the "Rules and Regulations" or "Rules."

1:1.3 Right to Amend or Revoke

In accordance with **N.J.S.A.** 40A:14-118, the right is reserved by the appropriate authority to amend or revoke any of the rules and regulations contained herein or to add thereto, as the circumstances dictate, subject to applicable law.

1:1.4 Previous Rules, Policies and Procedures

All Rules, Regulations, and orders previously issued, and Policies and Procedures that are contrary to the Rules contained herein, are hereby revoked. All other Policies and Procedures, Rules, Regulations and ordinances shall remain in full force and effect.

1:2 THE NUMBERING SYSTEM

1:2.1 Chapter and Section Designation

Each chapter, section and subsection shall be designated by title and number. All numbering breakdowns shall be arranged according to a decimal sequence.

1:2.2 Chapter and Section Sequence

The number preceding the colon shall enumerate the chapter, while the number placed immediately to the right of the colon shall indicate the section.

1:2.3 Subsection Sequence

The number placed to the right of the decimal point shall designate the subsection.

1:2.4 Series Lettering

Letters listed in series under sections and subsections shall be enclosed within parentheses.

1:2.5 Flexibility of System

This system shall provide a simple and quick method of referral to material contained herein. This format has been designed to make specific reference to particular sections or subsections possible and to facilitate expansion and revision of the contents.

1:3 RULES AND REGULATIONS MANUAL

1:3.1 Application

These rules and regulations are applicable to all sworn members of the department and to all civilian employees of the department where appropriate.

1:3.2 Distribution

One copy of these rules and regulations shall be electronically distributed to each employee of the department through the electronic Document Management Software. Also, for reference purposes, copies shall be distributed to the Office of the Borough Clerk, the Borough Administrator and the Mayor. Members and employees in receipt of these Rules and Regulations shall not disseminate them to any unauthorized persons or entities without authorization from the Borough of Fort Lee.

1:3.3 Responsibility for Maintenance

Employees shall be responsible for possessing a current copy of the Rules and Regulations, including all additions, revisions and amendments as issued. All manuals shall be kept current and supplementary pages concerning additions, revisions or amendments shall be promptly and properly inserted.

1:3.4 Familiarization

Employees shall thoroughly familiarize themselves with the provisions of the rules and regulations. Ignorance of any provision of these rules and regulations will not be a defense to a charge of a violation of these rules and regulations.

1:3.5 Ignorance of Manual Content

In the event neglect of duty is charged against an employee for failure to observe the Rules and Regulations, Department Policy and Procedures or orders, ignorance of any provision of this manual or any Department Policy, Procedure or order, will not stand as a defense to the charge(s).

In the event that any employee is unsure of the application or interpretation of these Rules and Regulations, Department Procedures, or lawful orders, he shall, at his earliest possible opportunity, seek a clarification from his supervisor or commanding officer.

1:3.6 Severability

If for any reason any section of these rules and regulations shall be questioned in any court and shall be held unconstitutional or invalid, the same shall not be held to affect any other sections or provisions of this document.

1:4 DEFINITIONS

1:4.1 Annual Vacation

Vacation period granted to all members annually pursuant to the terms of their respective collective bargaining agreement.

1:4.2 Appropriate Authority

The Borough Administrator of the Borough of Fort Lee as defined and designated by authority of Municipal Ordinance § 90-3 of the Borough of Fort Lee pursuant to N.J.S.A. 40A:14-118.

1:4.3 Bureau

A functional unit immediately subordinate to a division.

1:4.4 Chain of Command

The unbroken line of authority extending from the Chief of Police through a single subordinate at each level of command down to the lowest and vice versa.

1:4.5 Officer in Charge/Unit Supervisor

Any officer with the rank of Lieutenant or above assigned to head a division.

1:4.6 Date of Rank

The date on which an officer was appointed to a particular rank.

1:4.7 Department

The Fort Lee Borough Police Department.

1:4.8 Detail

A temporary assignment of personnel for a specialized activity.

1:4.9 Detective

An officer regularly assigned to the detective division to conduct investigations.

1:4.10 Direct Order

Any lawful order communicated by a superior officer or a member in charge specifically to a subordinate or group of subordinates personally or in writing.

1:4.11 Division

A large functional unit having responsibility for a number of varied smaller units with different purposes and goals whose commanding officer reports directly to the Operations Officer and the Chief of Police.

1:4.12 Division Commander

A Captain or above who commands a division of the police department.

1:4.13 Document

Departmental information contained in printed or written papers, photographs, videotapes, films, recording or electronic data storing devices or live media.

1:4.14 Employee

All employees of the Department, whether sworn law enforcement officer or civilian employees.

1:4.15 Gender

Use of masculine gender herein shall also include, where applicable, the female gender.

1:4.16 Headquarters

The police buildings that house the headquarters staff and members of the Department.

1:4.17 Incompetence

Lack of ability, knowledge, legal qualification, or fitness to discharge the required duty or professional obligation. A relative term, which may be, employed as meaning disqualification, inability or incapacity and it can refer to lack of legal qualifications or fitness to discharge the required duty and to show want of physical or intellectual or moral fitness.

1:4.18 Insubordination

Failure or deliberate refusal of any member or employee to obey a lawful order given by a superior officer. Ridiculing a superior officer or his order, whether in or out of his presence. Disrespectful, mutinous, insolent, or abusive language directed toward a superior officer.

1:4.19 Lawful Order

Any Department Rule or Regulation, police manual, Policy and Procedure, SOP, written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, ordinance, or Department Rule or Regulation. Lawful orders include operations orders, special orders and personnel orders.

1:4.20 Leave of Absence

The period of time an employee is excused from working, either with or without pay.

1:4.21 May/Should

As used herein, the word "may" means is permitted and the word "should" means the action is preferred, however, such action may be altered under exigent circumstances.

1:4.22 Member

A duly-appointed sworn police officer of the Department, including all ranks from officer to the Chief of Police. A term, "member" may be interchanged with the term "officer", but will have the same meaning.

1:4.23 Military Leave

The period of time during which an officer is excused from duty by reason of serving the Armed Forces of the United States in an active capacity as provided by law.

1:4.24 Neglect of Duty

Failure to perform or give suitable attention to the performance of duty.

1:4.25 Off-Duty

The status of a member during the period he is free from the performance of specified duties.

1:4.26 On-Duty

The status of a member during the period of the day when he is actively engaged in the performance of his duties. Technically, a member is subject to call at all times.

1:4.27 Plurality of Words

The singular includes the plural and the plural includes the singular.

1:4.28 Probationary Period

Each member shall be required to serve a probationary period prior to permanent appointment to the Department. The probationary period is one year from the date of completion of the police training course, or if already holding a valid New Jersey Police Training Commission Certification, one year from date of appointment, as pursuant to N.J.S.A. 52:17B-66 et seq.

Continuation in the service is dependent upon the conduct of the appointee and his fitness to perform his duties. At the termination of the probationary period, if the conduct or capacity of the probationer has not been satisfactory, he shall be notified, in writing, that he will not receive absolute appointment and his services shall be terminated by the Chief of Police without a hearing. The probationary period may be extended at the recommendation of the Chief of Police and the approval of the Appropriate Authority.

1:4.29 Sector, Grid or Post

A geographical area assigned to a member. The term applies to the area patrolled by a member on foot or in a vehicle.

1:4.30 Seniority of Command

Seniority in the Department is established first by rank and second by date of rank. When members have identical dates of rank, seniority shall be determined by the lower badge number for police officers and for supervisors by the official Police Department roster. In situations requiring decision or control, where the members are of equal rank, the senior officer will make the decision and exercise control unless directed otherwise by a higher ranking command or supervisory officer.

1:4.31 Serious Physical Injury

A bodily injury that creates a substantial risk of death; causes serious permanent disfigurement; or results in long term loss or impairment of the function of any bodily member or organ.

1:4.32 Shall/Will

As used herein, the words "shall" and "will," mean the action required is mandatory.

1:4.33 Shift Supervisor

A supervisory officer, usually a Lieutenant, who is responsible for overall operations of the Department in the absence of higher ranking personnel.

1:4.34 Sick Leave

The period of time when an officer is excused from active duty by reason of illness or injury.

1:4.35 Special Assignment

Police service, the nature of which requires that the member be excused from the performance of his regular duties.

1:4.36 Subordinate

A member lower in rank than his superior officer.

1:4.37 Superior Officer

Any member above the rank of police officer. In certain situations a member in charge shall also be considered a superior officer.

1:4.38 Supervisor/Supervisory Officer

Members of the Department assigned to a position requiring the exercise of immediate supervision over the activities of other members and employees.

1:4.39 Tense of Words

The words used in the present tense include the future.

1:4.40 Tour of Duty

The number of hours of work on a given shift during which an individual member is on duty.

1:4.41 Unit

A grouping of officers within the Department who have special or specific purposes or missions. Such grouping may include any number of officers, and may have more than one mission or purpose.

NOTE: Any undefined term used herein shall have its usual and common meaning and definition as applicable in general usage and police work.

1:5 CODE OF ETHICS

1:5.1 All employees shall read and abide by the Law Enforcement Code of Ethics.

1:5.2 AS A LAW ENFORCEMENT EMPLOYEE, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my Department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

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

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice. I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession...**LAW ENFORCEMENT.**

1:6 MISSION STATEMENT AND CORE VALUES

1:6.1 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.

1:6.2 Core Values

The employees of the Fort Lee Police Department are committed to its mission. We are accountable for our actions and we conduct ourselves accordingly in pursuit of our core values of integrity, accountability, courage and professionalism.

CHAPTER 2

ORGANIZATION

2:1 GENERAL DUTIES AND RESPONSIBILITIES

2:1.1 Chief of Police – Authority and Responsibilities

Pursuant to N.J.S.A. 40A:14-118 and municipal ordinance, the Chief of Police shall be the head of the Police Department and shall be directly responsible to the Appropriate Authority for its efficiency and day-to-day operations. Pursuant to policies established by the appropriate authority, the Chief of Police shall:

1. Administer and enforce the Rules and Regulations of the Police Department and any special emergency directives for the disposition and discipline of the Department and its members and officers;
2. Have, exercise and discharge the functions, powers and duties of the Police Department;
3. Prescribe the duties and assignments of all members and employees;
4. Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised under the Chief's direction and control; and
5. Report at least monthly to the Appropriate Authority in such form as shall be prescribed on the operation of the Police Department during the preceding month and make such other reports as may be requested by the appropriate authority.
6. The Chief of Police is responsible to:
 - a. Establish and maintain the efficient operation of the Department.
 - b. Organize, control and maintain all property and resources of the Department.
 - c. Develop the written organizational structure of the Department, including chain of command and duty assignments.
 - d. Develop and implement policies and procedures necessary to govern and direct the day-to-day operations of the police Department.
 - e. Provide for the proper training of all Department members and employees.
 - f. Provide for periodic inspections of all police operations to insure compliance with Department Rules, Policies, and Procedures.
 - g. Maintain the overall discipline of the Department.
 - h. Maintain a constructive relationship with the public, community organizations, the media and other law enforcement agencies.
 - i. Prepare and submit the annual budget and proposed expenditure programs to the Appropriate Authority or other designated officials.

- j. When given discretion, allocate funds within the budget which are appropriated by the governing body.

2:1.2 Supervisors - Responsibilities

1. Supervisors in the Department shall:
 - a. Enforce Department rules, lawful orders and insure compliance with Department Policies and Procedures. It shall be the duty of all supervisors to promptly report, in accordance with the chain of command, all violations of this manual or lawful order by other members and employees.
 - b. Exercise proper use of their command within the limits of their authority to assure efficient performance by their subordinates.
 - c. Exercise necessary control over their subordinates to accomplish the objectives of the Department.
 - d. Guide and train subordinates to gain effectiveness in performing their duties.
 - e. Use Departmental disciplinary procedures when necessary.
 - f. When using discipline, comply strictly with the provisions of the Department disciplinary process.

2:1.3 Police Officers – Responsibilities

1. Police officers shall (in order of importance):
 - a. Take appropriate action to:
 - 1) Protect life and property;
 - 2) Preserve the peace;
 - 3) Prevent crime;
 - 4) Detect and arrest violators of the law;
 - 5) Enforce all federal, state, and local laws and ordinances coming within Department jurisdiction;
 - 6) Safely and expeditiously regulate traffic;
 - 7) Aid citizens in matters within police jurisdiction; and
 - 8) Take appropriate police action in aiding fellow members as needed; and
 - 9) Provide miscellaneous services.
 - b. Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the Department.

- c. Abide by all Rules and Regulations, lawful orders, Department procedures, and directives governing members. It shall be the duty of all members to properly report, in accordance with the chain of command, all violations of the written directives or lawful orders by other members and employees.
- d. Be accountable and responsible to their supervisors for obeying all lawful orders of superior officers and other proper authorities, as well as calls for police assistance from citizens.
- e. Coordinate their efforts with other members and employees of the Department to achieve Department objectives. All members are charged with establishing and maintaining a high spirit of cooperation within the Department.
- f. Conduct themselves in accordance with high ethical standards, on and off-duty and in such a manner to avoid bringing public criticism and disrespect to the Department.
- g. Strive to improve their skills and techniques through study and training.
- h. Familiarize themselves with their area of authority and responsibility for their current assignment.
- i. Perform their duties promptly, faithfully and diligently. Members shall demonstrate and maintain loyalty to the Department consistent with the obligations imposed by law and personal ethics.
- j. Perform all related work as required.
- k. Shall not unlawfully discriminate against any person or class of persons set forth in applicable United States or New Jersey statutes or regulations carrying the force of law.

2:1.4 Civilian Employees – Responsibilities

- 1. Civilian employees in the Department shall:
 - a. Take appropriate action to perform the duties of their positions promptly, faithfully and diligently. It shall be the duty of all employees to promptly report, in accordance with the chain of command, all violations of this manual or lawful orders by other employees or members of the Department.
 - b. Exercise authority consistent with the obligations imposed by their position and in conformance with the policies of the Department.
 - c. Be accountable and responsible to their supervisors for obeying all lawful orders.
 - d. Coordinate their efforts with other employees of the Department to achieve Department objectives.
 - e. Conduct themselves in accordance with high ethical standards, on and off duty.
 - f. Strive to improve their skills and techniques through study and training.
 - g. Familiarize themselves with the area of authority and responsibility for the current assignment.

- h. Abide by all Rules and Regulations, lawful orders, Department Procedures, and Directives governing civilian employees.
- i. Perform all related work as required.

CHAPTER 3

RULES OF CONDUCT

3:1 GENERAL CONDUCT

3:1.1 Violation of Rules

Members and employees shall not commit any acts which constitute a violation of any of the Rules and Regulations, directives, or lawful orders of the Department, whether stated in this manual or elsewhere.

3:1.2 Loyalty

Loyalty to the Department and to fellow members and employees is an important factor in Departmental morale and efficiency. Members and employees shall maintain loyalty to the Department and their associates as is consistent with the law and personal ethics.

3:1.3 Unbecoming Conduct

Members and employees shall conduct themselves at all times, both on and off duty in such a manner as to reflect most favorably on the Department. Conduct unbecoming a member or employee shall include that which brings the Department into disrepute, or reflects discredit upon the officer or employee as a member or employee of the Department, or that which impairs the operation or efficiency of the Department, officer or employee.

3:1.4 Bribes

Members and employees shall, as soon as possible, report to the Chief of Police, in a signed and dated writing, offers of bribes, gratuities, favors, or the offer of anything of value, to take or withhold any action concerning the business of the Department or any other government agency.

3:1.5 Corruption

Members and employees shall report to the Chief of Police knowledge of corruption within the Department, including, but not limited to, any bribe(s) or illegal act or violation of this manual or any lawful order committed by a member of the Department, or solicited by any person or entity to any member or employee.

3:1.6 Conformance to Laws

1. Members and employees shall obey all laws of the United States and of any State and local jurisdiction in which the members and employees are present.
2. A conviction for a violation of any law, ordinance or regulation carrying the force of law shall be prima facie evidence of a violation of this section.

3:1.7 Unsatisfactory Performance

Members and employees shall maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Members and employees shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may include and be demonstrated by a

lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the member's or employee's rank, grade or position; the failure to take appropriate action as required by this manual or a lawful order or on the occasion of a crime, disorder, or other condition deserving attention or absence without leave.

In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: a written record of repeated infractions of Rules and Regulations, directives or lawful orders of the Department, or any other course of conduct indicating that the member or employee has insufficient regard for his responsibility as a member or employee of the Department.

3:1.8 Insubordination

Members and employees shall promptly obey any lawful orders of a superior officer or another person in lawful authority. This will include orders relayed from a superior officer by an officer of the same or lesser rank. Members and employees shall not make any disrespectful, insolent, or abusive language or action toward any person, superior officer or municipal official.

3:1.9 Criticism of Official Acts or Orders

Members and employees shall not criticize the official actions, instructions, or orders of any Department member or employee in a manner which tends to impair the efficient operation of the Department, interferes with the maintenance of discipline or is made with reckless regard for truth or falsity. Members and employees shall not discuss or disclose, directly or indirectly, Department business or documents with any person not authorized by the Department to receive such information, unless given written authorization by the Chief or his designee.

3:1.10 Conduct Toward Superior and Subordinate Officers and Associates

Members and employees shall treat superior officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationship with one another. When on duty, and particularly in the presence of other members, employees, or the public, officers shall be referred by rank. Subordinates shall salute officers of the rank of Lieutenant and above in accordance with the norms of military courtesy.

3:1.11 Labor Activity

1. Officers shall have the right to join any lawful labor organizations, but nothing herein shall compel the Department to recognize or engage in negotiation with any such labor organization, except as provided by law.
2. Officers shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from ones' position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the stoppage of work, slowdown of work, sabotage or intentional injury to public property, or the abstinence in whole, or in part, from the full, faithful and proper performance of the duties of employment for any purpose.

3:1.12 Intervention

1. Officers and employees shall not interfere with cases being handled by other officers of the Department, or by any other governmental agency unless:
 - a. Ordered to intervene by a superior officer and/or

- b. The intervening officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.
2. Officers and employees shall not undertake any investigation or other official action not a part of their regular duties without obtaining permission from their superior officer, unless the exigencies of the situation require immediate police action.

3:1.13 Abuse of Process

Members and employees shall not make false or misleading accusations of a criminal or traffic charge or violation of this manual or lawful order.

3:1.14 Residency/Telephone Numbers

Every member shall be a resident of the State of New Jersey while serving in such a position. Members shall immediately report, in writing, any change of residence or telephone numbers to the Chief of Police through their Division Commander within twenty-four (24) hours of the change.

3:1.15 Truthfulness

Upon the order of the Chief of Police, the Chief of Police's designee, or a superior officer, members and employees shall truthfully answer all questions specifically directed and related to the scope of employment and operations of the Department which may be asked of them. Members and employees shall not make false or misleading statements in response to an official Departmental investigation, or fail to fully and completely answer any question regarding official duty or responsibility.

3:1.16 Rewards

Members and employees shall not accept any gift, gratuity, or reward in money, other compensation or any other thing of value for services rendered in the line of duty to the community or any person, business, or agency except lawful salary and that which may be otherwise authorized by law.

3:1.17 Intercession

Members and employees shall not solicit any person or entity to intercede with the Chief of Police, Mayor or members of the Borough Council in relation to promotion, assignments, disposition of pending charges, or findings in a Departmental trial or other related matter. This rule is not intended to restrict the rights of the authorized bargaining representative and its agents to engage in protected activities pursuant to N.J.S.A. 34:13A-1, et seq.

3:1.18 Approaching Governmental Agencies or Representatives

No member shall communicate with any governmental agencies or representatives regarding any Departmental matter without prior notice to and permission from the Chief of Police, except as otherwise provided by applicable law.

3:1.19 Withholding Information

Members and employees shall not, at any time, withhold any information from the Chief of Police or designee concerning suspected or existing criminal activity or violations of this manual or lawful orders.

3:1.20 Reporting and Acting Upon Violations of Laws, Ordinances, Rules or Orders

Members and employees knowing of other members or employees violating laws, ordinances, Rules and Regulations of the Department, or disobeying lawful orders, shall promptly report same in writing to the Chief of Police through official channels. If the member or employee believes the information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police, official channels may be bypassed and the information delivered verbally, to be subsequently resubmitted in writing to the Chief of Police. However, absent an emergency condition requiring immediate action to protect life or property from imminent and substantial injury, no member or employee shall file any criminal or quasi-criminal complaint, civil or administrative action, motor vehicle or other summons, or effect the detention or arrest of any other member or employee without the express written consent of the Chief of Police or the Bergen County Prosecutor.

3:1.21 Absence from Duty

Every member or employee who fails to appear for duty at the date, time and place specified, without the consent of competent authority, is "absent without leave". Such absence within the period of one day must be promptly reported in writing to the commanding officer. All absences without leave must be reported in writing to the Chief of Police.

3:1.22 Obedience to Laws and Rules

Members and employees shall obey all laws, ordinances, Rules and Regulations, lawful orders, Policies and Procedures and directives of the Department.

3:1.23 Administration of Criminal and Civil Cases

Members and employees shall not interfere with the proper administration of criminal justice or the civil law.

3:1.24 Recommending Attorneys and Bail Bond Brokers Prohibited

Members and employees shall not suggest, recommend, or advise the retention of any particular attorney or bail bond broker to any civilian with whom the member or employee comes into contact as a result of departmental business.

3:1.25 Posting Bail

Members and employees shall not post bail for any person in custody, except relatives. In the event the P.B.A. wishes to post bail for a Fort Lee Police Officer, permission to do so shall be sought from the Chief of Police.

3:1.26 Use of Force

Members and employees shall follow Departmental Rules and Regulations, lawful orders, Policy and Procedure on use of force.

3:1.27 Driver's License

Members and employees operating Department motor vehicles shall possess a valid New Jersey driver's license. Whenever a member or employee receives a motor vehicle summons, or a driver's license is revoked, suspended, or lost, the member or employee shall immediately notify the appropriate supervisor giving full particulars.

3:1.28 Address and Telephone Numbers

Employees are required to have a telephone in the place where they reside. Changes in address or telephone number shall be reported in writing to the appropriate supervisor within 24 hours of the change.

3:1.29 Official Accusation, Arrest, Conviction, Civil Judgment, or Restraining Order

Members and employees shall immediately inform their supervisors or commanding officers if they are accused of any of the following: criminal conduct; official misconduct; arrested; convicted of an offense, misdemeanor or a crime; indicted, subject of a Grand Jury information; named as a target of an official investigation; subject to a judicial restraining order or civil judgment. Such reports shall be kept confidential.

