

2. Any employee bringing a complaint, providing information for an investigation, or testifying in any proceeding under this policy shall not be subjected to adverse employment consequences based on such involvement or be the subject of retaliation.
- B. False Accusations and Information
1. Purposely or knowingly making a false accusation of unlawful discrimination/harassment, including sexual harassment, or knowingly providing false information in the course of an investigation of a complaint is grounds for criminal, civil, and administrative sanctions. However, complaints made in good faith, even if found to be unsubstantiated, will not be considered false accusations.
- C. Confidentiality
1. All complaints and investigations shall be handled to the extent possible, in a manner that will protect the privacy of those involved.
 2. To the extent practical and appropriate under the circumstances, confidentiality will be maintained throughout the investigatory process. In the course of an investigation it may be necessary to discuss claims with the alleged harasser or other persons who may have relevant knowledge. It is therefore, may be necessary to disclose information to persons with a legitimate need to know about the matter. All persons interviewed will be directed not to discuss any aspect of the investigation with others in light of the important privacy interests of all concerned. Failure to comply with this confidentiality directive may result in disciplinary action.
- D. Training regarding this SOP shall be provided to all employees to ensure continued compliance.
- E. Additional remedies can be made to:
1. Superior Court of New Jersey
 2. New Jersey Division of Civil Rights
 3. Federal District Court
- F. Investigation Procedures
1. The investigation procedures for harassment in the workplace complaints shall be in accordance with the department's written directive on Internal Affairs and the New Jersey Attorney General's Internal Affairs Guidelines.

WALL TOWNSHIP POLICE DEPARTMENT			
<i>Standard Operating Procedure</i>			
CHAPTER: 5	SECTION: 3	# OF PAGES: 1	
SUBJECT: HIGH VISIBILITY VEST/ TRAFFIC DETAIL			
EFFECTIVE DATE: December 7, 2009	ACCREDITATION STANDARDS:	REVISION DATE	PAGE #
BY THE ORDER OF: Police Chief David Morris			
SUPERSEDES ORDER #: 2002-37			

Effective immediately and until further notice, the following mandatory Policy and Procedure shall apply to all members of the Wall Township Police Department.

PURPOSE: To provide a high degree of visibility to all officers while performing traffic duties on the roads and highways within the Township of Wall. To conform to insurance mandates issued by the Township of Wall.

POLICY:

- I. High visibility traffic vests have been issued to all police officers. They will be worn by all officers while performing the following duties both day and night:
 - A. Directing traffic in the roadway.
 - B. While directing traffic at a motor vehicle crash.
 - C. Directing traffic at an intersection where there is a power outage.
 - D. Directing traffic while working an extra-duty private contractor detail.
 - E. While present at a construction site on the roadway.
 - F. Directing traffic in a parking lot on private property.
 - G. At any site where heavy equipment is being operated.
 - H. When advised to wear a traffic vest by a supervisor in the interest of officer safety.
 - I. At any time an officer feels the vest will afford him/her extra visibility and safety.
- II. It will be incumbent upon each officer to ensure their high visibility traffic vest is kept in good condition. A misplaced or damaged vest shall be reported immediately to the officer's direct supervisor and documented on a CAD report.
- III. The initial issue of the High Visibility Traffic Vest will be done by the Police Department. After initial issue, it will become the individual officer's responsibility to replace worn or damaged vests with their clothing allowance.

WALL TOWNSHIP POLICE DEPARTMENT			
<i>Standard Operating Procedure</i>			
CHAPTER: 9	SECTION: 3	# OF PAGES: 2	
SUBJECT: ILLNESS REPORTING PROCEDURE			
EFFECTIVE DATE: February 1, 2011	ACCREDITATION STANDARDS:	REVISION DATE	PAGE #
BY THE ORDER OF: Captain Tim Clayton, Officer in Charge			
SUPERSEDES ORDER #: GO 2006-04			

PURPOSE: Effective immediately, and until further notice, this SOP will apply to employees who due to illness or injury are unable to report for duty.

POLICY: The purpose of this SOP is to establish a uniform procedure for employees to follow when unable to report for duty do to illness or injury, or when they become ill while on duty and are unable to complete their assigned tour.

PROCEDURES:

I. ILLNESS REPORTING

- A. Any employee who because of illness or injury is unable to report for scheduled duty shall report that fact to the communications dispatcher as soon as possible. This notification should be made no less that one hour prior to a scheduled tour.
- B. The Communications Dispatcher receiving the call will make the appropriate C.A.D. entry into the computer system. The appropriate supervisor will make an entry into POSS indicating the sick leave. The Division Commander will review the sick leave entries then forward them to the Administrative Division for processing.
- C. An employee who has reported out sick shall remain at his residence. If the employee must leave to seek medical attention, notification must be made to the Duty Supervisor via the Dispatcher.
- D. Upon notification that any employee will be absent, the appropriate Supervisor will make a routine welfare check, documenting in writing on the Request for Time Off Report generated by the Police Officer Scheduling System(POSS), the time employee was contacted and the nature of the absence. All members of this Department are subject to telephone calls or supervisory visits during medical absence. Supervisors will initiate an investigation whenever

questionable circumstances are indicated. Any abuse of sick leave will result in disciplinary action.

- E. Daily reporting or notifications during prolonged absences may be waived with express permission of the Division Commander or the Chief of Police. Personnel out for more than one week due to either illness, disability, or workman's compensation injury will maintain in contact with their Division Commander and provide medical updates and documentation from the attending physician. All physician or therapy appointments must be kept by the employee involved. In the event an appointment is not kept, a written explanation will be provided to the Division Commander.
- F. Whenever an employee is unable to complete a tour of duty because of illness, the Duty Supervisor will document this in POSS indicating the date and time the employee secured from duty. A CAD entry WILL NOT be necessary. The POSS entry will be entered and approved by the Supervisor then forwarded to the Administrative Division for review.

WALL TOWNSHIP POLICE DEPARTMENT			
<i>Standard Operating Procedure</i>			
CHAPTER: 13	SECTION: 10	# OF PAGES: 4	
SUBJECT: Internships			
EFFECTIVE DATE: February 4, 2015	ACCREDITATION STANDARDS:	REVISION DATE	PAGE #
BY THE ORDER OF: Police Chief Robert Brice			
SUPERSEDES ORDER #:			

PURPOSE The purpose of this standard operating procedure is to establish an intern program within the Wall Police Department and to provide guidance and direction on how internships will be maintained.

POLICY It is the policy of the Wall Township Police Department to provide a positive learning environment for interested college students to experience the various aspects and responsibilities of law enforcement first hand. While working on operational, administrative and support functions, the intern is provided with an atmosphere of learning through a combination of hands-on and observational experiences.

PROCEDURES

I. Administration

- A. The Chief of Police shall designate an Intern Coordinator which has been designated the Administrative Sergeant. This Intern Coordinator is responsible for administering the Intern Program.
- B. Interns will be scheduled on a rotating basis through the various divisions of the police department (e.g. Patrol, Detective, Administration, etc.) based on their major course of study to maximize both the experience and benefit of the intern and the police department.
- C. The procedures set forth in this policy are in addition to any requirements mandated by the intern's respective university or college.

II. Qualification Criteria

- A. Applicants for this program should be enrolled in a four-year degree program with a four-year university or college in their junior or senior year or in a post-graduate program. Applicants must currently be enrolled through their respective university

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or college in an internship or independent study class. The Chief of Police may waive this requirement for students enrolled in a two-year program attending their second year.

- B. Qualified applicants who are Wall Township residents will take precedence over non-residents.
- C. Applicants must be free of any non-expunged criminal conviction.

III. Application Process

- A. Applicants must submit an application on a form approved by the Chief of Police.
- B. Applicants must attach a letter of interest to the application stating why they are interested in participating in the Intern Program.
- C. Applicants must submit a current résumé noting their skills and intended course of study.
- D. Applicants must provide a current transcript from their respective university or college.
- E. Applicants shall submit to a thorough background check. The background check may include, but is not limited to the following:
 - 1. Computer criminal history check;
 - 2. Driver's license check;
 - 3. Verification of references;
 - 4. Employment history check;
 - 5. Education background check.
- F. The Intern Coordinator will schedule a personal interview with the prospective student upon successful completion of the background check.
- G. The Intern Coordinator shall submit a report and all documentation to the Chief of Police with a recommendation for selection of interns to participate in the program.
- H. Selection for the program shall be at the discretion of the Chief of Police.

IV. Training

- A. Interns shall be provided with orientation training to acquaint them with personnel, policies, and procedures of Wall Township Police Department.
- B. Interns may participate in a basic field training program, which may include a Ride-Along Program. This training will identify what is expected of the intern while on duty.

- C. Interns shall receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required for the position they are assigned to when so assigned.
- D. All training will be coordinated through the designated Intern Coordinator and tailored to meet the individual intern's needs.

V. Scheduling

- A. The internship will correspond to the student's college semester, based on their respective university or college's current scheduling procedures.
- B. Consideration will be given to not interfere with other classes the student is currently enrolled in at the time of the internship.
- C. The intern will complete a minimum of 80 hours of service, or the minimum number of hours required by their respective university or college, whichever is greater.
- D. The schedule of the intern will rotate through the various divisions and bureaus within the police department. This rotation will be directly related to the individual talents and needs of both the student and department. The divisions included in this rotational consideration are:
 - 1. Patrol Division;
 - 2. Traffic;
 - 3. Accreditation;
 - 4. Detective Bureau;
 - 5. Records;
 - 6. Administration;
 - 7. Police Communication;
 - 8. Court.

VI. Restrictions

- ~~A. Interns shall comply with department rules and regulations of conduct and with all orders, written or oral, issued by the department. The intern is reminded that they represent both the department and their respective university or college.~~
- B. Interns are not authorized to possess or carry any type of firearm or any other type of weapon while on duty with the Wall Township Police Department.
- C. Interns shall conform to department-approved dress code consistent with their current assignment.
- D. Interns are restricted from physical involvement in patrol related functions while on duty in a ride-along capacity. As per the Wall Township Police Department Policy

and the New Jersey Attorney General Guidelines interns are prohibited from being involved in vehicular pursuits. It is at the discretion of the officer which the intern is assigned as to what calls the intern will proceed to. Judgment should be used when responding to calls such crimes in progress or where physical assaults are taking place, but not limited the previous stated service call types.

- E. Interns shall not have contact with any arrestees/prisoners at any time.
- F. Failure to follow any of the rules of conduct or policies of the department will result in automatic dismissal from the program with a report of the matter forwarded to the intern's respective university or college.

VII. Confidentiality

- A. All law enforcement-related information is considered confidential. Interns shall not disclose confidential information to anyone.
- B. Each intern will be required to sign a confidentiality agreement. Subsequent disclosure of any confidential information verbally, in writing, or by any other means shall be grounds for immediate dismissal. If a violation of the confidentiality provision occurs, a report will be made to the respective university or college and possible criminal prosecution may occur.

VIII. Evaluation

- A. Upon completion of the Intern Program, the intern will participate in an exit interview with the Intern Coordinator.
- B. The intern will be evaluated on their performance and attitude with input from various supervisors they had during their internship.
- C. The intern will evaluate the program based on their experiences during the internship to assist the department in providing the best experience possible for future interns.

WALL TOWNSHIP POLICE DEPARTMENT			
<i>Standard Operating Procedure</i>			
CHAPTER: 1	SECTION: 10	# OF PAGES: 32	
SUBJECT: INTERNAL AFFAIRS INVESTIGATIONS			
EFFECTIVE DATE: February 9, 2009	ACCREDITATION STANDARDS: 1.3.1, 1.4.3a-e	REVISION DATE February 8, 2013 January 3, 2014	PAGE # 12-13 All
BY THE ORDER OF: Police Chief Robert Brice		April 28, 2014	4, 7-9, 12-14, 17, 20, 24-26, 30-32
		August 9, 2016	p.32
SUPERSEDES ORDER #: GO 1999-01			

PURPOSE The purpose of this Standard Operating Procedure (SOP) is to maintain a high quality of law enforcement services. This department is committed to providing law enforcement services that are fair, effective, and impartially delivered. Employees are held to the highest standards of conduct and are expected to respect the rights of all citizens. This department must be responsive to the community by providing formal procedures for the processing of complaints regarding individual employee performance. An effective disciplinary framework permits department personnel to monitor employee compliance with department SOPs, assist employees in meeting department objectives, enhance performance, and permit managers to identify problem areas requiring increased training or direction. Finally, this SOP shall ensure fundamental fairness and due process protection to citizens and employees alike.

POLICY It is the policy of the Wall Township Police Department to accept and investigate all complaints of alleged misconduct or wrongdoing from any citizen, agency employee, or any other source, including anonymous sources against the agency and/or agency employees. Following a thorough and impartial examination of the available factual information, a conclusion will be determined and the employee shall be either exonerated or held responsible for the alleged misconduct. Discipline shall be administered according to the degree of misconduct. Officers and employees, regardless of rank, shall be subject to disciplinary action for violating their oath and trust. Committing an offense punishable by the laws of the United States, the State of New Jersey, or a municipality constitutes a violation of that oath and trust. Employees are also subject to disciplinary action for the willful or negligent failure to perform the duties of their rank or assignment. Employees may be disciplined for violation of any rule or regulation of the agency or for failure to obey any lawful instruction, order, or command of a superior officer or supervisor. Disciplinary action in all matters will be determined based upon the merits of each case.

Personnel conducting an internal investigation shall strive to conduct a thorough and objective investigation respecting the rights of the involved employee, other employees, other law enforcement officers, and all members of the public. Any supervisor or officer,

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who may be called upon to conduct an internal investigation, must be thoroughly familiar with this SOP.

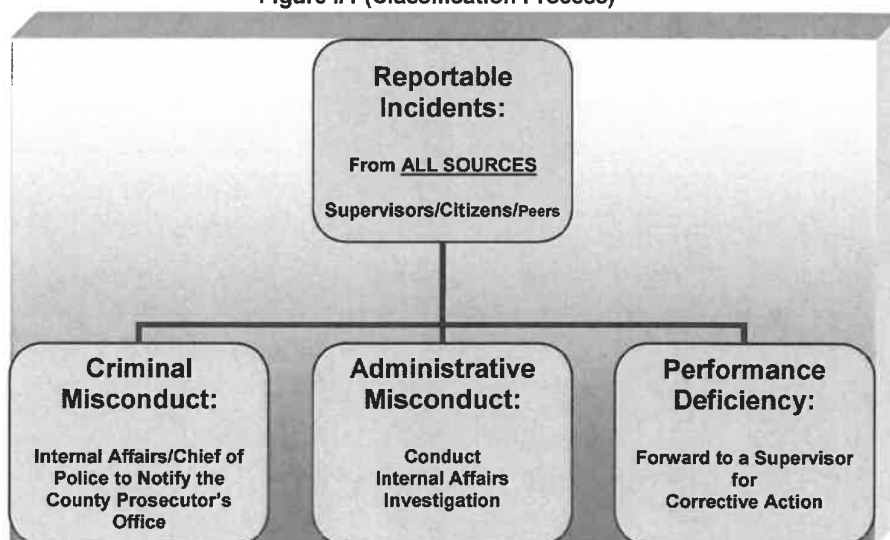
PROCEDURES

I. DEFINITION OF TERMS & FORMS

- A. **Employee** shall mean any full time or part time employee of the Wall Township Police Department including sworn members, SLEO personnel, and civilian staff.
- B. **Principal** shall mean the employee alleged to have committed any criminal misconduct, administrative misconduct, or performance deficiency.
- C. **Witness** is any person reasonably believed to have information concerning the event under investigation, but whose own conduct is not the focus of the investigation.
- D. **Reportable Incident** is any behavior, performance, or non-performance that may violate department rules, regulations, procedures, applicable criminal and civil laws, and the United States or New Jersey Constitutions. All reportable incidents shall be carefully and thoroughly reviewed by the Chief of Police/Internal Affairs Supervisor to determine the manner of response that best serves the public, the department, and the employee. Reportable Incidents, classified as misconduct, will result in an internal investigation conducted in accordance with the New Jersey Attorney General's Internal Affairs Guidelines and this SOP. Reportable incidents include, but are not limited to the following:
 - 1. A complaint that an employee has engaged in any form of misconduct, as defined in this SOP, whether on or off-duty;
 - 2. An alleged violation of any of the Department Rules and Regulations;
 - 3. An alleged violation of any written directive issued by this department or appropriate authority as defined by ordinance;
 - 4. A refusal to or a failure to comply with a lawful written or verbal order, directive, or instruction;
 - 5. The filing of a civil suit by a civilian alleging any misconduct by an employee while on duty or acting in an official capacity;
 - 6. The filing of a civil suit against an employee for off-duty conduct while not acting in an official capacity that alleges racial bias, physical violence, or threat of physical violence;
 - 7. Criminal arrest of, or filing of, a criminal charge against an employee;
 - 8. Allegation(s) that an employee has engaged in an act of domestic violence as defined in NJSA 2C: 25-17 et seq.
- E. **Classification**: there are three classifications of a reportable incident. All reportable incidents shall be forwarded to the Chief of Police/Internal Affairs Supervisor to screen, record, and classify the incident as one of the following (See Figure #1). All allegations of **misconduct** regardless of the source of the allegation shall result in an internal investigation.

