



ALLEN PASCUAL
Commissioner

**TOWNSHIP OF NORTH BERGEN
DEPARTMENT OF PUBLIC SAFETY
POLICE DEPARTMENT**

LAW & PUBLIC SAFETY BUILDING
4233 KENNEDY BOULEVARD
NORTH BERGEN, NJ 07047



PETER FASILIS
Chief of Police

EFFECTIVE DATE: Immediately		DIRECTIVE: G.O. 22-003
SUBJECT: Fraternization and Nepotism		
REFERENCES:		
ACCREDITATION STANDARDS:		
DISTRIBUTION: Police Desk All Divisions via Power DMS General Order Manual		NUMBER OF PAGES: 7
ISSUING AUTHORITY: Peter Fasilis Chief of Police	ISSUE DATE: 1/06/2021	REVISION DATE:

I. PURPOSE:

- A.** The job of law enforcement involves members being placed in dangerous situations in which sound, unbiased judgment is vital to safety. It is imperative that members exercise sound judgment and objectivity in performing their duties and that they avoid any conflict of interest, potential conflict of interest, or the appearance of any conflict of interest.
- B.** The North Bergen Police Department is committed to maintaining a professional work environment free of conflicts of interest, nepotism, and favoritism. A workplace where employees maintain clear boundaries between family, personal, and work relationships leads to an environment that:
 - 1. Is fair, equitable, and safe;

2. Promotes high employee morale; and
 3. Ensures trust in the Department's merit-based employment system.
- C. The purpose of this policy is to help clarify when family and romantic relationships may cause problems, or the appearance of problems, related to nepotism, favoritism, or conflicts of interest at work. This policy also establishes standards and disclosure requirements to prevent those problems from occurring. Nepotism occurs when family members favor relatives in employment decisions.
- D. Romantic relationships between supervisors and subordinate employees may raise issues of conflict of interest, abuse of authority, or favoritism. These relationships also have the potential to adversely impact other employees. Moreover, the real or perceived power imbalance that may exist between a supervisor and a subordinate may raise questions about mutual consent.

II. POLICY:

- A. It is the policy of the North Bergen Police Department to ensure that members avoid any perceived or actual conflict of interest between their responsibilities, and interests arising from familial, spousal and/or romantic relationships which a department member might have with another department member. The North Bergen Police Department will investigate and/or act upon said perceived or actual conflicts, as well as, violations of those specific prohibitions listed below in the section outlining "prohibited actions and procedures."
1. The NBPD recognizes that fraternization is gender-neutral, meaning there is no presumption that fraternization is limited to or defined by interactions between members of different genders.
- B. The policy and procedures described are strictly limited to addressing the actual or reasonably perceived adverse impacts on the department of familial, spousal and/or romantic relationships, not the actual relationships. Except for the limited circumstances described in the following sections, nothing in this policy is intended to control or examine the relationships that may exist or develop between members of the department.

III. DEFINITIONS:

- A. **Applicant.** Any individual who has initiated an application for employment (in any capacity) within the North Bergen Police Department.
- B. **Direct Report.** A member of the North Bergen Police Department who reports to or takes orders directly from a higher-ranking member of the North Bergen Police Department, without the intervention or involvement of another supervisor.
- C. **Fraternization.** For the purposes of this policy, "fraternization" is defined as a romantic relationship between members of the North Bergen Police Department that results in an

actual or reasonably perceived adverse impact on matters such as (but not limited to):

1. The chain of command;
2. The authority or objectivity of a supervisor;
3. Impartial evaluation and discipline;
4. The impartial participation in and application of departmental activities and assignments; or
5. The good order and morale of the North Bergen Police Department.

D. Adverse Impact. An impact, including, but not limited to those which:

1. Appreciably or significantly compromise the North Bergen Police Department related work performance, objectivity, judgment, professionalism, morale, business reputation or the business manner in which a member may conduct himself or herself, or
2. Causes the North Bergen Police Department to suffer significant public embarrassment and/or a loss of public esteem.

E. Member. For the purposes of this policy, the term “member” shall include all employees of the North Bergen Police Department, whether sworn, civilian or volunteer, including interns.

F. Nepotism. Patronage bestowed or favoritism shown on the basis of relationships between or among relatives.

G. Police Officer Trainee. For the purposes of this policy, a “Police Officer Trainee” is considered to be any member who has been hired for the position of sworn police officer, but has not yet completed basic police academy training, field training and the Field Training Office (FTO) Program, and includes his/her entire probationary period.

H. Reasonable Perception. Within this policy, the phrases “reasonable perception”, “reasonably perceived”, and similar variations shall mean an allegation of fraternization or nepotism that is supported by a reasonable and impartial interpretation of relevant facts and circumstances, and is not dependent on whether or not members believe their conduct to be fraternization or nepotism.

I. Relative. Regardless of whether appearing in the singular or plural, a spouse, domestic partner, father, mother, son, daughter, uncle, aunt, first cousin, nephew, niece, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepsister, stepson, stepdaughter, half-brother, half-sister, and members who are the biological or adoptive parents of the same person.

J. Romantic Relationship. A current sexual, non-platonic relationship between members, to include spouses, domestic partners, cohabitating partners, and members who are dating or otherwise involved in a sexual relationship. For the purposes of this policy, a “romantic

relationship” shall be one characterized by a level of personal affection and familiarity not typically shared by coworkers in the work environment, and involving (but not limited to) dating, physical intimacy, sexual activity, or other similar behavior(s). Members involved in a romantic relationship with one another may be referred to as romantic partner(s).