3:1.30 Sick and Injury Leave

1. Reporting Sick or Injured. Members and employees unable to report for regular duty and other scheduled duty, including court, because of sickness or injury shall make an immediate report to the desk officer in person or by telephone specifying the reason for his absence which should be no less than three (3) hours prior to his scheduled tour of duty. If unable to report, a relative or other responsible person shall notify the desk officer of all pertinent facts either in person or by telephone.
2. Address of Confinement. Members and employees, when sick or injured, shall be responsible for notifying the desk officer as to their place of confinement and shall remain available by telephone at said location or advise of any subsequent change in their place of confinement.
3. Sick or Injured on Duty. Members and employees taken sick or injured on duty shall report the facts to their command and shall remain on duty until relieved, unless excused by a superior officer. The only exception to this rule would be where the sickness or injury is disabling to the point of preventing compliance. Employees and/or supervisors shall thereafter follow the procedures in the Personnel and Policy Manual.
4. Unauthorized Absence. Members and employees who absent themselves in an improper manner shall be subject to disciplinary action. Unauthorized absence occurs when members or employees:
 - a. Feign illness or injury;
 - b. Deceive the town or their own physician in any way as to their true condition;
 - c. Are injured or become sick as the result of improper conduct or of intemperate, immoral, or vicious habits or practices;
 - d. Violate any provisions concerning reporting of sickness or injury;
 - e. Are not at home or at their place of confinement when visited by the Department physician or superior officer.
5. Convalescent Time. Any member or employee on sick or injured leave will be confined to his home unless specifically excused by the Department physician or the ranking superior officer at the time the request is made.

3:2 ISSUING ORDERS

3:2.1 Manner of Issuing Orders

Orders from a supervisor to a subordinate shall be in clear and understandable language.

3:2.2 Unlawful Orders

No supervisor shall knowingly issue an order which is in violation of any law or ordinance.

3:2.3 Improper Orders

No supervisor shall knowingly issue an order which is in violation of any Department Rules, Policy, or Procedure.

3:3 RECEIVING ORDERS

3:3.1 Questions Regarding Orders

Members and employees, in doubt as to the nature or detail of an order, shall seek clarification from their supervisors by going through the chain of command.

3:3.2 Obedience to Unlawful Orders

Members and employees are not required to obey any order which is contrary to any law or ordinance. Responsibility for refusal to obey rests with the employee, who will be required to justify the refusal to obey.

3:3.3 Obedience to Improper Orders

Members and employees, who are given any order which is contrary to Department Rule, Policy or Procedure, must first obey the order to the best of their ability, and then report the improper order as provided.

3:3.4 Conflicting Orders

Upon receipt of an order, conflicting with any previous order, the member or employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original order rests with the individual issuing the second order. If so directed, the latter order shall be obeyed first. Orders will be countermanded, or conflicting orders will be issued, only when reasonably necessary for the good of the Department.

3:3.5 Reports of Unlawful or Improper Orders

A member or employee receiving an unlawful or improper order shall advise the issuing supervisor of his/her belief that the order in question is unlawful or improper. If the matter is not resolved, the officer shall at first opportunity, report in writing to the next highest-ranking supervisor above the supervisor who issued the unlawful or improper order. Action regarding such a report shall be conducted at the direction of the Chief of Police.

3:4 POLICE RECORDS AND INFORMATION

3:4.1 Release of Information

Members and employees shall not release any information nor reveal any confidential business of the Department to the public or the press except as provided in Department Policy and Procedure.

3:4.2 Department Records

Contents of any document, record or report filed within the Department shall not be exhibited or divulged to any person or entity other than a duly authorized member or employee of the Department, except with the approval of the Chief of Police, or under due process of law, or as permitted under Departmental Policy and Procedures.

3:4.3 Reports

No employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, or improper information on records of the Department.

3:5 GIFTS AND REWARDS

3:5.1 Soliciting or Accepting Benefits

Members and employees shall not directly or indirectly solicit, accept or agree to accept any benefit or bribe (as defined herein) to influence the performance of their official duties.

1. Other Transactions. Members and employees are prohibited from buying, selling or bartering anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to their attention or which arose out of their Department employment except as may be specifically authorized by the Chief of Police.
2. Debt Obligation. Members and employees shall promptly pay all their just debts and meet all their legal obligations and liabilities.

3:5.2 Rewards

Members and employees shall not accept any gift, gratuity, or reward in money or other compensation for services rendered in the line of duty, except for salary and benefits directly paid by the Borough of Fort Lee.

3:5.3 Disposition of Unauthorized Gifts and/or Gratuities

Any unauthorized benefit (as defined herein), gift, gratuity, loan, fee, reward, or other object or thing of value coming into the possession of any member or employee, which is not lawfully their own, shall be immediately forwarded to the Chief of Police or his designee (example: a commanding officer of a shift), together with a written report explaining the circumstances.

3:6 USE OF INTOXICANTS

3:6.1 Definitions

1. Intoxicants. Any beverage, (legal or illegal), medication or medicinal agent, which by the use in question thereof, may cause a person not to have normal use of his physical or mental faculties, thereby rendering him, or likely to render him, impaired from or incapable of acting in the manner in which an ordinarily prudent and cautious person, in full possession of his faculties and using reasonable care, would act under like conditions.
2. Intoxication and Intoxicated. The situation where, by reason of ingesting intoxicants, a person does not have the normal use of his physical or mental faculties, thus rendering him impaired from or incapable of acting in the manner in which an ordinarily prudent and cautious person, in full possession of his faculties, using reasonable care, would act under like conditions.
3. Alcoholic Beverage. Alcoholic Beverage means alcohol, fermented or distilled spirits and malt liquors which can be used as a beverage, and which, when drunk to excess, will produce intoxication. Alcoholic Beverages are also Intoxicants as defined herein.

3:6.2 Not Under the Influence of Intoxicants On Duty

Members and employees shall not report for duty under the influence of Intoxicants, except as specifically permitted by the Chief of Police or his designee, after timely and full notification by the member and employee as later set forth in these Rules and Regulations.

3:6.3 No Consumption of Alcoholic Beverages Before Duty Periods

Members and employees shall not ingest Alcoholic Beverages within four (4) hours prior to reporting for duty.

3:6.4 No Use of Intoxicants On Duty

Members and employees shall not ingest any Alcoholic Beverages or Intoxicants while on duty.

- a. Exception. members may ingest Alcoholic Beverages (but not other Intoxicants) when assigned to duty in civilian clothes if: (i) it is absolutely necessary in the performance of duty; and (ii) such ingestion has been pre-approved by the appropriate supervisor; and (iii) such ingestion does not render the member intoxicated or in any way unfit for duty.
- b. See Also: 3:6.10.

3:6.5 Consuming Alcoholic Beverages Off Duty In Full Or Partial Uniform

Members and employees shall not consume Alcoholic Beverages while off duty and in uniform or any recognizable component of the uniform.

3:6.6 Intoxicants and Alcoholic Beverages in Police Buildings

Intoxicants and Alcoholic Beverages shall not, at any time, be consumed within or around police headquarters or on public grounds or police vehicles, without prior written Departmental permission from the Chief of Police.

3:6.7 Supervisors' Responsibility

Supervisors shall not assign to duty or allow to remain on duty any employee whose fitness for duty is questionable due to the use of Intoxicants, including, but not limited to, Alcoholic Beverages or medication.

3:6.8 Possession of Intoxicants

Members and employees shall not have Intoxicants on their person while on duty or in uniform, nor in any police Department building or vehicle, except for evidential or other authorized purposes.

3:6.9 Entering Licensed Premises

Members and employees in uniform shall not enter any licensed premises where Illegal Intoxicants and Alcoholic Beverages are sold or stored, except in the performance of duty and in compliance with Departmental Policy.

3:6.10 Taking Medication on Duty

Members and employees of the Department shall not take any medication which may diminish their alertness or impair their senses or physical abilities or which cause or are likely to cause intoxication prior to or after reporting for duty unless directed by a physician. Notwithstanding the foregoing, members and employees may not be on duty if they are intoxicated.

3:6.11 Notification About Medication

When members and employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses or physical ability, the member or employee shall consult with their physician as necessary and shall notify their supervisor as far in advance of their reporting to duty as is possible, as to the medication required, its properties and the possible effects on the person's physical and mental abilities, the dosage and the period during which the employee is required to take this medication. It shall be the duty of the member or employee to obtain this information from his prescribing physician. If the medication is a nonprescription drug, the member or employee shall make this notification. The information so provided shall be confidential.

3:6.12 Substance Testing

Employees may be tested based upon reasonable suspicion. The Chief of Police is authorized to order individual testing provided it is in accordance with the New Jersey Attorney General's Drug Testing Policy. Specimens shall be ordered from an employee when there exists reasonable suspicion to believe that the employee is using a controlled substance. Employees who refuse to submit to a test based upon reasonable suspicion after being lawfully ordered to do so are subject to the same penalties as employees who test positive.

Random drug screening may be ordered by the Chief of Police not more than 12 times in a calendar year. If the Chief of Police orders random drug screening, 10 officers will be selected for screening in accordance with the New Jersey Attorney General's Drug Testing Policy, any policy mandated by the Bergen County Prosecutor, in accordance with Department Policy and Procedures. If the Chief of Police orders Internal Affairs that the screening process is to include analysis for steroids/performance enhancing substances, then five (5) officers will be selected. Employees who refuse to submit to a test when randomly selected are subject to the same penalties as those employees who test positive.

Any employee who serves as a witness on behalf on the collective bargaining unit or is otherwise required to witness the selection of employees for testing must maintain confidentiality. Anyone who discloses the number of officers selected, the identity of an employee selected for random testing, or the fact that a random selection is scheduled to take place or was conducted prior to the collection of urine samples, will be subject to discipline up to and including termination.

3:7 DUTY CONDUCT

3:7.1 Reporting for Duty

Members and employees shall report for duty at the time and place specified, properly uniformed and equipped in accordance with Department Policy and Procedures.

3:7.2 Absence from Duty

A member or employee who fails to appear for duty at the date, time, and place specified without the consent of competent authority is absent without leave. Supervisors shall immediately report to their supervisor in writing any member or employee who is absent without leave.

3:7.3 Prohibited Activity On-Duty

Members and employees who are on-duty are prohibited from engaging in activities which are not directly related to the performance of their duty (e.g., sleeping, conducting private business, card playing, gambling).

3:7.4 Use of Tobacco Products While On Duty

Members and employees shall not use tobacco products except in authorized areas and shall not use tobacco products on duty while in direct contact with the public.

3:7.5 Personal Electronic Equipment

The on-duty use of portable televisions, tape or disc players, radios, and any other form of entertainment device or medium, other than authorized by the Department, is prohibited.

3:7.6 Relief

Members and employees are to remain at their assignments and on duty until properly relieved or until dismissed by competent authority.

3:7.7 Meals

All meals are to be consumed within authorized areas, subject to modification by the supervisor. At no time shall such member or employee leave his patrol to go "out of service" for such purpose.

3:7.8 Training

Members and employees shall attend training at the direction of the appropriate supervisor. Such attendance is considered a duty assignment, unless the prevailing collective bargaining agreement provides otherwise.

3:7.9 Inspections

Members and employees directed to attend full dress inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection shall be considered absence without leave.

3:7.10 Roll Call

Unless otherwise directed, members shall report to daily roll call at the time and place specified, properly uniformed and equipped. They shall give careful attention to orders and instructions avoiding unnecessary talking or movement.

3:7.11 Physical Fitness for Duty

Members and employees shall maintain good physical condition so that they can handle the strenuous physical contacts often required of a law enforcement officer. The Department reserves the right, on a random or as required basis, to appropriately test a member's or employee's physical fitness for duty.

3:7.12 Loitering

Members on duty or in uniform shall not enter theaters, restaurants, delicatessens, convenience stores, or other public places except to perform a police task. Loitering and unnecessary conversation in such locations are forbidden. Members and employees, off duty and on duty and not on any official police business, shall not loiter in Police Department areas.

3:8 UNIFORMS, APPEARANCE, AND IDENTIFICATION

3:8.1 Regulation Uniform Required

All members and uniformed employees shall maintain uniforms prescribed in Departmental Policy and Procedure. Uniforms shall be kept neat, clean and well-pressed at all times. Non-uniformed civilian employees shall be attired in clothing suitable for office employees in private industry and shall keep such attire neat, clean and well-pressed at all times.

3:8.2 Manner of Dress

Members and employees shall wear the uniform or civilian clothing on duty as prescribed by Departmental Policy and Procedure for the employee's current assignment and no other non-approved apparel. Employees will wear and maintain an employee uniform when so directed by the Chief of Police.

3:8.3 Wearing Jewelry On-Duty

Members on duty shall not wear jewelry which may be grasped during a struggle, catch on machinery, or cut another person, or which can inflict injury or retard the mobility of the officer. This provision shall not prohibit non-uniformed officers on duty from wearing jewelry appropriate for the conditions of their current assignment in accordance with Department Policy. The wearing of ear, eye, nose, lip or other body jewelry or adornment, on duty, is prohibited.

3:8.4 Personal Appearance

Members and employees, while on duty, shall be neat and clean on their person, with uniform or clothes clean and pressed. This provision shall not prohibit non-uniform officers on duty from dressing appropriately for the conditions of their current assignment in accordance with Departmental Policy.

3:8.5 Wearing or Carrying Identification

Members and employees shall wear or carry their Department identification at all times, provided that it is practical under the circumstances. Any member when in uniform shall also wear the regulation badge on the outside of the outermost garment over the left breast and always in plain sight. When not in uniform or off duty, he shall carry his badge in his pocket. Regulation nametags shall also be worn on the issued badge holder, under the badge.

3:8.6 Identification as Police Officer

Except when impractical or where the identity is obvious, police officers shall identify themselves by displaying the official badge or identification card before taking police action.

3:9 DEPARTMENT EQUIPMENT AND PROPERTY

3:9.1 Equipment On Duty

Employees shall carry all equipment on-duty as prescribed by Department Policy and Procedure based on their assignment.

3:9.2 Equipment Off Duty

Employees shall carry equipment off-duty as prescribed by Department Policy and Procedure.

3:9.3 Firearms

Employees shall follow Department Policy and Procedure on the care and handling of firearms.

3:9.4 Department Property and Equipment

Members and employees are responsible for the proper care of Department property and equipment assigned to them which must be kept clean, in good working order, and conform to department specifications.

3:9.5 Use of Department Property and Equipment

Members and employees shall not use any Department property or equipment for personal business or pleasure.

3:9.6 Damaged, Unduly Worn or Inoperative Property or Equipment

Members and employees shall immediately report to their supervisors or commanding officer any unduly worn equipment, any loss of or damage to Department property assigned to or used by them. The supervisor or commanding officer shall also be notified of any defects or hazardous conditions existing in any Department equipment or property.

3:9.7 Care of Department Buildings

Members and employees shall not mark or deface any surface in any Department building. No material shall be affixed to any wall in Department buildings without specific authorization from the appropriate supervisor.

3:9.8 Notices

Members and employees shall not mark, alter or deface any posted notice of the Department. Notices or announcements shall not be posted on bulletin boards without permission of the appropriate supervisor, except in those areas designated for use by the collective bargaining units.

3:9.9 Use of Department Vehicles

Members and employees shall not use any Department vehicle without the permission of a supervisor. Department vehicles shall not be used for personal business or pleasure, except as may be otherwise authorized by the Department.

3:9.10 Operation of Department Vehicles

When operating Department vehicles, members and employees shall keep the car under control and shall not violate traffic laws except in cases of emergency and then only in conformity with state law and Departmental Policy and Procedure regarding same.

3:9.11 Transporting Citizens

Citizens will be transported in Department vehicles only when necessary to accomplish a police purpose or as otherwise authorized by the Department. Such transportation will be done in conformance with Department Policy or at the direction of a commanding officer or immediate supervisor.

3:9.12 Reporting Accidents

Accidents involving Department personnel, property, equipment and vehicles must be reported in accordance with Department Procedures.

3:9.13 Inspection

Departmental property and equipment is and remains the property of the Department and is subject to entry and inspection without notice. Department property includes, but not limited to, lockers and desks.

3:9.14 Liability

If Department property or Borough property or civilian property in the member's or employee's custody or control is damaged or lost as a result of misuse or negligence by a member or employee, that member or employee will be held liable to reimburse the Department, Borough or civilian for the damage or loss and that member or employee is also subject to Disciplinary Action. **In the event that municipal property is found bearing evidence of damage or loss, which has not been reported, it shall be evidence that the last person using the property or vehicle was responsible for said damage or loss.**

3:9.15 Surrender of Department Property

1. **Upon Separation From the Department.** Members and employees are required to surrender all Department property in their possession upon separation from the service. For failure to return a non-expendable item, the member or employee will be required to reimburse the Department for the fair market value of the article.
2. **Under Suspension.** Any member or employee under suspension shall immediately surrender their identification, firearm (if applicable), and all other Department property to the appropriate supervisor pending disposition of the case.

3:10 COMMUNICATIONS, CORRESPONDENCE

3:10.1 Restrictions

Members and employees shall:

1. Not use Department letterheads for private correspondence.
2. Only send correspondence documents and other Departmental information out of the Department under the direction of the appropriate supervisor.

3:10.2 Forwarding Communications

Any member or employee who receives a written communication for transmission to another employee shall forward same without delay.

3:10.3 Use of Department Address

Members or employees shall not use the Department or its computers and electronic equipment as a personal mailing address or for private purposes. The Department address shall not be used for any private vehicle registration or driver license.

3:10.4 Telephones

Department telephone equipment may not be used for personal use involving toll charges without the express approval of a supervisor.

3:10.5 Radio and Other Electronic Equipment Discipline

Members and employees operating the police radios, computers and other electronic equipment shall strictly observe the Procedures and restrictions for such operations as set forth in Departmental Policy and the Procedures set forth by other Government Agencies having jurisdiction.

3:11 CONDUCT TOWARD PUBLIC

3:11.1 Courtesy

Members and employees shall be courteous and orderly in their dealings with the public. They shall perform their duties politely, avoiding profane or provoking language and shall always remain calm regardless of provocation.

3:11.2 Request for Identification

Upon request of any person, members and employees are required to supply their name and badge number in a courteous manner, except on undercover assignments when to do so would interfere with the performance of their duty.

3:11.3 Impartiality

Members and employees shall not exhibit bias or favoritism toward any person because of race, sex, sexual orientation, creed, color, national origin, ancestry, marital status, blood trait, age, handicap, religion, governmental affiliation, or influence.

3:11.4 Use of Derogatory Terms

Employees shall not use language that is derogatory or humiliating, demeaning or insulting to a person because of race, gender, sexual orientation, creed, color, national origin, ancestry, marital status, blood trait, age, handicap, religion, governmental affiliation, or influence.

3:11.5 Affiliation with Certain Organizations Prohibited

No member or employee shall knowingly become a member or affiliate of any subversive organization which advocates the violation of law, or which professes hatred, prejudice, or oppression against any racial or religious or other group or classification protected by the New Jersey Law Against Discrimination or political entity, except when necessary in the performance of duty and at the direction of the Chief of Police.

3:11.6 Representing the Police Department

Members and employees shall not give public speeches or demonstrations on behalf of the Department, nor shall they endorse any product or service in or out of uniform, as a member or representative of the Department, without prior approval from the Chief of Police.

3:11.7 Public Statements

Members and employees shall not make public statements concerning the work, plans, policies or affairs of the Department, which may impair or disrupt the operation of the Department or which are unlawful or defamatory.

3:11.8 Identification

1. Except where impractical or where the identity is obvious, officers shall identify themselves by displaying their official badge or identification card before taking police action.
2. Officers shall carry their badge and identification cards on their persons at all times except when impractical or dangerous to their safety or to an ongoing investigation. They shall furnish their name and badge number to any person requesting that information when they

are on duty or holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties, or is authorized by proper authority.

3:11.9 Citizen Complaints

Officers shall courteously and promptly record, in writing, any complaint made by a citizen against any officer of the Department. Officers may attempt to resolve the complaints, but shall never attempt to dissuade any citizen from lodging a complaint against any officer of the Department. Officers shall follow established Departmental Procedures for processing complaints.

3:11.10 Courtesy

Officers and employees shall be courteous to the public. Officers shall be tactful in the performance of their duties, shall control their tempers and exercise the utmost patience and discretion and shall not engage in argumentative discussions, even in the face of extreme provocation. In the performance of their duties, officers shall not use coarse, violent, profane or insolent language or gestures and shall not express any bias or prejudice concerning any person or any category of protected persons as set forth in the New Jersey Law Against Discrimination. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the Department.

3:11.11 Requests for Assistance

When a person requests assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly recorded and judiciously acted upon consistent with established Departmental Procedures.

3:11.12 Impartial Attitude

All members, even though charged with vigorous and unrelenting enforcement of the law, must remain completely impartial toward all persons coming to the attention of the Department. Violations of the law are against the people of the State and not against the individual officer. All citizens are guaranteed equal protection under law. Members shall not exhibit partiality concerning a person, or engage in unwarranted interference in the private business of others when not in furtherance of their official duties.

3:12 POLITICAL ACTIVITIES

3:12.1 Partisan Political Activities Permitted

Members and employees may campaign or otherwise actively engage in partisan political campaigns and activities; however, no activities shall be conducted during any tour of duty or in uniform (or any recognizable part thereof) or as a representative of the Department.

3:12.2 Non-Partisan Political Activities Permitted

Members and employees may campaign or otherwise actively engage in non-partisan political campaigns and other community activities: However, no activities shall be conducted during any tour of duty or in uniform (or any recognizable part thereof) or as a representative of the Department.

3:12.3 Participation in Public Affairs

Members and employees may participate fully in public affairs to the extent that such endeavors do not impair the neutral and efficient performance of official duties, or create real or apparent conflicts of interest.

3:12.4 Contribution of Funds

Members and employees may contribute funds or any other thing of value to candidates for public office subject to the provision of law governing such contributions.

3:12.5 Use of Official Position

Members and employees shall not directly or indirectly use or attempt to use their official position to improperly influence the political activity of another person.

3:12.6 Polling Activities

Members and employees shall not engage in any polling duties with the Borough of Fort Lee except in the performance of their official duties.

3:12.7 Political Material

Members and employees shall not display any political material on their person while on duty or in their uniform or on any government property except for PBA Official Business on the designated PBA Bulletin Board.