1. Criminal Misconduct - Reportable Incidents classified as criminal misconduct will result in an immediate notification to the County Prosecutor. No further action shall be taken, including the filing of charges against an employee, until directed by the Prosecutor.
 - a. Criminal Misconduct is defined as a reportable incident where there is an allegation of a crime or an offense.
2. Administrative Misconduct - An incident may be classified as administrative misconduct, in which case an internal affairs investigation shall be conducted in accordance with this SOP.
 - a. Administrative Misconduct is defined as a reportable incident where there is a serious violation of department rules and regulations, written directive; or, conduct that adversely reflects upon the employee or the department.
 - b. Repeat performance deficiencies may be classified as administrative misconduct.
3. Performance Deficiency - An incident that is classified as a performance deficiency shall be referred to a supervisor for non-punitive corrective actions (e.g. training or counseling only).
 - a. A performance deficiency is defined as a reportable incident of any minor rule infraction that can be addressed at the supervisory level of an employee. This department recognizes that not all reportable incidents constitute misconduct and certain reportable incidents are more effectively handled outside of the formal disciplinary process. Performance deficiency incidents **are not** internal affairs investigations.

Figure #1 (Classification Process)



F. The following forms/reports shall be used in accordance with this SOP:
(The below forms can be found in Master Forms)

1. **Internal Affairs Complaint Form (Reportable Incidents)** - shall be utilized by department employees to document a reportable incident related to an internal affairs complaint against any department employee.
2. **Citizen Complaint Information Sheet** - explains the department's internal affairs procedures and shall be provided to all citizen complainants.
3. **Internal Affairs Complaint Notification Form** – To be given to all employees when an internal affairs complaint has been made against them when circumstances permit.
4. **Internal Affairs Investigation Report** - shall be used to memorialize the investigation of any internal affairs matter or performance deficiency.
5. **Internal Affairs Investigation Disposition Recommendation Form:** shall include the recommended disposition, penalty and the reviewer comments
6. **Request for Extension of Investigation** - shall be used to seek approval from the Chief of Police when additional time beyond the forty-five day period is needed to complete an internal affairs investigation.
7. **Supplemental Internal Investigation Report** - shall be used to supplement the initial investigation report.
8. **Administrative Advisement Form** - shall be used during internal affairs investigation interviews when interviewing the principal in an internal affairs investigation.
9. **Witness Acknowledgment Form** - shall be used during internal affairs investigation interviews when interviewing a witness in an internal affairs investigation.
10. **Weingarten Representative Acknowledgement Form** - shall be provided to the Weingarten representative present during an internal affairs interview.
11. **Performance Notice (Counseling)** - shall be completed by a supervisor to memorialize the corrective action taken to address an employee's performance deficiency.
12. **Reprimand Notice** - shall be used to formally notify the principal of discipline approved by the Chief of Police in connection with the completed internal affairs investigation. This disciplinary form shall only be used for discipline that also includes oral reprimands and written reprimands.
13. **Notice of Charge Form** - shall be used to formally notify the principal of charges approved by the Chief of Police in connection with the completed internal affairs investigation. This disciplinary form shall only be used for charges that exceed a written reprimand.

14. **Annual Report** - shall be submitted to the Monmouth County Prosecutor's Office annually, detailing all internal affairs investigations investigated by the department during the previous year.
15. **Immediate Suspension Notice** – To be given to the employee when suspended immediately.
16. **Miranda and Waiver Form** - shall be used in an internal affairs investigation when interviewing an employee accused of committing a crime after consultation with the Monmouth County Prosecutor's Office.

II. GUIDING PRINCIPLES

- A. The investigative process should seek to locate and identify all evidence available to either prove or disprove allegations made against an employee.
- B. With the exception of internal investigations that are part of an ongoing or potential criminal investigation, the majority of internal investigations are administrative in nature. Unlike criminal investigations where the burden of proof is beyond a reasonable doubt, the standard for administrative cases is a preponderance of the evidence.
- C. The standard rules of evidence in criminal matters are substantially relaxed in administrative hearings. Some constitutional protections that apply in criminal matters do not attach to administrative investigations. In accordance with established case law, the investigator, reviewing authority and the Chief of Police can rely on evidence that would be inadmissible in a criminal proceeding.
- D. Unlike in criminal investigations, certain legal protections that apply in employment & labor matters and in police discipline matters apply to employees subject to an internal investigation. These include rights and practices commonly referred to as Weingarten, Loudermill, and Garrity rights, as well as contractual rights or those based on state or federal statute.
- E. Investigators and reviewers shall scrupulously adhere to the principles that all employees shall be afforded all rights to which they are entitled. At the same time, investigative and review personnel will also be aware of their obligations to determine the facts of each case utilizing investigative methods, which are consistent with acceptable practices in employee discipline cases.
- F. Internal Affairs investigations shall not rely solely on the outcome of related criminal matters or traffic matters. The conviction of a citizen complainant shall not be dispositive as to the citizen's complaint regarding the employee's conduct related to the incident. However, the court proceedings will be relevant and should be reviewed. Most cases involving a court action will require the collection and analysis of court records and transcripts of court appearances by the principal, complainant, or critical witnesses. The investigator should make every attempt to attend court proceedings, to monitor the progress/outcome of the case. As a monitor, the investigator need not notify the prosecutor, judge, or other court personnel of his/her presence and should not have any input in the proceedings.
- G. If a civilian signs criminal or traffic complaints, in addition to making an internal affairs complaint against an employee, a not guilty disposition of the court shall not

automatically determine the outcome of the internal complaint. However, it will be relevant and part of the investigation.

- H. The investigator and reviewing authority shall consider that administrative charges have a different threshold of proof as well as less restrictive rules of evidence.
- I. As internal affairs investigators, a tendency to automatically grant more credibility to statements given by employees of the department and other law enforcement officials than to statements given by civilian complainants and witnesses must be carefully avoided. In certain situations where the credibility and motive of the complainant is reasonably suspected, a credibility determination may be made as provided for in this order below. However, investigators, unless otherwise authorized, will investigate the relevant facts of the allegations and not the background or motive of the complainant, unless relevant to the investigation.
- J. Personnel conducting internal investigations shall deal with complainants, witnesses, and principals in a professional manner. This includes being prepared for interviews, promptly responding to phone calls, and handling all related contacts during an investigation to leave citizens and employees alike with the impression that a thorough, fair, and impartial investigation of the allegation(s) will be conducted.
- K. Discovery of additional allegations and identification of additional principals:
 - 1. In conducting investigations, the propriety of all conduct by the employee relating to the subject matter of the investigation shall be reviewed.
 - 2. If during the course of an investigation, the investigator has reason to believe that misconduct occurred, other than that alleged, the investigator shall inform the Internal Affairs Supervisor. Unless otherwise directed, the investigator shall investigate the additional allegation to its logical conclusion.
 - 3. If during the course of an investigation, the investigator has reason to believe that another employee may have been involved in alleged misconduct and should be interviewed as a principal, the investigator shall report the information to the Internal Affairs Supervisor and await further instructions. Other aspects of the investigation should continue.

III. INTERNAL AFFAIRS UNIT

- A. The Internal Affairs Unit is herein established. The Internal Affairs Supervisor shall have direct access to the Chief of Police on all matters involving internal affairs. Personnel assigned to the Internal Affairs Unit shall serve at the pleasure of and be directly responsible to the Chief of Police or designee. The Chief of Police shall not assign any person responsible for the representation of employees of the collective bargaining function to the Internal Affairs Unit.
- B. The goal of Internal Affairs Unit is to insure that the integrity of the department is maintained through a system of internal discipline where fairness and justice are achieved by objective, impartial investigation and review.

C. Internal Affairs Unit Supervisor shall be responsible for:

1. Management of the Internal Affairs Unit;
2. Coordination and review of all internal affairs investigations;
3. Review of all allegations of misconduct by employees of this department;
4. Immediate notification of the Chief of Police or designee of any allegation of wrongdoing on the part of an employee that would constitute a criminal offense or has the potential to have a significant negative impact on the operation or reputation of the department.
 - a. All other notifications shall be made on the next business day.
5. Maintenance of a comprehensive central file and recordkeeping system of all complaints received by this department, whether investigated by Internal Affairs Unit personnel or assigned to an employee's supervisor for investigation and disposition. A quarterly report on the status of all pending Internal Affairs investigations will be provided to the Chief of Police.
6. Preparing and mailing of a Complaint Acknowledgement Letter to all civilian complainants.

D. The Internal Affairs Unit shall be responsible for:

1. The investigation and review of all allegations of misconduct by employees of this department.
2. In addition to investigations concerning allegations of misconduct, the Internal Affairs Unit shall have additional responsibilities including, but not limited to:
 - a. Internal affairs shall be notified of and document all firearms discharges by department personnel that are not related to training, all use of force incidents that result in injury to a defendant or a third party, all vehicular pursuits undertaken by department personnel and all collisions involving department vehicles. Once notification has been received, internal affairs will determine whether additional investigation is necessary.
 - a. Any other investigation as directed by the Chief of Police.
3. The Internal Affairs Unit may conduct an internal affairs investigation on its own initiative upon notice to the Chief of Police or Internal Affairs Supervisor.
4. The Internal Affairs Unit may refer reportable incidents classified as a performance deficiency to an employee's supervisor for investigation and corrective action.
5. Internal Affairs Unit investigators or personnel temporarily assigned to that function shall have the authority to interview any employee of the department and to review any record or report of the department relative to

their assignment. Requests from the Internal Affairs Unit personnel, in furtherance of their duties and responsibilities, shall be given full cooperation and compliance as though the requests came directly from the Chief of Police. Employees assigned to the Internal Affairs Unit come under the direct authority of the Chief of Police.

6. Notification to the Monmouth County Prosecutor's Office
 - a. The Chief of Police or designee shall immediately notify the Monmouth County Prosecutor's Office of any allegation involving criminal wrongdoing by an employee that may lead to criminal charges.
 - b. The Internal Affairs Annual Report shall be submitted to the Monmouth County Prosecutor's Office as directed by that office.
 - c. A complaint against a law enforcement executive may originate from a member of the public or from an employee of the agency. All such complaints shall be documented and referred to the county prosecutor for investigation.
7. An annual report summarizing the types of complaints received and the dispositions of the complaints should be made available to the public. The names of complainants, witnesses, and principals shall not be published in this report.
8. The Wall Township Police Department shall, no less than annually, release a brief synopsis of all complaints where a fine or suspension of ten days or more was assessed to a member of the department. The synopsis shall not contain the identities of the principals or complainants.
9. The Wall Township Police Department shall report any departmental, judicial or other finding, of which the department has knowledge, and which may adversely affect an officer's credibility, to the Monmouth County Prosecutor's Office.

IV. ACCEPTING COMPLAINTS

- A. Duty of Employees to Self Report
 1. All employees shall immediately, but in no case more than four (4) hours following the precipitating incident, self report to the shift supervisor, the following incidents to the Internal Affairs Unit and the Chief of Police through the chain of command:
 - a. Whenever the employee is arrested or criminally charged for any conduct. The report must be made immediately by telephone and in all cases prior to release or leaving the law enforcement agency. In the case of service of criminal charges, the notification must be made immediately upon the receipt of the charges.

- b. Whenever the employee is named as a party in any civil suit involving their conduct while on duty or otherwise while acting in an official capacity.
 - c. Whenever the employee is named as a party in any civil suit regarding off-duty conduct while not acting in an official capacity that alleges racial bias, physical violence, or threats of physical violence by the employee.
 - d. Whenever the employee is alleged to have committed an act of domestic violence as defined in NJSA 2C: 25-17 et seq.
2. The supervisor receiving such information or report shall directly and immediately report the information to the Internal Affairs Unit or the Chief of Police. The Chief of Police shall notify the Monmouth County Prosecutor's Office upon receiving such information.

B. Duty of Employees to Report Actions of Other Employees

1. An employee who receives information defined as a reportable incident shall report such information to the Internal Affairs Supervisor/Chief of Police through the chain of command.
2. All employees must report directly to the Internal Affairs Unit, or the Chief of Police through the chain of command any conduct by another employee that reasonably appears to constitute any of the following:
 - a. Prohibited discrimination;
 - b. An unreasonable or unlawful use of force or a threat of force;
 - c. A constitutional violation;
 - d. Failure to follow any of the documentation requirements, including documentation of civilian complaint filing procedures;
 - e. Providing false information in any investigation of an employee for misconduct or in any report, log, or transmittal of information to the Wall Township Police Department.
 - f. Any violations discovered during a supervisory review (staff inspection) of personnel. Supervisors conducting the review shall be held accountable for their referral decisions.
3. Retaliation against any employee for reporting misconduct shall constitute a serious disciplinary offense and may lead to severe penalties up to and including termination.

C. Complaints from the Public or Other Law Enforcement Agency

1. All department personnel are directed to accept reports of agency or employee misconduct from all persons who wish to file a complaint regardless of the hour or day of the week. Citizens are to be encouraged to submit their complaints in person as soon after the incident as possible.

If the complainant cannot file the report in person, a designated supervisor shall visit the individual at their home, place of business, or at another location in order to complete the report, if possible. Telephone, e-mail, and facsimile complaints shall also be accepted.

2. Under normal conditions, the shift supervisor shall take the complaint.
3. If the shift supervisor is not immediately available, the complainant will be referred to on duty sworn personnel. In the absence of any available on duty sworn personnel, any department employee shall accept the report of employee misconduct regardless of rank, both sworn and civilian personnel. If the dispatcher is unable to complete an internal affairs complaint form while speaking with the complainant, then the dispatcher shall note as much information regarding the complaint as possible so that proper follow up investigation can be conducted.
4. Department personnel receiving the complaint shall:
 - a. Provide the person making the complaint with the Citizen Complaint Information Sheet, which explains the department's Internal Affairs procedures.
 - b. Advise the complainant that he or she will be kept informed of the status of the complaint and its ultimate disposition.
 - c. Complete as much of the Internal Affairs Complaint Form as possible before forwarding it to the Internal Affairs Unit Supervisor.
 - d. Have the complainant sign the completed form. If the complainant will not sign the form, the employee receiving the complaint will so note that fact. However, the failure of a citizen to sign a complaint will in no way preclude the investigation of the allegations.
 - e. An Internal Affairs CAD Report shall be completed by the employee taking the complaint and shall accompany the Internal Affairs Complaint Form. At a later time, the Internal Affairs Supervisor will add the Internal Affairs index number assigned to it into the CAD. Both forms shall be forwarded to the Internal Affairs Supervisor for recording in the Master Internal Affairs recordkeeping system and classification by the Chief of Police/Internal Affairs Supervisor.
5. All department personnel are directed to accept reports of agency or employee misconduct from anonymous sources. If the anonymous complainant is talking to an employee, the employee should encourage them to submit their complaint in person. In any case, the complaint will be accepted.
 - a. An employee of this department who interferes with or delays the reporting or investigation of such complaints may be subjected to disciplinary action.
6. If a complainant wants to make a complaint against an employee of another law enforcement agency, he/she will be referred to that agency. If

the complainant expresses fears or concerns about making the report directly, he/she will be referred to the respective county prosecutor's office.

7. If a complaint is received from another law enforcement agency, the complaint will be forwarded to the Chief of Police/Internal Affairs Supervisor for classification.
8. In accordance with the Attorney General's Directive No. 2007-3, on immigration issues, no state, county or local law enforcement officer shall inquire about or investigate the immigration status of any victim, witness, potential witness or person requesting or receiving police assistance. An exception to this requirement shall exist if: (a) the County Prosecutor or the Director of the Division of Criminal Justice determines, in writing, that good cause exists to inquire about or investigate the person's immigration status, (b) if the person has been arrested for an indictable offense or for driving while intoxicated, or (c) as may be constitutionally or otherwise legally required during the criminal litigation discovery process.

D. Complaints shall be handled as follows:

1. All complaints will be forwarded to the Chief of Police/Internal Affairs Supervisor for classification and entry into the record keeping system.
2. Unless otherwise directed by the Chief of Police or designee, complaints classified as a performance deficiency shall then be forwarded to a supervisor for investigation and corrective action.
3. All other complaints classified as misconduct shall be retained by the Internal Affairs Unit or assigned to Supervisory and/or Command level personnel for investigation.
4. The principal shall be notified in writing of the complaint as soon as possible, unless the nature of the investigation requires secrecy.

