

WALL TOWNSHIP POLICE DEPARTMENT			
CHAPTER: 21	SECTION: 9	# OF PAGES: 10	
SUBJECT: ACTIVE SHOOTER			
EFFECTIVE DATE: March 2, 2009	ACCREDITATION STANDARDS:	REVISION DATE	PAGE #
BY THE ORDER OF: Police Chief David Morris			
SUPERSEDES ORDER #: GO 2007-17			

HISTORY In many circumstances, it is appropriate for patrol personnel to contain a suspect within a secure perimeter and wait for the arrival of a tactical team. A tactical response team generally will have sufficient time to deploy their personnel without serious concern of the suspect(s) escaping. Once a suspect has been contained and isolated, patrol and/or tactical personnel have sufficient time to formulate and implement a structured and deliberate plan of action.

However, other scenarios require that patrol personnel act immediately and deploy rapidly prior to the arrival of the Special Response Team. In these instances, often involving on-going incidents of "shots fired" or "downed officer/citizen rescue," delayed deployment can have catastrophic consequences and may demand that law enforcement personnel take immediate and rapid action to contain and prevent the escape of an armed and dangerous person(s).

Over the past several years, our nation has experienced a growing trend of mass violence committed by individuals. These episodes, described as "active shooter" incidents, are unique in that the suspect or suspects' behavior differs from that typically associated with other violent attacks. These suspect(s) generally begin to shoot at, injure, and kill numbers of people without warning. The motives for these behaviors can range from rage to vengeance, or may be a result of mental dysfunction.

The active shooter incidents experienced across the country suggest that the traditional police response of containment, isolation, and negotiation may not be adequate or appropriate. This realization has forced law enforcement to rethink the "wait and see" approach used in the past as, unlike most criminals, active shooters are likely to continue to employ deadly physical force until intervention occurs or until the shooter decides to stop. Once law enforcement recognizes that the intentions of these individuals are not to take hostages but to kill or seriously injure occupants, containment and isolation are no longer adequate responses. In such a scenario, law enforcement's first responding officers cannot take a passive stance but must initiate a counter-offensive and aggressively confront the suspect or suspects.

The tactical response by first responding officers to an active shooter represents a shift in patrol response tactics, equipment needs, and command protocol. These situations require the initial first responding officers arriving on the scene to have the authority and capability to take action without waiting for command staff to provide over-sight or for the arrival of tactical response teams/hostage negotiators.

PURPOSE The purpose of this directive is to codify this department's response to active shooter incidents.

POLICY It is the policy of this department to empower initial responding personnel with the authority and responsibility to take immediate action, consistent with their training and experience, to contain and, if necessary, to neutralize active shooters, prevent shooters' access to potential victims and to rescue injured persons and potential victims.

PROCEDURES

I. GENERAL

- A. While in many circumstances it is appropriate for patrol personnel to contain a suspect within a secure perimeter and wait for the arrival of tactical resources, incidents involving reports of shots fired and/or downed officer/citizen rescue require immediate and rapid action to contain the incident, rescue innocent persons, and retard the escape of armed and dangerous persons.
- B. In these latter scenarios, officers must aggressively confront the suspect(s).
- C. The tactical response to an active shooter represents a shift in patrol response tactics, equipment needs, and command protocol. These situations require the initial police responders arriving on the scene to have the authority and capability to take action without waiting for command staff to provide oversight or for the arrival of tactical resources.
- D. Personnel responding to an active shooter incident should immediately use any legal means at their disposal to make contact with the active shooter and stop him/her as soon as possible. This may include arrest, containment, or use of deadly force. Any application of force shall be in accordance with applicable State laws, Attorney General Guidelines, and this agency's use of force policy.
- E. This directive recognizes that active shooters must be stopped before they can Destroy any more lives. The prioritization of activities, in their order of importance is:
 - 1. Stop the active shooter
 - 2. Rescue the victims
 - 3. Provide medical assistance
 - 4. Preserve the crime scene

II. DEFINITIONS

- A. **Active Shooter** is defined as one or more subjects who are believed to be armed, has used or has threatened to use a weapon to inflict deadly force on other person(s) and/or continues to do so while having unrestricted access to additional victims. Their prior actions have demonstrated their intent to continuously harm others and their overriding objective appears to be that of mass injury or murder, rather than other criminal conduct, such as robbery, hostage taking, etc.
- B. **Contact Team** is ordinarily a group of at minimum the four first arriving officers who work together as a unit making entry into the building to locate and neutralize the threat.

1. The Contact Team's primary function is to initiate immediate pursuit of and confrontation with the active shooter(s). Their mission is to make contact as soon as possible and to stop the active shooter by arrest, containment, or deadly force.
 2. The team is subject to 360 degree vulnerability upon entry into the facility and will not be responsible for initiating a thorough cleaning of the facility at this point in time. They will continue to bypass victims or harmless distractions in search of the active shooter(s). They may relay the location of victims they come across to the rescue team, but they must continue to attempt to locate the suspect. The rescue team will be responsible for the victims
- C. **Immediate Action Deployment Plan** is the swift and immediate deployment of personnel and resources to an on-going, life-threatening situation where delayed deployment of personnel could otherwise result in death or serious bodily injury to innocent persons. Immediate Action Deployment tactics are not a substitute for conventional response tactics to a barricaded subject.
- D. **Rescue Team** has the primary function to locate and remove victims from within the facility to a safe location or to direct victims to a safe passage from the facility. Another set of four officers arriving on the scene will form a rescue team if not needed to address the threat.
1. Rescue team members should remember that uninjured victims may nonetheless be in shock or paralyzed with fear, and may not respond to regular verbal commands. Rescue team members are to remain constantly vigilant as the rapidly changing dynamics of the incident may put them in contact with the suspect and that they too are subject to 360 degree vulnerability.
- E. **Weapon** includes, but is not limited to, firearm, knife, club, bow & arrow, and explosives.

III. CHARACTERISTICS OF AN ACTIVE SHOOTER

- A. Each active shooter incident is unique. The following characteristics commonly associated with active shooter suspects is compiled from descriptions of past active shooters and not meant to be a comprehensive list describing all active shooters:
1. Active shooters usually focus on injuring or killing persons with whom they come into contact. Their intention is usually an expression of hatred, rage or revenge rather than the commission of a crime.
 2. An active shooter is likely to engage more than one target. Active shooters may be intent on killing a number of people as quickly as possible.
 3. Generally, the first indication of the presence of an active shooter is when he/she begins to assault victims.
 4. Active shooters often go to locations where potential victims are close at hand, such as schools, theaters, concerts, shopping malls and office with open floor plans. Active shooters may act in the manner of a sniper, assaulting victims from a distance or may engage multiple targets while remaining constantly mobile.
 5. Tactics such as containment and negotiation, normally associated with barricaded subject and hostage situations, may not be adequate or appropriate in active shooter events. Active shooters typically continue their attack despite the arrival of emergency responders.

6. Active shooters are often better armed than the police, sometimes making use of explosives, booby traps and body armor. Active shooters are not limited to the use of firearms in accomplishing their attacks on victims. They may use bladed weapons, vehicles, or any tool that, in the circumstance in which it is used, constitutes deadly physical force.
7. Active shooters may have a planned attack and be prepared for a sustained confrontation with the police. Historically, active shooters have not attempted to hide their identity or conceal the commission of their attacks. Escape from the police is usually not a priority of the active shooter.
8. Active shooters may employ some type of diversionary tactics.
9. Active shooters may be indiscriminate in their violence or they may seek specific victims.
10. Active shooters may be suicidal, deciding to die in the course of their actions either at the hand of others or by a self inflicted wound.
11. Active shooters may have some degree of familiarity with the building or location they choose to occupy.
12. Active shooter events are dynamic and may go in and out of active status; a static incident may turn into an active shooter event or an active shooter may go inactive by changing to barricaded status without access to victims.

IV. RESPONSE GUIDELINES

- A. The following general response guidelines are sufficiently unique in that their effective handling cannot be totally reduced to standardized and generic procedures. These procedures are not meant to limit conventional police tactics appropriate to a crisis situation. The significant factors regarding these tactics are that they represent a means of intervention available to officers in order to prevent injury/death to innocent persons while complying with use of force guidelines.

1. The overall purpose of these tactics is to save lives and prevent serious injuries. Police response at an active shooter incident seeks to neutralize the suspects by denying access to additional victims, rescuing injured victims and/or rescuing potential victims.

2.



a.



3.



a.

[REDACTED]

4.

[REDACTED]

a.

[REDACTED]

1)

2)

3)

b.

[REDACTED]

1)

2)

3)

4)

5)

6)

7)

8)

9)

10)

11)

12)

[REDACTED]

c.

5.

A.

B.

C.

D.

E.

V. MISCELLANEOUS ISSUES

A.

B.

C.

D.

E

VI. LOCKDOWN VS. EVACUATION

A.

1.

2.

3.

B.

1.

2.

3.

4.

VII. NEWS MEDIA

- A. Access to the scene will be restricted to emergency personnel. Upon scene stabilization, the department may allow news media access to the scene for photo opportunities. However, this access shall be restricted and controlled by the incident commander or designee in cooperation with the Media Relations Officer. The Chief of Police or his

Active Shooter - Page 8 of 10

designee shall make the decision to authorize access, as well as the degree of access allowed.

- B. Media access to investigative personnel, if permitted, for interview purposes shall be arranged for at a secured off-site location, preferably one that permits the ability to screen persons entering the press area by screening them for proper State of NJ Press Credentials.
- C. Adhere to existing agency policy and procedure concerning media relations and release of public information.

VIII. TACTICAL FLIGHT RESTRICTIONS (TFRs)

- A. A TFR is a regulatory action issued via the U.S. Notice to Airmen (NOTAM) system to restrict certain aircraft from operating within a defined area, on a temporary basis, to protect persons or property in the air or on the ground.
- B. Should an event occur (e.g. Active Shooter) whereby tactical operations are in progress and there is a real concern that the suspect(s) may possess the capabilities of observing the real time operations on television, thereby putting at risk the safety of personnel and/or innocent victims, or that such broadcast may impede/interfere with law enforcement operations at any on going event, the lead law enforcement agency may pursue a TFR.
 - 1. A request for a TFR is to be directed the Newark Liberty International Airport Air Traffic Supervisor at (973) 565-5000, ext. 5044.

IX. AFTER ACTION ACTIVITIES

- A. All law enforcement personnel who respond to or participate in any manner with an active shooter incident shall have the opportunity to attend a debriefing with qualified mental health professional(s) or certified critical incident stress counselors.
- B. Personnel include, but are not limited to, those who participated in contact/rescue teams, supervisors/commanders involved in decision making associated with the event, as well as law enforcement communications personnel who were on duty at the time of the incident.
 - 1. Additional counseling will be based upon recommendations of the mental health professional/counselor, at the request of the employee, or at the direction of the Chief of Police.
- C. Personnel involved in the event shall be required to submit applicable written after action reports delineating their assignments as well as detailed descriptions of their actions during the event to the incident commander or designee.
- D. Immediately thereafter as practical, but under no circumstances to exceed one week, all after action reports will be forwarded to the Monmouth County Prosecutor's Office who will then oversee/coordinate a multi-agency critique of the event to review the responses/actions taken by the involved agencies. The results of this critique may be utilized for plan revision and future training.

X. TRAINING:

- A. The Training Unit shall develop and/or certify standardized training guidelines and lesson plans for "Rapid Response to An Active Shooter" training. Adherence/compliance with these guidelines is mandated.
1. Standardization of training will help ensure that all law enforcement agencies/personnel receive a foundation of active shooter training, will react in a consistent manner, and enhance the ability of agencies to work as a team during mutual aid incidents.
 2. The department shall maintain a minimum of three officers certified as a train the trainer in this matter. A pre-requisite for an officer to become a train the trainer is certification in Methods of Instruction (MOI).
 3. An annual review of this directive is mandated. The Chief of Police shall designate a person to conduct this annual review and make revisions, as necessary and as approved by the Chief of Police.
 4. All personnel will be required to participate in initial training for Rapid Response to An Active Shooter. This initial training shall encompass both classroom instruction as well as force-on-force scenarios.
 - a. All personnel must participate in annual in-service training in this directive which will include classroom training and force-on-force scenarios.
 - b. The department will be required to participate in a practical drill involving Rapid Response to An Active Shooter biennially at a minimum.
 - c. When planning an actual drill, reach out to school officials and determine if they would like to participate in a joint drill. Mutual drilling will assist both disciplines in seeing their respective policies actually applied, how the joint implementation of these policies work, and may serve to satisfy any training requirements mandated by their respective oversight bodies.
 - d. Ideally, when conducting joint drills with schools, different school facilities should be utilized each time to better acquaint officers with the physical layout of the facility as well as expose the staffs of the various schools to this training.

WALL TOWNSHIP POLICE DEPARTMENT				
<i>Standard Operating Procedure</i>				
CHAPTER: 2	SECTION: 4	# OF PAGES: 3		
SUBJECT: ADMINISTRATIVE DIVISION RESPONSIBILITIES				
EFFECTIVE DATE: January 4, 2010	ACCREDITATION STANDARDS:	REVISION DATE	PAGE #	
BY THE ORDER OF: Police Chief David Morris				
SUPERSEDES ORDER #: 2005-28				

PURPOSE: Outline the responsibilities of the Administrative Division.

POLICY: The Administrative Division provides leadership and administrative direction to all functions within the Police Department. The Administrative Division serves as an extension of the Chief of Police.

PROCEDURES:

I. Administrative Division Responsibilities

- A. The Administrative Division shall be staffed by the Chief of Police. The Administrative Division will be responsible for interpreting, coordinating, and enforcing existing policy and procedures as issued by the Chief of Police.
- B. The Administrative Division shall maintain supervision over its staff functions. The staff functions include, but are not limited to, the following:
 - 1. Records and Identification
 - 2. Communications
 - 3. Informational and Technical Services
 - 4. Training
 - 5. Emergency Medical Services
 - 6. Community Policing.
- C. Functional responsibilities of the Administrative Division include, but are not limited to, the following:
 - 1. Supervision of Building, Grounds, Emergency Generator and outside Contractors; act as liaison with Public Works/Operations Department.

2. Coordinate with the NJ Department of Corrections and ensure that the Police facilities are in compliance with Federal, State, and County standards.
3. Conduct regular meetings with Supervisory Personnel and prepare agendas and create meeting minutes.
4. Act as the Department Safety Officers and be the liaison to the Township Safety Committee. Review all reports related to Employee On-Duty injuries and attend all Safety Committee Meetings.
5. Prepare and maintain work schedules and constantly evaluate workloads and scheduling matters.
6. Serve as the Department Employee Assistance Program Officer. Monitor, evaluate, and upgrade our Employee Assistance Program and act as the liaison with the designated EAP Practitioners
7. Budgets, Grants, Vendor and Maintenance Contracts.
8. Computer, Radio and Telephone Systems.
9. Inspection of patrol vehicles, provide for documentation and repair of damaged and non-functioning vehicles and vehicle equipment, and provide for their removal from service, repair or replacement.
10. Maintain and revise all written directives, i.e. SOP's, Special Orders, Personnel Orders and Special Memorandums.
11. Assure that department personnel files are maintained and updated on a routine basis. Keep the Chief of Police informed of all updates to personnel files.
12. Oversee the recruitment and testing process for applicants. Maintain and file all documents and applicant records related to applicant recruitment and testing. Seek to encourage interest from applicants of all color, race, religion and sex in order to ensure that the department maintains an accurate reflection of the Community.
13. Community and Employee Right to Know.
14. Review all monthly personnel reports and time records, to include absentee, overtime, and payroll certification. Arrange for timely payroll records for all employees ensuring accountability and documentation for all overtime requests.
15. Supervise and coordinate all inspections of Police Department personnel, equipment, and facilities.

D. The Administrative Division will be responsible for gathering and maintaining all proposed and approved budgets. This division will review and initial all Purchase Requisitions and Purchase Orders prior to processing. Responsibilities of the Administrative Division related to purchase requisitions and purchase orders include, but are not limited to, the following:

1. Act as the Department's Purchasing/Receiving Agent, assure that items purchased are properly accounted for, documented and arrive at their proper destination.
2. All bid specifications on vehicles, supplies, and service contracts.
3. Ensure that all existing contracts are updated and renewed prior to expiration.

