

**SERVICE  
RULES AND REGULATIONS  
VOL, I. CH, 1**

**Rules and Regulations  
of the  
Borough of Fort Lee Police Department**

**Rules and Regulations  
Borough of Fort Lee Police Department**

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**PREAMBLE**

The contents of this manual have been developed to guide and assist members in reaching the goals of this department. Adherence to these principals and guidelines by all Members of the department will eliminate the need for disciplinary action and will insure our acceptance by the community as a truly professional Police Department.

Chief of Police

Adopted:

Jack Alter  
Mayor

Peggy E. Thomas  
Borough Administrator/  
Appropriate Authority

**Rules and Regulations  
Borough of Fort Lee Police Department**

**DEFINITIONS**

**ANNUAL VACATION**

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

**APPROPRIATE AUTHORITY**

Appropriate Authority is defined in N.J.S.A. 40A:14-118.

**BUREAU**

A functional unit immediately subordinate to a division.

**CHAIN OF COMMAND**

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

**COMMANDING OFFICER**

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

**CUSTODY**

Legal or physical control of a person or property; legal supervision or physical responsibility for a personal property.

**DATE OF RANK**

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

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**DEPARTMENT/DEPARTMENTAL**

The Fort Lee Borough Police Department.

**DETAIL**

A temporary assignment of personnel for a specialized activity.

**DETECTIVE**

An Officer regularly assigned to the Detective division to conduct investigations while in civilian clothing.

**DIRECT ORDER**

Any lawful order communicated by a Superior Officer or a Member in charge specifically to a subordinate or group of subordinates personally or in writing.

**DISCIPLINARY ACTION**

Disciplinary action includes oral and written warnings, suspensions, fines, loss of privileges or benefits and discharge.

**DIVISION**

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

**DIVISIONAL COMMANDER**

A Superior Officer who commands a Division of the Police Department.



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**DOCUMENT**

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

**EMPLOYEE**

Civilian employee of the Police Department. Dispatcher, Clerk, Secretary, School Crossing Guard and any persons temporarily assigned to work for the Police Department.

**FIELD INTERVIEW**

The stopping and questioning of a person by an Officer because the Officer:

1. has reasonable suspicion that the subject may have committed, may be committing, or may be about to commit a crime; or
2. believes the subject may be a hazard; or
3. believes this may have a preventative effect; or
4. believes the subject may be in need of assistance.

**FOLLOW-UP INVESTIGATION**

The investigation which takes place after transfer from the Officer(s) making the preliminary investigation or after a lapse of time from the conclusion of the preliminary investigation. An extension of the preliminary investigation.

**GENDER**

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

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**HEADQUARTERS**

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

**INCOMPETENCE**

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

**INSUBORDINATION**

Failure or deliberate refusal of any Member or Employee to obey a lawful order given by a Superior Officer. Ridiculing a Superior Officer or his order, whether in or out of his presence. Disrespectful, mutinous, insolent, or abusive language directed toward a Superior Officer.

**LAWFUL ORDER**

Any department rule or regulation, police manual, policy, procedure, SOP, written or oral directive issued by a Superior Officer to any subordinate or group of subordinates in the course of police duty which is not in violation of any law, ordinance, or department rule or regulation. Lawful Orders include Operations Orders, Special Orders and Personnel Orders.

**LEAVE OF ABSENCE**

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

**MANUAL**

These Rules and Regulations.

**MAY**

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“May” shall mean the action indicated is permitted.

**MEMBER**

A duly-appointed sworn police officer of the department, including all ranks from Officer to Chief.

**MEMORANDUM**

Information bulletins which are primarily designed to inform and, secondarily, to direct personnel at department and divisional levels. Such memorandums 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 the Armed Forces of the United States in an active capacity as provided by law.

**MISCONDUCT**

Any conduct which violates any Lawful Order, Department Rule or Regulation, Ordinance of the Borough, or any State or Federal law or statute or regulation carrying the force of law.

**NEGLECT OF DUTY**

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

**NEW JERSEY LAW AGAINST DISCRIMINATION**

N.J.S.A. 10:5-1 et seq.

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**OFF DUTY**

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

**OFFICER**

Same as Member.

**ON DUTY**

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

**OPERATIONS ORDER/SPECIAL ORDERS**

Written directive issued by the Chief of Police. They specify instructions, Policy or Procedure governing particular situations. Special Orders are usually of limited duration and are automatically canceled when their objectives are achieved. Included in Lawful Order.

**PERSONNEL ORDER**

Appointment, assignment or any other status change of personnel within the department accomplished by department personnel orders issued by the Chief of Police. Included in Lawful Order.

**POLICE MANUAL**

Reference guide specifying the Rules and Regulations governing the conduct of personnel and the operation of the Department, as well as specifying Department Policies and Procedures. This Manual is issued by authority of the Borough governing body and the Chief of Police, and is included in Lawful Order.

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**PRELIMINARY INVESTIGATION**

Generally, the activity that begins when Officers arrive at the scene of an incident. The activity should continue until such time as a postponement of the investigation or transfer of responsibility will not jeopardize the successful completion of the investigation.

**PROCEDURE/POLICY**

A written directive which is a guideline for carrying out Department activities. It regulates the formal steps in an action. Included in Lawful Order.

**RULES AND REGULATIONS**

Department legislation consisting of detailed directives binding Members and Employees of all ranks in terms of authority, responsibility and conduct. Rules and Regulations require the approval of the Appropriate Authority pursuant to N.J.S.A. 40A:14-118 before taking effect. Included in Lawful Order.

**SECTOR, GRID OR POST**

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

**SENIORITY OF COMMAND**

Seniority in the department is established first by rank and second by date of rank. When Members have identical dates of rank, seniority shall be determined by the lower badge member for Police Officers and for Supervisors by the official Police Department roster. In situations requiring decision or control, where the Officers are of equal rank, the Senior Officer will make the decision and exercise control unless directed otherwise by a higher ranking command or supervisory officer.

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**SERIOUS PHYSICAL INJURY**

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

**SHALL/WILL**

Both terms shall indicate that the action required is mandatory.

**SHIFT SUPERVISOR**

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

**SICK LEAVE**

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

**SOP (STANDARD OPERATING PROCEDURE)**

Written directive issued by the Chief of Police. Standard Operating Procedures remain in full force and effect until amended, superseded, or canceled by the Chief of Police. Department Standard Operating Procedures establish policy and procedure governing matters which have broad application and usually affect the entire department. They are the most authoritative directive issued in the Department, and may be used to amend, supersede or cancel any other Lawful Order. Included in Lawful Order.

**SPAN OF CONTROL**

The number of persons reporting to any one supervisor. Span of management or supervision.

**SPECIAL DUTY**

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

**SUPERIOR OFFICER**

Any Officer above the rank of police Officer. In certain situations a Member in charge shall also be considered a Superior Officer.

**SUPERVISOR**

Same as Supervisory Officer.

**SUPERVISORY OFFICER**

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

**SUPPLEMENTARY INVESTIGATION**

Same as follow-up investigation.

**TENSE OF WORDS**

The words used in the present tense include the future.

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**TOUR COMMANDER**

A commander of a tour of duty, usually a Sergeant or Lieutenant in the Patrol Division.

**TOUR OF DUTY**

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

**TRAINING BULLETIN**

Bulletins published and designed to keep Officers of the Department abreast of current police techniques and procedures. The bulletins and their presentation act as a continuous training program and as stimulus for further study.

**UNIT**

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

**UNITY OF COMMAND**

Each individual in the organization has one and only one immediate supervisor.

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



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**REGULATION I**

**RULE 1**

**Police Department Authority**

The Police Department of the Borough of Fort Lee is established pursuant to N.J.S.A. 40A:14-118 and municipal Ordinance. The Borough of Fort Lee Police Department shall after this be called the “Department.”

**RULE 2**

**Department Rules**

- 1. Rules and Regulations Established.** The Appropriate Authority of the Borough of Fort Lee hereby adopts and promulgates the department Rules and Regulations, known as the Borough of Fort Lee Police Department Rules and Regulations and after this called the “Rules and Regulations” or “Rules.”
- 2. Right to Amend or Revoke.** In accordance with N.J.S.A. 40A:14-118, the right is reserved by the Appropriate Authority to amend or to revoke any of the rules contained herein or to add thereto, as the circumstances dictate, subject to applicable law.
- 3. Previous Rules, Policies and Procedures.** All Rules, Regulations, and Orders previously issued, and Policies and Procedures that are contrary to the Rules contained herein, are hereby revoked. All other Policies and Procedures, Rules, Regulations and Ordinances shall remain in full force and effect.
- 4. Application.** These Rules are applicable to all Officers of the Department and to all Civilian Employees of the Department where appropriate.
- 5. Distribution.** One copy of these Rules and Regulations shall be distributed to each Member of the Department. Also, for reference purposes, copies shall be distributed to the Office of the Borough Clerk, the Borough Business

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Administrator and the Mayor. Members and Employees in receipt of these Rules and Regulations shall not disseminate them to any unauthorized persons or entitles without authorization from the Borough of Fort Lee.