V. IMMEDIATE SUSPENSION OR ADMINISTRATIVE REASSIGNMENT

A. Suspension Pending Disposition or Investigation

1. A supervisor or Chief of Police may immediately suspend an employee from duty if it is determined that one of the following conditions exists:
 - a. The employee is unfit for duty; or
 - b. The employee is a hazard to any person if permitted to remain on the job; or
 - c. An immediate suspension is necessary to maintain safety, health, order or effective direction of public services; or
 - d. The employee has been formally charged with a first, second or third degree crime; or

- e. The employee has been formally charged with a first, second, third or fourth degree crime or a disorderly persons offense while on-duty or the act touches upon his or her employment.
- 2. The supervisor imposing the immediate suspension must:
 - a. Advise the employee in writing of why an immediate suspension is sought and the charges and general evidence in support of the charges.
 - 1) If the employee refuses to accept the written notification of immediate suspension, it shall be given to a representative of the employee's collective bargaining unit, if applicable.
 - b. Provide the employee with sufficient opportunity to review the charges and the evidence and to respond, either orally or in writing.
 - c. Advise his/her immediate supervisor in writing of the suspension and the facts and circumstances requiring the suspension.
- 3. Administrative Reassignment
 - a. Administrative reassignment may be used in cases involving the use of force, which results in death or serious bodily injury, unless the employee is suspended or placed on administrative leave pending the outcome of the investigation.
 - b. Administrative reassignment may be used in cases where an employee has a pending fitness for duty determination.
 - c. The administrative reassignment is subject to change by the Chief of Police or designee upon the outcome of the investigation or determination.
- 4. Filing formal charges
 - a. The Chief of Police or designee must complete and file formal disciplinary charges against the suspended employee within five days of the suspension, or return the employee to work. The filing of charges shall be suspended if the employee's suspension is due to a potential criminal matter under review by the Monmouth County Prosecutor's Office.

VI. INVESTIGATION AND ADJUDICATION

- A. All internal affairs investigations shall be conducted in accordance with this SOP.
- B. Criminal Misconduct Complaints
 - 1. Where preliminary investigative data indicates the possibility of a criminal act on the part of the employee, or the investigation involves an allegation of the excessive use of force, the Chief of Police shall be notified immediately who will then notify the Monmouth County Prosecutor's Office.

No further action shall be taken, including the filing of charges against the employee, until directed by the Chief of Police and the Monmouth County Prosecutor's Office.

- a. The Chief of Police shall be immediately notified when an employee is accused of a crime, domestic violence violations, any incident that attracts media attention, and any incident that would affect the efficient and effective operation of the department. In addition, the duty supervisor shall take any immediate action necessary to preserve the integrity of the department until directed otherwise by the Chief of Police or his/her designee.
 - b. All other notifications shall be made on the next business day.
2. The Internal Affairs Unit shall interview the complainant and all witnesses, as well as review relevant reports and records and obtain other relevant information and materials.
 - a. A principal shall not be compelled to answer any questions in the absence of a grant of use immunity as conferred by the Monmouth County Prosecutor's Office.
 - b. The Internal Affairs Unit investigator shall consult with the Monmouth County Prosecutor regarding the advisability of giving a Miranda Warning Form to the principal.

C. Administrative Misconduct Complaints

1. When preliminary investigative data indicates an administrative misconduct offense which may result in disciplinary action:
 - a. A supervisor must notify the Internal Affairs Unit, who will then assign a full investigation of the matter to include interviewing the complainant, all witnesses as well as review relevant reports and records, and obtain other relevant information and materials.
 - b. The Internal Affairs Unit will notify the Chief of Police of the offense; and
 - c. The Internal Affairs Unit will forward copies of the appropriate disciplinary documents and investigation reports to the Chief of Police for review; and
 - d. The Internal Affairs Unit will be responsible for the final case disposition and implementation of discipline, as determined by the Chief of Police or designee.

D. Performance Deficiency Complaints

1. When a complaint has been classified as a performance deficiency, the complaint shall be forwarded to a supervisor for investigation. The supervisor shall interview the complainant, all witnesses and the principal, as well as review relevant reports. The supervisor shall then prepare a

report summarizing the matter, recommending the appropriate corrective action, subject to approval by the Chief of Police.

2. The supervisor shall forward the completed investigation report to the Internal Affairs Unit for review, and entry of the disposition in the Internal Affairs record keeping system.

E. Interview Procedures

1. Preparation

- a. All principals and witnesses shall be interviewed after careful preparation, including the review of the investigative file and all documents, evidence, and interviews conducted up until the interview. The investigator should have pre-formulated goals to be accomplished with each interview.

2. Memorializing of the Interview

- a. The interview of the complainant, principal, and any other witness with critical information shall be documented or memorialized in one of the following ways:
 - 1) An electronically recorded audio statement is the preferred method of documenting and memorializing information obtained through an interview. A synopsis of the recorded statement will be included in the narrative of the Internal Investigation Report. All statements of department personnel will be audio recorded. (When directed by the Internal Affairs Supervisor or Chief of Police, the pertinent portions of this statement will be transcribed.)
 - 2) Videotape or electronic video and audio recorded.
 - 3) Handwritten statements taken by the investigator shall be signed on each page by the person making the statement.
 - 4) A summary of the substance of the interview will be incorporated in the body of the appropriate internal investigation report.
- b. Investigators must at all times remain cognizant that civilian witnesses who are not employees of the department cannot be compelled to provide a statement in any manner. However, all reasonable efforts should be made to obtain a statement when warranted from non-police personnel in the order of priority as is listed above.
- c. All persons submitting to such an electronically recorded or written statement, including the complainant, witnesses, and the principal(s) will, upon request, be provided with a copy of same by the investigator, unless by doing so, it could compromise the investigation.

- d. Other than investigators authorized by the department, employees of this department shall not electronically record or cause any internal affairs interview to be electronically recorded. The copy of the official statement shall be produced and provided within a reasonable amount of time. The employee receiving the copy of the statement shall be reminded of the absolute requirement that the statement cannot be copied, shown, or revealed to anyone other than the employee's attorney, if any. Violations of this provision will result in severe disciplinary action.
- e. Electronic or written statements shall be attached to the investigative file, unless the matter is criminal in nature. In that case, the statements are considered evidence and shall be handled in accordance with department policy regarding the handling of evidence in a criminal matter.
- f. All statements will be summarized in the body of the appropriate internal investigation report. (When directed by the Internal Affairs Supervisor or Chief of Police, the pertinent portions of the statement will be transcribed and the transcript itself shall also be included as an attachment to the case.)
- g. The interview of any non-department person shall require documentation of the following identifiers:
 - 1) Full name;
 - 2) Home address;
 - 3) Home phone;
 - 4) Race;
 - 5) Gender;
 - 6) DOB;
 - 7) Place of employment;
 - 8) Work phone and cell phone, if applicable;
 - 9) Names of all persons present during interview; and
 - 10) Date, time, and location of interview.
 - 11) Further identifiers such as social security number, SBI number, or FBI number shall not be requested or utilized unless directly relevant to the investigation.
- h. After obtaining an electronically recorded statement, the investigator will download the recording to a CD, DVD, or similar media storage device. The media shall be included as an attachment to the report. The statement, if transcribed, will also be included as an attachment. In cases where the interview concerns

or may concern a criminal matter, the media will be secured and handled as evidence.

- i. The investigator will label the media in the following manner:
 - 1) Statement of: <insert name>;
 - 2) Signature of investigator and badge number;
 - 3) Initials and badge number of witnessing investigator, if any;
 - 4) Date and time of interview.
 - 5) Case number.
- 3. Secondary Investigator as a Witness
 - a. Using a second investigator as a witness to any interview or electronic or written statement is not required; however, it may be authorized in certain circumstances.
- 4. No Right to Legal Representation in Administrative Internal Investigations
 - a. During the course of the administrative interview, an employee may be represented by a union representative of his/her choosing to include an attorney, as long as the availability of the attorney does not in any way hamper or impede the on-going investigation. Refer to article 11 in the PBA Collecting Bargaining Agreement for further. Such representation is not a 6th Amendment right. If the investigation is criminal in nature the employee's union representative is prohibited from attending the interview.
 - b. Complainants and witnesses who are not employees of the agency cannot be precluded from having a legal representative present while being interviewed by investigators.
- 5. Interview of Complainant
 - a. After the preparation explained in § VI.E.1, all efforts must be made to interview a complainant in person. Complainant interviews shall be conducted formally resulting in a statement secured in accordance with the provisions enumerated under Interview Procedures.
 - b. The investigator shall arrange a convenient time and place, including by telephone (or TDD), to interview civilians for misconduct investigations. The investigator shall reasonably accommodate a civilian's circumstances to facilitate the progress of an investigation. This may include holding an interview at a location other than the department or at a time other than regular business hours.

- c. Interviews of civilian complainants, which take place over the telephone, must be electronically recorded. The investigator shall ensure that the phone being utilized has recording capability.
- d. Investigators must treat the person being interviewed with dignity and respect, and demonstrate interest and concern in dealing with the complainant. Employees shall not attempt to dissuade any person from making a complaint. Employees shall conduct themselves as to facilitate the citizen's confidence in the internal investigative process.
- e. Complainants and witnesses shall not be questioned about any matters that are not directly relevant to the allegations of the investigation. Investigators shall make every effort not to ask questions that may demean, ridicule, or cause embarrassment to the complainant.
- f. Questions must be carefully prepared and absolutely relevant to the investigation. Any questionable issues should be discussed with and approved by the Internal Affairs Supervisor and/or Chief of Police before conducting the interview.
- g. Group interviews shall not be conducted.
- h. Complainants should be interviewed outside the presence of other complainants and witnesses. A parent, or adult relative or guardian in the absence of a parent, shall be present during the interview of a minor. In the event a parent or guardian cannot be located, the investigator must document the efforts taken to contact same. If a civilian insists that another potential witness be present during an interview, the interview must continue with the potential witness present and the report must note the circumstances.
- i. Structure of the Interview
 - 1) Complainants should be initially asked to explain in their own words and in detail, the facts forming the basis of the complaint. The investigator should then clarify any questions or issues regarding the complainant's statement.
 - 2) After the complainant has provided a statement, the narrative on the Internal Affairs Complaint Form, Citizen Complaint Form, recorded phone complaint, or correspondence from the complainant should be reviewed with the complainant.
 - 3) The investigator shall seek to clarify or identify any discrepancies as well as identify any further investigative requirements.
 - 4) The complainant should be asked to identify any witnesses and state what they believe the witness may have knowledge of, turn over any evidence in their possession,

and identify what other types of evidence of they may be aware.

- 5) Every relevant fact known to the complainant should be identified and explored thoroughly.
- 6) In addressing the allegations, questions utilized in the basic investigative process, namely: who, what, when, where, why, and how, should be precisely addressed.
- 7) The complainant and or witnesses have no automatic right to view any department electronic recordings. It shall be up to the discretion of the investigator, whether utilizing any department electronic recordings during an interview will enhance or clarify the investigative process.
- 8) If a complainant refuses to be interviewed or cannot be located or contacted, a letter should be immediately forwarded on department letterhead, via certified or registered mail (return receipt requested), authorized and signed by the Internal Affairs Supervisor and/or Chief of Police, advising that he/she should respond within ten (10) days or the investigation will proceed without his/her input.

6. Interview of Witness

- a. Every effort should be made to interview all witnesses. The full identity of the witness should be obtained. If the witness refuses to be interviewed or cannot be contacted after a reasonable attempt to locate, a certified letter should be sent on department letterhead advising that witness should respond within ten calendar (10) days.
- b. Specific and detailed questions should be asked including: who, what, when, where, why, and how the incident or event occurred. The investigator should have a clear purpose in identifying relevant witnesses and selecting what questions to ask them.
- c. The techniques outlined in § VI.5.i should be applied to the interview of witnesses.
- d. Witness interviews shall be formally conducted resulting in a statement secured in accordance with the provisions enumerated in § VI.E.

7. Interview of Employees

- a. Generally, the interview of an employee is accomplished after the complainant and all witnesses are interviewed. However, this is determined by the classification of the investigation and remains a choice of the investigator. Such interviews are a critical step in the investigation and should be carefully planned. Investigators shall not accept a written statement from any employee in lieu of an interview.

- b. Employee interviews shall be conducted formally resulting in a statement secured in accordance with the provisions enumerated under Interview Procedures.
- c. Employee as a **WITNESS**
 - 1) Formal electronic statements shall be taken from each employee considered a witness. Statements need not be transcribed, but must be summarized in the appropriate internal investigation report. The key elements of the statement may be transcribed if necessary. Employees who are considered a witness are not entitled to representation.
 - 2) The interviewer shall advise the employee that he/she is a witness, explaining the difference between a witness and principal.
 - 3) Before any questioning takes place, the investigator shall identify him/herself. This notice shall also include the identity of all persons present during the interview.
 - 4) The investigator may require the employee to submit a report detailing relevant facts in the investigation. If a report is required, the investigator will provide the employee with background information regarding the nature and timeframe of the complaint. The employee should be encouraged to review any of his or her own reports. **(NOTE) Reports shall not be used in lieu of an electronically recorded statement.**
 - 5) A formal statement will be obtained from the employee after he/she has been given their Witness Acknowledgment Form. The investigator shall verbally confirm the employee's obligation for truthfulness and candor throughout an internal investigation, pointing out the specific provision of the acknowledgment form denoting such.
 - 6) During the interview, if the status of an employee shifts from a witness to a principal, the employee shall be advised accordingly. The investigator shall contact the Internal Affairs Supervisor and/or Chief of Police to secure permission to proceed. If approval is granted to proceed, the investigator will execute a Internal Affairs Complaint Notification Form. Upon completion of the interview, the investigator will forward same to the Internal Affairs Supervisor and/or Chief of Police for the purpose of updating the case. A copy of the completed form, incorporating all required endorsements must be secured and submitted as an attachment to the investigation.

d. Employee as a **PRINCIPAL**

- 1) No employee shall be designated a principal without the approval of the Internal Affairs Supervisor and/or Chief of Police.
- 2) Each employee of the department is required to answer pertinent questions regarding the matter that is the subject of investigation. All employees of the department are obligated to answer questions and provide full and complete information to the investigator(s) during internal investigations. Less than complete truthfulness and candor during any statement may lead to severe disciplinary sanctions that may include suspension or termination.
- 3) As an employee of this department, the Weingarten Representative shall be advised of the obligation of confidentiality and the requirement not to discuss any information obtained during an interview with any other person (Weingarten Rights).
- 4) The Principal may produce records of his/her own or suggest names of witnesses he/she requests to be interviewed.
- 5) A formally recorded statement will be obtained from the Principal after he/she has been advised of their Administrative Advisement. The investigator shall further verbally confirm the employee's obligation for truthfulness and candor throughout an internal investigation in accordance with E(2)(a)(1).
- 6) The following guidelines will be followed when union representation is requested.
 - a) Any employee designated as a principal or witness, who reasonably believes that the investigation may result in disciplinary action against him/her, is entitled, upon their request, to have a union representative accompany them to the interview.
 - b) Any employee who is a potential principal or witness in the investigation may not act as a Weingarten representative.
 - c) The exercise of the interviewee's right to union representation may not interfere with the investigation. However, a reasonable period of time should be allowed for the representative to appear for the interview. Reasonableness is determined by the nature of the investigation. Refer to article 11 of the PBA Collective Bargaining Agreement for further. In most cases, the principal is informed in advance of

the interview and can make previous arrangements with a representative to appear at the scheduled time. Investigators are not required to wait for hours for a representative or a replacement representative to appear, nor is the investigator under an obligation to reschedule the interview to another day. In more serious cases, reasonableness may result in a delay. The Internal Affairs Supervisor shall make this determination.

- d) An interviewee is not entitled to the representative of his/her choosing. Any union officer, representative, or other person designated by the union will satisfy the representation requirement.
 - e) The principal and his/her representative shall be informed of the subject matter of the investigation and given a reasonable period of time to confer prior to the interview. Again, reasonableness is determined by the Internal Affairs Supervisor, but at the time of the interview, should not exceed 30 minutes. The union representative may be present during the interview. Once the interview has begun, they may not leave the room for purposes of further consultation. If the principal refuses to make a statement or answer any questions, he/she will be informed that such refusal may result in discipline/dismissal and the interview shall be terminated.
 - f) The investigator shall not negotiate with the representative. The representative may be permitted to clarify facts or make suggestions (e.g., other potential witnesses) after the investigator's questioning of the principal. The investigator is free to insist that he/she is only interested in hearing the interviewee's own account of the matter under investigation. In other words, the representative shall not be permitted to answer for the principal or conduct his/her own interview.
- 7) The interview shall be conducted at a reasonable hour in a non-coercive manner, without threat or promise of reward, and preferably when the employee is on duty. No off the record questions will be asked and no off the record statements will be permitted. If the urgency of the investigation requires that the employee is questioned while off duty, such time may be recorded and treated as time worked in accordance with contractual union agreements, where applicable.
- 8) The interview shall be conducted at a location designated by the investigator, usually at headquarters. Any other location shall be approved by the Chief of Police.

- 9) The questioning shall be of a reasonable duration and rest periods will be allowed. Time shall be provided for personal necessities, meals, and telephone calls as are reasonably needed.
- 10) If at any time during the questioning session the employee becomes a suspect in a criminal act, the employee shall be so informed and the questioning shall end. Promptly refer the case to the Monmouth County Prosecutor. If the employee is afforded a grant of use immunity by the Prosecutor, the Internal Affairs Unit investigator shall schedule another interview with the employee.

