

*BOROUGH OF FAIR LAWN
POLICE DEPARTMENT*

RULES AND REGULATIONS

COUNTY OF BERGEN

STATE OF NEW JERSEY

DEPARTMENT OF POLICE

BOROUGH OF FAIR LAWN

NEW JERSEY

This manual is the property of The Borough of Fair Lawn. It is assigned to you by serial number, and upon separation from police service, you are bound to return it. You are responsible for its security.

If lost, finder please return to
Department of Police,
The Borough of Fair Lawn at
8-01 Fair Lawn Avenue,
Fair Lawn, New Jersey 07410

Name of Police Officer/Employee

Manual Number

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INTRODUCTION

The following manual is adopted pursuant to the Ordinances of The Borough of Fair Lawn for the Government, Discipline, Administration and Operation of the Department of Police (hereinafter referred to as the "Department", and its members.

The success of a police force, in the performance of its duties, is largely measured by the degree of support and cooperation it receives from the people of the community it serves. The Department must continuously strive to secure the confidence, respect and approval of the public. Necessarily, the cultivation of such desirable attitudes is dependent upon the proper performance of duty by all

the members of the Department.

The Borough of Fair Lawn ordinances and State statutes which are shown here are those which relate to the administration of the Department, conditions of employment, or the conduct of members.

A professional responsibility no less grave than that of other administrators of the law is imposed upon members of the Department. Professionalization of police is gaining general recognition, but it can win universal acclaim and permanent status only if the actions of the police are reflected in intelligent, sincere, efficient, and courteous service. The police profession must embody the highest attributes of every other profession. Not private profit, nor personal reward, but the service of the community is the earmark of the professional police officer.

The rules and regulations portion of the manual is designed to guide members in the areas of conduct.

Any violation of the rules and regulations may become the basis for disciplinary action.

The standard operating procedures section of the manual is intended to cover policies and procedures. Material that is primarily instructional in nature will also be incorporated as a part of the standard operating procedures.

These Rules and Regulations and standard operating procedures must not be construed as final and exhaustive. Periodic written directives in the form of general orders will provide supplementary guides to meet changing conditions. In this respect, the administration of the Department encourages the suggestions and involvement of members.

Above all, the manual must be considered as a means to an end, not as an end in itself. Members of the Department must regard themselves as part of a team dedicated to the safety and protection of the community, and the manual must be used to aid in accomplishing this important task.

One copy of the Police Manual shall be distributed to each police officer and to certain employees of the Department. Each police officer shall sign for his or her copy of the Police Manual. For reference purposes, copies shall be distributed to the Office of the Borough Manager, the Borough of Fair Lawn Attorney, the Mayor, the Borough of Fair Lawn Personnel Officer, and the governing body.

All police officers and employees who are assigned a manual shall be responsible for its maintenance and care. All manuals shall be kept current, and supplementary pages concerning additions, revisions, or amendments shall be promptly inserted.

Each police officer and civilian employee is duty bound to thoroughly familiarize himself or herself with provisions of the Police

Manual. Failure to comply shall be considered neglect of duty.

In the event neglect of duty is charged against a police officer for failure to observe the Rules and Regulations, Department Procedures, or Orders, ignorance of any provision of this manual or any Department Procedure or Order will not be accepted as an excuse.

This manual shall, from time to time, be amended as circumstances and experience dictate as well as amendments required by law.

OATH OF OFFICE

New members shall take the following Oath of Office:

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of New Jersey, and that I will bear true faith and allegiance to the same and to the governments established in the United States and in this state under the authority of the people and that I do solemnly swear (or affirm) that I will faithfully, impartially and justly perform all the duties of the office of _____ of the Borough of Fair Lawn, in the County of Bergen, in the State of New Jersey, accordingly to the best of my ability.

RULES AND REGULATIONS

ARTICLE I

ESTABLISHMENT OF DEPARTMENT RULES & REGULATIONS

A. POLICE DEPARTMENT AUTHORITY - POWERS - DUTIES

1. Legal Authorization. New Jersey Statute 40A:14-118 states:

"The governing body of any municipality, by ordinance, may create and establish an executive and enforcement function of municipal government, a police force, whether as a department or as a department, division or other agency thereof, and provide for the maintenance, regulation and control thereof. Any such ordinance shall, in a manner consistent with the form of government adopted by the municipality and with general law, provide for a line of authority relating to the police function and for the adoption and promulgation by the appropriate authority of rules and regulations for the government of the force and for the discipline of its members. The ordinance may provide for the appointment of a Director/Chief of police and such members, officers and personnel as shall be deemed necessary, the determination of their terms of office, the fixing of their compensation and the prescription of their powers, functions and duties, all as the governing body shall deem necessary for the effective government of the force. Any such ordinance, or rules and regulations, shall provide that the Chief of police, if such position is established, shall be the head of the police force and that he shall be directly responsible to the appropriate authority for the efficiency and routine day to day operations thereof, and that he shall, pursuant to policies established by the appropriate authority:

- a. Administer and enforce rules and regulations and special emergency directives for the disposition and discipline of the force and its officers and personnel;
- b. Have, exercises, and discharge the functions, powers and duties of the force;
- c. Prescribe the duties and assignments of all subordinates and other personnel;
- d. Delegate such of his authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision; and

- e. Report at least monthly to the appropriate authority in such form as shall be prescribed by such authority on the operation of the force during the preceding month, and make such other reports as may be requested by such authority.

As used in this section, "appropriate authority" means the mayor, manager, or such other appropriate executive or administrative officer, such as a full-time Director/Chief of public safety, or the governing body or any designated committee or member thereof, or any municipal board or commission established by ordinance for such purposes, as shall be provided by ordinance in a manner consistent with the degree of separation of executive and administrative powers from the legislative power provided for in the charter or form of government either adopted by the municipality or under which the governing body operates.

Except as provided herein, the municipal governing body and individual members thereof shall act in all matters relating to the police function in the municipality as a body or through the appropriate authority if other than the governing body."

Statutory requirements are to be used as guidelines and may be revised in practice by the governing body in agreement with the Chief of Police.

2. Ordinance

The Department of Police is established by authority of Ordinance Chapter 33, Article I, entitled " Establishment of Department"

Pursuant to Ordinance Chapter 33 Article I, it shall be the duty of every officer and member of the police department to observe and enforce all state and federal laws, borough ordinances, and rules and regulations pertaining to his/her duty as a police officer. A police officer is authorized and empowered and it shall be his/her duty to do and perform all acts and things required by general law and ordinances of the borough and the rules and regulations of the police department. As an example of these responsibilities, but not by way of limitation, police officers shall:

- a. Preserve the public peace, prevent crimes, detect and arrest offenders against the penal laws and ordinances effective within The Borough of Fair Lawn, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblies and preserve order at all elections and public meetings and assemblages.
- b. Administer and enforce laws and ordinances to regulate, direct, control, and restrict the movement of vehicular and pedestrian traffic and the use of streets by vehicles and persons, and to make rules and regulations not inconsistent with the charter, ordinance and general law for such purpose.

- c. Remove all nuisances in the public streets, parks and other public places; inspect and observe all places of public amusement or assemblage and all places of business requiring state or municipal licenses or permits.
- d. Provide proper police attendance and protection at fires.
- e. Enforce the laws and ordinances in effect within The Borough of Fair Lawn and prevent the violation of them by any person; apprehend and arrest all persons legally charged with violations of any law or ordinance.
- f. Provide for the attendance of its police officers or civilian employees in court as necessary for the prosecution and trial of persons charged with crimes and other violations of the law, and cooperate fully with the law enforcement and prosecuting authorities of federal, state and county governments.
- g. Provide training to maintain and improve the police efficiency of the members of the Department.

3. Rules and Regulations Established

The appropriate authority of The Borough of Fair Lawn hereby adopts and promulgates the department Rules and Regulations, known as the "Borough of Fair Lawn Police Department Rules and Regulations."

4. Right to Amend or Revoke

For the good of the service, in accord with New Jersey Statute 40A:14-118, the right is reserved by the appropriate authority, as the representative of the governing body, to amend or to revoke any of the rules, regulations, or procedures, or add thereto, as circumstances require.

5. Previous Rules, Policies and Procedures

All rules, regulations, procedures, and orders previously issued, contrary to those embodied in the manual, are hereby revoked. All other rules, regulations, orders, and procedures not in conflict with those contained in this manual shall remain in force.

B. APPLICATION

- 1. Police policies and procedures, rules and regulations are applicable to all officers of the Department and where specified, to all civilian employees of the Department.
- 2. All existing Department rules and regulations, orders and instructions in

conflict with these regulations are canceled.

3. All general and special orders, instructions (including those on Department forms) and manuals not in conflict with these regulations shall have the same authority as regulations.
4. Policies and procedures, special and personnel orders shall not be canceled, amended, or issued without the approval and signature of the Chief of Police.
5. Failure of an officer either willfully or through negligence or incompetence to perform the duties of his rank or assignment, or violation by officer or civilian employee of any Department regulation or order, may be considered sufficient cause for disciplinary action.
6. Each section of these rules and regulations and every subsection hereto shall be deemed independent, separate and distinct from all other sections and the holding of any section or part hereto to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other section or part hereof.
7. All rules, regulations, orders and instructions shall be interpreted and implemented
8. consistent with the existing collective bargaining agreement between Fair Lawn police officers and the Borough of Fair Lawn.

ARTICLE II

DEFINITIONS

ACTING

Serving temporarily in a position to which the member is not ordinarily assigned, usually in a position of higher rank. All the authority, responsibilities and duties of the officer in the higher position devolve upon the acting member.

ACTING CHIEF

A Captain of Police acting in the capacity of Chief of Police during the extended absence of the Chief. The Acting Chief is assigned by the Borough Manager upon the recommendation of the Chief of Police.

ADMINISTRATOR

Shall be the Borough Manager of The Borough of Fair Lawn.

ANNUAL LEAVE

Vacation period granted to all members annually in accord with The Borough of Fair Lawn Ordinances.

APPROPRIATE AUTHORITY

Shall be the Borough Manager of The Borough of Fair Lawn.

AUTHORITY

Authority is the statutory or policy vested right to give commands, enforce obedience, initiate action and make necessary decisions. Authority may be delegated by those so designated. Acts performed without proper authority or authorization shall be considered in violation of the manual, and those persons in violation shall be subject to disciplinary action.

AUXILIARY POLICE

Persons vested with special police authority pursuant to Directive #98 and certified by the New Jersey State Police, Auxiliary Police Organization and it's Training Manual, but are not members of the Police Department.

BOROUGH

The Borough of Fair Lawn, New Jersey

BOROUGH MANAGER

The Administrator, Appointing Authority and Appropriate Authority of the Borough of Fair Lawn, New Jersey

BUREAU

A unit immediately subordinate to a Division.

CAPTAIN

Captain of Police of the Department.

CHAIN OF COMMAND

The unbroken line of authority extending from the Chief of Police through one or more subordinates at each level of command down to the level of execution and vice versa.

CHIEF

Chief of Police of the Department

COMMANDING OFFICER

Any officer appointed to the rank of Sergeant or higher who is in command of a Division, Unit or Bureau.

DAYS OFF

Those days determined by the Chief of Police on which a given member is excused from duty.

DEPARTMENT

The Borough of Fair Lawn, Department of Police.

DEPARTMENTAL MANUAL

Reference the herein as well as specifying Departmental Policies and Procedures. Departmental General Orders will be incorporated into the appropriate Departmental Manual after a provisional period of operation. Such manuals in force in this Department are issued by authority of the Director of Police and carry the weight of a General Order. Compliance with the provisions of Departmental Manuals is required.

DETAIL

A temporary assignment of personnel for a specialized activity.

DETECTIVE

A police officer assigned to conduct criminal investigations while in civilian clothing.

DIVISION

A functional unit having jurisdiction-wide coverage whose commanding officer reports directly to the Chief of Police.

EMPLOYEE

All employees of the department, whether sworn regular or special police officers or civilian employees.

GENDER

The use of the masculine gender in any directive or manual includes the female gender, when applicable.

GENERAL ORDERS

Written directives issued at the Departmental or Division level by the Chief of Police. General Orders remain in full force and affect until amended, superseded or canceled by the Chief of Police. Departmental General Orders establish policy, procedure, or regulations governing matters which effect the entire Department or two (2) or more subordinate units. They are the most authoritative directive issued in the Department and may be used to amend, supersede or cancel any other order.

HEADQUARTERS

The portion of the Municipal Building that houses the headquarters staff and the members/employees of the Police Department.

INCOMPETENCE

Incapable of satisfactory performance of police duties.

INFORMATION BULLETIN

A bulletin containing information regarding wanted persons, and property, crime patterns, and other incidents calling for police attention, special notices, etc.

INSUBORDINATION

Failure or deliberate refusal of any member or employee to, in a timely manner, obey a lawful order given by a superior officer. Ridiculing a superior officer or his order, whether in or out of his presence, is also insubordination. Disrespectful, mutinous, insolent, or abusive language towards a superior officer is insubordination.

LAWFUL ORDER

Any 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 any Department rule or regulation.

LEAVE OF ABSENCE

The period of time during which a police officer is excused from active duty and during which time he receives no pay.

LIEUTENANT

Lieutenant of Police of the Department.

MAY/SHOULD

Indicates that the action is permitted; yet not mandated.

MEMBER

Any duly appointed police officer of the Department.

MEMORANDA

Information bulletins which are primarily designed to inform and secondarily to direct issues at Departmental level. Such memoranda are not official orders, but express the thinking of the issuing authority on the subject under consideration.

MILITARY LEAVE

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

NEGLECT OF DUTY

Failure to give suitable attention to the performance of duty. Examples include, but are not limited to, failure to take appropriate action on the occasion of a crime, disorder, or other act or condition deserving police attention; absence without leave; failure to report to duty at the time and place designated; unnecessary absence from the beat during the tour of duty; failure to perform duties or comply with provisions prescribed in the Police Manual, and; failure to conform to the Department operating procedures.

OFF DUTY

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

OFFICER-IN-CHARGE

Ranking member of the Department on duty. Rank is determined by grade first, and by seniority second. Any member up to and including the rank of Captain in charge of a shift, detail, etc.

OFFICIAL CHANNELS

Through the hands of the superior officers in the chain of command.

ON DUTY

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

ORDER

Any written or oral directive issued by a superior officer to any subordinate or group of subordinates in the course of police duty.

POLICE OFFICER

Any sworn member of the Department below the rank of Sergeant.

PERSONNEL ORDERS

Appointment, assignment or any other status change of personnel within the Department are accomplished by Departmental Personnel Orders issued by the Ranking Officer. Division Personnel Orders may be issued by a Commanding Officer to detail personnel. Division Personnel Orders shall be forwarded to the office of the Director/Chief of Police.

PLURALITY OF WORDS

The singular includes the plural and the plural includes the singular unless the text clearly indicates to the contrary.

POLICE INCIDENT

An occurrence or incident suggesting or requiring police action or service by members.

POLICE VEHICLE

All vehicles under the control of the Department, whether marked or unmarked, with or without radio equipment.

POLICY

A statement of department principles that provides the basis for the development of procedures and directives.

PROBATIONARY POLICE OFFICER

Any member of the Police Department serving a satisfactory police apprenticeship prior to permanent appointment to Police Officer as prescribed by the New Jersey Department of Personnel and the New Jersey Police Training Commission.

PROBATIONARY PERIOD

Each member shall be required to serve a probationary period prior to permanent appointment to the Department. The length of this time shall be one year from Academy graduation or such period of time set forth by the New Jersey Department of Personnel and the Police Training Commission.