- 6. Responsibility for Maintenance.** Members shall be responsible for possessing a current copy of the Rules and Regulations, including all additions, revisions and amendment as issued. All Manuals shall be kept current and supplementary pages concerning additions, revisions or amendments shall be promptly and properly inserted.
- 7. Familiarization.** Members shall thoroughly familiarize themselves with the provisions of the Rules and Regulations. Ignorance of any provision of these rules will not be a defense to a charge of a violation of these Rules and Regulations.
- 8. Law Enforcement Response.** The Fort Lee Borough Police Department shall provide:
  - a. Law enforcement response to emergencies twenty-four (24) hours a day, every day of the week; and
  - b. Preventive patrol twenty-four (24) hours a day every day of the week; and
  - c. A staffed communication desk where citizens may contact the department twenty-four (24) hours a day, every day of the week.
- 9. Ignorance of Contents of Rules and Regulations.**
  - a. In the event neglect of duty is charged against a Member or Employee for failure to observe the Rules and Regulations, Department procedures or Lawful Orders, ignorance of any provision thereof will not be accepted as an excuse.

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- b. **In the event that any Member is unsure of the application or interpretation of these Rules and Regulations, Department Procedures, or Lawful Orders, he shall, at his earliest possible opportunity, seek a clarification from his Supervisor or Commanding Officer.**

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**REGULATION II**

**ESTABLISHMENT OF THE POSITION  
OF CHIEF OF POLICE**

**RULE 1**

**1. Chief of Police - Authority and Responsibilities**

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

- a. Administer and enforce the Rules and Regulations of the Police Department and any special emergency directives for the disposition and discipline of the Department and its members and officers;
- b. Have, exercise and discharge the functions, powers and duties of the Police Department;
- c. Prescribe the duties and assignments of all Members and Employees;
- d. Delegate such authority as may be deemed necessary for the efficient operation of the Police Department to be exercised under the Chief's direction and control; and
- e. Report at least monthly to the Appropriate Authority in such form as shall be prescribed on the operation of the Police Department during the preceding month and make such other reports as may be requested by the appropriate authority.

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- 2. Responsibilities.** The Chief of Police is responsible to:
- a. Establish and maintain the efficient operation of the Department.
  - b. Organize, control and maintain all property and resources of the Department.
  - c. Develop the written organizational structure of the Department, including Chain of Command and duty assignments.
  - d. Develop and implement policies and procedures necessary to govern and direct the day-to-day operations of the police department.
  - e. Provide for the proper training of all Department Members and Employees.
  - f. Provide for periodic inspections of all police operations to insure compliance with Department Rules, Policies, and Procedures.
  - g. Maintain the overall discipline of the Department.
  - h. Maintain a constructive relationship with the public, community organizations, the media and other law enforcement agencies.
  - i. Prepare and submit the annual budget and proposed expenditure programs to the Appropriate Authority or other designated officials.
  - j. When given discretion, allocate funds within the budget which are appropriated by the governing body.

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**REGULATION III**

**GENERAL RULES AND REGULATIONS  
PROFESSIONAL CONDUCT AND RESPONSIBILITIES**

**RULE 1**

**Violation of Rules.** Members and Employees shall not commit any acts which constitute a violation of any of the Rules and Regulations, directives, or Lawful Orders of the Department, whether stated in this Manual or elsewhere.

**RULE 2**

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

**RULE 3**

**1. General Duties and Responsibilities.**

**A. Police officers shall (in order of importance):**

1. Take appropriate action to:
  - a. Protect life and property;
  - b. Preserve the peace;
  - c. Prevent crime;
  - d. Detect and arrest violators of the law;
  - e. Enforce all federal, state, and local laws and ordinances coming within Departmental jurisdiction;
  - f. Safely and expeditiously regulate traffic;

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- g. Aid citizens in matters within police jurisdiction; and
  - h. Take appropriate police action in aiding fellow Officers as needed;  
and
  - i. Provide miscellaneous services.
- 2. Exercise authority consistent with the obligations imposed by the oath of office and in conformance with the policies of the Department.
- 3. Abide by all Rules and Regulations, Lawful Orders, and Departmental Procedures and Directives governing Members. It shall be the duty of all Members to properly report in accordance with the Chain of Command, all violations of the Manual or Lawful Orders by other Members and Employees.
- 4. Be accountable and responsible to their supervisors for obeying all Lawful Orders of Superior Officers and other proper authorities, as well as calls for police assistance from citizens.
- 5. Coordinate their efforts with other Members and Employees of the Department to achieve Departmental objectives. All Officers are charged with establishing and maintaining a high spirit of cooperation within the Department.
- 6. Conduct themselves in accordance with high ethical standards, on and off-duty and in such a manner to avoid bringing public criticism and disrespect to the Department.
- 7. Strive to improve their skills and techniques through study and training.
- 8. Familiarize themselves with their area of authority and responsibility for their current assignment.
- 9. Perform their duties promptly, faithfully and diligently. Members shall demonstrate and maintain loyalty to the Department consistent with the obligations imposed by law and personal ethics.
- 10. Perform all related work as required.

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11. Shall not unlawfully discriminate against any person or class of persons set forth in applicable United States or New Jersey statutes or regulations carrying the force of law.

**B. Supervisors in the Department shall:**

1. Enforce Departmental Rules, Lawful Orders and insure compliance with Departmental policies and procedures. It shall be the duty of all Supervisors to promptly report, in accordance with the Chain of Command, all violations of this Manual or Lawful Orders by other Members and Employees.
2. Exercise proper use of their command within the limits of their authority to assure efficient performance by their subordinates.
3. Exercise necessary control over their subordinates to accomplish the objectives of the Department.
4. Guide and train subordinates to gain effectiveness in performing their duties.
5. Use Departmental disciplinary procedures when necessary.
6. When using discipline, comply strictly with the provisions of the Department disciplinary process.

**C. Employees shall:**

1. Take appropriate action to perform the duties of their positions promptly, faithfully and diligently. It shall be the duty of all Employees to promptly report, in accordance with the Chain of Command, all violations of this Manual or Lawful Orders by other Employees or Members of the Department.
2. Exercise authority consistent with the obligations imposed by their position and in conformance with the policies of the Department.



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3. Be accountable and responsible to their supervisors for obeying all Lawful Orders.
4. Coordinate their efforts with other Employees of the Department to achieve Departmental objectives.
5. Conduct themselves in accordance with high ethical standards, on and off duty.
6. Strive to improve their skills and techniques through study and training.
7. Familiarize themselves with the area of authority and responsibility for the current assignment.
8. Abide by all Rules and Regulations, Lawful Orders and Departmental procedures and directives governing civilian employees.
9. Perform all related work as required.

**RULE 4**

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

**RULE 5**

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

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**RULE 6**

**Corruption.** Members and Employees shall report to the Chief knowledge of corruption within the Department, including, but not limited to, any bribe(s) or illegal act or violation of this Manual or any Lawful Order committed by a Member of the Department, or solicited by any person or entity to any Member or Employee.

**RULE 7**

**Conformance to Laws.**

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

**RULE 8**

**Unsatisfactory Performance.** Members and Employees shall maintain sufficient competency to properly perform their duties and assume the responsibility of their positions. Members and Employees shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may include and be demonstrated by a lack of knowledge of the application of laws required to be enforced; an unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for the Member's or Employee's rank, grade or position; the failure to take appropriate action as required by this Manual or a Lawful Order or on the occasion of a crime disorder, or other condition deserving attention or absence without leave.

In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: a written record of repeated infractions of Rules and Regulations, Directives or Lawful Orders of the

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Department, or any other course of conduct indicating that the Member or Employee has insufficient regard for his responsibility as a Member or Employee of the Department.

**RULE 9**

**Insubordination.** Members and Employees shall promptly obey any Lawful Orders of a Superior Officer or another person in lawful authority. This will include orders relayed from a Superior Officer by an Officer of the same or lesser rank. Members and Employees shall not make any disrespectful, insolent, or abusive language or action toward any person, Superior Officer or municipal official.