F. Investigative Resources and Exemplars

1. Physical Evidence

- a. Investigators should obtain all relevant physical evidence. All evidence, such as clothing, hair or fabric fibers, stains and weapons should be handled according to established evidence procedures.
- b. Electronic audio and/or video files should be secured at the outset of the investigation. Transcripts or copies of the original recordings can be used as investigative leads. Such files should be reviewed to understand the totality of the circumstances.
- c. Sworn statements from all parties.

2. Photographs and Electronic Images

- a. The following photographic/electronic documentation shall be obtained when appropriate especially in cases involving alleged excessive force. Whenever possible, color photography/imagery shall be used.
 - 1) Photographs (electronic images) of the complainant at the time of arrest or following the alleged incident of excessive force.
 - 2) Photographs (electronic images) of the principal in the event that the employee was a victim.
 - 3) A recent photograph (electronic image) of the employee in the event a sequential photo display will be used for identification purposes. The photo display must be retained for possible evidentiary purposes.
 - 4) Photographs (electronic images) of the scene of the alleged incident, if necessary.

3. Physical Tests and Exemplars

- a. Principals may be compelled to submit to various physical tests or procedures to gather evidence. Such evidence may be used against them in a disciplinary proceeding.
- b. No person has a constitutional right or privilege to refuse to submit to an examination to obtain a record of their physical features and other identifying characteristics of their physical or mental condition. Evid. R. 503(a). Evidence that may be obtained or procedures that may be used to obtain evidence under this rule include:
 - 1) Breath samples;
 - 2) Blood samples;
 - 3) Buccal Swabs;
 - 4) Requiring employee to speak;
 - 5) Voice recordings;
 - 6) Participation in suspect lineups;
 - 7) Handwriting samples;
 - 8) Hair and saliva samples;
 - 9) Urine analysis;
 - 10) Videotaping;
 - 11) Field sobriety tests.
- c. Generally, a person cannot be physically forced to produce these samples or other evidence or submit to such tests, although a court order may be obtained to legally compel them to do so. Refusal to comply with the order can result in additional criminal, civil, administrative sanctions including discipline and/or dismissal.

4. Polygraph

- a. While an employee who is the principal of an internal affairs investigation may request a polygraph examination, an employer shall not influence, request or require an employee to take or submit to a polygraph examination as a condition of employment or continued employment (NJSA 2C:40A-1).
- b. An employee cannot be required to submit to a polygraph test on pain of dismissal. Engel v. Township of Woodbridge, 124 N.J. Super. 307 (App. Div. 1973).

- c. If a polygraph is used, the test must be administered by a qualified law enforcement polygraph operator.

5. Search and Seizure

- a. As a general rule, the Fourth Amendment applies to any action taken by government. Law enforcement officers have the right, under the Fourth Amendment, to be free from unreasonable searches and seizures. Fourth Amendment warrant requirements apply to any search of an office, employee's personal property including clothing, car, home or other belongings to include any computer or digital recordings.
- b. A voluntary consent to a search may preclude some Fourth Amendment problems from developing. A consent search eliminates the need to determine what threshold standard must be met before conducting the search or seizure, either for an administrative or criminal investigation. Under New Jersey law, for consent to be legally valid, a person must be informed that he/she has the right to refuse to permit a search. State v. Johnson, 68 NJ 349 (1975). If a consent search is utilized, the investigating officer shall follow standard police procedures and have the principal sign a consent to search form after being advised of the right to refuse such a search and to be present during the search, unless they waive this right.
- c. In a criminal investigation, the standard to obtain a search warrant is probable cause. Generally, a search warrant should be sought to search an area belonging to the principal when the employee maintains an objective expectation of privacy in that area. Areas and objects in this category include but are not limited to the employee's home, personal car, safe deposit boxes and personal computers. Department supplied equipment and property is never considered personal property of the employee.
- d. Generally, during either administrative investigations or criminal investigations, work place areas may be searched without a search warrant. The critical question is whether the public employee has a reasonable expectation of privacy in the area of property the Internal Affairs investigator wants to search. The determination of a reasonable expectation of privacy must be decided on a case-by-case basis. There are some areas in the person's workplace where this privacy expectation can exist just as there are some areas where no such expectation exists. Areas where supervisors or other employees may share or go to utilize files or equipment would present no expectation of privacy or a diminished expectation of privacy. Included here would be government provided vehicles, filing cabinets, department computers, etc.
- e. All department assigned storage space, offices, lockers, desks, vehicles, computers, cell phones, electronic databases or storage mediums, briefcases, and electronic devices are subject to a search/inspection without notice.

- f. Personal briefcases, bags, and vehicles shall not be searched without a warrant or valid consent.
- g. If a criminal investigation, prior to a search or confiscation of any department issued property, approval must be obtained from the Monmouth County Prosecutor or his/her designee.
- h. Any search of department or personal property should be conducted in the presence of another department employee, preferably a superior officer, and should be properly recorded.

VII. REPORTING

- A. Upon completion of all possible avenues of inquiry, the Internal Affairs investigator shall complete the following reports:
 - 1. The internal investigation will be memorialized on the reports that have been previously identified. The reports will be submitted to the Internal Affairs Supervisor and/or Chief of Police for approval on a regular basis so as to keep the case current at all times.
 - 2. All approved original reports will be maintained by the investigator until the investigation is concluded at which time the complete case file will be submitted to the Chief of Police through the Internal Affairs Supervisor.
 - 3. The completed report will be submitted in a report folder/envelope. The investigator will include the Internal Affairs Complaint Form, Internal Affairs CAD, Internal Affairs Investigation Report, Internal Affairs Investigation Disposition Recommendation Form and any other pertinent reports or media.
- B. Report Flow
 - 1. The investigation should be completed as soon as possible and all reports prepared within **thirty (30) calendar days** of being assigned. Authorization for additional time to complete investigations must be received from the Internal Affairs Supervisor and/or Chief of Police, in accordance with the investigation extension procedure.
 - 2. Upon completion of the investigation, the investigator shall forward all reports directly to the Internal Affairs Supervisor, who will forward them to the Chief of Police following his/her review.
 - 3. The Internal Affairs Supervisor will review the case and make recommendations to the Chief of Police regarding discipline, if the investigation sustains the complaint.
 - 4. Upon receipt of the recommendation, the Chief of Police will review the matter and make the final determination or return the case for further investigation.
 - 5. Once the Chief of Police is provided with sufficient information to file a charge, the Chief of Police has forty-five (45) days to do so (NJSA 40A:14-

147) except in criminal matters where the forty-five day clock commences after the criminal charges have been adjudicated.

6. Whenever a final determination is reached in an internal investigation, the employee(s) involved as a principal(s) and the complainant(s) shall be notified in writing by the Chief of Police or designee of that determination.
7. A record of any discipline imposed not including the investigation report and attachments shall be placed in the employee's personnel file.

C. Internal Investigation Report and Disposition Recommendation Report

1. The report must include:
 - a. Documentation that the complainant has been contacted by the investigator to advise them of their assignment as the case investigator and to arrange a meeting to conduct an interview. If the investigator is unable to contact the complainant, the report must reflect that the appropriate certified ten (10) day letter, endorsed by the Internal Affairs Supervisor or Chief of Police, has been mailed to the complainant.
 - b. Documentation that the case investigator has contacted the principal(s) and informed them of the nature of the complaint against them, unless contacting the principal(s) at this early stage will compromise the investigation.
 - c. An analysis of the allegations to be addressed by the investigation, linked to specific provisions of the Rules and Regulations, and/or any guidelines that govern the behavior of employees of the department.

D. Internal Affairs Investigations Disposition Recommendation Form

1. At the conclusion of the investigation, the investigator will prepare recommended disposition.
2. The report will set forth, in narrative form, the alleged misconduct and the links to the specific provision of the Rules and Regulations and/or directive purportedly violated.
3. The conclusion reached by the investigator, based upon the facts developed in his/her investigation, will fall into one of the following five (5) dispositions.
 - a. Sustained - a preponderance of the evidence shows that an employee violated agency rules, regulations, protocols, standard operating procedures, directives, or training;
 - b. Unfounded - a preponderance of the evidence shows that the alleged misconduct did not occur;

- c. Exonerated - a preponderance of the evidence shows that the alleged conduct did occur, but did not violate rules, regulations, standard operating procedures, directives, or training;
 - d. Not Sustained - based upon the preponderance of evidence standard, there is insufficient evidence to decide whether the alleged misconduct occurred.
 - e. Administratively Closed - In some cases, the complaint or investigation is closed prior to reaching a disposition. These should be counted as Administratively Closed.
4. The conclusions should be written in paragraph form wherein each piece of evidence that is relied upon in order to reach the conclusion found is individually numbered.
 5. These individual paragraphs should be in sufficient detail that standing alone they provide a concise synopsis of the investigation and its findings.
 6. These individual paragraphs should be footnoted (or referenced) to the source attachment used in formulating the paragraph.
 7. The final paragraph in the conclusion(s) should include verbiage that reads, in effect: "...based upon the preponderance of evidence accumulated in the investigation it is concluded that:
 - a. There is insufficient evidence that <Officer/Employee> did <alleged behavior>.
 - b. The allegation that <Officer/Employee> did <alleged behavior> is unfounded.
 - c. The allegation that <Officer/Employee> did <alleged behavior> is sustained.
 - d. The investigation exonerates <Officer/Employee> of the allegation of <alleged behavior>
 - e. The investigation into <alleged behavior> of <Officer/Employee> is administratively closed at this time due to <Officer/Employee> terminating his or her employment prior to disposition of the complaint <or other legitimate reason>."

E. Request for Extension of Investigation

1. Exceptions to the forty-five (45) calendar day requirement to complete all internal investigations may be granted only in the following cases:
 - a. The investigation is pending criminal prosecution;
 - b. The investigation is undergoing a prosecutorial review to determine if the matter will be prosecuted criminally;
 - c. Other extenuating circumstances determined by the Chief of Police.

2. This form must be submitted to the Internal Affairs Supervisor or Chief of Police for approval as soon as any of these criteria are met.
 3. The completed form, including all required endorsements, must be submitted as an attachment to the investigation.
- F. Supplemental Internal Investigation Report
1. A Supplemental Internal Affairs Investigation Report will be used for any additional follow up investigation if needed
- G. Performance Notices and Reprimand Notices are forms that must be completed by a supervisor to address the corrective action taken.
1. A performance notice shall be used when the performance deficiency warrants a corrective action of training or counseling.
 2. The supervisor recommending a performance notice (counseling, or training) or a reprimand notice shall complete and forward the unsigned copy along with the completed investigation report to the Internal Affairs Unit Supervisor for review and approval.
 3. Upon approval, the notice will be returned to the investigator for signature and service.
 4. The employee shall be advised of the corrective action by the issuing supervisor. The employee shall sign the notice and be given a copy of the document. The original document shall be forwarded to the Internal Affairs Supervisor for filing.
- H. Formal Charges:
1. A Notice of Charge Form shall be used to recommend discipline that could exceed a written reprimand.
 2. If the complaint is sustained and it is determined that formal charges should be proffered, the Chief of Police or designee shall direct the Internal Affairs Unit Supervisor or designee to prepare the Notice of Charge Form, sign, and serve charges upon the principal.
 3. The Notice of Charge Form shall direct that the employee charged must enter a plea of guilty or not guilty, in writing, on or before the date set forth in the notice for entry of a plea. The date will be listed on the notice and must provide at least 5 days after the date of service of the charges to enter a plea and request a hearing, if applicable.
 4. Conclusion of fact and any discipline imposed will be noted in the employee's personnel file after he or she has been given an opportunity to read and sign it. The Internal Affairs Unit Supervisor will cause the penalty to be carried out and complete all required forms.

5. If the employee charged waives a hearing and enters a plea of guilty, the Chief of Police shall permit the employee to present factors in mitigation prior to imposing discipline.

VIII. HEARINGS

- A. When applicable and upon written notice of a request for a hearing from the principal, the Chief of Police will set the date for the hearing, no sooner than 10 days and no more than 30 days, and arrange for the hearing of the charges.
- B. The Internal Affairs Unit Supervisor shall be responsible for or assist the assigned supervisor or attorney in preparing the department's prosecution of the charges. This includes timely notification of all witnesses and preparing all documentary and physical evidence for presentation at the hearing.
- C. In the event of a hearing, the Internal Affairs Supervisor will be responsible for preparing a discovery package from the Internal Affairs file and providing it to the principal or his or her representative.
- D. The hearing shall be held before the appropriate authority or the appropriate authority's designee. In accordance with NJSA 40A: 14-148, except as otherwise provided by law, the officer, board or authority empowered to hear and determine the charge or charges made against an employee of the police department, shall have the power to subpoena witnesses and documentary evidence. The Superior Court shall have jurisdiction to enforce any such subpoena.
- E. All disciplinary hearings shall be closed to the public, unless the defendant employee requests an open hearing. The department reserves the right to petition the hearing officer to conduct a closed hearing if a legitimate reason exists for such a request.
- F. The hearing authority will fix actions that are deemed appropriate under the circumstances in accordance with the Rules and Regulations. (Reference N.J.S.A. 40A: 14-147).
- G. The hearing authority is empowered to enter a finding of guilty or not guilty or to modify the charges as deemed necessary. The decision of the hearing authority should be in writing and should be accompanied by findings of fact for each issue in the case.
- H. A copy of the decision or order and accompanying findings and conclusions shall be delivered to the employee who was the subject of the hearing and to the Chief of Police or designee if he was not the hearing authority.
- I. Upon completion of the hearing, Internal Affairs will complete all required forms including the entry of the disposition in the Internal Affairs record keeping system.
- J. If charges are sustained, the Internal Affairs Supervisor will cause any imposed discipline to be carried out.

IX. CONFIDENTIALITY

- A. The progress of internal affairs investigations and all supporting materials are considered confidential information. Upon completing a case, the Internal Affairs Supervisor will enter the disposition in the Internal Affairs record keeping system.
- B. The Wall Township Police Department shall protect and maintain the confidentiality of all internal affairs records against the department or employees. These records shall be in a designated secure area accessible only to the Chief of Police, Internal Affairs Supervisor and others as authorized by the Chief of Police.
- C. The contents of investigation case files will be retained in a locked cabinet in an administrative office as designated by the Chief of Police. The files shall be clearly marked as confidential.
- D. The information and records of an internal investigation shall only be released under the following limited circumstances:
 - 1. In the event that administrative charges have been brought against an employee, and a hearing will be held, a copy of those internal investigation reports to be used as evidence in the administrative hearing shall be provided to the employee or the employee's attorney.
 - 2. If the principal, agency, or municipality has been named as a defendant in a lawsuit arising out of the specific incident covered by an internal investigation, a copy of the internal investigation reports may be released to the attorney representing the principal, agency, or jurisdiction.
 - 3. Upon request or at the direction of the Monmouth County Prosecutor or New Jersey Attorney General.
 - 4. Upon a court order.
- E. The Chief of Police may authorize access to a particular file or record for good cause. The request and the authorization should be in writing and the written authorization should specify to whom access is granted, to which records access is being granted, and for what time period access is permitted. The authorization should also specify any conditions, such as one in which the files may be reviewed only at the internal affairs office and may not be removed.
- F. Agencies may receive subpoenas directing the production of internal affairs investigative records. Before responding to the subpoena, the Chief of Police should consult with the agency's legal counsel or Prosecutor's Office to determine whether the subpoena is valid.
- G. If the release of internal affairs documents is appropriate, the agency should inventory the reports they are releasing and obtain a signed receipt.
- H. Subpoenas for Employee's Personnel/Internal Affairs Files
 - 1. In matters that involve criminal and/or civil actions resulting from an internal affairs case, the department shall **NOT** release any information in response to the subpoena without first contacting the Assistant Prosecutor or

attorney to whom the matter has been assigned. All such contact shall be noted in the internal affairs report.

X. INTERNAL AFFAIRS FILES

- A. A separate internal affairs file system shall be maintained in a secured file cabinet under strict control of the Chief of Police or designee. Personnel records are separate and distinct from internal affairs records. Internal affairs investigation reports shall not be placed in an employee's personnel records file.
 - 1. When a complaint has a disposition of exonerated, not sustained, or unfounded, there shall be no indication in the employee's personnel file that a complaint was ever made.
 - 2. When a complaint has been sustained, only a record of the disciplinary action imposed shall be filed in an employee's personnel file.
 - 3. Performance notices and oral reprimands will be maintained for a minimum of 6 months. The employee is responsible for submitting a formal request, in writing, to have the performance notice or oral reprimand removed from their personnel file. Factor(s) that will be considered in removing the performance notice or oral reprimand notice from the personnel file, include, but are not limited to the following: If no additional infractions occur within the minimum six month retention period, during any type of department disciplinary or criminal hearings or proceedings, while the employee is under any type of department or criminal investigation, or at the discretion of the Chief of Police with reasonable cause. Written reprimands will remain permanently in the employee's personnel file. Under no circumstances, will the investigation (if any) that led to the performance notice/oral reprimand or any Internal Affairs index reference be purged.
- B. The file system shall contain all investigative files resulting from Internal Affairs complaints and the original copy of the following reports:
 - 1. Vehicular Pursuit Reports;
 - 2. Use of Force Reports;
 - 3. Firearm's Discharge Reports.
- C. Internal affairs records are included in the Records Retention and Disposition Schedule for Local Police Departments shall be retained in accordance with the records retention guidelines established by law.