E. The Administrative Division will be responsible for regularly reviewing certain cash funds within the Department and will conduct periodic audits as assigned. These will include:

1. Administration Petty Cash
2. Records Accounts Receivable
3. Detective Bureau CDS Purchase Account

- F. The Administrative Division shall be responsible for the coordination of investigations of complaints made by members of the Community concerning police personnel, activities, and procedures. Responsibilities of the Administrative Division related to the Internal Affairs Investigation process include, but are not limited to, the following:
1. Investigate complaints as per Department Policy and determine a final disposition.
 2. Review all Internal Affairs Investigation reports completed by Department Personnel.
 3. Coordinate Internal Affairs Investigations and maintain the Confidential Internal Affairs Files.
 4. Prepare all necessary Internal Affairs annual reports and act as the Internal Affairs Liaison to the Monmouth County Prosecutor's Office.
 5. Ensure that the Chief of Police is kept abreast of the status of Internal Affairs investigations through the appropriate chain of command.
- G. The Administrative Division will ensure that the Records and Identification Bureau is in compliance with State and Federal regulations concerning the handling and capturing of all public safety records.
- H. The Administrative Division shall see that yearly reports are completed and disseminated to the appropriate authorities. These reports include, but are not limited to, the following:
1. Internal Affairs.
 2. Use of Force.
 3. Firearms.
 4. High Speed Pursuits.
- I. The Administrative Division shall perform any and all duties assigned to it by the Captains or Chief of Police.

WALL TOWNSHIP POLICE DEPARTMENT				
<i>Standard Operating Procedure</i>				
CHAPTER: 21	SECTION: 5	# OF PAGES: 6		
SUBJECT: AIRPORT & AIRCRAFT INCIDENTS				
EFFECTIVE DATE: February 7, 2011		ACCREDITATION STANDARDS:	REVISION DATE	PAGE #
BY THE ORDER OF: Captain Tim Clayton, Officer in Charge				
SUPERSEDES ORDER #: GO 2005-14				

PURPOSE This directive is to provide guidelines and procedures to protect life and property and maintain peace and order, when responding to aircraft related emergencies.

POLICY To establish a procedure for the coordination of all responders to the scene of an aircraft accident that requires the joint efforts of the Police and Fire Departments.

PROCEDURE

Certain similarities exist in the handling of all emergencies. If a particular emergency is the threat of an occurrence, which might result in injury or harm to the population or substantial damage to property, the threatened persons and/or property must be protected if at all possible. This is usually accomplished by evacuation and/or neutralizing the hazard causing the emergency. If an occurrence has already caused injury or harm, in addition to neutralizing the hazard and evacuating threatened areas, rescue and emergency medical operations must be conducted as rapidly and effectively as possible, if lives are to be saved and property damage is to be kept to a minimum.

As first responders to the scene of an emergency, it is essential that members of emergency response agencies understand the responsibilities of each Department. In those areas where responsibilities might overlap, there must be interaction of a cooperative nature between Commanders, Supervisors, and employees of all agencies, if the mission is to be accomplished in the most effective and efficient manner.

I. DEPARTMENTAL RESPONSIBILITIES

A. Wall Township Police Department

1. The Wall Township Police Department has primary responsibility for providing the following emergency services at all Wall Township locations other than Allaire Airport:

- a. Crowd Management and Perimeter Control
- b. Traffic Control
- c. Coordinating the evacuation of persons from a threatened area
- d. Protection of Fire Department personnel and equipment, also First Aid.
- e. Neutralizing Bombs and Suspected Explosives, and investigate all Arson Cases or Suspicious Fires.
- f. Security for damaged property, until such time as the property can be released to the owner/agent; and

NOTE: If an aircraft accident occurs at the Allaire Airport, the Wall Township Police Department shall set up a mobile command center and commence said investigation. It shall be the responsibility of the Wall Township Police Patrol Division to maintain the Inner and Outer Perimeters of the scene.

B. Fire and First Aid

1. The Wall Township Fire Departments have primary responsibility for providing the following emergency services at all Township of Wall locations and Allaire Airport:
 - a. Fire Control;
 - b. Rescue Operations;
 - c. Stocking empty sandbags;
 - d. Assisting Wall Township Police with evidence and witnessing certain incidents that may aid in the law enforcement investigation.
2. The Wall Township First Aid Squads have primary responsibility for providing the following emergency services at all Wall Township areas, including locations at Allaire Airport:
 - a. Provide emergency medical services including the arranging for medical treatment and transportation of persons injured as a result of said emergency.
 - b. Assist Detective Division to gather belongings.

II. PERIMETER DEFINITIONS

- A. Inner Perimeter: The area immediately surrounding a hazard in which emergency services personnel must work in order to neutralize the hazard and /or conduct rescue operations. Entry into the area is rigidly controlled by the persons with proper protective equipment and an assigned activity will be allowed to enter. An entry point is normally established to control access, and shall be the focus of Police Investigations and subjected to identity and evidence control.
- B. Outer Perimeter: The larger area that surrounds the inner perimeter in which a lesser degree of risk exists. Normally, all non-emergency service personnel will be evacuated from the outer perimeter. The size of the area will depend upon the nature of the hazard and will be determined by the Department responsible for the operation. Outer

Perimeter boundaries will be enforced by the Police Department and shall be controlled for crowds, traffic, and news media position.

1. Decisions concerning perimeter lines and/or evacuations will be made by the Department having primary responsibility for the operation. The Emergency Management Office shall place into effect said disaster plan and coordinate with all responding agencies in accordance with NIMS.
 - a. A command post will be established and staffed by a representative from each agency in accordance with NIMS.

III. AIRCRAFT ACCIDENTS

A. INITIAL RESPONSE

1. The Wall Township Police Department will be notified of all aircraft emergencies by Allaire Airport and its Management Personnel. Patrol Officers and Supervisors shall proceed to said location while Communications Dispatcher notifies Fire and First Aid Units if necessary. The Chief of Police and the Office of Emergency Management must also be notified.
 - a. The Wall Township Office of Emergency Management will be responsible for securing the services of all emergency equipment and personnel necessary to cope with the emergency. This responsibility includes notification of the Police Department Specialized Personnel and securing the services of required emergency equipment such as wreckers, ambulances, etc.
 - b. Upon notification of an aircraft accident that might involve fatalities and/or substantial property damage, a Senior Commander and as many field units as are immediately available will be assigned to respond to the scene. If it seems that the accident is minor, a Supervisor and a number of field units consistent with the available information will be assigned.
 - c. Upon arrival at the scene, the Commander or Supervisor will evaluate the situation and assign field units to traffic control and crowd management tasks as necessary. He will then assign a field unit to the investigation and inform the affected Commander of the situation.
 - d. Command Posts for operations and an area for the media will be established as necessary.

B. INVESTIGATION RESPONSIBILITIES

1. After Police personnel confirm that an aircraft accident has occurred, the following agencies will be notified:
 - a. New Jersey State Police (Only if additional assistance is warranted)
 - b. Federal Aviation Administration
 - c. National Transportation Safety Board
 - d. Monmouth County Prosecutors Office

- e. N.J Division of Aeronautics
- 2. The Wall Township Police Patrol Division, assisted by the Detective Division, shall conduct the investigation with the Federal Aviation Administration being apprised of their findings. The ultimate responsibility for the police/criminal investigation lies with the Wall Township Police Department.
- 3. The Wall Township Police Department will be responsible for saving lives, neutralizing hazards with assistance of Fire and First Aid, and then securing and preserving the scene. It shall also be the Wall Township Police Department responsibility for originating primary and follow-up Investigation Reports, and then supply copies of same to joint cooperative investigation agencies, which shall include photographs and statements.
- 4. Gathering personal property, protecting the wreckage for a reasonable length of time, releasing the names of casualties and notification of the next of kin in fatality cases, are Police Department responsibilities.
- 5. The Federal Aviation Administration Board provides expert assistance in determining the cause of an accident. They will also arrange for the security of the wreckage, if it is to be left at the accident scene for an extended period of time.
- 6. The investigation of aircraft accidents involving military aircraft of the United States or foreign countries will be investigated by the United States Military and the Wall Township Police with F.A.A. as a cooperative investigation.
- 7. Police Department Division Commanders are responsible for causing pre-action and after-action reports to be written after the occurrence of a major incident. The action reports will include:
 - a. Time and location of the occurrence;
 - b. Conditions observed at the time of Police Department arrival;
 - c. The number of Police Department personnel assigned;
 - d. The type and amount of Police Department emergency equipment utilized;
 - e. Police Department action taken;
 - f. Assistance provided by other law enforcement agencies; and
 - g. Any other information, which might be useful when evaluating Police Department performance.

IV. EMERGENCY TELEPHONE NUMBERS

NJDOT Aeronautics	(609) 530-2900/2911 (609) 882-2000 (After Hours)
FAA via Millville FSS	(800) 223-0140
FAA Duty Officer 24/7	(866) 666-6442
NTSB	(973) 334-6420

NJ State Police	(609) 882-2000
Allentown FSDO*	(610) 264-2888
Philadelphia FSDO*	(610) 595-1500
Teterboro FSDO*/Saddlebrook	(201) 556-6600
NJDEP	(877) 927-6337
Report Suspicious Activity	(866) GA-SECURE

**** Denotes Flight Standards District Offices***

WALL TOWNSHIP POLICE DEPARTMENT <i>Standard Operating Procedure</i>				
CHAPTER: 15	SECTION: 12	# OF PAGES: 3		
SUBJECT: ALTERNATE CARE FOR ARRESTEE DEPENDENTS				
EFFECTIVE DATE: April 13, 2009		ACCREDITATION STANDARDS: 3.1.3	REVISION DATE	PAGE #
BY THE ORDER OF: Police Chief Robert Brice			01/25/13	1-2
			04/29/14	2
SUPERSEDES ORDER #: GO 1994-07				

PURPOSE The purpose of this SOP is to maintain compliance with the New Jersey Attorney General's model policy for Alternate Care for Arrestee's Dependents.

POLICY It is the policy of the Wall Township Police Department to provide persons taken into custody by this department a reasonable opportunity to arrange for the care of children or persons dependent upon the arrestee for their care, sustenance and supervision. When the arrestee is unable to arrange for the care of dependent persons, this department will notify the appropriate municipal, county or state agencies of the need for alternate care for the arrestee's dependents. This department will not take direct responsibility for providing alternate care for any arrestee's dependents.

PROCEDURES

I. Definitions

- A. Alternate care means someone, other than the arrestee/detainee, who will care for the arrestee/detainee's dependent(s) while the arrestee/detainee under arrest or is detained for a period exceeding two hours. A family member, appropriate adult friend, or municipal, county, or state agency can provide alternate care.
- B. Appropriate adult shall mean a competent adult or competent emancipated minor to whom an arrestee is comfortable with entrusting their dependent.
- C. Arrestee/detainee is an individual that is in the custody of this department as required by law, public safety, or the safety of the individual.
- D. Dependent is an individual, who resides with and/or is dependent on the arrestee for their primary care, sustenance, or supervision. Dependent individuals may be a child, handicapped person of any age, elderly person, or a person in need of continued medical care.

II. General

- A. While the need for alternate care for an arrestee's dependents must be determined, the existence of arrestee dependents should not be the determining factor as to whether the arrestee is held in custody or released. Where a summons in lieu of arrest is inappropriate or the taking into custody is required by law, public safety or safety of the arrestee, the individual should be held until released in accordance with law.
- B. Whenever a person is subjected to custodial arrest, or is likely to be detained for investigation for more than two (2) hours, and is accompanied by a child or other person dependent upon the person for care, sustenance or supervision, the following procedures must be followed:
 - 1. If another appropriate adult is present with the person arrested or detained, the arrestee or detainee will be permitted to place the dependent in the care of that person.
 - 2. If another appropriate adult refuses custody or is not present:
 - a. The officer may remain at the scene with the arrestee for a reasonable time to arrange for an appropriate adult; or
 - b. The dependent will be transported to headquarters. The dependent may be transported with the arrestee or in a separate vehicle as dictated by the circumstances of the arrest.
 - 3. The arrestee/detainee shall be permitted a reasonable opportunity to make arrangements by telephone for alternate care for the dependent. If contact cannot be made by telephone, an officer should be assigned to make the necessary notification in person. If the appropriate adult resides outside of Wall Township, the police department with jurisdiction should be contacted to make the notification.

4. If the arrestee/detainee is unable to arrange for alternate care for the dependent(s), the road supervisor shall cause notification to the appropriate agency of the arrest and the need for alternate care.
 - a. New Jersey Department of Children & Families (1-877-652-2873) or the Division of Child Protection & Permanency (1-800-392-2735) may be helpful with dependent minors; Asbury Park Office 732-988-2161.
 - b. Monmouth County Office of the Aging at 732-431-7450.
 5. The agency assuming care of the dependent must be included in the investigative document. Minimally, the following information should be included:
 - a. Name of the agency;
 - b. Name of the contact person;
 - c. Telephone number of the contact person.
 6. The arrestee/detainee must also be provided with this information and must be provided with information on how to reclaim custody of their dependent(s) upon release.
 7. When setting bail, the on-call judge shall be notified that the arrestee has dependent(s) requiring the arrestee's care and what arrangements had been made for the care of the dependents.
- C. Whenever a person is arrested or taken into custody and likely to be detained for more than two (2) hours, that person must be questioned as to whether or not there is any child or other person solely dependent upon the arrestee for care, sustenance or supervision. If the arrestee answers in the affirmative, the above procedures apply.

WALL TOWNSHIP POLICE DEPARTMENT				
<i>Standard Operating Procedure</i>				
CHAPTER: 19	SECTION: 1	# OF PAGES: 31		
SUBJECT: ARREST AND TRANSPORTATION				
EFFECTIVE DATE: May 5, 2009		ACCREDITATION STANDARDS: 3.1.2, 5.1.1, 5.1.2	REVISION DATE	PAGE #
			02/13/13 04/29/14	All 2-6, 14
BY THE ORDER OF: Police Chief Kenneth Brown	04/18/16 01/26/17		7, 13, 15 7, 8, 16	
	10/09/17		13-20	
SUPERSEDES ORDER #: GO 2003-17				

PURPOSE The purpose of this standard operating procedure is to provide basic guidance to personnel and to codify standardized procedures regarding arrests and subsequent transportation.

POLICY It is the policy of the Wall Township Police Department to be in compliance with all statutes, contemporary criminal procedure, New Jersey Attorney General and Monmouth County Prosecutor's Office guidelines and directives when arresting and subsequently transporting any person in order to protect any arrestee's or detainee's rights and to minimize risk to police personnel.