**RULE 10**

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

**RULE 11**

**Conduct Toward Superior and Subordinate Officers and Associates.** Members and Employees shall treat Superior Officers, subordinates and associates with respect. They shall be courteous and civil at all times in their relationship with one another. When on duty, and particularly in the presence of other Members, Employees, or the public, Officers shall be referred by rank. Subordinates shall salute Officers of the rank of Lieutenant and above in accordance with the norms of military courtesy.

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**RULE 12**

**Labor Activity.**

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

**RULE 13**

**Intervention.**

- a. Officers and Employees shall not interfere with cases being handled by other Officers of the Department, or by any other governmental agency unless:
  - 1. Ordered to intervene by a Superior Officer and/or
  - 2. The intervening Officer believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.
- b. Officers and Employees shall not undertake any investigation or other official action not a part of their regular duties without obtaining permission from their Superior Officer, unless the exigencies of the situation require immediate police action.

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**RULE 14**

**Abuse of Process.** Members and Employees shall not make false or misleading accusations of a criminal or traffic charge or violation of this Manual or Lawful Order.

**RULE 15**

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

**RULE 16**

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

**RULE 17**

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

**RULE 18**

**Code of Ethics.** All sworn Officers are to abide by the Law Enforcement Code of Ethics as set forth in Chapter I of the Rules and Regulations.

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**RULE 19**

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

**RULE 20**

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

**RULE 21**

**Withholding Information.** Members and Employees shall not, at any time, withhold any information from the Chief of Police or Designee concerning suspected or existing criminal activity or violations of this Manual or Lawful Orders.

**RULE 22**

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

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**RULE 23**

**Absence from Duty.** Every Member or Employee who fails to appear for duty at the date, time and place specified, without the consent of competent authority, is “absent without leave”. Such absence within the period of one day must be promptly reported in writing to the Commanding Officer. All absences without leave must be reported in writing to the Chief of Police.

**RULE 24**

**Obedience to Laws and Rules.** Members and Employees shall obey all laws, ordinances, Rules and Regulations, Lawful Orders, Policies and Procedures and Directives of the Department.

**RULE 25**

**Comprising Criminal and Civil Cases.** Members and Employees shall not interfere with the proper administration of criminal justice or the civil law.

**RULE 26**

**Recommending Attorneys and Bail Bond Brokers Prohibited.** Members and Employees shall not suggest, recommend, or advise the retention of any particular attorney or bail bond broker to any civilian with whom the Member or Employee comes into contact as a result of Departmental business.

**RULE 27**

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

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**RULE 28**

**Use of Force.** Members and Employees shall follow Departmental Rules and Regulations, Lawful Orders, Policy and Procedure on use of force.

**RULE 29**

**Driver's License.** Members and Employees operating Department motor vehicles shall possess a valid New Jersey driver's license. Whenever a Member or Employee receives a motor vehicle summons, or a driver's license is revoked, suspended, or lost, the Member or Employee shall immediately notify the appropriate supervisor giving full particulars.

**RULE 30**

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

**RULE 31**

**Official Accusation, Arrest, Conviction, Civil Judgment, or Restraining Order.** Members and Employees shall immediately inform their Supervisors or Commanding Officers if they are accused of any of the following: criminal conduct; official misconduct; arrested; convicted of an offense, misdemeanor or a crime; indicted, subject of a Grand Jury information; named as a target of an official investigation; subject to a judicial restraining order or civil judgment. Such reports shall be kept confidential.



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**RULE 32**

**Sick and Injury Leave.**

- a. **Reporting Sick or Injured.** Members and Employees unable to report for regular duty and other scheduled duty, including court, because of sickness or injury shall make an immediate report to the desk Officer in person or by telephone specifying the reason for his absence no less than three (3) hours prior to his scheduled tour of duty. If unable to report, a relative or other responsible person shall notify the desk officer of all pertinent facts either in person or by telephone.
- b. **Address of Confinement.** Members and Employees, when sick or injured, shall be responsible for notifying the desk Officer as to their place of confinement and shall remain available by telephone at said location or advise of any subsequent change in their place of confinement.
- c. **Sick or Injured on Duty.** Members and Employees taken sick or injured on duty shall report the facts to their command and shall remain on duty until relieved, unless excused by a Superior Officer. The only exception to this rule would be where the sickness or injury is disabling to the point of preventing compliance.
- d. **Unauthorized Absence.** Members and Employees who absent themselves in an improper manner shall be subject to disciplinary action. Unauthorized absence occurs when Members or Employees:
  1. Feign illness or injury;
  2. Deceive the town or their own physician in any way as to their true condition;
  3. Are injured or become sick as the result of improper conduct or of intemperate, immoral, or vicious habits or practices;

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4. Violate any provisions concerning reporting of sickness or injury;
  5. Are not at home or at their place of confinement when visited by the Department physician or Superior Officer.
- e. **Convalescent Time.** Any Member or Employee on sick or injured leave will be confined to his home unless specifically excused by the Department physician or the ranking Superior Officer at the time the request is made.

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**REGULATION IV**

**RULE I**

**Orders.**

**1. Issuing Orders**

- a. **Manner of Issuing Orders.** Orders from a Supervisor to a Subordinate shall be in clear and understandable language.
- b. **Unlawful Orders.** No Supervisor shall knowingly issue any order which is in violation of any law or ordinance.
- c. **Improper Orders.** No Supervisor shall knowingly issue any order which is in violation of any Departmental Rule, Policy or Procedure.

**2. Receiving Orders**

- a. **Questions Regarding Orders.** Members and Employees in doubt as to the nature or detail of an order shall seek clarification from their Supervisors by going through the Chain of Command.
- b. **Obedience to Unlawful Orders.** Members and Employees are not required to obey any order which is contrary to any law or Ordinance. Responsibility for refusal to obey rests with the Member or Employee, who will be required to justify the refusal to obey.

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- c. **Obedience to Improper Orders.** Members and Employees who are given any order which is contrary to Departmental Rule, Policy, or Procedure must first obey the order to the best of their ability, and then report the improper order as provided.
  
- d. **Conflicting Orders.** Upon receipt of an order conflicting with any previous order, the Member or Employee affected will advise the person issuing the second order of this fact. Responsibility for countermanding the original order rests with the individual issuing the second order. If so directed, the latter order shall be obeyed first. Orders will be countermanded, or conflicting orders will be issued, only when reasonably necessary for the good of the Department.
  
- e. **Reports of Unlawful or Improper Orders.** A Member or Employee receiving an unlawful or improper order shall, at first opportunity, report in writing to the next highest ranking Supervisor above the Supervisor who issued the unlawful or improper order. Action regarding such a report shall be conducted by the Chief of Police.

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**REGULATION V**

**RULE I**

**Police Records and Information.**

1. **Release of Information.** Members and Employees shall not release any information nor reveal any confidential business of the Department to any person or entity except as provided in Departmental Policy and Procedure.
2. **Department Documents and Records.** Contents of any Document, record or report filed within the Department shall not be exhibited or divulged to any person or entity other than a duly authorized Member or Employee of the Department, except with the approval of the Chief of Police, or under due process of law, or as permitted under Departmental Policy and Procedures.
3. **Reports.** No Employee shall knowingly falsify any official report or enter or cause to be entered any inaccurate, false, or improper information on records of the Department.

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**REGULATION VI**

**GIFTS AND REWARDS**

**RULE 1**

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

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

**RULE 2**

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

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**RULE 3**

**Disposition of Unauthorized Gifts, Gratuities.** Any unauthorized benefit (as defined herein), gift, gratuity, loan, fee, reward, or other object or thing of value coming into the possession of any Member or Employee, which is not lawfully their own, lawfully, shall be immediately forwarded to the Chief of Police or his designee (example: a Commanding Officer of a shift), together with a written report explaining the circumstances.

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**REGULATION VII**

**USE OF INTOXICANT**

**RULE I**

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



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**RULE 2**

**Not Under The Influence Of Intoxicants On Duty.** Members and Employees shall not report for duty under the influence of Intoxicants, except as specifically permitted by the Chief of Police or his designee, after timely and full notification by the Member and Employee as later set forth in these Rules and Regulations.

**RULE 3**

**No Consumption Of Alcoholic Beverages Before Duty Periods.** Members and Employees shall not ingest Alcoholic Beverages within four (4) hours prior to reporting for duty.

**RULE 4**

**No Use Of Intoxicants On Duty.** Members and Employees shall not ingest any Alcoholic Beverages or Intoxicants while on duty.

- a. **Exception.** Members may ingest Alcoholic Beverages (but not other Intoxicants) when assigned to duty in civilian clothes if: (i) it is absolutely necessary in the performance of duty; and (ii) such ingestion has been pre-approved by the appropriate Supervisor; and (iii) such ingestion does not render the Member intoxicated or in any way unfit for duty.
- b. See Also: Rule 10.