3:13 JUDICIAL APPEARANCE AND TESTIMONY

3:13.1 Duty of Employee to Appear and Testify

Members and employees shall appear and testify on matters directly related to the conduct of their office, position or employment before any court, grand jury, Governmental Agency or the State Commission of Investigation. Any member or employee failing or refusing to do so shall be subject to removal from his office, position or employment. Members and employees shall immediately inform their supervisors or commanding officer of any planned or required appearance or testimony before any court, grand jury, governmental agency or the State Commission of Investigation. Members and employees shall also remain current on Department Policy and Procedure concerning official testimony.

3:13.2 Subpoena

Members and employees shall not volunteer to testify in civil cases involving their official duties.

3:13.3 Official Appearance

When appearing in court, Grand Jury or on official business or on Department business, members and employees shall, except as may otherwise be provided in a Department Policy and Procedure, wear either the Department uniform or appropriate business attire. (A shirt, tie, dress slacks and dress jacket for men and a suit, dress or dress blouse and skirt for women. Footwear shall also be business appropriate.) On duty grooming standards apply to all official appearances.

3:13.4 Testifying for the Defendant

Any member or employee subpoenaed to testify for the defense of a person charged with a crime or against the municipality or Department in any hearing or trial shall notify the appropriate supervisor immediately upon receipt of the subpoena, whereupon the supervisor shall immediately notify the applicable prosecutor and the municipal attorney.

3:13.5 Truthfulness

Members and employees are required to be truthful at all times in all matters concerning or affecting the Department or their employment, whether under oath or not.

3:13.6 Civil Depositions and Affidavits

Members and employees shall confer with the appropriate supervisor before giving a deposition or affidavit on a civil matter relating to Department or official duties.

3:13.7 Civil Action, Expert Witness

Members and employees shall not volunteer or agree to testify as expert witnesses in any court or before any governmental body without the prior written approval of the County Prosecutor and Chief of Police.

3:13.8 Civil Process

Members and employees shall not serve civil process or assist in civil cases unless such service is approved by the appropriate supervisor.

CHAPTER 4
PERSONNEL REGULATIONS

4:1 HOURS AND LEAVE

4:1.1 Hours and Leave

1. Hours of Duty. Members and employees shall have hours of work assigned to them for active duty, and when not so employed, they shall be considered off duty. Members and employees are subject to be recalled to duty as needed.
2. Scheduled Days Off. Members and employees are entitled to days off pursuant to appropriate collective bargaining agreements, and days off are to be taken according to a schedule arranged by the appropriate supervisor. Members and employees are subject to recall as needed.
3. Vacation Leave. Members and employees are entitled to vacation days off pursuant to appropriate collective bargaining agreements, Departmental Policy and Procedures, and approval of the vacation schedule by the appropriate supervisor. Members and employees are subject to recall as needed.
4. Other Leaves. Members and employees are entitled to other leave as provided for in collective bargaining agreements, by law and by Department Policy and Procedures, subject to recall and approval of the schedule by the appropriate supervisor.
5. Sick Leave. Members and employees are entitled to sick days off pursuant to appropriate collective bargaining agreements and Department Policy and Procedures.
6. Abuse of Sick Leave. Members and employees who take sick leave in violation of Department Policy and Procedure shall be subject to disciplinary action.
7. Suspension of Leave. Any vacation leave, scheduled day off, or other leave of absence may be suspended when an emergency, which reasonably could not have been foreseen, is declared by appropriate Departmental authority and which unavoidably requires utilization of additional employees who are not scheduled to work.

4:2 SECONDARY EMPLOYMENT

4:2.1 Secondary Employment

Members and employees may not engage in secondary employment without the prior consent of the Chief of Police or his designee(s). Members and employees are also required to report to the Chief or his designee(s) any appearance of or actual conflict of interest which may occur between their employment with the Borough of Fort Lee and their secondary employment. Secondary employment is also governed by Department Policy and Procedures as same may be amended from time-to-time. Members and employees are required to read and comply with these policies and procedures.

4:3 RESIGNATION

4:3.1 Resignation to be in Writing

All resignations and retirements of members and employees must be in writing and bear the signature of the person resigning. Members and employees shall provide the Chief of Police with no less than 30 days written notice of their planned resignation date, unless emergent circumstances prevent full notice.

CHAPTER 5

DISCIPLINARY REGULATIONS

5:1 DISCIPLINARY ACTION

5:1.1 Disciplinary Action

Department employees regardless of rank or assignment, shall be subject to disciplinary action, according to the nature or aggravation of the offense, for violating their oath and trust by committing an offense, incapacity, misconduct or disobedience of established Department Rules and Regulations punishable under the laws or statutes of the United States, the State of New Jersey, municipal ordinances, or failure, either willfully or through negligence, or incompetence to perform the duties of their rank or assignment; or for violation of any special order, Policy and Procedure or Rule or Regulations of the Department; or for failure to obey any lawful instruction, order, or command of a superior or supervisor. Disciplinary action in all cases will be decided on the merits of each case.

The disciplinary system established herein shall reflect the overarching emphasis for improving the quality of service being delivered by employees of this Department. Discipline should not engender a strictly negative connotation. The disciplinary process is meant to correct employee actions and conduct that tend to impede the efficient and effective operation of the Department. The proper use of discipline can achieve this objective without realizing a reduction in morale. Training and counseling shall be a function of the Department's overall disciplinary system. In lieu of discipline, training and counseling shall be corrective actions used to modify an employee's performance.

5:1.2 Establishing Elements of Violation

Existence of facts establishing a violation of the law, ordinance, or rule is all that is necessary to support any allegation of such as a basis for disciplinary action. Nothing in this manual prohibits disciplining or charging employees merely because the alleged act or omission does not appear herein, in the Department, or in laws and ordinances within the cognizance of the Department.

5:2 DEPARTMENT AUTHORITY TO DISCIPLINE

All disciplinary procedures shall be in accordance with the laws of the State of New Jersey, applicable, Attorney General Guidelines, New Jersey Title 11A Civil Service Act, Borough Employee Handbook, administrative regulations and the municipal ordinances of the Borough of Fort Lee. With the exception of emergency suspensions, Department discipline must be taken or approved by the Chief of Police.

5:2.1 Discipline Authority

1. Under the provisions of N.J.A.C. 4A:2-2.3, employees, regardless of rank, shall be subject to disciplinary action for:
 - a. Incompetency, inefficiency or failure to perform duties;
 - b. Insubordination;
 - c. Inability to perform duties;
 - d. Chronic or excessive absenteeism or lateness;

- e. Conviction of a crime;
 - f. Conduct unbecoming a public employee;
 - g. Neglect of duty;
 - h. Misuse of public property, including motor vehicles;
 - i. Discrimination that affects equal employment opportunity (as defined in N.J.A.C. 4A:7-1.1), including sexual harassment;
 - j. Violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and State and local policies issued thereunder; and
 - k. Other sufficient cause.
2. Violations of any of the causes listed above may subject an employee to progressive discipline up to and including dismissal.
3. All disciplinary matters will be decided fairly and impartially on the merits of the case considering all mitigating and aggravating factors.
4. All disciplinary procedures shall be in accordance with the laws of the State of New Jersey, applicable case law, collective bargaining agreements, administrative regulations, Civil Service Commission rules and municipal ordinance.
5. Major Discipline
- a. Major discipline shall include:
 - 1) Removal;
 - 2) Disciplinary demotion;
 - 3) Suspension or fine for more than five (5) working days;
 - 4) Suspension or fine for five (5) working days or less where the aggregate number of days suspended or fined in any one calendar year is fifteen (15) working days or more;
 - 5) The last suspension or fine where an employee receives more than three (3) suspensions or fines of five (5) working days or less in a calendar year.
 - b. Major discipline shall be administered under the provisions of N.J.A.C. 4A:2-2 et seq., N.J.S.A. 40A:14-149, and applicable case law.
6. Minor Discipline
- a. Minor discipline includes discipline from counseling to a suspension (or equivalent fine) of five working days or less.

- b. Minor discipline shall be administered under the provisions of N.J.A.C. 4A:2-3.1 et seq., N.J.S.A. 40A:14-147, collective bargaining agreements, and applicable case law.

5:2.2 Progressive Discipline

At the sole discretion of the Appropriate Authority, a system of progressive discipline shall be used, wherever appropriate and practicable, however, when facts and circumstances indicate to the contrary, major discipline, including termination, may be the initial punishment, without regard for the principles of progressive discipline. Discipline shall follow the basic concepts of due process as established in N.J.A.C. 4A:2-1 et seq. Basic guidelines include:

1. In certain situations, formal discipline is not required in order to correct employee performance in various areas. Performance based issues may be corrected by using the following actions:

Training - Training is encouraged as a means of improving employee effectiveness and performance through positive and constructive methods. Training and discipline are not mutually exclusive. Certain minor offenses may be handled through targeted training. Supervisors have an affirmative obligation to observe the conduct and appearance of employees and detect those instances wherein corrective action (training) may be necessary. Documentation of this action shall be filed in the employee's internal affairs and training files. Training includes:

- a. Verbal Instruction - The supervisor may, depending on the circumstances, provide individual on the spot training where such is indicated.
- b. Peer Training - The supervisor may assign the employee to another employee with experience in the area where training is indicated.
- c. In-Service Training - The supervisor may refer the employee to an in-service training program.

Counseling - Counseling is indicated where personal actions or job performance are in conflict with basic police practice and agency written directives. Certain first offenses are sufficiently minor in nature and may be handled by supervisors by documenting the counseling session on a performance notice. Facts to be considered in making these decisions will include, but are not limited to, the person's intent, receptivity of the supervisory consulting and their desire to correct the problem. More serious infractions may indicate the need for a stronger response in place of, or in addition to, counseling. There are no appeal rights for counseling notices except as may exist under applicable collective bargaining agreements. Documentation of this action shall be filed in the employee's internal affairs file.

All training and counseling resulting from a performance issue shall be documented and a copy forwarded through the appropriate chain of command to the Chief of Police or designee.

2. Repeat performance based issues or minor misconduct issues may be corrected through formal discipline by using the following actions:

Verbal Reprimand (written) - They are intended to be the least intrusive form of discipline. To be effective, however, written verbal reprimands must be timely. Otherwise, the employee may believe future infractions will be tolerated. In some cases, a minor infraction may warrant more than counseling, but less than a written reprimand. In those instances,

a report of the offense shall be documented and issued to the employee as a written verbal reprimand. There is no right to a hearing for a written verbal reprimand, unless provided for in the current collective bargaining agreements. The disciplinary document shall be filed in the employee's internal affairs file and a copy of the sustained discipline filed in the employee's personnel file.

Written Reprimand - In some cases, the misconduct may warrant more stringent measures. In these instances, a report of the offense shall be documented and issued to the employee as a written reprimand. There are no appeal rights for written reprimands higher than the Chief of Police. The sustained disciplinary document shall be filed in the employee's personnel file and internal affairs file and a copy forwarded to the Chief of Police through the Chain of Command

3. Serious misconduct issues or repeat minor misconduct issues may be corrected with more serious formal discipline using one or more of the following actions:
 - a. Monetary fine; (only when suspension would be detrimental to public health, safety or welfare and agreed upon by the employee, see N.J.S.A. 11A: 2-20)
 - b. Suspension without pay;
 - c. Demotion;
 - d. Termination.
4. Such actions are taken when an employee's minor rule infraction is repeated despite prior corrective action, or when a violation is serious and significant enough to require punitive action. Depending upon the seriousness of the violation, punitive disciplinary action may not always be based upon the progressive disciplinary process. It may be necessary to utilize punitive disciplinary action with the first occurrence of an act or behavior.

All punitive actions applied as a result of discipline shall be documented and a copy forwarded through the appropriate chain of command to the Chief of Police or designee. The disciplinary document shall be filed in the employee's personnel file.

5:2.3 Appeals Procedure

The appeals procedures in a disciplinary action shall be consistent with **N.J.A.C. 4A:2-1 et seq.**, current collective bargaining agreements and/or the Borough's Employee Handbook.

5:2.4 Informing the Person Being Disciplined

Any employee or member being subjected to discipline where the penalty is suspension, removal, demotion from office, employment, or position therein, or a forfeiture of leave time, shall be informed of the charges, in writing, as provided by **N.J.S.A. 40A:14-147**, NJ Attorney General Guidelines and the Department's Internal Affairs Policy V2Ch15.

5:2.5 Misconduct Observed by Police Personnel

Whenever any supervisory officer observes or is informed of the misconduct of another member or employee, which indicates the need for disciplinary action, he shall take authorized and necessary action and render a complete written report of the incident and his actions to his commanding officer.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 3	CHAPTER: 23	# OF PAGES: 6	
SUBJECT: SAFE HAVEN INFANT PROTECTION			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS: 	
REFERENCES: N.J.S.A 30:4C-15		ACCREDITATION STANDARDS: 4.5.7	
EFFECTIVE DATE: 06/20/2016		SUPERSEDES: Infant Protection Act V7Ch25	

PURPOSE The purpose of this policy is to maintain compliance with the New Jersey Safe Haven Infant Protection Act, N.J.S.A. 30: 4C-15, et seq.

POLICY It is the policy of the Fort Lee Police Department to adhere to the tenets of the New Jersey Safe Haven Infant Protection Act. The intent of this law is to save infant lives by decriminalizing abandonment, under certain narrow circumstances, and place it outside the realm of child abuse and child neglect. The first priority in receiving an infant under the Act shall be to ensure the safety and wellbeing of the infant.

PROCEDURES

I. DEFINITIONS

- A. **The Act** means the New Jersey Safe Haven Infant Protection Act, N.J.S.A 30: 4C-15 et seq.
- B. **Safe Haven for Infants Hotline** means the toll-free, 24-hour hotline established by the Department of Human Services pursuant to the Act, and staffed by specially trained Department of Children and Families (DCF) employees **1-877-839-2339**. The Safe Haven for Infants Hotline serves the following purposes:
 - 1. To receive and process referrals from a hospital emergency room when an infant is brought there from a police department, or brought directly to the hospital pursuant to the Act;
 - 2. To provide support to persons who may be considering giving up, or abandoning a newborn infant or a child not yet born;
 - 3. To respond to inquiries from the public about the Act, safe placement alternatives for infants, and information about adoption proceedings in New Jersey.
- C. **Infant** means a child no more than 30 days old or who appears to be no more than 30 days old. This definition should be interpreted generously. **There are no guidelines to determine the exact age of an infant.** Use common sense to arrive at a preliminary conclusion concerning the infant's age. Police officers and hospital staff workers, who act in good faith in the application of the Act, are immune from criminal and civil liability.
- D. **Hospital** means a licensed general hospital or medical center operating within the State of New Jersey under applicable state law.
- E. **Parent** means an infant's birth mother or birth father.
- F. **Police Department** means a state, county or municipal police department operating within the State of New Jersey, including substations.
- G. **Non-Identifying Information** means information about an infant that is not intended to identify the parents or birth family.

II. GENERAL

- A. The Act provides procedures that are similar to the way in which foundlings have been historically handled in this state, except that the timeframe for adoption proceedings regarding these children has been substantially accelerated and the act of leaving a child has been decriminalized, provided that the child has not been abused or neglected before being left at a police department or hospital emergency room.
- B. Although the Act specifies that the child must be brought to a police department or hospital emergency room, parent(s) may bring the child to someone else, such as

another family member or clergy member, who may then bring the child to a police department or hospital emergency room for protection under the Act.

- C. The Act provides that police officers and hospital staff members who act in good faith in the application of the Act shall be immune from criminal and civil liability.
- D. The Act permits parent(s) who want to permanently give up rights to an infant, or a person acting on parent(s)' behalf, to voluntarily deliver and subsequently leave an infant at a police department or a hospital emergency room.
- E. The 24-hour toll free Safe Haven for Infants Hotline number 1-877-839-2339 may be provided to the public to satisfy any inquiry about the Act. It can also serve as a basic investigative or support resource tool.
- F. This agency is not required to conduct an independent missing/unidentified person investigation of an infant being surrendered in compliance with the Act, but shall assist the State Police Missing and Exploited Persons Unit upon request.
- G. On the next business day following the surrender of an infant, the detective assigned the case shall notify the Bergen County Prosecutor's Office of the incident.
- H. All press or other media inquiries pertaining to the handling of the Safe Haven infant shall be directed to the **Department of Children & Families, Office of State Haven Infant Protection** at (609) 292-0422.

III. INFANT INTAKE

- A. Upon any person(s) appearing at this agency to surrender an infant:
 - 1. Under no circumstances shall the person with an infant be turned away or directed to take the child to another agency or a hospital.
 - 2. The receiving officer should bring the person into the interview room for privacy. If they refuse the officer shall immediately take physical custody of the infant.
 - 3. If not yet aware the Tour Commander is to be notified.
 - 4. The officer or the Tour Commander shall take the appropriate steps to protect the infant's physical health and safety. These steps include but are not limited to:
 - a. Make a visual assessment of the infant for readily apparent signs of abuse or neglect. There is no obligation to remove the clothing of an otherwise apparently healthy infant to make the assessment;
 - b. Contact EMS to check on the health of the infant;
 - 5. If signs of abuse or neglect are observed, the person delivering the infant should be detained. Immediately contact a member of the Detective Bureau, who will be responsible for contacting the Bergen County Prosecutor's Office. The responding detective shall make contact with the **New Jersey Department of Children & Families** (1-877-652-2873).

6. The detective should determine if any infant had been reported missing within this jurisdiction within the preceding 30 days.
7. The officer should offer the parent(s) or person acting on behalf of the parent(s) literature provided by the Department of Human Services.
8. The officer should offer the parent(s) or person acting on behalf of the parent(s) medical services or inquire if they need medical care.
9. The Tour Commander shall notify Com-Cen to contact EMS to transport the infant to a hospital emergency room. If EMS is unavailable, police personnel shall provide the transport. If police personnel are unavailable, contact the Sheriff's Office to provide transportation. An approved car seat should be used.
10. The officer or the Tour Commander needs to ask the person who delivered the infant to the police station the following questions and record the answers to verify the applicability of the Act:
 - a. Whether that person is the parent of the infant; and
 - b. Whether the infant is no more than 30 days old; and
 - c. Whether the infant is being delivered voluntarily; and
 - d. Whether the parent intends to return for the infant.
11. Proof of identification is not required if the circumstances fall within the parameters of the Act. The Act does not apply in the following circumstances:
 - a. If the person delivering the infant is not the parent and indicates that the parent did not voluntarily arrange for that person to leave the infant at the police station; or
 - b. If the parent indicates that their actions are not voluntary (coerced); or
 - c. If the infant is more than 30 days old; or
 - d. If the parent or person delivering the infant expresses an intent to return for the infant; or
 - e. If signs of abuse or neglect are present. In this case, the incident will become a criminal investigation. The supervisor shall initiate the investigation.
12. If it appears that the Act does apply and, **if offered**, record basic, non-identifying information from the parent(s) or person who brought the infant here. Record this information as it is being given. *(Note: A parent or person who is delivering an infant is not required to disclose any information and cannot be compelled to disclose this information. They will most likely be nervous, anxious or distrusting. Be concerned and supportive. **Do not** be judgmental. Remember that the safety of the infant is the paramount concern.)* Although this department cannot compel the person to provide

information, some information may be useful to the hospital or to DCF. This information may include but is not limited to:

- a. The infant's present health. Has the infant been sick since birth? Does the infant appear to have any handicap(s), physical or developmental problems?
 - b. The infant's race;
 - c. The composition of the infant's birth family;
 - d. The age of the parent(s);
 - e. Does the infant have a name?
 - f. The infant's date and place of birth, city/state/country (This particular piece of information may be invaluable in determining the infant's age);
 - g. The infant's pre-natal history. Did the birth mother receive medical care while pregnant? Did she deliver in a hospital or birthing center? Was the infant full-term? What was the infant's birth weight?
 - h. The physical and medical health history of each parent. Any hospitalizations?
 - i. Whether either parents has any serious medical problems?
 - j. Did the birth mother take/use drugs and/or abuse alcohol while pregnant?
 - k. Why is the infant being given up?
 - l. Is the father aware of the birth of the infant? Is the extended family aware of the birth?
13. If the Act applies, the person delivering the infant shall be permitted to leave and shall not be detained while awaiting medical clearance regarding the condition of the infant. The person delivering the infant shall not be required to accompany the infant to the hospital.
 14. The officer or detective should provide known details to the hospital emergency room staff about the infant. Deliver any non-identifying information to the hospital staff that had been obtained from the parent(s) or person who delivered the infant. This information will be documented on the infant's medical chart.
 15. The Tour Commander shall ensure that the officer or detective contacted the Safe Haven for Infants Hotline and the New Jersey State Police Missing and Exploited Persons Unit and informed that an infant had been surrendered and is enroute to a hospital.
 16. The officer is to prepare an investigation report documenting the details of the incident.

17. Provide a copy of the investigation report to the **New Jersey Department of Children & Families**, upon request.
18. The detective is to provide reasonable assistance to the **New Jersey Department of Children & Families** upon request. This may include accessing computerized databases to determine if the infant had been reported missing.
19. The Detective Division Juvenile Bureau will provide any necessary investigative resources to DCF during any subsequent follow up investigation.

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 03-27-2004	REVISION DATE: 12-02-2009	PAGE #: 1	SECTION: Issuing Authority	APPROVED 12-02-2009	VOLUME #IV
VOLUME TITLE: OPERATIONS	# PAGES: 3					CHAPTER 9
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: SCHEDULING						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS O. RIPOLI						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To establish guidelines for assignment of personnel to various shifts, as needed to accomplish the goals of the Police Department.

POLICY:

To facilitate the assigning of personnel within the Borough of Fort Lee Police Department, the following procedure will be adhered to by all personnel wherever or whenever the procedure affects their area of assignment.

I. DIVISION COMMANDERS

- A. Will work a schedule prepared by the Chief of Police.
 - 1. A master schedule will be established within the personnel computer reporting system.
 - 2. In addition to the fixed schedule, each division commander will be available for his division responsibilities in case of emergency.