WALL TOWNSHIP POLICE DEPARTMENT			
<i>Standard Operating Procedure</i>			
CHAPTER: 15	SECTION: 11	# OF PAGES: 13	
SUBJECT: INTERVIEW & INTERROGATION			
EFFECTIVE DATE: May 1, 2009	ACCREDITATION STANDARDS: 3.2.1, 3.2.2	REVISION DATE	PAGE #
		02/13/13 04/07/14	1,3,6,7,8 7-8
BY THE ORDER OF: Police Chief Robert Brice			
SUPERSEDES ORDERS #: 1994-26, 1994-29			

PURPOSE The purpose of this standard operating procedure is to establish policies and procedures for assuring the constitutional rights of individuals subjected to field and custodial interviews or interrogations, their access to counsel, and their right to bail when appropriate.

POLICY It is the policy of the Wall Township Police Department to safeguard the constitutional rights of individuals at all times in all law enforcement encounters. It is also the policy of this department to adhere to New Jersey Attorney General Directives and Guidelines, Monmouth County Prosecutor's Office Directives, and Court Rule 3:17 concerning the electronic recording of custodial statements.

It is the also policy of this department to conduct field interviews with due respect for the public and in accordance with applicable law, guidelines, and current criminal procedure.

PROCEDURES

I. General

- A. Police officers of all ranks and assignment shall remain familiar with current criminal procedure regarding interviews, interrogation, and access to counsel.
- B. Personnel conducting interviews or interrogations shall not withhold food, water, or restroom privileges from anyone as an interview tactic. Individuals being interviewed will be permitted reasonable access to water and restrooms and will be fed when appropriate.
- C. Interviews and/or interrogations may be conducted until such time as the interviewee invokes their right to counsel or their right to silence, further interviewing would be fruitless, or the purpose of the interview has been accomplished.
- D. The release of any and all information to the media or the public regarding the results of any interview or interrogation will be in compliance with NJSA 47:1A-1, et seq., or other applicable Attorney General or Prosecutor Guideline or Directive, and other written directives of this agency.

II. Interviews – General

- A. Personnel may conduct interviews to gain information for a legitimate law enforcement purpose. An interview takes place when personnel ask questions to obtain information from the interviewee.
 - 1. An interview is conducted in order to collect facts relating to an incident, to substantiate information obtained from other sources, or to provide additional information pertaining to the incident under investigation.
- B. Personnel may ask any questions of any person in furtherance of a legitimate law enforcement purpose except when the person being questioned is subjected to custodial interrogation.
- C. Reasons to conduct interviews include, but are not limited to:
 - 1. Investigative detention field interviews;
 - 2. Victim interviews;
 - 3. Witness interviews;
 - 4. Suspect interviews.
- D. Personnel shall conduct all interviews with due respect for the person being interviewed.
- E. See subsection VIII for specific instructions regarding Spanish-speaking persons.

III. Investigative Detention Field Interviews

- A. The investigative detention field interview is a legitimate tool for preventing and investigating criminal activity. Even when conducted with respect and in strict conformance with the law, it can be perceived by some as a means of police harassment or intimidation against groups or individuals.
- B. An investigative detention is the brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion of criminal activity for the purposes of determining the individual's identity and resolving officers' suspicions.
- C. Personnel may stop anyone at anytime not based solely upon the person's protected class to make a mere inquiry as long as officer(s) do not detain the person or impede their ability to leave. Inquiries of this type are not considered field interviews for reporting/documentation purposes.
- D. Personnel may stop individuals for the purpose of conducting a field interview only where reasonable suspicion is present. Reasonable suspicion must be more than a hunch or feeling, but, need not meet the test for probable cause sufficient to make an arrest. In justifying the stop, personnel must be able to point to specific and articulable facts that, when taken together with rational inferences, reasonably warrant the stop.
 - 1. Facts that have previously been determined to support reasonable suspicion include, but are not limited to:
 - a. The actions of a person suggest that he/she is part of a criminal enterprise or is engaged in a criminal act;
 - b. The hour of day or night is inappropriate for the person's presence in the area;
 - c. The person's presence in a neighborhood or location is inappropriate;
 - d. The person is carrying a suspicious object that warrants attention;
 - e. The person's clothing bulges in a manner that suggests he/she is carrying a weapon;
 - f. The person is located in proximate time and place to the alleged crime;
 - g. The officer has knowledge of the person's prior criminal record or involvement in criminal activity.
- E. Personnel have the authority to make an investigative detention in any place where they have a right to be including, but not limited to:
 - 1. Any public place;
 - 2. Any place or area that is open to the public;

3. Any private premises entered with a valid warrant, by consent, or under emergent circumstances.
- F. Investigative detentions should be reasonably brief, generally no longer than the period of time necessary to verify the subject's identity and the reliability of their story, unless information is obtained that establishes probable cause to make an arrest.
- G. A pat-down (stop & frisk) is a frisk or external feeling of the outer garments of an individual for weapons only, see SOP 14:6 Search and Seizure.
- H. The following guidelines should be followed when conducting a field interview.
1. Notify communications of the stop.
 2. When approaching the person, personnel should clearly identify themselves as police officers; if not in uniform, by announcing their identity and displaying their agency badge.
 - a. Personnel should not stand directly in front of a subject. Instead, personnel should stand perpendicular to the subject with their strong side (sidearm side) away from the subject(s).
 3. Personnel should announce the purpose of the inquiry and begin with exploratory questions regarding the subjects' identity.
 - a. To verify information obtained from the subject, it may be necessary to remove them from within earshot of any radio or telephone conversation.
 - b. Under some circumstances, the subject may be placed into the rear seat of a police vehicle, when applicable. (Examples: heavy traffic, extreme weather, hostile crowd gathering, etc.)
 4. Personnel should be courteous at all times during the contact; but, maintain caution and vigilance for furtive movements to retrieve weapons, conceal or discard contraband, or other suspicious actions.
 5. Before approaching more than one person, personnel should determine whether the circumstances justify a request for backup assistance and whether the contact can and should be delayed until such assistance arrives.
 6. Personnel should confine their questions to those necessary to resolve their suspicions. However, personnel shall not detain persons longer than is reasonably necessary to make these limited inquiries.
 7. Personnel are not required to give suspects Miranda warnings unless the person is in custody and about to be interrogated.
 8. Persons are not required nor can they be compelled to answer any questions posed during field interviews. Failure to respond to an officer's inquiries is not, in and of itself, sufficient grounds to make an arrest.

although it may provide justification for additional observation and investigation.

9. Personnel should conduct the necessary warrant/records checks for stopped persons and act upon positive hits as appropriate.
- I. Field interviews shall be documented to provide this department with intelligence for investigative purposes. The documentation should articulate the justification for the stop.
- J. Field interviews shall be documented on the investigation report of the precipitating event/investigation if applicable, or in CAD and in Field Contacts.

IV. Interrogations

- A. Persons being subjected to custodial interrogation shall be advised of their constitutional rights (Miranda warnings). An individual is considered in custody for Miranda purposes when the circumstances convey to them that they are not free to leave. Whenever there is doubt about custody, the Miranda warnings should be given.
- B. Unless impracticable, warnings should be given using the Miranda Waiver forms. Personnel should read the warning statements directly from the form to avoid confusion and/or omissions, affixing their initials to each point. The suspect, the advising personnel, and whenever possible, a witness should then sign the report where indicated. Further:
 1. Miranda Waiver forms are available in both English and Spanish. Use the appropriate form where indicated. See subsection VIII for specific instructions regarding Spanish-speaking persons.
 2. When electronically recording statements, ensure that the Miranda Warnings are memorialized on the medium used.
- C. Miranda waivers must be knowingly, intelligently, and voluntarily given. Investigators should clarify ambiguous responses when necessary to differentiate between the person's right to counsel and the right to silence.
- D. The custodial interview or interrogation of a juvenile requires a specific level of advisement to guarantee the rights of the juvenile and the rights of the parent.
 1. The State has the burden of establishing that the juvenile's will was not overborne and that the confession was the product of a free choice.
 2. Whenever possible and especially in the case of juveniles under the age of 14, no juvenile should be interviewed except in the presence of his/her parents or guardian.
 3. At no time may the police refuse to allow a parent or guardian the opportunity to speak to the juvenile while he/she is in police custody.
 4. Police may interrogate a juvenile without the parents or guardians present only if the juvenile has withheld their names and addresses, a good faith

effort to locate them is unsuccessful, or they simply refuse to attend the interrogation.

5. When a juvenile is under the age of 14, an adult's absence will render the statement inadmissible as a matter of law unless the parent or guardian is truly unavailable.
 6. All attempts to notify a parent/guardian/custodian shall be memorialized in the Investigation Report.
 7. When the Prosecutor's Office initiates a juvenile complaint and obtains a judicially approved arrest warrant, the juvenile may only waive their Miranda Rights in the presence of and after consultation with his/her attorney. This requirement applies to adults as well if they were juveniles at the time of the offense or when the arrest warrant was obtained (State in the Interest of P.M.P. 404 N.J. Supra 69 (App. Div. 2008)).
- E. If a subject declines to speak after receiving Miranda warnings, officers should seek clarification from the subject whether he/she is invoking his/her right to silence. If the subject does invoke their right to silence, all questioning shall cease.
- F. If a person being interrogated indicates that he/she does not want to talk or answer questions then all questioning must cease. Otherwise, any subsequent statements by the person will not be used in court.
1. If questioning proceeds after a valid waiver is made and the person being questioned changes their mind about the waiver or in any other way indicates he/she no longer wants to talk, interrogation shall cease.
 2. If the person who invoked their right to silence changes their mind and now wishes to initiate a conversation with officers, Miranda warnings should be restated and another Miranda Waiver card completed. The burden rests with the State to prove that Miranda warnings were voluntarily waived.
- G. Once an individual has invoked their right to legal counsel, they are not to be questioned further unless authorized by counsel or unless the individual initiates further dialog. Prior to resuming an interview so initiated, Miranda warnings should be restated and another Miranda Waiver card completed. The burden rests with the State to prove that Miranda warnings were voluntarily waived. Subjects will be permitted to contact an attorney at any time. Attorneys will be granted full access to their clients during interrogation.
- H. If personnel become aware at any point prior to commencing or during a custodial interview that an attorney has been retained on behalf of the individual being interviewed, and is present or otherwise readily available, and has expressed a desire to confer with the individual, the individual must be so advised before the interview can begin or continue. Failure to advise the interviewee will render the waiving of the right to counsel invalid. Further, if any department personnel are made aware of an attorney contacting this department on behalf of an individual in custody, they are to immediately notify the attending investigator.

- I. Officers shall not interrogate any defendant after he/she has been indicted unless permission is obtained from the Monmouth County Prosecutor's Office. Only an Assistant Prosecutor can grant permission.
- J. At no time will coercion, intimidation, or other unlawful means be used to obtain involuntary confessions from individuals suspected of criminal activity.

V. Retention of Field Notes

- A. In accordance with Attorney General Directive 2011-2, officers may not destroy contemporaneous notes of interviews and/or observations at the scene of a 1st, 2nd, 3rd, or 4th degree crime, even after incorporating those items into their final reports.
- B. For purposes of this subsection (V), the following terms are defined:
 - 1. **Notes** means any handwritten or typed writing or notation made by an officer or detective that describes or memorializes observations at the scene of a crime and/or the substantive content of a witness interview, that is, what transpired during the course of the interview. These writings or notations include, but are not limited to:
 - a. The questions that were posed;
 - b. What the interviewee said;
 - c. Any description of the interviewee's reaction and physical appearance, such as a notation that the interviewee appeared to be nervous, excited, angry, defiant, sad, etc.);
 - d. Notations made after the interview that memorializes the officer or detective's personal recollection of what transpired during the interview.

The term does not include notes made in the course of a criminal investigation that do not describe or otherwise document the substantive content of a witness interview (e.g., information learned outside the witness interview; surveillance notes; notations made during the interview concerning investigative tasks to be accomplished such as a "to do" list, or reference to information from outside the interview to be checked against statements made by the interviewee to verify or dispel the witness' account; possible lines of inquiry or specific questions that were not pursued or actually posed to the witness; etc.).

- 2. **Witness Interview** means any interview, whether custodial or non-custodial, of any person, adult or juvenile, done in the course of investigating an indictable crime under New Jersey law. The term does not include an interview of a witness as part of the investigation of a disorderly person or petty disorderly person offense, or a motor vehicle violation, accident, ordinance violation, or any other non-indictable matter.
- 3. **Witness** includes all persons, adult or juvenile, interviewed during the course of an indictable crime investigation, and is not limited to a suspect or target of the investigation.

- C. All original notes of crime scenes and/or witness interviews made by an officer or detective of the Wall Township Police Department in the course of an investigation of an indictable crime shall be retained with the applicable case file. All notes shall be clearly marked with the applicable case number.
- D. Detectives shall ensure that a photocopy or electronic copy of all original notes is provided to the Monmouth County Prosecutor's Office as part of a criminal investigation of an indictable crime.
 - 1. Whenever copies of contemporaneous notes are provided to the Prosecutor's Office, the officer/detective providing these notes shall alert the Prosecutor's Office if it is believed that the contemporaneous notes may include or otherwise reveal confidential or privileged information, or where the officer/detective believes that further disclosure of the contemporaneous notes or any portion thereof may endanger any person or interfere with an investigation. The Prosecutor's office shall determine what parts will be redacted upon satisfying or denying a discovery request.
- E. All notes shall be maintained with the original reports in the appropriate case file in accordance with applicable New Jersey Division of Archives and Records Management records retention schedules.

VI. Interview / Interrogation Rooms

- A. The Detective Bureau Interview/Interrogation Rooms shall be utilized for all custodial interviews and custodial interrogations.
 - 1. When conducting custodial interviews or interrogations, officers shall secure their sidearms in a gun locker.
 - 2. No such restriction exists when conducting victim or witness interviews.
- B. A thorough search of anyone in custody should have been conducted at the time of the arrest, but officers/detectives are authorized to re-search an arrestee/prisoner prior to an interview/interrogation. In instances of a suspect interview prior to an arrest, the detective/officer may conduct a frisk for weapons. Victims and witnesses ordinarily shall not be searched or frisked absent requisite reasonable suspicion (frisk) or probable cause (search). **At no time shall a suspect be left unmonitored in an interview room.**
- C. There should be no more than two detectives/officers in the interview room conducting the interview. If there is one detective/officer in the interview room another detective/officer shall observe from the adjacent room containing the video monitoring equipment. If the equipment is not available, a one-way mirror may be used for observation.
- D. If assistance is needed by the interviewer(s), the observing detective(s)/officer(s) shall summon immediate assistance. Additional assistance may be summoned by the portable radio or telephone system.
- E. Video recording equipment is available to all detectives/officer in the interview/interrogation rooms for the purpose of recording interviews. In the event the video recorder is not available or non-functioning, then a back up video

recording system will be utilized. The room is equipped with a table and chairs and a computer. No other equipment or items shall be stored in these rooms.

- F. If a subject needs to use the restroom, asks for water or needs to take a break, the interviewer should have adequate assistance to fulfill these requests. Additional personnel may be utilized to assist with these breaks.