**RULE 5**

**Consuming Alcoholic Beverages Off Duty In Full Or Partial Uniform.** Members and Employees shall not consume Alcoholic Beverages while off duty and in uniform or any recognizable component of the uniform.

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**RULE 6**

**Intoxicants and Alcoholic Beverages In Police Buildings.** Intoxicants and Alcoholic Beverages shall not, at any time, be consumed within or around police headquarters or on public grounds or police vehicles.

**RULE 7**

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

**RULE 8**

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

**RULE 9**

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

**RULE 10**

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

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**RULE 11**

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

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**REGULATION VIII**

**DUTY CONDUCT**

**RULE 1**

**Reporting For Duty.** Members and Employees shall report for duty at the time and place specified, properly uniformed and equipped.

- a. The prescribed seasonal uniform and equipment are listed in Appendix "A" of these Rules and Regulations.

**RULE 2**

**Absence From Duty.** An Employee or Member who fails to appear for duty at the date, time, and place specified without the consent of competent authority is absent without leave. Supervisors shall immediately report to their supervisor in writing any Member or Employee who is absent without leave.

**RULE 3**

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

**RULE 4**

**Use of Tobacco Products While On Duty.** Members and Employees shall not use tobacco products except in authorized areas and shall not use tobacco products on duty while in direct contact with the public.

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**RULE 5**

**Personal Electronic Equipment.** The use of portable televisions, tape or disc players, radios, and any other form of entertainment other than equipment authorized by the Department while on duty is prohibited.

**RULE 6**

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

**RULE 7**

**Meals.** All meals are to be consumed within authorized areas, subject to modification by the supervisor. At no time shall such Member or Employee leave his patrol to go “out of service” for such purpose.

**RULE 8**

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

**RULE 9**

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

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**RULE 10**

**Investigations.**

- a. **Command Of Scene.** At the scene of a crime, accident, or other police incident, the ranking Member present shall assume command and direction of police personnel to assure the most orderly and efficient accomplishment of the police task. When two or more Members of the same rank are present and one of these is assigned to the investigation detail that will follow up the investigation, that ranking Member will be in charge. This provision coordinates the efforts of the several subordinate members who may be assigned to the incident; therefore, it is incumbent upon the ranking Member assuming such control to become acquainted with the facts and ensure that appropriate action is being taken or is initiated.
  
- b. **Responsibilities Of Members Arriving At Crime And Incident 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:
  1. Summon medical assistance and administer first aid as required to prevent further injury or loss of life.
  2. Arrest violator(s).
  3. Secure the scene.
  4. Conduct a preliminary investigation.

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- c. **Responsibilities Of Assigned Members 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 duties set forth in these Rules and the completion of the preliminary or other investigation as directed. This shall include securing statements and other information which will aid in the successful completion of the investigation; locating, collecting, and preserving physical evidence; and identifying, locating and apprehending the offender(s).
  
- d. **Identification As Police Officer.** Except when impractical or where the identify is obvious, Members shall identify themselves by displaying the official badge or identification card before taking police action.
  
- e. **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 an investigation shall be given to the press by the Superior Officer in charge of the investigation or in accordance with Departmental Policy. In order not to jeopardize the prosecution of a criminal case and to insure that an accused will not have cause to challenge the fairness of the court proceeding against him, every member of the department is hereby advised of the following guidelines to be used in dealing with the press.

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- f. **A Member shall not make nor participate in making any statement to the media or any person outside the Department or other Authorized Agency that relates to:**
1. The character, reputation, or prior criminal record (including arrests, indictments, or other charges of crime) of the accused.
  2. The possibility of a plea of guilty to the offense charged or to a lesser offense.
  3. The existence or contents of any confession, admission, or statement given by the accused or his refusal or failure to make a statement.
  4. The performance or results of any examinations or tests or the refusal or failure of the accused to submit to examinations or tests.
  5. The identity, testimony, or credibility of a prospective witness.
  6. Any opinion as to the guilt or innocence of the accused, the evidence, or the merits of the case.
- g. **These rules do not preclude an Authorized Senior Member or Member in Charge from announcing:**
1. The name, age, residence, occupation, and family status of the accused, except if a juvenile;



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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 identify of the victim of the crime unless a minor or sexual assault is involved or there is some other reason to protect the privacy of a victim;
5. The facts, time and place of arrest; resistance; pursuit; and the use of weapons;
6. The identify of investigating and arresting Officers or agencies and a general description 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 reference to public records of the court in the case;
10. The scheduling or result of any step in the judicial proceedings;
11. That the accused denies the charge made against him.

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**h. Confidential Information.**

1. 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 Commanding Officer.
2. Members and Employees shall not make known to any person any Departmental order which they receive unless so required by the nature of the order.
3. Contents of any record or report filed within any Department in the police department shall not be exhibited or divulged to any person other than a duly authorized police officer, except with the approval of the Chief of Police, or under due process of law, or as permitted under department regulations.

**i. Compromising Criminal Cases.** Members and Employees shall not interfere with the proper administration of criminal justice.

1. 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.
2. Members and Employees shall not attempt to have any summons or notice to appear reduced or stricken from the calendar. In any instance of voiding a traffic summons, a full report explaining reasons and circumstances shall be submitted to the division office.

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3. Any Member or Employee having knowledge of such action and failing to inform his Superior Officer thereof shall be subject to disciplinary action.

**RULE 11**

**Arrests.**

- a. In the making of arrests, Members shall strictly observe the laws of arrest and the following provisions:
  1. The arresting Officer shall employ only such reasonable force and necessary restraints to assure the safety of other persons, other police officers, and himself.
  2. 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. When it is necessary to use force, the circumstances shall be included in the investigation report on the case.
  3. The arresting Officer is responsible for the safety and protection of the arrested person while in his custody. He shall notify the desk Officer of any injury, apparent illness or other conditions which indicates that the arrested person may need special care.

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4. The arresting Officer is responsible for the security of the personal property in possession or under the control of the arrested person at the time of the arrest. In the case of vehicles, this responsibility transfers to the towing company when they accept custody of the vehicle.
  
- b. **Assisting Criminals.** Members and Employees shall not communicate 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 other property unlawfully obtained.
  
- c. **Complaints by Members for Assault Against Themselves.** Members shall arrest perpetrators of assault, and criminal offenses directed against them. The perpetrators shall be charged accordingly. Whenever it is impossible to consummate the arrest at the time of the offense, the Member shall make a complete report of the incident to his shift commander with a request that he be allowed to make a complaint in the proper manner according to procedure. A warrant which may be issued as a result of filing such a complaint shall in no case be served by the aggrieved member or a relative.

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**RULE 12**

**Detention.**

- a. **Custody Of Prisoners.** Members charged with the custody of prisoners shall observe all laws and Departmental Orders regarding this activity. Prisoners shall be kept secure, treated firmly and humanely and shall not be subjected to unnecessary restraints.
  
- b. **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-20 et seq. (L 1982, c. 77), and Departmental S.O.P.

**RULE 13**

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

**RULE 14**

**Physical Fitness For Duty.** Members and Employees shall maintain good physical condition so that they can handle the strenuous physical contacts often required of a law enforcement officer. The Department reserves the right, on a random or as required basis, to appropriately test a Member's or Employee's physical fitness for duty.

**RULE 15**

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

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**REGULATION IX**

**UNIFORMS, APPEARANCE AND IDENTIFICATION**

**RULE 1**

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

**RULE 2**

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

**RULE 3**

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

**RULE 4**

**Personal Appearance.** Members and Employees, while on duty, shall be neat and clean on their person, with uniform or clothes clean and pressed. This provision shall not prohibit non-uniform Officers on duty from dressing appropriately for the conditions of their current assignment in accordance with Departmental Policy. The Department reserves the right to promulgate by lawful order hair and facial hair grooming standards

**RULE 5**

**Wearing or Carrying Identification.** Members and Employees shall wear or carry their Department identification at all times, provided that it is practical under the circumstances. Any Member when in uniform shall also wear the regulation badge on the outside of the outermost garment over the left breast and always in plain sight. When not in uniform or off duty, he shall

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carry his badge in his pocket. Regulation name tags shall also be worn on the issued badge holder, under the badge.

**RULE 6**

**Identification as Police Officer.** Except when impractical or where the identity is obvious, police Officers shall identify themselves by displaying the official badge or identification card before taking police action.