II. PATROL PERSONNEL

- A. Will work a schedule prepared by the Chief of Police

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1. A master schedule will be established within the personnel computer reporting system.
- B. Vacations should be approved and assigned by the Shift Captains.
 1. All personnel should submit their choice of summer vacation days off prior to May 15th of each year. Approval will be based on seniority and manpower.
 2. After May 15th, any scheduling of vacation days within 30 days of the requested day will be at the approval of the Shift Captain, based on seniority and manpower. All other days may be approved on a first come first serve bases.
 3. All vacation time off will be submitted on the same request form unless, the requested days are not consecutive days, Example: July 1, 2004 and July 6, 2004 should be on a separate sheet. A Holiday will not be charged if taken as part of a three or more day vacation request.
- C. All Holiday time off will be approved by the Shift Captain.
 1. Holiday time off will only be granted on a seniority bases if submitted 21 days before each holiday, providing that manpower can be obtained to replace minimum number of officers or supervisors needed. Requests submitted within 21 days may be approved on a first come first served bases. Any exception must be approved by the Chief.
- D. All time due days off will be approved by the Shift Captain.
 1. Time due days off will only be granted after the time has been earned.
- E. Sick time off will be reported 3 hours prior to a scheduled shift, to a supervisor.
- F. A personal day off will be approved by the Shift Captain. Generally they should be granted unless there are extenuating circumstances (Holiday, ongoing emergency situation etc.).
- G. Funeral time off will be approved by the Shift Captain. In cases of emergency, the supervisor at the desk may approve them and make out a time off sheet to be forwarded to the Shift Captain.
- H. Time due and overtime worked will be submitted on the overtime sheet, the overtime sheet must be signed by an authorizing supervisor.
 1. Officers may not accumulate more than 480 hours time due.

NOTE: All requests for time off should be submitted 5 days prior to the requested day.

III. DETECTIVE DIVISION

- A. Will work a schedule prepared by the Chief of Police

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1. A master schedule will be established within the personnel computer reporting system.
2. In addition to the fixed schedule, each investigator may be subject to call as assigned by the Chief or Investigative Division Commander.

IV. ADMINISTRATION - SWORN OFFICERS

- A. Will be required to adhere to Section I Division Commanders

V. CIVILIAN PERSONNEL

- A. Will be required to adhere to section I, Division Commanders.

VI SHIFT BIDS

- A. All Patrol Division shift changes will commence on or about the first day of April and October, unless otherwise directed by the Chief of Police.
- B. Generally in February and August of each year an operations order will be put out advising officers that shift bid requests should be submitted by a certain date.
- C. Each officer will request bids for three different shifts, in the order that they would prefer to work them.
- D. While seniority will be considered in the shift bid process, the Chief of Police reserves the authority to assign all officers and supervisors to various shifts and assignments according to the departments staffing requirements and general welfare. The Chief of Police will continue to exercise his power of assignment and managerial prerogative when assigning all officers and supervisors to various shifts and assignments.
- E. Any officer currently training in their respective positions will not be included in the bid process.
- F. Officer and supervisors who fail to submit a shift bid by the required date will be assigned various shifts as required.
- G. Assigned shifts will be for a six-month period, unless the Chief of Police has determined that an officer's shift should be changed.
- H. Officers may submit a mutual change/change of tour request for a certain day or time period, this request will then be reviewed and approved by each shift supervisor and be forwarded to a Shift Captain for approval. Officers will not assume that their request has been approved, they will have to check with their Shift Captain for approval, prior to the dates submitted.

SPECIAL NOTE: IF ANY OF THE ABOVE PROVISIONS CONFLICT WITH A COLLECTIVE BARGAINING AGREEMENT, THE COLLECTIVE BARGAINING AGREEMENT PREVAILS.

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 10-15-2008	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME V
VOLUME TITLE: ORGANIZATION	# PAGES: 5					CHAPTER 16-5
ACCREDITATION STANDARD(S):	REFERENCE: V#C#					
SUBJECT: SCHOOL RESOURCE OFFICERS						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS O. RIPOLI						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE

The purpose of this directive is to establish and codify the policy, procedures, duties and responsibilities of the School Resource Officer Program.

POLICY

The policy of this department is to assign police officers to designated schools on a full-time basis to assist school administrators in formulating response plans to school safety issues.

I. GENERAL

- A. The youth of this borough are our most cherished resource and must be both protected and developed to their greatest potential. As such, the Fort Lee Police Department in cooperation with the Fort Lee Board of Education has established what is known as the School Resource Officer Program. This program is designed to reduce juvenile delinquency and instill civic awareness through a collaborative approach between law enforcement and the educational system, focusing on meaningful communication, prevention, education and information sharing.
- B. School Resource Officers will focus their efforts on developing a rapport with students, faculty and staff members to foster an environment in which information related to crime and other offenses can be obtained, collated and analyzed for

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the good of the students, faculty and community at large. This network will facilitate the sharing of information between school, police and community officials so plans can be developed to reduce the incidence of youth crime.

- C. The program provides school administrators, faculty and staff members with information concerning community problems that may affect students and their academic performance. The SRO can bring the vast resources of the law enforcement profession to bear on local issues. Criminal trends may be shared with educators where permitted by law. This is especially helpful when intervening at the early stages of a developing problem.
- D. The program provides an opportunity to familiarize administrators, faculty and students with the laws of this state and provide information about the juvenile and criminal justice systems. The SRO can arrange classroom or assembly presentations on a wide variety of related topics. The SRO can participate in classroom discussions about laws, values, community and civic responsibilities, criminal procedure, or police discretion.
- E. The program works with various community groups and associations to address problems or potential problems that may impact the safety of our youth. These groups may include, but are not limited to PTAs homeowners associations, tenant associations, community alliance associations, neighborhood watch associations, civic associations, state and county juvenile officer associations, the National Association of School Resource Officers, and the New Jersey Association of School Resource Officers.
- F. The program provides the opportunity for the SRO to develop on-site adjustment programs for students involved in minor delinquent acts. Law enforcement has traditionally utilized this discretion with first time juvenile offenders to informally resolve instances of relatively minor delinquent conduct and keep the youth out of the formalized juvenile justice system.
- G. The program provides for immediate action in handling trespassers on school property. This immediate action sends a clear message that trespassing and disorder will not be tolerated. The safety and security of the student body, faculty and staff is facilitated.
- H. Finally, police officers and students can interact in a non-confrontational setting, fostering an understanding of each other's role in society. Police officers should represent all that is good within society and provide an example for others to emulate at this early learning stage.

II. DUTIES AND RESPONSIBILITIES

- A. Although assigned to the school on a full-time basis, the SRO remains an employee of the police department, supervised under our formal chain of command and subject to all written directives, rules and regulations.
- B. The SRO is assigned to the Investigative Division, Juvenile Bureau, and under the supervision of the Division Commander, Bureau Commander or designees.

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- C. The SRO shall not be considered an employee of the Board of Education.
- D. The SRO shall act under authority granted to them by New Jersey Statutes, New Jersey Attorney General's Guidelines, applicable criminal procedures, State Memorandum of Agreement between Educators and Law Enforcement Officials, and local ordinance.
- E. The Chief of Police, or designee, in cooperation with the Superintendent of Schools or designee shall assign the duties and responsibilities of the SRO.
- F. Specific duties of the SRO include, but are not limited to:
 - 1. Provide relevant training to school staff during the pre-planning period and throughout the school year as requested by the staff.
 - 2. At the beginning of each school year, provide a menu of law enforcement related topics to school officials that can be presented to the students at the administrator's or teacher's request.
 - 3. Shall serve as a role model to students and faculty by exhibiting appropriate attitude, behavior, courtesy and respect.
 - 4. Provide assistance in programs related to peer mediation, conflict resolution, and peer leadership.
 - 5. Provide instruction or resources for specialized, short-term programs involving a wide range of topics such as security, crime prevention, drug and alcohol resistance education, and other criminal justice or juvenile justice topics.
 - 6. Attend school functions such as athletic events, dances, field trips, PTA meetings, faculty meetings and Board of Education meetings.
 - 7. Create, supervise, and/or participate in after school programs.
 - 8. If requested, attend conferences between school personnel and parents regarding individual student or general security concerns.
 - 9. Research and manage available grants to enhance this program.
 - 10. Coordinate the sharing of delinquency intelligence between the school and the police department, as provided for by NJSA 2A:4A-60, and the State Memorandum of Agreement between Educators and Law Enforcement Officials.
 - 11. Assist school personnel in handling emergencies.

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12. Advise the principal, or designee, on matters dealing with the proper handling and security of money, personal possessions and valuable property.
13. Recommend security measures, where indicated.
14. Provide security and surveillance of the assigned areas. Note and report anomalies, accidents, fires, dangerous practices and conditions, and other acts or circumstances requiring investigation and/or remediation for the health and welfare of students and school personnel.
15. Conduct investigations into criminal activity or delinquent activity on school grounds, including trespassers, suspicious persons, or hazardous conditions in accordance with existing police policy and procedures.
16. Warn, detain, cite, and/or take into custody, violators of the law, when necessary.
17. Assist in truancy investigations.
18. Investigate offenses occurring off of school property, provided that these offenses directly relate to students attending the school to which the SRO is assigned.
19. Assist the Principal, or designee, on matters related to the enforcement of child custody orders and domestic violence restraining orders.
20. Assist with Megan's Law notifications received by the school, as directed by the Bergen County Prosecutor, and in conjunction with the departments Megan's Law Liaison.
21. Enforce traffic laws and parking regulations on school property, and assist other public safety officials in traffic control as necessary.
22. Testify in court.
23. Assist with the training of school security personnel.
24. Supervise security at school-sponsored activities and public meetings, as directed.
25. Complete timely and accurate reports in accordance with existing police policy.
26. Assist other law enforcement agencies in establishing an SRO program.
27. Complete any other assignment as directed by the Chief of Police, or designee.

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III. APPEARANCE

- A. The SRO should normally be attired in the uniform of the day.

IV. SCHOOL DISCIPLINE

- A. **The SRO shall not act as a school disciplinarian!** Disciplining students is a school responsibility. However, if the principal, or designee, believes that an incident may be a violation of the law, they may contact the SRO. The SRO will determine whether a law enforcement action is appropriate. The SRO is not to be regularly assigned as a lunchroom monitor or hall monitor.

V. SEARCHES

- A. The SRO shall not routinely participate in student searches conducted by school officials. School officials may search a student based upon reasonable suspicion. A law enforcement official must satisfy the more stringent requirement of probable cause in order to justify a search.
- B. Requiring the SRO to conduct or participate in all school sponsored student searches may invalidate these searches. However, the SRO may conduct searches under circumstances where a search by a law enforcement officer is permitted by law.

VI. ARREST

- A. In cases where the SRO observes a crime or offense on school property during school hours which would justify a warrantless arrest, the SRO shall notify the Principal, or designee, as soon as it is practicable to do so.
- B. The principal or designee shall be notified before a student is removed from school grounds. Every reasonable precaution should be taken to minimize the disruption of the school environment to the greatest extent possible consistent with public safety requirements.
- C. Whenever a planned arrest is to occur on school property, the principal or designee shall be advised and consulted prior to the arrest.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 3	CHAPTER: 5	# OF PAGES: 18	
SUBJECT: SEARCH PROCEDURES			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS:	
REFERENCE: AG Directive 2002-2, R.3:5-3a, R.3:5-3b, AG Directive 2016-1, State v. Alston		ACCREDITATION STANDARDS: 3.1.1	
EFFECTIVE DATE: 09/19/2016		SUPERSEDES: All Previous V7Ch1 Search and Seizure	

PURPOSE The purpose of this policy is to provide guidance to officers in conducting searches and seizures and is not intended to supersede more detailed publications of criminal procedure and case law. It is intended to serve as a brief guide to operational decision-making concerning searches and seizures in the field. Therefore, all applicable cases will not be represented.

POLICY It is the policy of the Fort Lee Police Department to respect and protect the constitutional rights of all persons and to adhere to all law, contemporary criminal procedure, Attorney General's & Prosecutor's guidelines and directives, and applicable court decisions when conducting searches and seizures.

It is also the policy of this department that, unless impracticable or in response to a recognized exception to the warrant requirement, officers should obtain a search warrant in advance of any search of a person, vehicle, or property.

It is further the policy of this department that officers should familiarize themselves and remain current on applicable criminal procedures and case law regarding constitutional issues.

PROCEDURES

I. GENERAL PROVISIONS

- A. Courts will generally view warrantless searches as unreasonable on their face. The state has the burden to prove that a warrantless search was, in fact, reasonable under the circumstances.
 - 1. Justification for a warrantless search and/or seizure is **fact sensitive**.
 - 2. All facts and circumstances that lead an officer to make his/her determination to conduct a warrantless search or seizure must be clearly documented on the report of the incident.
 - 3. Officers should be careful in the choice of words used to describe a legal action or justification (e.g., protective frisks should not be referred to as searches; an inventory of personal property should not be referred to as a search, etc.)
- B. If seizures occur, established evidentiary procedures regarding collection, processing, packaging and recordkeeping apply.
- C. When an officer is in doubt about the legality of any search or seizure issue, they should contact a supervisor. If more clarification is needed, the supervisor or a detective should contact the department's designated assistant prosecutor for direction.
- D. In order to provide protection for individual officers and the department in general, all searches, whether or not they result in a seizure must be clearly documented on the Investigation Report of the event that precipitated the search. The report must contain the reasonable suspicion, probable cause, exigency, and/or other facts and circumstances giving rise to the requisite level of belief supporting the decision to search.
- E. For purposes of this policy:
 - 1. Search refers to an examination of a person's house, building, premises, or separately secured portion thereof; or a person or their effects including electronic devices and databases for the discovery of contraband, illicit or stolen property, or some evidence of guilt for use in a criminal proceeding.
 - 2. Seizure refers to an officer's confiscation of any goods including electronic devices and databases, effects, contraband, or other tangible property or things.
- F. Strip search and body cavity search procedures are described in *Temporary Detention/Holding Facility Policy V5Ch7*.
- G. For purposes of this policy, warrantless searches include, but are not limited to:
 - 1. Searches by consent;
 - 2. Frisks;

3. Searches of motor vehicles;
4. Crime scene searches;
5. Public safety considerations/emergencies and exigencies;
6. Plain view / plain smell / plain touch;
7. Open fields;
8. Searches incidental to arrest;
9. Protective custody searches;
10. Abandonment.

II. SEARCHES SUPPORTED BY A WARRANT

A. Affidavit

1. An affidavit is a written sworn statement made under oath or on affirmation in support of a search warrant before an authorized judge and must establish the requisite probable cause to believe that a crime is being or has been committed and that a search would discover the fruits of the crime.
2. The affiant must include as many facts as possible on the affidavit to support their belief as to the existence of probable cause.
3. Affiants may use information learned from other sources if they can establish both the credibility of the source and the reliability of the source's information by a totality of the circumstances.
4. When relevant facts impacting probable cause arise or come to the attention of the affiant after the warrant application has been made, the affiant must present these additional facts to the judge under oath.
5. When preparing the affidavit, the affiant must particularly describe the place to be searched, the items to be seized, the individual or entity possessing the items and the underlying crime/offense.
6. The description should not be general in nature. When listing a specific street address to search, describe the house/building/structure with sufficient specificity.
 - a. If the place to be searched is partitioned, such as a multi-family dwelling, apartment building, office building, etc., specifically list and describe the intended target place.
 - b. If known, identify the owner(s)/occupant(s)

B. Prosecutorial Review

1. Under the terms of *Attorney General Directive 2002-2*, officers applying for a search warrant from a New Jersey judge must first obtain expressed authorization from an assistant prosecutor of the Bergen County Prosecutor's Office.
2. This rule shall apply to applications for a search warrant made in person pursuant to R. 3:5-3a, as well as to applications for a search warrant that are communicated to a superior court judge by telephone, radio or other means of electronic communication pursuant to R. 3:5-3b.
3. The assistant prosecutor shall determine the appropriate judge before whom the application for a search warrant should be made, and shall assist the affiant in contacting the judge.
4. Whenever practicable, the application for a search warrant should be made to a superior court judge, rather than a municipal court judge since superior court judges have statewide jurisdiction and their probable cause determinations are entitled to substantial deference by other superior court judges who might hear any ensuing motion to suppress physical evidence.
5. The assistant prosecutor may grant approval in writing, electronically (e-mail or facsimile transmission), or orally (by telephone or radio communication).
6. The affiant shall submit to the assistant prosecutor a written copy of the affidavit along with a completed and signed application form.
7. In accordance with *New Jersey Attorney General Directive 2016-1*, detectives shall also complete a *Deconfliction Data Entry Form* and submit it to:
 - a. Monday through Friday 0600hrs – 1800hrs to the HIDTA New Jersey Intelligence Center at:
 - 1) Email: NJHIDTA@usdoj.gov; or
 - 2) FAX: 973-776-1322.
 - 3) Voice: 973-776-7070.
 - b. Monday through Friday 1800hrs – 0600hrs to the Regional Operations and Intelligence Center (ROIC) Watch Center at:
 - 1) Email: ROIC@gw.njsp.org (please call prior to sending documents); or
 - 2) FAX: 609-530-3650.
 - 3) Voice 609-963-6900 (option#1)
8. The assistant prosecutor shall be informed of the response received or that there was no response received after 30 minutes.

9. When impracticable for the affiant to submit a copy of a written affidavit and completed application form, the assistant prosecutor is responsible for making certain that all of the requirements of *Attorney General Directive 2002-2* have been satisfied by means of oral communication with the affiant.

C. Secrecy

1. The events and circumstances surrounding the issuance of a search warrant should proceed with all practicable secrecy, R. 3:5-4. This includes:
 - a. The affidavit or testimony upon which the search warrant is based.
 - b. Following execution, the warrant and accompanying supporting documents including electronic recording(s), duplicate original search warrant, return and inventory.
2. The only exception to this secrecy requirement is that the warrant and the accompanying documentation are to be made available for inspection and copying by the defendant and by any person claiming to be aggrieved by an unlawful search and seizure upon notice to the Prosecutor's Office. All requests for copies and inspection shall be referred to the Prosecutor's Office.
3. Unauthorized disclosure, prior to its execution, that a warrant has been applied for or issued, except as necessary for its execution may constitute contempt and may result in criminal, civil, and/or administrative sanctions.

D. Execution of a Warrant

1. When issued, warrants shall:
 - a. Particularly identify the property to be seized; and
 - b. Name or describe the person or place to be searched; and
 - c. Specify the hours when it may be executed.
2. Warrants must be executed within 10 days and within the hours fixed by the judge and returned to the issuing judge unless otherwise directed by the issuing judge.
3. Warrants may be executed only once, and officers cannot remain on the premises longer than is reasonably necessary to conduct the search.
4. Executing officers shall ordinarily knock and announce their presence before entry. However, an unannounced entry may be deemed proper if officers have a reasonable suspicion that knocking and announcing would:
 - a. Present a threat of physical violence (e.g., where the officers' peril would be increased if knocking preceded the entry); or
 - b. Be futile or a useless gesture (no one home at the target premises, etc.); or

- c. Result in the loss or destruction of evidence and immediate action is required to preserve the evidence.
- 5. The incident should be staffed with sufficient personnel to minimize risk of injury to police personnel, bystanders, or occupants of the place to be searched.
 - a. The identities of all officers involved in the search/seizure should be documented in the report.
 - b. The scene supervisor should ensure that non-essential officers do not have access to the search location.
- 6. The attending supervisor/detective may require the presence of an evidence detective if any large seizure of evidence is anticipated.
- 7. Proceeds of a crime/offense (stolen property, etc.), instrumentalities of a crime/offense (weapons, marks, tape, etc.), and contraband (controlled dangerous substance (CDS), etc.) may be seized.
- 8. Officers shall seize any evidence of criminal conduct including contraband that is inadvertently discovered in plain view during a search with a warrant.
 - a. If a search warrant authorizes the search of something specific and executing personnel discover other evidence not related to the original search, then the evidence discovered in plain view is seized and the search must stop until the search warrant is amended.
 - b. Example: while searching for weapons in an assault investigation, CDS is discovered. The inadvertently discovered CDS can be confiscated as a plain view seizure, but no further search for CDS can be conducted without first amending the search warrant.
- 9. If property is seized under the warrant, the on scene supervisor or detective should ensure that the person from whom or from whose premises the property is taken is provided with a copy of the warrant and a receipt for the property taken. The inventory of property taken will also be returned to the issuing judge. If the person is not present then the search warrant should be left in a prominent location where it will be seen.

E. No Knock Warrants:

- 1. At the time of application, if there is credible information to infer that officer safety will be endangered or evidence will be destroyed when a knock and announce warrant is executed, the applicant (affiant) shall seek judicial permission to make an unannounced entry (no-knock warrant).
- 2. The information upon which this request is based shall be included in the affidavit.
- 3. The applicant (affiant) shall request that the issuing judge indicate on the search warrant itself or on an attached addendum, that he/she is permitting the police to make an unannounced entry.

4. If after a search warrant is obtained, but before the execution is initiated, relevant information is received that an announced entry will jeopardize officer safety or lead to the destruction of evidence, the on scene supervisor shall do one of the following:
 - a. If time permits, revise the affidavit to include this request; or
 - b. If time permits, obtain judicial authorization via telephone for a no-knock entry; or
 - c. If time does not permit judicial authorization, make the decision for the no-knock entry and fully document the basis for the no-knock entry on a separate report, which will become part of the case file.
5. The detective or Tour Commander shall consider the use of tactical resources, such as members of the Emergency Services Unit (ESU) to assist in executing the warrant.
6. The supervisor on scene should ensure that all participating personnel are properly equipped with and wearing body armor on all pre-planned high risk entries in compliance with *Body Armor Policy V2Ch19*

III. SEARCH BY CONSENT

- A. A search by consent may be conducted without a search warrant or probable cause. However, a consent search of a motor vehicle may only be conducted upon reasonable suspicion of criminal activity. To be considered valid, consent must be voluntarily, specific, freely and intelligently given with knowledge of the right to refuse or to revoke at any time prior to the completion of a search by consent.
- B. Officers must alleviate the appearance of coercion by avoiding unnecessary display of weapons, unnecessary personnel, or authority, or by implying that a threat of arrest will be lifted as soon as consent is given.
 1. Factors that do not negate the voluntariness of a consent to search, but which may be considered by a court or other authority during a review to determine if consent was in fact given voluntarily;
 - a. Individual was already under arrest;
 - b. ~~Consent was obtained despite a denial of guilt;~~
 - c. Consent was obtained after individual had refused previous requests;
 - d. Search resulted in the seizure of contraband that the individual knew would be discovered.
 2. Factors that that a court will consider that may indicate consent was voluntarily given:
 - a. Individual was not under arrest;
 - b. Individual believed no contraband would be found;

- c. Individual provided an admission of guilt prior to giving consent;
- d. Individual knew what was being sought;
- e. Individual was not restrained;
- f. Individual was familiar with the officers;
- g. Individual was familiar with criminal justice system;
- h. Individual provided access to area to be searched;
- i. Individual signed a consent to search form;
- j. Individual knew he/she had a right to refuse consent;
- k. Individual knew he/she had a right to be present during the course of the search and stop the search at any time.