PROCEDURES

I. DEFINITIONS

- A. Arrest is defined as a substantial physical interference with the liberty of a person, resulting in apprehension and custodial detention. It is generally used for the purpose of preventing a person from committing a criminal offense, or calling upon a person to answer or account for an alleged completed crime or offense.
1. An actual arrest occurs when a law enforcement officer intentionally employs physical touching of a person and delivers a formal communication of a present intention to arrest.
 2. A constructive arrest occurs without an intentional use of physical contact and without a formal statement indicating an intention to take a person into custody. The courts generally consider whether there has been a submission to the assertion of authority.
- B. Fresh pursuit (hot pursuit) is defined by N.J.S.A. 2A: 156-2 as not necessarily implying immediate or instant pursuit, but pursuit without unreasonable delay.
- C. Ontario Domestic Assault Risk Assessment (ODARA) is a tool that predicts how likely an abusive partner is to assault again. No clinical expertise is required to administer an ODARA assessment. Officers can obtain the necessary information for scoring the ODARA's 13 items during an interview with a victim, a review of the defendant's criminal history, and related records (e.g., prior investigations, CAD records, etc.).
1. Related definitions include:
 - a. Defendant: the person being assessed.
 - b. Index assault: the most recent incident in which the defendant assaulted his/her current or former partner. Assault is any act of violence that involved physical contact with the index victim or a credible threat of death made with a weapon displayed in the presence of the victim.
 - c. Partner: a person who currently is, or previously was, involved with the defendant in an intimate relationship. This includes current or former spouses, current or former intimate cohabitants, co-parents, and those currently or formerly in a dating relationship.
 - d. Victim: the person upon whom the index assault was committed.
 2. Instances of domestic violence that do not involve physical violence or threat of death with a weapon should not be assessed under ODARA.
 3. Officers shall complete the ODARA in those cases of domestic violence in which the following crimes/offenses are charges and the victim is a partner, as defined above:
 - a. Homicide (N.J.S.A. 2C: 11-1);

- b. Simple assault with contact or a weapon (N.J.S.A. 2C: 12-1a);
 - c. Aggravated assault (N.J.S.A. 2C: 12-1b);
 - d. Terroristic threats with contact or with a weapon (N.J.S.A. 2C: 12-3);
 - e. Kidnapping (N.J.S.A. 2C: 13-1);
 - f. False imprisonment with contact or with a weapon (N.J.S.A. 2C: 13-3);
 - g. Sexual assault (N.J.S.A. 2C: 14-2);
 - h. Criminal sexual contact (N.J.S.A. 2C: 14-3);
 - i. Robbery (N.J.S.A. 2C: 15-1);
 - j. Burglary, 2nd degree with contact or with a weapon (N.J.S.A. 2C: 18-2);
 - k. Any other crime involving risk of death or serious bodily injury (N.J.S.A. 2C: 25-19a(18)).
- D. Presence sums up the requirement that officers knew of the event by the use of any of their senses. A defendant's admission brings the offense within the presence of the officer.
- E. Probable cause refers to facts or evidence that would make a reasonable person believe that a crime or wrongdoing has been, is being, or will be committed.
- 1. Vague hunches or suspicions are not enough.
 - 2. The belief must be supported by the facts.
 - 3. Experience as a police officer is a fact, which can be relied upon to support probable cause, provided it is documented.
 - 4. The facts upon which the belief of guilt is based must have been known at the time of arrest.
 - 5. Post-arrest actions by the accused are irrelevant to the lawfulness of the initial arrest.
 - 6. It is not necessary to believe beyond a reasonable doubt that a person committed an offense in order to arrest.
 - 7. There is no limit to the types of information that can be used to support probable cause, provided such information is not vague and can be documented. Among the types of information the officer can rely upon:
 - a. Observed facts surrounding the incident (behavior, appearance and location of subject; subject's height and weight).

- b. Familiarity with the subject(s)' prior record, prior observation of subject and earlier contacts with subject.
- c. Reports from others (accounts given by victims or witnesses; reliable informants).
- d. Each of these sources of information can lead to a determination of probable cause, but some require corroboration by other facts if they are to be given weight.

II. GENERAL PROVISIONS

- A. Officers should identify themselves to the person(s) being arrested and indicate the crime or offense. If the arresting officer(s) have a warrant, it should be exhibited. If the warrant is not in the arresting officers' possession, the arrestee should be informed of the warrant and the charges.
- B. Consular notification for non-US citizens is addressed in SOP 23.8. Additionally, in order to comply with AG Directive 2007-3:
 - 1. When making an arrest for any indictable crime or for DWI, the arresting officer shall inquire about the arrestee's citizenship, nationality and immigration status.
 - 2. If the officer has reason to believe that the person may not be lawfully present in the United States:
 - a. Notify the Immigration and Customs Enforcement (ICE) Law Enforcement Support Center via NLETS with an Immigration Alien Inquiry (IAQ) message key. ICE will generate an Immigrant Alien Response (IAR).
 - b. Notify the Monmouth County Prosecutor's Office if an indictable offense has been committed. Copies of any NLETS IAQ, IAR, or fax shall also be forwarded.
 - c. If a DWI has been committed, a copy of the form will be forwarded to the municipal court administrator.
 - d. The shift supervisor shall ensure that the judge or judicial officer is advised that the person arrested is believed not to be in the United States lawfully when they are setting bail.
 - e. The original form will be forwarded to the records bureau with the other reports made necessary by the arrest.
 - f. If ICE issues a detainer, the person is to be held for a period not to exceed 48 hours (excluding Saturdays, Sundays, and holidays). If ICE does not claim the person within the designated 48 hours, the person is to be released.
 - 3. No employee of this department shall consider a person's race or ethnicity as a factor in drawing an inference or conclusion that the person may be an undocumented immigrant.

4. When warranted, the arresting officer may contact the ICE Law Enforcement Support Center (LESC) at 1-866-347-2423 for assistance. LESC operates 24 hours a day, 365 days a year, to supply real-time assistance to officers who are investigating or have arrested foreign-born individuals involved in or suspect of criminal activity.
 5. If ICE issues a detainer, the person is to be held for a period not to exceed 48 hours (excluding Saturdays, Sundays, and holidays). Forward all ICE detainers to the Monmouth County Jail.
- C. Diplomatic and consular immunity is addressed in SOP 14.8.

III. **ARREST WITH A WARRANT**

- A. Warrants include bench warrants, CDR warrants, ACS, ATS, and any other criminal process issued by a court.
- B. All pre-planned arrest warrants shall be de-conflicted in accordance with *New Jersey Attorney General Directive 2016-1*. Deconfliction is not required for warrant arrests that occur spontaneously.
- C. Sworn police officers have the right to execute a warrant by arresting defendants at their homes or at any place within the state. When executing an arrest warrant outside of Wall Township, officers should generally provide prior notice to the law enforcement agency in that jurisdiction prior to execution.
- D. To execute arrest warrants out of the State of New Jersey, contact the Monmouth County Prosecutor's Office, Extradition Unit.
- E. Officers should only use that amount of force necessary to make the arrest. Unless impracticable, pre-planned warrant arrests shall be conducted by a minimum of two officers. More officers or tactical resources can be used depending upon the circumstances and anticipated flight risk.
- F. A search warrant or an exigent circumstance is required to affect a warrant arrest in a third party's dwelling.
- G. Officers shall not execute an arrest warrant without first confirming or taking reasonable measures to confirm the validity of the warrant.
 1. The warrant should be verified and confirmed through the automated complaint system (ACS) and a printed copy of the warrant and warrant history should be obtained from that system.
 - a. An actual hardcopy of the warrant, facsimile, or Teletype will also serve as confirmation.
 - b. Verify the identity of the person to be arrested
 - c. Understand the scope of the warrant so as not to exceed any limitations set by the warrant
 2. ACS/ATS warrants issued by the Wall Township Municipal Court are to be considered valid and do not require additional confirmation.

3. Members of this department should not assist an outside law enforcement agency with the execution of a warrant until such time as it has been confirmed that the warrant is valid.
 4. An NCIC hit is not probable cause to make an arrest. A confirmation request shall be sent to the agency that entered the person. A positive response by that agency will serve as confirmation of the warrant as per Part 7 of the *National Crime Information Center Operating Manual*.
 5. A printed copy of the request and response shall be included in the report of the incident.
- H. Requests from other jurisdictions to serve/execute their warrant(s) should be referred to the shift supervisor. High priority or high-risk warrants should be referred to the shift commander with notification to the division commander.
- I. When serving a special request arrest warrant from another jurisdiction, record the warrant number, jurisdiction name, and results in the investigative report.

IV. ARREST WITHOUT A WARRANT

- A. Officers may make a warrantless arrest of a suspect in any public place if there is probable cause to believe that the suspect has committed or is presently committing a crime punishable by more than one year in state prison (1st, 2nd, 3rd, 4th degree crime).
1. N.J.S.A. 2A: 155-1 et seq., permits a New Jersey law enforcement officer, who is in fresh pursuit, to enter another state to effect an arrest for a 1st, 2nd, or 3rd degree crime.
 2. N.J.S.A. 2A: 156-1, et seq., authorizes a police officer, who is in fresh pursuit of a person and who is reasonably believed by him/her to have committed a 1st, 2nd or 3rd degree crime or has committed, or attempted to commit, any criminal offense in the presence of such officer, or for whom such officer holds a warrant of arrest may arrest and hold that person anywhere in the State.
 3. However, if the offense is a 4th degree crime, disorderly person, petty disorderly person offense, or DWI the authority to pursue under N.J.S.A. 2A: 156-1 only extends to offenses committed in the officer's presence or ones that he/she holds a warrant for the arrest of the person.
- B. Within the territorial limits of Wall Township, officers may make a warrantless arrest of someone who, in their presence, has committed a disorderly person offense or other minor offense that involves a breach of the peace (N.J.S.A. 40A: 14-152).
- C. In certain circumstances, an officer may make the warrantless arrest of a person whom the officer has probable cause to believe has committed an offense, even though the offense did not take place in the officer's presence. These offenses are:
1. Operating while intoxicated;

2. Shoplifting;
 3. Theft of library materials;
 4. Domestic violence related offenses.
- D. Only in rare circumstances involving extremely serious crimes and exigent circumstances can an officer enter a residence to make a warrantless arrest.
1. Officers in fresh pursuit of a person suspected of motor vehicle infractions or a disorderly person or petty disorderly person offense may not make a warrantless entry into a home to affect an arrest.
 2. Fresh pursuit alone is an insufficient justification for a warrantless entry into a person's home to make an arrest absent exigent circumstances.
- E. As a general rule, an arrest for a violation of N.J.S.A. 39 (except DWI, Possession of CDS in a Vehicle, or Leaving the Scene of an Accident with Serious Injuries) is improper if the underlying offense poses little or no threat to the public safety, and if there is no reason to believe that the offender would fail to respond to a summons.
- F. If at any time during the arrest process the probable cause to make the arrest dissipates, the arresting officer shall immediately release the arrestee and return any property that had been taken as a result of the arrest. The incident shall be thoroughly documented on an incident report.
- G. Under certain circumstances, the superior court criminal division manager or his/her designee will contact this department if a previously released defendant violates any electronic monitoring conditions.
1. Communications personnel shall obtain as much information as possible from the court representative, including the identities of the defendant/violator, contact information for victims and witnesses, and pertinent addresses.
 2. Communications must immediately dispatch an officer to investigate the violation and to secure the safety of the victim.
 3. Officers shall promptly conduct a welfare check on any potentially impacted victims or witnesses, particularly when a no-contact condition may have been violated. Also, communications should consult available databases (e.g., CAD/RMS, domestic violence central registry, the automated statewide deconfliction database, etc.) to help with decisions as to any response and to ensure the safety of victims, witnesses, and responding officers.
 4. The court representative may be able to provide communications with the GPS coordinates or a street address where the defendant could be located when such information is available through the defendant's electronic monitoring device.

5. The court representative should be able to provide communications with copies of the pretrial release orders. When the court representative is unable to provide copies of pretrial release orders, communications should request complaint numbers or Promis/Gavel numbers so it can view the orders in the case jacket of the eCDR system.
 6. In the event that an officer or the duty shift supervisor has reason to believe that a defendant has violated a condition of his/her pre-trial release under the bail reform guidelines, including electronic monitoring, the officer or duty shift supervisor shall promptly notify an assistant prosecutor. The assistant prosecutor may move in court to revoke the defendant's pretrial release conditions altogether and have the defendant detained on the pending criminal charge, or to impose stricter release conditions.
 7. Where there is evidence that a defendant has violated a condition of pretrial release (e.g., the defendant makes a prohibited contact, leaves a home detention residence, enters an exclusion zone, or tampers with his/her electronic monitoring device), officers should consider filing a new criminal charge of contempt under N.J.S.A. 2C: 29-9a (knowingly disobeying a judicial order) and a complaint-warrant shall be pursued in accordance with this section IX of this SOP after consulting with an assistant prosecutor.
 8. If there is evidence that any defendant has committed a new crime or offense, including a violation of a domestic violence temporary or final restraining order, officers should consult with an assistant prosecutor to file new criminal charges based on those violations.
- H. With respect to municipal ordinance violations, N.J.S.A. 40A: 14-152 provides: *"The officers of a police department, within the territorial limits of the municipality, shall have all the powers of peace officers and upon view may apprehend and arrest any disorderly person or any person committing a breach of the peace."*
1. Under this statute, there are three (3) prerequisites that must be met before an officer may arrest:
 - a. The offense must occur in Wall Township; and
 - b. The offense must have occurred upon view of the officer; and
 - c. The offender either must be a disorderly person or have committed a breach of the peace.

V. HANDCUFFING

- A. Sworn personnel shall maintain and carry on duty an operable set of handcuffs equipped with a double locking feature.
- B. Sworn personnel shall maintain a set of approved handcuffs free of dirt, lint or other conditions that may make them inoperative.
- C. To provide greater control of an arrestee/detainee, officers shall:
 1. Remain alert for any unexpected moves by the subject;

2. Approach the subject from his/her rear or side;
3. Maintain control of the subject and keep him/her off balance.
4. Handcuff the subject behind their back, with palms facing outwards;
5. Double lock the handcuffs;
6. For greater control, loop the handcuffs through a belt (if the subject is wearing a belt) or a belt loop, if able;
7. Never handcuff a subject to yourself or another officer;
8. Never handcuff a subject to the inside of a vehicle or a fixed object unless the object is designed for that purpose.
9. Use special handcuff belts for transports to other facilities or as deemed necessary.
10. See subsection VI.C of this SOP for search procedures incidental to arrest.

D. Use of handcuffs during investigations and prior to an at-scene arrest:

1. Officers should not use handcuffs prior to arrest unless special circumstances exist to warrant their use. Special circumstances include, but are not limited to:
 - a. The subject is uncooperative or takes action at the scene that raises a reasonable probability of danger or flight.
 - b. Where officers have information that the suspect is currently armed;
 - c. Where the stop/detention is in close proximity (time and space) following a violent crime
 - d. Where officers have information that a crime involving violence is imminent;
2. In the absence of a continuing threat to the officer or citizen safety, the handcuffs should be removed if the protective frisk discovers no weapons.

VI. CUSTODY AND TRANSPORTATION

- A. Officers shall search the rear seat of vehicles used for prisoner transportation at the beginning of their shift and inspect the rear seat prior to occupation by an arrestee. Vehicles shall be searched again after transportation to ensure that the arrestee had not secreted contraband or evidence. Found property/evidence shall be collected and processed in accordance with existing procedures. The arrestee should be charged accordingly, when applicable.

- B. Immediately upon arrest all persons will be appropriately secured. At a minimum, they shall be handcuffed unless handcuffing is not possible due to injury or disability. Unless impractical due to injury, disability or physical size, handcuffs shall be placed behind the back. Only a supervisor may approve not handcuffing an individual for any other reason. Officers should remain aware of the dangers of positional asphyxia and continually monitor arrestees for symptoms.
1. Disposable handcuffs (e.g., nylon flex cuffs, zip ties, etc.) are authorized for incidents where the number of arrestees exceeds the number of available handcuffs, when the arrestee's injury, disability or physical size prohibits the use of handcuffs, or when handcuffs are impracticable (e.g., detainees with small wrists, detainees who can slip out of handcuffs, etc.).
 2. When such nylon devices are used, officers shall ensure that they have immediate access to a cutting tool (not a conventional knife, but scissors, cutting pliers, or dull point rescue tool) if the arrestee suffers a medical emergency (e.g., respiratory distress due to positional asphyxia, etc.).
 3. Ankle chains (leg shackles) and a handcuffing belt may be utilized when deemed necessary to provide additional restraints for subjects who are combative or deemed a flight risk or whose physical size renders traditional handcuffing methods impracticable.
 4. Arrestees who demonstrate the ability to slip out of handcuffs, shall be secured with an alternative method (e.g., tightening of the traditional handcuffs, using disposable handcuffs in lieu of or in addition to traditional handcuffs, using a handcuffing belt, etc.)
- C. The entire person of the individual taken into custody is to be searched (not simply frisked) for weapons, contraband, evidence and implements of escape, as is the area under that individual's immediate control. The search must be thorough enough to ensure the safety of the individual, the arresting officer, and other officers and persons the individual may come in contact with while in custody.
1. This search must be conducted contemporaneous (happening at the same time) to the arrest immediately after the person has been restrained.
 2. In situations where an arrestee is accepted from another department, facility, store security or officer, the officer conducting the transportation must not assume that a competent search has already been conducted. Arrestees that are coming from these various environments may have inadvertently been exposed to contraband or weapons after their initial search and this possibility warrants the need for a new pre-transportation search.
 3. Remove communications devices, cigarette lights, and any object that could be used as a weapon. When removing arrestee property, secure such property until arrival in the processing room.
 4. Officers shall use a handheld metal detector on all arrestees, if so equipped.
 5. See *SOP #19:3 Temporary Detention* for pre-incarceration search procedures.