PROCEDURE

A written statement providing specific direction for performing department activities. Procedures are implemented through policies and directives.

RULES AND REGULATIONS

Departmental legislation consisting of detailed directives binding upon members and employees of all ranks in terms of authority, responsibility and conduct.

SECTION/SQUAD

A functional unit subordinate to a Bureau or under the immediate direction of the Chief of Police. It may be commanded by any rank, depending on its size and the nature and importance of its function.

SENIOR OFFICER

A member in any given rank with the longer service in that rank. Seniority in the Department is established first by rank and secondly by time served in rank. Where conflict occurs because of identical service in rank or dates of appointment, the member with the higher position on the recommendation list from which the appointments were made is deemed to be the senior. In situations requiring decision or control where the officers are of equal rank, the senior will make the decision and exercise control unless otherwise directed by a higher ranking command or supervisory officer.

SERGEANT

Sergeant of Police of the Department.

SHALL/WILL

Indicates that the action required is mandatory.

SHIFT

A tour of duty defined by the hours worked.

SHIFT COMMANDER

A supervisory officer of a shift.

SICK LEAVE

The period of time during which an officer is excused from active duty by reason of illness or injury by the Commanding Officer or Officers in Charge in absence of the Commanding Officer.

SPECIAL DUTY

Police service, the nature of which requires that the member be reassigned from the performance of his regular duties to perform other duties as required from time to time by the Chief of Police.

SPECIAL ORDERS

Written directives issued at the Departmental level by the Chief of Police or Division level by either the Chief of Police or a Commanding Officer. Special orders specify instructions governing particular situations. Special orders are automatically canceled when their objectives are achieved. Division special orders are effective only within the Division in which they are issued. A copy of all Division special orders shall be forwarded to the office of the Chief of Police.

STAFF SUPERVISION

An advisory relationship, outside the regular hierarchy of command and responsibility in which a supervisor may review the work of another employee who is responsible to another superior officer.

SUBORDINATE

A member lower in rank than his superior officer.

SUBVERSIVE ORGANIZATION

That which seeks to overthrow or undermine a government or other existing institution by unlawful means.

SUPERIOR OFFICER

A person holding a higher supervisory or command rank or position.

SUPERVISORY OFFICER

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

SUSPENSION

Suspension is the act of temporarily denying a member the privilege of performing his duties, and relieving him from the duty with or without pay for a period of time, in consequence of alleged dereliction or violation of Department regulations.

TENSE OF WORDS

The words used in the present tense include the future unless the clear text indicates to the contrary.

TOUR OF DUTY

The shift, defined by time, during which an individual member is on duty.

TRAINING BULLETIN

Bulletins published and designed to keep officers of this Department abreast of current police techniques and procedures. The bulletins and their presentation act as a continuous training program and as a stimulus for further study. The information contained therein constitutes official Departmental policy on the subject matter under consideration in the absence of other instructions to the contrary.

UNIT

Any number of members and/or employees of the Department regularly grouped together under one head to accomplish a police purpose.

ZONES/POST

A geographical area administratively designated for purposes of investigation, supervision or patrol.

ARTICLE III

TABLE OF ORGANIZATION

CHAIN OF COMMAND

CHIEF OF POLICE

CAPTAIN

LIEUTENANT

SERGEANT

POLICE OFFICER

The above shall be in accordance with Ordinance No. 1881-2001. An ordinance amending Chapter 33 of the code of the Borough of Fair Lawn 2000 entitled "Police Department", specifically Section 33-2.

ARTICLE IV

COMMAND AND SUPERVISORY

RESPONSIBILITIES AND AUTHORITY

All command and supervisory personnel shall be responsible and accountable for all provisions outlined in the Department's policy manual, as it may pertain to their specific job assignment.

A. CHIEF OF POLICE

1. Authority - The Chief of Police is the chief executive officer of the Department and the final Departmental authority in all matters of policy, operations, and discipline. He exercises all lawful powers of his office and issues such lawful orders as are necessary to assure the effective performance of the Department.
2. Responsibilities - The Chief of Police shall perform administrative and technical police work in the direction of all personnel and activities of the Police Department. He has the chief administrative responsibility for the protection of lives and property in The Borough of Fair Lawn through the supervision of all police functions.
3. Authority and Responsibilities - The Chief of Police shall be the head of the Department and shall be the final Department authority in all matters of policy, operations, and discipline, and shall:
 - a. Plan, organize, direct and supervise the personnel and activities concerned with police protection.
 - b. Confer with The Borough of Fair Lawn officials in determining plans and policies to be observed in the conduct of the Department.
 - c. Formulate Departmental policies, regulations, goals, and program priorities in consultation with municipal officials and with the assistance of subordinate officers.
 - d. Formulate and prescribe work methods and procedures to be followed by members of the Department. Appraise conditions of work in the Department and take necessary steps to improve police operations.
 - e. Plan and supervise the enforcement of traffic and safety regulations and programs of crime prevention and detection.

- f. Direct and supervise the expenditure of annual appropriations. Prepare annual budget estimates and budget requests.
- g. Plan, direct and conduct in-service training programs.
- h. Cooperate with other local, state and federal officers in the apprehension and detention of wanted persons with other agencies where activities of the police department are involved.
- i. Direct, coordinate, and personally participate when required by circumstances, in any and all activities of the Department.
- j. Participate in the hiring process of prospective personnel and evaluate qualified applicants based on pre-employment testing.
- k. Plan and implement an objective employee evaluation program and make recommendations regarding promotions, demotion and disciplinary action.
- l. Attend meetings and training sessions to keep abreast of the latest developments in police protection and crime prevention, and to coordinate and expand training programs, and for the exchange of ideas.
- m. Direct Department public information program; address public groups in promoting public understanding of its work.
- n. Prepare plans and specifications for needed equipment and supplies.
- o. Prepare a variety of periodic and special reports on crime prevention and police protection.
- p. Formulate report forms and effectuates maintenance procedures for records and files.
- q. Implement rules of conduct for the Department and implement policies and procedures for the Department and The Borough of Fair Lawn.
- r. Implement rules and regulations of The Borough of Fair Lawn, County, State and Federal Government as they relate to the Police Department of The Borough of Fair Lawn.
- s. Perform related work as required.

- t. Maintain a thorough knowledge of the principles of management and supervision; of the administration of a local enforcement agency including record keeping, preparation of reports, personnel procedures and budget preparation.
- u. Maintain a thorough knowledge of the principles, practices and techniques of current police administration and police methods.
- v. Maintain a thorough knowledge of the standards by which the quality of police service is evaluated and of the use of police records and their application to police administration and future planning.
- w. Maintain a thorough knowledge of the types and uses of communication, electronic devices, firearms, and automotive equipment used in modern police work.
- x. Maintain a thorough knowledge of the functions of federal, state and local jurisdictions and authorities as they relate to police work.
- y. Maintain a thorough knowledge of current literature, research, and development in the field of crime prevention and police administration and protection.
- z. Maintain a thorough knowledge of general municipal operations and organization of laws, rules and regulations governing the operation of the Department and their application to specific situations.
- aa. Maintain a thorough knowledge of the preparation of detailed records, reports and files and a thorough knowledge of systems for maintaining a detailed record-keeping system.
- bb. Maintain a thorough knowledge of the administrative methods and techniques as they pertain to police operations and personnel.
- cc. Shall read, write, speak, understand and communicate in English sufficiently to perform the duties of the position.
- dd. Shall plan, lay out, and supervise the work of subordinates performing varied operations concerned with police activities and to develop proper training and instructional procedures for subordinates, and to maintain a high level of discipline and morale.
- ee. Shall prepare and present effective oral and written informative material relating to the activities of the Department.
- ff. Shall prepare plans and specifications for Department equipment and supplies.
- gg. Shall analyze and interpret laws, ordinances, rules, regulations,

standards and procedures and apply them to specific situations.

- hh. Shall remain decisive and alert in emergency situations.
 - ii. Shall maintain effective working relationships with officials, department heads, employees and the public, and be able to communicate effectively and tactfully, and in a professional manner with officials, department heads, employees and the public.
 - jj. Shall provide the governing body with the necessary information and background material on those matters requiring their attention.
 - kk. Shall provide effective leadership for and maintain harmonious relationships in the Department.
- 4. Education - The Chief of Police shall have graduated from high school or possess an approved high school equivalent certificate, supplemented by the completion of approved course work in police administration, police science, or related fields.
 - 5. License - The Chief of Police will be required to maintain and possess a driver's license valid in the State of New Jersey.
 - 6. Experience - The Chief of Police shall have a minimum of five years experience as a PTC certified police officer.

B. POLICE CAPTAIN

- 1. Authority - Under the supervision of the Chief of Police has the subordinate responsibility of directing the work of a Division, either uniformed and non-uniformed, for the Department in accordance with the rules, regulations and procedures of the Department. Provides for the continuity of the operation of the Department in the absence of the Chief of Police.
- 2. Responsibility
 - a. Analyzes and properly assigns the work of his Division, providing for the proper protection of persons and property, the prevention of crime, enforcement of law, and the apprehension, incarceration, and prosecution of lawbreakers.
 - b. Provides sufficient supervision and training to ensure that the work of the Division is performed efficiently and according to established rules and regulations.
 - c. Delegates such of his powers as may be deemed necessary to enable subordinates to properly perform their duties.
 - d. Formulates effective work assignments for Division personnel and

oversees their work performance to ensure that all ranks of his command are properly and effectively performing assigned work. Recommends or institutes changes as necessary.

- e. Investigates, or causes to be investigated, complaints regarding Police service or alleged infractions of rules and regulations; makes recommendations regarding disposition of same, and; in minor infractions, disciplines subordinates.
- f. Plans and directs special traffic details, and coordinates special events.
- g. Plans and implements schedules for the Division and schedules training programs in order to achieve Department objectives. Maintains personnel records for the Department.
- h. Evaluates the work performance of the Division and makes recommendations for promotions, demotions, and disciplinary action.
- i. Participates in the hiring process of prospective Department personnel.
- j. Prepares detailed, clear and informative correspondence and reports.
- k. Effectuates the maintenance of quarters, controls the use of equipment and supplies and material assigned to the Department. Ensures that all personnel are provided with necessary uniforms, equipment and supplies.
- l. Oversees all investigations within his assigned Division.
- m. Maintains and ensures proper disposition of evidence.
- n. Formulates and effectuates the investigation of crimes within the jurisdiction of the Department.
- o. Formulates written instructions and procedures and special instructions for non-routine or complex assignments or to clarify published guidelines.
- p. Effectuates the accurate preparation and maintenance of needed records and files.
- q. Performs related work as required.
- r. Maintains a thorough knowledge of the principles, practices and techniques of current police methods and procedures.

- s. Maintains a thorough knowledge of the types and uses of communication, electronic devices, firearms and automotive equipment used in modern police work.
- t. Maintains a thorough knowledge of the functions of federal, state and local jurisdictions and authorities as they relate to police work.
- u. Maintains a thorough knowledge of the geography of the municipality and of criminal hazard locations, important buildings, traffic routes, and of the sociological characteristics of the area.
- v. Maintains a thorough knowledge of modern police administration and investigative methods and procedures.
- w. Maintains a thorough knowledge of the purposes of police records, including their use as instruments of planning and research.
- x. Maintains a thorough knowledge of the maintenance of involved and detailed records, reports and files and considerable knowledge of systems for maintaining a complex record-keeping system.
- y. Maintains considerable knowledge of the principles of management and supervision; of the administration of a local enforcement agency including record keeping, preparation of reports, and personnel procedures.
- z. Shall read, write, speak, understand and communicate in English sufficiently to perform the duties of the positions.
- aa. Shall prepare clear and comprehensive written reports and to instruct subordinates in the preparation of reports.
- bb. Shall analyze situations rapidly and objectively and to adopt quick, effective and reasonable courses of action with due regard to surrounding hazards and circumstances.
- cc. Shall supervise the work of subordinates performing varied operations concerned with police activities.
- dd. Shall present effective oral and written informative material relating to the activities of the Department.
- ee. Shall analyze and interpret laws, ordinances, rules, regulations, standards and procedures and apply them to specific situations.
- ff. Shall maintain effective working relationships with officials, department heads, employees and the public, and is able to communicate effectively and tactfully, and in a professional manner with officials, department heads, employees and the public.

- gg. Shall enforce the law with firmness, tact, and impartiality.
 - hh. Shall assist and advise the Chief of Police in all matters relating to the department
3. Education - The Captain shall have graduated from high school or possess an approved high school equivalent certificate, supplemented by the completion of approved course work in police administration, police science, or related fields.
 4. License - The Captain will be required to maintain and possess a driver's license valid in the State of New Jersey.
 5. Experience - The Captain shall have a minimum of three years experience as a PTC certified police officer.

C. POLICE LIEUTENANT

1. Authority - Under the supervision of the Chief of Police has the subordinate responsibility for directing the work of a platoon on an assigned shift, either uniformed and/or non-uniformed, of the Department in accordance with the rules, regulations and procedures of the Department.
2. Responsibility.
 - a. Directs, assists in the direction of, or participates in patrol, investigation and traffic regulatory activities in the field and service activities at headquarters during an assigned shift.
 - b. Inspects Department personnel for appearance.
 - c. Patrols the municipality observing, supervising and instructing subordinate officers.
 - d. Responds to major police, fire and accident calls and assists and instructs subordinate officers in investigations and other unusual situations.
 - e. Ensures that personnel and equipment are dispatched to the scene of emergencies in adequate numbers and that dispatching procedures are adhered to.
 - f. Either on a scheduled or rotating basis, may have the responsibility for assuring the accuracy of motor vehicle reports, the maintenance and repair of police vehicles, incoming and outgoing warrants and firearms applications. The training officer is responsible for scheduling and implementing all Departmental training which is

mandated by state law or Department policy.

- g. Prepares statistical reports, maintains logs and a variety of records and reports. Ensures that all records and reports of police activity on the shift are properly executed and routed.
- h. Keeps records and prepares work reports.
- i. Performs related work as required.
- j. Maintains a thorough knowledge of the geography of The Borough of Fair Lawn, important buildings, traffic arterial, and of the sociological characteristics of the area.
- k. Maintains a thorough knowledge of the federal, state and local laws and the rules and regulations of the Department.
- l. Maintains a thorough knowledge of the purposes and use of police records, including their use as instruments of planning and research.
- m. Maintains a thorough knowledge of recent developments, current literature, and sources of information regarding police methods and techniques, particularly as related to patrol, investigation, and record systems.
- n. Maintains a thorough knowledge of Breathalyzer instruments and must be certified by the New Jersey State Police.
- o. Shall read, write, speak, understand and communicate in English sufficiently to perform the duties of the position.
- p. Shall prepare clear and comprehensive written reports and to instruct subordinates in the preparation of reports.
- q. Shall supervise the activities of a platoon on an assigned shift.
- r. Shall analyze situations rapidly and objectively and to adopt quick, effective and reasonable courses of action with due regard to surrounding hazards and circumstances.
- s. Shall enforce the law with firmness, tact, and impartiality.
- t. Shall present effective oral and written informative material relating to the activities of the platoon.
- u. Shall maintain effective working relationships with officials, department heads, employees and the public, and the ability to communicate effectively and tactfully, and in a professional manner with officials, department heads, employees and the public.

3. Education - The Lieutenant shall have graduated from high school, vocational high school, or possess an approved high school equivalent certificate.
4. License - The Lieutenant will be required to maintain and possess a driver's license valid in the State of New Jersey.
5. Experience - The Borough of Fair Lawn prefers that the Lieutenant have a minimum of three years experience as a PTC certified police officer.