C. Permission to enter a structure, including permitted entry to conduct an interview is not to be a pretext to search or misconstrued as permission to search.

- 1. Officers seeking permission to search should avoid unnecessary display of weapons and should make their requests clearly independent of the power and authority represented by their badge. Moreover, permission to enter is not permission to search, whether obtained at the door prior to entry or obtained during entry.
- 2. Following entry, consent to search must be independently requested and specifically given. The exact words chosen by officers and their expression are important in obtaining truly voluntary consent. The language must convey a request, not a command. Additionally, where the person giving consent is in custody, the burden of proving voluntariness becomes more formidable but not impossible.

D. It is preferred that officers complete and submit a **Consent to Search** form whenever such consent is sought and given. The waiver form should be completed in its entirety and the officer's and consenting individual's signatures should appear where applicable prior to commencing the search. However, an officer may instead document the consent on the Mobile Video Recorder (MVR) system provided that there is clear audio and video to demonstrate that the consent procedure is legal and valid.

- 1. Consent to search may be revoked or limited in scope at any time prior to completion of the search.
- 2. A valid consent to search may be given only by the person with the equal rights to the occupation of the premises. If the suspect and another jointly occupy the premises, the latter may be entitled to consent to entry on that portion of the premises jointly occupied and to seize property. Likewise, a spouse may authorize a search of those areas jointly occupied. However, a third party's consent to search will be invalid where a physically present co-occupant of the premises expressly refuses consent. In situations with co-occupants, officers must also take care not to remove the refusing party in

order to gain consent of a co-occupant. Once a co-occupant has refused consent, no consent search may be conducted at that time.

3. Because the scope of permissible consent search is determined by the scope of the consent given, officers must make clear in his/her discussions with the consenting party the precise scope of the consent that the consenting party is providing.
 4. An employer cannot consent to the search of non-common premises used by an employee in his/her work.
 5. Generally, a parent or guardian may consent to a search of a child's property. New Jersey courts have extended this rule to include even the search of an adult child's room if the homeowner parent or guardian consents to the search. If a child refuses to give consent to search common areas of his or her parents' or guardians' home, (e.g. living room, dining room, kitchen) officers may gain consent to search these areas from the parent(s) or guardian(s). New Jersey courts have recognized a certain hierarchy of ownership in these cases. Officers must be careful to differentiate between purely co-occupant situations and children residing with parents or other guardians.
 6. An individual with custody of personal property belonging to another may not consent to its search unless he/she has been given full control over the property. Thus, consent by a person having only limited custody, such as for storage or shipment, is not valid.
- E. A consensual search of a motor vehicle may be conducted after officers develop reasonable suspicion of a criminal activity and consent to the search is provided voluntarily by a person who possesses both apparent authority over the vehicle and an understanding of his or her right to refuse consent to search.
- F. Any motor vehicle stop, which results in a request to search, must meet the following criteria. (Note: These criteria apply equally to officers assisting occupants of a car abandoned on the side of a road):
1. Officers must have a reasonable and articulable suspicion of criminal activity prior to seeking consent to search a lawfully stopped vehicle.
 2. Uniformed officers will document the reasonable suspicion for the consent search on the MVR in the vehicle prior to having the form signed.
 3. The stop should be documented on the patrol car's MVR.
 4. Officers seeking consent to search a motor vehicle will provide the operator with the opportunity to authorize or refuse the consent to search.
 5. A valid consent to search may be given only by the person with the primary right to the occupation of the vehicle.
 - a. If there is more than one occupant of the vehicle and the owner is present, but not driving, the owner should give the consent.

- b. If there is joint ownership and both are present, either one can consent to the search, but a search cannot be conducted if one person objects to the search.
- 6. Before a consent search is conducted, a supervisor should be notified and respond to the scene, if available. It is preferred that the department's **Consent Search Form** be completed and signed by the person authorized to give consent. However, an officer may instead document the consent on the MVR system provided that there is clear audio and video to demonstrate that the consent procedure is legal and valid.
- 7. The consent to search cannot be implemented by officers unless the operator of the motor vehicle authorizes in writing (or on the MVR) to officers his or her consent to a search.
- 8. **Consent to Search** forms will be completed for all consent to search requests of motor vehicle operators. A motor vehicle operator may refuse to give consent to search the motor vehicle.
- G. **Consent to Search** forms will be forwarded to the officer's supervisor for review and filing in the Records Bureau.
 - 1. Where there is an arrest involved the original form will become part of the arrest jacket and a copy will be forwarded to records. If the consent is in verbal form, the consent to search form will indicate, 'see MVR'. The original will be placed in the arrest jacket and a copy sent to the Records Bureau for filing.
 - 2. If no arrest is made, an investigation report will be completed detailing the basis for the search. The original consent to search form will be attached to the investigation report and forwarded to the Records Bureau for filing. If the consent is in verbal form, the consent to search form will indicate, 'see MVR' and attached to the investigation report and sent to the Records Bureau for filing.
 - 3. Records Bureau personnel will maintain a binder containing all consent to search forms.

IV. INVESTIGATIVE DETENTION

- A. Officers have the authority to make an investigative detention in any place where they have a right to be including, but not limited to:
 - 1. Any public place;
 - 2. Any place or area that is open to the public;
 - 3. Any private premises entered with a valid warrant, by consent, or under emergent circumstances.
- B. Investigative detentions should be reasonably brief, generally no longer than the period of time necessary to verify the subject's identity and the reliability of their

account, unless information is obtained that establishes probable cause to make an arrest.

- C. The investigative detention may only be conducted when an officer has an objective reasonable suspicion of criminal activity.
- D. Officers may announce the purpose of the inquiry and begin with exploratory questions regarding the subject's identity.
 - 1. To verify information obtained from the subject or from each other, it may be necessary to remove the subject from within earshot of any radio or telephone conversation.
 - 2. Under some circumstances, the subject may be placed into the rear seat of a police vehicle, when applicable. (Examples: heavy traffic, extreme weather, hostile crowd gathering, etc.)
- E. The courts have consistently ruled that there are three components to justify a frisk in these instances:
 - 1. The protective frisk of a suspect's outer clothing may be conducted only when the officer is in possession of *additional* specific and articulable facts from which he/she can reasonably suspect that the person is armed and potentially dangerous (*Terry v. Ohio*).
 - 2. The frisk must be strictly limited in scope; designed solely to uncover hidden weapons. The purpose of this frisk is not to discover evidence of a crime; but to allow officers to pursue their investigations without fear of violence.
 - 3. A frisk cannot be confused as a search for anything other than a weapon.
- F. Detainees of the opposite sex should be frisked with the backside of the officer's hands or with a search stick/device unless an officer of the same sex is immediately available. Note: officers are not required to delay any frisk if the facts and circumstances reasonably infer that a subject is armed.
- G. Officers may conduct a protective frisk of the passenger compartment of a motor vehicle during an investigatory detention when they have a reasonable suspicion that the person or persons detained may be armed or able to gain immediate control of a dangerous weapon. If the basis for the belief is movement within the vehicle, officers should inquire as to the nature of the movement and may only continue with a frisk if the individual provides an unsatisfactory explanation or denies making the movement. When officers have this level of belief, they may search the passenger compartment, limited to those areas where the movement occurred and closed containers in which a weapon may be placed or ~~hidden~~ within those areas. A vehicle frisk cannot be conducted where all occupants have been removed and arrested or where no occupants will be allowed to re-enter the vehicle during the encounter.
- H. The sole justification for these frisks is the protection of the police officers and others nearby.
- I. The term *search* should not be used in any reports or documents describing a frisk.

V. SEARCH OF MOTOR VEHICLES

- A. In accordance with State v. Alston, 88 N.J. 211 (1981), the automobile exception to the warrant requirement authorizes the at-scene warrantless search of a motor vehicle only:
 - 1. When officers have probable cause to believe that the vehicle contains contraband or evidence of an offense; and
 - 2. The circumstances giving rise to probable cause are unforeseeable and spontaneous.
- B. Once a motor vehicle is impounded and under the control of the police department the warrantless motor vehicle exception no longer exists and a search subsequent to the impoundment requires a search warrant,
- C. A search under this exception extends to parts of the vehicle, as well as to all containers that a reasonable officer through experience or observation would lead them to believe that evidence of a crime or contraband exists. If the probable cause extends only to a particular container in the vehicle then a search of the entire vehicle and any other containers may not be justified. This is a fact specific issue and is typically judged on a case-by-case basis using a common sense standard.
- D. In order to conduct an at-scene warrantless search of a motor vehicle, the following requirements must be met:
 - 1. The initial stop is not a pretext; and
 - 2. There must be probable cause to believe the vehicle contains contraband or other evidence subject to official seizure; and
 - 3. Such probable cause must be unforeseeable and spontaneous; and
 - 4. The motor vehicle must be readily mobile.
- E. A search of a stolen vehicle may be considered on a case-by-case basis. The courts recognize a reasonable expectation of privacy in some cases for occupants of a stolen vehicle. If clarification is needed, a supervisor or the department's designated assistant prosecutor should be contacted for assistance.
- F. A limited search of a vehicle may also be conducted to retrieve ownership credentials. Such a search must be limited to those areas where the ownership credentials are normally kept, such as glove compartments, center consoles, and visors. Once the ownership credentials are located the search must cease. Implicit in this type of search is that there must be a reasonable opportunity for the owner/operator to produce the required documentation. Any further search would require separate probable cause with an exigency or consent.
 - 1. A search for ownership credentials is allowable under the following circumstances:
 - a. The motorist has been asked to provide ownership credentials and has failed to do so; or

- b. The information provided by the motorist leads to a reasonable belief that the motorist is lying as to his/her identity; or
 - c. To retrieve rental or lease agreements that may prove or disprove the authority to have the vehicle; or
 - d. There is reasonable belief that the motorist is not in lawful possession of the vehicle.
- 2. Any contraband or items of evidentiary value that are in plain view during the ownership credential search may be seized. Adequately describe the location of all seized items in the Investigation or Arrest report.
- 3. When appropriate and supported by probable cause, motorists and/or passengers shall be arrested.
- G. Nothing in this section imposes any new limitations on an officer's ability to conduct probable cause searches or Terry frisks of operators/passengers when case-specific facts of a vehicle stop support such action.
- H. If officers develop probable cause to arrest a vehicle operator for Driving While Intoxicated (DWI), a search for open containers of alcohol may be conducted if there is probable cause to believe that such containers are present in the vehicle. The search must be confined to areas where an open container may be kept (e.g., center console, cup holders, secreted around the seat etc.)

VI. CRIME SCENE SEARCHES

- A. The fact that a crime has been committed does not in and of itself give officers the right to conduct a warrantless search of the scene. While this does not preclude officers who are legally present from seizing evidence that is in plain view, it does prohibit unlimited searches.
- B. Generally, there is no impediment to search when the victim of a crime invites officers to search and/or investigate the crime scene. An example could be a burglary investigation. These searches generally fall under the emergency aid and community caretaking function.
- C. Officers are permitted to conduct protective victim/suspect fan-out searches of a crime scene to determine the presence of victims or suspects.
- D. However, there may be exigent circumstances that would justify a warrantless search of a crime scene. In the absence of such circumstances, a search warrant or valid consent should be obtained prior to conducting a crime scene search.
- E. General exceptions or circumstances that may justify such a search include, but are not limited to:
 - 1. Degree of urgency involved and the amount of time necessary to obtain a search warrant
 - 2. Reasonable belief that evidence/contraband is about to be removed or destroyed

3. Possibility of danger to officers securing the scene while a search warrant is being sought
4. Information indicating that suspects in possession of evidence/contraband are aware of immediate or imminent police interdiction
5. Ready destructibility of the evidence/contraband and the knowledge that efforts to dispose of the evidence/contraband and to escape are characteristic behavior of suspects engaged in this type of criminal activity.

VII. PUBLIC SAFETY CONSIDERATIONS/EMERGENCIES AND EXIGENCIES

- A. Officers are not required to delay the conducting of an entry or search if to do so would endanger their safety or the safety of others. Therefore, if officers have reasonable grounds to believe that a firearm or other condition exists that poses a severe threat to public safety, that officer may take whatever action deemed appropriate to thwart that threat.
- B. Officers who have reasonable cause to believe a place contains substances imminently likely to burn, explode, or otherwise cause death, serious bodily injury, or substantial destruction of property may, without a warrant, enter and search the premises to the extent reasonably necessary for the prevention of such death, serious bodily injury, or destruction.
- C. Officers who take such action must make every effort to immediately notify their supervisor of the condition and of the action to be taken and those actions subsequently carried out.
- D. Under the emergency aid doctrine, two elements must be met before officers conduct a warrantless search:
 1. There must be a reasonable and objective basis to believe that a real emergency exists and immediate action is required to protect or preserve life or to prevent serious injury; and
 2. There must be a connection or nexus between the emergency and the area entered or searched.
- E. Once inside of a premise or area, an officer's conduct must be carefully limited to achieving the objective that justified the entry. If the officer(s) determines that his or her assistance is, in fact, not needed, the officer(s) must depart without exploring further.

VIII. PLAIN VIEW / PLAIN SMELL / PLAIN TOUCH

- A. Officers may seize evidence of a crime or contraband that is in plain view without first obtaining a search warrant when the following conditions apply:
 1. Officers must lawfully make the initial intrusion or lawfully be in the viewing area.

2. Officers must have probable cause to believe that the items observed are evidence of a crime, contraband, or otherwise subject to official seizure.
 3. The discovery of the item must be inadvertent; meaning that officers did not have prior knowledge the item would be there and is using the exception to circumvent the warrant requirement. A mere hope that evidence will be seen does not make its discovery advertent.
 4. Plain view may be extended to the recognition of evidence/contraband by any of an officer's senses (sight, touch, smell). For touch, the initial frisk must be justified.
 5. When conducting a vehicle stop for any reason, officers are encouraged to visually scan the interior of the stopped vehicle. Use a flashlight if necessary. The initial scan must be conducted from outside of the vehicle.
- B. Officers can lawfully enter a motor vehicle for the sole purpose of retrieving any contraband that is in plain view. See subsection V. Search of Motor Vehicles for additional instructions. Adequately describe the location where all seized items were found in the Investigation Report.
- C. Smell alone is sufficient to arrest in instances where the odor of raw or burnt marijuana is detected.
1. The occupant(s) of the vehicle must be searched incidental to arrest.
 2. Officers should request consent to search the occupant(s) or the vehicle as warranted, see subsection III. Search by Consent
 3. If officers develop sufficient cause to search the vehicle, see subsection V. Search of Motor Vehicles for instructions.
 4. Note: An admission by an occupant of a motor vehicle that marijuana was consumed within the vehicle or other contraband is contained within the vehicle will be used as part of the justification to request consent to search, help to establish probable cause, or be included in the affidavit in support of a search warrant application.

IX. OPEN FIELDS

- A. Officers are permitted to enter and search an open field without a search warrant. The special and unique safeguards provided by the Fourth Amendment to people in their persons, houses, papers, and effects, is not extended to open fields. Open fields are not houses, nor can they be considered effects.
- B. An open field is best described as a place that has no protected reasonable expectation of privacy. Examples include, but are not limited to:
1. Common woods/forests;
 2. Public parks and playgrounds;
 3. Fields or farm lands;

4. Lakes, reservoirs, waterways, marshlands or riverbanks.
- C. Constitutional restrictions may apply in an area immediately surrounding a home, (i.e. curtilage). An officer should consult with a supervisor before making this type of search.

X. SEARCH INCIDENTAL TO ARREST

- A. The search incident to arrest exception to the warrant requirement has two specific purposes – the protection of personnel and the preservation of evidence.
- B. Upon making a lawful arrest, officers should conduct a contemporaneous (happening during the same period of time) search of the arrested person and the area within that person's immediate control. Immediate control means the area within reach, from which the arrested person(s) might gain possession of weapons, destructible evidence, or implements of escape.
- C. Officers must ensure that the arrest is not a pretext to search. A search will not be incidental to arrest if it takes place at a different time and place than the arrest.
- D. The area within immediate control includes any packages in the arrested person's possession or control at time of arrest but, once officers have reduced the personal property not immediately associated with the person of the arrestee to their exclusive control, and there is no longer any danger that the arrestee might gain access to the property to seize a weapon or destroy evidence, a search of that property is no longer incident to the arrest.
- E. Once the occupant of a vehicle has been arrested, removed and secured elsewhere, the search incident to arrest exception may be absent and the exception inapplicable. If the occupant has been arrested, but not removed and secured, the court will have to determine on a case-by-case basis whether the suspect was in a position to compromise police safety or evidence to justify a resort to the search incident to arrest exception.
- F. If the area within the arrested person's immediate control is a room, only those portions of the room within the actual reach of the subject may be searched.
 1. There is no comparable justification for routinely searching any room other than in which an arrest occurs or for searching through desk drawers or other closed or concealed areas in that room itself.
 2. If there is reasonable belief that a person(s) who poses a threat to those present is in the home, a protective sweep of the home is permissible. A protective sweep is a quick and limited cursory visual inspection of places where a person may be hiding.

XI. PROTECTIVE CUSTODY SEARCHES

- A. Officers may search a person taken into protective custody to look for weapons or implements that can be used to injure police personnel, the person in protective custody, or others. Reasons for protective custody include, but are not limited to:

1. A person with mental illness;
 2. A person with emotional disorder;
 3. A person who is a threat to him/herself or others;
 4. A person who is semi or unconscious;
 5. A person who is suicidal
- B. The search may disclose medical identification tags, medallions, or bracelets to assist medical personnel in treating the person.
- C. Officers shall inventory all items taken and safeguarded for eventual return to the person (except for any contraband seized).
- D. Officers shall document their actions including a protective custody search in a report on the incident.

XII. ABANDONMENT

- A. An individual who abandons property relinquishes a reasonable expectation of privacy in that property. Therefore, there can be no Fourth Amendment seizure in the sense of the law when officers search the contents of such property after it has been so abandoned.
1. The officer must ensure that the abandoned property was voluntarily discarded or left behind and the owner has relinquished his interest in the property in question and there are no other apparent or known owners of the property.
 2. If the abandoned property is a building, there must be clear, unequivocal and unmistakable evidence that the property has been abandoned before a warrantless search can be conducted. This can be determined by ongoing surveillance conducted by the officers, obtaining utility and tax records, observation of the condition of the house etc. in order to prove the property is indeed abandoned.
- B. Note: the New Jersey Constitution recognizes that citizens have a reasonable expectation of privacy in their garbage when discarded in typical opaque bags. (The seizure of the bags is generally considered proper; but the search of the bag requires a warrant.

XIII. CANINE ALERTS

- A. Positive canine alerts can help establish probable cause and be considered for the motor vehicle exception. Absent consent, probable cause and an exigency must still be established for a warrantless search. Potential circumstances for exigency regarding motor vehicle searches are discussed in subsection V.
- B. The use of trained drug-sniffing dogs to patrol school hallways for the purpose of detecting CDS inside student lockers does not constitute a search.

1. The dog's actions in alerting the dog's handler to the presence of the odor of CDS in a specific locker may constitute probable cause to believe the locker and/or contiguous lockers contain CDS; and
 2. Once probable cause is established, consent may be obtained, a search warrant may be obtained or, if sufficient exigent circumstances are present, a warrantless search of that locker and/or contiguous lockers may be conducted.
- C. Personnel shall adhere to the policies and guidelines issued by the Bergen County Prosecutor's Office, and the Memorandum of Agreement between the Borough of Fort Lee and the School District if a canine is being considered to conduct sniffs in a public school.

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 1	CHAPTER: 3	# OF PAGES: 7	
SUBJECT: SELECTION			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS:	
REFERENCE: N.J.S.A. 11A:1-1, N.J.A.C. 4A:1-1		ACCREDITATION STANDARDS: 2.5.1, 2.5.2	
EFFECTIVE DATE: 08/29/2016		SUPERSEDES: Selection Process V1Ch3	

PURPOSE The purpose of this directive is to provide statutory and procedural guidelines concerning the recruitment and selection of all personnel for the Fort Lee Police Department.

POLICY The Fort Lee Police Department is a New Jersey Civil Service Commission jurisdiction subject to N.J.S.A. 11A:1-1 et seq. and N.J.A.C. 4A:1-1 et seq. in all employment decisions. The goal of the Fort Lee Police Department is to recruit and select the best candidates available in order to create a lower rate of personnel turnover, fewer disciplinary problems, higher morale, stronger community relations and more efficient and effective services. Also, the Fort Lee Police Department is a strong supporter of equal employment opportunity (EEO). This support includes removing barriers that prevent people of all classes from being treated fairly in employee recruitment, selection, and employment. Similarly, the agency supports affirmative action in its recruitment process.

PROCEDURE:

I. Civil Service Commission Methods of Selection of Personnel

- A. The goal of the Fort Lee Police Department is to develop and maintain an efficient, effective and fair process for the selection and appointment of personnel. This process includes choosing individuals who best possess the skills, knowledge and abilities necessary to carry out the duties of the applicable position.
- B. The New Jersey Civil Service Commission provides for open competitive examinations. This includes the following:
 - 1. The announcement and administration of the examinations that fairly test the knowledge, skills and abilities required to perform the duties of the applicable position (these examinations may include written, oral and performance tests along with an evaluation of education and experience);
 - 2. The rating of examinations;
 - 3. The security of the examination process and appropriate sanctions for a breach of security;
 - 4. The selection of special examiners to act as subject matter specialists or to provide other assistance; and
 - 5. The right to appeal adverse actions relating to the examination and appointment process, which will include but not be limited to rejection of an application, failure of an examination, and removal from an eligible list.
- C. The New Jersey Civil Service Commission provides for procedures to be utilized for the selection of personnel from the Special Employment List, commonly known as the "Rice" list, and Intergovernmental transfers pursuant to N.J.S.A. 40A:14-180 and N.J.A.C. 4A:4-3.9 and 3.10.
- D. The Borough Administrator shall serve as appointing authority pursuant to Chapter 4 and applicable State statutes.
- E. Maximum Hiring Age Requirement for Municipal Police Officer
 - 1. When applicants for Municipal Police Officer, Municipal Police Officer bilingual in Spanish and English and Municipal Police Officer bilingual in Korean and English positions reach their 35th birthday, they are considered to be over 35 years of age and are not eligible for appointment to the title, except for the following situations:
 - a. Applicants age 45 and under (applicants are considered to be over 45 years of age on their 45th birthday) as of February 25th, of application year who previously served in the following law enforcement titles, may deduct the amount of time they served from their current age to qualify for the maximum age 35 requirement. However, if they were separated from that prior service due to removal for cause on charges of misconduct or delinquency, they are not eligible for this age reduction exception.