- D. After being restrained and searched the arrestee shall be placed upright in the rear of a police vehicle equipped with a partition between the front and rear passenger compartments. The arrestee should be further secured with the vehicle's safety restraints. This further restraint will provide an additional level of security for the transporting officer(s).
1. Whenever an arrestee is placed into a police vehicle, the doors to the vehicle should be locked to prevent unauthorized persons from opening the vehicle door.
 2. Officers shall exercise due care and provide assistance to arrestees who are entering or exiting a department vehicle during transportation procedures.
 3. The following are situations when using a seatbelt may be inappropriate or unsafe:
 - a. Aggressive/combatative arrestee making attempts to secure him/her impracticable;
 - b. Injuries to the arrestee that may be aggravated by the seat belt;
 - c. The use of supplementary restraints on the arrestee that make it difficult, impossible, or unsafe for the seat belt to be employed.
- E. If no such equipped vehicle is available or when confronted with a legitimate and unforeseen exigency that requires transportation of an arrestee in a vehicle that is not equipped with a security partition, it shall be necessary to have two (2) officers present in the vehicle for the transportation. In such situations, one officer shall sit beside the arrestee with his/her sidearm side away from the arrestee.
- F. Arrestees shall not be left unattended after being placed into radio cars awaiting transportation. Officers must be constantly aware that other persons may attempt to free or otherwise facilitate an escape.
- G. Arrestees are not permitted to communicate with anyone except a police officer during transportation or while waiting to be transported.
- H. Arrestees shall ordinarily be transported directly to police headquarters, another law enforcement agency, or confinement facility as directed unless being taken to a medical facility for evaluation and/or treatment.
- a. Unless the injury is serious or life threatening, the arrestee can refuse medical evaluation and/or treatment. An RMA form will be used unless doing so is impractical.
 - b. Officers shall employ the level of additional security at the treatment facility permitted by the nature of the injury, the regimen of treatment, and as allowed by the treating physician/nurse.
 - c. Any evidence or indication of injury or illness to an arrestee shall be documented on the officer's report.

- d. Officers shall take universal precautions against blood borne pathogens and infectious diseases. If exposed to or come in contact with any arrestee's body fluids, contact a supervisor for direction.
- I. Arrestee transportation should not be interrupted for any reason except in extreme cases when the arrestee is stricken with a medical condition requiring immediate aid or vehicle crash involving the transporting vehicle. In that event, the transporting officer shall stop safely and should not remove the arrestee from the vehicle to render aid unless another officer is present to assist.
- J. Prior to commencing transportation officers shall advise communications personnel of the number of arrestees being transported. Officers shall provide their starting mileage if the detainees are of the opposite sex or juveniles. Upon arrival at their destination officers are to give their ending mileage. If the unit is out of radio range, then enter the mileage into CAD via the MDT.
- K. If an arrestee escapes while in custody prior to or during transportation:
 - 1. The arresting/transporting officer(s) shall promptly notify communications.
 - a. Communications personnel shall immediately notify the shift supervisor or designee.
 - b. Extreme caution shall be exercised to minimize the potential of a hostage scenario.
 - 2. A general radio broadcast to all duty personnel shall be broadcast as soon as practicable. Provide the following information at a minimum:
 - a. Prisoner's name, if known;
 - b. General description;
 - c. Clothing description;
 - d. Last known home address;
 - e. Last direction of flight;
 - f. Crime(s) originally arrested for;
 - g. Weapons, if known; and
 - h. Any other pertinent information known.
 - 3. Additionally, broadcast the escape over SPEN and the county hotline to surrounding communities. Provide the same information listed above. Update any changes to this information as necessary.
 - 4. The shift supervisor or designee shall take personal command of the incident and direct units accordingly. If the escape is confined to police headquarters, the building and immediate surrounding areas shall be secured by patrols.

5. The shift supervisor or designee shall also cause notification to the patrol lieutenant. The patrol captain may cause notification to the Chief of Police.
 6. The shift supervisor or designee may bring additional staffing to the scene or to provide patrol coverage for the rest of the township while existing duty personnel are committed to the escape investigation/search. Activation of additional resources should be consistent with the offense for which the escapee had been taken into custody, the likelihood of injury to the escapee and/or other persons, the likelihood of apprehension, and the anticipated duration of the search.
 7. Communications personnel shall ensure that telephone contact is made with any jurisdiction where the escapee may be likely to flee, provide the pertinent information, and request assistance from that jurisdiction in apprehension.
 8. If and when recaptured, the shift supervisor shall direct a minimum of two (2) officers to reclaim the arrestee and transport him/her back to this facility for incarceration. Any alarm or broadcast to patrols or surrounding agencies should be promptly cancelled. Additional measures should be taken to prevent any further escape.
 9. Seek medical attention if the escapee requires it. Additional security measures shall be deployed to minimize any future escape attempt.
 10. The incident must be fully documented in an investigation report.
- L. When transportation terminates at this department, officers will bring the individual(s) into the booking room.
- M. If an officer suspects that an arrestee may have a communicable disease, personnel shall wear appropriate protective equipment while searching, fingerprinting and processing the arrestee.
1. Clean the handcuffs with an alcohol or disinfectant wipe after removal from an arrestee.
 2. Personnel shall thoroughly wash their hands with disinfectant soap after completing the search.
 3. If an officer has reason to believe his/her clothing has become contaminated as a result of contact with a party with a communicable disease, his/her clothing should be removed and placed in a plastic bag and cleaned as soon as practicable. After placing clothing in a plastic bag, personnel should wash their hands thoroughly with disinfectant soap.
 4. The interior of the police vehicle is to be cleaned with a disinfectant before being used again.
 5. Paper towels used to clean up are to be discarded in a plastic bag and placed in an outside trash receptacle.

VII. SPECIAL NEEDS CUSTODY AND TRANSPORTATION

- A. There may be instances when normal custody and transportation procedures are impracticable. These reasons include, but are not limited to:
 - 1. Arrestee(s) who exhibit signs of mental illness;
 - 2. Arrestee(s) who may be emotionally disturbed;
 - 3. Arrestee(s) who are physically disabled;
 - 4. Arrestee(s) who are injured;
 - 5. Arrestee(s) who are morbidly obese.
- B. Transportation for arrestees who exhibit special needs may be accomplished by ambulance, if available. Restraints shall be used, if available and practicable. If the arrestee has a wheelchair, the wheelchair should be transported with him/her. Canes and crutches should also be taken; but shall be stored as prisoner property until needed.
- C. The shift supervisor will determine whether the person being arrested should be taken to the booking room or to a medical facility for evaluation and/or treatment first.
- D. For minor offenses and in compliance with appropriate court rules or the permission of the municipal court administrator, arrestees with any of these special needs may be booked in the treatment facility and released R.O.R. Photographs and fingerprints can be obtained at the initial court appearance.
- E. If the arrestee indicates that he/she has medication that they need to sustain their health, the arresting officer should take possession of the medication. Once at headquarters and it is determined that the arrestee will not be promptly released after processing, contact the police physician for instructions.
- F. Arrestees have no right or privilege to attend funerals, religious services, visit in hospitals with critically ill family or friends, or attend probate proceedings while in the custody of this agency.

VIII. POST ARREST IDENTIFICATION

- A. Fingerprints and photographs (mug shots) will be completed for all adult arrested persons:
 - 1. When arrested for an indictable offense;
 - 2. When arrested for a violation of any state law relating to narcotics or dangerous drugs, whether indictable or otherwise;
 - 3. Prior to filing a complaint-summons charging the defendant with an indictable offense;
 - 4. When arrested for shoplifting;

5. When arrested for prostitution;
6. When convicted of a non-indictable offense and the identity of the convicted person is in question. The disposition shall be listed on the front of the state fingerprint card; the date of sentence and terms of sentence shall be listed on the back of the fingerprint card.
7. Where charged in an indictment/accusation and had not already been arrested, fingerprinted/photographed for the charge(s). The indictment number shall be listed on the front of the state fingerprint card.
8. When arrested and believed to be wanted for an indictable offense.
9. When arrested and believed to be a habitual criminal.
10. Arrested for a domestic violence related crime/offense where any of the following four criteria are met:
 - a. Victim exhibits signs of injury caused by an act of domestic violence;
 - b. A warrant is in effect;
 - c. There is probable cause to believe that the person has violated a judicial order in N.J.S.A. 2C: 29-9 AND there is probable cause to believe that the person has been served with that order;
 - d. There is probable cause to believe that a weapon as defined in N.J.S.A. 2C: 39-1 has been involved in an act of domestic violence.

B. Such mug shots must be:

1. Face straight on (e.g., not tilted side-to-side, not tilted front-to-back, no open mouth, etc.).
2. Properly lighted (e.g., no shadows, no uneven light, etc.).
3. Properly composed with no facial obstructions (e.g., hair hanging in front of the face, eyeglasses, facial piercings, dirt, blood, excessive make-up, etc.).
4. When possible, long hair should be tied back or tucked behind the ears.
5. Head coverings should be removed unless they serve a religious or medical purpose. Such head coverings include, but are not limited to:
 - a. Hijab is a piece of fabric used as a headscarf and fastened under the chin, in traditional Islamic dress is a veil traditionally worn by Muslim women in the presence of adult males outside of their immediate family, which usually covers the head and chest. The term can further refer to any head, face, or body covering worn by Muslim women that conform to a certain standard of modesty. The hijab should not cover the face on the mug shot.

- b. Snood is a type of female headgear designed to hold the hair in a cloth or yarn bag. In the most common form the headgear resembles a close-fitting hood worn over the back of the head. It is similar to a hairnet, but snoods typically have a looser fit, a much coarser mesh, and noticeably thicker yarn. Snoods are permitted if they do not cover the face.
 - c. Yarmulke (also known as a kippah, kippa, or kippah) is a brimless cap, usually made of cloth, worn by followers of Judaism to fulfill the customary requirement held by Orthodox authorities that the head be covered. Yarmulkes are permitted.
 - d. Bandages and other medically necessary appliances are permitted. If a bandage or other medical appliance interferes with the mug shot, such photograph can be taken at a later time.
- C. The arresting officer shall ensure that the following checks are made on the arrestee(s) prior to release, or transfer to another agency:
- 1. In house warrant file
 - 2. Warrant file of the local agency where the arrestee(s) reside
 - 3. NCIC
 - 4. ACS/ATS
- D. The arresting officer shall ensure that all appropriate victim/witness notifications are made.
- E. The arresting officer shall ensure that guidelines for alternate care for arrestee's dependents are followed.

IX. COMPLAINT PROCESS

- A. Prior to charging a defendant with any indictable crime or disorderly persons offense and before contacting an assistant prosecutor or the shift supervisor, the officer must:
- 1. Take and submit fingerprints of the defendant using Live Scan. Live Scan fingerprinting must be completed before beginning eCDR complaint entry.
 - 2. Inquire whether the arrestee is an active service member, or has ever served in the armed forces of the United States.
 - 3. After a Live Scan confirmation is received, proceed to the eCDR system and begin generating a complaint.
 - a. Before a decision is made between the issuance of a complaint-summons and a complaint-warrant, and before a complaint is filed, initiate the automated pretrial risk assessment process and receive a preliminary public safety assessment (PSA).

- b. Select the 'to be determined' (TBD) complaint option in eCDR and complete the required fields.
 - c. If there is suspicion that the defendant has an out-of-state criminal record, the appropriate out-of-state criminal history check (III) must be run.
4. The shift supervisor must review the complaint to ensure that the charge, subsection, and degree of crime are correct and that all pertinent information is contained in the complaint.
- B. The arresting officer MUST indicate the highest degree of crime/offense for which probable cause exists. (The PSA relies on data stored in law enforcement and judiciary databases, to include adult criminal history and court appearance history {failure to appear}). Because the automated PSA does not incorporate all background information on a defendant, the arresting officer MUST check the following databases prior to a final determination on whether to request a complaint-warrant or a complaint-summons:
 1. CCH;
 2. Out of state CCH (III);
 3. Juvenile central registry;
 4. Domestic violence registry;
 5. Sexual assault registry;
 6. Any other information relied upon by the law enforcement agency in processing arrest (e.g., ATS, ACS warrant checks, de-confliction checks, if appropriate, etc.);
 7. ODARA (domestic violence cases only; see subsection IX.F.3 for qualifying domestic violence related crimes/offenses);
 - a. NOTE: Use an *ODARA Scoring Form* regardless of the gender of the person committing the index assault or the gender of the victim, but officers shall only use the ODARA scores to frame decision-making in cases in which a male or a person who has identified himself as a male has assaulted a female partner.
 - b. In all other cases, officers should include a concise description of all ODARA items found to be present in any *Affidavit of Probable Cause* submitted with an application for a complaint-warrant.
 8. Expunged records (if available to officer).
- C. The PSA does not take into account the threat of future harm to victim(s) or witnesses, defendant's involvement or affiliation with gang or organized crime, alcohol and drug dependence or mental illness.
- D. The shift supervisor MUST alert the court to additional known relevant facts and circumstances in filing in the blanks that will not be known based upon the PSA.

- E. In those situations where pre-trial services is not involved to recommend and monitor a defendant's release conditions and the shift supervisor has concerns about the defendant's appearance in court and/or the risk he/she presents to the community or obstruct the criminal justice process, a complaint-warrant should be requested. Otherwise, a complaint-summons will be issued.
- F. In consultation with the shift supervisor, the officer must make a determination whether application for a complaint-warrant is either mandated or presumed:
1. MANDATORY COMPLAINT-WARRANT – Crimes/conditions requiring a mandatory application for a complaint-warrant where probable cause exists to believe that defendant committed or attempted to commit:
 - a. Murder (N.J.S.A. 2C: 11-3);
 - b. Aggravated manslaughter (N.J.S.A. 2C: 11-4(a));
 - c. Manslaughter (N.J.S.A. 2C: 11-4(b));
 - d. Aggravated sexual assault (N.J.S.A. 2C: 14-2(a));
 - e. Sexual assault (N.J.S.A. 2C: 14-2(b) or (c));
 - f. Robbery (N.J.S.A. 2C: 15-1);
 - g. Carjacking (N.J.S.A. 2C: 15-2);
 - h. Escape (N.J.S.A. 2C: 29-5(a));
 - i. The defendant was extradited from another state for the current charge (the officer must notify the court of the extradition);
 - j. A lawful detainer has been lodged against the defendant by another law enforcement agency (the officer must notify the court of the detainer(s)).
 - k. Note: If a defendant is arrested for an offense committed under the laws of another state, or the United States, and is not charged with an offense under New Jersey law, the *Bail Reform Act* does not apply, and the agency making the arrest or having custody of the defendant shall proceed in accordance with the laws, practices, and procedures currently in place.
 2. PRESUMED COMPLAINT-WARRANT: The officer SHALL apply for a complaint-warrant unless such application would not serve the interests of public or victim safety, or the interest of justice:
 - a. Automated risk assessment (PSA) indicates an elevated risk of flight (i.e. FTA score of 3, 4, 5 or 6);
 - b. Automated risk assessment (PSA) indicates an elevated risk of new criminal activity (i.e. NCA score of 3, 4, 5 or 6);