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**REGULATION X**

**EQUIPMENT, PROPERTY, FIREARMS AND USE OF FORCE**

**RULE 1**

**Equipment on Duty.** Members and Employees shall carry all equipment on duty as prescribed in Departmental Policy and Procedure based on their assignment and as set forth in Appendix “A”.

**RULE 2**

**Equipment off Duty.** Members shall carry equipment off duty as prescribed in Department Policy and Procedure based on their assignment. See Appendix “B”.

**RULE 3**

**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.

- a. **Handling Of Firearms.** Members shall exercise caution and the utmost care in handling firearms on and off duty.
- b. **Official Police Firearm.** The official police firearm shall be the firearm issued to each Police Officer by the department. Carrying personal firearms on duty or during emergencies is prohibited, unless otherwise dictated by the Chief Of Police.
- c. **Off-Duty Firearm.** The Chief may authorize a Member to carry an off-duty weapon other than the office police firearm, providing that the Police Officer follows the steps prescribed below:
  1. He submits a written request through channels requesting permission to carry an off-duty weapon.
  2. He submits the off-duty weapon to the Officer in charge of firearms training for inspection to determine whether it meets the same standards set for safety and serviceability that apply to the official police firearm. He must also qualify with the off-duty weapon, as required, on the firing range.



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3. He carries the authorized off-duty weapon only after he has secured the approval of the Chief of Police and only during the time this approval remains in effect.
  4. When requested, the off-duty weapon will be submitted for test fire and inspection upon the member's appearance for scheduled in-service firearms training.
  5. The Member observes and is bound by any part of or any section of these Rules and Regulations which pertain to the official police firearm, and he understands that these same rules and regulations also apply to his use of any off-duty weapon which may be authorized by the Chief of Police.
- d. **Carrying Firearm Generally.** Members shall carry their official police firearms or authorized off-duty weapons fully loaded and in a serviceable, operating condition so that they may be prepared when called upon to carry out a police duty, service, function, or responsibility. When on duty, they shall also carry sufficient extra ammunition to fully reload their official department issued firearm. Members who may be sick, injured, or on vacation leave may, but are not required, to carry a firearm. Police officers who are suspended or whose weapons have been officially taken from them for other reasons shall not carry a firearm under any circumstances. Officers may carry an approved weapon off-duty in accordance with these regulations and department S.O.P.'s regarding firearms.
- e. **In-Service and Off-Duty Holsters.** The official police firearm or authorized off-duty firearm shall be carried in holsters which conform to acceptable specifications, as described in the firearms S.O.P.
- f. **Non-Regulation Firearm or Other Weapons Prohibited.** Members who carry and employ firearms or other weapons other than those that have been inspected and approved by the police department and with which the Member has, as required, qualified on the firing range, shall be subject to disciplinary action.
- g. **Tampering With Police Firearms.** All repairs, modifications and adjustments to the official police firearm and authorized off-duty weapon shall be made only with the prior approval of the officer in charge of firearms training. Police Officers shall not use unauthorized grips. Also, they shall not make any change in the trigger pull mechanism or effect any other

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unauthorized alteration or addition. Special grips may be used in special cases, but only after the Police Officer first has obtained the approval of the Officer in charge of the firearms section.

- h. **Care Of Firearms Off Duty, Outside Home.** A Member when off duty and outside his home shall keep his department issued service firearm or authorized off-duty weapon holstered on his person readily available for emergency use, unless he is on sick, injured, or on vacation leave.
- i. **Care Of Firearms Off Duty, At Home.** A Police Officer shall keep his firearm in a secure place readily available in case of emergency. Officers shall insure the firearm is inaccessible to children or other unauthorized persons, through the use of trigger locks or secure key or combination locked boxes.
- j. **Loss Of the Firearm.** Loss of the official police firearm or any firearm through carelessness or neglect shall be deemed a serious violation of Departmental regulations and shall subject the member to disciplinary action.
- k. **Ammunition Issue.** The initial issue and the replacement of ammunition for the department firearms shall be made by the Department without expense to the Police Officer. The Department shall replace rounds that have been expended in the line of police duty. Only Department issued ammunition shall be used. Ammunition for off-duty weapons must be pre-authorized by the Chief of Police under the procedures set forth herein for off-duty firearms.
- l. **Discharge Of Firearm: Report.** It shall be the policy of the police department 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. Such report shall be in the form specified by the Department's SOP.

**RULE 4**

**Use of Force, Including Deadly Force, By Law Enforcement Officers.**

- a. **Introduction.**
  - 1. The primary objective of this Section is to express this Department's Policy as a guide concerning the use of force in law enforcement. In

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furtherance of this objective, this Section incorporates the essence of laws and basic training courses concerning the use of force by officers in the performance of their duties. Members are also bound by Department SOP's concerning use of force, as same may be amended from time-to-time. It is the responsibility of every Member to stay current and study these SOP's.

2. As defined in N.J.S.A. 2C:3-11, “deadly force” means force which the Officer uses with the purpose of causing or which the Officer knows to create a substantial risk of causing death or serious bodily harm. Purposely firing a firearm in the direction of another person or at the vehicle, building or structure in which another person is believed to be constitutes deadly force. A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the purpose is limited to creating an apprehension that the officer will use deadly force if necessary, does not constitute deadly force.
  3. Non-deadly force means physical force other than deadly force.
  4. As defined in N.J.S.A. 2C: 3-11, “serious bodily harm” means bodily harm which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss of impairment of the function of any bodily member or organ or which results from aggravated sexual assault or sexual assault.
  5. As defined in N.J.S.A. 2C: 3-11, “dwelling” means any building or structure, through moveable or temporary, or a portion thereof, which is for the time being an individual’s home or place of lodging.
- b. It is the Policy of this Department that its Members employ force in the performance of their duties only to the degree and in the manner provided by law and consistent with the provisions of the New Jersey Code of Criminal Justice.
1. Warning shots by Officers performing their duties are not authorized by the Department.
  2. Comment. Officers have special legal authority to use force and deadly force in certain situations subject to limitations. Notwithstanding this authorization, they are under a duty to employ

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extraordinary care in the handling of firearms and other deadly weapons. It is essential that each officer exercise sound judgment and act reasonably under all circumstances where any force is applied. Given the existence of the requisite conditions, an officer should resort to deadly force only when immediately necessary and only after all other alternatives have been exhausted or are believed to be ineffective in light of the prevailing circumstances.

- c. **Mechanics.** The specific rules and limitations in the use of force and the circumstances in which a police officer is justified in using force (deadly or non-deadly) are specified in the Department firearms Standard Operating Procedure, as same may be amended from time to time. The unifying principles that bind all of these rules and limitations are necessity and proportionality: A police Officer shall use force only when and to the extent necessary and he shall use only that force which is reasonable in relation to the harm he seeks to prevent.
  
- d. **Firearms Requalification.** Members must be legally skilled in the use and maintenance of the firearm he carries for the protection of the community and himself. To ensure that all officers are well trained and proficient in the use and maintenance of firearms, it is the policy of this Department that each officer satisfies the state firearms requalification process. An Officer must successfully requalify with both his duty and off-duty weapon and the records of the scores of all members of this department shall be systematically maintained. Those officers who do not successfully requalify shall not be permitted to carry a firearm and may be considered unqualified for continued employment.

**RULE 5**

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

**RULE 6**

**Use of Department Property and Equipment.** Members and Employees shall not use any Department property or equipment for personal business or pleasure.

**RULE 7**

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**Damaged, Unduly Worn or Inoperative Property or Equipment.** Members and Employees shall immediately report to their Supervisors or Commanding officer any unduly worn equipment, any loss of or damage to Department property assigned to or used by them. The Supervisor or Commanding Officer shall also be notified of any defects or hazardous conditions existing in any Department equipment or property.

**RULE 8**

**Care of Department Buildings.** Members and Employees shall not mark or deface any surface in any Department building. No material shall be affixed to any wall in Department buildings without specific authorization from the appropriate Supervisor.

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**RULE 9**

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

**RULE 10**

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

**RULE 11**

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

**RULE 12**

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

**RULE 13**

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

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**RULE 14**

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

**RULE 15**

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

**RULE 16**

**Surrender of Department Property.**

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

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**REGULATION XI**

**COMMUNICATIONS AND CORRESPONDENCE**

**RULE 1**

**Restrictions.** Members and Employees shall:

- a. Not use Department letterheads for private correspondence.
- b. Only send Correspondence Documents and other Departmental information out of the Department under the direction of the appropriate Supervisor.

**RULE 2**

**Forwarding Communications.** Any Member or Employee who receives a communication for transmission to another Member or Employee shall forward same without delay.