- 1). Municipal Police Officer (& Bilingual in Spanish or Korean and English)
 - 2). County Police Officer/Sheriff's Officer (& Bilingual in Spanish or Korean and English)
 - 3). State Trooper
 - 4). SEPTA Police Officer
 - 5). AMTRAK Police Officer
- b. Applicants over age 45 as of February 25th, of application year may deduct previous service in the above titles only if they were separated from that service due to layoff.
 - c. Applicants may also deduct from their actual age the amount of time they served in the military, only during the conflicts and under the conditions for which they would qualify for Civil Service veteran's preference, to qualify for the maximum age 35 requirement.

II. Department Selection of Sworn Personnel

- A. If selection method is from an open competitive examination the Borough Administrator shall request from the New Jersey Civil Service Commission a certified list of eligible candidates.
 1. Candidates on the eligible list will be notified in writing by the New Jersey Civil Service Commission to determine their interest in proceeding in the selection process. Candidates not responding to the notification will be removed from the eligible list.
 2. Eligible candidates from an open competitive list shall be contacted by the Fort Lee Police Department to determine if they meet the eligible requirements.
 - a. Candidates not meeting eligibility requirements (age, residency, etc.) shall be disqualified.
 3. Candidates meeting eligibility requirements shall complete a Police Department application.
 4. The department shall conduct an oral interview of the candidate(s) before making a final selection of candidate(s).
 5. The Rule of Three may be utilized in selecting a candidate(s) only if utilizing such rule does not conflict with any other New Jersey Civil Service rule or regulation and applicable law.
- B. Pursuant N.J.S.A. 40A:14-180 and N.J.A.C. 4A:4-3.9 and 3.10 eligible candidates may be selected from the Special Employment List, commonly known as the "Rice" list, or the Intergovernmental transfer program.

1. If selection method is from the "Rice" list the Borough Administrator shall request from the New Jersey Civil Service Commission a certified list of eligible "Rice" list candidates.
 - a. Candidates meeting eligibility requirements shall complete a Police Department application.
 - b. The department shall conduct an oral interview of the candidate(s) of their choosing before making a final selection of candidate(s).
2. Intergovernmental eligible candidate(s) are generally recruited and therefore, there is no eligibility list other than meeting the New Jersey Civil Service Commission rules concerning intergovernmental transfers and applicable laws and regulations pursuant to N.J.S.A. 40A:14-180 and N.J.A.C. 4A:4-3.9 and 3.10.
 - a. The department shall conduct an oral interview of the candidate(s) of their choosing before making a final selection of candidate(s).

III. Background Investigation- Sworn

- A. The Chief of Police will assign officers to the Background Investigation Unit under the Command of the Training Bureau Supervisor and Administrative Division Commander.
- B. The Background Unit will conduct background investigations of applicants from the list, including the Rice list, provided by the Civil Service Commission, as well as intergovernmental transfers.
- C. A background investigation will be conducted on all candidates for all positions prior to appointment in accordance with the agency Background Policy, V1Ch8 that will include at least the following:
 1. A review of the candidate's application to confirm/verify meeting eligibility requirements for the position applied for;
 - a. Applicants must be citizens of the United States as of the deadline date for the application.
 - b. Applicants must be residents of New Jersey. Additionally, applicants must meet the residency requirements of the appointing jurisdiction as of the date of the application deadline.
 - c. Applicants must be graduates of high school or vocational high school, or possess an approved High School Equivalent Certificate. If applicants graduated by June 30, of application year, they are eligible for this announcement.
 - d. Appointees will be required to pass thorough medical and drug screening, and psychological/psychiatric examinations. Failure of any of these examinations will be cause for rejection.
 - e. Appointees will be required to successfully complete a training program mandated by the New Jersey Police Training Commission.

- f. Appointees will be required to possess a driver's license valid in New Jersey as operation of a police vehicle is necessary to perform the essential duties of the position.
- 2. A check of the applicant's driving history, as driving is a requirement of the position;
- 3. Verification of at least three personal references;
- 4. Verification of residency which are defined in the Recruitment Plan;
- 5. Check of the Domestic Violence Central Registry and the New Jersey Central Drug Registry.
 - a. The department will conduct a thorough background investigation of all potential new employees to determine if there is a criminal history with particular attention to acts of domestic violence, sexual abuse, stalking, elder abuse, or child abuse, including a check of the Domestic Violence Registry to determine the existence of any active restraining orders and to determine if there is a history of domestic violence.
 - b. Candidates shall be interviewed about any history of acts of domestic violence, sexual assault, stalking, elder abuse, or child abuse and past or present restraining orders and their disposition.
 - c. Applications for employment to the position of police officer shall be required to provide information on these topics.
 - d. Those candidates with a history of perpetrating acts of domestic violence, sexual assault, stalking, elder abuse, or child abuse shall be identified and declared ineligible for employment as police officers.
 - e. Candidates will be checked against the New Jersey Central Drug Registry.
- 6. A fingerprint check for criminal record.
- 7. Additional checks may be conducted as specified in the Background Investigations Policy V1Ch8.

IV. Medical Exam

- A. A medical exam will be conducted on all sworn candidates prior to appointment, but after being given a conditional offer of employment, to certify the general health of each candidate.
- B. Drug Screening will be conducted on all sworn candidates prior to appointment, normally after being given a conditional offer of employment, to certify the general health of each candidate.

V. Psychological Exam

- A. A psychological fitness examination of each candidate for a sworn position will be conducted by a qualified professional prior to appointment, but after being given a conditional offer of employment.
- B. The examination will be conducted by a licensed psychologist of the Borough's choosing. The results shall be binding.

VI. Selection of Non-Sworn Personnel

- A. Requests to hire civilian staff members must be supported by ample justification and coordinated through the Chief of Police and office of the Borough Administrator subject to budgetary constraints.
- B. The New Jersey Civil Service Commission classifies job positions (job titles) as either competitive or non-competitive. Competitive positions generally require a testing process while non-competitive positions do not.
 - 1. Appointment to a competitive job title is considered provisional until the New Jersey Civil Service Commission conducts its testing process.
 - 2. Any testing for a competitive position is generally performed within 12 months following appointment.
 - 3. The New Jersey Civil Service Commission may waive the testing process if there are less than four (4) applicants. This process will be coordinated by the Borough Personnel Office.
- C. The working test period for full-time non-sworn employees is three months of active service from date of employment, which may not be extended (N.J.A.C. 4A:4-5.2).
- D. The Chief of Police reserves the right to assign (or reassign) civilian employees from division to division, bureau to bureau, unit to unit, shift to shift, at any time and for any reason consistent with their job description and existing collective negotiation agreement.
- E. Civilian employees are representatives of this agency, Fort Lee and are subject to the provisions of this agency's written directive system and Rules & Regulations.

VII. Background Investigation- Non Sworn

- A. A background investigation will be conducted on all candidates for all positions prior to appointment that will include at least the following:
 - 1. A review of the candidate's application to confirm/verify meeting eligibility requirements for the position applied for;
 - 2. A check of the applicant's driving history, if driving is a requirement of the position;
 - 3. A fingerprint check for criminal record;

4. Verification of at least three personal references.

VIII. Hiring

The Mayor and Council of the Borough of Fort Lee will vote on hiring officers to the position of Police Officer through a process governed by ordinance.

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE:	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME IV
	4/8/99					
VOLUME TITLE: OPERATIONS	# PAGES: 5					
ACCREDITATION STANDARD(S):	REFERENCE: V4C16-4					CHAPTER 16
SUBJECT: SEMI-AUTOMATED EXTERNAL DEFIBRILLATOR (SAED) EQUIPMENT USE & MAINTENANCE						
						DISTRIBUTION 1 2
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						
						EVALUATION DATE:
ATTORNEY GENERAL, PROSECUTOR'S OFFICE REFERENCE						

PURPOSE:

To establish guidelines for the use and care of departmental Physio-Control Lifepak 500 Semi-Automated External Defibrillator (SAED).

POLICY:

To identify individuals requiring early defibrillation along with procedures to be implemented following the use of the Physio-Control Lifepak 500 Semi-Automated External Defibrillator (SAED).

PROCEDURE

I. RULE:

- A. The altering, exchange, removal or remodeling of any equipment or parts thereof (except that which occurs through normal use) from the way it was issued is prohibited, unless approved and ordered by the Administrative Division.

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- B. Employees shall not use department-owned equipment or supplies for their personal use.
- C. Department-owned equipment or supplies must be available for inspection by a supervisor at all reasonable times.
- D. All employees shall be held responsible for all department-owned equipment or property issued to them or placed in their care.

II. PROCEDURE

- A. To apply the Physio-Control Lifepak 500 SAED, Fort Lee Police Officers must satisfy the following training requirements:
 - 1. Cardio-Pulmonary Resuscitation (CPR)
 - 2. Emergency Medical Technician (EMT)
 - 3. Emergency Medical Technician Defibrillator (EMT-D)
- B. Storage and Inspection
 - 1. The defibrillator units will be stored in the shotgun closet behind the Tour Commander's Desk.
 - 2. All EMT-Ds will make an entry in the SAED Log Book when the SAED is removed from storage and taken on the road at the beginning of their tour of duty. The units shall be returned to storage at the end of each tour. Each EMT-D should have a SAED in their patrol vehicle unless there is:
 - a. a malfunction of a SAED
 - b. more SAED units than qualified officers
 - 3. The Tour Commander should ensure that defibrillator units are placed in service by EMT-Ds during their tour unless there is:
 - c. a malfunction of a SAED
 - d. more SAED units than qualified officers
 - 4. The unit should be inspected to ensure that all required equipment and supplies are included with the unit. Any problems are to be reported to the Tour Commander.
 - a. If the problem is corrected, the unit may be placed in service.
 - b. If the problem can not be corrected, then the officer shall take the unit out of service, tag the unit as such. The Tour Commander shall notify the Administrative Division Commander of the status of the unit.

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5. Defibrillators will normally be secured in the trunk of the vehicle near the oxygen unit.
6. When the weather temperature is greater than 100 degrees (F) or less than 0 degrees (F), the defibrillators will be stored inside the vehicle and not in the trunk.

C. Application

1. The defibrillator should accompany the officer on all incidents requiring oxygen along with incidents having a high probability for its application.
2. The SAED should be applied to persons found in cardiac arrest (no respirations and no pulse). If CPR is indicated the defibrillator should be applied and utilized consistent with EMT-D training.
3. The SAED should not be applied to:
 - a. Children under 90 pounds
 - b. Trauma codes or obvious mortal injuries.
 - c. Patients that have a valid DNR
 - d. Patients who are obviously dead – Rigor Mortis, Lividity etc.
 - e. Any individual found with a pulse.
4. The SAED will not be operated in or around:
 - a. water
 - b. bathtubs or hot tubs
 - c. pools
 - d. flammable liquids or gases
5. The SAED should not be used to determine if a patient has or does not have a pulse.
6. The officer will provide the responding Ambulance Corps. crew with a verbal summary of the incident.
7. Once an EMT-D treats a patient with a SAED they will:
 - a. continue treatment and monitoring until relieved by either:
 - (1) another EMT-D (PD or VAC) that will continue treatment with the original SAED.
 - (a) The SAED must be picked up by the EMT-D officer when the Ambulance Corps. returns to town, unless the Tour Commander has authorized other arrangements.
 - (2) a Paramedic Unit (ALS)
 - (3) the Emergency Room staff

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- b. Once the SAED unit is used it must remain on the patient until they are received by the ER staff, unless a Paramedic unit which applies their own monitoring equipment relieves the EMT-D.
- c. The SAED unit may be turned off as the Patient Record data remains stored in one of the units two memory slots until electrodes are connected to a third patient. Data is not deleted by turning off the SAED unit.
- d. Complete the EMT-D Patient Report #EMS-26 (Appendix A).
- e. Download the SAED Event Summary stored in the unit's memory into the Tour Commander's Computer.
 - (1) Make sure the SAED unit has been turned off for at least 60 seconds.
 - (2) Plug the computer cable into the SAED.
 - (3) Take the mouse and point it on "SAED 500" and double click on "SAED 500".
 - (4) Using the mouse click on "Download" tab then "Download from Defibrillator" then make sure "Current Record – Complete" is checked.
 - (5) The Patient Record data will now download onto the computer.
 - (6) Using the mouse click on "Patient Record Data" tab, then fill in with known information. The Case # must be entered in the Incident # space.
 - (7) Using the mouse click on the "Save" tab, then click on "Save to Hard Disk" placing the case number in the file name box, click on "Save". The data is now saved on the hard drive.
 - (8) Using the mouse click on the "Print" tab, check off "All Reports" then click on "OK"
 - (9) Using the mouse click on the "Checklist" tab, click on "Exit Program", then click on "Yes" and the program will shut down.
 - (10) Review the EMT-D Patient Report #EMS-26, the Event Log Report and the Summary Report.
 - (11) Fax both reports to Hackensack University Medical Center at 489-0195.

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- (12) Submit the EMT-D Patient Report #EMS-26, the Event Log Report, the Summary Report and the fax receipt, to the Tour Commander for filing in the Records Bureau.

Note: If the patient is transported to Hackensack University Medical Center, the ER computer should be used to print up the Event Summary for the hospital. The above downloading procedure must still be completed for the Tour Commander's computer.

8. The officer will obtain a replacement Redi Pak Quik-Combo Pad (#3008497-661) leads from storage closet in HQ, before placing the SAED back in-service and available for calls.

D. Maintenance

1. The Physio-Control Lifepak 500 SAED case, display, crevices and accessories should be cleaned when necessary with only a damp sponge or cloth containing either rubbing alcohol (isopropyl) or Peroxide solutions.
2. The Physio-Control Lifepak 500 SAED performs automatic tests at 0300 hours and maintains a test log. If the SAED detects a problem during an automatic test that requires immediate service, it activates an intermittent audible alarm.
3. The service indicator message (a red monkey wrench) will appear above the LCD if the SAED detects a problem that requires service. If the service indicator is on but not flashing the SAED can still be used.
4. If the SAED detects a problem that requires immediate service, the service indicator (a red monkey wrench) flashes and the "*Call for Service*" message appears. Turn the SAED off and on. If the "*Call for Service*" message disappears the unit can be used. If the "*Call for Service*" reappears, the unit will not be used. In the event that this occurs during a call, request that another unit be dispatched.
5. Any problems are to be reported to the Tour Commander.
 - a. If the problem can not be corrected, then the officer shall take the unit out of service, tag the unit as such. The Tour Commander shall notify the Administrative Division Commander of the status of the unit.
6. The non-rechargeable battery has a shelf life of 5 years or a minimum of 240 shocks. The Redi Pak Quik-Combo Paks have a two-year shelf life. The manufacturer may be contacted at (800) 442-1142:
Parts extension 2369 then 8
Service extension 2917

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DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 09/08/2008	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME I
VOLUME TITLE: ADMINISTRATION	# PAGES: 3					CHAPTER 27
ACCREDITATION STANDARD(S):	REFERENCE: V#C#					
SUBJECT: SEPARATION FROM DUTY						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS O RIPOLI						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE

To outline the responsibilities and procedures of the department and employees in instances where employees desire to separate from service either through retirement or resignation.

POLICY

Any employee may voluntarily withdraw from service at any time by tendering written notice of retirement or resignation to the Chief of Police.

I. PROCEDURES

- A. All notices of retirements or resignations shall be submitted to the Chief of Police in report form.
- B. Employees should submit notices of retirements or resignations at least fourteen calendar days before the date of separation, unless the department waives such time requirements.
- C. The division commander on duty is authorized to accept notices of retirement or resignation from any employee.
 1. Whenever a commander accepts a notice of retirement or resignation from an employee, the commander shall immediately cause the Chief of Police to be notified of such action.

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2. The division commander of the employee retiring or resigning shall be responsible for obtaining all items of government property issued by the department and forwarding them to administration.
- D. Commanders shall make arrangements to have a separation from service interview conducted with retiring or resigning employees assigned to their command prior to the effective date of such action.
1. The interviews shall be conducted by the appropriate captain of the retiring or resigning employee, in the presence of the Chief or Deputy Chief.
 2. The results of such interviews shall be forwarded to the Chief of Police.
- E. Use of accumulated time.
1. Supervisor in charge of the records bureau will assist the employee with their request for either the use, or compensation for accumulated time, the Chief of Police must approve the use of this time.
 2. A memorandum will then be sent to the Borough Administrator listing:
 - a. Totals of;

Shooting days, all accumulated.

Vacation days, Current year after February 1st, and passed 2 years accumulated.

Holidays, prorated up to month of separation.

Time due, all accumulated.

Personal days, balance for present year.

Shift days, Prorated 1 per month .

Garcia days, all accumulated.

Unused sick days, half of all accumulated up to 180.
 - b. Memorandum will then state "I certify that, to the best of my knowledge, this is the accrued time due to me. I further certify that, should I use any of this accrued time prior to retirement, I will notify payroll department and have the time adjusted accordingly"

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- c. The officer will then sign the memorandum and submit it to the Chief of Police for his signature, it will then be forwarded to the Borough Administrator.

PLEASE NOTE THAT THIS POLICY DEALS WITH THE INTERNAL PROCEDURES OF THE FORT LEE POLICE DEPARTMENT AND THE BOROUGH OF FORT LEE. EMPLOYEES ARE STRONGLY ENCOURAGED TO CONTACT THE NEW JERSEY DIVISION OF PENSION AND BENEFITS WELL IN ADVANCE OF THEIR INTENDED RETIREMENT DATE. THE DIVISION RECOMMENDS AT LEAST SIX MONTHS IN ADVANCE AND THAT THE EMPLOYEE ATTEND THE ONE DAY PRE-RETIREMENT SEMINAR OFFERED AT THE POLICE ACADEMY.

THE DIVISION OF PENSION AND BENEFITS CAN BE CONTACTED AT:

50 West State Street
PO Box 295
Trenton, NJ 08625-0295 OR ONLINE AT <http://www.state.nj.us/treasury/pensions/>

FORT LEE POLICE DEPARTMENT POLICY & PROCEDURES			
VOLUME: 2	CHAPTER: 5	# OF PAGES: 9	
SUBJECT: SICK LEAVE PROCEDURES			
BY THE ORDER OF: _____ Keith M. Bendul Chief of Police		REVISIONS: 	
REFERENCE: 		ACCREDITATION STANDARDS: N/A	
EFFECTIVE DATE: 07/27/2016		SUPERSEDES: Sick leave and Worker's Compensation Procedures V1Ch22 (only sections that apply to sick leave)	

PURPOSE:

To establish and maintain uniform procedures to record, confirm, and monitor the use of sick leave by all full time employees of the Fort Lee Police Department, both sworn and civilian.

POLICY:

It is the policy of this agency to maintain effective methods in dealing with employee use of sick leave in order to meet staffing requirements of daily operations and maintain police related services.

In view of the above, employees on sick leave are required to comply with all follow up procedures prescribed herein, as well as any additional directives given to the employee by a supervisor or authorized departmental physician. Any use of sick time, regardless of duration, is subject to verification by a department-authorized physician.

PROCEDURES:

I. Definitions:

- A. **Sick Leave:** Absence from duty by an employee, for reason of illness or injury, whether on the part of an employee or immediate family member, which prevents the employee from reporting for duty. Sick leave is used for illness or injury unrelated to the performance of duty.
- B. **Sick Leave (Unable to Continue):** If, after a minimum of four hours of an officer's assigned tour of duty is completed, that officer becomes ill and is not able to complete his/her tour of duty and notifies the Tour Commander that he or she will be going off duty on sick leave, then that officer shall be entered in the blotter as "Sick, Unable to Continue", and shall not be assigned a sick day number or assessed a sick leave day.

If less than four hours of the officer's tour has passed, and the officer leaves duty under the above described circumstances, then the officer shall be entered in the blotter as "Sick, Unable to Continue", as described above, but also shall be assigned a sick day number and assessed one full day of his/her accrued sick leave.

If less than four hours of a civilian employee's tour has passed, and that civilian employee leaves duty under the above described circumstances, then the civilian employee shall be entered in the blotter as "Sick, Unable to Continue", as described above, but also shall be assigned a sick day number and assessed a half-day of his/her accrued sick leave.

Each individual instance of an employee leaving duty under the above described circumstances classified as "Sick, Unable to Continue", regardless of the amount of time spent on the tour, shall be considered a single occasion in counting toward a classification of "chronic sick" as described below. No exceptions to this will be made, as it is expected that an employee who leaves a tour reporting "Sick, Unable to Continue" will not return to duty until entirely fit to do so.

- C. **Chronic Sick:** This is a designation which may result from an employee reporting any combination of "Sick" or "Sick, Unable to Continue", without appropriate medical documentation, on seven (7) or more separate occasions within a twelve (12) period. An "occasion" is any continuous period of sick time used by an employee, regardless of length. A twelve month period begins with one "sick" or "sick, unable to continue" report within any month.

Properly documented and maintained Worker's Compensation claims are specifically excluded from aggregate accumulation in determining "chronic sick" status.

- D. **Authorized Departmental Physician:** Any medical provider who is authorized, contracted, and or assigned by the Borough of Fort Lee, their Worker's Compensation Insurance carrier, and/or the Fort Lee Police Department to provide medical examinations or services to the Borough of Fort Lee or the Fort Lee Police Department.

- E. **Light Duty:** A restricted assignment granted solely by the Chief of Police at his/her discretion and predicated on the availability of suitable work, which an employee may perform at a relatively reduced risk of aggravating an existing injury or illness.