IV. PROHIBITED ACTIONS AND PROCEDURES:

A. Prohibited actions described in this section are directed at circumstances involving North Bergen Police Department members as well as persons for whom employment (or continued employment) with the North Bergen Police Department is conditional and/or subject to some form of performance review, including, but not limited to:

1. Applicants; and
2. Police Officer Trainees

B. Because the likelihood of an adverse impact from fraternization and/or nepotism in any of these circumstances is clearly predictable, the North Bergen Police Department shall, in its efforts to provide a fair and impartial work environment, set a stricter standard of conduct. Prohibited actions are as follows:

1. No member of the North Bergen Police Department may enter into a romantic relationship with an applicant or a Police Officer Trainee.
2. No member of the North Bergen Police Department may work as a direct supervisor to a lower-ranking member of the North Bergen Police Department with whom he/she is a relative, or with whom he/she is engaged in a romantic relationship.
3. Members may not select or apply for assignments which will place them under the supervision or management of a higher-ranking member of the department who is a relative or romantic partner.
4. No member shall participate with the appointment, assignment, employment, evaluation, promotion or advancement of another member of the department who is a relative or romantic partner.
5. During the selection process for promotions and assignments (including, but not limited to that occurring as members request assignments to specific work shifts) all members are required to disclose to their supervisors the identity of any relative and/or romantic partner employed by the department who participated, in any way, in the selection process.
6. Upon discovery, members shall notify their immediate supervisor that they are working in substantial direct contact with a relative and/or romantic partner.

C. If a member is married to, or maintains a romantic relationship with, a higher-ranking member of the Department, that member is prohibited from:

1. Using that relationship to seek special treatment or consideration for themselves or another member;
2. Accepting or pursuing any assignment that would make that member a direct report to that higher-ranking officer; or
3. Conducting themselves in a manner that, in any public or on-duty setting, diminishes that member's authority or rank.

D. Allegations of fraternization and/or nepotism may be reported:

1. To a commanding officer via the chain of command; or
2. Directly to the Internal Affairs Unit.

E. Administrators/Supervisors/Civilian Supervisors/Instructor Responsibilities:

1. North Bergen Police Department supervisors will not knowingly make a job assignment of a member that will foreseeably foster or likely results in the creation of the potential for an adverse impact on the North Bergen Police Department due to the nature of a relationship that exists between members who are relatives or who are in a romantic relationship. Circumstances that will foreseeably foster or likely result in an adverse impact on the North Bergen Police Department include, but are not limited to the following:
 - a. A member serving as a supervisor, Field Training Officer, or and administrator over or for a relative or romantic partner;
 - b. Relatives or romantic partners both serving on the same squad or in the same unit;
 - c. A member serving as a supervisor, administrator, or responsible party over the care, custody or activity of volunteers (e.g., interns) while a relative or romantic partner is a non-member volunteer or program participant, and
 - d. Relatives or romantic partners serving together in a stakeout, undercover or tactical operation.
2. A member, who is a relative of another member, may be assigned to the same squad, division or bureau as long as substantial direct contact and the potential for adverse impacts in North Bergen Police Department are avoided. Substantial direct contact does not necessarily include working portions of the same shift with overlapping supervision, working separate districts or extra-duty employment where members are assigned separate posts.

3. Upon learning of a job assignment that causes one member to work with another member in a violation of this directive, supervisors shall disclose the relationship in writing, via official channels, to their commanding officer. The commanding officer or designee shall prepare and forward a written memorandum to the Chief of Police in which all relevant facts are articulated. The Chief of Police or designee will review the relevant facts and/or memorandum for the purposes of determining whether the circumstance appears to violate this written directive or other policies of the department, and resolving member assignment to avoid/eliminate potential and existing conflicts of interest and assignments that appear to have a potential for an adverse impact on the North Bergen Police Department.
4. In any relationship with a subordinate, the higher-ranking member:
 - a. Bears primary responsibility for ensuring that appropriate standards of mutual conduct and respect are observed; and
 - b. Must avoid even the reasonable perception that fraternization and/or nepotism is occurring.
 - c. Shall not allow, or arrange for, a subordinate who is a relative or romantic partner to become their direct report.
5. Members may report violations or suspected violations of this Directive to their immediate supervisor or the Internal Affairs Division.
 - a. Note that any complaint will be investigated based on the actual or reasonably perceived adverse impact(s) created by the alleged fraternization and/or act of nepotism, not the existence of any particular relationship in and of itself or the actual adverse impact.
6. Upon learning of a job assignment that causes one member to work with another member in potential violation of this policy, a determination shall be made as to the most appropriate course of action to reduce or eliminate the possibility of any adverse impact resulting from the assignment. Any conclusions will include an analysis of the facts and circumstances surrounding the relationship in question; and may also include recommendations made by the member's current commanding officer.
7. Certain exceptions may be made to allow relatives or romantic partners to work in the same patrol or operational area on the same schedule under the following circumstances:
 - a. Manpower shortages;
 - b. Unavoidable temporary work circumstance (a major incident or call which requires response from multiple Divisions);
 - c. Recalls and call outs;

- d. Additional staffing needs over a short period of time;
 - e. A special event; and
 - f. Other extraordinary circumstances.
8. The Chief of Police or their designee may make exceptions to the directives in this policy such that members may be assigned or reassigned to best serve the North Bergen Police Department, fulfill and support the mission of the department, promote safety and welfare, avoid the creation or continuation of conflicts of interest, and enhance the quality and efficiency of member service.

V. VIOLATIONS:

- A. Supervisors are held accountable for the enforcement of this General Order.
- B. Violations of this General Order may result in progressive disciplinary action.

A handwritten signature in black ink, appearing to read "D. J. [unclear]", is positioned above the title "Chief of Police".

Chief of Police