D. POLICE SERGEANT

1. Authority - Under the supervision of the Chief of Police, provides for continuity and supervision of an assigned squad in the absence of the Lieutenant in the operation of the Department.
2. Responsibility
 - a. Performs many of the duties of a Police Lieutenant, either in the absence of the Lieutenant, or in the capacity of an assistant. Performs the duties of a patrol officer.
 - b. Inspects Personnel
 - c. Maintains a thorough knowledge of the responsibilities of the Lieutenant.
 - d. Maintains a thorough knowledge of the geography of The Borough of Fair Lawn, important buildings, traffic arterial, and of the sociological characteristics of the area.
 - e. Maintains a thorough knowledge of federal, state and local laws and the rules and regulations of the Department.
 - f. Maintains a thorough knowledge of modern police administration and investigative methods and procedures.
 - g. Maintains a thorough knowledge of the basic principles of police methods and operations.
 - h. Maintains a thorough knowledge of the purposes and use of police records.
 - i. Is able to read, write, speak, understand and communicate in English sufficiently to perform the duties of the position.
 - j. Is able to analyze situations rapidly and objectively and to determine

the proper course of action.

- k. Is able to cope with situations firmly, courteously, tactfully, and with respect for the rights of others.
 - l. Is able to learn modern police procedures and techniques, basic first-aid, principles of investigation and interrogation, and applicable laws and ordinances.
 - m. Is able to understand and carry out oral and written instructions.
 - n. Is able to express oneself clearly and concisely, orally, and in writing.
 - o. Is able to maintain effective working relationships with officials, department heads, employees and the public, and the ability to communicate effectively and tactfully, and in a professional manner with officials, department heads, employees and the public.
- 3. Education - The Sergeant shall have graduated from high school or possess an approved high school equivalent certificate.
 - 4. License - The Sergeant will be required to maintain and possess a driver's license valid in the State of New Jersey.
 - 5. Experience - The Borough of Fair Lawn prefers that the Sergeant have a minimum of three years experience as a PTC certified police officer.

E. COMMANDING OFFICERS - AUTHORITY AND RESPONSIBILITIES

Subject to direction from higher command, a Commanding Officer has direct control over all members and employees within his command. In addition to the general and individual responsibilities of all members and employees and supervisory officers, a Commanding Officer is responsible for the following:

- 1. Command - The direction and control of personnel under his command to assure the proper performance of duties and adherence to established rules, regulations, policies and procedures. Providing for continuation of command and/or supervision in his absence.
- 2. Loyalty and Esprit de Corps - The development and maintenance of esprit de corps and loyalty to the Department.
- 3. Discipline and Morale - The maintenance of discipline and morale within the command and the investigation of personnel complaints not assigned elsewhere.
- 4. Interdivisional Action - The promotion of harmony and cooperation with other units of the Department. Initiation of proper action in cases not

regularly assigned to his command when necessary, where delay to inform the proper unit might result in a failure to perform a police duty.

5. Organization and Assignment - Proper organization and assignment of duties within his unit to assure proper performance of Departmental functions and those of his command.
6. Reports and Records - Preparation of required correspondence, reports and maintenance of records relating to the activities of his command. Assurance that information is communicated up and down the chain of command as required.

F. SHIFT SUPERVISOR/OFFICER-IN-CHARGE - AUTHORITY AND RESPONSIBILITIES

The shift supervisor, during his tour of duty, exercises the same authority and has the same responsibilities as his commanding officer, subject to higher authority. In the absence of the shift supervisor, the senior available member of the shift is in charge unless otherwise provided. In addition to the general and individual responsibilities of all members and employees, the shift supervisor is specifically responsible for the following:

1. Good Order - The general good order of his command during his tour of duty to include proper discipline, conduct, welfare, field training and efficiency.
2. Roll Call - Cause to be conducted prescribed roll calls, communication of all orders or other information at roll call and inspection and correction of his command as necessary.
3. Reporting - Reporting as required by a commanding officer.
4. Personnel Complaints - Inquire into personnel complaints against members and employees under his command in accordance with the provisions of his manual, General Orders, Standard Operating Procedures and the Attorney General Guidelines.
5. Supervision - A supervisory officer may be assigned to field or office duties. During his tour of duty he must closely supervise the activities of his subordinates, making corrections where necessary and commending where appropriate.
6. Leadership - Effective supervision demands leadership. Provision of leadership shall include on-the-job training as needed for efficient operation and coordination of effort when more than one member or employee is involved.

7. Direction - Supervisory officers must exercise direct command in a manner that assures the good order, conduct, discipline and efficiency of subordinates. Exercise of command may extend to subordinates outside his usual sphere of supervision if the police objective or reputation of the Department so requires; or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercised unnecessarily. If a supervisor requires a subordinate other than his own to leave a regular assignment, the supervisor so directing will inform the subordinate's own supervisor as soon as possible.
8. Enforcement of Rules, etc. - Supervisory officers must enforce Departmental rules and regulations and insure compliance with Departmental policies and procedures.
9. Inspection - Supervisory officers are responsible for inspection of activities, personnel and equipment under their supervision and initiation of suitable action in the event of a failure, error, violation, misconduct, or neglect of duty by a subordinate.
10. Assisting Subordinates - A supervisory officer shall have a working knowledge of the duties and responsibilities of his subordinates. He shall observe contacts made with the public by his subordinates and be available for assistance or instruction as may be required. A field supervisory officer shall respond to calls of serious emergencies, felonies in progress, assaults and others, unless actively engaged in a police incident. He should observe the conduct of the assigned personnel and take active charge when necessary.

ARTICLE V

RESPONSIBILITIES AND DUTIES OF DETECTIVES, POLICE OFFICERS, & CIVILIAN EMPLOYEES

All detectives, police officers and civilian employees personnel shall be responsible and accountable for all provisions outlined in the Department's policy manual, as it may pertain to their specific job assignment.

A. DETECTIVE/PLAINCLOTHESMAN

1. Under the supervision of the Chief of Police performs all major investigative activities of the Department.
2. Performs follow-up investigations of serious and vice crimes.
3. Conducts thorough investigations, gathers and preserves evidence, makes arrests, and testifies in court.
4. Seeks and develops sources of information. Ascertains information necessary for the arrest of persons alleged to have committed a crime.
5. Interrogates suspects and witnesses.
6. Interviews principals and witnesses, taking written statements.
7. Maintains surveillance over persons and places suspected of illegal operations.
8. Participates in the searching and booking of persons arrested.
9. Prepares and maintains detailed, informative and accurate reports of daily operations.
10. Prepares cases for prosecution by means of accurate and detailed record-keeping.
11. Recovers stolen property for the purpose of evidence and, if appropriate, return to its owner.
12. Performs all identification functions.
13. Processes juvenile offenders.
14. Informs superiors of the progress of all investigations.
15. Performs, as assigned, the duties of a patrol officer.

16. Performs related work as required.
17. Maintains a thorough knowledge of federal, state and local laws and the rules and regulations of the Department.
18. Maintains a thorough knowledge of modern police investigative and interrogative methods and procedures.
19. Maintains a thorough knowledge of the purposes and use of police records including their use as instruments of planning and research.
20. Maintains a thorough knowledge of information gathering techniques which result in the arrest of persons suspected of committing a crime.
21. Maintains a thorough knowledge of the geography of the Borough of Fair Lawn, important buildings, and of the sociological characteristics of the area.
22. Shall read, write, speak, understand and communicate in English sufficiently to perform the duties of the position.
23. Shall prepare clear and comprehensive written reports.
24. Shall analyze situations rapidly and objectively and to adopt quick, effective and reasonable courses of action with due regard to surrounding hazards and circumstances.
25. Shall enforce the law with firmness, tact, and impartiality.
26. Education - The Detective shall have graduated from high school, vocational high school, or possess an approved high school equivalent certificate and must be certified by the Police Training Commission.
27. License - The Detective will be required to maintain and possess a driver's license valid in the State of New Jersey.
28. Age - The Detective must be at least 18 years of age and must meet the requirements of the New Jersey Pension System.

B. POLICE OFFICER

1. Under the supervision of the Chief of Police performs law enforcement work involving the protection of life and property through the enforcement of laws and related preventive and investigative work.
2. Patrols designated areas in a police vehicle, bicycle, on foot or any other method, as directed, to preserve law and peace, to prevent and discover the commission of crime, and to enforce traffic and parking regulations.

2. Provides assistance to the general public, calls for assistance, emergency messages, assist the sick and infirm.
4. Answers calls and complaints involving drunkenness, domestic disputes, fires, thefts, accidents, and other misdemeanors and felonies.
5. Conducts preliminary investigations, gathers evidence, makes arrests, and testifies in court; serves court papers.
6. Answers telephones receiving complaints, inquiries, and requests for police assistance. Secures information as to the nature and location of offense or accident.
7. Searches for and collects evidence. Seeks and develops sources of information. Ascertains information necessary for the arrest of persons alleged to have committed a crime. Participates in the searching and booking/processing of persons arrested. Prepares and types reports and maintains records.
8. Directs traffic. Operates radar equipment. Enforces municipal regulations. Issues citations. Ensures operational effectiveness of a variety of police and first-aid equipment.
9. Conducts accident investigations, provides first-aid for the injured, and takes safeguards to prevent further accidents. Interview principals and witnesses, taking written statements. Examines vehicles and roadways, observing traffic control devices and obstructions to view. Observes and reports all required information concerning accidents.
10. Investigates crimes. Searches for and preserves evidence. Interrogates suspects and witnesses. Maintains surveillance over persons and places suspected of illegal operations. Fingerprints prisoners and photographs persons arrested for crimes.
11. Serves, as assigned, as a police dispatcher when required to do so under the prevailing collective bargaining agreement.
12. Performs related work as required.
13. Shall have successfully completed a designated N.J. Police Academy and obtain certification by the Police Training Commission, in all mandated courses.
14. Shall read, write, speak, understand or communicate in English sufficiently to perform the duties of the position.
15. Shall analyze situations rapidly and objectively and to determine the proper course of action.

16. Shall cope with situations firmly, courteously, tactfully, and with respect for the rights of others.
17. Shall learn modern police procedures and techniques, basic first-aid, principles of investigation and interrogation, and applicable laws and ordinances.
18. Shall understand and carry out oral and written instructions.
19. Shall express oneself clearly and concisely, orally and in writing.
20. Shall develop skill in the use and care of firearms.
21. Education - The Police Officer shall have graduated from high school, vocational high school, or possess an approved high school equivalent certificate and must be certified by the Police Training Commission.
22. License - The Police Officer will be required to maintain and possess a driver's license valid in the State of New Jersey.
23. Age - The Police Officer must be at least 18 years of age and must meet the requirements of the New Jersey Pension System.
24. Medical Examination - As a prerequisite to appointment, the Police Officer may be required to pass a thorough medical examination (including drug screening) and psychiatric examination to be administered by The Borough of Fair Lawn. Any psychological, medical or physical condition or defect which would prevent efficient performance of the duties of the position, cause the appointee to be a hazard to himself/herself or others, or become aggravated as a result of performance of these duties will be cause for rejection. A complete physical examination may be required every two years at the expense of The Borough of Fair Lawn. Failure to comply with medical recommendations may be cause for dismissal. Persons with mental or physical disabilities are eligible as long as they are able to perform the essential functions of the position after reasonable accommodation is made to their known limitations. If the accommodations cannot be made because it would cause The Borough of Fair Lawn undue hardship, such persons may not be eligible.

C. CIVILIAN EMPLOYEES

All civilian employees shall assist Department police officers in the accomplishment of the police function.

1. Civilian Employees Subject to Police Authority - Civilian employees shall be subject to the authority of the Chief of Police and of the superior officer in

charge of the Division or Bureau or office to which they are assigned.

2. Civilian Employee Supervisors - Civilian employee supervisors are employees who, by special designation by the Chief of Police, may supervise other civilian employees..
3. Employees Bound by Department Directives - All Departmental rules, regulations, policies, procedures and orders shall bind all civilian employees whenever applicable.
4. Civilian Employee Responsibility - All civilian employees shall:
 - (a) Take appropriate action to perform the duties of their positions promptly, faithfully and diligently.
 - (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) Conduct themselves in accordance with high ethical standards, on and off-duty.
 - (e) Strive to improve their skills and techniques through study and training.
 - (f) Familiarize themselves with the area of authority and responsibility for their current assignment.
 - (g) Perform all related work as required.
 - (1) Shall maintain the utmost confidentiality of all police matters consistent with these rules and regulations.

ARTICLE VI

CODE OF ETHICS

Law enforcement is an honorable calling. Service in this field demands a professional rather than an occupational philosophy. Personal honor, a desire for professional status, and devotion to service above self, are the motives which compel a police officer to discharge his responsibility in full measure.

A police officer's life is one of self-sacrificing service to a high ideal, based upon his recognition of the responsibilities entrusted to him and the belief that law enforcement is an honorable vocation. He fully accepts his responsibilities to defend the right, to protect the weak, to aid the distressed, and to uphold the law in public and private living. He accepts the obligation to report facts and to testify without bias or display of emotion, and to consider all information coming to his knowledge by virtue of his position as a sacred trust, to be used for official purposes only. He gives his loyal and faithful attention to the identification and apprehension of criminals, being equally alert to protect the innocent and prosecute the guilty. He performs the functions of his office without fear, favor, or prejudice and does not engage in unlawful or improper practices.

He does not disclose to unauthorized persons any information concerning pending matters which might be prejudicial to the interests of the State, The Borough of Fair Lawn, or the Department.

He does not seek to benefit personally by any confidential information which has come to him by virtue of his assignment. He is respectful and courteous to all citizens. He is faithful and loyal to his organization, constantly striving to cooperate with and to promote better relations with all regularly constituted law enforcement agencies and their respective in matters of mutual interest and obligation.

Rigid adherence to the principles set out above is mandatory for anyone accepting a position in The Borough of Fair Lawn Department of Police. Acceptance of these principles should not be perfunctory; it should be weighed carefully. Citizens are quick to criticize any misconduct of members of the Department; the community places a trust in police officers and expects them to so conduct themselves as to merit this trust. Members should be proud to hold a position that demands so much.

There must be a moral philosophy and strong appreciation of the need for service in any profession. Unwavering adherence to such a moral philosophy will earn for police officers the respect and support of the public.

Each member of the Borough of Fair Lawn Department of Police will be required to conform to the Law Enforcement Code of Ethics, as contained herein.

ARTICLE VII

PROFESSIONAL CONDUCT AND RESPONSIBILITIES

1. Standard of Conduct - Members and employees shall conduct their private and professional lives in such a manner as to avoid bringing the Department into disrepute.
2. Loyalty - Loyalty to the Department and to associates is an important factor in Departmental morale and efficiency. Members and employees shall maintain a loyalty to the Department and their associates provided same does not interfere with the execution of their lawful responsibilities, the law and personal ethics.
3. Cooperation - Cooperation between the ranks and units of the Department is essential to effective law enforcement. Therefore, all members are strictly charged with establishing and maintaining a high spirit of cooperation within the Department.
4. Assistance - All members are required to take appropriate police action toward aiding a fellow police officer exposed to danger or in a situation where danger might be impending.

A. GENERAL RESPONSIBILITIES

1. Protect life and property.
2. Preserve the peace.
3. Prevent crime.
4. Detect and arrest violators of the law.
5. Enforce all State, and local laws and ordinances coming within the Departmental jurisdiction.
6. Safely and expeditiously regulate traffic.
7. Aid citizens in matters within police jurisdiction.
8. Take appropriate police action in aiding fellow officers as needed.
9. Provide miscellaneous services.
10. Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the Department.
11. Be accountable and responsible to their supervisors for obeying all lawful orders.
12. Coordinate their efforts with other employees of the Department to achieve

Department objectives.