- c. Automated risk assessment (PSA) indicates that there is a risk of new violence (i.e. the new violent criminal activity (NVCA) flag is indicated);
- d. The defendant has violated a domestic violence restraining order or condition of release as part of present offense;
- e. The defendant has violated a sexual assault survivor protection order or condition of release as part of present offense;
- f. There is probable cause to believe that the defendant committed or attempted to commit any of the below offenses:
 - 1) A 1st or 2nd degree crime set forth in Chapter 35 of Title 2C;
 - 2) A crime involving the possession/use of a firearm;
 - 3) Vehicular homicide (N.J.S.A. 2C: 11-5);
 - 4) A second degree aggravated assault (N.J.S.A. 2C: 12-1(b));
 - 5) Assault on public officials or employees 3rd degree (N.J.S.A. 2C: 12-1(b)(5));
 - 6) Disarming a law enforcement officer (N.J.S.A. 2C: 12-11);
 - 7) Kidnapping (N.J.S.A. 2C: 13-1);
 - 8) Aggravated arson (N.J.S.A. 2C: 17-1(a));
 - 9) Second degree burglary (N.J.S.A. 2C: 18-2);
 - 10) Extortion (N.J.S.A. 2C: 20-5);
 - 11) Causing or permitting a child to engage in a prohibited sexual act (N.J.S.A. 2C: 24-4b(3));
 - 12) Photographing, filming, sexual exploitation, or abuse of a child (N.J.S.A. 2C: 24-4(b)(3), (b)(4), or (b)(5));
 - 13) Witness Tampering/Retaliation (N.J.S.A. 2C: 28-5);
 - 14) Hindering Apprehension (N.J.S.A. 2C: 29-3a(3) or b(3)).
 - 15) Eluding 2nd degree (N.J.S.A. 2C: 29-2(b));
 - 16) Bail Jumping (N.J.S.A. 2C: 29-7);
 - 17) Booby traps in manufacturing/distribution facilities (N.J.S.A. 2C: 35-4.1(b));
 - 18) Strict liability for drug induced death (N.J.S.A. 2C: 35-9);
 - 19) Terrorism (N.J.S.A. 2C: 38-2);

20) Producing or possessing chemical weapons, biological agents or radiological devices (N.J.S.A. 2C: 38-3);

21) Firearms trafficking (N.J.S.A. 2C: 39-9(i));

22) Racketeering (N.J.S.A. 2C: 41-2);

- g. The present offense was committed while on release for another offense (including release for any indictable crime or disorderly persons offense whether that previous offense had been charged by complaint-warrant or complaint-summons);
- h. The present offense was committed while on probation, special probation, intensive supervision program (ISP), parole or pretrial intervention (PTI), community supervision for life (CSL), or parole supervision for life (PSL), where the defendant pleaded guilty as required by N.J.S.A. 2C: 43-12g(3);
- i. The present offense was committed while the defendant was on release pending sentence or appeal;
- j. Within the last 10 years, the defendant as a juvenile was adjudicated delinquent for a crime involving a firearm or a crime that if committed by an adult would be subject to N.J.S.A. 2C: 43-7.2;
- k. It reasonably appears that the defendant has an out-of-state pending charge or conviction involving actual or threatened violence or unlawful possession or use of a firearm;
- l. The PSA results are not available because either the Live Scan system or the judiciary's automated PSA system is not operational, or the results from the PSA otherwise are not or will not be available within a reasonable period of time (e.g. within two hours of fingerprinting the defendant);
- m. If any one of these above criteria exists, a complaint-warrant **must** be sought, **unless** there is a determination made that neither the interests of public or victim safety nor the interests of justice would be served by applying for a complaint-warrant.

3. DOMESTIC VIOLENCE RELATED CASES:

- a. Officers shall complete an ODARA in those cases of domestic violence in which the following crimes/offenses are charges and the victim is a partner, as defined in subsection IX.B.7 (above):
 - 1) Homicide (N.J.S.A. 2C: 11-1);
 - 2) Simple assault with contact or a weapon (N.J.S.A. 2C: 12-1a);
 - 3) Aggravated assault (N.J.S.A. 2C: 12-1b);

- 4) Terroristic threats with contact or with a weapon (N.J.S.A. 2C: 12-3);
 - 5) Kidnapping (N.J.S.A. 2C: 13-1);
 - 6) False imprisonment with contact or with a weapon (N.J.S.A. 2C: 13-3);
 - 7) Sexual assault (N.J.S.A. 2C: 14-2);
 - 8) Criminal sexual contact (N.J.S.A. 2C: 14-3);
 - 9) Robbery (N.J.S.A. 2C: 15-1);
 - 10) Burglary, 2nd degree with contact or with a weapon (N.J.S.A. 2C: 18-2);
 - 11) Any other crime involving risk of death or serious bodily injury (N.J.S.A. 2C: 25-19a(18)).
- b. Prior to administering an ODARA, officers shall inform the victim about the use of the information being obtained and resultant score as well as the person(s) or agencies that will have access to the results and permit the victim to decline participation if the victim believes that participation will compromise his/her safety.
- 1) If the victim declines to participate in the ODARA interview, the officer shall complete the ODARA without the victim's participation. In such instances, the information to complete the ODARA can be obtained from others knowledgeable about the circumstances of the victim and the defendant, law enforcement reports, law enforcement databases, etc.
 - 2) (NOTE: such information gathering can also be employed in those instances in which a victim is incapable of participating in an interview (e.g., hospitalized, etc.)).
- c. In any case involving domestic violence and when considering the totality of circumstances, the following special considerations and factors must be assessed:
- 1) In all cases involving domestic violence and in consultation with the shift supervisor, the officer must consider whether the mandatory detention that would result from the issuance of a complaint-warrant might exacerbate the domestic violence situation, or might discourage a victim from pursuing the charge or cooperating with the prosecution, or otherwise would not serve the interest of justice.

- 2) Given the repetitive nature of domestic violence offenses, the officer or shift supervisor may consider whether it is appropriate to apply for a complaint-warrant in recognition that if the defendant is charged on a complaint-summons and thereafter commits a new crime while on pretrial release, the prosecutor cannot move to revoke release.
- 3) In determining whether to apply for a complaint-summons or a complaint-warrant in domestic violence cases, the shift supervisor shall give special consideration to the following circumstances relevant to the risks that would be posed if the defendant were to be released on a complaint-summons:
 - a) Whether the victim exhibited sign of injury caused by an act of domestic violence, and if so, the extent of injury;
 - b) Whether any weapon was used or threatened to be used against the victim;
 - c) Whether the defendant has at any time previously violated a domestic violence restraining order and the nature and seriousness of such violation(s);
 - d) Whether there is reason to believe that the defendant possesses one or more firearms that for practical or other reasons cannot be seized or surrendered pursuant to the *Prevention of Domestic Violence Act* before the defendant can be released on a complaint-summons.
 - e) Whether the defendant exhibited suicidal behavior such as excessive sadness or moodiness or threatening self-injury;
 - f) Whether the defendant attempted to or did strangle the victim during an assault or at any point prior thereto; and
 - g) Whether the defendant threatened to or did harm a household pet.
- 4) In any application for a complaint-warrant, the presence of any of the above circumstances shall be included in the *Affidavit of Probable Cause*.
- 5) When the officer or shift supervisor has reason to believe, considering the totality of the circumstances including, but not limited to the special factors listed above, that issuance of a no-contact condition or other restraint, a requirement to surrender weapons, or any other special condition of pretrial release expressly authorized by N.J.S.A. 2C: 25-26(a) is necessary to reasonably assure the immediate safety of the

victim, the officer shall apply for a complaint-warrant and seek imposition of the condition(s) needed to reasonably assure the immediate safety of the victim. Nothing in this subsection shall be construed to preempt or in any way alter the authority of the victim to apply for a temporary or final restraining order, and the special conditions of pretrial release in the criminal prosecution sought pursuant to this subsection shall be in addition to, not in lieu of, any such civil temporary or final restraining order.

- 6) In cases involving domestic violence, if the decision is made to apply for a complaint-warrant, the application shall clearly state that the offense involves domestic violence, and shall include any relevant information contained in the *Domestic Violence Central Registry* and/or ODARA, if applicable. Whether the offense is charged by complaint-warrant or complaint-summons, the victim shall be informed how to apply for a restraining order under the *Prevention of Domestic Violence Act*. This requirement to inform the victim shall not be construed to preclude the officer or shift supervisor from seeking imposition of a no contact or other appropriate restraint as a condition of release on a complaint-warrant as may be required.

- d. If the court denies any complaint-warrant application, the shift supervisor MUST immediately notify the MCPO by email at IntakeAPs@mcponj.org.
- e. If the shift supervisor determines that a complaint-warrant should not be issued, the officer-in-charge must contact the on-call assistant prosecutor for approval before a complaint-summons is issued.

4. PRESUMED COMPLAINT-SUMMONS – If the case is not a mandatory or presumed warrant application, the officer **SHALL** issue a complaint-summons, unless the application for a complaint-warrant is reasonably necessary to protect the safety of a victim or community, to reasonably assure the defendant's appearance in court when required, or to prevent the defendant from obstructing or attempting to obstruct the criminal justice process, **AND** there is a lawful basis to apply for a complaint-warrant:

- a. The defendant has been served with a complaint-summons and has failed to appear;
- b. There is reason to believe that the defendant is dangerous to him/herself if released on a summons;
- c. There is reason to believe that the defendant will pose a danger to the safety of any other person or the community if released on a summons;
- d. There are one or more outstanding indictable or disorderly person warrants for the defendant;

- e. The defendant's identity or address is not known and a warrant is necessary to subject the defendant to the jurisdiction of the court;
 - f. There is reason to believe that the defendant will obstruct or attempt to obstruct the criminal justice process if released;
 - g. There is reason to believe that the defendant will not appear in response to a summons; or
 - h. There is reason to believe that the monitoring of pretrial release conditions by the pretrial services agency is necessary to protect any victim, witness, other specified person, or the community.
- G. Charging decisions when Live Scan is unavailable; results are delayed; or defendant is not yet arrested:
- 1. If the Live Scan system or the judiciary's automated PSA is not operational; or
 - 2. If the PSA result is not available within 2 hours of fingerprinting the defendant; or
 - 3. If probable cause exists to issue a complaint for a defendant not yet arrested:
 - a. The shift supervisor SHALL make a complaint-warrant versus complaint-summons determination by applying the provisions and presumptions set forth in this section that do not depend on the results of the automated PSA tool.
 - b. In making this decision, the shift supervisor SHALL give special consideration to the interests of public protections served by providing the pretrial services program with an opportunity to conduct an objective assessment and to make recommendations as to any conditions that may be needed to manage the risks that would be posed by defendant's release.
- H. When seeking to overcome a presumption to either issue a complaint-summons or apply for a complaint-warrant, the officer or shift supervisor must contact an assistant prosecutor for approval, or if a judge or other court officer denies an officer's application for a complaint-warrant, leaving the officer with no choice but to issue a complaint-summons, the officer MUST immediately contact an assistant prosecutor by telephone:
- 1. Weekdays between 0700hrs and 2100hrs (732) 431-7160 ext. 8913
 - 2. Weekdays between 2100hrs and 0700hrs, holidays and weekends
 - a. Primary (732) 810-2211
 - b. Backup (732) 810-2114
 - 3. And by e-mail to: IntakeAPs@mcponj.org.

- I. When either a complaint-warrant is authorized or a complaint-summons is issued, the officer SHALL prepare an *Affidavit Of Probable Cause*, which will be filed electronically through the eCDR system.
 - 1. In accordance with *New Jersey Attorney General's Directive 2017-1*, do not include victim and witness identifying information in the *Affidavit of Probable Cause*, such as names and addresses! DO NOT use initials! Instead, use anonymous pseudonyms (e.g., John/Jane Doe #1, John/Jane Doe #2, etc.) and reference such pseudonyms to the correct person in the police department's incident report.
 - 2. The affidavit will include a checkbox allowing the officer to certify that the statements in the affidavit are true. The affidavit SHALL include a concise description of relevant facts and circumstances. It should also include a concise statement as to the officer's basis for believing the defendant committed the offense. It shall also indicate whether a victim was injured and, if so, to what extent. The amount of information should be more than what is required in the complaint narrative section, but need not be a full recitation of the facts.
 - 3. In domestic violence related cases, officers should include a concise description of all ODARA items found to be present in the *Affidavit of Probable Cause*.
 - 4. The shift supervisor should review the statement of probable cause prior to submission in the eCDR system.
- J. Additionally, the officer SHALL prepare and file electronically through the eCDR system the *Preliminarily Law Enforcement Incident Report* (PLEIR). The shift supervisor should review the PLEIR prior to submission in the eCDR system.
- K. If the arrestee is an active or former service member or claims to be an active or former service member, the officer shall note the information on the criminal complaint-summons or complaint-warrant, or corresponding preliminary law enforcement incident report (PLEIR).
- L. After receiving approval from the shift supervisor, the officer should select 'Submit to Court' within eCDR to obtain authorization for a complaint-warrant from the judicial officer. On the following screen, the officer must certify that he/she has received approval from the shift supervisor to submit the warrant to the court. Officers will enter their rank and name.
- M. If a complaint-warrant is issued, the officer must logon to the Infoshare CJP /Intake module (CJP module) and input the case into the CJP module.
 - 1. In the 'special factors' box, input the PSA scores and/or the violent crime flag, and any other information relevant to pre-trial detention not captured by the PSA.
 - 2. If a complaint-warrant for a disorderly person domestic violence offense is issued, the officer or shift supervisor shall send an e-mail to IntakeAPs@mcponj.org providing a synopsis of the case and/or attaching the incident report, and provide the name and phone number of a police contact if detention is being sought.

3. If detention is being sought, any media involving a formal statement and/or any identification procedures should be immediately hand-delivered to the MCPO.
 4. Upload the mandatory fields (i.e., complaints, arrest report, PLEIR, *Affidavit of Probable Cause*, tickets/ordinance, etc.).
 5. Upload all additional available discovery into the 'misc. folder'.
 6. Once all documents are uploaded and the case successfully sent to the CJP module, the officer must print the confirmation. This confirmation is necessary to produce at MCCI before the arrestee is accepted.
 7. Officers must also bring paper copies of eCDR-generated complaints and orders of commitment with the defendant to the jail.
 8. **Note:** there is no need to obtain such a confirmation if a defendant is charged only with disorderly persons offenses.
 9. Other than domestic violence relates cases, see subsection IX.J.2 above, if a complaint-summons has been issued, the case must still be inputted into the CJP portal, but the officer or other designee has 48 hours to complete the process.
 10. *ODARA Scoring Forms:*
 - a. Officers shall upload a copy of the completed *ODARA Scoring Form* to the CJP module as soon as practicable following completion.
 - b. Officers shall also transmit a copy of the completed *ODARA Scoring Form* to the Division of Criminal Justice as soon as practicable following completion at ODARA@njdcj.org.
 - c. The original *ODARA Scoring Form* shall be maintained in the applicable case file.
 - d. ODARA scores shall not be communicated or disseminated to members of the judiciary (i.e., judicial officers, including judges and court administrators, and pretrial service program personnel), and completed *ODARA Scoring Forms* shall not be offered in evidence. This prohibition applies to every stage of a criminal prosecution (e.g., applications for complaint-warrants, requests for conditions of release, hearings for pretrial detention, and trials). However, officers should utilize any information learned from the ODARA to frame critical decisions during criminal prosecutions, including whether to seek a complaint-warrant and whether to seek detention.
 - e. *ODARA Scoring Forms* are subject to discovery.
- N. When issuing a complaint-summons, officers must use the first appearance dates listed on the spreadsheet provided by the superior court. Note: all first appearances will be scheduled at 11am.

- O. When a complaint-warrant is issued without the defendant present, leave the arrest date blank. If the defendant is apprehended by another agency, the defendant still must be arrested and processed by this department.
1. The municipal court will print and complete the CJP commitment by hand and fax it to the Monmouth County Correctional Institute.
 2. Under normal circumstances, this department will take custody of the defendant and Live Scan and otherwise process the defendant.
 3. If the defendant is not taken headquarters and is instead transported directly to the Monmouth County Correctional Institute, the shift supervisor must send an officer to the Monmouth County Correctional Institute to complete the arrest process.
 4. Upon arrest, whether conducted at headquarters or in MCCI booking, Live Scan the defendant per routine procedure. At that time the officer must access eCDR, search for the issued complaint and select the appropriate LiveScan record to link.
- P. In the event that an officer has reason to believe that a defendant has violated a condition of pre-trial release, including electronic monitoring, the agency and or officer shall promptly notify the Intake Screening Unit at IntakeAPs@mcponj.org.