II. Sick Procedure:

- A. An employee, who, because of illness or other disability, is unable to report for a scheduled tour of duty, should notify the police desk at least three hours prior to the start of the employee's assigned tour when practical. This notification shall take place daily for the duration of the absence. This requirement is removed when the employee is hospitalized, so long as the department has been properly notified of said hospitalization.
- B. The officer receiving the sick call will immediately notify the Tour Commander of the sick call.
- C. The Tour Commander will complete the sick call log located behind headquarters desk. The sick call will be assigned a number in the log book and will indicate the name of the employee, the date the sick call was made, the tour of duty for the sick call and the officer who received the sick call.
 - 1. If an employee calls in sick within 24 hours of receiving overtime, or working an extra duty detail, or authorized outside employment they may be subject to progressive discipline, including but not limited to being prohibited by the Chief from future extra details or outside employment.
- D. The Tour Commander will then enter the sick call into the scheduling software program.
- E. The Tour Commander will ascertain if the sick call causes a manpower shortage, and if so, an on-duty Division Commander is to be notified, if none then the Division Commander of the affected tour will be notified and will make a determination whether to hire an officer on overtime to cover the tour.
 - 1. The Tour Commander is to notify the highest ranking on-duty supervisor through the Chain of Command.
 - 2. The Tour Commander is to notify the highest ranking on-duty supervisor of the other affected division.
- F. The Tour Commander will note the sick call in his/her daily email.
- G. The supervisor of the tour wherein the sick call was received shall notify his/her relief of the sick call.

III. Sick (Unable to Continue) Procedure:

- A. The employee, upon determining that he/she is unable to continue his/her tour of duty, will immediately report to his/her respective supervisor and advise him/her that he/she is ill and unable to continue his/her tour of duty and request to be relieved of duty.

- B. After notifying his/her supervisor, the employee will report to the police desk and advise the Tour Commander of his/her illness. The Tour Commander will then:
1. Enter the employee in the scheduling software as "Sick, Unable to Continue" with the time noted,
 2. Enter the employee in the sick log at the police desk, noting the time the employee reported sick.
 - a. If at least four hours of the employee's tour has elapsed, the above entries will be made without assigning a sick day number in the sick log.
 - b. If less than four hours of the employee's assigned tour has elapsed, a sick day number shall be assigned in the sick log, and a full day of the employee's sick leave shall be assessed.
 - c. In any event, an instance of an employee reporting "Sick, Unable to Continue", regardless of how much time has elapsed in the employee's tour, shall be considered as one event in counting toward "chronic sick" status as defined earlier in this policy.
- C. The Tour Commander will determine if the sick/unable to continue will cause a manpower shortage, and if so, an on-duty Division Commander is to be notified, if none, then the Division Commander of the affected tour will be notified and make a determination whether to hire an officer on overtime to cover the tour.
1. The Tour Commander is to notify the highest ranking on-duty supervisor through the Chain of Command.
 2. The Tour Commander is to notify the highest ranking on-duty supervisor of the other affected division.

IV. Rules, Restrictions, and Verification Procedures:

- A. The proper use of all sick and sick (unable to continue) time are subject to verification by this department. In view of the need to monitor the use of sick and sick (unable to continue) time, as well as to deter, detect, and prevent abuse of same, the following rules, restrictions, and procedures shall be adhered to at all times:
1. If the employee calls in sick from a location other than his/her home, the employee shall furnish the Tour Commander with the name, address, and telephone number of his/her place of confinement.
 2. The use of all sick time is subject to verification by a designated supervisor of this department by phone confirmation or physical visitation to the employee's stated place of confinement.
 - a. It is the responsibility of the employee to be in a position to respond to the door and/or telephone in his/her place of confinement when such verification is attempted. If the verifying supervisor receives no

response, it will be presumed that the employee is not at his/her stated place of confinement, and the employee may be charged as in violation of this Policy & Procedure, and with Rule Violation Absence without Leave.

- B. Employees are to remain at their place of confinement during their normal working hours while out sick or out sick (unable to continue), whether they are sick themselves, or are out on sick leave involving illness in their families. The employee shall contact his/her Division Commander to request his/her permission to leave his/her place of confinement if it becomes necessary to do so. This request shall include the employee's destination and anticipated time of return.
- C. Employees absent from their place of confinement without legitimate, verifiable reasons during their scheduled duty hours or who do not have permission from their immediate on-duty supervisor are subject to disciplinary action, up to and including discharge. "Legitimate purposes" shall include visits to physicians, treatment centers, drug stores, religious services, exercise of voting privileges, or emergencies that have been duly reported to the employee's Chain of Command, or the Tour Commander in his/her absence.
- D. Employees who are out on sick leave for five (5) or more consecutive work days must obtain and submit a physician's written documentation of illness, on professional letterhead, signed by the diagnosing physician, and legible in content. This document shall contain the date, diagnosis, treatment, and recommendations of the attending physician. This documentation will be forwarded immediately upon the employees' receipt to his/her Division Commander and forwarded to the Records Bureau Supervisor for processing in the scheduling software and filing.
- E. Employees should retain a copy of any documentation submitted for their own records.
- F. Employees who report Sick, or Sick, Unable to Continue during the course of their tour shall, at the order of their immediate supervisor or the highest ranking supervisor on duty at the time, report to an authorized departmental physician, hospital emergency room, or their personal physician to confirm their illness, if in the best interests of the employee or the department, the Division Commander or supervisor deems it necessary, at the department's sole cost and expense. The Division Commander or supervisor will document, or direct to be documented, the specific reasons for the issuance of such an order, and will follow up by documenting the results of the employee's medical evaluation.
 - 1. An employee may request that the examination may be performed by the employee's personal physician, if he/she has such immediate access to that provider.
- G. An employee calling in sick may visit his or her private physician, who may recommend that the employee refrain from working, however, the department reserves the right to require the employee to speak with or report to an authorized physician and be examined at the Department's sole cost and expense.
- H. An employee out on sick leave shall notify his/her immediate supervisor or Division Commander of his/her anticipated return date to active duty as soon as the

employee obtains this information from his/her physician, or the department's authorized physician.

- I. No employee will work an off duty detail or departmental overtime while on sick leave or sick, (unable to continue) leave.
- J. Any and all rules, regulations, restrictions, policies, and procedures contained in this document explicitly apply to sick time used by any employee who calls in sick due to illness in his/her family.
- K. An employee who is currently out on sick leave is prohibited from using the departmental exercise room and any equipment contained therein, until the employee submits a physician's statement, on letterhead, certifying that the employee may return to full duty, and that the injury and/or medical condition that resulted in the employee's sick leave has completely healed. The physician must also certify that the employee may participate in unlimited physical activity without danger of the injury recurring.
- L. Whenever questionable circumstances are indicated regarding a sick call, the Tour Commander will document those circumstances and forward the report to the Division Commander of the employee in question, who will determine whether an investigation is appropriate and direct that it be undertaken.
- M. Where clearly evident, longstanding medical incapacitation exists, documented by an authorized departmental physician's report, Division Commanders may, at their discretion and with the Chief's approval, grant exceptions from the reporting and confinement requirements of this procedure. The Chief of Police also reserves the right to grant exceptions to the provisions contained herein when good cause for such exceptions exist.
 - 1. The privileges granted under this section can be revoked at any time.
- N. Employees who are absent from duty on Sick Leave are subject to all Rules and Regulations, Policies and Procedures, and any restrictions contained herein that apply to the use of the employee's Sick Leave.

V. Light Duty

- A. The Chief of Police reserves the right to order, grant, or decline light duty to an employee, and to predicate the assignment of light duty to any employee on the availability of suitable work. Furthermore, the assignment of any employee shall always be considered temporary, with the Department making no implication or statement that any such assignment is permanent or obligatory. There is no absolute responsibility on the part of the Chief of Police to assign light duty to any employee.
- B. Use of department vehicles is prohibited to employees who are on light duty or restricted duty.
- C. The Chief of Police reserves the right to reassign tours of duty for members who are out on extended sick leave or who are assigned to light or restricted duty to accommodate the scheduling needs of the department.

- D. No employee will work an off duty detail or departmental overtime during a time period while the employee is on light or restricted duty of any kind.
- E. An employee who is assigned to light duty is prohibited from using the departmental exercise room and any equipment contained therein, until the employee submits a physician's statement, on letterhead, certifying that the employee may return to full duty, and that the injury and or medical condition that resulted in the employee's light duty assignment has completely healed. The physician must also certify that the employee may participate in unlimited physical activity without danger of the injury recurring.
- F. The privileges granted under this procedure in paragraph A can be revoked at any time.

VI. Chronic Sick Status:

- A. Chronic Sick Status may be applied to an employee who has reported sick or sick, unable to continue, without appropriate medical documentation (see section IV.D) on a total of seven (7) or more occasions within any continuous 12 month period, or on other such evidence as the Chief may deem good and sufficient cause.
- B. Chronic Sick status specifically excludes any legitimate, documented occasions of absence due to the use of Worker's Compensation time.
- C. When the apparently excessive and undocumented use of sick time comes to the attention of the employee's Division Commander through quarterly audits, the employee's sick time usage will be reviewed and a determination will be made after any mitigating circumstances are considered as whether to apply "chronic sick" status to the employee in question. The Division Commander will then make a recommendation to the Chief of Police if it is believed that the "chronic sick" status is warranted. The Chief will then have the final say as to whether the employee will be classified as "chronic sick".
- D. If it is determined that Chronic Sick status will be applied to the employee in question, the Division Commander will direct the following actions to be taken:
 - 1. The employee will be formally advised in writing that he/she is facing "chronic sick" classification. The Division Commander or his designee will personally meet with and counsel the employee regarding this pending classification, and will document this meeting in a written report to be placed in the employee's personnel file.
 - 2. The employee who is classified as "chronic sick" will be subject to the following terms and conditions of his/her classification:
 - a. An employee who is designated chronic sick will be required to present a written physician's diagnosis of illness on each occasion of sickness or sickness in family leave, if treated.
 - b. The subject employee may be subject to frequent personal and/or telephone inspections by superior officers, may be subject to reassignment, and may be subject to disciplinary action if the

reported illness is found to be unsubstantiated, or as otherwise set forth herein.

- c. The subject employee may be deemed ineligible for off duty employment, overtime assignments, discretionary benefits, privileges, and special assignments both long and short term.
3. Sick in Family leave will be applied toward chronic sick status, except in cases where a medical provider's written documentation of illness is provided.
4. Each individual instance of an employee leaving duty as "Sick, Unable to continue" will count as one occasion toward classification as chronic sick, regardless of how much time has elapsed in the employee's assigned tour.
5. In order to obtain relief from chronic sick classification, an employee must apply in writing via his/her chain of command to the Chief of Police. The basis for such a request must be:
 - a. Six months of consecutive duty without one sick report, or
 - b. Verifiable evidence of mitigating circumstances or appropriate medical documentation on the part of the employee.
6. The Chief of Police will then review the employee's application for relief from chronic sick status.
 - a. If the application is denied, the employee's Division Commander or his designee will notify the employee in writing of the rejection of the appeal.
 - b. If the application is successful, the Chief will direct that the employee be notified in writing of the repeal of his/her chronic sick status, and that employee's Division Commander will direct that any current chronic sick sanctions being held against the employee be immediately removed.
 - c. The Chief of Police reserves the right to stipulate conditions on the removal of an employee from chronic sick status on appeal. Those stipulations may include, but not necessarily be limited to:
 - 1) Removal may be conditional on a specified time period in which the employee does not call in sick, unless appropriate medical documentation is supplied.
 - 2) Other conditions arrived through the mutual agreement of the Chief, the employee, and the employee's Division Commander.
 - d. Failure to comply with any stipulations set forth by the Chief will result in the restoration of full Chronic Sick status, for the duration originally specified, and may result in disciplinary action up to and including

discharge.

- e. The Chief of Police also reserves the right to partially remove sanctions assessed against a chronic sick employee, without being obliged to terminate the status or remove sanctions completely.
- E. All employees are expected to keep track of their own sick time in avoiding being classified as Chronic Sick. The department will assume no obligation to notify those employees whose usage of sick time is approaching chronic sick levels. Employees are also strongly advised to retain copies of all medical records related to their use of sick time, to produce mitigating evidence should they be facing chronic sick classification.

SERVICE
SKATEBOARD/ROLLER-BLADE ENFORCEMENT
VOL. 10, CH. 13

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 02-20-2007	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME 10
VOLUME TITLE: SERVICE	# PAGES: 3					CHAPTER 13
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: SKATEBOARD / ROLLER-BLADE ENFORCEMENT						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS O. RIPOLI						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To provide officers with a guide to follow when dealing with complaints involving individuals with skateboards or roller-blades/roller-skates.

POLICY:

When officers encounter individuals or groups using skateboards or roller-blades/skates in unauthorized areas, or with improper safety equipment, they should follow the procedures set forth in this policy.

I. Helmet Regulations

A. Helmets are required for children under the age of 17 while roller-skating or skateboarding.

1. Roller-skate means a pair of devices worn on the feet with a set of wheels attached, regardless of the number or placement of those wheels, and used to glide or propel the user along the ground.
2. A person under 17 years of age shall not operate any roller skates or skateboard unless that person is wearing a properly fitted and fastened helmet which meets the standards of the American National Standards Institute (ANSI Z90.4 bicycle helmet standard), the Snell Memorial Foundation's 1990 Standard for Protective Headgear for Use in Bicycling, the American Society for Testing and Materials (ASTM) standard or other such standard, as appropriate.

**SERVICE
SKATEBOARD/ROLLER-BLADE ENFORCEMENT
VOL. 10, CH. 13**

2. The requirement in subsection b. of this section shall apply at all times while a person subject to the provisions of this act is operating roller skates or skateboarding on any property open to the public or used by the public for roller skating or skateboarding.
3. These regulations are covered in N.J.S. 39:4-10.5.
4. Penalties are covered under 39:4-10.6.

II. Regulations upon roadway

- A. Every person operating any roller skates or skateboard upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by chapter four of Title 39 of the Revised Statutes and all supplements thereto, except as to those provisions thereof which by their nature can have no application.
- B. Regulations applicable to roller skates and skateboards shall apply whenever any person operates any roller skates or skateboard upon any highway or upon any path set aside for the exclusive use of roller skates or skateboards subject to those exceptions stated herein.
- C. These regulations are covered under 39:4-10.10.
- D. Traffic Regulations
 1. Every person operating any roller skates or skateboard upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction; provided, however, that any person may move to the left under any of the following situations:
 - (a). To make a left turn from a left-turn lane or pocket;
 - (b). To avoid debris, drains or other hazardous conditions that make it impracticable to ride at the right side of the roadway;
 - (c). To pass a slower moving vehicle;
 - (d). To occupy any available lane when traveling at the same speed as other traffic;
 - (e). To travel no more than two abreast when traffic is not impeded.
 2. Persons operating any roller skates or skateboards upon a roadway may travel no more than two abreast when traffic is not impeded, but otherwise shall ride in single file, except on paths or parts of roadways set aside for the exclusive use of bicycles, roller skates or skateboards.
 3. These regulations are covered under 39:4-10.11.

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VOL. 10, CH. 13**

III. Borough Parks and Playgrounds

- A. The following acts are prohibited unless in authorized areas for such activities:
 - 1. Roller-skating.
 - 2. Skateboarding.
 - 3. Riding bicycles.
 - 4. Coasting with sleds or carts.
 - 5. Operating any other vehicles.
- B. Violations are covered under Borough Ordinance 293-4

**OPERATIONS
SMOKING/TOBACCO USE
VOL, IV CH, 6-1**

DEPARTMENT RULES AND REGULATIONS/POLICIES AND PROCEDURES

BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 06-14-2006	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME IV
VOLUME TITLE: OPERATIONS	# PAGES: 3					CHAPTER 6-1
ACCREDITATION STANDARD(S):	REFERENCE: V#C#					
SUBJECT: SMOKING/TOBACCO USE POLICY						DISTRIBUTION ALL
ISSUING AUTHORITY: _____						EVALUATION DATE:
CHIEF THOMAS RIPOLI						
ATTORNEY GENERAL:						Special Instructions
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

Given the wealth of information of documented research substantiating the health problems caused by smoking, passive smoke, the use of tobacco by other means and a concern for the health and wellness of police department employees, the Chief of Police has deemed it necessary to create a no smoking/tobacco use policy.

DEFINITION:

Smoking:

The carrying or holding of a lighted cigarette, cigar, pipe or any other lighted smoking instrument, or the inhalation/exhalation of smoke from a lighted smoking instrument.

Smokeless tobacco:

There are two types of smokeless tobacco--snuff and chewing tobacco. **Snuff**, a finely ground or shredded tobacco, is packaged as dry, moist, or in sachets (tea bag-like pouches). Typically, the user places a pinch or dip between the cheek and gum. **Chewing tobacco** is available in loose leaf, plug (plug-firm and plug-moist), or twist forms, with the user putting a wad of tobacco inside the cheek. Smokeless tobacco is sometimes called "spit" or "spitting" tobacco because people spit out the tobacco juices and saliva that build up in the mouth.

OPERATIONS
SMOKING/TOBACCO USE
VOL, IV CH, 6-1

The New Jersey Smoke-Free Air Act:

The New Jersey Smoke-Free Air Act was passed overwhelmingly by the New Jersey Legislature. The Senate vote, in December 2005, was 29 to 7. The Assembly vote, in January 2006, was 64 to 12. Governor Codey signed the legislation January 15, 2006. It goes into effect 90 days later, April 15, 2006, i.e., just after midnight the night of Friday, April 14th.

The Act says, "The Legislature finds and declares that ... tobacco smoke constitutes a substantial health hazard to the nonsmoking majority ... and it is clearly in the public interest to prohibit smoking in all enclosed indoor places of public access and workplaces."

The law requires smoke free environments in essentially all indoor workplaces and places open to the public including places of business and service-related activities except for a few specifically named exceptions.

Affected sites that must be smoke free include, but are not limited to:

- offices, factories, commercial buildings and facilities, and government facilities
- restaurants, bars, clubs, theatres
- bowling alleys, sports facilities, race tracks, bingo sites
- private clubs, whether social, recreational, civic, fraternal, religious, academic, military, etc.
- shopping malls and retail stores
- all elementary and secondary schools, child care facilities, museums, places of worship
- health care facilities and offices, nursing homes, addiction treatment facilities
- hotels, public transportation vehicles and stations and platforms, parking garages
- apartment building lobbies and public areas in other private buildings.

It also prohibits smoking outdoors on the property of any public or nonpublic elementary or secondary school, in addition to indoor school facilities.

POLICY:

- I. Smoking/tobacco use in indoor work places and areas open to the public.
 - A. Employees of the Fort Lee Police department will not only refrain from smoking in all areas listed above in the New Jersey Smoke Free Air Act, they will also refrain from smoking and using smokeless tobacco in all borough owned vehicles.
 1. Non-employees/civilians are also to refrain from smoking in department vehicles.
 - B. Officers of this department are also to refrain from smoking and using smokeless tobacco when they are:
 1. On traffic posts
 2. Interacting with the public

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3. At the front entrance to police headquarters
4. At accident scenes, crime scenes and special events.

C. Smoking/tobacco use at police headquarters is permitted at the south entrance only.

II. Enforcement.

- A. Enforcement of the smoking/tobacco use policy will be the responsibility of supervisors for employees and non-employees.
- B. Progressive discipline will be used for any violations of this policy.

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BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 02-15-2007	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME X
VOLUME TITLE: SERVICE	# PAGES: 3					CHAPTER 14
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: SNOW REMOVAL & ENFORCEMENT						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS O. RIPOLI						EVALUATION DATE:
ATTORNEY GENERAL:	Special Instructions					
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To ensure the safety of the public during weather conditions which produce snow or ice, and to provide officers with a guideline to follow in assisting with the enforcement of snow removal ordinances.

POLICY:

During inclement weather conditions which produce snow or ice, officers should take notice of any hazardous conditions caused by the snow or ice on public or private property. The DPW can then be notified for Borough road conditions, and the Building Department for any enforcement action covered by Borough of Fort Lee Ordinance 360-3

PROCEDURES:

- A. During patrol functions officers should take notice of any of the following conditions on public or private property:
 - 1. Public streets:
 - a. Officers should advise Com-Cen when streets in the borough begin to get hazardous due to snow and ice, so that a list of streets can be supplied to the DPW when they start plowing operations.
 - b. Parking regulations on streets posted with signs stating that there is no parking while streets are snow covered should be enforced under ordinance 388-37

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- c. On the 12x8 tour between December 1st and March 31st officers should issue summons on those streets designated as no parking between the hours of 2400 and 0600. 388-36
- 2. The depositing of snow or ice on streets or sidewalks.
 - a. No person is permitted to deposit or cause to be deposited, any snow or ice which has accumulated on private property upon any public street or sidewalk. 360-2
- 3. The accumulation of snow or ice on sidewalks of any private property abutting upon any public street.
 - a. When these conditions exist, the owner or tenant is responsible for the removal of the snow or ice within 12 hours of daylight after the accumulation of these conditions. 360-3
- 4. The accumulation of snow or ice on any multiple dwellings; private street, public walkway, steps, stairs, street or highway, lane, alley, driveway, parking area or other such roadway located on the property which is open to the public, or to which the public is invited. 360-4
 - a. The owner of such property is responsible for the removal of snow and ice within 4 hours of daylight after such conditions have been created on;
 - (1). All areas which are considered accessible routes.
 - (2). The total width of walkways or 4 feet, whichever is greater, including curb cuts where the property is a corner property at an intersection of 2 public roadways.
- 5. The accumulation of snow or ice on any Commercial, Professional or office buildings; private street, public walkway, street or highway, lane, alley, driveway, parking area, steps or stairs located on the property which is open to the public, or to which the public is invited. 360-5
 - b. The owner or tenant of such property is responsible for the removal of snow and ice within 4 hours of daylight after such conditions have been created on;
 - (1). All areas which are considered accessible routes.
 - (2). The total width of walkways or 4 feet, whichever is greater, including curb cuts where the property is a corner property at an intersection of 2 public roadways.
- B. Officers taking notice of these conditions should relay the information to Com-Cen to have the building department notified.

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1. An incident report should be completed regarding the property and its condition and a copy should be forwarded to the building department for enforcement.

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BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE: 10-10-05	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME IX
VOLUME TITLE: TRAFFIC	# PAGES: 8					CHAPTER 2
ACCREDITATION STANDARD(S):	REFERENCE: V9C2					
SUBJECT: SPECIAL LAW ENFORCEMENT OFFICERS						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS O. RIPOLI						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE:						

PURPOSE:

To provide procedures to follow regarding the utilization of Special Police Officers, to outline the responsibilities of the Special Law Enforcement Officers and integrate them into the policies and procedures of the police department in regard to traffic/pedestrian control, crowd control and the enforcement of parking and motor vehicle violations. As part of the Borough's reorganization of the Emergency Services the Class One Part-time Special Law Enforcement Officers will assist with traffic control and crowd control as required. In addition they will be available to assist the Police Department during scheduled special events or emergencies.