13. Strive to improve their skills and techniques through study and training.
14. Familiarize themselves with the area of authority and responsibility for their current assignment.
15. Perform their duties promptly, faithfully, diligently.
16. Perform all related work as required.
17. Treat all individuals with respect and dignity consistent with the police function undertaken.

B. DUTY RESPONSIBILITIES

Members of the Department are always subject to duty and they shall at all times respond to the lawful orders of superior officers and other proper authorities, as well as calls for police assistance from citizens. Proper police action must be taken whenever required. The administrative delegation of the enforcement of certain laws and ordinances to particular units of the Department does not relieve members of other units from the responsibility of taking prompt, effective police action within the scope of those laws and ordinances when the occasion so requires. Members assigned to special duties are not relieved from taking proper action outside the scope of their specialized assignment when necessary.

1. Neglect of Duty - Members and employees shall not commit any act nor shall they be guilty of any omission that constitutes neglect of duty.
2. Insubordination - Members or employees shall not commit acts of insubordination. The following specific acts are prohibited by this Section:
 - a. Failure or deliberate refusal to obey a lawful order given by a superior officer.
 - b. Any disrespectful, mutinous, insolent, or abusive language or action toward a superior officer.
3. Questions Regarding Assignment - Members and employees in doubt as to the nature or detail of their assignment shall seek such information from their supervisors by going through the chain of command.
4. Knowledge of Laws and Regulations - Every member is required to establish and maintain a working knowledge of all laws and ordinances in force in the Municipality, the rules and policies of the Department, and the orders of the Department thereof. In the event of improper action or breach of discipline, it will be presumed that the member was familiar with the law, rule or policy in question.
5. Performance of Duty - All members and employees shall perform their duties as required or directed by law, Departmental rule, policy or order, or by order of a superior officer. All lawful duties required by competent

authority shall be performed promptly as directed, notwithstanding the general assignment of duties and responsibilities.

6. Action Off Duty - While off duty, police officers shall take appropriate action as needed in any police matter that comes to their attention within their jurisdiction as authorized by New Jersey Law and Department Policy.
7. Obedience to Laws and Regulations - Members and employees shall obey all laws, ordinances, rules, policies, and procedures and directives of the Department.
8. Establishing Elements of Violation - Existence of facts establishing a violation of a law, ordinance, or rule, is all that is necessary to support any allegation of such as a basis for a charge under this section. It is not necessary that a formal complaint be filed or sustained. Nothing in this Manual of Rules prohibits disciplining or charging members or employees merely because the alleged act or omission does not appear herein, in Departmental Orders, or in laws and ordinances within the cognizance of the Department.
9. Reporting Violations of Laws, Ordinances, Rules or Orders - Members and employees knowing of other members or employees violating laws, ordinances, rules of the Department, or disobeying orders, shall report same in writing to the Chief of Police via official channels. If the member or employee believes the information is of such gravity that it must be brought to immediate personal attention of the Chief of Police, official channels may be bypassed.
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 relationships with one another. When on duty and particularly in the presence of other members, employees or the public, officers should be referred to by rank.
11. Criticism of Official Acts or Orders - Members and employees shall not criticize the official actions, instructions, or orders of any Department member in a manner which is defamatory, obscene, unlawful, or which tends to impair the efficient operation of the Department.
12. Manner of Issuing Orders - Orders from superior to subordinate shall be in clear and understandable language, civil in tone, and issued in pursuit of Departmental business.
13. Unlawful Orders - No commander or supervisory officer shall knowingly issue any order which is in violation of any law, ordinance or Departmental policies and procedures.
14. Obedience to Unlawful Orders - Obedience to an unlawful order is never a

defense for an unlawful action. Therefore, no member or employee is required to obey an order which is contrary to Federal or State law or local ordinance. Responsibility for refusing to obey rests with the member. He shall be strictly required to justify his action.

15. Improper Orders - No supervisor shall knowingly issue any order which is in violation of Department rule, policy or procedure.
16. Obedience to Unjust or Improper Orders - Members or employees who are given orders they feel to be unjust or contrary to policies and procedures, must first obey the order to the best of their ability and then may proceed to appeal as provided below.
17. Conflicting Orders - Upon receipt of an order conflicting with any previous order or instruction, the member or employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original instruction then rests with the individual issuing the second order. If so directed, the latter command shall be obeyed first. Orders will be countermanded, or conflicting orders will be issued only when reasonably necessary for the good of the Department.
18. Reports and Appeals - Unlawful, Unjust, Improper Orders - A member or employee receiving an unlawful, unjust or improper order, shall, at first opportunity, report in writing to the Chief of Police through official channels. This report shall contain the facts of the incident and the action taken. Appeals for relief from such orders may be made at the same time. Extra-Departmental action regarding such an appeal shall be conducted through the office of the Chief of Police.
19. Gifts, Gratuities, Fees, Rewards, Loans, Etc., Soliciting - Members and employees shall not under any circumstances solicit any gift, gratuity, loan or fee where there is any direct or indirect connection between solicitation and their Departmental membership or employment.
20. Acceptance of Gifts, Gratuities, Fees, Loans, Etc. - Members and employees shall not accept either directly or indirectly any gift, gratuity, loan, fee or any other thing of value arising from or offered because of police employment or any activity connected with said employment. Members and employees shall not accept any gift, gratuity, loan, fee or other thing of value, the acceptance of which might tend to influence directly or indirectly the actions of said member or employee or any other member or employee in any matter of police business; or which might tend to cast an adverse reflection on the Department or any member or employee thereof. No member or employee of the Department shall receive any gift or gratuity from other members or employees junior in rank without the express permission of the Chief/Director of Police.
21. Other Transactions - Every member and employee is prohibited from buying

or selling anything of value from or to any complainant, suspect, witness, defendant, prisoner, or other person involved in any case which has come to his attention or which arose out of his Departmental employment, except as may be specifically authorized by the Chief of Police.

22. Rewards - Members and employees shall not accept any gift, gratuity or reward in money or other consideration for services rendered in the line of duty to the community or to any person, business or agency except lawful salary and that which may be authorized by the law.
23. Disposition of Unauthorized Gifts, Gratuities, Etc. - Any unauthorized gift, gratuity, loan, fee, reward or other thing falling into any of these categories coming into the possession of any member or employee shall be forwarded to the office of the Chief of Police together with a written report explaining the circumstances connected therewith.
24. Free Admissions and Passes - Members and employees shall not solicit free admission to theaters and other places of amusement for themselves or others.
25. Debts - Incurring and Payment
 - a. No member or employee shall borrow any money or otherwise become indebted to any other member or employee.
 - b. Members and employees shall not solicit other members or employees to co-sign or endorse any promissory note or other loan.
 - c. No member or employee shall offer to act as a co-signer or endorser of any promissory note or other loan for another member or employee.
 - d. Paragraphs a-c do not apply to transactions among employees related to each other nor shall they preclude a member or employee from advancing money for the purchase of meals, event tickets, or the like, where it is the intent of both parties that the advancement shall be immediately re-paid.
 - e. Members and employees shall promptly pay all just debts and legal liabilities incurred by them.
26. Intercession - Soliciting - Members and employees shall not solicit anyone to intercede with the Chief of Police, The Borough Manager Borough, Attorney, Borough Prosecutor, Mayor, or any member of the governing body in relation to hiring, promotions assignments, disposition of pending charges, or findings in a Departmental trial or other related matter. They may not advise or assist elected officials to change policy or to interfere with or influence the actions of the Chief of Police. This shall not preclude, however, a member's right to legal counsel or Union representation.

27. Persons and Places of Bad Reputation -Members and employees shall not frequent any location nor associate with any person where the members position or the reputation of the Department may be compromised by such frequency or association, except as may be required in the course of police duty.
28. Withholding Information - Members and employees shall not, at any time, withhold any information concerning criminal activity.

C. GENERAL CONDUCT ON DUTY

1. Prohibited Activity on Duty - Members and employees are prohibited from engaging in the following activities while on duty, with exceptions as noted:
 - a. Sleeping, loafing, idling
 - b. Recreational reading (except at meals)
 - c. Conducting private business
 - d. Drinking intoxicating beverages (except in performance of a police duty, and then only with the specific consent of a commanding officer, and never in uniform).
 - e. Illegal gambling, unless to further a police purpose.
2. Alcoholic Beverages and Drugs
 - a. Members shall not report for duty under the influence of intoxicants. This condition shall cause the member to be unfit for duty. Superior officers shall not assign to duty any member in an unfit condition due to the use of intoxicants and shall immediately relieve of duty and service weapon any member found on duty in such condition. The Superior Officer shall order the member to take a Breathalyzer test. The Superior Officer shall immediately notify the Chief of Police and submit a written report of the incident.
 - b. Members or employees of the Department shall not drink any kind of intoxicating beverage at any time while on duty or take any drugs not duly prescribed and necessary for health.
 - c. Members or employees of the Department shall refrain from drinking intoxicating beverages for a reasonable period before going on duty.
 - d. Members or employees shall not bring into or keep any intoxicating liquor or drugs on Department premises, except when necessary in the performance of a police task, and shall be properly identified and stored according to Department policy.

- e. Members or employees of the Department shall not drink any kind of intoxicating beverage while on duty. A member, while assigned to duty in civilian clothes, may use intoxicants if absolutely necessary in the performance of duty, provided such use does not render him unfit for proper and efficient performance of duty. Under no circumstances shall legally defined intoxication be considered justifiable. Such use must be documented in writing, detailing the reasons therefor and the amounts consumed.
 - f. Intoxicating beverages shall not, at any time, be consumed in police or other municipal buildings.
 - g. Members or employees shall not have intoxicants on their person while on duty or in uniform, or in any police building or vehicle, except for evidential or other authorized purpose.
 - h. Members in uniform shall not enter any premise where intoxicants are sold or stored except in the performance of duty.
 - i. No liquor license shall be held by any regular police officer, or by any profit corporation or association in which any such person is interested, directly or indirectly.
 - j. No law or regulation promulgated by the Department of Alcoholic Beverage Control, however, shall prohibit permanent full-time members of the Department from being employed, other than in Borough of Fair Lawn for which they serve as police officers, by a business licensed to sell alcoholic beverages in this State.
 - k. Police officers so employed shall not, while engaged in the selling, serving, possessing or delivering of any alcoholic beverages: (1) have in his possession any firearm, or; (2) wear or display any uniform, badge or insignia which would identify him as a police officer.
 - l. No police officer so employed shall be permitted to work in excess of twenty-four (24) hours per week in any such establishment.
3. Loitering - All members on duty or in uniform shall not enter taverns, theaters or other public places, except to perform a police task. Loitering and unnecessary conversation in such locations is forbidden. Eating in a licensed liquor establishment, although not forbidden, is discouraged.
4. Military Courtesy - When meeting in public, officers shall conform to normal military courtesy standards and refer to each other by rank.
5. National Colors and Anthem - Uniformed members will render full military honors to the National Colors and Anthem at appropriate times. Members

and employees in civilian dress shall render proper civilian honors to the National Colors and Anthem at appropriate times.

6. Roll Call - Unless otherwise directed, members and employees 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.
7. Relief - All members and employees are to remain at their assignment and on duty until properly relieved by another member or employee or until dismissed by competent authority.
8. Meals
 - a. Members, while on lunch/meal breaks, must have their portable radios "ON" to monitor the activities of the shift and to ensure immediate radio contact, if necessary.
 - b. Members will be permitted to suspend patrol, subject to immediate call at all times, for the purpose of having one meal during their shift, but only such period of time shall be allowed therefore as is reasonably necessary, and not to exceed thirty (30) minutes. The member shall arrange to suspend patrol only at such time as it will cause the least interference with his regular duties.
 - c. Members are to arrange to take meals and coffee breaks at times during the shift so not more than one (1) unit is at any one (1) location at the same time, unless approved by the Shift Commander.
9. Reporting - Members and employees shall promptly submit such reports as are required by the performance of their duties or by competent authority.
10. Absence from Duty - Every member or employee who fails to appear for duty at the date, time and place specified, or so doing without the consent of a superior officer, is "absent without leave". Such absences within the period of one day must be reported in writing to the Chief of Police. Tardiness and Late Sick reports will not be considered as absent without leave if reported within one hour of the time to report for duty.
11. Inspections - From time to time the Chief of Police may call for full dress inspections of the Department or any part thereof. Members directed to attend such inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection is chargeable as "absence without leave".
12. Training - All members shall attend in-service training in the theory and practice of law enforcement at the direction of the Director of Police. Such attendance is considered a duty assignment.

13. Physical Fitness for Duty - All members of the Department shall maintain good physical condition so they can handle the strenuous physical contacts often required of a law enforcement officer. Overweight and obesity will be considered to be poor physical condition and the employee's duty to correct..
14. Smoking While on Duty - Members and employees shall not smoke except in authorized areas. Members and employees shall not use any tobacco product on duty while in view of or direct contact with the public.
15. Possession of Keys - No member, unless authorized by his shift supervisor, shall possess keys to any premises not his own without prior approval of his immediate supervisor.
16. Address and Telephone Numbers - Members and employees shall record their correct residence address and telephone number with the shift supervisor and the office of the Chief of Police. Members and employees are required to have telephones in the place where they reside. Changes in address or telephone number shall be reported to the shift supervisor and the office of the Chief of Police within 24 hours of the change. This shall be done in writing within the specified time whether the member or employee is working or on leave.
17. Home Telephone Numbers - Police officers or employees shall not disclose the home telephone number and address of any member of the Department. This does not preclude any officer from giving out his or her own home phone number.
18. Personal Radios - The use of portable radios and any other form of entertainment other than equipment authorized by the Department is prohibited while on duty.
19. Taking Medication on Duty - Members and employees of the Department shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician.
20. Notification after Medication - When members or employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the member or employee shall notify their supervisor as to the medication required, its properties, the dosage and the period during which the member or employee is required to take the medication. This notification shall be by the prescribing physician. If the medication is a non-discrimination drug, the member or the employee shall make this notification. The required notification shall be made prior to the member or employee reporting for duty. This information so provided shall be confidential.
21. Supervisors' Responsibility - Supervisor's shall not assign to duty or allow to remain on duty, any member or employee whose fitness for duty is

questionable due to the use of alcohol or medication.

22. Driver's License - Employees operating Department motor vehicles shall possess a valid New Jersey Driver's License. Whenever, a driver's license is revoked, suspended, or lost, the employee shall immediately notify the appropriate supervisor, giving full particulars.

D. UNIFORMS, EQUIPMENT AND APPEARANCE

All members of the Department shall maintain in good order a regulation uniform. Members shall be neat appearing, clean shaven and well groomed while in uniform. All articles of uniform shall conform to the Departmental uniform regulations. Members shall not wear the uniform or any part off duty, except while traveling to and from duty, without the permission of the Division Commander upon written request.

1. Wearing the Uniform - Uniforms shall be kept neat, clean and well pressed at all times. While wearing the uniform, members shall maintain a military bearing, avoiding mannerisms such as slouching, shuffling and hands in the pockets. The uniform hat shall be worn whenever engaged in an official police matter, except during a life saving or life threatening situation, or other emergent situations.
2. Compliance - All personnel will comply with the provisions in the Department's policies and procedures manual.

E. DEPARTMENT PROPERTY AND EQUIPMENT

Members and employees are responsible for the proper care of Department property and equipment assigned to them. Damaged or lost property may subject the responsible individual to reimbursement charges and appropriate disciplinary action. Employees shall not use any Department property or equipment for personal business or pleasure.