X. REPORTING REQUIREMENTS

- A. All arrest incidents shall minimally require the following documentation:
1. Investigation Report;
 2. Arrest Report;
 3. *Preliminary Law Enforcement Incident Report* (when required);
 4. *Affidavit of Probable Cause* (when required);
 5. *ODARA Scoring Form* (when required);
 6. Prisoner Property Report (unless the arrestee is being immediately turned over to another agency);
 7. Evidence Report (if required).
 8. CJP Confirmation (when required for commitment to MCCI on a CDR-2).

XI. SUPPLEMENTAL PRISONER TRANSPORTATION

- A. This section addresses instances where prisoners already in custody are transported to and from this agency.
- B. An E-ZPass transponder shall be taken, when required.

- C. Prior to beginning any transportation, personnel assigned shall ensure that the vehicle being used is sufficiently fueled and contains the necessary ancillary equipment in the trunk (spare tire, jack, safety flares, etc.). For transportation over long distances, officers should be prepared to purchase fuel if necessary, receipt required. Reimbursement shall be sought through the chain of command.
- D. Interstate transportation will typically be performed by the Monmouth County Sheriff's Office. If this agency is called upon to assist, officers(s) assigned shall be briefed on and adhere to the Sheriff's policies and procedures.
- E. Prisoners being taken to or from county jail, state prison, or other facility shall generally be handcuffed in the back unless circumstances require handcuffing in the front. The circumstances may include, but are not limited to:
 - 1. Transporting to/from long distances (typically out-of-county);
 - 2. Disability;
 - 3. Physical size (small or large build);
 - 4. Potential for positional asphyxia (morbid obesity, etc.).
- F. Special restraints are available in the shift supervisor's office.
 - 1. Disposable handcuffs (e.g., nylon flex cuffs, zip ties, etc.) are authorized for incidents when the prisoner's injury, disability or physical size prohibits the use of handcuffs, or when handcuffs are impracticable (e.g., prisoners with small wrists, prisoners who can slip out of handcuffs, etc.).
 - 2. When such nylon devices are used, officers shall ensure that they have immediate access to a cutting tool (not a conventional knife, but scissors, cutting pliers, or dull point rescue tool) if the prisoner suffers a medical emergency (e.g., respiratory distress due to positional asphyxia, etc.).
 - 3. Ankle chains (leg shackles) and a handcuffing belt may be utilized when deemed necessary to provide additional restraints for prisoners who are combative or deemed a flight risk or whose physical size renders traditional handcuffing methods impracticable.
 - 4. Prisoners who demonstrate the ability to slip out of handcuffs, shall be secured with an alternative method (e.g., tightening of the traditional handcuffs, using disposable handcuffs in lieu of or in addition to traditional handcuffs, using a handcuffing belt, etc.)
- G. Officers shall search the rear seat of vehicles being used for prisoner transportation prior to occupation by the prisoner(s). Vehicles shall be searched again following transportation.
- H. Prisoners being taken to/from any facility shall be searched prior to being placed in a vehicle. Do not assume that the prisoner is free of weapons, contraband, evidence, or implements of escape.

- I. Each prisoner being transported to or from another detention facility shall be positively identified as the person who is to be moved. Names, physical identifiers, photographs (if available), date of birth, fingerprints, etc. shall be verified beforehand. The proper documentation shall accompany the prisoner being moved to or from another facility. This documentation includes, but is not limited to:
 - 1. Warrants;
 - 2. Personal property;
 - 3. Commitment papers;
 - 4. Medical records or unusual illnesses (if applicable);
 - 5. SBI Number;
 - 6. Information relating to the prisoner's escape or suicide potential or other personal traits of a security nature.
- J. Follow intake/booking procedures when bringing prisoners to this facility.
- K. Prisoners shall be transported in a vehicle equipped with a safety partition. Two officers shall perform the transportation. The second officer may sit in the front seat, but that officer's attention should be focused on the prisoner. Prisoners should be secured with the vehicle's safety restraints. This further restraint will provide an additional level of security for the transporting officers. If an officer decides to ride in the rear seat with a prisoner, he/she shall sit with their non-firearm side closest to the prisoner.
- L. Multiple prisoners can be transported within the same vehicle, but the number of prisoners shall not exceed the capacity of the safety devices (lap and shoulder harnesses) in rear seat area.
- M. Prisoners are not permitted to communicate with anyone except a police officer during transportation or while waiting to be transported.
- N. Prisoners shall be transported directly to the intended destination as directed unless being taken to a medical facility for treatment.
- O. Prisoner transportation should not be interrupted for any reason except in extreme cases when the arrestee is stricken with a medical condition requiring immediate aid or vehicle crash involving the transporting vehicle. In that event, the transporting officer shall stop safely and should not remove the prisoner from the vehicle to render aid unless another officer is present to assist.
 - 1. Immediately notify communications of the event and what type of assistance is needed;
 - 2. Communications personnel shall direct the appropriate type and level of assistance, if local;

3. If the transporting vehicle is in another jurisdiction, communications personnel shall immediately contact the law enforcement agency with jurisdictional responsibility for assistance.
- P. If long-range transportation is necessary, the prisoner should be directed to use the restroom facilities prior to transportation. Restroom stops are generally prohibited. Personnel must remain aware that any request to stop may be a pretext for escape. If a restroom stop is required, personnel should use the facilities at a state, county or local law enforcement agency and not public restrooms at highway rest areas.
- Q. Personnel shall not stop to eat or take breaks while transporting prisoners.
- R. Prior to commencing transportation officers shall advise communications personnel of the number of arrestees being transported. Officers shall provide their starting mileage if the detainees are of the opposite sex or juveniles. Upon arrival at their destination officers are to give their ending mileage. If the unit is out of radio range, then enter the mileage into CAD via the MDT.
- S. If a prisoner is being transported to another law enforcement agency or confinement facility, personnel shall comply with all of that agency's rules and procedures concerning weapons storage.
- T. If the prisoner's destination is other than this agency,
1. Restraints shall not be removed until just prior to placing the prisoner in a cell or other secure holding facility
 2. All necessary forms, documentation, and prisoner property, shall be turned over to the receiving agency
 3. The name of the receiving official shall be documented in the transportation report/record
 4. The receiving agency shall be advised of any potential medical or security hazards concerning the prisoner(s)
- U. If a prisoner escapes during transportation, see section VI.K.
- V. If prisoners with special needs are being transported to a Monmouth County facility, first notify the Monmouth County Sheriff's Office to see if that agency can provide transportation.
- W. Do not presume that restraining devices are unnecessary for disabled prisoners, but exercise discretion in restraining a disabled or injured prisoner for transportation. Depending on the degree of disability or the body parts or functions that are disabled, simple handcuffing in the front through a belt may suffice. Prisoners who cannot ambulate without crutches or cane(s) may be permitted to do so without restraint depending on their security risk. A wheelchair may be preferred to transport non-ambulatory prisoners where high security is warranted. The prisoner should be secured to the wheelchair.

- X. Prisoners being picked up at other locations and exhibiting signs of untreated injuries should normally be refused before this agency accepts custody. If the prisoner is being picked up on a Wall Township Arrest Warrant:
1. Take the prisoner to the nearest medical facility for emergency treatment in accordance with subsection VI.H of this SOP;
 2. If the prisoner exhibits signs of mental illness, follow the protocols found in *SOP# 15:1 Emotionally Disturbed Persons*, specifically the subsections on mental health screening and commitment.
 3. Prisoners exhibiting signs of intoxication may be accepted, but should be transported to a medical facility for medical clearance.
 4. Promptly notify the shift supervisor and document the matter.
- Y. Operational or administrative problems encountered while transporting prisoners shall be documented. These problems include, but are not limited to:
1. Prisoners who become sick or injured during transportation;
 2. Agency vehicle crashes with prisoners on board during transportation;
 3. Prisoner escapes (or attempts to escape);
 4. Inoperative or damaged restraints or equipment;
 5. Intake problems at other facilities, etc.

WALL TOWNSHIP POLICE DEPARTMENT <i>Standard Operating Procedure</i>					
CHAPTER:	SECTION:	# OF PAGES: 8			
SUBJECT: ARRESTEE DNA CODIS SAMPLES					
EFFECTIVE DATE: April 08, 2014		ACCREDITATION STANDARDS: N/A	REVISION DATE	PAGE #	
BY THE ORDER OF: Police Chief Robert Brice			12/07/2016 07/27/2017	3 2-4	
SUPERSEDES ORDER #:					

PURPOSE The purpose of this standard operating procedure is to establish procedures to collect DNA specimens from arrestees in compliance with N.J.S.A. 53: 1-20.18 et seq.

POLICY It is the policy of the Wall Township Police Department to adhere to the requirements of N.J.S.A. 53: 1-20.18 et seq. and take DNA samples from those arrestees that meet the criteria established by law.

PROCEDURES

I. DEFINITIONS AND GENERAL COMMENTS

- A. CODIS – means the FBI's national DNA identification index system that allows the storage and exchange of DNA records submitted by State and local forensic laboratories.
- B. DNA – means deoxyribonucleic acid.
- C. DNA Record – means DNA identification information stored in the State DNA database or CODIS for the purpose of generating investigative leads or supporting statistical interpretation of DNA test results.
- D. DNA Sample – means a blood or other biological sample provided by any person convicted of any offense enumerated in N.J.S.A. 53: 1-20.20(4) or provided by any juvenile adjudicated delinquent for an act which, if committed by an adult, would constitute any offense enumerated in section 4 of P.L.1994, c.136 (C.53: 1-20.20) or submitted to the division for analysis pursuant to a criminal investigation.
- E. FBI – means the Federal Bureau of Investigation.
- F. NJSP – means the Division of State Police in the Department of Law and Public Safety.
- G. State DNA Database – means the DNA identification record system to be administered by the division, which provides DNA records to the FBI for storage and maintenance in CODIS.
- H. State DNA Databank – means the repository of DNA samples collected under the provisions of this act.
- I. *Only agency personnel, who have received biological sample collection training, are permitted to take or supervise the taking of samples in accordance with this SOP.* Training is available on NJ LEARN.

II. CRITERIA FOR TAKING DNA SAMPLES

- A. Every person arrested for a crime (or attempt of such crime) listed in subsection II.C (below) shall provide a DNA sample for purposes of DNA testing prior to the person's release from custody.
- B. Every juvenile arrested for an act, which if committed by an adult, would constitute a crime (or attempt of such crime) listed in subsection II.C (below) shall provide a DNA sample for purposes of DNA testing prior to the juvenile's release from custody.
- C. Qualifying crimes:
 - 1. Murder (N.J.S.A. 2C: 11-3);
 - 2. Manslaughter (N.J.S.A. 2C: 11-4);
 - 3. Aggravated assault 2nd Degree (N.J.S.A. 2C: 12-1b);

4. Kidnapping (N.J.S.A. 2C: 13-1);
 5. Luring or enticing a child (N.J.S.A. 2C: 13-6);
 6. Aggravated sexual assault (N.J.S.A. 2C: 14-2);
 7. Sexual assault (N.J.S.A. 2C: 14-2);
 8. Aggravated criminal sexual contact (N.J.S.A. 2C: 14-3);
 9. Criminal sexual contact (N.J.S.A. 2C: 14-3);
 10. Engaging in sexual conduct, which would impair or debauch the morals of a child (N.J.S.A. 2C: 24-4).
- D. DNA samples shall be collected at the time of conviction for specified disorderly persons offenses. These specified disorderly offenses are:
1. Domestic violence simple assault – purposely/ knowingly cause bodily injury (N.J.S.A. 2C: 12-1A(1));
 2. Domestic violence simple assault – negligently cause bodily injury with deadly weapon (N.J.S.A. 2C: 12-1A(2));
 3. Domestic violence simple assault – threat of serious bodily injury by physical menace (N.J.S.A. 2C: 12-1A(3));
 4. Contempt of Court – violate domestic violence restraining order (N.J.S.A. 2C: 29-9B(2));
 5. Wandering/prowling to obtain or sell CDS (N.J.S.A. 2C: 33-2.1b);
 6. Prostitution – engage as patron (N.J.S.A. 2C: 34-1B(1));
 7. Prostitution – offer sex in exchange for economic value (N.J.S.A. 2C: 34-1B(8));
 8. CDS – under the influence without prescription (N.J.S.A. 2C: 35-10b);
 9. Possession of CDS – fails to give CDS to police (N.J.S.A. 2C: 35-10c);
 10. Toxic chemical – inhale to cause intoxication (N.J.S.A. 2C: 35-10.4B(1));
 11. Toxic chemical – possess for the purpose of intoxication (N.J.S.A. 2C: 35-10.4b(2));
 12. Prescription legend drug – distribution 4 or fewer doses (N.J.S.A. 2C: 35-10.5b(1));
 13. Prescription legend drugs – use without a lawful script (N.J.S.A. 2C: 35-10.5b);
 14. Prescription legend drugs – possession without a script equal or less than 4 doses (N.J.S.A. 2C: 35-10.5e(1));

15. Possession of certain prescription drugs (N.J.S.A. 2C: 35-24);
 16. Sales restrictions for ephedrine products (N.J.S.A. 2C: 35-25a);
 17. Use or possession with intent to use drug paraphernalia (N.J.S.A. 2C: 36-2);
 18. Possession or sell hypodermic syringe for use with CDS (N.J.S.A. 2C: 36-6a);
 19. Sale of hypodermic syringe after lawfully purchasing (N.J.S.A. 2C: 36-6.2c).
- E. Prior to taking a DNA sample from a person convicted in municipal court, officers must determine if there is a DNA sample on file for that offender. If so, a second sample is **NOT** required.
1. If a sample is not on file, the offender's identity must be electronically verified utilizing LiveScan using the 'Criminal Inquiry' option.
 2. For simple assault convictions, DNA collection is only required when committed as an act of domestic violence.
- F. Any person who refuses to or prevents by any means the of providing samples of DNA for testing in compliance with this policy should be charged with *Refusal to allow blood, biological sample to be drawn*, N.J.S.A. 2C: 29-11. Officers will also complete a *DNA Refusal Form*, which is attached. A copy of the completed form will be faxed to the CODIS Unit at either of the fax numbers provided at the bottom of the *DNA Refusal Form* and the original will be forwarded to the Records Bureau and become part of the case file.

III. DNA COLLECTION AND PROCESSING

- A. DNA samples for any offense listed in subsection II.C shall be collected prior to the arrestee's release or transfer to MCCI. Officers are not authorized to collect blood samples.
- B. No sample shall be drawn or collected if the NJSP has previously received a blood or biological sample from a convicted person or the juvenile adjudicated delinquent, which was adequate for successful analysis and identification.
1. Check the DNA Flag Status in the NJSP Master Name Index. There are 4 possible values for the DNA Flag:
 - a. Collection Required (collect immediately);
 - b. Collection Not Required (do not collect);
 - c. Collected (do not collect);
 - d. Profile in CODIS (do not collect).
- C. Use a DNA Databank Specimen Submission Form.

1. It is important to distinguish whether the sample is from:
 - a. An arrestee;
 - b. A convicted offender; or
 - c. Both convicted and arrestee.
2. Check the appropriate boxes on the submission form.
3. Include the arrested person's SBI Number. The SBI Number and fingerprints provide identifying indicators to verify that the sample belongs to the arrestee.
 - a. The sample cannot be processed without an SBI Number.
 - b. Exception: Juveniles under 14 arrested for a qualifying offense listed in Section III cannot be fingerprinted until adjudicated delinquent (N.J.S.A. 2A: 4A-61). Leave the SBI Number blank unless the juvenile's SBI Number is already on file.
 - c. Obtain and verify the SBI Number.
 - d. Use Live Scan if there is no assigned SBI Number or if the SBI Number cannot be located or verified.
 - e. If Live Scan is not available or cannot provide an SBI Number, complete a 10-print criminal arrest fingerprint card so an SBI Number can be later created.
 - f. ATTACH the 10- print card to the Specimen Submission Form.
4. Sample one arrestee at a time!
 - a. Wear prophylactic gloves;
 - b. Avoid having multiple arrestees nearby;
 - c. Open only one kit at a time;
 - d. When collecting more than one sample, change gloves between each sample
5. Collection kit should include the following:
 - a. One Specimen Submission Form;
 - b. One micro card (FTA card);
 - c. One sterile packet containing a foam tip applicator (buccal swab);
 - d. One 2" x 4" envelope;
 - e. One pair of latex gloves.