POLICY:

The Fort Lee Special Law Enforcement Officer Program was established by the mayor and council of the borough of Fort Lee through the enactment of Borough Ordinance 2004-13. The Chief of the Fort Lee Police Department is the officer in charge of this unit and may issue such rules, regulations, orders and policies and procedures as necessary to maintain good order and discipline in the unit.

All Fort Lee Special Law Enforcement Officers will be trained and Police Training Commission certified as Class I Special Law Enforcement Officers in accordance with the provisions of N.J.S.A 40A:14-156.8 et seq. , and will be deployed in such a manner that complies with the provisions of those statutes.

Hereafter, all Fort Lee Special Law Enforcement Officer Unit members shall be referred to as "Fort Lee Special Law Enforcement Officers (SLEO)".

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Special Law Enforcement Officers will follow the Fort Lee Special Law Enforcement Officer's rules and regulations pertaining to their assignment, uniform, appearance and equipment, as well as all of the rules, regulations, policies and procedures of the regular police department that may pertain to them.

Fort Lee Police Officers and Supervisors will follow the procedures set-forth in this policy, for the utilization of Fort Lee Special Law Enforcement Officers (SLEO). Special Law Enforcement Officers will follow the procedures in this policy in the performance of their duties.

Special Law Enforcement Officers will not be authorized to carry or use a firearm in the performance of their duty.

DEFINITIONS

TRAFFIC CONTROL:

The physical, mechanical or electronic control of vehicles operating on the roadways in the Borough of Fort Lee.

Physical- by use of hand signals within the intersection, crosswalk, or roadway.

Mechanical- by use of barricades/barriers, or traffic cones.

Electronic- by use of the traffic control box/control at intersections.

PEDESTRIAN CONTROL:

Where pedestrians are present, physical control of their actions by hand signals and verbal advisement are always to be used.

CROWD CONTROL:

Manning fixed or barricaded posts at special events to ensure the safety of individuals present and to supply information needed by those present.

**I. SPECIAL LAW ENFORCEMENT OFFICER (SLEO) UNIT OFFICER-IN-CHARGE /
LIAISON**

- A. The SLEO Unit will be coordinated by a Fort Lee Police "Liaison Officer". The Liaison Officer will be the first step in the chain of command for all Special Law Enforcement Officers. The Liaison Officer then reports to the Traffic Bureau Supervisor, who reports to the Operations Officer and then to the Chief of Police.
- B. The Traffic Bureau Supervisor shall be the designated Officer-In-Charge for the SLEO Unit and is responsible for the supervision and command of the unit. The Traffic Bureau Supervisor may designate a member of the Traffic Bureau to handle the day-to-day tasks as the "Liaison Officer".

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- C. The Traffic Bureau Supervisor shall serve as the Officer-in-Charge of the SLEO Unit. He, or his designee, shall conduct periodic meetings if required, to disseminate information. He shall prepare or assign someone to prepare work schedules to be posted no less than three days before it's starting date.
- D. The Traffic Bureau Supervisor or Shift Supervisor may authorize SLEO to be recalled for emergency situations.
- E. He shall maintain all necessary records and conduct all necessary correspondence, or shall delegate such tasks to a competent individual. The Liaison Officer however, remains accountable for all such tasks delegated.

II. UTILIZATION OF SPECIAL LAW ENFORCEMENT OFFICERS

- A. Special Law Enforcement Officers (SLEO) will be utilized on traffic/pedestrian control posts, for crowd control at special events. At the discretion of the Chief of Police, SLEO's may be authorized events and to enforce local parking ordinances and motor vehicle laws they may encounter during their tour of duty whenever possible.
- B. Regular police officers are not to be utilized for posts or details that can be covered by a SLEO when a SLEO is available.
- C. The Shift Supervisor, Tour Commander, and Road Supervisor shall be responsible for the proper deployment and supervision of SLEO's at times and in situations where the Liaison Officer or other Traffic Supervisor is not working.
- D. SLEO post / detail assignments may be changed by the Liaison Officer or the Traffic Supervisor. If the Traffic Bureau Supervisor is off then the Patrol supervisors may change the SLEO's assignment during an emergency situation. Traffic should be advised via email of the assignment change.

III. SPECIAL LAW ENFORCEMENT OFFICER RESPONSIBILITIES

- A. Special Law Enforcement Officers (SLEO) will be assigned posts for traffic and pedestrian control throughout the Borough of Fort Lee as deemed necessary by the Chief of Police or the Chief's designee.
 - 1. While assigned to these posts, the SLEO will be in proper uniform and will have all required department issued equipment with them.
 - a. This equipment includes a reflective traffic vest and reflective gloves, which must be worn at all times while on these assignments.
 - b. Reflective rain gear is also provided for inclement weather.

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- c. If authorized by the Chief of Police, the issued summons books are required to be carried. See MV summons control policy Vol. IX, Ch. 8. See also Ordinance violations Vol, IX, Ch. 3.
- B. Part of the SLEO responsibilities, if authorized, will be to enforce borough ordinances and motor vehicle laws, as required to properly control traffic at their assigned posts.
 - 1. Should a SLEO see a violation of a borough parking ordinance, or motor vehicle parking statute, they may issue a summons for the violation.
 - 2. **Motor vehicle moving violations are enforceable by a SLEO, however, they must inform a supervisor of the violation and have a marked unit respond to the scene to assist. They are not to attempt to stop a moving vehicle while operating a department vehicle.**
 - 3. **When conducting a motor vehicle stop, SLEO will introduce themselves to the violator, stating that they are a Fort Lee Special Law Enforcement Officer, give their name and ID number. Ask for the drivers license, registration and insurance card and advise the driver of the violation committed. If the driver has an explanation for his actions, the officer will listen to the explanation prior to taking any action.**
 - 4. Notice to Appear (Summons) The issuance of a traffic summons (CPO 171C) is applicable in the majority of cases for those violators residing within the boundaries of the jurisdiction in which the case will be adjudicated. The traffic summons should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, parking violations, and operating unsafe and/or improperly equipped vehicles.
 - 5. Summons books will be available to a SLEO from the Court Administrator's Office.
 - 6. When a new supply is needed by any SLEO, they will be assigned a summons book'(s) by the Court Administrator's Office. The book number sequence, date, the officer's name shall be recorded on the summons sign-out sheet maintained by the Court Administrator's Office.
 - 7. Voided Summons
 - a. The SLEO must submit a request in writing (Appendix A v09c03a) describing the error made on the complaint. This form is not to be utilized if the information is correct and the complaint has been signed. Once the summons has been properly completed it must be issued and adjudicated by the court.
 - b. Submit the request and all four copies of the summons to the Tour Commander for review. The officer may retain a copy.
 - c. The Tour Commander will forward the request to the Records Bureau.

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- d. The Records Bureau will forward the request to Municipal Judge.
- 8. The SLEO will:
 - a. Turn in the white and blue copies of the summonses to the Tour Commander, who should also review all summonses for accuracy and completeness, prior to the completion of his/her tour of duty.
 - b. Retain the yellow copy for their records.
 - c. Serve the hard copy to the defendant:
 - (1) A summons will normally be issued to a violator at the time of the motor vehicle stop.
 - (2) A summons must be issued within the statute of limitations as specified in 39:5-3.
 - (a) If a summons is to be mailed, the officer will complete the summons, address an unsealed envelope to the defendant and submit both items to the Tour Commander, who will forward the items to the Record Bureau to be sent as Certified Mail / Return Receipt.
- 9. **Verbal Warnings**
 - 1. A verbal warning is appropriate when the violator commits an act, which may be due to ignorance of a local ordinance, which may be unique, or a violation of which the driver may not be aware. Examples of violations which warrant verbal warnings are a right turn on a red light, after a complete stop, when such movement is made with reasonable safety, and it is determined the driver is accustomed to driving in those jurisdictions where a right turn on red is permissible. Similarly, a verbal warning is appropriate for equipment failure (license plates not illuminated) of which the driver was unaware. Discretion may be used on other violations that are not of a serious nature.
 - a. Information on verbal warning will be entered in the Computer Aided Dispatch (CAD) System.
- C. Special Law Enforcement Officers will be utilized during special events for crowd control, or other emergency situations.
 - 1. Responsibilities will be for the safe movement of individuals to certain areas during these special events.
 - 2. If a SLEO encounters any disorderly individual(s) during these events, they are report it to communications, so that a police officer can respond to handle the problem.

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- D. Special Law Enforcement Officers will follow the Fort Lee Special Law Enforcement Officers rules and regulations pertaining to their assignment, uniform, appearance and equipment, as well as all of the rules, regulations, policies and procedures of the regular police department that may pertain to them.
 - 1. Included in these rules and regulation is a list of special equipment such as a ballistic vests, baton, OC spray, handcuffs and a flashlight.
 - a. A SLEO must be trained and certified before they may carry a baton or OC Spray.
 - b. Comply with rectification requirements for the baton and OC spray.
 - c. Review and sign off on department use of force policy and procedures Vol, IV, Ch, 1.
 - d. Only department issued body armor may be worn by a SLEO.
- E. Any police activity within the bounds of the Class I Special Officer's Authority when directed by a supervisor or regular Police Officer of the Fort Lee Police Department in an emergency situation.

V. CHAIN OF COMMAND

Proper chain of command will be followed by a SLEO for communication and documentation of incidents to the Chief of Police.

- 1. During certain tours the SLEO unit liaison officer may not be working, this is when the SLEO would follow the department chain of command starting with either the road supervisor or tour commander.
 - a. Permission must be granted at that level to communicate with the next higher-ranking officer in the chain of command. This procedure is followed through the rank structure of the police department.

IV. REPORTING FOR DUTY

A. Schedule

- 1. The Liaison Officer shall develop a SLEO Schedule on a weekly (Sunday – Saturday) basis for the Traffic Bureau Supervisor to approve.
- 2. The SLEO Schedule will also serve as the Attendance Form, as there will be room next to the hours for the Tour Commander to write in actual times and hours the SLEO worked on a specific day.

NOTE: A SLEO can work a maximum of 19½ hours per week.

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3. The SLEO Schedule will be placed in the SLEO Binder behind the Tour Commander's Desk along with the Posts / Details/ Assignments printout by the Liaison Officer.
 4. Each SLEO will promptly report for duty as scheduled by the Liaison Officer under the authority of the Officer-In-Charge.
 5. When a SLEO reports to the Tour Commander's Desk, the Tour Commander will note the time on the Schedule Form. Likewise when the SLEO completes their shift they will check out with the Tour Commander.
 6. The SLEO will be entered into the blotter for the shift they are working, in the same manner as officers and civilians are entered.
 7. Sick Calls
 - a. SLEO officers that are unable to report as scheduled due to an illness or injury are to call the Tour Commander before their scheduled shift.
 - b. The Tour Commander will enter a Sick Call in the same manner as a civilian (no sick number). The sick call will be noted on the SLEO Schedule.
 - c. If working Liaison Officer or Traffic Supervisor will be notified.
 8. The SLEO may utilize the Classroom to form up as a group so that they may be driven to their assignments in the SLEO vehicle.
 9. The SLEO will request any needed equipment from the Tour Commander and it will be scanned out as required by the Daily Issued Equipment SOP Vol. 4 Chapter 19.
 10. Court Appearance
 - a. SLEO officer are to follow the applicable sections Court Appearance SOP Vol. 7 Chapter 3.
 - b. The Court Liaison should notify the Liaison Officer or the Traffic Supervisor if and when a SLEO is scheduled to appear in Court.
 - c. The Liaison Officer will notify the SLEO of the required Court appearance.
- B. Posts / Details / Assignments
1. The Liaison Officer or Traffic Bureau Supervisor will prepare a "Post / Detail / Assignment" list on a regular basis. This list will be available to the Desk Supervisors and in the SLEO Binder.

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2. The SLEO will complete their assigned post / detail as scheduled unless directly ordered by a member of their Chain of Command, or a Supervisor in the absence of a Traffic Supervisor.
3. If a SLEO has conflicting orders they are to advise the present supervisor of the previous order and the conflict. The SLEO will then take action as directed by the present supervisor. The SLEO will NOT disregard, question or debate a supervisor's order.

C. Vehicles

1. Specific vehicles have been designated for the Special Law Enforcement Officer Unit.
2. The keys will be available on the keyboard behind the Tour Commander's Desk. A spare key will be maintained in the Traffic Bureau.

D. Headquarters Access

1. SLEOs will have general access to HQ and they may enter the desk with permission of the Tour Commander.
2. SLEOs are not authorized to enter any restricted area, the locker rooms or the second floor of HQ without permission.
3. SLEOs are not to remain in HQ unless directed by the Liaison Officer or a supervisor.

V. EMERGENCY RECALL PROCEDURE

- A. SLEOs may be recalled with the authorization of the Traffic Bureau Supervisor, or if off-duty and not available, then by a Shift Supervisor.
- B. The Tour Commander may then contact any available SLEO to call them in for an emergency post (collision scene road closure, weather related road closure etc.) as needed. They may be utilized but they may not exceed the 19½-hour limit. The Liaison Officer or the Traffic Supervisor may adjust the SLEO schedule due to emergency recall after advising the SLEO.

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BOROUGH OF FORT LEE POLICE DEPARTMENT	EFFECTIVE DATE:	REVISION DATE:	PAGE #:	SECTION:	APPROVED	VOLUME II
VOLUME TITLE: ORGANIZATION	# PAGES: 5					CHAPTER 19
ACCREDITATION STANDARD(S):	REFERENCE:					
SUBJECT: SUPERVISORY REVIEW OF REPORTS						DISTRIBUTION ALL
ISSUING AUTHORITY: CHIEF THOMAS R. TESSARO						EVALUATION DATE:
ATTORNEY GENERAL:		Special Instructions				
PROSECUTOR'S OFFICE:						
REFERENCE: 93-1						

PURPOSE:

To ensure that all reports taken by the officers of this department undergo supervisory review.

POLICY:

All Supervisors are responsible for proofreading all reports submitted by their subordinates in regard to arrests, accidents, vehicle involvement, property, investigations and any other reports completed in the performance of their duties. They will be responsible for verifying accurate content in regard to law (search and seizure, proper charges, evidence handling etc.), procedures to be followed by this department, correction of spelling and grammar.

PROCEDURES:

The following procedure will be adhered to with regard to the proofreading, verification, and correction of the various reports and paperwork produced during the daily operations of this department.

The various reports and paperwork referred to above refers to all investigative, arrest, vehicle involvement, property, and accident reports, as well as all paperwork and documents contained in a typical case jacket produced as a result of any arrest or incident.

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- A. The first step in this procedure is for the reporting officer to submit to the tour commander a correct, accurate and legible rough copy of whatever report(s) or case jacket(s) are being submitted. THE IMPORTANCE OF THIS STEP CANNOT BE OVEREMPHASIZED. THE OVERWHELMING MAJORITY OF ALL PAPERWORK DEFICIENCIES CAN BE AVOIDED IF THE INITIAL REPORTING OFFICER VERIFIES AND PROOFREADS HIS OR HER OWN REPORT PRIOR TO SUBMITTING IT.
- B. After the tour commander reviews the rough copy; it will be initialed and marked with the Tour Commander's badge number (provided that it is correct). This in effect will be the "DESK APPROVAL". From that point, the Tour Commander has two options:
 - 1. Approval:
 - a. If the finished report or case jacket was satisfactory, the Tour Commander or desk officer will make three photocopies of the INVESTIGATION REPORT and or ARREST REPORT. One copy of each will be put on the appropriate spindle for completed rough copies and one copy will be placed in the box marked General Investigation, Juvenile, or Narcotics, as appropriate and one to the Operations Commander. The completed original rough copy of the reports (not case Jackets) will be placed in the box marked "APPROVED ROUGH COPIES TO BE ENTERED BY DATA ENTRY".
 - b. Case jackets will be handled as follows:
 - (1). If the case jacket is complete but the prisoner(s) have not been arraigned, the case jacket will be reviewed and held at the desk by the Tour Commander. The reviewing Tour Commander will sign off on line 2A of the Case Jacket Control Sheet, stapled to the front of all criminal and DWI case jackets. After the arraignment and bail has been set, and either the person has made the required bail or has been committed to jail, the Tour Commander will update the arrest report and C.D.R. (summons or warrant), and will complete the return of service on the CDR, and sign off on line 2B of the Case Jacket Control Sheet, indicating that the return of service is complete. The completed case jacket will at that time be placed in the General Investigation mail slot behind the police desk.

For further information, please refer to "Case Jacket Processing" in the Case Management and Tracking Policy VOL, VIII. CH, 2.
 - c. If for any reason a prisoner is arraigned, bail is set and the prisoner is at that time committed to jail; when the transporting officer(s) return the commitment to the desk and the case jacket is at that time no longer at the desk it will be the Tour Commanders responsibility to locate the case jacket. If the case jacket is located in the Detective Bureau he will make the proper updates as dictated above. If this occurs on the 8x4 shift Monday through Friday and the case jacket is located in Data Entry, he will give the information to be updated to the Data Entry Supervisor.

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If the case jacket can not be located, a note will accompany the paperwork and this will be placed in the box to Data Entry for the proper updates. COM-CEN MUST ALSO BE MADE AWARE WHEN BAILS ARE SET.

- d. It will be the responsibility of the Supervisor in Data Entry to have the completed reports picked-up periodically throughout the course of the 8x4 tour, Monday through Friday.
- e. After an Investigation Report or an Arrest Report has been entered by a Data Entry Clerk, the Data Entry Supervisor will review the report, checking to ensure that all the information was entered as it was presented to them in rough form.

If all is correct it will be desk approved by the Data Entry Supervisor, using the original approving officer's ID number, and sent to the printer at the Police Desk. The Desk Officer will place these copies on the proper spindles at the desk.

2. Rejection

- a. If the ROUGH COPY of any report is unsatisfactory, the Supervisor will take the following action, dependent upon the circumstances:
- b. If the officer is on duty, he will be contacted and advised to make the appropriate corrections while on duty. The corrections are made by the officer, then the report is once again reviewed by the Tour Commander, if it has been properly corrected, he Initials it and puts his badge number on it and then disseminates it as previously mentioned. EVERY EFFORT SHOULD BE MADE TO REVIEW REPORTS BEFORE AN OFFICER GOES OFF DUTY, SO AS TO AVOID UNNECESSARY DELAYS IN DISSEMINATING CORRECT, FINISHED REPORTS.
- c. If the submitting officer is off duty when a report is found to be deficient, the following steps will be taken as appropriate:
 - (1) If the mistake is trivial, obvious, or typographical in nature, the supervisor will correct it himself. Likewise, if a significant deficiency or detail omission is present, the supervisor should attempt to contact the reporting officer by telephone or pager and make the correction after obtaining the needed information.

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- (2). If the report contains a significant deficiency or omission that cannot be corrected by the supervisor, and for whatever reason, the officer cannot be reached, the report will then be placed in its designated tour slot (12x8, 8x4, 4x12) behind the desk, until such time that the officer reports back for duty. The tour commander will then check the slots on a daily basis and return any deficient reports to any officer who is on duty, whereupon corrections will be made. The report or jacket will then follow the routes previously mentioned.
 - (a) If a previously approved jacket or report is submitted to Data Entry after going through all previous supervisory and approval steps, and is still found to be defective at that level, the Data Entry Supervisor will return the report or jacket to the police desk, where it will be IMMEDIATELY corrected using any means necessary by the 8x4 Tour Commander. The completed report or jacket will then be submitted back to Data Entry as quickly as possible, so as to minimize any further delays.
 - (3) If the PRINTED COPY of the report is found to be defective, the report must be forwarded back to data entry for correction of their apparent mistake. After data entry makes the correction, the report will be reviewed and disseminated using the aforementioned procedure.
- C. Detective and Narcotic Bureau reports and case jackets will be reviewed by the Detective or Narcotic Bureau Sergeant on duty at that time. If either bureau does not have a Sergeant on duty, the other Sergeant will handle the review. In the case where there is no Sergeant in either of the bureaus, it will be the responsibility of the Tour Commander to review all paperwork submitted.
- D. COLLISION REPORTS:
 1. In the event that a collision report is retained at the desk for correction, a photocopy of it MUST be sent to the record room with a note attached advising that the report is not yet available for public dissemination. When the report is complete and correct, it will be forwarded and disseminated as usual.
 - a. Only after a report is properly corrected may it be forwarded to Data Entry for processing and dissemination to the public or other agencies.
- E. STOLEN MV REPORTS:
 1. All rough copy stolen car reports must be photocopied after NCIC entry and supervisory review and entered in the stolen car book behind the desk. The log contained within that book must also be completed each time a stolen MV is entered or recovered. Remember to put a copy in the detective bureau slot of all stolen MV reports.

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F. TOW REPORTS:

1. Tow reports will be photocopied and placed in the ring binder behind the desk with an entry being made of the vehicle in the tow logbook. The officer releasing the vehicle will complete the bottom of the report and note its release in the tow log, then forwarding the completed report from the binder to Data Entry after the Tour Commander signs off on it.
2. Computer printouts for towed vehicles are to remain with the original pink sheet. Do not put them in the binder.
 - a. Refer to the "Towed Motor Vehicle" SOP and associated FLPD memos for further information.

G. AFFIDAVITS:

1. Affidavits submitted by civilians at the police desk are to be handled in the following manner:
 - a. ALL affidavits should have the case number noted at the top of the first page.
 - b. If the affidavit relates to a collision, it should be attached to the collision report and forwarded to Data Entry after supervisory review and approval.
 - c. If the affidavit relates to a civilian complaint being lodged against another civilian, the original should be placed in the case jacket for that complaint, if a jacket is created. A copy will be attached to the photocopy of the investigation report and forwarded to the appropriate bureau.
 - d. If the affidavit is for some sort of documentation purpose, or is not yet accompanied by a complaint, then it should be photocopied and placed in the General Investigation slot behind the desk, attached to the photocopy of its accompanying rough copy investigation report. The original affidavit will stay with the original copy of the investigation report and be forwarded to Data Entry. They will then forward the affidavit to the appropriate bureau with the finished copy of the report.
 - e. If the affidavit is in reference to a citizen complaint against a police officer, it should be attached to the receiving supervisor's three liner and a photocopy of the investigation report and forwarded up the chain of command. DO NOT send citizen complaint affidavits to Data Entry, General Investigation, or the Records Room.