1. Surrender of Department Property - Members and employees are required to surrender all Department property in their possession upon separation from the service. Failure to return non-expendable items may cause the person to reimburse the Department for the fair market value of the article(s). The Chief of Police shall withhold a final paycheck upon separation until all Department property is surrendered. Any member or employee under suspension will surrender their identification, firearm (if applicable), and all other Department property to the appropriate Division Commander pending disposition of the case, upon request of the Chief of Police.
2. Department Vehicles, Use - Members shall not use any Departmental

vehicle without the permission of a shift supervisor. Departmental vehicles shall never be used for personal business or pleasure.

3. Operation of Motor Vehicles - Members and employees, when driving vehicles of any description, private or of the Department, shall not violate the traffic laws, except only in cases of absolute emergency, and then only in conformity with the law regarding same. They shall set an example for other persons in the operation of their vehicles.
4. Emergency Calls and Use of Red Light and Siren - Members driving any Department vehicle, when responding to an emergency call, shall exercise judgment and care with due regard to the safety of life and property. They shall slow down at all street intersections to such degree that when crossing same, they will have safe control of their cars, especially when crossing street intersections where the traffic signal lights are against them or where there are stop signs. They shall use the red light and sound the siren on such calls and take utmost precaution.
5. Care of Departmental Vehicles - A police officer assigned to drive any Departmental vehicle is accountable for the proper care of such vehicle and its equipment. He shall not leave such vehicle unattended, except when necessary in the performance of police duty. It shall be the responsibility of the driver to see that the vehicle is securely locked when it is necessary to leave it unattended.
6. Passengers - A driver shall only allow such persons as are necessary in the proper performance of his duty to ride in a Departmental vehicle assigned to him.
7. Notification of Unserviceable Vehicles - A driver shall notify the shift commander as soon as his vehicle becomes unserviceable, and it shall be noted on his daily report.
8. Responsibility for General Appearance and Maintenance - A driver shall be responsible for the general appearance of the vehicle assigned to him and insuring that the vehicle maintains a sufficient supply of ,
 - (a) gasoline,
 - (b) air in the tires, including the spare,
 - (c) report all needed repairs in accordance with department police.
9. Definition of "Driver" - Whenever the term "driver" is used in this section, all the responsibilities placed upon the driver are to be equally shared by any other officer assigned to the same vehicle at the same time.
10. Parking of Departmental Vehicles - It shall be the responsibility of any police

officer operating a Departmental vehicle to see that it is properly parked off the traveled portion of the highway at a crime scene, fire, etc., unless such vehicle is being used to light the scene, create a road block, or under other extenuating circumstances.

11. Department Vehicles - Out of Service - Whenever two (2) police officers are assigned to the same vehicle at the same time, such vehicle, if radio equipped, shall not be out of service at any time, except in cases of police necessity, or when a superior officer directs otherwise.
12. Notification of Accidents Involving Departmental Vehicles - Whenever a police officer shall be involved in any accident, or cause any damage, while in charge of or using a motor vehicle owned by the Department, he shall as soon as possible notify the officer in charge. It shall be the duty of the officer in charge to cause an investigation to be made of same, and a written report made to the Chief of Police.
13. Notification of Off-Duty Borough Owned Motor Vehicle Accidents - Whenever a police officer shall be involved in any accident, or cause any damage, while in charge of or using an off duty motor vehicle, he shall as soon as possible notify the officer in charge. It shall be the duty of the duty officer to cause an investigation to be made of same, and a written report made to the Chief of Police.
14. Transporting Citizens - Citizens will be transported in Departmental vehicles only when necessary to accomplish a police purpose which shall include for the safety of others. Such transportation will be done in conformance with Departmental policy or at the direction of the commanding officer, immediate supervisor or communications center.
15. Reporting Accidents - Accidents involving Borough of Fair Lawn property, if found bearing evidence of damage which has not been reported, shall be prima facie evidence that the last person using the property or vehicle was responsible. Accidents involving Borough of Fair Lawn personnel, property and equipment must be reported.
16. Presumption of Responsibility - In the event that Borough of Fair Lawn property is found bearing evidence of damage, it shall be incumbent upon the discoverer to report same immediately. Failure to do so will result in disciplinary action.
17. Inspection - Departmental property and equipment is and remains the property of the Department and is subject to entry and inspection without notice.
18. Liability - All Department property or equipment issued to or placed at the disposal of any member of the Department shall be properly cared for, maintained and secured by said member. In the event of any misuse or loss of said property by any member, that member may be held liable to

reimburse the Department for said damage or loss. This shall also include transportation vehicles of any type.

F. COMMUNICATIONS, CORRESPONDENCE

1. Restrictions. Members and employees shall not:
 - a. Use Departmental letterheads for any non-departmental or private correspondence.
 - b. Send correspondence out of the Department over their signatures without the general permission of the Chief of Police.
2. Forwarding Communications to Higher Commands - Any member or employee receiving a written communication for transmission to a higher command shall in every case forward such communication. A member receiving a communication from a subordinate directed to a higher command shall endorse it indicating approval, disapproval or acknowledgment.
3. Department Address (Private Use of) - Members and employees shall not use the Department as a mailing address for non-departmental or private purposes. The Department address shall not be used on any motor vehicle registration or operator's or chauffeur's license.
4. Telephone - Departmental telephone equipment may not be used for the transmission of non-departmental or private messages without the express approval of a superior officer.
5. Radio Discipline - All members of the Department operating the police radio either from a mobile/portable unit or in the Communications Section shall strictly observe regulations for such operations as set forth in Departmental orders and by the Federal Communications Commission.

G. INVESTIGATIONS

1. Command of Scene - At the scene of any crime, accident or other police incident, the ranking officer present shall assume command and direction of police personnel in a manner to assure the most orderly and efficient accomplishment of the police task. When two or more officers of the same rank are present and one of these is assigned to the investigative detail that will follow up the investigation, that ranking officer will be in charge. This

provision is intended to provide for the coordination of the efforts of the several subordinate members who may be assigned to the incident. Therefore, it is incumbent upon the ranking officer assuming such control to become acquainted with the facts and insure that appropriate action is being taken or is initiated.

2. General Responsibilities of Members at Scenes - The first member to arrive at the scene of a crime or other police incident is responsible for the following actions as they may apply to the situation:
 - a. Notify headquarters of situation and location.
 - b. Summon medical assistance and then administer first aid as required to prevent further injury or loss of life.
 - c. Arrest of violator(s).
 - d. Secure the scene.
 - e. Conduct a preliminary investigation.
3. Responsibilities of Assigned Member at Crime Scene - The members officially assigned to perform the preliminary or other investigation of an alleged crime or other incident are responsible for the completion of the preliminary or other investigation as directed. This shall include, but is not necessarily limited to, the securing of statements and other information which will aid in the successful completion of the investigation; locating, collecting and preserving physical evidence material to the issue, and; identifying, locating and apprehending the offender.
4. Identification as Police Officer - Except when impractical or unfeasible, or where the identity is obvious, officers shall identify themselves by displaying the official badge or identification card before taking police action.
5. Release of Information at Crime Scene - Unauthorized persons, including members of the press, shall be excluded from crime scenes. Information which will not hinder or nullify any investigation shall be given to the press by the superior officer in charge of the investigation in accordance with Department policy.
6. Statements to the Media

An officer shall not make nor participate in making any statement to the media that relates to:

 - a. The character, reputation, or prior criminal record (including arrests,

indictments, or other charges of crime) of the accused.

- b. The possibility of a plea of guilty to the offense charged or to a lesser offense.
- c. The existence or contents of any confession, admission, or statement given by the accused or his refusal or failure to make a statement.
- d. The performance or results of any examinations or tests or the refusal or failure of the accused to submit to examinations or tests.
- e. The identity, testimony, or credibility of a prospective witness.
- f. Any opinion as to the guilt or innocence of the accused, the evidence, or the merits of the case.

THESE RULES DO NOT PRECLUDE AN OFFICER FROM ANNOUNCING:

- (1) The name, age, residence, occupation, and family status of the accused, except if a juvenile.
- (2) If the accused has not been apprehended, any information necessary to aid in the apprehension or to warn the public of any dangers the accused may present.
- (3) A request for assistance in obtaining evidence.
- (4) The identity of the victim of the crime unless a sexual assault is involved or there is some other reason to protect the privacy of a victim.
- (5) The fact, time and place of arrest, resistance, pursuit, and use of weapons.
- (6) The identity of investigating and arresting officers or agencies and the length of the investigation.
- (7) At the time of seizure, a description of the physical evidence seized, other than a confession, admission or statement
- (8) The nature, substance, or text of the charge.
- (9) Quotation from or references to public records of the court in the case.
- (10) The scheduling or result of any step in the judicial proceedings.
- (11) The accused's denial of the charges against him.

7. Police Records and Information.

- a. Members and employees shall not reveal any confidential business of the Department. They shall not impart confidential information to anyone except those for whom it is intended, or as directed by their shift supervisor.
 - b. Members shall not make known to any person any Department order which they may receive, unless so required by the nature of the order.
 - c. Contents of any Department record or report filed in the Department shall not be exhibited or divulged to any person, except on approval of the Chief of Police, or under due process of law, or as permitted under Department regulations.
 - d. No member or 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.
8. Compromising Criminal Cases - Members and employees shall not interfere with the proper administration of criminal justice.
- a. Members and employees shall neither attempt to interrupt the legal process, except where a manifest injustice might otherwise occur, nor participate in or be concerned with any activity which might interfere with the process of law.
 - b. Members and employees shall not attempt to have any traffic summons or notice to appear reduced or stricken from the calendar except with proper written request through the members Division Commander and the office of the Municipal Court.
 - c. Any member or employee having knowledge of such action and failing to inform his superior officer thereof shall be subject to disciplinary action.

2. Attorney General's Use of Force Guidelines
Issued April 1985
Revised June 2000

Preface

The provisions of this revised policy are a product of the collective efforts and judgment of the New Jersey Use of Force Advisory Committee. Throughout the deliberation process, each member of the committee worked conscientiously to reach a consensus in this area of critical importance to law enforcement officers and the citizens of this state. The New Jersey Use of Force Advisory Committee realized that the law alone could not achieve the goal of properly guiding the use of force by the police. The letter of the law needed to be

supplemented with clear policy guidance designed to prepare officers to react appropriately when confronted with a use of force situation.

Policy

Sworn law enforcement officers have been granted the extraordinary authority to use force when necessary to accomplish lawful ends. That authority is grounded in the responsibility of every sworn law enforcement officer to comply with the laws of the State of New Jersey regarding the use of force and to comply with the provisions of this policy. Equally important is law enforcement's obligation to prepare individual officers in the best way possible to exercise that authority.

In situations where law enforcement officers are justified in using force, the utmost restraint should be exercised. The use of force should never be considered routine. In determining to use force, the law enforcement officer shall be guided by the principle that the

degree of force employed in any situation should be only that reasonably necessary.

Law enforcement officers should exhaust all other reasonable means before resorting to the use of force.

It is the policy of the State of New Jersey that law enforcement officers will use only that force which is objectively reasonable and necessary.

This policy reinforces the responsibility of law enforcement officers to take those steps possible to prevent or stop the illegal or inappropriate use of force by other officers.

Every law enforcement officer is expected and required to take appropriate action in any situation where that officer is clearly convinced that another officer is using force in violation of state

law. Law enforcement officers are obligated to report all situations in which force is used illegally by anyone. This policy sends a clear message to law enforcement officers that they share an obligation beyond the requirements of the law. Officers are encouraged to do whatever they can to interrupt the flow of events before a fellow officer does something illegal and before any official action is necessary. Law enforcement officers can serve each other and the public by simply saying or doing the right thing to prevent a fellow officer from resorting to force illegally or inappropriately.

Deciding whether to utilize force when authorized in the conduct of official responsibilities is among the most critical decisions made by law enforcement officers. It is a decision which can be irrevocable. It is a decision which must be made quickly and under

difficult, often unpredictable and unique circumstances. Sound judgment and the appropriate

exercise of discretion will always be the foundation of police officer decision making in the broad range of possible use of force situations. It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, this policy is intended to provide the best guidance and direction possible to police officers throughout

this state when called upon to confront and address the most difficult of situations. Law enforcement officers whose actions are consistent with the law and the provisions of this policy will be strongly supported by the law enforcement community in any subsequent review of their conduct regarding the use of force.

Definitions

A. Constructive Authority

1. Constructive authority does not involve actual physical contact with the subject, but involves the use of the law enforcement officer's authority to exert control over a subject.
2. Examples include verbal commands, gestures, warnings, and unholstering a weapon.
3. Pointing a firearm at a subject is an element of constructive authority to be used only in appropriate situations.

B. Physical Contact

1. Physical contact involves routine or procedural contact with a subject necessary to effectively accomplish a legitimate law enforcement objective.
2. Examples include guiding a subject into a police vehicle, holding the subject's arm while transporting, handcuffing a subject and maneuvering or securing a subject for a frisk.

C. Physical Force

1. Physical force involves contact with a subject beyond that which is generally utilized to effect an arrest or other law enforcement objective. Physical force is employed when necessary to overcome a subject's physical resistance to the exertion of the law enforcement officer's authority, or to protect persons or property.
2. Examples include wrestling a resisting subject to the ground, using wrist locks or arm locks, striking with the hands or feet, or other similar methods of hand-to-hand confrontation.

D. Mechanical Force

- than
1. Mechanical force involves the use of some device or substance, other than a firearm, to overcome a subject's resistance to the exertion of the law enforcement officer's authority.
 2. Examples include the use of a baton or other object, canine physical contact with a subject, or chemical or natural agent spraying.

E. Deadly Force

1. Deadly force is force which a law enforcement officer uses with the purpose of causing, or which the officer knows to create a substantial risk of causing, death or serious bodily harm.
2. Purposely firing a firearm in the direction of another person or at a vehicle, building or structure in which another person is believed to be constitutes deadly force.
3. A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the officer's purpose is limited to creating an apprehension that deadly force will be used if necessary, does not constitute deadly force.

F. Reasonable Belief

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1. Reasonable belief is an objective assessment based upon an evaluation of how a reasonable law enforcement officer with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronting and known by the law enforcement officer at the scene.

G. Imminent Danger

- occur
1. Imminent danger describes threatened actions or outcomes that may occur during an encounter absent action by the law enforcement officer. The period of time involved is dependent on the circumstances and facts evident in each situation and is not the same in all situations.
 2. The threatened harm does not have to be instantaneous, for example, imminent danger may be present even if a subject is not at that instant pointing a weapon at the law enforcement officer, but is carrying a weapon and running for cover.

H. Substantial Risk

1. Any discharge of a firearm entails some risk of an unintended outcome. A substantial risk exists when a law enforcement officer disregards a foreseeable likelihood that innocent persons will be endangered.
2. For example, firing a weapon into a confined space (room, vehicle, etc.) occupied by innocent persons exposes those persons to a substantial risk of harm.

I. Law Enforcement Officer

1. Any person sworn to enforce the criminal laws of the State of New Jersey, who is certified by the Police Training Commission, or is currently employed by a public safety agency and is authorized to carry a firearm under *N.J.S.A. 2C:39-6*.

I. Authorization and Limitations

A. Use of Force

1. A law enforcement officer may use physical force or mechanical force when the officer reasonably believes it is immediately necessary at the time:

- a. to overcome resistance directed at the officer or others; *or*
- b. to protect the officer, or a third party, from unlawful force; *or*
- c. to protect property; *or*
- d. to effect other lawful objectives, such as to make an arrest.

B. Use of Deadly Force

1. A law enforcement officer may use deadly force when the officer reasonably believes such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm.