- 1) Officers with a latex allergy should use latex-free sterile gloves (if available) or should let another officer take the sample.
 - 2) Use latex-free sterile gloves for arrestees with a latex allergy.
6. Have a fingerprint inkpad ready.
7. Fill out the form neatly. If you make a mistake on the Specimen Submission Form:
 - a. Strike it out with a single line;
 - b. Correct it;
 - c. Initial it;
 - d. **DO NOT USE WHITE OUT!**
8. Ask the arrestee to verify his/her information and sign the Specimen Submission Form where indicated. If the arrestee refuses to sign the form, indicate '*refused to sign*' and initial this line.
9. Live Scan the arrestee. If a match, check the Fingerprint Verification box, initial and date. Leave the Fingerprint Verification box blank if FAST ID or Live Scan is not available.
10. Obtain legible fingerprints of the arrestee's right and left index fingers. The DNA sample cannot be accepted without these fingerprints. Fingerprints must be rolled.
11. Place the barcode on the micro card horizontally over the three lines below the circle. Do not seal the card shut with the barcode.
12. Legibly print the SBI Number on the 2" x 4" envelope in the designated space. Place barcode on the area provided. Do not obstruct the barcode.
13. Put on the gloves (do not put on the gloves prior to this step to avoid contact with the barcode adhesive).
14. Examine the DNA collection kit to ensure that the packet has not been prematurely opened. Discard any packet that appears to have been opened. Using any opened swabs may compromise the collection process. Do not transfer DNA by:
 - a. Sneezing;
 - b. Coughing;
 - c. Not wearing gloves;
 - d. Touching the swab;

- e. Allowing the swab to contact other surfaces.
15. Carefully peel-open the sterile packet and offer the applicator to the arrestee. Instruct the arrestee to take the swab and:
- a. Place the sponge portion of the foam tip applicator in his/her mouth between the cheek and gum;
 - b. Swab each side vigorously 15-20 times
 - c. Then place the sponge portion under the tongue for 10 seconds.
- Note: the swabbing process should cause the arrestee's cheek to protrude outward. Cheek cells and not saliva are being collected.
- Watch carefully to ensure proper technique.
16. Prepare the micro card
- a. Place on a clean surface
 - b. Lift the paper cover
 - c. Expose the pink sample area
 - d. Immediately transfer the swab to the micro card after removal from the arrestee's mouth
 - e. Do not delay this process. Drying before transfer will render the sample invalid.
17. Press and turn the swab a minimum of four times on the micro card. Turn the swab over and repeat. Do not scrub the FTA card as it may cause tears in the paper.
18. Check the micro card. Verify with a change in color. Ensure that a large portion of the circle has turned from pink to white.
19. Tent the FTA micro card. Let dry before placing it in the 2" x 4" envelope. **DO NOT BLOW ON THE SAMPLE!**
20. Instruct the arrestee to dispose of the swab in a general waste container.
21. Insert the FTA micro card into the 2" x 4" envelope.
22. Be sure that the barcode is on the 2" x 4" envelope.
23. Seal the envelope (self adhesive). **DO NOT LICK THE ENVELOPE!**
24. Date and initial the envelope.
25. Check and verify that the SBI Number and barcode are correct. Place sample and the Specimen Submission Form into the self-addressed envelope. Check the envelope seal.

- D. Officers shall forward the envelope to records for mailing by US Mail.
- E. Note on the arrest report that a sample was obtained (e.g., ...subject was fingerprinted, photographed and a DNA samples was collected, etc.). Advise MCCI Intake Official that samples had been taken.

WALL TOWNSHIP POLICE DEPARTMENT			
CHAPTER: 8	SECTION: 10	# OF PAGES: 15	
SUBJECT: AUTOMATED LICENSE PLATE READER			
EFFECTIVE DATE: February 24, 2011	ACCREDITATION STANDARDS:	REVISION DATE	PAGE #
BY THE ORDER OF: Chief Robert Brice			
SUPERSEDES ORDER #:			

PURPOSE The purpose of this directive is to establish a uniform policy and procedure for the use of automatic license plate readers (ALPR).

POLICY It is the policy of Wall Township Police Department to utilize ALPR technology to the extent possible in accordance with New Jersey Attorney General's Directive 2010-5.

PROCEDURES

I. Definitions

A. **Automated License Plate Reader (ALPR)** - means a system consisting of a camera(s) and related equipment that:

1. Automatically and without direct human control locates, focuses on, and photographs license plates and vehicles that come into range of the device;
2. Automatically converts digital photographic images of scanned license plates into electronic text documents;
3. Is capable of comparing scanned license plate text data with data files for vehicles on a BOLO list programmed into the device's electronic memory; and
4. Notifies officers, whether by an audible alert or by other means, when a scanned license plate matches the license plate on the programmed BOLO list.

5. The term includes both devices that are placed at a stationary location (whether permanently mounted or portable devices positioned at a stationary location) and mobile devices affixed to a police vehicle and capable of operating while the vehicle is in motion.
- B. **Authorized user** - means a sworn or civilian employee of a law enforcement agency who has been authorized by the chief of the agency, or by the Attorney General or a county prosecutor or designee, to operate an ALPR or to access and use ALPR stored data, and who has successfully completed training provided by the agency on this directive and on AG Directive 2010-5.
- C. **BOLO (Be on the Lookout) or BOLO situation** - refers to a determination by a law enforcement agency that there is a legitimate and specific law enforcement reason to identify or locate a particular vehicle, or, in the case of a post-scan BOLO, there is a legitimate and specific reason to ascertain the past location(s) of a particular vehicle.
- D. **BOLO list** – (also known as a hot list) is a compilation of one or more license plates, or partial license plates, of a vehicle or vehicles for which a BOLO situation exists that is programmed into an ALPR so that the device will alert if it captures the image of a license plate that matches a license plate included on the BOLO list. The term also includes a compilation of one or more license plates, or partial license plates that is compared against stored license plate data that had previously been scanned and collected by an ALPR, including scanned license plate data that is stored in a separate data storage device or system.
1. **Initial BOLO list** - refers to the BOLO list that was programmed into an ALPR at the time that the device was being used to scan license plates in the field.
2. **Post-Scan BOLO list** - refers to a BOLO list that is compared against stored data collected by an ALPR, including scanned license plate data that has been transmitted to another device or data storage system.
- E. **Chief** – shall mean the Chief of Police or the highest ranking sworn officer of a law enforcement agency.
- F. **Crime scene query** - refers to the process of accessing and reviewing stored ALPR data that had been originally scanned at or about the time and in the vicinity of a reported criminal event for the purpose of identifying vehicles or persons that might be associated with that specific criminal event as suspects, witnesses, or victims.
- G. **Criminal event** - means a specific incident, or series of related specific incidents, that would constitute an indictable crime under the laws of the State of New Jersey, whether or not the incident(s) have occurred or will occur within the State of New Jersey. The term includes an attempt or conspiracy to commit a crime, or actions taken in preparation for the

commission of the crime, such as conducting a surveillance of the location to identify and evade or thwart security measures, or conducting a rehearsal of a planned crime. The term includes two or more separate criminal acts or episodes that are linked by common participants or that are reasonably believed to have been undertaken by a criminal organization or as part of an ongoing conspiracy.

- H. **Crime trend analysis** - refers to the analytical process by which stored ALPR data is used, whether alone or in conjunction with other sources of information, to detect crime patterns by studying and linking common elements of recurring crimes; to predict when and where future crimes may occur; and to link specific vehicles to potential criminal or terrorist activity. The term includes an automated process in which a computer program analyzes stored data to identify potentially suspicious activity or other anomalies involving one or more scanned vehicles and where such automated analysis is done without disclosing personal identifying information about any individual to an authorized user or any other person except as may be authorized pursuant to <Section 10.2.3> of this directive.
- I. **Designated supervisor(s)** - means one or more superior officers assigned by the Chief of Police to oversee and administer or to assist in overseeing and administering the agency's use of ALPRs and stored ALPR data.
- J. **Personal identifying information** - means information that identifies one or more specific individuals, including an individual's name, address, social security number, vehicle operator's license number, or biometric records. The term includes personal identifying information that is included within the data comprising a BOLO list, as well as personal identifying information that is learned by checking a license plate scanned by an ALPR against the Motor Vehicle Commission database or any other data system that contains personal identifying information.
- K. **Post-Scan BOLO query** - refers to the process of comparing a post-scan BOLO list against stored ALPR data.
- L. **Scan** - refers to the process by which an ALPR automatically focuses on, photographs, and converts to digital text the license plate of a vehicle that comes within range of the ALPR.
- M. **Stored data** refers to all information captured by an ALPR and stored in the device's memory or in a separate data storage device or system. The term includes the recorded image of a scanned license plate and optical character recognition data, a contextual photo (e.g. a photo of the scanned vehicle and/or occupants), global positioning system (GPS) data (when the ALPR is equipped with a GPS receiver) or other location information, and the date and time of the scan. The term applies to both alert data and non-alert data that has been captured and stored by an ALPR or in a separate data storage device or system.

1. **Alert data** - means information captured by an ALPR relating to a license plate that matches the license plate on an initial BOLO list or a post-scan BOLO list.
2. **Immediate alert** - refers to an alert that occurs when a scanned license plate matches the license plate on an initial BOLO list and that is reported to the officer operating the ALPR, by means of an audible alarm or by any other means, at or about the time that the subject vehicle was encountered by the ALPR and its license plate was scanned by the ALPR.
3. **Non-encounter alert** - refers to an immediate alert where the officer operating the ALPR is instructed to notify the agency that put out the BOLO without initiating an investigative detention of the subject vehicle or otherwise revealing to the occupant(s) of that vehicle that its location has been detected or that it is the subject of law enforcement attention (e.g. a Violent Gang or Terrorist Organization File (VGTOF) alert).

II. General

- A. ALPR and the data that are collected by these devices stored for future use shall only be used in accordance with Attorney General Directive 2010-5, the manufacturer's use manual, and this directive.
 1. ALPRs and ALPR-generated data shall only be used for bona fide public safety purposes.
- B. These procedures apply to any ALPR data that is collected by another law enforcement agency and provided to this agency or collected by this agency and provided to another law enforcement agency.
- C. An ALPR and data generated by an ALPR shall only be used for official and legitimate law enforcement business and should be interpreted and applied to achieve the following objectives:
 1. To ensure that BOLO lists that are programmed into the internal memory of an ALPR or that are compared against stored ALPR data are comprised only of license plates that are associated with specific vehicles or persons for which or whom there is a legitimate and documented law enforcement reason to identify and locate or for which there is a legitimate and documented law enforcement reason to determine the subject vehicle's past location(s) through the analysis of stored ALPR data;
 2. To ensure that data that are captured by an ALPR can only be accessed by appropriate law enforcement personnel and can only be used for legitimate, specified, and documented law enforcement purposes;

3. To permit a thorough analysis of stored ALPR data to detect crime and protect the homeland from terrorist attack while safeguarding the personal privacy rights of motorists by ensuring that the analysis of stored ALPR data is not used as a means to disclose personal identifying information about an individual unless there is a legitimate and documented law enforcement reason for disclosing such personal information to a law enforcement officer or civilian crime analyst; and
 4. To ensure that stored ALPR data are purged after a reasonable period of time so as to minimize the potential for misuse or accidental disclosure.
- D. ALPR shall be used in a consistent manner to assist department personnel in accomplishing its mission in homeland security, suspect interdiction, stolen property recovery, detection of crime, enforcement of State law and local ordinances, identification of stolen vehicles, stolen license plates, wanted and missing persons, AMBER and SILVER Alert assistance, crime prevention and other traffic related matters.
- E. Unauthorized release of any information obtained through an ALPR is subject to criminal, civil, and administrative sanctions.
- F. Designated supervisors shall:
1. Provide or oversee the training of all officers and civilian employees who are authorized to operate an ALPR or to access or use ALPR stored data;
 2. Review and approve requests to access and use stored ALPR data to conduct crime trend analyses and/or to access personal identifying information based upon crime trend analyses; and
 3. Ensure compliance with this directive and AG Directive 2010-5.
- G. The Chief of Police shall designate all authorized users. No officer or civilian employee will be authorized to operate an ALPR, or access or use ALPR stored data, unless the officer or civilian employee has received training by the agency on the proper operation of these devices, and on the provisions of this directive and AG Directive 2010-5.
- H. Any sworn officer or civilian employee of the agency who knowingly violates this directive or AG Directive 2010-5 shall be subject to discipline.
- I. All significant violations of this directive or AG Directive 2010-5, including but not limited to all instances involving the unauthorized access or use of ALPR stored data, must be reported to the County Prosecutor upon discovery of the violation. Unless the County Prosecutor elects to conduct or oversee the investigation of the violation, such notification of the violation shall be followed up with a report, approved by the Chief of Police,

explaining to the County Prosecutor the circumstances of the violation, and the steps that are being taken to prevent future similar violations.

- J. The Chief of Police shall provide a copy of this directive to the County Prosecutor, at or before the time of promulgation and shall provide to the County Prosecutor copies of any amendments or revisions to this directive at or before the time that such amendments take effect.

III. Deployment of ALPR

- A. An ALPR shall only be used to scan license plates of vehicles that are exposed to public view (e.g., vehicles on a public road or street or that are on private property, but which license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shopping mall or other business establishment).
- B. An ALPR shall not be deployed in the field unless the deployment has been authorized by the Chief or a designated supervisor, or by the Attorney General or designee, or a county prosecutor or designee. Such authorization may be given for repeated or continuous deployment of an ALPR (e.g., mounting the device on a particular police vehicle, or positioning the ALPR at a specific stationary location), in which event the deployment authorization shall remain in force and effect unless and until rescinded or modified by the Chief or designated supervisor, or the Attorney General or county prosecutor or designee(s).
- C. Sworn officers or civilian employees of the agency may operate an ALPR or access or use ALPR stored data only if the person has been designated as an authorized user by the Chief, or by the Attorney General or designee, or a county prosecutor or designee, and has received training from the agency on the proper use and operation of ALPRs, the requirements of Attorney General Law Enforcement Directive 2010-5, and this directive.
- D. Personnel must ensure that the lenses are free from obstructions before operations. If safe to do so, personnel may remove obstructions such as snow, mud, paper, etc. Under no circumstances are the camera lenses to be wiped with anything other than a clean, soft cloth.
- E. Any damage to the ALPR systems or any problems with the operation of an ALPR system should be immediately reported to a supervisor verbally and then documented on an event report and forwarded to the Designated Supervisor.
- F. Personnel authorized to use LPR shall ensure that the system is operating properly every time the vehicle is used for patrol. Officers shall sign on to the system in the following manner:

IV. Maintenance of Records

- A. The Designated Supervisor shall maintain a written or electronic record that documents the following information:

1. Date and time when the ALPR was deployed;
 2. Whether the ALPR was mobile, or was stationed at a fixed specified location;
 3. The identity of the operator(s);
 4. Whether ALPR data was transferred to any other database or data storage device or system.
- B. The Designated Supervisor shall maintain a record of all access to stored ALPR data. The agency's ALPR data record keeping system, which may be automated, shall document the following information:
1. The date and time of access, and in the case of access to stored non-alert data, the type of access authorized (e.g., post-scan BOLO query, crime scene query, or crime trend analysis);
 2. The authorized user who accessed the stored data;
 3. Whether an automated software program was used to analyze stored data;
 4. The designated supervisor who reviewed and approved any disclosure of personal identifying information based upon crime trend analysis when such approval is required;
 5. The designated supervisor who approved any use of an automated crime trend analysis computer program that would automatically alert and disclose personal identifying information;
 6. Any other information required to be documented.
- C. All written or electronic records of ALPR activity and access to ALPR data is maintained by Monmouth County Sheriffs Department. The Attorney General Law Enforcement Directive 2010-5 stipulates that the agency shall retain the data for a period of five years and shall be kept in a manner that makes such records readily accessible to any person authorized by this directive to audit the agency's use of ALPRs and ALPR-generated data. If an automated system is used to record any information that is required to be documented pursuant to this directive, it shall not be necessary to maintain duplicate records of any events or transactions that are documented by the automated record-keeping system.
- D. All stored data and required documentation and decisions shall be kept in a place and in a manner as to facilitate a review and audit of the agency's ALPR program by the County Prosecutor or by the Attorney General or designee(s).