**RULE 3**

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

**RULE 4**

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



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**RULE 5**

**Radio And Other Electronic Equipment Discipline.** Members and Employees operating the police radios, computers and other electronic equipment shall strictly observe the Procedures and restrictions for such operations as set forth in Departmental Policy and the procedures set forth by other Government Agencies having jurisdiction.

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**REGULATION XII**

**CONDUCT TOWARD PUBLIC**

**RULE 1**

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

**RULE 2**

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

**RULE 3**

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

**RULE 4**

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

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**RULE 5**

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

**RULE 6**

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

**RULE 7**

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

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**REGULATION XIII**

**POLITICAL ACTIVITIES**

**RULE 1**

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

**RULE 2**

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

**RULE 3**

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

**RULE 4**

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

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**RULE 5**

**Use of Official Position.** Members and Employees shall not directly or indirectly use or attempt to use their official position to improperly influence the political activity of another person.

**RULE 6**

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

**RULE 7**

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

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**REGULATION XIV**

**JUDICIAL APPEARANCE AND TESTIMONY**

**RULE 1**

**Duty of Employee to Appear and Testify.** Members and Employees shall appear and testify on matters directly related to the conduct of their office, position or employment before any court, grand jury, Governmental Agency or the State Commission of Investigation. Any Member or Employee failing or refusing to do so shall be subject to removal from his office, position or employment. Members and Employees shall immediately inform their supervisors or Commanding Officer of any planned or required appearance or Testimony before any court, grand jury, governmental agency or the State Commission of Investigation. Members and Employees shall also remain current on Department SOP's concerning official testimony.

**RULE 2**

**Subpoena.** Members and Employees shall not volunteer to testify in civil cases involving their official duties.

**RULE 3**

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

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**RULE 4**

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

**RULE 5**

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

**RULE 6**

**Civil Depositions and Affidavits.** Members and Employees shall confer with the appropriate Supervisor before giving a deposition or affidavit on a civil matter relating to Department or Official Duties.

**RULE 7**

**Civil Action, Expert Witness.** Members and Employees shall not volunteer or agree to testify as expert witnesses in any court or before any governmental body without the prior written approval of the County Prosecutor and Chief of Police.

**RULE 8**

**Civil Process.** Members and Employees shall not serve civil process or assist in civil cases unless such service is approved by the appropriate Supervisor.

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**REGULATION XV**

**PERSONNEL REGULATIONS**

**RULE 1**

**Hours and Leave.**

1. Hours of Duty. Members and Employees shall have hours of work assigned to them for active duty, and when not so employed, they shall be considered off duty. Members and Employees are subject to be recalled to duty as needed.
2. Scheduled Days Off. Members and Employees are entitled to days off pursuant to appropriate collective bargaining agreements and days off are to be taken according to a schedule arranged by the appropriate Supervisor. Members and Employees are subject to recall as needed.
3. Vacation Leave. Members and Employees are entitled to vacation days off pursuant to appropriate collective bargaining agreements, Departmental Policy and Procedure, and approval of the vacation schedule by the appropriate Supervisor. Members and Employees are subject to recall as needed.
4. Other Leaves. Members and Employees are entitled to other leave as provided for in collective bargaining agreements, by law and by Department Policy and Procedure, subject to recall and approval of the schedule by the appropriate Supervisor.



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5. Sick Leave. Members and Employees are entitled to sick days off pursuant to appropriate collective bargaining agreements and Department policy and procedures.
6. Abuse of Sick Leave. Members and Employees who take sick leave in violation of Department Policy shall be subject to disciplinary action.
7. Suspension of Leave. Any vacation leave, scheduled day off, or other leave of absence may be suspended when an emergency which reasonably could not have been foreseen is declared by appropriate Departmental authority and which unavoidably requires utilization of additional Employees who are not scheduled to work.

**RULE 2**

**Secondary Employment.**

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

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**RULE 3**

**Resignation/Retirement.**

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

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**REGULATION XVI**

**PUBLIC ACTIVITIES AND PUBLIC CONTACT**

**RULE 1**

**Identification.**

- a. Except where impractical or where the identity is obvious, Officers shall identify themselves by displaying their official badge or identification card before taking police action.
- b. Officers shall carry their badge and identification cards on their persons at all times except when impractical or dangerous to their safety or to an ongoing investigation. They shall furnish their name and badge number to any person requesting that information when they are on duty or holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties, or is authorized by proper authority.

**RULE 2**

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

**RULE 3**

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

**RULE 4**

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

**RULE 5**

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

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**REGULATION XVII**

**OATH OF OFFICE**

**RULE 1**

All new police Officers and civilian Employees, before their assignment to duty and prior to their promotion to higher ranks, shall be required to take an oath of office as follows:

“I [name of police Officer or employee], do solemnly swear [or affirm] I will support the Constitution of the United States and the Constitution of the State of New Jersey, and that I will faithfully discharge the duties of [state rank or position] of the Borough of Fort Lee according to the best of my ability. [Optional: “So help me God.”]

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**REGULATION XVIII**

**PROBATIONARY PERIOD**

**RULE 1**

Appointment of a patrolman to the Police Department is for a probationary period of one (1) year, or as extended by the Department, to comply with the mandatory training required under N.J.S.A. 52:17B-69. Continuation in the service is dependent upon the conduct of the appointee and his fitness to perform his duties. At the termination of the probationary period, if the conduct or capacity of the probationer has not been satisfactory, he shall be notified, in writing, that he will not receive absolute appointment and his services shall be terminated by the Chief of Police without a hearing. The probationary period may be extended at the recommendation of the Chief of Police and the approval of the Appropriate Authority.

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**REGULATION XIX**

**DISCIPLINE**

**RULE 1**

**Disciplinary Action.**

1. **Disciplinary Action.** Employees, regardless of rank, shall be subject to disciplinary action and discharge, according to the nature of the offense, for:
  - a. Committing an offense punishable under the laws or statutes of the United States, the State of New Jersey or any other State, or municipal ordinances;
  - b. Failure, either willfully or through negligence or incompetence, to perform the duties of their rank or assignment;
  - c. Violation of any Lawful Order, Rule, Policy, Procedure, or Directive of the Department; or
  - d. Failure to obey any Lawful Order, instruction, or command of a Supervisor.
2. **Repeated Minor Violations.** Repeated minor violations of the rules of conduct shall be indicative of Employees' disregard for their duty and may be cause for dismissal. This shall apply regardless of the type or severity of the offenses.
3. **Other Violations.** Disciplinary action in all cases will be decided on the merits of each case. Nothing in these regulations prohibits disciplining or charging Officers or Employees because the alleged act or omission does not appear herein.

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**RULE 2**

**Suspension and Removal of Officers and Employees.** All disciplinary action shall be accomplished in accordance with applicable law.

**RULE 3**

**Authority to Discipline.**

- a. All disciplinary action against a Member or Employee shall be taken in accordance with the ordinances of the Borough of Fort Lee, the Rules and Regulations contained herein, and applicable statutes and regulations.
- b. Individual supervisory personnel may take the following disciplinary measures, subject to the subsequent approval of the Chief of Police:
  1. Oral reprimand.
  2. Written reprimand.
  3. Emergency suspension.
  4. Written recommendations for other disciplinary action.

**RULE 4**

**Appropriate Authority.**

- a. Pursuant to the terms of N.J.S.A. 40A:14-118, Borough Ordinance designates the “Appropriate Authority” for hearing and determining all disciplinary matters which have been instituted pursuant to N.J.S.A. 40A:14-147 and pursuant to these Rules and Regulations, which may result in a suspension, suspension from outside jobs, fine, demotion, reduction in rank, and/or a monetary penalty in lieu of suspension.
- b. The Appropriate Authority may, in its discretion, appoint a “Hearing Officer” to preside over all disciplinary actions instituted pursuant to Section A. herein.
- c. In those instances where the Appropriate Authority has appointed a Hearing Officer pursuant to these Rules and Regulations, the Hearing Officer shall preside over all hearings in accordance with the procedures set forth in these Rules and Regulations.



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The Appropriate Authority shall exercise its discretion and shall determine to proceed in one of the two following fashions:

1. The Hearing Officer shall preside over the hearing and rule on all evidentiary and procedural matters. However, the Hearing Officer shall not make any findings or recommendations and the Appropriate Authority shall be solely responsible for determining guilt or innocence and the determination as to penalty, if any.
  2. At the discretion of the Appropriate Authority, the Hearing Officer shall make findings of fact and recommend said findings to the Appropriate Authority. Said recommendations shall include a recommendation as to a finding of guilt or innocence in whole or in part. In those instances where a finding of guilt is recommended, the Hearing Officer shall also make a recommendation to the Appropriate Authority as to the penalty to be imposed.
- d. In the event the Appropriate Authority determines to proceed under Section C.2., herein, copies of the Hearing Officer's recommendations shall, simultaneously with transmittal to the Appropriate Authority, be served by the Hearing Officer on the Member or Employee or his representative and on the appropriate authority and prosecutor.