2. A law enforcement officer may use deadly force to prevent the escape of a fleeing suspect.

- a. whom the officer has probable cause to believe has committed an offense in which the suspect caused or attempted to cause death or serious bodily harm; *and*
- b. who will pose an imminent danger of death or serious bodily harm should the escape succeed; *and*
- c. when the use of deadly force presents no substantial risk of injury to innocent persons.

3. If feasible, a law enforcement officer should identify himself/herself and state his/her intention to shoot before using a firearm.

C. Restrictions On The Use of Deadly Force

1. A law enforcement officer is under no obligation to retreat or desist when resistance is encountered or threatened. However, a law enforcement officer shall not resort to the use of deadly force if the officer reasonably believes that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily harm, and achieve the law enforcement purpose at no increased risk to the officer or another person.
2. A law enforcement officer shall not use deadly force to subdue persons whose actions are only destructive to property.
3. Deadly force shall not be used against persons whose conduct is injurious only to themselves.
4. Under current state statutes the discharge of any projectile from a firearm is considered to be deadly force, including less lethal means such as bean bag ammunition or rubber bullets. For that reason, these and similar less lethal means of deadly force can only be used when an officer reasonably believes such action is immediately necessary to protect the officer or another person from imminent danger of death or serious bodily harm.
5. A law enforcement officer shall not discharge a weapon as a signal for help or as a warning shot.
6. While any discharge of a firearm entails some risk, discharging a firearm at or from a moving vehicle entails an even greater risk of death or serious injury to innocent persons. The safety of innocent people is jeopardized when a fleeing suspect is disabled and loses control of his or her vehicle. There is also a substantial risk of harm to occupants of the suspect vehicle who may not be involved, or involved to a lesser extent, in the actions which necessitated the use of deadly force.
 - a. Due to this greater risk, and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, officers shall not fire from a moving vehicle, or at the driver or occupant of a moving vehicle unless the officer reasonably believes:
 - (1) there exists an imminent danger of death or serious bodily harm to the officer or another person; *and*
 - (2) no other means are available at that time to avert or eliminate the danger.
 - b. A law enforcement officer shall not fire a weapon solely to disable moving vehicles.

D. Exhibiting a Firearm

1. A law enforcement officer shall not unholster or exhibit a firearm except under any of the following circumstances:

- a. For maintenance of the firearm;
- b. To secure the firearm;
- c. During training exercises, practice or qualification with the firearm;
- d. When circumstances create a reasonable belief that it may be necessary for the officer to use the firearm;
- e. When circumstances create a reasonable belief that display of a firearm as an element of constructive authority helps establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure officer safety.

II. Training Requirements

A. Every law enforcement agency is required to conduct and document semi-annual training for all officers on the lawful and appropriate use of force and deadly force. This training must be designed to reflect current standards established by statutory and case law, as well as statewide, county and individual agency policy. It should include but not necessarily be limited to the use of force in general, the use of physical and mechanical force, the use of deadly force, and the limitations that govern the use of force and deadly force.

III. Use of Force Reports

A. In all instances when physical, mechanical or deadly force is used, each officer who has employed such force shall complete.

1. Any reports made necessary by the nature of the underlying incident; *and*
2. Use of Force Report (Attachment A or agency required format)

IV. Notifications and Reporting

A. Immediate Notifications

1. County and municipal law enforcement agencies shall immediately notify the county prosecutor when the use of physical, mechanical or deadly force results in death or serious bodily injury, or when injury of any degree results from the use of a firearm by a law enforcement officer.
2. County prosecutor's offices shall immediately notify the Division of Criminal Justice when a member of their agency uses physical, mechanical or deadly force which results in death or serious bodily injury, or when

injury of any degree results from the use of a firearm by agency personnel.

3. State law enforcement agencies shall immediately notify the Division of Criminal Justice when the use of physical, mechanical or deadly force results in death or serious bodily injury, or when injury of any degree results from the use of a firearm by a law enforcement officer.

B. Reporting

1. County prosecutors shall within 24 hours report to the Division of Criminal Justice all situations where the use of deadly force by a law enforcement officer results in death or serious bodily injury, or in situations where any injury results from the use of a firearm by a law enforcement officer.

2. For all situations involving the use of physical, mechanical or deadly force, county and municipal law enforcement agencies shall report at least annually to the county prosecutor in a manner established by the prosecutor.

3. For all situations involving the use of physical, mechanical or deadly force, state law enforcement agencies shall report at least annually to the Division of Criminal Justice in a manner established by the Director of the Division of Criminal Justice.

I. ARRESTS

1. Arrests. In making arrests, members shall strictly observe the laws of arrest and the following provisions:

a. The arresting officer shall employ only such force and necessary restraint to assure the safety of other persons, other police officers, and himself.

b. Every member shall refrain from using unnecessary force or violence in making arrests and must not strike a prisoner or any other person, except when necessary in self defense or to overcome actual physical resistance in making an arrest. However, he must be firm, resolute, and energetic, exercising the necessary means to perform his duty properly.

c. The arresting officer is responsible for the safety and protection of the arrested person while in his custody. He shall notify the immediate supervisor of any injury, apparent illness, or other conditions which indicate that the arrested person may need special care.

d. The arresting officer is responsible for the security of the personal

property in the possession of the arrested person or, under his control, at the time of the arrest.

e. Any person requiring transportation as a result of an arrest, or a suspicious person, must be fully identified (if applicable, if not, treated like a John Doe) and searched (if female, with good sound police practice) before being placed in the back seat area of a Departmental vehicle and transported. Upon completing the transportation, the back seat area should be searched. This policy and procedure is not to conflict with any other Departmental policy or procedure.

f. For the handling of prisoners in Headquarters,

3. Assaults Against Police Officers - Police Officers shall arrest actors of assaults, aggravated assaults, and criminal offenses directed against them. The actors shall be charged accordingly. Whenever it is impossible to affect the arrest at the time of the offense, the member shall make a complete report of the incident to his shift supervisor. A warrant or complaint, which may be issued as a result of filing such a report, should not ordinarily be served by the aggrieved member.

J. DETENTIONS

1. Custody of Prisoners - Members charged with the custody of prisoners shall observe all laws and Department orders regarding this activity. Prisoners shall be kept secure, treated firmly and humanely and shall not be subjected to unnecessary restraint.

2. Custody and Detention of Juveniles - The custody and detention of juveniles shall be governed by the Code of Juvenile Justice, N.J.S.A. 2A:4A-31 et seq. (L. 1988, c. 77).

3. Transportation of Prisoners - Members transporting prisoners shall do so in accordance with Department policy and procedure.

4. Use of Derogatory Terms - Members or employees shall:

a. Neither speak disparagingly of any race or minority group nor refer to them in insolent or insulting terms of speech, whether prisoners or otherwise.

b. Neither use uncomplimentary terms of speech when referring to any prisoner or other person nor willfully antagonize any person with whom the Officer comes in contact.

5. Reports and Bookings - No member or 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.

6. Use of Force, Including Deadly Force, By Law Enforcement Officers - Deadly force will be used only as a last resort and in complete compliance with the New Jersey State Attorney General and prevailing court cases.
7. Security of Departmental Business - Members and employees shall not reveal police information outside the Department except as provided elsewhere in this Manual or as required by law or competent authority. Specifically, information contained in police records, other information ordinarily accessible only to members and employees and names of informants, complainants, witnesses and other persons known to the police, are considered confidential. Silence shall be employed to safeguard confidential information. Violation of the security of this type of information reflects gross misconduct.
8. Assisting Criminals - Members and employees shall not communicate in any manner, directly or indirectly, any information which might assist persons guilty of criminal or quasi-criminal acts to escape arrest or punishment or which may enable them to dispose of or secrete evidence of unlawful activity or money, merchandise or property unlawfully obtained.
9. Recommending Attorneys and Bail Bond Brokers are Prohibited - Members and employees shall not suggest, recommend, advise or otherwise counsel the retention of any particular attorney or bail bond broker to any person coming to their attention as a result of police business.
 - a. This does not apply when a relative of the member of the Department seeks such service.
 - b. In no case may such advice be given to a relative where a fee, gratuity, or reward is solicited, offered or accepted from the attorney or bail bondsman.
 - c. Soliciting business for an attorney or bail bondsman is gross misconduct.
10. Acting as a Bailor is Prohibited - Members and employees cannot act as bailors for any person in custody except relatives, and in no case where any fee, gratuity or reward is solicited or accepted.
11. Assisting a Citizen in Arrest - When a citizen charges another with the commission of a crime and insists that the person charged be taken into custody, and the circumstances appear to warrant an arrest, a police officer shall take the accused to Police Headquarters, and shall require the accuser to accompany him as the complainant.

12. The Citizen's Arrest - Prisoners arrested by citizens shall be processed and detained in the usual manner.
 13. Officer-in-Charge's Responsibility - The superior Officer in Charge shall not permit a person arrested by a citizen to be detained until and unless he, the superior officer, has carefully considered the factors in the case and is satisfied that a crime has been committed and that the person arrested has committed it.
 14. Citizen as Arresting Person - Citizens making arrests shall be designated on all forms as the arresting person and shall be instructed by a superior officer or police officer where he is to make a sworn complaint, and when and where to appear for the arraignment of the prisoner.
 15. Services of Detective Division - Where arrests are made by citizens, the Officer-in-Charge shall use discretion as to whether such cases warrant the services of Detectives. If so, a superior officer having responsibility shall be immediately notified so that a citizen may be interviewed and an investigation conducted, if necessary.
 16. Criminal Complaints by Members. Members who prefer a criminal complaint against a person for injuries or damages incurred while off duty shall notify the Chief of Police on the first work day.
- K. FIREARMS - Department regulations concerning the care and use of firearms are designed to protect the lives of police officers and the lives and property of the public.
1. Handling of Firearms - Police officers shall exercise caution and the utmost care in handling firearms on and off duty.
 2. Official Police Firearm - The official police firearm shall be the firearm issued to each police officer by the Department. Carrying any other firearm on duty is prohibited, except on administrative or desk duty.
 3. Cleaning - All weapons shall be clean and in proper working order and will be subject to inspection at all times. The Department will supply cleaning equipment.
 4. Ammunition Inventory - The Range Master shall have the responsibility of all Departmental ammunition and shall maintain a constant inventory of same, as directed by the Chief of Police.
 5. Qualification - All officers shall qualify with department firearms as set forth by the State of New Jersey and the Bergen County Prosecutor. All officers must qualify with off duty firearms if the type, revolver vs semi-automatic is different from the duty weapon.

6. Use of Force - Use of firearms and deadly force shall, at all times, be subject to all rules set forth previously by Chapter 58 of the Criminal Justice Code N.J.S.A. Title 2C:1-1 et seq. of New Jersey and rules or regulations hereafter promulgated by the Chief of Police, Attorney General, Prosecutor, and/or State Statutes.
7. Discharge of Firearm: Report - (See Prosecutor's Policy also.)
It shall be the policy of the Borough of Fair Lawn Department of Police that any member of the force who discharges any firearm or service weapon shall, by the quickest means of communication available, notify the appropriate police official, and promptly submit a written report to his Commanding Officer, whether in performance of duty or accidentally, or whether on or off duty, as well as during an authorized absence from duty. This reporting requirement shall not apply to firearms routinely discharged in the course of training.
8. Non-regulation Firearm Prohibited - Police officers who carry and employ firearms other than those that have been inspected and approved by the Department's Range Master, shall be subject to disciplinary action.
9. Removing Firearm from Belt or Holster- A police officer shall not remove the firearm from its holster except when he is required to do so. However, when circumstances require, a police officer may unload his firearm before storing it in a secure place, providing he observes all the safe practices prescribed and taught by authorized Department firearms instructors for the safe unloading of the weapon. The firearm must never be left unattended, at any location.
10. Carrying Firearm - On Duty - All repairs and adjustments to the official police firearm shall be made only with the authorization of the Range Master in charge of firearms training. Police officers shall not use unauthorized molded grips, special type grips, nor pearl-handled grips. They shall not make any change to the trigger pull mechanism or effect any other unauthorized alteration or addition. Grip adapters may be used in special cases, but only after the police officer first has obtained the approval of the Departments Range Master through the Chief of Police.
11. Carrying Firearm - General - Police officers shall carry their official police firearms or authorized off-duty firearms fully loaded and in a serviceable operating condition. Police officers who are suspended or whose firearms have been officially taken from them for other reasons shall not carry a firearm under any circumstances.
12. Care of Firearms Off Duty, Outside Home - If a police officer, when off duty and outside his home, carries his Department-issued firearm or authorized off-duty weapon, it shall be holstered on his person readily available for

emergency use. To avoid an accidental discharge, a police officer shall not carry his firearm in his waistband un-holstered, or in any of his pockets. Police officers whose firearm has been officially removed from their use are additionally prohibited from carrying off-duty firearms.

13. Care of Firearms Off Duty, At Home - A police officer shall keep his firearm in a secure place readily available in case of emergency.
14. Securing of Weapons - A member shall be solely responsible for storing his Department-issued weapons or personally-owned weapons in his locker or other police facility.
15. Loss of the Firearm - Loss of the official police firearm through carelessness or neglect shall be deemed a serious violation of Department regulations.

L. PUBLIC ACTIVITIES

1. Publicity - Members and employees shall not seek personal publicity in the course of their employment.
2. Personal Preferment - No member or employee may seek the influence or intervention of any person outside the Department for purposes of personal preferment, advantage, transfer or advancement.
3. Commercial Testimonials - Members and employees shall not permit their names or photographs to be used to endorse any product or service which is in any way connected with law enforcement without the permission of the Chief of Police. They shall not, without the permission of the Chief of Police, allow their names or photographs to be used in any commercial testimonial which alludes to their position or employment with this Department.
4. Public Appearance Requests - All requests for public speeches, demonstrations, etc., will be routed to the Chief of Police for approval and processing. Members and employees directly approached for this purpose shall suggest that the party submit his request to the Chief of Police.
5. Conduct Toward the Public - Members and employees shall be courteous and orderly in their dealing with the public. They shall perform their duties quietly, avoiding harsh, violent, profane or insolent language, and always remain calm regardless of provocation to do otherwise. Upon request, they are required to supply their names and badge numbers in a courteous manner. They shall attend to requests from the public quickly and accurately, avoiding unnecessary referral to other parts of the Department or other departments in the municipal government.
6. Impartial Attitude - All members, while 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 the law. Exhibiting partiality for or against a person because of race, creed or influence will be considered misconduct. Unwarranted interference in the private business of others when not in the interests of justice is conduct unbecoming an officer.

7. Disparaging Nationality, Race or Creed - Courtesy and civility toward the public is required of all members of the Department. Members shall not use words which humiliate, disparage, demean, degrade, ridicule, or insult a person because of his/her gender, race, creed, color, national origin, sexual orientation or ancestry.
8. Caring for Lost, Helpless, Injured or Ill Persons - Members shall always be alert to assist lost, helpless, injured or ill persons.
9. Availability When on Duty - Members on duty shall not conceal themselves except for some police purpose. They shall be immediately and readily available to the public during duty hours.
10. Responding to Calls - Members of the Department shall respond without delay to all calls for police assistance from citizens or other members. Emergency calls take precedence. However, all calls shall be answered as soon as possible consistent with normal safety precautions and vehicle laws. Failure to answer a call for police assistance promptly, without justification, will be considered misconduct. Except under the most extraordinary circumstances, or when otherwise directed by competent authority, no member shall fail to answer any call directed to him. The Radio Room will be informed when leaving the air, and when returning to a duty status.
11. Public Statements - Members of the Department 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 obscene, unlawful, or defamatory. All such requests will be channeled through the Chief of Police or the Borough Manager.
12. Subversive Organizations - No member or employee shall knowingly become a member of or connected with a subversive organization, except when necessary in the performance of duty, and then only under the direction of the Chief of Police. Organizations in this category are identified by State and Federal agencies and inquiry may be made through the officers Division Commander if he/she has doubts regarding membership in any organization.
13. Affiliation with Certain Organizations Prohibited - Police officers shall not join, nor shall they affiliate themselves with any organizations whose constitution embraces provisions which might in any way exact prior consideration and prevent the proper and efficient functioning of the Department. This prohibition does not apply "to the active military or naval service of the United States or of this state, in time of war or an emergency, or for during any period of training, or pursuant to or in connection with the

operation of any system of selective service." (Source: N.J.S.A. 38:23-4.)

14. Affiliation with Radical Groups - No police officer or civilian employee, except in the discharge of police duties, shall knowingly associate with or have any dealings with any person or organization which advocates or which is instrumental in fostering hatred, prejudice, or oppression against any racial or religious group, or political entity.
15. Trade Unions - Organizations Affiliated with Trade Unions - No member or employee shall affiliate himself with any labor union, or organization in any way identified or associated with any trade association, trade federation, or labor union, if said affiliation would constitute or could constitute a conflict of interest. No association of police officers recognized by the Department shall be affiliated in any way with any trade association. Members shall, however, be permitted to have membership in any recognized police organization.

M. POLITICAL ACTIVITIES

1. Partisan Political Activities Prohibited - Police officers shall not actively engage in partisan political campaigns and activities, while on duty or in the performance thereof or in police uniform. Members and employees shall not directly or indirectly use or attempt to use their official position to influence the political activity of another person.
2. Non-partisan Political Activities - Limitation - Police officers may engage in non-partisan political activities, while off duty, except when such activities will impair or harm the operation or discipline of the Department.
3. Election to Public Office - Members and employees shall not be candidates for or hold an office in elective public positions or political organizations within or inclusive of the municipal jurisdiction in which they are employed unless authorized to do so by the County Prosecutor.
4. Soliciting Prohibited - Members of the Department shall not solicit contributions for political purposes, nor shall they interfere with or use the influence of their office for political reasons.
5. Contributions - 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.
6. Polling Duties - Members and employees shall not engage in any polling duties except in the performance of their official duties.
7. Displaying of Political Material - Members and employees shall not display any political material on any government property or on their person while on duty or in uniform.

N. JUDICIAL AND INVESTIGATIVE ACTION, APPEARANCES AND TESTIFYING

1. Court Appearances - Members and employees must attend court or quasi-judicial hearings as required by a subpoena or appropriate notification. Permission to omit this duty must be obtained from the prosecuting attorney handling the case or other competent court official. When appearing in court, on duty, either the official uniform or clothing conforming to standards imposed on officers working in plain clothes shall be worn. Off Duty Personnel are to attend court in uniform, or suit or sport jacket, dress shirt and tie. Members shall present a neat and clean appearance, avoiding any mannerism which might imply disrespect to the court.
2. Testifying for the Defendant - Any member or employee subpoenaed to testify for the defense in any trial or hearing, or against the Borough of Fair Lawn in any hearing or trial shall notify the Division Commander upon receipt of the subpoena. He shall also notify the Borough of Fair Lawn Attorney.
3. Duty of Member or Employee to Appear and Testify - It shall be the duty of every member or employee to appear and testify upon matters directly related to the conduct of his office, position or employment before any court, grand jury, or the State Commission of Investigation. Any member or employee failing or refusing to so appear and to so testify shall be subject to removal from his office, position or employment. Members and employees shall be advised of, and permitted to invoke all applicable constitutional and statutory rights, including consultation with their designated representative or attorney.
4. Departmental Investigations - Testifying - Members and employees are required to answer questions, file reports, or render material and relative statements, in a Departmental investigation when such questions and statements are directly related to job responsibilities..
5. Truthfulness - Members and employees are required to be truthful at all times whether under oath or not.
6. Civil Action Interviews -Civil action interviews involving members or employees which arise out of Departmental employment shall be conducted according to Departmental directives.
7. Civil Action, Court Appearances - Subpoenas - A member or employee shall not volunteer to testify in civil actions and shall not testify unless legally subpoenaed. Members and employees will accept all subpoenas legally served. If the subpoena arises out of Departmental employment or if the

member or employee is informed that he is a party to a civil action arising out of Departmental employment, he shall immediately notify the his/her Division Commander, who in turn shall notify the proper authorities and the Chief of Police. In the event that a member or employee is requested to testify by the Borough Attorney on behalf of the Borough it shall not be necessary for the member or employee to be subpoenaed and shall appear upon written notice. He shall also notify the Chief of Police of testimony he is to give. Members and employees shall not enter into any financial understanding for appearances as witnesses prior to any trial, except in accordance with Department directives.

8. Civil Depositions and Affidavits - Members and employees shall confer with the Chief before giving a deposition or affidavit on a civil case involving The Borough of Fair Lawn.
9. Civil, Expert Witness - Members and employees shall not volunteer or agree to testify as expert witnesses in civil actions without the prior written approval of the County Prosecutor and the Chief of Police.
10. Civil Cases - Members shall not serve civil process or assist in civil cases unless the specific consent of the Chief of Police is obtained. No civil subpoenas will be served within the Borough of Fair Lawn.

ARTICLE VIII

DRUG ABUSE AND DRUG TESTING

- A. All law enforcement applicants who will be responsible for the enforcement of the criminal laws of this State and who will be authorized to carry a firearm pursuant to N.J.A.C. 2C:39-6 must submit to a urinalysis prior to appointment.
- B. An applicant who produces a confirmed positive test result indicating unlawful drug use or who refuses to submit a urine sample would be rejected from employment.
- C. Subsequent to appointment, all officers will be subjected to unannounced drug testing; drug testing as part of any regular or specifically ordered physical examination, and; whenever there is individualized reasonable suspicion to believe that an officer is unlawfully using drugs.
- D. A trainee who produces a positive test result indicating unlawful drug use or who refuses to submit a urine sample will be dismissed from the training academy and his law enforcement position.
- E. Permanently appointed officers who produce a positive test result indicating unlawful drug use or who refuse to submit a urine sample will be dismissed from employment.
- F. All supervisors will be required to undergo in-service training in substance abuse.

ARTICLE IX

ALCOHOL ABUSE AND ALCOHOL TESTING

A. GENERAL GUIDELINES

1. Subsequent to appointment, all members will be subjected to alcohol testing whenever there is individualized reasonable suspicion to believe a member is ingesting alcohol while on duty, or is in any way impaired while on duty due to alcohol consumption.
2. Members who produce, for the first time, a positive test result indicating alcohol consumption, will be subject to disciplinary action and/or may be granted, upon request and at the sole discretion of Borough of Fair Lawn, an unpaid medical leave of absence to obtain medical treatment for alcohol abuse. The length of the unpaid leave of absence is at the sole discretion of Borough Manager of the Borough of Fair Lawn. Members who produce a second or subsequent test result indicating alcohol consumption will be subject to disciplinary action, up to and including termination. (See Appendix A) ADA Act.
3. All supervisors will be required to undergo in-service training in alcohol abuse detection.

B. GENERAL METHODS AND PROCEDURES FOR ALCOHOL TESTING

1. The breathalyser will be the initial method for the screening of members for alcohol content.
2. Blood alcohol testing will be the primary method for verifying alcohol content.
3. Established quality control and chain of custody procedures must be maintained throughout the entire blood testing process, from sample acquisition to delivery at the laboratory.
4. All blood samples obtained from members will be delivered to a state medical facility or the State Police for analysis.
5. Notwithstanding the provisions for an immediate suspension for the health and safety of others, no other adverse action will be taken against a member until Borough of Fair Lawn designated physician/laboratory preliminary analysis and subsequent confirmation have been reported to the Office of the Borough Manager.

C. METHODS AND PROCEDURES FOR ALCOHOL TESTING FOR MEMBERS

1. Applicability

The following methods and procedures apply when a member submits to alcohol testing through blood samples for the purpose of determining alcohol content in the blood. Members will be required to submit a blood sample after having been given a Breathalyzer test based upon a Superior Officer's reasonable individualized suspicion that the member has consumed alcohol while on duty, or is in any way impaired while on duty due to alcohol consumption, and has received a positive result from the Breathalyzer.

2. Notification of Alcohol Testing

- a. Alcohol testing through blood testing will be conducted when a member has received a positive test result from a Breathalyzer. Any member who has reasonable suspicion to believe that a fellow member has consumed alcohol while on duty, or is in any way impaired while on duty due to alcohol consumption, must immediately report that fact to the Chief of Police or his designee. Any member who produces a confirmed positive test result for alcohol consumption for the first time will be subject to disciplinary action/or and may be granted, upon request, at the sole discretion of Borough of Fair Lawn, an unpaid medical leave of absence to obtain medical treatment for alcohol abuse. The length of the unpaid medical leave of absence is at the sole discretion of Borough of Fair Lawn. Members who produce a second or subsequent test result indicating alcohol consumption will be subject to disciplinary action, up to and including termination.
- b. Any member who refuses to provide a blood sample upon a lawful request made upon individualized reasonable suspicion will also be dismissed.

3. Laboratory Method -The Borough of Fair Lawn shall send all samples to be analyzed to either a approved medical hospital, or the State Police.

4. Preliminary Acquisition Procedures

- a. Before a member is ordered to submit to a blood alcohol test, the Department shall prepare a confidential report which documents the basis for reasonable suspicion. The Chief of Police or his/her designee, whose approval is necessary to order the blood alcohol test shall base his decision on the contents of this confidential report.

- b. Prior to the submission of a blood sample, the employee may complete a medical questionnaire which clearly describes all medicines, both prescribed by a physician or available over the counter (non-prescription), which he ingested during the prior 30 days.

5. Specimen Acquisition Procedure

- a. At the time that the blood sample is provided, the member will have the option to submit two samples. Both samples will be acquired according to the procedures outlined herein. One will be forwarded to a medical facility, or State Police, for testing; the remaining sample will be stored in the frozen state within the Department according to Departmental procedures regarding chain of custody and evidence storage. This sample will be made accessible to the member or his attorney.
- b. The Department shall be responsible for acquiring blood samples from members and shall designate an individual to serve as the official monitor. The member may also choose to name another witness to the sample acquisition.
- c. The official monitor shall be responsible for insuring that all related forms have thoroughly and accurately completed by the member.
- d. Generally, the member will submit the blood sample in the presence of the official monitor.
- e. Blood samples will be processed in accordance with accepted chain of custody procedures, and every effort will be made to ensure that the identity of the member being tested remains confidential. Throughout the blood acquisition process, the sample will be identified by use of the members social security number.
- f. The member/monitor will complete the information requested on any related Department or laboratory forms and will put his social security number, initials, and date on the specimen bottle label. After the official monitor has inspected the information for accuracy, the member will unseal the specimen bottle packet, and affix the label to the bottle. The member will secure the cap of the specimen bottle and will seal the sample by wrapping evidence tape around the bottle, vertically up one side, across the cap, down the other side, across the bottom and again up the first side, overlapping the tape to make a complete circle around the bottle. The member will then put his social security number, initials and date on the evidence tape and surrender the specimen to the official monitor.
- g. After ascertaining that all forms have been completed accurately, the

official monitor shall take possession of the sample. The sample shall be placed in a controlled accessed refrigerated storage area until it is delivered to a medical hospital, or State Police for testing.. This delivery shall occur within one laboratory working day of acquisition.

6. Alcohol Testing Results

The medical facility, or State Police, will notify the Chief of Police of the result of the analysis immediately upon completion. The Chief of Police will immediately notify the Borough Manager. The laboratory will report as positive only those samples which have been confirmed to be positive for the presence of alcohol. The laboratory will follow-up all immediate notifications with written reports. The Department will notify the member of the result of the analysis as soon as possible after notification by the laboratory. The Department will provide a copy of the laboratory report to the member if he requests it.

7. Hearings

A member may be disciplined up to and including termination from employment as a result of a positive test result for alcohol use or a refusal to submit to a blood alcohol test in accordance with established procedures.

ARTICLE X

SEXUAL HARASSMENT*

A. POLICY

1. It is the policy and one of the highest priorities of this Department to provide Equal Employment Opportunity to all members and employees and applicants for employment without regard to race, color, religion, nation origin, age, sex or sexual orientation. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation and training.
2. In furtherance of this policy, the Department expressly prohibits any form of sexual harassment, which is a form of sexual discrimination. Improper interference with the ability of members and employees to perform their expected job duties will not be tolerated.

B. RESPONSIBILITY

It is the responsibility of each supervisor to create an atmosphere free from sexual harassment and to communicate the Department's policy of non-discrimination to all subordinates, to promptly investigate complaints and to take corrective action as necessary. It is the responsibility of each member and employee to respect the rights of co-workers.

* Appendix "A" consisting of the Borough's harassment policy is incorporated herein

ARTICLE XI

POLICE TRAINING

Police officers and the Borough of Fair Lawn Police Department are responsible for conforming with the obligations of the Police Training Act (N.J.S.A. 52:17B-66 et seq.).

A. INDIVIDUALS AFFECTED BY THE ACT

1. Every individual appointed as a "police officer" by the appointing authority comes within the provisions of the Act. The term "police officer" includes all municipal police, county police, and county park police. The Act covers not only individuals entering law enforcement for the first time, but also individuals in the following categories:
 - a. Former police officers who have terminated their service with a police agency and subsequently seek re-employment with that agency.
 - b. Police officers from one agency who are subsequently employed by a different agency.
2. The Act applies to appointments that will become permanent. Appointments include, among others, officers employed under the Safe and Clean Streets program and individuals appointed as police officers pending Civil Service examinations. These classes of individuals come under the Act.
3. Not covered by the Act are civilian heads of law enforcement units and special police officers appointed under N.J.S.A. 40A:14-146.

ARTICLE XII

DISCIPLINARY ACTIONS

A. DEPARTMENTAL DISCIPLINE

1. Disciplinary Action - Department members, regardless of rank, shall be subject to disciplinary action, according to the nature of the offense, for violating their oath and trust by committing an offense punishable under the laws or statutes of the United States, the State of New Jersey or 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 general order or rules of the Department; or failure to obey any lawful instruction, order or command of a superior officer. Disciplinary action in all cases will be decided on the merits of each case and in conformity with controlling State law.
2. Establishing Elements of Violation - Existence of facts establishing a violation of the law, ordinance, or rules is all that is necessary to support any allegation of such violation as a basis for disciplinary action. Nothing in this manual prohibits disciplining or charging members or employees merely because the alleged act or omission does not appear herein if such conduct is otherwise without lawful purpose and violates some law, ordinance, or rule governing the officer's conduct at the time it occurred.
3. Penalties - The following penalties may be assessed against any member of the Department as disciplinary action:
 - a. Oral reprimand.
 - b. Written reprimand.
 - c. Suspension (with or without pay).
 - (1) Fine (only if dictated for public safety reasons)
 - e. Demotion.
 - f. Dismissal from the service.
4. Departmental Authority To Discipline - Except as otherwise provided in N.J.S.A. 40A:14-147 to 151 inclusive or as amended and the Borough of Fair Lawn Ordinances, the Department disciplinary authority and ability rests with the Borough of Fair Lawn. With the exception of oral reprimands, written reprimands and emergency suspensions, Department discipline must be taken or approved by the Borough Manager.
5. Discipline By Supervisory Personnel - Other supervisory personnel may take the following disciplinary measures:
 - a. Oral reprimand.

- b. Written reprimand (subject to approval by the Chief of Police).
 - c. Emergency suspension until the next business day.
 - d. Written recommendations for other penalties.
6. Emergency/Immediate Suspension - Members shall be suspended and not suffer any loss of benefits until after the member has had a Departmental hearing and has been found guilty, in cases of severe nature when the Chief of Police deems a suspension of the member of immediate necessity for the safety of the public or the welfare of the Department, he may do so. The Chief of Police shall immediately submit a report explaining such action to the Borough Manager. The Borough Manager, in turn, will determine if the suspension is to continue. An immediate suspension will be governed by the aforementioned statutes listed in 4 above.
7. Emergency Inter-Departmental Disciplinary Action - When the improper conduct of a member or employee of one unit is of such nature that immediate or emergency disciplinary action is required of a Command or Supervisory Officer of another Division, such action may be taken at once within the following limitations:
- a. Oral reprimand.
 - (2) Written Reprimand
 - b. Emergency suspension until the next business day.
8. Inter-Departmental Oral Reprimand - When the Commanding or Supervisory Officer of one Division orally reprimands a member or employee of another Division, he shall notify the Division Commander of the member so disciplined as soon as possible.
9. Follow-Up On Emergency Suspension - A member or employee receiving an emergency suspension shall be required to report to the Chief of Police on the next business day at a time scheduled by the Chief of Police. The Commanding or Supervisory Officer imposing or recommending the suspension shall also report to the Chief of Police at the same time.
10. Reports Of Disciplinary Action Taken Or Recommended - Whenever disciplinary action is taken or recommended (except for oral or written reprimands), a written report must be submitted immediately in triplicate containing the following information:
- a. The name, rank, badge number, and present assignment of the person being disciplined.
 - b. The date, time and location of the misconduct.
 - c. The section number of the violated rule and common name of the

infraction.

- d. A complete statement of the facts of the misconduct.
 - e. The punishment imposed or recommended.
 - f. The written signature, badge number, and rank of the preparing officer and his position in relation to the member being disciplined.
11. Distribution Of Reports Of Disciplinary Action - Reports shall be distributed as follows by the officer imposing or recommending the disciplinary action:
 - a. Original to the Chief of Police through the chain of command.
 - b. Duplicate to subject's Division Commander.
 - c. Triplicate retained by officer imposing or recommending the action.
 12. Endorsement And Forwarding Of Disciplinary Reports - Each level in the chain of command must endorse and forward reports bearing on disciplinary matters. Such endorsement may be one of approval, disapproval, or modification. No member or employee shall alter or cause to be altered or withdrawn any disciplinary report. Disciplinary reports in transit through the chain of command shall not be delayed, but must be reviewed, endorsed, and forwarded as soon as possible. Disciplinary reports shall be filed in accordance with current Department directives.
 13. Informing The Person Being Disciplined - The member or employee being disciplined shall be so disciplined and granted all procedural rights and safeguards in accordance with N.J.S.A. 11A:2-1 et seq. and N.J.A.C. 4A:2-1.1 et seq.
 14. Misconduct Observed By Police Personnel - Whenever any Commanding Officer or 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.
 15. Investigator's Authority - Investigators assigned to an investigation are the direct representatives of the Chief of Police and, as such, shall receive the cooperation of all members of the Department while conducting their investigations. The sole responsibility of the investigator shall be the gathering of all the facts regarding the allegations. In so doing, he must be objective and thorough when submitting his report. His opinions, conclusions, or personality shall not be interjected into the case. By adhering to the foregoing principles, the case can be concluded with optimum fairness for all persons concerned.

ARTICLE XIII

DISCIPLINARY CODE

A. RELATIONSHIP OF OFFENSES TO PENALTIES

1. The offenses herein shall guide the Chief of Police in administering fair and uniform penalties for violations of Department Rules of Conduct.
 2. Penalties for offenses listed shall in no way limit any penalty which the Chief of Police may impose.
 3. Offenses not included in the following list shall result in penalties similar to those specified for similar offenses of comparable seriousness.
 4. Repeated violations of the rules of conduct shall be indicative of a member's disregard of the obligations of all members and shall be cause for dismissal. This shall apply regardless of the severity of the offenses, regardless of any reckoning period, and regardless of whether these violations are of the same type.
 5. Suspension, Fine And Demotion For Disciplinary Purposes. An appointing authority may suspend without pay, or with reduced pay, fine or demote an employee due to inefficiency, incompetency, misconduct, negligence, insubordination, or for other sufficient cause.
 6. Causes for Removal. Any one of the following shall be cause for removal from the service, although removals may be made for sufficient causes other than those listed:
 - a. Chronic or excessive absenteeism.
 - b. Incompetency or inefficiency.
 - c. Incapacity due to mental or physical disability.
 - d. Insubordination or serious breach of discipline.
 - e. Intoxication while on duty.
 - f. Neglect of duty.
 - g. Disorderly or immoral conduct.
 - h. Willful violation of any of the provisions of the rules or regulations or other statutes relative to the employment of public employees.
1. Conviction of any criminal act or offense.

j. Participation in a Pre-Trial Intervention Program

7. Negligence of, or willful damage to public property or waste of public supplies.
8. Conduct unbecoming an employee in the public service.
9. The use or attempt to use one's authority or official influence to control or modify the action, political or otherwise, of any person.

B. RULES, CHARGES AND DISCIPLINARY ACTIONS

The following is a list, not exhaustive, of rules, charges and disciplinary actions which may be taken against police officers:

- Rule 1: Accepting bribes or gratuities for permitting illegal acts. Disciplinary action for 1st offense - dismissal.
- Rule 2: Involved in a crime of moral turpitude that negatively affects the operation of the Department. Disciplinary action for 1st offense - dismissal.
- Rule 3: Repeated violations of Departmental Rules & Regulations, or any other course of conduct indicating that a member has little or no regard for his responsibility as a member of the Department. Disciplinary action - dismissal.
- Rule 4: Sexual harassment. Disciplinary action for first offense - reprimand to dismissal - second offense - dismissal.
- Rule 5: Failure to report, in writing, offers of bribes or gratuities to permit illegal acts. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.
- Rule 6: Knowingly and willfully making a false entry in any Departmental report or record. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.
- Rule 7: Intoxication on duty. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.
- Rule 8: Failure to comply with the Chief's orders, directives, regulations, etc., oral and written, and also those of superiors and supervisors. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.
- Rule 9: Allowing prisoner to escape through carelessness or neglect. Disciplinary action for 1st offense - reprimand to dismissal; 2nd

offense - dismissal.

- Rule 10: Failure to take appropriate action concerning illegal activity, including vice conditions and/or to make a written report of the same to commanding officer. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.
- Rule 11: Improper use, handling or display of firearms. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.
- Rule 12: Communicating or imparting confidential police information, either in writing or verbally, to unauthorized persons. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.
- Rule 13: Willfully damaging Department property and/or equipment. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.
- Rule 14: Interference with police radio broadcasting and tampering with police radio. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.
- Rule 15: Removing official documents from the Department without permission. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.
- Rule 16: Failure of members and employees to remain at their assignments and on duty until properly relieved by other members or employees or until dismissed by competent authority. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.
- Rule 17: Failure to possess and maintain a current and valid New Jersey State vehicle operator's license. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - dismissal.
- Rule 18: Association with known illegal gamblers while on or off duty. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 19: Associating, fraternizing, or business transactions at any time, or in any manner whatsoever with known criminals or persons engaged in unlawful activities. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 20: Participating in illegal games of chance or illegal gambling while on duty. Disciplinary action for 1st offense - reprimand to dismissal; 2nd

offense - reprimand to dismissal; 3rd offense - dismissal.

- Rule 21: Fighting or quarreling with members of the Department as prescribed in this code. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 22: Soliciting for attorneys, bondsmen or other business. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 23: Intoxication off duty in uniform or in identifiable part of uniform. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 24: Intoxication off duty, not in uniform, and arrested. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 25: Refusal to obey proper orders from a superior. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 26: Failure to take police action when necessary, at any time, in or out of uniform, and/or failure to make a written report of same to commanding officer. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 27: Failure to properly supervise subordinates; or to prefer disciplinary charges; or to take other appropriate disciplinary action. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 28: Failure to thoroughly search for, collect, preserve, and identify evidence; or persons' property and locations in any arrest or investigation. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 29: If failure to obey rule 28 results in the theft of said evidence or property. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 30: Failure to properly care for assigned equipment and vehicles, damaging same due to neglect. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.

- Rule 31: Neglect of duty. Disciplinary action for 1st offense - reprimand to dismissal; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 32: Failure to follow Department procedures for the handling of evidence, personal effects and all other property taken into custody. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 33: Prior to written approval of the Director/Chief of Police or his representative designated for that purpose, appearing to give testimony as a character witness for any defendant in a criminal trial or inquiry. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 34: Failure to properly patrol district; unauthorized absence from assignment; failure to respond to radio calls; idle conversation or loafing. Disciplinary action for 1st offense - reprimand to 30 days; 2nd offense - reprimand to dismissal; 3rd offense - dismissal.
- Rule 35: Voluntary and knowing association with known illegal gamblers while on or off duty. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 36: Using rude or insulting language or conduct offensive to the public. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 37: Publicly criticizing the official action of a superior officer. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 38: Using profane or insulting language to a superior officer. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 39: Odor of alcoholic beverage on breath while on duty. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 40: Failure to recognize and satisfy any just debts which negatively affect the Department. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

- Rule 41: Conduct subversive of good order and the discipline of the Department. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 42: Intoxication off duty - in part of uniform. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 43: Asleep on duty. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 44: Absence without leave for less than five (5) consecutive working days. Disciplinary action for 1st offense -reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 45: Failure to conduct proper, thorough and complete investigations. Disciplinary action for 1st offense -reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 46: Failure to report as witness when subpoenaed or ordered by superior officer. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 47: Failure to remove key from patrol car when unattended. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 48: Soliciting money or other valuable things without proper authorization. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 49: Being found in any alcoholic beverage licensed establishment in full uniform while not in performance of police duty. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal. * This rule Pertains to the Bar area, or immediate area of the bar.
- Rule 50: Possession of alcoholic beverages on the person in police vehicle or on any police property, not duly authorized. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

- Rule 51: Failure to be home or other reported place of confinement without legitimate reason as outlined in departmental policies, after reporting sick. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 52: Failure to obtain any required medical treatment or certificate while on sick leave. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 53: Failure to submit properly written required report within a reasonable or prescribed period of time as per regulations. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 54: Having or operating private auto while on duty, or driving to or from assigned post without authorization. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 55: Failure to carry badge, firearm and other required equipment when on duty. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 56: Un-excused tardiness. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 57: Changing residence or telephone number without giving prompt and proper notification. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 58: Unauthorized persons in radio car. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 59: Untidy appearance and dress while in uniform. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 60: Not in full prescribed uniform. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.
- Rule 61: Failure to give prescribed identification when answering telephone.

Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 62: Refusal to give name and badge number when properly requested. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

Rule 63: Unauthorized press releases and statements. Disciplinary action for 1st offense - reprimand to 10 days; 2nd offense - reprimand to 30 days; 3rd or subsequent offense - reprimand to dismissal.

C. DEPARTMENT DISCIPLINARY HEARINGS

1. Whenever an internal investigation establishes by a preponderance that a member is guilty of violating a Departmental rule or regulation, penalty for which is to be a cause for major disciplinary action and permanently reflected on the member's personnel record, charges shall be prepared by the proper authority and personally served upon the respective member by the Chief of Police or his/her designee. The charges shall contain:
 - a. The Division instituting the action.
 - b. The name, and title of the member against whom the action is being instituted.
 - c. The charges (rules and regulations) allegedly violated.
 - d. Specification of the alleged facts upon which the charges are based.
 - e. Notification as to whether the member is suspended pending the determination of the hearing.
 - f. The time, date and place at which the hearing is scheduled to be held if applicable. If applicable.
 - g. The penalties to which the member is being exposed as a result of the alleged charges.
 - h. The signature of the proper authority which is the Borough Manager.
2. A major disciplinary hearing, if requested within 5 days of service of charges, shall be scheduled during the business day, but no sooner than ten (10) days, nor later than thirty (30) days, after said notice is personally served upon said member, subject, of course, to the granting of reasonable requests for postponements by said member.
3. Where a disciplinary hearing has been postponed at the request of the

respective member pending the determination of criminal or quasi-criminal charges filed on the basis of the same factual situation which gave rise to the charges, said hearing must be held within thirty (30) days after the Borough Manager receives notice of such disposition. The duty to advise the Borough of Fair Lawn Borough Manager that said judicial determination has been made is that of the respective member.

4. "Personal service" means actual service upon the member, as well as actual service upon any members of the member's family over 18 years of age residing in the residence of said member.
5. Disciplinary hearings may, at the option of the charged member, be public in nature; however, within the bounds of reasonableness and good order.
6. Every member formally charged with the violation of a Department rule or regulation shall have the opportunity to testify in his own defense, produce relevant evidence in support of his defense, produce competent witnesses to testify to relevant matters in support of his defense and cross-examine any witness who has testified against him.
7. The Chief of Police may investigate the complaint himself or delegate the duty to any member of the Department. The Borough of Fair Lawn Borough Manager shall preside as the Hearing Officer.
8. In order that all parties may be afforded a fair and equal opportunity to be heard and that the Hearing Officer may be completely informed in the matter and enabled to render a proper determination based on all the facts and applicable laws and rules, all hearings shall be conducted in an informal manner, without reference to any formal rules or procedure.
9. The Hearing Officer may, at his/her discretion, clear the hearing room of all persons, including witnesses not under examination or testifying. When the evidence pertains to scandalous or indecent conduct of any sort, or is such that its public disclosure would not be in the best interest of the public and might do irreparable harm to any person or persons not a party to the hearing, the Hearing Officer may exclude all persons not having a direct interest in the matter being heard.
10. The Hearing Officer shall admit all testimony having reasonable, probative value, but shall exclude immaterial, irrelevant or unduly cumulative testimony.
11. The Hearing Officer shall give effect to the rules of privilege as provided by law.
12. The member is presumed innocent, and the burden of proof is upon the Department to prove the member's guilt by a preponderance of the credible

evidence presented during said hearing. All hearings may, in the discretion of the Hearing Officer, be recorded by:

- a. A certified shorthand reporter.
 - b. Stenographers duly sworn to make an accurate stenographic recording of the proceeding.
 - c. Sound recording device to be operated under the supervision and direction of the Hearing Officer.
13. After considering all the evidence in support and in defense of the particular charge of misconduct, the respective Hearing Officer shall consider same and render his/her verdict as soon as practical thereafter.
 14. Although the verdict may be verbal at the time of the hearing, the determination must be reflected in a written decision which must be personally served upon the respective member as soon as practical after the termination of said disciplinary hearing.

D. APPEAL PROCEDURES

1. Appeal to Department of Personnel
 - a. Any member of the Department who has been tried and convicted upon any disciplinary charge or charges may obtain review by the Department of Personnel pursuant to N.J.S.A. 11A:1-1 et seq. and N.J.A.C. 4A:2-1.1 et seq.
 - b. Disciplinary charges appealed to the Department of Personnel transmitted for hearing to the Office of Administrative Law before an Administrative Law Judge shall be adjudicated in compliance with N.J.A.C. 1:1-1.1 et seq.

ARTICLE XIV

CHANGES AND MODIFICATIONS

In the event that any definition, rule, regulation, process, procedure, action, or guideline are expanded, restricted, deleted, or modified by State Statute, Judicial decision, adoption of State regulations, or collective bargaining agreement, such expansion, restriction, deletion or modification shall automatically be incorporated herein upon the effective date of said expansion, restriction, deletion, or modification