VII. Electronic Recording

- A. The requirements for electronically recording custodial interrogations in a place of detention shall apply to adults and juveniles alike.
- B. This SOP explicitly authorizes personnel to use any legitimate established interview/interrogation technique deemed appropriate in the context of a specific investigation.
- C. Electronic recording includes both audio and/or video. Under most circumstances the video recording system shall be the preferred method. If this system is not available or inoperable, audio recording will be acceptable.
- D. Custodial interrogations must be electronically recorded when the person being interrogated is suspected of committing a 1st, 2nd, or 3rd degree crime.
 - 1. Personnel may electronically record custodial interrogations for any crime of offense not meeting the above criteria.
 - 2. Personnel may electronically record the booking process for persons arrested for DWI.
- E. Electronically recorded statements are not required if/when:
 - 1. Not feasible (examples: malfunctioning equipment, at a hospital, etc.)
 - 2. A spontaneous statement/admission is made outside the course of the interrogation
 - 3. A statement/admission is made in response to questioning that is routinely asked during arrest processing
 - 4. A statement/admission is made during a custodial interrogation by a subject who indicated prior to making the statement, that he/she would participate in the interrogation only if it were not recorded; provided, however, that the subject's agreement to participate under that condition is recorded
 - 5. A statement/admission is made during a custodial interrogation that is conducted out of the State of New Jersey
 - 6. The statement is given at a time when the subject is not in custody
 - 7. At the time when the statement is made, the interrogators have no knowledge that a crime has been committed requiring electronic recording

- F. The interview rooms in the detective bureau are equipped with covert video and audio recording devices that record interviews and interrogations electronically.
- G. When conducting interviews/interrogations in other jurisdictions, personnel shall adhere to the rules and regulations of that facility as they pertain to electronically recorded statements. Personnel should utilize a portable audio recorder from this department to supplement any recording made by that jurisdiction unless that agency is able to immediately provide a copy of their DVD recording.
- H. The attending supervisor's responsibilities include:
 - 1. Determining if an interview/interrogation requires electronic recording;
 - 2. Determining who should conduct the interview/interrogation;
 - 3. Ensuring that at least one interviewer is available to conduct the process;
 - 4. Ensuring that the surrounding hallways/rooms are clear of distracting noise;
 - 5. Ensuring that the subject is never left alone in the interview room when the recording system is in the record mode;
 - 6. Ensuring that a written summary of the subject's statement/confession is completed.
- I. Interviewers' responsibilities include:
 - 1. Being familiar with the facts as they relate to the case at hand;
 - 2. Ensure that weapons are secured prior to the interview process;
 - 3. Ensure that the subject is positioned correctly in the room so their image is captured on video;
 - 4. Introduce all personnel present in the interrogation room to the subject at the outset of the interview/interrogation;
 - 5. Ensure that the subject reads and signs the appropriate Miranda Waiver form prior to any questioning;
 - 6. Complete a written summary documenting of the subject's statement;
 - 7. Ensure that a transcription of any witness' statement is completed.
- J. Once the equipment is activated, but prior to commencing the interview, the interviewer shall complete covert log sheet. This log includes:
 - 1. The ID of the interviewer(s);
 - 2. The date, start & finish time of the interrogation/interview;
 - 3. Case number;
 - 4. The specific location where the interrogation/interview is being taken;

5. The purpose of the recording (incident description).
- K. Recording shall begin at the point Miranda warnings are required. The warnings and the subject's responses shall be included in the recording. If Miranda warnings were given prior to the recorded interview the subject should be asked during the recorded interview to confirm both the prior warnings and the prior responses.
- L. The Miranda warning process must be captured on the recording. If a subject declines to speak with the interviewer after receiving Miranda warnings, all questioning shall cease.
1. Personnel have no obligation to affirmatively disclose to the subject that an interview/interrogation will be recorded. However, personnel shall not misrepresent whether the interview/interrogation is being recorded.
 2. If the subject inquires at any time as to whether the interview/interrogation is recorded, personnel shall respond truthfully.
 3. A subject need not articulate a clear or explicit request for counsel; if the subject's meaning is unclear, the interviewer shall seek clarification. Once the subject indicates that he/she wants to confer with counsel, all questioning must cease.
- M. Subjects should not appear in restraints during the interview/interrogation except under the most extraordinary of circumstances. Any extraordinary circumstances must be memorialized at the beginning of the recording by having the defendant agree to the interview/interrogation process while being handcuffed.
- N. Visible injuries should be photographed prior to the recorded statement process. Upon commencing the recorded interview, the subject should be asked to explain how the injuries occurred as part of the recording.
- O. Once the interview begins, the **recording device shall not be turned off**. If the subject requests a break (i.e., restroom, beverage, cigarette) the equipment shall remain activated even if the empty room is being recorded. The nature of the break shall be discussed and recorded. If the subject makes any admission(s) or relevant statement (s) during the break, it shall be acknowledged and memorialized by the subject once the recorded interview continues.
- P. Recording juvenile interrogations require the following additional procedures:
1. Juvenile subjects may wish to communicate privately with their parent or guardian, or the parents or guardian may wish to communicate privately with the juvenile.
 - a. If the interrogation had already begun, the **recorder must be turned off**, personnel must leave the room and the room cannot be otherwise monitored.
 - b. Once the interrogation reconvenes, the cause for the break shall be discussed and recorded. If the juvenile subject makes any admission(s) or relevant statement(s) during the parental

consultation known to the interviewer, he/she shall memorialize it once the recorded interview continues.

2. A parent/guardian should be present whenever possible during an interrogation unless the parent/guardian is unwilling to be present or is truly unavailable.
 - a. If personnel are unable to locate a parent/guardian and the decision is made to commence an interview/interrogation with a juvenile subject, continuing efforts to locate a responsible adult should be made by personnel not involved in the interview.
 - b. All such efforts made to locate a parent/guardian shall be memorized when the recorded interview commences with the juvenile and recorded.
 3. Interviewers shall ensure that all parties in the interview room including a juvenile's parent/guardian appear on the recording during the entire process.
 - a. If a juvenile feels uncomfortable discussing certain aspects of a crime in front of a parent/guardian, the parent/guardian may choose to leave the interrogation room. The suggestion that the adult leave the interrogation room shall not originate by the interviewer.
 - b. Even after a parent/guardian chooses to leave the interrogation room, he or she may intervene and stop the interrogation at any time. Parents must be provided access to the interview process in the event they choose to intervene or stop the interview.
- Q. Once the interview or interrogation is completed, the file shall be copied to a DVD.
- R. The ORIGINAL DVD or audio tape must be labeled with the following information:
1. Case or incident number
 2. Any related case numbers
 3. Date the recording was made
 4. Subject's name
 5. The interviewer's name
- S. When the interview is completed the original media shall be marked *ORIGINAL*. If an audiotape is used, the tabs on the tape housing are to be broken immediately to prevent the audiotape from being accidentally recorded over.
- T. The media shall be placed in a case jacket. The dates and times recorded on the envelope or other evidence packaging must be the same as those recorded on the log.

U. **Original recordings shall not be released**, unless specifically authorized by the Prosecutor or Attorney General. If authorized for release, the normal chain of custody procedure applies.

1. Copies of media shall **not** be forwarded by mail or electronic mail.

V. The Records Bureau's responsibilities include:

1. Ensure that the media is properly stored away from magnetic fields (speakers, etc.) or other areas that may facilitate corruption

2. Ensure that the ORIGINAL media is not released without the express consent of the Prosecutor's Office or Attorney General's Office.

VIII. Dealing with Non-English Speaking persons

A. The procedures in this section will be followed when dealing with Spanish speaking individuals who cannot or indicate that they can not understand, speak, read, or write the English Language.

B. Personnel should first attempt to utilize the services of a Spanish speaking police Officer. Every effort should be made when providing Miranda warnings or interviewing a Spanish-speaking subject to have a Spanish speaking police officer serve as interpreter.

C. If unable to locate a Spanish speaking police officer, personnel may elect to utilize a Spanish-speaking member of the community to translate.

1. Personnel should only utilize a private citizen when sworn police officers are unavailable and time is of the essence.

D. Personnel can utilize this service in a conference call capacity with the AT&T interpreter translating for the Spanish-speaking subject (1-800-874-9426).

1. After dialing the phone number, personnel will be asked for their Client Identification Number. The ID number to be used by Monmouth County Police Departments is #110924. Agency name to be utilized is Monmouth County 911. Personal Code to be utilized is [REDACTED]

2. After supplying these codes, personnel will be connected with an AT&T interpreter. Interpreters are available for over 130 languages.

E. If possible, when giving Miranda warnings and interviewing a Spanish speaking victim or witness with the use of an interpreter, the interview should be electronically recorded. The recording can then be transcribed at a later date.

F. When taking statements from subjects, a Spanish-speaking police officer should conduct the questioning and a Spanish literate typist should record all questions and answers in Spanish and in statement form for the accused/defendant to review. Statements can be transcribed to English at a later date.

WALL TOWNSHIP POLICE DEPARTMENT <i>Standard Operating Procedure</i>			
CHAPTER: 20	SECTION: 1	# OF PAGES: 18	
SUBJECT: JUVENILE OFFENDERS			
EFFECTIVE DATE: April 13, 2009	ACCREDITATION STANDARDS: 4.4.1, 4.4.2	REVISION DATE February 7, 2011	PAGE # 2-15
BY THE ORDER OF: Police Chief Robert Brice			
SUPERSEDES ORDER #: GO 2007-28, GO 1996-06, GO 2001-02, GO 1994-21			

PURPOSE: To establish special processing guidelines for the processing and interaction with juvenile offenders.

POLICY: The Wall Township Police Department will treat all juvenile offenders with fairness and in accordance with applicable statutes, amendments, and provisions of New Jersey state law, the New Jersey Constitution, the United States Constitution, the United States Bill of Rights, and applicable directives from the county prosecutor's office. The Juvenile Justice Commission (JJC) monitors all municipal police departments in New Jersey for compliance with the Federal Juvenile Justice and Delinquency Prevention Act, involving the handling of juveniles. When the State is in compliance it is awarded grant money from the Federal government which is funneled through the JJC to develop delinquency prevention programs in counties and municipalities. There are also some State statutes and regulations that partly reinforce these Federal regulations. The State must report annually to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) on its level of compliance with these regulations.

PROCEDURES:

I. Definitions.

- A. Adult means an individual 18 years of age or older.
- B. Curbside warning means the offense or incident is of such a minor nature that it does not warrant custodial detention and a verbal warning and advisement of the consequences of such action would suffice. No further action required aside from documentation.
 - 1. Example: Juvenile throwing stones but not causing damage.
- C. Custody of a juvenile is authorized under N.J.S.A. 2A:4A-31. A juvenile may be taken into custody: (1) Pursuant to an order or warrant of any court having jurisdiction; or (2) For delinquency, when there has been no process issued by a court, by a law enforcement officer, pursuant to the laws of arrest and the Rules of Court.
- D. Delinquency means the commission of an act by a juvenile which, if committed by an adult, would constitute:
 - 1. A crime;
 - 2. A disorderly persons offense;
 - 3. A petty disorderly persons offense; or
 - 4. A violation of any other penal statute, ordinance or regulation (see N.J.S.A. 2A:4A-23 - exceptions to this definition are identified).
- E. Detention means the temporary care of juveniles in physically restricting facilities pending court disposition. N.J.S.A. 2A:4A-22c
- F. Guardian means a person, other than a parent, to whom legal custody of the child has been given by court order or who is acting in the place of the parent or is responsible for the care and welfare of the juvenile. N.J.S.A. 2A:4A-22f
- G. Juvenile is an individual who is under the age of 18 years. N.J.S.A. 2A:4A-22a
- H. Status offense is not a delinquency offense, but rather, is conduct that if committed by an adult would not constitute an offense in the jurisdiction in which the conduct occurred. N.J.A.C. 13:94-1.2 (2013). Examples include runaways, truancy, or conflicts with parents. These offenses commonly occur as part of a Juvenile-Family Crisis pursuant to N.J.S.A. 2A:4A-22g.
- I. Juvenile-Family Crisis means behavior, conduct or a condition of a juvenile, parent or guardian, or other family member which presents or results in:
 - 1. A serious threat to the well-being and physical safety of a juvenile;
 - 2. A serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian;

3. Unauthorized absence by a juvenile for more than 24 hours from his/her home;
 4. A pattern of unauthorized absences from school by a juvenile subject to compulsory education provision of Title 18A of the New Jersey State Statutes, or
 5. An act which if committed by an adult would constitute prostitution in violation of N.J.S. 2C:34-1 or any offense which the juvenile alleges is related to the juvenile being a victim of human trafficking. N.J.S.A. 2A:4A-22g
- J. Non-offender means a detained juvenile, other than one charged with an act of delinquency or a status offense. N.J.A.C. 13:94-1.2 (2013)
- K. Shelter care means the temporary care of juveniles in facilities without physical restriction pending court disposition. N.J.S.A. 2A:4A-22d
- L. Non-secure custody means detention in conditions such that a juvenile is not being held in secure custody. N.J.A.C. 13:94-1.2 (2013)
- M. Secure area means a building or an area within a building that restricts the mobility of an individual in custody through the use of hardware or architectural features. N.J.A.C. 13:94-1.2 (2013)
- N. Status offender means a juvenile accused, charged or adjudicated for conduct that, under the laws of the jurisdiction in which the conduct took place, would not be a crime if committed by an adult, or a juvenile detained protectively because the juvenile's health or safety is in serious danger. N.J.A.C. 13:94-1.2 (2013)
- O. Short-term custody: except where delinquent conduct is alleged, a law enforcement officer may take any juvenile into short-term custody, not to exceed six hours, when:
1. There are reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and that immediate custody is necessary for the juvenile's protection;
 2. There are reasonable grounds to believe that the juvenile has left the home and care of parents or guardian without their consent; or
 3. An agency legally charged with supervision of the juvenile has notified the law enforcement agency that the juvenile has run away from out-of-home placement; except where there are reasonable grounds to believe that the juvenile is an "abused or neglected child" within the meaning of N.J.S.A. 9:6-8.21 in which case the provisions of said law shall govern.
 4. The taking of a juvenile into custody shall not be construed as an arrest but shall be deemed a measure to protect the juvenile's health, morals and well-being. Nor shall a juvenile taken into short-term custody be detained in a detention facility or jail. N.J.S.A. 2A:4A-31b and N.J.S.A. 2A:4A-32a
- P. Stationhouse adjustment is an alternative method that law enforcement agencies may use to handle first-time juvenile offenders who have committed minor juvenile delinquency offenses within their jurisdiction in lieu of signing a juvenile delinquency complaint. The intent of the stationhouse adjustment program is to

provide for immediate consequences, such as community service or restitution and a prompt and convenient resolution for the victim, while at the same time benefitting the juvenile by avoiding the stigma of a formal juvenile delinquency record. In many instances, this early intervention will deter the youth from continuing their negative behavior and divert the youth from progressing further into the juvenile justice system. (Attorney General's Law Enforcement Directive No. 2008-2)

II. Administration.

- A. The Chief of Police shall designate a juvenile officer or officers to have primary responsibility for juvenile operations.
- B. The responsibility for participating in and supporting the department's juvenile operations is shared by all department components and personnel.

III. Enforcement Alternatives.

- A. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion in deciding appropriate action. Officers shall use the least coercive and most reasonable alternative to custody, consistent with preserving public safety, order and individual liberty if the juvenile has not engaged in an act of juvenile delinquency.
- B. Alternatives available include the following:
 - 1. Release with no further action or following informal counseling when no arrest has been made. Officers shall upon release turn the juvenile over to his/her parent or guardian;
 - 2. Informal referral to an appropriate community social service agency;
 - 3. Limited custody and station house warning. The juvenile shall be held in non-secure custody until released to his/her parent(s) or guardian;
- C. Criteria When Choosing an Alternative - In considering a course of action, the officer shall consider the nature of the offense, the age of the juvenile, the juvenile's prior contacts with the police, the availability of community-based rehabilitation programs, and, in some cases, the recommendation of the complainant or victim.

IV. Taking Juveniles into Custody.

- A. Pursuant to N.J.S.A. 2A:4A-31a, a juvenile may be taken into custody:
 - 1. Pursuant to an order or warrant of any court having jurisdiction; or
 - 2. For delinquency, when there has been no process issued by a court, by a law enforcement officer, pursuant to the laws of arrest and Rules of Court.
- B. Handcuffing.
 - 1. All juveniles taken into custody may be handcuffed.

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2. If it is believed the juvenile presents an immediate danger to self or another person, or will attempt to run from custody, the officer shall use handcuffs.
 3. In all situations, an officer shall use discretion as to the need for handcuffs.
- C. Pursuant to N.J.S.A. 2A:4A-31b, except where delinquent conduct is alleged, a juvenile may be taken into short-term custody by a law enforcement officer without order from the court when:
1. The officer has reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and taking into immediate custody is necessary for his/her protection; or
 2. The officer has reasonable grounds to believe the juvenile has left the home and care of his/her parents or guardian without consent of such persons; or
 3. An agency legally charged with the supervision of a child has notified the law enforcement agency that the child has run away from out of home placement, provided, however, that in any case where the law enforcement officer believes that the child is an "abused or neglected child" as defined in section 1 of P. L. 1974, c.119 (C 9:6-8.21), the officer shall handle the case pursuant to the procedure set forth in that act.
- D. The taking of a juvenile into custody shall not be construed as an arrest, but shall be deemed a measure to protect the health, morals and well being of the juvenile. N.J.S.A. 2A:4A-31c
- E. Any time a juvenile is taken into short term custody or regular custody the circumstances shall be documented in either a CAD (non-criminal offense) or an investigation report (criminal offense) along with all the action taken. Pursuant to N.J.S.A. 2A:4A-33, any person taking a juvenile into custody shall immediately notify the parent/guardian that the juvenile has been taken into custody.
- F. Juveniles taken into custody are to be transported directly from the scene to the police department, home, other approved location, or other juvenile facility as directed. The only exception being when directed to do otherwise by an appropriate authority or circumstances require that the juvenile be transported to a medical facility for treatment.
- G. Notification to parent or guardian - Upon taking a juvenile into custody, the detaining officers shall immediately notify the parents or guardians of the juvenile: 1) that the juvenile is being detained; 2) where the juvenile is being held; and 3) the reasons that the juvenile is being detained. N.J.S.A. 2A:4A-33

V. Use of Holding or Temporary Detention.

- A. Pursuant to N.J.A.C. 13:94-2.2(a) (2013) a juvenile held in secure custody shall be placed only in a holding room, cell or other designated area that has been determined by the New Jersey Juvenile Justice Commission to conform to prevailing safety standards for the detention of juveniles.