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- e. In all proceedings conducted under Section C.2., all parties shall have fifteen (15) days from the date of the Hearing Officer's recommendations to the Appropriate Authority to file exceptions from the Hearing Officer's recommendations with the Appropriate Authority.
- f. In all such instances where a Hearing Officer has been appointed and subsequently made recommendations pursuant to Section C.2., the Appropriate Authority shall consider, but shall not be bound by, the recommendations of the Hearing Officer and shall further consider the exceptions to said recommendations by the Member or Employee involved or his representative and by the Chief of Police or the Prosecutor.
- g. In all proceedings conducted pursuant to Section C.2., the Appropriate Authority shall consider the recommendations of the Hearing Officer and the exceptions filed by the parties, and based upon a review of same and the record in each case, he shall have the authority to accept, modify or reject the Hearing Officer's recommendations and to make a finding with regard to guilt or innocence and to impose penalties on the employee.
- h. In those cases where a Hearing Officer is not appointed, or where the Appropriate Authority decides to proceed under Section C.1., herein, any hearing required by these Rules and Regulations shall be conducted by the Appropriate Authority who shall conduct a hearing in accordance with the terms of these Rules and Regulations and determine guilt or innocence. If a finding of guilt is made, then the Appropriate Authority shall impose a penalty in accordance with the terms of these Rules and Regulations.

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**REGULATION XX**

**INITIATION OF DISCIPLINARY ACTION  
AND DISCIPLINARY ACTION**

**RULE 1**

**Initiation and Procedure for Oral Reprimand.** Oral reprimands may be given by a Supervisor or Superior Officer to any of his subordinates.

- a. When an oral reprimand is given, the Member or Employee shall be advised that the Superior Officer or Supervisor is giving an oral reprimand and that an "Incident Report" will be made and forwarded to the Division Commander.
- b. The Superior Officer or Supervisor giving the reprimand shall complete an "Incident Report", in triplicate, retaining one copy and forwarding the original copy to the Division Commander. The third copy shall be given to the Member or Employee being disciplined.
- c. The Division Commander shall review the report and, in writing, either approve or disapprove the report, and if disapproved, direct what action, if any, should be taken with a copy to the Member or Employee being reprimanded.

**RULE 2**

**Initiation and Procedure for Written Reprimand.** A written reprimand may be given by a Superior Officer or Supervisor to any of his subordinates.

- a. When a written reprimand is given, the Superior Officer or Supervisor giving such reprimand shall complete a "Written Reprimand Report" in triplicate. He is to retain one copy and forward the original copy, together with any supporting documentation, to the Chief. The third copy shall be given to the Member or Employee being disciplined.
- b. The Chief shall review the Report and, in writing, either approve or disapprove the Report; and if disapproved, make recommendations as to what action, if any, be taken. If the report is approved by the Chief of Police, the report shall be placed in the Member's or Employee's personnel file.

**RULE 3**

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**Initiation Procedure in Other Cases.** In those cases where disciplinary action could result in any penalty other than oral or written reprimand, the Superior Officer or Supervisor initiating such action shall complete a “Recommendation for Disciplinary Action Report” and forward it, together with any supporting documentation, through the Chain of Command to the Chief of Police.

- a. Each level in the Chain of Command shall review the Report and any supporting documentation, and, in writing, either approve, disapprove, or modify the recommendation.
- b. The Division Commander, Deputy Chief or the Chief of Police may direct such further investigation as is deemed appropriate.
- c. The Chief of Police, upon completion of his review of the Report, supporting documentation, and any supplemental investigations, shall direct whatever action he deems appropriate. If he determines that formal charges should be preferred, he shall prepare, sign, and serve charges upon the accused Member or Employee.
- d. The Chief of Police, or Superior Officer acting in that capacity, shall prepare a “Preliminary Notice of Disciplinary Action” on the prescribed form. Such Notice shall be prepared, served and acted upon the Member, in accordance with applicable laws.
- e. If the Member or Employee charged enters a plea of guilty, the Chief of Police shall permit the Member or Employee to present matters in mitigation prior to assessing a penalty.

**RULE 4**

**Initiation of Charges.** In those cases where disciplinary action is recommended by the preferring of charges, the Chief of Police or his designee, or superior officer acting that capacity, shall prepare and serve a Preliminary Notice of Disciplinary Action. Such Notice shall be prepared and served in accordance with Title IIA and N.J.S.A. 40A:14-147, et seq.

**RULE 5**

**Forum Of Hearing.**

Charges shall be heard by the Appropriate Authority. The conduct of the hearing shall be as follows:

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- a. The accused shall be given a copy of the charges and specifications and other relevant documents. No other discovery shall be given without a timely request to and the prior consent of the Appropriate Authority or Hearing Officer.
- b. If the accused officer so requests, he may be represented by an authorized union representative of the Fort Lee borough Policeman's Benevolent Association or an attorney or other representative of his own choosing, at his own expense.
- c. The accused and the charging officer or respective representatives shall have the right to present evidence and argument to call witnesses, and to cross-examine witnesses. However, subpoenas are not available without the prior consent of the Appropriate Authority or Hearing Officer. Each party shall bear their own costs for witness compensation. Requests for subpoenas must detail the need for compulsion and be made in adequate time to allow the consideration of the request and serve the subpoena.
- d. The burden shall be upon the Department to prove the violation by a preponderance of the evidence.
- e. The accused must enter a written plea of guilty or not guilty on or before the hearing date set forth in the Preliminary Notice of Disciplinary Action.
- f. If the accused pleads guilty or is found guilty, the Appropriate Authority may consider the prior record of the officer before assessing a penalty.

**RULE 6**

**Adjournments.** Reasonable requests for adjournment for good cause shall be made in writing to the Appropriate Authority or Hearing Officer. Such request shall state the reason for the requested adjournment, and shall also include the accused officer's voluntary waiver of his rights to a timely hearing, as provided in Title 11A and N.J.S.A. 40A:14-147, et seq. The Appropriate Authority or Hearing Officer shall consider such request and may grant or deny an adjournment for good cause.

**RULE 7**

**Conduct of the Hearing.**

- a. The hearing may be opened or closed at the direction of the Appropriate Authority or Hearing Officer. A sound recording shall be made of the hearing or a transcript shall be prepared by a certified shorthand reporter. The accused Officer shall be allowed to have a court stenographer present at his own expense and/or have his own sound recording made of the hearing. The Appropriate Authority or Hearing Officer shall

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control the manner, method and presentation of the Hearing and make (recommended if by Hearing Officer) rulings on objections, relevance, mutuality, witnesses, etc.

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- b. Absent direction to the Appropriate Authority or hearing Officer, the hearing shall be conducted in the following sequence:
1. The accused Officer may present any procedural arguments or objections to the appropriate authority. The Appropriate Authority may consider such arguments and rule immediately or reserve such ruling.
  2. Opening statements shall be presented, with the Department proceeding first.
  3. The Department shall present its evidence and witnesses. The accused Officer or representative shall have the right to cross-examine witnesses for the prosecution.
  4. The accused Officer or representative shall present his case, and the prosecuting Officer or attorney shall have the right to cross-examine witnesses for the defense. The Chief of Police or representative shall have the right to ask appropriate questions after cross-examination.
  5. Closing arguments shall be presented with the accused Officer proceeding first.
  6. Briefs after closings may be submitted only if the Appropriate Authority or Hearing Officer regards same as useful and necessary.

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**RULE 8**

**Action by the Appropriate Authority After Hearing.**

- a. The Appropriate Authority or Hearing Officer shall have twenty (20) calendar days from the close of the hearing to make a decision on the charges and furnish the employee, either by personal service or certified mail, with a Final Notice of Disciplinary Action; and
- b. Notify the Officer, in writing, of his action, and advise the Officer of their right to appeal, pursuant to New Jersey State Law.
- c. The Appropriate Authority, may for reasons and a time stated in writing to the parties, extend the time for decision on the charges.



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**REGULATION XXI**

**DISCIPLINARY ACTION INVOLVING SENIOR OFFICERS**

**RULE 1**

**Disciplinary Action Involving Captains, Inspectors, Deputy Chiefs and the Chief of Police.** Disciplinary action involving Captains, Inspectors or Deputy Chiefs shall be initiated solely by the Chief of Police. Disciplinary action involving the Chief of Police shall be the sole responsibility of the Appropriate Authority.