V. Content and Approval of BOLO Lists

- A. A license plate number or partial license plate number shall not be included in an ALPR Initial BOLO list unless there is a legitimate and specific law enforcement reason to identify or locate that particular vehicle or any person or persons who are reasonably believed to be associated with that vehicle.
- B. A license plate or partial license plate number shall not be included in a Post-Scan BOLO list unless there is a legitimate and specific law enforcement reason to ascertain the past locations(s) of that particular vehicle or of any person or persons who are reasonably believed to be associated with that vehicle.
- C. Examples of legitimate and specific reasons include, but are not limited to:
 - 1. Persons who are subject to an outstanding arrest warrant;
 - 2. Missing persons;
 - 3. Amber or Silver Alerts;
 - 4. Stolen vehicles;
 - 5. Vehicles that are reasonably believed to be involved in the commission of a crime or disorderly persons offense;
 - 6. Vehicles that are registered to or are reasonably believed to be operated by persons who do not have a valid operator's license or who are on the revoked or suspended list;
 - 7. Vehicles with expired registrations or other Title 39 violations;
 - 8. Persons who are subject to a restraining order or curfew issued by a court or by the Parole Board, or who are subject to any other duly issued order restricting their movements;
 - 9. Persons wanted by a law enforcement agency who are of interest in a specific investigation, whether or not such persons are themselves suspected of criminal activity; and
 - 10. Persons who are on any watch list issued by a State or federal agency responsible for homeland security.
- D. BOLO list information may be downloaded in batch form from other databases, including but not limited to the National Crime Information Center (NCIC), National Insurance Crime Bureau, United States Department of Homeland Security, and Motor Vehicle Commission database.
- E. An initial BOLO list may be revised at any time. In the event that an initial BOLO list is constructed, in whole or in part, with sets of data downloaded from another database, so as to account for any changes that may have

been made in the data maintained in those other databases, updates to the initial BOLO list shall, in the case of a mobile unit attached to a police vehicle, be made at the start of each shift, and in the case of an ALPR positioned at a stationary location, be made as frequently as is practicable, and on not less than a daily basis. Information concerning any license plate that is referenced in an Amber or Silver Alert activated by the New Jersey State Police shall be added to the initial BOLO list as expeditiously as possible, and shall remain in the initial BOLO list until the Amber or Silver Alert expires or is withdrawn.

- F. When practicable, the reason for placing a vehicle on BOLO list shall be included with the BOLO and shall be disclosed to the officer who will react to an immediate alert. If for any reason an officer reacting to an immediate alert should not initiate an investigative detention (*e.g.*, where the license plate was included in the BOLO list because the department or any other agency wanted to be notified of the location of the subject vehicle without alerting the driver/occupants that they are the subject of law enforcement attention, such as in the case of Violent Gang or Terrorist Organization File (VGTOF) alert), to the extent feasible, the information attached to the license plate on the BOLO list shall be entered in such a way as to cause the ALPR to clearly designate an immediate alert as a non-encounter alert, and shall provide specific instructions to the officer as to who to notify of the alert.

VI. Actions in Response to an Immediate Alert

- A. When officers operating a vehicle equipped with ALPR receive an immediate alert, the officer shall take such action in response to the alert as is appropriate in the circumstances. Officer(s) alerted to the fact that an observed motor vehicle's license plate is on the BOLO list may be required to make a reasonable effort to confirm that a wanted person is actually in the vehicle before the officer would have a lawful basis to stop the vehicle. (*State v. Parks*, 288 N.J. Super. 407 App. Div. 1996). Police do not have reasonable suspicion to justify a stop based on a computer check that shows that the operator's license of the registered owner of the vehicle is suspended unless the driver generally matches the owner's physical description (*e.g.*, age and gender).
- B. An officer reacting to an immediate alert shall consult the database to determine the reason why the vehicle had been placed on the BOLO list and whether the alert has been designated as a non-encounter alert. In the event of a non-encounter alert, the officer shall follow any instructions included in the alert for notifying the law enforcement or homeland security agency that had put out the BOLO.

VII. Security of Stored ALPR Data

- A. All ALPR stored data is maintained by Monmouth County Sheriff's Department. The Attorney General Law Enforcement Directive 2010-5 stipulates that the data shall be kept in a secure data storage system with

access restricted to authorized persons. Access to this stored data shall be limited to the purposes described in Section IX.

- B. Stored ALPR data is maintained by Monmouth County Sheriff's Department. The Attorney General Law Enforcement Directive 2010-5 stipulates that the data shall be maintained electronically in such a manner as to distinguish alert data from non-alert data so as to ensure that access to and use of non-alert data and any disclosure of personal identifying information resulting from the analysis of non-alert data occurs only as may be authorized pursuant to Section IX. Positive alert data may, as appropriate, be transferred to the appropriate active investigation file and may as appropriate be placed into evidence in accordance with the agency's evidence or records management procedures.

VIII. Retention Period and Purging of Stored Data

- A. ALPR stored data is maintained by Monmouth County Sheriff's Department. The Attorney General Law Enforcement Directive 2010-5 stipulates that the data shall be retained for a period of five years, after which, the data shall be purged from the agency's data storage device or system.
- B. ALPR data is maintained by Monmouth County Sheriff's Department. The Attorney General Law Enforcement Directive 2010-5 stipulates that the data may be purged before the expiration of the five-year retention period only if the data has been transferred to the State Police Regional Operations Intelligence Center (R.O.I.C.) or any other system that aggregates and stores data collected by two or more law enforcement agencies in accordance with the provisions of AG Directive 2010-5 § 11 and this directive.
- C. ALPR data is maintained by Monmouth County Sheriff's Department. The Attorney General Law Enforcement Directive 2010-5 stipulates that the data transferred to another agency shall indicate the date on which the data had been collected by the ALPR so that the receiving agency may comply with the five-year retention and purging schedule established in § 9 of AG Directive 2010-5.

IX. Limitations on Access to and Use of Stored ALPR Data

- A. Authorized users may access and use stored ALPR Alert Data as part of an active investigation or for any other legitimate law enforcement purpose including, but not limited to a post-scan BOLO query, a crime scene query, or crime trend analysis.
 - 1. A record shall be made of all access to ALPR data, which may be an automated record that documents the date of access and the identity of the authorized user.
 - 2. An authorized user does not need to obtain approval from the chief or designated supervisor for each occasion on which he or she

accesses and uses stored ALPR data. Once positive alert data has been accessed and transferred to an investigation file, it shall not be necessary thereafter to document further access or use of that data pursuant to this directive.

B. Access to and use of stored Non-Alert ALPR Data is limited to the following three purposes:

1. A post-scan BOLO query;
2. A crime-scene query; and
3. Crime trend analysis.

C. An authorized user does not need to obtain approval from the chief or a designated supervisor for each occasion on which he or she accesses and uses stored non-alert data pursuant to this directive.

D. Post-Scan BOLO Query

1. Authorized users are authorized to compare a post-scan BOLO list against stored ALPR data where the results of the query might reasonably lead to the discovery of evidence or information relevant to any active investigation or ongoing law enforcement operation, or where the subject vehicle might be placed on an active initial BOLO list.
2. Example: an authorized user may review stored non-alert data to determine whether a specific vehicle was present at the time and place where the ALPR data was initially scanned for the purpose of confirming or dispelling an alibi defense, or to develop lead information for the purpose of locating a specified vehicle or person. Authorized users may also check stored data to determine whether a vehicle that was only recently added to an initial BOLO list had been previously observed in the jurisdiction before it had been placed on an initial BOLO list.

E. Crime Scene Query

1. Authorized users are permitted to access and use stored non-alert data where such access might reasonably lead to the discovery of evidence or information relevant to the investigation of a specific criminal event.
 - a. If an investigator has reason to believe that a specific person or vehicle was at or near the location of the specific crime at the time of its commission, non-alert stored data might also be examined as part of post-scan BOLO query.
2. A crime scene query may not be conducted to review stored non-alert data based on general crime patterns (e.g. to identify persons

traveling in or around a high crime area), but rather is limited to situations involving specific criminal events.

3. The crime scene query of non-alert stored data shall be limited in scope to stored non-alert data that is reasonably related to the specified criminal event, considering the date, time, location, and nature of the specified criminal event. Examples:
 - a. A crime that reasonably involves extensive planning and possible rehearsals, such as a terrorist attack, would justify examining stored non-alert data that had been scanned and collected days or even weeks or months before the criminal event, and that may have been scanned at a substantial distance from the site of the crime or intended crime (*e.g.*, at any point along a highway leading to the intended crime site).
 - b. A spontaneous crime, in contrast, might reasonably justify examination of stored non-alert data that was scanned and collected on or about the time of and in closer physical proximity to the criminal event.
4. The authorized user shall document the specific crime or related crimes constituting the criminal event and the date(s) and location(s) of the specific crime(s).

F. Crime Trend Analysis

1. An authorized user may access and use stored non-alert data for purposes of conducting crime trend analyses when such access and analyses are approved by a designated supervisor and where such analyses is undertaken to produce analytical products that are intended to assist the agency in the performance of its duties.
 - a. A designated supervisor may authorize one or more authorized users to conduct a method or methods of crime trend analysis on a repeated or continuous basis, in which event such authorization shall remain in force and effect unless and until modified or rescinded by the supervisor.
 - b. A designated supervisor may also approve the use of an automated software program to analyze stored data to look for potentially suspicious activity or other anomalies that might be consistent with criminal or terrorist activity.
2. Crime trend analyses of stored non-alert data, whether automated or done manually, shall not result in the disclosure of personal identifying information to an authorized user or any other person unless:
 - a. The agency can point to specific and articulable facts that warrant further investigation of possible criminal or terrorist

activity by the driver or occupants of a specific vehicle (e.g. unusual behavior consistent with the *modus operandi* of terrorists or other criminals), and access to the personal identifying information based on those specific and articulable facts has been approved by a designated supervisor. Such approval may be given by a designated supervisor in advance when the crime trend analysis reveals the existence of specified suspicious circumstances that would warrant further investigation and that would justify disclosure of personal identifying information to the authorized user conducting the analysis under the specific and articulable facts that warrant further investigation standard of proof. The supervisor shall document any and all specified suspicious circumstances for which disclosure of personal identifying information is pre-approved if those suspicious circumstances are revealed by authorized crime trend analysis. When an automated crime trend analysis computer program is used, specified suspicious circumstances that would warrant further investigation and that would justify disclosure of personal identifying information to an authorized user may also be pre-approved by a designated supervisor and built into the computer program so that if the program identifies the existence of the pre-determined suspicious circumstances, it will automatically alert the authorized user of the suspicious activity and provide to him/her the relevant personal identifying information in accordance with the specific and articulable facts that warrant further investigation standard of proof; or

- b. Disclosure of personal identifying information concerning any vehicle plate scanned by the ALPR is authorized by a grand jury subpoena.
3. Nothing in this section shall be construed to prohibit a computer program from accessing and comparing personal identifying information of one or more individuals who are associated with a scanned vehicle as part of the process of analyzing stored non-alert data, provided that such personal identifying information is not disclosed to a person unless the specific and articulable facts that warrant further investigation standard is satisfied. The specific and articulable facts that warrant further investigation standard applies only to the crime trend analysis of non-alert data and nothing in this Section shall be construed to limit disclosure of personal identifying information of a person who is the registered owner of a vehicle that is on an initial or post-scan BOLO list.
4. For the purposes of this Section, the specific and articulable facts that warrant further investigation standard required for the disclosure of personal identifying based upon crime trend analysis of stored non-alert data is intended to be comparable to the specific and articulable facts that warrant heightened caution standard developed by the New Jersey Supreme Court in *State v. Smith*, 134 N.J. 599,

616-19 (1994) (establishing the level of individualized suspicion required before an officer may order a passenger to exit a motor vehicle stopped for a traffic violation).

5. The authorized user accessing stored non-alert ALPR data for purposes of conducting crime trend analysis shall document:
 - a. The nature and purpose of the crime trend analysis;
 - b. The persons who accessed stored non-alert ALPR data for use in conducting that analysis; and
 - c. The designated supervisor who approved access to ALPR non-alert data.
6. In any instance where personal identifying information is disclosed based upon crime trend analysis of stored non-alert data, the authorized user shall document the specific and articulable facts that warrant further investigation and the designated supervisor who reviewed those facts and approved the disclosure of personal identifying information, or who pre-approved disclosure of personal identifying information based upon specified circumstances identified by an automated crime trend analysis computer program, or, where applicable, the fact that access to personal identifying information was authorized by a grand jury subpoena.

X. Shared Law Enforcement Access to Stored ALPR Data

- A. ALPR data obtained in conformance with this directive can be accessed and used by this agency and may be shared with and provided to any other law enforcement agencies.
- B. Stored ALPR data may be combined with ALPR data collected by two or more law enforcement agencies (e.g., collection of stored data by the State Police Regional Operations Intelligence Center); provided that such aggregated data shall only be retained, accessed, and used in accordance with the provisions of AG Directive 2010-5 and this directive.
- C. When ALPR data is made accessible to or otherwise shared with or transferred to another law enforcement agency, the <responsible position within the agency> shall document the identity of the other agency and the specific officer(s) or civilian employee(s) of that agency who were provided the information.
- D. When the transfer of stored ALPR data is performed periodically as part of a system for aggregating data collected by two or more law enforcement agencies (e.g., the scheduled and routine transmittal of data to the State Police Regional Operations Intelligence Center), each agency contributing data to the combined database shall maintain a record of the data transfer, which may be an automated record, and shall have and keep on file a memorandum of understanding or agreement or other memorialization of

the arrangement for maintaining and populating a database comprised of stored ALPR data collected by multiple law enforcement agencies. Any agency provided with access to or use of the ALPR data collected this agency shall comply with all applicable provisions of AG Directive 2010-5 concerning stored ALPR data and disclosure of personal identifying information.

XI. Release of ALPR Data to Non-Law Enforcement Persons or Agencies

- A. Stored ALPR data shall be considered criminal investigatory records as defined in N.J.S.A. 47:1A-1 *et seq.*, and shall not be shared with or provided to any person, entity, or government agency, other than a law enforcement agency, unless such disclosure is authorized by a subpoena or court order, or unless such disclosure is required by the Rules of Court governing discovery in criminal matters. Any agency receiving a subpoena or court order for the disclosure of ALPR data shall, before complying with the subpoena or court order, provide notice to the County Prosecutor.

XII. Program Accountability

- A. All ALPR records documenting the use of an ALPR or access to or use of ALPR stored data, whether kept manually or by means of an automated record-keeping system, shall be subject to review and audit by the County Prosecutor, or by the Attorney General or designee.
- B. Any complaints about a department's ALPR program made by any citizen or entity shall be forwarded to the County Prosecutor for appropriate review and handling. The County Prosecutor may conduct an investigation, or may direct the agency that is the subject of the complaint to conduct an investigation and to report back to the County Prosecutor.

XIII. Sanctions for Non-Compliance

- A. If the Attorney General or designee has reason to believe that a law enforcement agency or officer or civilian employee is not complying with or adequately enforcing the provisions of AG Directive 2010-5, the Attorney General may temporarily or permanently suspend or revoke the authority of the department, or any officer or civilian employee, to operate an ALPR, or to gain access to or use ALPR stored data. The Attorney General or designee may initiate disciplinary proceedings and may take such other actions as the Attorney General in his or her sole discretion deems appropriate to ensure compliance with these Guidelines.

XIV. Authority of Attorney General to Grant Exemptions or Special Use Authorizations

- A. ALPRs and all ALPR stored data shall only be used and accessed for the purposes and in the manner authorized by AG Directive 2010-5. In recognition of the need to be able to address issues or circumstances that are not contemplated by AG Directive 2010-5, the Attorney General or designee may grant an exemption from any provision of AG Directive 2010-5 and may authorize the specific use of an ALPR, or the data collected by or derived from an ALPR, that is not expressly authorized by AG Directive