- B. Status-offenders and non-offenders shall not be held in secure custody. N.J.A.C. 13:94-2.2(b) (2013)
- C. Status-offenders, non-offenders and juveniles held on a charge of delinquency but not being held in secure custody, shall not be held in custody for more than six hours. N.J.A.C. 13:94-2.2(c) (2013)
- D. A juvenile held on a charge of delinquency may be held in secure custody, provided that such secure custody may not exceed six hours commencing from the time the juvenile was placed in secure custody. N.J.A.C. 13:94-2.2(d) (2013)
 - 1. The six-hour restriction set forth in this section shall not apply to the holding of a juvenile in a judicial facility in connection with a court appearance.
- E. A detained juvenile, other than a juvenile detained in a secure holding room or cell, shall not be left unattended at any time. N.J.A.C. 13:94-2.5(d) (2013). A juvenile shall be kept separate from a securely held adult by sight and sound. "Sight and sound separation" means the maintenance of physical separation between a juvenile and a securely held adult so that both sustained visual contact and direct and sustained oral communication between them is not possible. N.J.A.C. 13:94-1.2 (2013)

VI. Juvenile Officers.

- A. The Chief of Police will designate one or more officers as Juvenile Officers.
- B. Juvenile Officers will be responsible for reviewing all cases where a juvenile is taken into custody by this agency.
- C. The Juvenile Officer who reviews the arrest of a juvenile shall, using this policy as a guide, determine which enforcement option is most appropriate.
- D. The Juvenile Officer shall ensure that all aspects of this policy are followed.

VII. Notification of the Juvenile Officer.

- A. If a Juvenile Officer is on duty when a juvenile is taken into custody, the Juvenile Officer will be notified as soon as possible.
- B. If there is no Juvenile Officer on duty when a juvenile is taken into custody, the officer will forward a copy of the report to the Juvenile Officer.
- C. Any juvenile investigation regarding a 1st or 2nd degree crime requires the immediate notification of the Juvenile Officer (on-duty or off-duty) by the investigating officer.

VIII. Assessing the Juvenile for Signs of Harm.

- A. Officers taking custody of a juvenile for any reason shall ascertain the condition of the juvenile to determine if the juvenile has been harmed or injured in any way or is in danger of being harmed or injured. This action shall be documented on the juvenile report form. If the juvenile requires immediate emergency services, such as medical or psychiatric care, the officer shall contact the Juvenile-Family Crisis

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Intervention Unit (FICU), at 877-652-7624, for authorization to transport to a hospital for a mental health assessment when the parent/guardian cannot consent. N.J.S.A. 2A:4A-80f. Any emergent medical conditions shall be treated immediately at an appropriate medical facility. Officers will assist the hospital staff, as needed, in locating and contacting the juvenile's parents and/or guardians for authorization of treatment.

- B. Emergent Protective Custody or Abuse and/or Neglect Identified: Protective custody is a device to be used in crisis situations. It does not apply to a juvenile taken into custody on delinquency matters. An officer who determines there is an emergent need to take a juvenile into protective custody in order to protect the child from suspected abuse or neglect shall immediately inform his/her supervisor prior to taking any such action (absent exigent circumstances). Once taken into custody, the New Jersey Department of Children and Families, Division of Child Protection and Permanency, DCP&P, (formerly known as Division of Youth and Family Services or DYFS) must be notified immediately. They will direct where the juvenile is to be taken by the officer. The Division must be contacted at their consolidated statewide child abuse Hotline (State Central Registry) which is 1-877-NJ ABUSE (652-2873). The Child Abuse Hotline (State Central Registry) receives all reports of child abuse and neglect 24-hours a day, 7-days a week. The hotline shall be immediately notified when any of the following is suspected:
1. Abuse or neglect by a parent, guardian or other person having custody or control.
 2. The child has been exposed to any indecent, immoral or unlawful act that may tend to debauch, endanger or degrade the morals of the child, or is suspected of having been subjected to an act of sexual abuse.
 3. The child has been employed in an occupation which would be injurious to his/her health, dangerous to his/her life, contrary to the law of this State or in such a manner to be dangerous to the morals of the child.
 4. The child is a runaway from another state.

IX. Enforcement Options.

- A. For juvenile custody the following reports will be completed: Arrest Report, Investigation Report (when required), Juvenile Complaint (when required), Stationhouse Adjustment (when applicable) and CAD report for Curbside warnings.
- B. In keeping with the doctrine of *parens patriae*, i.e., that the state plays the role of parent to the child rather than adversary, it is the policy of this department to use the least restrictive alternative when disposing of cases involving juveniles, provided that the course of action will effectively deal with the youthful offender. The following options are available when dealing with juvenile offenders:
1. Curbside Warning.
 - a. The juvenile is involved in a street encounter with law enforcement and is warned to stop any offending activity or to leave the area. The juvenile is not taken to the police department or any other custodial or law enforcement facility because the offense does not rise to the level of an arrest situation. Curbside warnings would be

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appropriate for minor activity such as snowball throwing, cursing or abusive language, loitering, or disturbing the peace. While stopped, the juvenile is counseled as to the consequences of his/her actions.

- b. Upon completion of counseling, officer may elect to either transport the juvenile home or direct him/her to return home on his/her own. Such action should only be taken when the officer reasonably believes the juvenile will return home and will be able to do so in a safe manner.
- c. In instances where curbside warnings are deemed appropriate, the investigating officer will complete or verify completion of a CAD entry ensuring that the name of the juvenile is entered. No other action will take place. The officer handling this type of incident will forward a copy of the CAD entry to the Juvenile Officer.

2. Stationhouse Adjustment.

- a. All law enforcement agencies having patrol jurisdiction within the State of New Jersey shall make stationhouse adjustments available as a method of handling minor juvenile delinquency offenses within their jurisdiction, regardless of the availability of resources. Ordinance violations, petty disorderly persons offenses, and disorderly persons offenses shall be considered for stationhouse adjustment. Fourth degree offenses may also be considered for stationhouse adjustment if the juvenile has no prior record that is known to the law enforcement agency.
 - 1). The following offenses shall result in the filing of a juvenile delinquency complaint. Station house adjustments are not appropriate for the below listed offenses:
 - a). Offenses involving the use or possession of a controlled dangerous substance or drug paraphernalia as defined under Chapters 35 or 36 of the Criminal Code shall not be adjusted without permission of the Monmouth County Prosecutor's Office.
 - b). Bias offenses shall not be adjusted without permission of the Monmouth County Prosecutor's Office.
 - c). Sexual Offenses shall not be adjusted without permission of the Monmouth County Prosecutor's Office.
 - d). Offenses resulting in serious and/or significant bodily injuries shall not be adjusted without permission of the Monmouth County Prosecutor's Office.
 - e). Third degree offenses shall not be adjusted without permission of the Monmouth County Prosecutor's Office.

- f). Offenses shall not be adjusted if the law enforcement agency is aware that the juvenile has other charges already pending before the court.
 - g). Offenses shall not be adjusted when the juvenile is currently on probation, parole, home detention or other court ordered disposition.
 - h). 1st and 2nd degree offenses shall not be adjusted.
- b. The juvenile is taken into custody and transported to the police department.
 - 1. Custody at the police department shall be maintained in a non-secure detention location.
 - 2. A police officer shall, at all times, remain with the juvenile until released from custody.
- c. Pursuant to the Attorney General's Law Enforcement Directive No. 2008-2, a parent or legal guardian/caregiver will be contacted and advised as to why the juvenile is in custody. The parent, guardian/caregiver or their designee shall be required to respond to the police department. The parent, guardian/caregiver or their designee must be present at headquarters in order for the stationhouse adjustment to be conducted.
- d. When considering the appropriateness of conducting a stationhouse adjustment, the following factors shall be considered:
 - 1. The age of the offender. Younger offenders, particularly those who may be less able to understand the consequences of their actions, may be more appropriate for stationhouse adjustment. However, no juvenile offender is automatically excluded due to age.
 - 2. Officers shall consider any record of prior juvenile complaints or stationhouse adjustments. Juveniles with a prior serious offense, or more than two minor offenses, should ordinarily not receive a stationhouse adjustment.
 - 3. Officers shall consider the cooperation and attitude of all parties (juvenile, parents, guardians/caregivers, or designee and victim).
- e. The Juvenile shall be advised of the consequences of future delinquent activity. They shall be read the information contained within the contents of the Stationhouse Adjustment Warning Form. The parent, guardian/caregiver or their designee shall also be provided with a copy of the warning.
- f. If there is a known victim of the alleged offense, the victim must be notified and agree to the process. Where appropriate, victims should be informed that this process is a more efficient and expeditious process that enables a matter to be resolved locally.

1. A stationhouse adjustment may proceed without the active participation of a victim, but shall not proceed over the objection of the victim.
 2. A victim who objects to a stationhouse adjustment should be permitted to sign a juvenile delinquency complaint, unless the complaint is clearly frivolous or lacking probable cause, in which case a complaint should not be accepted by the law enforcement agency.
- g. The juvenile shall agree not to offend again and the juvenile and his or her parent, guardian/caregiver or designee shall be informed that a subsequent offense, or failure to comply with the terms of the stationhouse adjustment agreement, may result in the filing of a juvenile delinquency complaint for the offense.
- h. The officer shall complete a Stationhouse Adjustment Agreement Form, which must be signed by the juvenile and a parent, guardian/caregiver or designee.
1. Examples of stationhouse adjustment techniques:
 - a. Letter of apology.
 - b. Essays on a criminal justice topic.
 - c. Requesting parent or guardian/caregiver to require juvenile to perform additional household jobs.
 - d. Performance of community service by the juvenile through various local organizations, or the juvenile's church or temple. An example would include feeding the homeless.
 - e. Juvenile agreement to make restitution in appropriate cases - this option requires officer follow-up. The restitution should be simple and short term, agreed upon by the juvenile and the victim, and paid directly to the victim. Law enforcement should not be involved in collecting restitution.
 - f. Copies of the agreement shall be maintained in the case file and provided to the juvenile and to the parent, guardian/caregiver or designee. (Note: There is no requirement that the juvenile or parent receive a copy of the agreement.)
- i. Any time that a stationhouse adjustment is utilized by officers, there shall be a clear record of the action. Listed below are some, but not all documents required.
1. CAD entry. This shall include all information required for an accurate record of the incident-names of juvenile(s), victim(s), parent(s) or guardian(s). Description of incident as well as a description of the agreed upon stationhouse adjustment techniques.

2. Stationhouse Adjustment Agreement.
 3. Stationhouse Adjustment Warning.
 4. Statements.
- j. The police department shall maintain the records of all stationhouse adjustments. The Juvenile Officer will submit a quarterly report to the Chief of Police detailing incidents during that quarter. This report will also be forwarded to the Monmouth County Prosecutor's Office. Only report those stationhouse adjustments that were actually completed, either successfully or unsuccessfully. Do not list any stationhouse adjustments as "pending." Only cases in which a stationhouse adjustment is actually performed, or is offered and rejected by either the juvenile's family or the victim should be reported.
1. Information reported shall be recorded on the Stationhouse Adjustment Quarterly Report. There shall not be any names of juvenile offenders on this report. The only information identified shall be as listed below:
 - a. Age at time of offense.
 - b. Ethnicity (as reported by the juvenile).
 - c. Gender.
 - d. Prior Contacts, indicate "Y" or "N".
 - e. Statutory Citation (for the most serious offense adjusted).
 - f. Outcome, indicate numerical code.
 - g. If no stationhouse is conducted, indicate the reason why utilizing the numerical outcome code.
 2. Quarterly Reports are to be submitted by the 15th day of the month following the close of each quarter.
 - a. April 15 (first quarter).
 - b. July 15 (second quarter).
 - c. October 15 (third quarter).
 - d. January 15 (fourth quarter).
 3. Quarterly Reports will be completed by the Juvenile Officer and forwarded to the Chief of Police via the chain of command and the Monmouth County Prosecutors Office, as prescribed by the Prosecutor. Quarterly reports will be maintained by this police department for five years.

3. Juvenile Complaints with Custody.

- a. The juvenile is taken into custody and transported to the police department.
 - 1. Custody at the police department shall be maintained in a non-secure detention location.
 - 2. A police officer shall at all times remain with the juvenile until released from custody.
- b. The police officer shall immediately notify the parents, or the juvenile's legal guardian, if any, that the juvenile has been taken into custody. N.J.S.A. 2A:4A-33. Pursuant to N.J.A.C. 13:94-2.3(a) (2013), the detaining officers shall immediately notify the juvenile's parents or guardians the reasons that the juvenile is being detained. The parent or guardian of the juvenile shall be required to respond to the police department.
- c. A juvenile, who has been charged with an act of delinquency, shall be released pending the disposition of a case, if any, to any person or agency upon assurance being received that such person will accept responsibility for the juvenile and bring the juvenile before the court as ordered. N.J.S.A. 2A:4A-34
- d. Placing a juvenile into juvenile detention: If one of the following circumstances exists, the officer may seek to place the juvenile in detention, after hours, with the permission of the on-call court intake service worker. The Juvenile Detention Center will contact the on-call court intake service worker. The on-call person will contact the officer and determine if the juvenile fits the criteria for detention utilizing the risk screening tool and the information provided by the police officer who is making the request. The juvenile may not score for detention but may score for electronic monitoring instead. There are only two criteria for placing a juvenile into juvenile detention.
 - 1. Pursuant to N.J.S.A. 2A:4A-34c(1), detention is necessary to secure the presence of the juvenile at the next hearing as evidenced by a demonstrable record of recent willful failure to appear at juvenile court proceedings or to remain where placed by the court or the court intake service or the juvenile is subject to a current warrant for failure to appear at court proceedings which is active at the time of arrest; or
 - 2. Pursuant to N.J.S.A. 2A:4A-34c(2), the physical safety of persons or property of the community would be seriously threatened if the juvenile were not detained and the juvenile is charged with an offense which, if committed by an adult, would constitute a crime of the first or second degree and in some exceptional cases, a third degree offense.
- e. If the juvenile scores for detention on the risk screening tool, the original juvenile delinquency complaint must accompany the juvenile to the Juvenile Detention Center.

- f. When a Juvenile Complaint has been initiated and continued detention is not warranted, the juvenile may be released to a parent, guardian or custodian. N.J.S.A. 2A:4A-34d. (I am not sure why this is here. If the juvenile is to be released to a parent, this section "g" and 1 should be covered in section 4 below).
 - 1. The parents will be advised of the pending complaint.
 - g. When preparing juvenile delinquency complaints, the investigating officer should prepare the juvenile complaint and forward it to the Juvenile Officer, or an officer with authority for their review.
 - h. The parent or guardian of the juvenile is to be served with the copy of the complaint either in person or via mail.
4. Juvenile Complaints without Custody.
- a. The investigating officer will prepare the Juvenile Complaint.
 - b. The parent or guardian of the juvenile, and the juvenile, are to be served with a copy of the complaint either in person or via mail. They will receive notice from the Superior Court-Family Part as to the date that the juvenile and the parent/guardian must appear to answer for the charges.
5. Issuance of Written Traffic Citations.
- a. There are only a few exceptions which allow an officer to issue a citation or summons in lieu of taking a juvenile into custody. Most of these exceptions pertain to motor vehicle laws. N.J.S.A. 2A:4A-23 specifically excludes violations of chapters 3, 4, 6, and 8 of Title 39 as delinquent conduct. Therefore, any such motor vehicle violation alleged against a juvenile of any age is to be heard in Municipal Court. All officers may issue a motor vehicle summons to the juvenile for a violation. Officers may arrest a juvenile for those violations which would warrant the arrest of an adult.
 - 1). If a juvenile delinquency case and a motor vehicle summons are signed at the same time, the motor vehicle case will be held in abeyance until completion of the juvenile matter. A copy of the motor vehicle summons should be attached to the discovery on the juvenile delinquency matter and submitted to the Juvenile Court.
 - b. Notification to Parent/Guardian: Where a motor vehicle summons has been issued to a juvenile under the age to lawfully obtain a permit, the issuing officer shall ensure that the juvenile's parent or guardian is notified. For minor offenses, this notification can be made by telephone.

X. Referral to the Juvenile Justice System.

- A. In those cases where an alleged juvenile offender has been involved in serious criminal conduct or repeated violations, officers should, as a matter of course, refer the case to the juvenile justice system (sign a Juvenile Delinquency Complaint),

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unless there are specific mitigating circumstances to recommend otherwise. In general, delinquent acts requiring referral to the juvenile justice system would include:

1. All delinquent acts that if committed by an adult, would be an indictable offense (first through fourth degree crimes).
2. All delinquent acts involving weapons.
3. All serious gang-related delinquent acts.
4. All delinquent acts committed by juveniles on probation, parole, home detention or suspended sentence.
5. Acts committed by juveniles who have been identified as an Impact Offender, or who have charges pending or have a history of repeated delinquent acts.
6. Juveniles, who have been selected to participate in a diversion program, but refuse to participate.
7. In those cases where it has been determined that parental supervision is not effective.
8. In those cases where it has been determined that the juvenile offender represents a threat to him/herself or the community if released.
9. Any act that is committed by a juvenile where there is sufficient probable cause to believe that the juvenile has committed an act of delinquency that would constitute a violation of any offense defined in Chapter 35 or 36 of Title 2C ("The Comprehensive Drug Reform Act"), as required by Directive 5.7 of the Statewide Action Plan for Narcotics Enforcement. Where a juvenile is taken into custody for an act of delinquency involving a violation of any offense defined in Chapter 35 or 36 of Title 2C, a complaint alleging delinquency shall be filed.
10. Violations of underage possession and/or consumption of alcoholic beverages. These types of incidents should be considered for a stationhouse adjustment if no previous record.

XI. Considering Alternative Options.

- A. Officers are in the best position to evaluate the circumstances surrounding the commission of a delinquent act by a juvenile. The stability of the home, peer pressure, the nature of the offense, the age of the offender, their prior record, the availability of community based rehabilitation programs, the likelihood that the juvenile will commit further acts and the victim's recommendations, are all factors that the officer must consider when referring alleged juvenile offenders to formal legal proceedings. The following criteria should be utilized in determining which would be the best approach in terms of handling a juvenile offender. Depending upon the seriousness of the offense and the actual threat that the juvenile represents to him/herself or the community, these factors may include:

1. The nature of the alleged offense. The officer shall determine whether the juvenile is alleged to have engaged in a crisis matter or status offense.

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These matters are referred to the Juvenile Family Crisis Unit, who can then request that the Court Intake Services file a Crisis Petition to bring the juvenile to court. The more serious the offense, the greater the need to have the juvenile referred for more formal action, while relatively minor infractions may simply be referred to the juvenile's parents or guardians for appropriate action.

2. The age and circumstances of the alleged offender have a bearing on just how effective less coercive remedies may be on future conduct of the juvenile offender. Often an officer is able to determine if his/her intervention is sufficient to ensure that there is a reluctance of the juvenile to become involved at a future time.
3. The alleged offender's record, if any. Despite the seriousness of the offense committed, patterns of aberrant behavior may signify that more formal action may be necessary, even though the offense itself was relatively minor.
4. The availability of community based rehabilitation programs. Depending upon what social services are available and how they are accessed by this department should be part of the officer's consideration when making recommendations concerning the disposition of juvenile cases.

XII. Processing a Juvenile for an Arrest.

- A. Pursuant to N.J.S.A. 2A:4A-61, when a juvenile who is fourteen or older is charged with delinquency on the basis of an act which would be a crime if committed by an adult, the juvenile must be processed at the time of charging. All reasonable steps shall be taken to photograph and fingerprint the Juvenile.
 1. "Fourteen or older" means that the juvenile was fourteen or older at the time the charged offense was committed.
 2. "All reasonable steps" shall include taking the juvenile into custody pursuant to law, or having the juvenile voluntarily respond to headquarters.
- B. If a delinquency complaint is signed by a private citizen, the taking of fingerprints and photographs must wait until it is ordered by a judge.
- C. Fingerprints of a juvenile may be taken only in the following circumstances:
 1. Pursuant to N.J.S.A. 2A:4A-61a(1), where latent fingerprints are found during the investigation of an offense and a law enforcement officer has reason to believe that they are those of a juvenile, he may, with the consent of the court or juvenile and his parent or guardian fingerprint the juvenile for the purpose of comparison with the latent fingerprints. Fingerprint records taken pursuant to this paragraph may be retained by the department or agency taking them and shall be destroyed when the purpose for the taking of fingerprints has been fulfilled.
 2. Pursuant to N.J.S.A. 2A:4A-61a(3), where a juvenile 14 years of age or older is charged with delinquency on the basis of an act which, if committed by an adult, would constitute a crime, fingerprint records taken pursuant to this paragraph may be retained by a law enforcement agency for criminal identification purposes.

- D. No juvenile under the age of 14 shall be fingerprinted or photographed for criminal identification purposes without the consent of the court or of the juvenile and his parent or guardian. N.J.S.A. 2A:4A-61b
- E. Pursuant to N.J.S.A. 53:1-20.20, effective February 1, 2013, if a juvenile is charged with certain offenses he/she must provide a DNA sample at the time they are charged, prior to being released from custody. Offenses (including attempts to commit) include:
 - a. Murder; N.J.S.A. 2C:11-3
 - b. Manslaughter; N.J.S.A. 2C:11-4
 - c. Aggravated Sexual Assault and Sexual Assault; N.J.S.A. 2C:14-2
 - d. Aggravated Criminal Sexual Contact and Criminal Sexual Contact; N.J.S.A. 2C:14-3
 - e. Aggravated Assault – Second Degree; N.J.S.A. 2C:12-1b(1) or N.J.S.A. 2C:12-1b(6)
 - f. Kidnapping; N.J.S.A. 2C:13-1
 - g. Luring or Enticing a Child; N.J.S.A. 2C:13-6, or
 - h. Engaging in Sexual Conduct Which Would Impair or Debauch the Morals of a Child. N.J.S.A. 2C:24-4.

XIII. Release of a Juvenile on Own Recognizance (ROR).

- A. All releases (ROR) of a juvenile detained will be in accordance with New Jersey Statute, N.J.S.A. 2A:4A-35.
- B. A juvenile charged with delinquency may be released at either the police or court level on his own recognizance (ROR) if all of the following circumstances have been met:
 - 1. The nature of the offense charged is not such that a danger to the community would exist if the juvenile were released;
 - 2. There is no parent, guardian or other appropriate adult custodian to whom the juvenile could be released and all reasonable measures have been exhausted by either police or court personnel to locate and contact any such person;
 - 3. The juvenile is at least 14 years of age;
 - 4. The identity and address of the juvenile are verified through a positive form of identification; and
 - 5. Reasonable certainty exists on the part of the releasing authority that upon release, the juvenile will return to school or home safely and will appear at his/her hearing.

- C. The releasing officer will obtain a signed Juvenile Release Form.
- D. The releasing officer shall make contact with the juvenile's parent, guardian, or family member over the age of 18.

XIV. Custodial Interviews of Juveniles.

- A. Advisement of Constitutional Rights: Juveniles taken into custody are to be immediately advised of the reason for custody and their constitutional rights, if subjected to custodial interrogation.
- B. Juveniles have the right to counsel at every stage of the juvenile process. Prior to interviewing a juvenile concerning a criminal investigation, officers must first contact the parents or guardians of the juvenile and request that they respond to police headquarters. The investigating officer shall then give Miranda Rights to the juvenile in the presence of his/her parents. The officer shall not question or take statements from juveniles without the parent's permission. If the parents cannot be reached after a reasonable amount of time, then another responsible adult family member may take their place.
- C. Although the parent or legal guardian may elect not to be present for the interview, they and the juvenile must be advised of their right to confer privately prior to questioning and the parent's right to be readmitted to the interview or to stop the interview at anytime.
- D. Should a parent or legal guardian choose not to be present, they are to complete and sign the bottom portion of the Rights form. The advising officer and a witness will also sign the form. When a juvenile is under the age of 14, a parent's absence will render the statement inadmissible as a matter of law unless the parent or guardian is truly unavailable.
- E. If a parent or legal guardian chooses not to be present and refuses or is unable to respond to the location of the interview, the interviewing officer or detective shall use the form supplied by the Monmouth County Prosecutor Office for when a parent or guardian is unavailable.
- F. Prior to any questioning, the officer conducting the interview must clearly explain to the juvenile and parent or legal guardian, if they choose to be present, the department's interview procedures and policies regarding juvenile offenders. They shall also be advised of any possible action that may be taken within the juvenile justice system and procedures within the system.
- G. No more than two officers may be involved in the interviewing of a juvenile at any one time. Although there may be instances where other officers become involved in the interview, only two officers may actively conduct the interview.
- H. Juveniles shall have reasonable access to toilets and water or other beverages while being interviewed. Juveniles will be given an opportunity to eat if an interview extends through a normal meal period.
- I. A spontaneous confession by the juvenile is acceptable. However, the officer is not to further question the juvenile until he/she has given the juvenile his/her Miranda Rights in the presence of the parents/guardians.

- J. Interviews with juveniles shall not extend over periods of time that could be considered unreasonable, excessive, or coercive.
- K. Interviewers shall give consideration to the age, mental capability, and apparent emotional stability of the juvenile when determining the length of the interview.
- L. Any questions regarding the questioning or interrogation of a juvenile should be directed to the Juvenile Unit of the Monmouth County Prosecutor Office.
- M. When a juvenile complaint is initiated and a judicially approved arrest warrant is obtained, the juvenile may only waive his/her Miranda Rights in the presence of and after consultation with their attorney. This requirement applies to adults as well, if they were a juvenile at the time of the offense, or when the arrest warrant was obtained (reference State of New Jersey In the Interest of P.M.P. 200 N.J. 166 (2009)).
- N. Mandatory Electronic Recordation of Interviews/Interrogations of Juveniles (Reference New Jersey Court Rules R. 3:17).
 - 1. All custodial interrogations of juveniles conducted in a place of detention must be electronically recorded when the juvenile is suspected of committing one of the following:
 - a. A crime of the 1st degree;
 - b. A crime of the 2nd degree;
 - c. A crime of the 3rd degree;
 - d. 4th degree criminal sexual contact; or
 - e. Any attempt or conspiracy to commit such crimes.
 - 2. A Stem to Stern electronic recordation of interview/interrogations should also take place for all other 4th degree crimes, if possible.
 - 3. At any time if the officers leave the room during the interview and the juvenile remains in the room with his/her parent, the audio portion of the electronic recording device must be turned off until the officers re-enter the room.

XV. Police Operations on School Property.

- A. All police operations conducted near or on any school grounds will be conducted in accordance with the "Uniform State Memorandum of Agreement between Education and Law Enforcement Officials." A copy of this document is filed with this policy. It will be the responsibility of the juvenile officer to make sure the most recent copy of this agreement is on file with this policy.

WALL TOWNSHIP POLICE DEPARTMENT			
<i>Standard Operating Procedure</i>			
CHAPTER: 21	SECTION: 7	# OF PAGES: 12	
SUBJECT: LABOR DISPUTES, STRIKES & MASS DEMONSTRATIONS			
EFFECTIVE DATE: February 1, 2011	ACCREDITATION STANDARDS:	REVISION DATE	PAGE #
BY THE ORDER OF: Captain Tim Clayton, Officer in Charge			
SUPERSEDES ORDER #: GO 1994-39			

PURPOSE: The purpose of this directive is to establish guidelines and procedures for use in incidents of strikes, labor controversies, and mass demonstrations.

To provide proper liaison between the Police Department, Business Management, their employees, and Labor Unions; to operate efficiently and be prepared to cope with any eventuality that may develop as a result of a strike.

It is neither the intention nor the desire of the Department to suppress or prevent lawful activity. The Department will expend whatever resources are necessary to protect the rights of any person or group to conduct a peaceful and lawful demonstration at any location within the Township. However, unlawful activity, whatever its guise, requires prompt and effective action by the Department. The Department will take appropriate legal steps to discourage unlawful conduct whenever it occurs.

POLICY: It is the policy of the Wall Township Police Department during mass demonstrations to preserve the peace, while protecting the rights of demonstrators to assemble peacefully and exercise free speech.

The provisions outlined in this directive are to ensure that this Department is prepared to respond effectively and efficiently to acts of unlawful conduct during mass demonstrations and to restore peace and order.

PROCEDURES

I. OBLIGATION OF POLICE PERSONNEL

- A. Strikes and circular picketing are not violations of the law. It is illegal acts that sometime arise from such activities that concern the Department. The effectiveness of the Department in labor disputes is maintained by remaining impartial regarding the

parties and issues involved, and by taking appropriate action when criminal violations are observed and reported.

- B. Police Personnel shall maintain complete neutrality during any labor-management dispute. Under no circumstances, shall this Department be made subservient to any group involved. Neither labor nor management will be furnished with assistance, which exceeds the legal authority or ability of the police. The police function, at any labor dispute, is to preserve peace and order, protect the civil rights of both sides, and to prevent the destruction of life and property.
- C. Department members shall protect the right of the people to pursue their lives and lawful occupations free from illegal interference.
- D. Department members will take appropriate action under the law when the rights of anyone are obstructed.
- E. Acts, which prevent the safe and peaceful movements of persons and vehicles in the public streets or impede access to buildings, are in violation of the law and those persons who use such unlawful means to gain their ends, will be subject to arrest.
- F. Department members have the duty and obligation to meet illegal action with legal means to the degree necessary to restore and maintain law and order.
- G. Department members will assume their full responsibilities and expect all others to remember and recognize that they too have responsibilities. The public peace will be preserved by every legal means and the cooperation, compliance, and understanding of the public is expected.

II. DEMONSTRATIONS/CIVIL DISTURBANCES

- A. Tactics employed by dissidents engaged in disruptive activities frequently include effort to draw the police and other public officials into responses likely to produce violence and injury to participants, and thus garner support for their cause. It is, therefore, incumbent upon Department members to resolve disruptive situations in a manner, which will minimize the potential for violent confrontations by performing assigned tasks within the framework of the following principles.
- B. Demonstrations are often highly emotional incidents. The demonstrators and others in their area are committed to their various causes and their possibly conflicting rights. In such situations, Department members will strive to remain objective in order to maintain effectiveness. Once an officer's objectivity is lost, or even appears to be lost, the officer's mere presence at a demonstration may increase tensions and make the police task even more difficult. Department members assigned to the scene of a demonstration will strive to maintain an outward appearance of calmness, whether the task involved is simply standing by protecting demonstrators from hostile onlookers, or making necessary arrests of violent demonstrators.
- C. Department members will afford equal treatment to demonstrators, onlookers, or counter demonstrators.

III. PROCEDURE FOR LABOR STRIKES

- A. The squad supervisor will seek out and identify all labor leaders and management representatives. The squad supervisor will maintain an effective relationship with the

responsible leadership of both labor and management. **He will not become involved in the arbitration of issues.**

- B. In the event the squad supervisor meets with resistance with the attitudes of labor or management, and it appears that there may be an escalating situation, the Patrol Division Commander shall be notified. The Division Commander will arrange separate meetings with the leaders of both sides to ascertain the background of the dispute, so as to estimate its severity and duration, and develop any information pertaining to a strike situation.
- C. Instruct participants of the Police function. The following will not be tolerated:
 - 1. Fighting
 - 2. Assault
 - 3. Violence
 - 4. Threat
 - 5. Coercion
 - 6. Force
 - 7. Intimidation
- D. The right of the public using roadways and sidewalks will be protected. Picket lines will form on sidewalks and confine themselves to the outside or curbside of the roadway, so as not to obstruct the passage of vehicles or persons. Pickets must keep moving, and will not obstruct entrances to the business institution in dispute.
- E. Professional agitators and the use of language offensive to public decency will not be permitted.
- F. When a picket line stops or becomes unruly, it becomes a mob and, as such, is subject to arrest.
- G. People working in or having any business with plants, which are on strike, have a right to freely pass. Anyone who desires to go into or out of a place of business where there is a labor dispute may do so without being impeded, stopped, or threatened with bodily harm.
- H. Union Officials or picketers have a right to talk to people, may stand alongside of entrance ways and pass out leaflets or pamphlets to persons passing in or out of the plant, but they are not permitted to stand in front of passageways or in any way block any entrance or impede traffic.
- I. Surveillance may be conducted at the scene of a labor strike, if necessary, and determine the need for the assignment of uniformed personnel. Patrol units should keep command personnel abreast of all changes occurring during the dispute. The Detective Division shall be responsible for the investigation of all indictable offenses and incidents involving personal injury and/or property damage resulting from labor difficulty.

- J. If the dispute involves a large plant and a considerable number of employees, obtain the following information:
1. Location and size of plant
 2. Location of entrances, exits, loading platforms
 3. Departure and arrival time of employees
 4. Entrances and exits used by employees
 5. Time and location of premises where meal period is taken
 6. Transit facilities, parking areas, and routes used by employees
 7. Time of day merchandise is shipped or received
 8. Other locations that may be affected by dispute
 9. Special hazards or conditions affecting Police duty
 10. Request additional personnel requirements if needed
 11. Report changes in dispute status to command personnel
- K. All functions of crowd control must be executed by law enforcement personnel. If, at any time, consideration is to be given to the demonstrating group to "police" their own, (i.e. appointing wardens), it should be done only after the situation has been controlled by law enforcement and the crowd dispersed. Even then all volunteer policing by the demonstrating group should be under the close scrutiny of law enforcement personnel. The demonstrators must not be given an opportunity to regroup or reorganize; law enforcement control should not be removed until conditions have returned to normal.
- L. In normal circumstances, law enforcement personnel **should not** be withdrawn from any area involved in a civil disorder to permit any persons entering the area to conduct discussions, negotiate agreements, or attempt to disperse demonstrators. Forces in the area should remain to protect life and property, and to prevent the buildup of demonstrators.
- M. A show of force should be used only in instances of a positive threat to civil disorder. A show of force at an early stage of a peaceful demonstration could result in an escalation of the problem. A show of force at the proper time, however, will act as a deterrent to civil disorder. For a peaceful demonstration, a minimum show of force should be employed; however, a strong reserve force should be kept on standby in a relatively close area, but out of view of demonstrators. Use the minimum show of force necessary to control the specific situation.
- N. As a first means of dispersing a crowd, the Field Commander shall attempt verbally to persuade the crowd to disperse of its own accord by announcing available exit routes.

IV. RESPONSE TO ILLEGAL CONDUCT