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**REGULATION XXII**

**PENALTIES**

**RULE 1**

**Assessment of Penalties.** The following penalties may be assessed against any Member or Employee of the Department in a disciplinary matter:

1. Oral reprimand.
2. Written reprimand.
3. Suspension from outside jobs.
4. Monetary fine in lieu of suspension in accordance with N.J.S.A. 11A:2-20.
5. Suspension from duty.
6. Demotion.
7. Dismissal from service.

[Disciplinary penalties need not, in all cases, be progressive in nature.]

**RULE 2**

**Court And Other Required Appearances During Suspensions.** When an Member or Employee is scheduled for court and other required appearances during the time he is on suspension, he shall be responsible for court attendance, unless relieved of such responsibility by the Deputy Chief or Chief of Police.

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**RULE 3**

**Restrictions During Suspensions.** During a period of suspension, a Member or Employee shall not wear any identifiable part of the official uniform. Upon being relieved of duty, he will immediately surrender his badge, identification card, Department weapon, and all other Department property as requested. He shall not act in the capacity of, nor represent himself as a Police Officer or police Departmental employee in any manner, nor perform any type of police work, nor carry a firearm.

**RULE 4**

**Employment During Suspension.** If a Member is scheduled for outside police work during his period of suspension, then he shall be responsible for notifying the Chief of Police that he will not be able to appear for this assignment. Such notification shall be made as soon as possible.

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**REGULATION XXIII**

**EMERGENCY SUSPENSION**

**RULE 1**

**Emergency Suspension.** Should an Employee or Member be accused or charged with a violation of Department written rules, regulations, procedures, directives or orders, or a more serious offense or infraction, the Employee's or Member's Supervisor or Commanding Officer may temporarily relieve him from duty pending disposition by the Chief of Police. If an emergency suspension is given, the Supervisor or Commanding Officer must notify the Division Commander immediately. The Division Commander shall notify the Deputy Chief and the Chief of Police.

**RULE 2**

**Follow-up on Emergency Suspensions.** When an immediate suspension of duty has been directed by a Supervisor, the Supervisor and the accused will report to the office of the Division Commander, otherwise the Supervisor shall present the accusation and any documentation to the Division Commander. Other than normal duty hours where a immediate relief of duty has been directed, the following steps shall be followed:

- a. The Supervisor shall direct the Member or Employee to report to the office of the appropriate Division Commander, or the Superior Officer acting in that capacity, the next day (Saturdays and Sundays included) at 9:00 a.m. The Supervisor shall also advise the accused that he will not be permitted to work any intervening assigned shift or side job between the time of the emergency suspension and the meeting with the Division Commander. The Supervisor shall inform the suspended Officer of the limitations of his police powers and shall relieve the accused of his badge, weapon, and Department identification. Further, he shall advise the Division Commander of what has transpired before going off duty. In the event that a Division Commander, or a Superior Officer acting in that capacity, cannot be contacted, he shall contact the Chief of Police. The Chief of Police will conduct the hearing the following day.
- b. The Supervisor shall completely document all pertinent facts concerning the infraction, the action taken, and his recommendations, complete with justification for further action.
- c. The Supervisor shall be responsible for ensuring that this documentation moves forward through the Chain of Command and delivered to the Division Commander's office, without unreasonable delay. The Division Commander shall notify the Deputy Chief and Chief of Police upon receipt of this documentation set forth in Section (6).

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- d. In the event the Division Commander, Deputy Chief or the Chief of Police does not concur with the action taken, he may:
  - 1. Ask for additional clarification from those Superior Officers or other persons who have direct personal knowledge of, or are involved in the action;
  - 2. Call for a further investigation to be conducted. When and if this action is taken, the Chief of Police may suspend further action pending the completion of the investigation; and
  - 3. Direct same course of action other than suspension from duty.
  
- e. In the event the Chief of Police concurs with the temporary relief of duty, then he shall inform the Member or Employee of the duration/length and conditions of the suspension. He shall then complete the proper personnel paperwork, sign it, and have the suspended Employee sign it, to acknowledge receipt.

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**REGULATION XXIV**

**CIVILIAN COMPLAINTS AGAINST DEPARTMENT PERSONNEL**

**RULE 1**

**Receipt of Complaint.** All civilian complaints alleging misconduct by Department personnel, whether received in writing, in person, or by telephone, shall be administered in accordance with Department SOP.

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**REGULATION XXV**

**INTERNAL AFFAIRS INVESTIGATION**

In appropriate cases, as provided for herein, the Chief of Police, Deputy Chief or a Division Commander may direct the investigation of a matter. Internal Affairs reports and investigations are also governed by Department SOP's. Members and Employees are required to read and abide by these SOP's as they may be amended from time-to-time.

**RULE 1**

**Investigation of Alleged Misconduct.** The Officer assigned to the investigation of an alleged act of misconduct or omission on the part of another Member or Employee of the Department shall conduct a complete and accurate investigation. Such investigation shall include signed statements from all parties concerned, where necessary and pertinent; the gathering and preservation of any physical evidence pertaining to the case; and any other information relating to the matter.

- a. Such investigations are highly confidential and shall not be discussed or disseminated to unauthorized persons or entities.

**RULE 2**

**Reports of Investigation of Alleged Acts of Misconduct.** The results of the investigation must be submitted in a written report entitled, "Report of Investigation and Findings". The investigating Officer shall summarize the pertinent facts, including, but not limited to:

- a. A summary of the complaint or alleged act of misconduct.
- b. Pertinent portions of the statements of all parties to the incident.
- c. A description of the incident, physical evidence, and other evidence relevant to the case.
- d. The observations and conclusions of the investigating Officer.

**RULE 3**

**Findings.** One of the findings listed below will be included in the "Report of Investigation and Findings" of an alleged act of misconduct.

- a. Unfounded. When the investigator, after carefully reviewing all the facts, determines that all pertinent information firmly supports the conclusion that the allegation is

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untrue, his final determination shall be that this complaint is unfounded. In such instances, the member(s) involved will be considered totally exonerated of any misconduct.

- b. Exonerated. When the investigator, after carefully reviewing all the facts, determines that all pertinent information firmly supports the conclusion that the acts did occur but were justified, lawful and proper, his final determination shall be that the member is exonerated.
- c. Substantiated. When the investigator, after carefully reviewing all the facts, determines that the complaint has been supported by the evidence, his final determination shall be that the complaint has been substantiated.
- d. Not Substantiated. When the investigator, after carefully reviewing all the facts, determines that, because of a lack of witnesses or other objective and persuasive evidence, that the complaint cannot be substantiated, then his final determination shall be that the complaint is inconclusive. Although this determination does not necessarily indicate that the allegation was untrue, the member(s) involved will be considered exonerated until such time that evidence to the contrary is produced.



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**RULE 4**

**Action On The Report.** The investigator's "Report of Investigation and Findings" shall be promptly delivered to the designated Superior Officer in charge of Internal Affairs, who shall in turn, recommend disposition on the Report to the Chief of Police. In the event that the IA Officer is the accused, the investigator shall deliver his report directly to the Chief of Police.

- a. The Chief of Police shall recommend whether or not to pursue the Report further, by disciplinary action or reference to the County Prosecutor.
- b. The "Appropriate Authority" may amend the action to be taken on the Report and Recommendation in the event the Appropriate Authority does not take positive action to amend the Report and Recommendation. The Chief's decision in this regard shall be final.

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**LAW ENFORCEMENT CODE OF ETHICS**

**AS A LAW ENFORCEMENT OFFICER**, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all persons to liberty, equality and justice.

**I WILL** maintain courageous calm in the face of danger, scorn, or ridicule; develop self-control; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law of the land and regulations of my department. Whatever I see or hear of a confidential nature, or that is confided to me in my official capacity, will be kept ever secret unless revelation is necessary in the performance of my duty.

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

**I RECOGNIZE** the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

Dated

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**Fort Lee Borough  
POLICE DEPARTMENT**

**1327 - 16<sup>th</sup> Street  
Fort Lee, New Jersey**

**ACKNOWLEDGMENT OF RECEIPT  
CONFIDENTIALITY AGREEMENT**

This manual is the property of the Police Department of the Borough of Fort Lee. It is a confidential document and it may not be released to any non-Police Department personnel without authorization by the Borough. It is assigned by serial number, and upon separation from police service, you are bound to return it. You are responsible for its security. Loss of this manual may constitute neglect of duty and may result in disciplinary action.

Name of Police Officer or Civilian Employee

Date:

Manual Number: