

- c. The composition of the infant's birth family;
 - d. The age of the parent(s);
 - e. Does the infant have a name?
 - f. The infant's date and place of birth, city/state/country (This particular piece of information may be invaluable in determining the infant's age);
 - g. The infant's pre-natal history. Did the birth mother receive medical care while pregnant? Did she deliver in a hospital or birthing center? Was the infant full-term? What was the infant's birth weight?
 - h. The physical and medical health history of each parent. Any hospitalizations?
 - i. Whether either parents has any serious medical problems?
 - j. Did the birth mother take/use drugs and/or abuse alcohol while pregnant?
 - k. Why is the infant being given up?
 - l. Is the father aware of the birth of the infant? Is the extended family aware of the birth?
11. If the Act applies, the person delivering the infant shall be permitted to leave and shall not be detained while awaiting medical clearance regarding the condition of the infant. The person delivering the infant shall not be required to accompany the infant to the hospital.
 12. Provide known details to the hospital emergency room staff about the infant. Deliver any non-identifying information to the hospital staff that had been obtained from the parent(s) or person who delivered the infant. This information will be documented on the infant's medical chart.
 13. The shift supervisor shall ensure that the Safe Haven for Infants Hotline and the New Jersey State Police Missing and Exploited Persons Unit are contacted and informed that an infant had been surrendered and is en route to a hospital.
 14. Ensure that a case number is generated and an Investigation Report is submitted documenting the details of the incident.
 15. Provide a copy of the investigation report to the **New Jersey Department of Children & Families**, upon request.
 16. Provide reasonable assistance to the **New Jersey Department of Children & Families** upon request. This may include accessing computerized databases to determine if the infant had been reported missing.

17. The Detective Bureau will provide any necessary investigative resources to DCF during any subsequent latent investigation.
18. The Monmouth County Prosecutor's Office and the New Jersey State Police Missing Persons Unit shall be contacted if the infant cannot be identified during the course of the investigation.

WALL TOWNSHIP POLICE DEPARTMENT				
<i>Standard Operating Procedure</i>				
CHAPTER: 21	SECTION: 11	# OF PAGES: 4		
SUBJECT: SCHOOL LOCKDOWNS				
EFFECTIVE DATE: February 1, 2011		ACCREDITATION STANDARDS:	REVISION DATE	PAGE #
BY THE ORDER OF: Captain Tim Clayton, Officer in Charge				
SUPERSEDES ORDER #: GO 2007-14				

PURPOSE: The purpose of this policy is to establish responsibilities and procedures for law enforcement personnel during a school lockdown. The ultimate responsibility for determining the method of a school lockdown as well as the policies related to school lockdowns rests primarily with the respective school districts. This policy deals solely with the duties and responsibilities of law enforcement as it relates to school lockdowns (not sheltering in place).

POLICY: It is the policy of the Wall Township Police Department that all members comply with the following procedures whenever responding to a facility in which a lockdown has been initiated.

PROCEDURES:

I. DISTINCTION BETWEEN "LOCKDOWNS" AND "SHELTER IN PLACE"

- A. **LOCKDOWNS:** A lockdown occurs when occupants of the facility are directed to remain confined to a room/area with specific procedures to follow regarding locking of doors, closing of windows/shades, seeking cover, etc. This procedure is implemented when a criminal element is believed to be on the premises and officials expect that these measures will minimize risk exposure of the occupants to the criminal element. Lockdowns necessitate a law enforcement response and immediate intervention.
- B. **SHELTER IN PLACE:** Sheltering in place is similar to lockdown in that the occupants are to remain on the premises, but may require that they be moved to a different part of the facility due to an environmental event taking place outside of the facility, for example the release of a chemical cloud from a nearby plant. To evacuate the occupants may put them at greater risk than sheltering them within the

facility. However, it may be prudent to move all of the occupants to another part of the facility to further minimize the risk of exposure.

II. RECEIVING A REPORT OF A LOCKDOWN – DUTIES AND RESPONSIBILITIES

A. LAW ENFORCEMENT COMMUNICATIONS OPERATORS:

1. The law enforcement communications operator will attempt to obtain the following information from the person who is reporting the lockdown:
 - a. reason for the lockdown;
 - b. number and description of actors (if applicable);
 - c. type of weapons employed (if applicable);
 - d. total number of persons who occupy the facility;
 - e. any other pertinent information.
2. The law enforcement communications operator will direct a school representative to meet an officer at a designated location in order to supply more detailed information and to help coordinate law enforcement's response. Prior to such a request, it must first be determined whether such a meeting can be done safely.
3. Once this information is obtained, appropriate levels of police personnel and related emergency service personnel will be dispatched to the scene based upon the nature of the incident that necessitated the lockdown.
4. If the situation or circumstances do not permit direct interactions with a school representative, the responding supervisor will request levels of police and related emergency service personnel appropriate to the facts known to the supervisor regarding the threat or hazard.

B. SUPERVISORS

1. If an actual lockdown occurred, on-scene supervisors will ensure immediate notification of command and investigative personnel, specialized units (as appropriate) the Chief of Police, and the County Prosecutor consistent with County Prosecutor's Office directives. The supervisor will also:
 - a. request additional personnel, as appropriate (i.e., traffic control, perimeter control, etc.);
 - b. insure that appropriate outside agencies have been notified, (i.e. fire department, rescue squad, OEM, Bomb Squad, tactical response teams, HAZMAT units, other law enforcement agencies having an interest in the area of the threat, etc.);
 - c. insure that the investigating officer has obtained all pertinent information that may:
 1. lead to the safety and protection of the students and staff;

2. lead to the apprehension of the actor(s) involved; and
 3. serve as intelligence information for responding specialized units.
 - d. direct additional personnel to conduct support functions (i.e. traffic control);
 - e. designate an area for the establishment of a command post
 - f. coordinate the response of outside agencies that have been dispatched to assist.
2. If on-scene supervisor(s) believe that a criminal element has entered or attempted to enter school and the lockdown was initiated in response to that element, the "Rapid Response to an Active Shooter" procedures shall be implemented.
- C. INVESTIGATING OFFICER
1. Upon arrival at the scene, the investigating officer will assume responsibility for conducting the preliminary investigation. The officer shall also be tasked with obtaining information that may be useful for tactical teams and negotiators, as appropriate.

III. NEWS MEDIA

- A. All media interactions and disclosures shall be consistent with the Department's public information policy.
- B. TACTICAL FLIGHT RESTRICTIONS (TFR): A TFR is a regulatory action issued via the U.S. Notice to Airmen (NOTAM) system to restrict certain aircraft from operating within a defined area, on a temporary basis, to protect persons or property in the air or on the ground. Should an event occur (e.g., Active Shooter) whereby tactical operations are in progress and there is a real concern that the suspect(s) may possess the capabilities of observing said real-time operations on television, thereby putting at risk the safety of law enforcement personnel and/or innocent victims, or that such broadcast may impede/interfere with law enforcement operations at an on-going event, the lead law enforcement agency may pursue a TFR by contacting the Operations Manager in Charge of either the NY Center (Ronkonkoma, Long Island, NY – has jurisdiction over most of New Jersey) or the Washington Center (Washington D.C. – has jurisdiction over the southern portion of New Jersey) and requesting a TFR.

NOTE: For more detailed explanations of TFR's, go to www.faa.gov, and under the subheading of "Regulations & Guidelines", click on "Advisory and Circulars". Then in the "search" window type in "91-63c", which will bring up the actual Advisory Circular which gives specific information related to TFR's.

IV. AFTER ACTION ACTIVITIES

- A. Personnel involved in the event shall be required to submit applicable written after-action reports delineating their assignments as well as detailed descriptions of their actions during the event.

- B. Immediately thereafter as practicable but under no circumstances to exceed two weeks, all after-action reports will be forwarded to the County Prosecutor, State or Federal agency, as applicable and if requested, who will then oversee/coordinate a multi-agency critique of the event to review the responses/actions taken by the involved agencies. The results of this critique may be utilized for plan revision and future training.

V. TRAINING/POLICY REVIEW ISSUES:

- A. Law enforcement agencies are strongly encouraged to schedule joint practical drills with the other emergency services and school officials within their respective municipalities. Once again, the drill involving lockdown procedures can be practiced and tested during corresponding drills for "Rapid Response to An Active Shooter".
- B. Law enforcement shall review this policy on an annual basis and make revisions as necessary.
- C. The Police Training Commission shall develop and/or certify standardized training guidelines and lesson plans for "Lockdowns" training as it relates to law enforcement. This training will be incorporated into the training for "Rapid Response to An Active Shooter" and shall occur annually. Adherence/compliance with these guidelines is mandated. Standardization of training will help ensure that all law enforcement agencies/personnel receive a foundation of lockdown training, will react in a similar manner and will enhance the ability of agencies to work as a team during mutual aid incidents. Furthermore, it will give law enforcement some insight as to what to expect if they are dispatched to a school facility which has undergone a lockdown.

VI. RECOMMENDATIONS

- A. Law enforcement officials should invite school officials into this policy review process for input purposes and supply designated school officials with a copy of the final product as well as any future revisions that may occur (all void of specific law enforcement related tactics and strategies).
- B. School officials should review and revise (if necessary) their respective policy on an annual basis, that they invite law enforcement into this review process for input and supply law enforcement (local and county) with a final product as well as any future revisions.
- C. Current blueprints of the floor plans of each school within the district should be supplied to law enforcement.
- D. School officials should train all of their staff (administration, educators and custodial) annually regarding this issue. Once again, law enforcement should be invited to assist in this training so that they can better explain to school staff as to why certain things are done, what is expected of them and what they may expect from law enforcement.
- E. School officials should develop a synopsis or "cliff note" version of their school related lockdown procedures and distribute them, in addition to the policies themselves, to designated district employees as well as law enforcement.

- F. During their planning phase, school officials should consider a variety of staging areas to evacuate students to and to alternate the usage of these designated staging areas so as not to be predictable.

WALL TOWNSHIP POLICE DEPARTMENT				
<i>Standard Operating Procedure</i>				
CHAPTER: 14	SECTION: 6	# OF PAGES: 18		
SUBJECT: SEARCH AND SEIZURE				
EFFECTIVE DATE: March 2, 2009	ACCREDITATION STANDARDS: 3.1.1, 5.3.1b	REVISION DATE	PAGE #	
BY THE ORDER OF: Police Chief Kenneth Brown		08/08/13	All	
		06/10/14	3-5	
		09/27/15 10/09/17	11-14 1	
SUPERSEDES ORDER #: G.O. 1.2.4				

PURPOSE The purpose of this standard operating procedure is to provide guidance to personnel in conducting searches and seizures and is not intended to supplant more detailed publications of criminal procedure and case law. It is intended to serve as a brief guide to operational decision-making concerning searches and seizures in the field. Therefore, all applicable cases will not be represented.

POLICY It is the policy of the Wall Township Police Department to respect and protect the constitutional rights of all persons and to adhere to all law, contemporary criminal procedure, Attorney General's Guidelines and Directives, and applicable court decisions when conducting searches and seizures.

It is also the policy of this department that, unless impracticable or an exception to the search warrant requirement applies, personnel should obtain a search warrant in advance of any search.

It is further the policy of this agency that personnel should familiarize themselves and remain current on applicable criminal procedures and case law regarding constitutional issues.

Supervisors of all ranks are required to conduct training in these areas whenever possible.

PROCEDURES

I. GENERAL PROVISIONS

- A. Courts will generally view warrantless searches as unreasonable on their face. The state has the burden to prove that a warrantless search was, in fact, reasonable under the circumstances.
 - 1. Justification for a warrantless search and/or seizure is **fact sensitive**.
 - 2. All facts and circumstances that lead an officer to make his/her determination to conduct a warrantless search or seizure must be clearly documented on the report of the incident.
 - 3. Be careful in the choice of words (e.g., protective frisks should not be referred to as searches; an inventory of personal property should not be referred to as a search, etc.)
- B. If seizures occur, established evidentiary procedures regarding collection, processing, packaging and recordkeeping apply.
- C. When in doubt about any search or seizure issue, contact an assistant prosecutor for direction.
- D. In order to provide protection for personnel and the agency in general, all searches, whether or not they result in a seizure must be clearly documented on the report of the event that precipitated the search. The report must contain the reasonable suspicion, probable cause, exigency, and/or other facts and circumstances giving rise to the requisite level of belief supporting the decision to search.
- E. For purposes of this SOP:
 - 1. Search refers to an examination of a person's house, building, premises, or separately secured portion thereof; or a person or their effects, including electronic devices and databases, for the discovery of contraband, illicit or stolen property, or some evidence of guilt for use in a criminal proceeding.
 - 2. Seizure refers to the confiscation of any goods, effects, including electronic devices and databases, contraband, or other tangible property or things.
- F. For purposes of this SOP, warrantless searches include, but are not limited to:
 - 1. Searches by consent;
 - 2. Stop and frisk situations;
 - 3. Searches of motor vehicles;
 - 4. Crime scene searches;
 - 5. Public safety considerations/emergencies and exigencies;
 - 6. Plain view / plain smell / plain touch;

7. Open fields;
 8. Searches incidental to arrest;
 9. Protective custody searches;
 10. Abandonment.
- G. In suspected DWI cases, the courts no longer recognize that the natural dissipation of alcohol justifies the seizure of a defendant's blood without a warrant. In such cases, officers shall contact the shift supervisor and inform him/her of the circumstances surrounding the request for blood testing.
1. First, seek a breath sample in accordance with standard DWI enforcement guidelines. If refused, charge accordingly.
 2. If a breath sample is impracticable or if a substance other than alcohol is suspected, seek written consent for a blood test from the suspected drunk/drugged operator;
 3. If consent for blood testing is refused or if the defendant has the inability to appreciate the right to refuse consent, and the defendant has been arrested for DWI regardless of whether there are anticipated criminal charges or simply a DWI offense, contact the on-call Monmouth County Prosecutor's Office assistant prosecutor and seek a telephonic search warrant, see subsection II of this SOP.
 4. Provide the assistant prosecutor with adequate information concerning the sought warrant including whether the matter concerns a DWI offense only or if criminal charges are potentially feasible,
 5. If the defendant is hospitalized and undergoing treatment, and drawing blood is impracticable or consent is refused, advise the Monmouth County Prosecutor's Office assistant prosecutor (or municipal prosecutor in simple DWI cases) to seek a Dyal Subpoena for any blood test results.
 6. These requirements apply to blood testing only.

II. SEARCHES SUPPORTED BY A WARRANT

A. Affidavit

1. An affidavit is a written sworn statement made under oath or on affirmation in support of a search warrant before an authorized judge and must establish the requisite probable cause to believe that a crime will be, is being, or has been committed and that a search would discover the fruits of the crime. **If the affiant is not sworn, the search warrant will be invalid and the search will be considered warrantless.**
2. The affiant must include as many facts as possible on the affidavit to support their belief as to the existence of probable cause. The affiant should describe his/her particular areas of training and expertise, such as forensic computer examinations or sexual assault investigations and how that training and expertise assisted in his/her evaluation of probable cause.

3. Affiants may use information learned from other sources if they can establish both the credibility of the source and the reliability of the source's information by a totality of the circumstances.
4. When additional information that detracts from a finding of probable cause comes to the attention of the affiant after the warrant application has been made, but before the search warrant has been executed, the affiant must present these additional facts to the judge under oath.
5. When preparing the affidavit, the affiant must particularly describe the place to be searched, the items to be seized, the individual or entity possessing the items and the underlying crime/offense.
6. The description should not be general in nature. When listing a specific street address to search, describe the house/building/structure with sufficient specificity.
 - a. If the place to be searched is partitioned, such as a multi-family dwelling, apartment building, office building, etc., specifically list and describe the intended target place.
 - b. If known, identify the owner(s)/occupant(s)

B. Prosecutorial review:

1. Personnel applying for a search warrant from a New Jersey judge must first obtain expressed authorization from the designated assistant prosecutor.
2. This rule shall apply to applications for a search warrant made in person pursuant to R. 3:5-3a, as well as to applications for a search warrant that are communicated to a superior court judge by telephone, radio or other means of electronic communication pursuant to R. 3:5-3b.
3. The designated assistant prosecutor will determine the appropriate judge before whom the application for a search warrant should be made, and will assist the affiant in contacting the judge.
 - a. In cases involving DWI where a search warrant for blood is indicated and where only motor vehicle offenses are anticipated, the on-call assistant prosecutor will authorize that the telephonic search warrant to withdraw blood be obtained through an appropriately designated municipal court judge.
 - b. In cases involving DWI where a search warrant for blood is indicated and where criminal charges are also anticipated (e.g., death by auto, assault by auto, etc.), the on-call assistant prosecutor will authorize that the telephonic search warrant to withdraw blood be obtained through superior court judge.
 - c. Domestic violence weapons search warrants can be obtained from a municipal court judge

4. The assistant prosecutor may grant approval in writing, electronically (e-mail or facsimile transmission), or orally (by telephone or radio communication).
 5. Unless impracticable, the affiant shall submit to the assistant prosecutor a written copy of the affidavit along with a completed and signed application form.
 6. When impracticable for the affiant to submit a copy of a written affidavit and completed application form, the assistant prosecutor is responsible for making certain that all of the requirements of **Attorney General Directive 2002-2** have been satisfied by means of oral communication with the affiant.
- C. If a telephonic warrant is necessary, the telephonic application should be done on a three-way telephone call between the judge, the affiant, and the designated assistant prosecutor.
1. Telephonic search warrants for DWI offenses can be approved by a municipal court judge authorized to do so as designated by the Administrative Office of The Courts;
 2. The affiant must be placed under oath;
 3. The judge will record or take long hand notes of the affidavit;
 4. The judge shall direct the affiant to enter the warrant authorization verbatim on a duplicate original search warrant; and
 5. The judge shall promptly issue a written confirmatory search warrant.
- D. Secrecy
1. The events and circumstances surrounding the issuance of a search warrant should proceed with all practicable secrecy, *R. 3:5-4*. This includes:
 - a. The affidavit or testimony upon which the search warrant is based.
 - b. Following execution, the warrant and accompanying supporting documents including electronic recording(s), duplicate original search warrant, return and inventory.
 2. The only exception to this secrecy requirement is that the warrant and the accompanying papers are to be made available for inspection and copying by the defendant and by any person claiming to be aggrieved by an unlawful search and seizure upon notice to the Prosecutor's Office.
 3. Unauthorized disclosure, prior to its execution, that a warrant has been applied for or issued, except as necessary for its execution may constitute contempt and may result in criminal, civil, and/or administrative sanctions.

E. Execution of a search warrant:

1. When issued, warrants shall:
 - a. Particularly identify the property to be seized; and
 - b. Name or describe the person or place to be searched; and
 - c. Specify the hours when it may be executed.
 - d. Specify whether the search warrant is a no-knock warrant.
2. Warrants must be executed within 10 days and within the hours fixed by the judge and returned to the issuing judge unless otherwise directed by the issuing judge.
3. Warrants may be executed only once and personnel cannot remain on the premises longer than is reasonably necessary to conduct the search.
4. Executing personnel shall ordinarily knock and announce their presence before entry. However, an unannounced entry may be deemed proper if personnel have a reasonable suspicion that knocking and announcing would:
 - a. Present a threat of physical violence (e.g., where the investigator's peril would be increased if knocking preceded the entry); or
 - b. Be futile or a useless gesture (no one home at the target premises, etc.); or
 - c. Result in the loss or destruction of evidence and immediate action is required to preserve the evidence.
5. The attending supervisor of any search warrant execution should staff the incident with sufficient personnel to minimize risk of injury to agency personnel, bystanders, or occupants of the place to be searched.
6. The attending supervisor of any search warrant execution may require the presence of the property and evidence officer if any large seizures of evidence is reasonably anticipated.
7. Proceeds of a crime/offense (stolen property, etc.), instrumentalities of a crime/offense (weapons, marks, tape, etc.), and contraband (CDS, etc.) may be seized.
8. Personnel shall seize any evidence of criminal conduct including contraband that is inadvertently discovered during a search with a warrant.
 - a. If a search warrant authorizes the search of something specific and executing personnel discover other evidence not related to the original search, then the search must stop and the search warrant must be amended.

- b. (Example: while searching for weapons in an assault investigation, CDS is discovered. The inadvertently discovered CDS can be confiscated as a plain view seizure, but no further search for CDS can be conducted without first amending the search warrant.)
 - 9. If property is seized under the warrant, the attending supervisor shall ensure that the person from whom or from whose premises the property is taken is provided with a copy of the warrant and a receipt for the property taken. The inventory of property taken will also be returned to the issuing Judge.
- F. No knock search warrants:
- 1. At the time of application, if there is credible information to infer that personnel safety will be endangered or evidence will be destroyed when a knock and announce warrant is executed, the applicant (affiant) shall seek judicial permission to make an unannounced entry (no-knock warrant).
 - 2. The information upon which this request is based shall be included in the affidavit.
 - 3. The applicant (affiant) shall request that the issuing judge indicate on the search warrant itself or on an attached addendum, that he/she is permitting the Wall Township Police Department to make an unannounced entry.
 - 4. If after a search warrant is obtained, but before the execution is initiated, information is received that an announced entry will jeopardize personnel safety or lead to the destruction of evidence, the attending supervisor shall do one of the following:
 - a. If time permits, revise the affidavit to include this request; or
 - b. If time permits, obtain judicial authorization for a no-knock entry; or
 - c. If time does not permit judicial authorization, make the decision for the no-knock entry and fully document the basis for the no-knock entry on a separate report, which will become part of the case file.
 - 5. The attending supervisor shall consider the use of tactical resources to assist in executing the warrant. Authorized tactical resources include, but are not limited to:
 - a. Monmouth County MOCERT;
 - b. The New Jersey State Police T.E.A.M.S. Unit.
 - 6. The attending supervisor shall ensure that all participating personnel are properly equipped with and wearing body armor on all pre-planned high risk entries.

III. SEARCH BY CONSENT

- A. A search by consent may be conducted without a search warrant, probable cause or reasonable suspicion, EXCEPT that New Jersey Courts require reasonable suspicion before asking for consent to search a motor vehicle. To be considered valid, consent must be voluntarily, specific, freely and intelligently given with knowledge of the right to refuse or to revoke at any time prior to the completion of a search by consent.
- B. Officers must alleviate the appearance of coercion by avoiding unnecessary display of weapons, unnecessary personnel or authority, or by implying that a search warrant can be obtained (without the requisite probable cause), or threat of arrest will be lifted as soon as consent is given.
 - 1. Factors that do not negate the voluntariness of a consent to search, but which may be considered by a court or other authority during a review to determine if consent was in fact given voluntarily;
 - a. Individual was already under arrest;
 - b. Consent was obtained despite a denial of guilt;
 - c. Consent was obtained after individual had refused previous requests;
 - d. Search resulted in the seizure of contraband that the individual knew would be discovered.
 - 2. Factors that a court will consider that may indicate consent was voluntarily given:
 - a. Individual was not under arrest;
 - b. Individual believed no contraband would be found;
 - c. Individual provided an admission of guilt prior to giving consent;
 - d. Individual knew what was being sought;
 - e. Individual was not restrained;
 - f. Individual was familiar with the officers;
 - g. Individual was familiar with criminal justice system;
 - h. Individual provided access to area to be searched;
 - i. Individual signed a Consent to Search form;
 - j. Individual knew he/she had a right to refuse consent;
 - k. Individual knew he/she had a right to be present during the course of the search and stop the search at anytime.

- C. Permission to enter a structure, including permitted entry to conduct an interview is not to be a pretext to search or misconstrued as permission to search.
- D. Personnel should ordinarily complete and submit a **Consent to Search** form whenever such consent is sought and given.
 - 1. Under certain circumstances, it may be impracticable to complete a **Consent to Search** form prior to requesting consent. When impracticable, the consent to search process shall be captured on the patrol vehicle's MVR unit (video and audio). A *Consent to Search* Form shall still be submitted, but clearly noted that a signature was not obtained prior to the search. It shall also be noted on the Consent to Search form the reason why written consent could not be obtained.
 - 2. The form must be submitted as part of the investigative file.
 - 3. Officers seeking permission to search should avoid unnecessary display of weapons and should make their requests clearly independent of the power and authority represented by their badge. Moreover, permission to enter is not permission to search, whether obtained at the door prior to entry or obtained during entry.
 - 4. Following entry, consent to search must be independently requested and specifically given. The exact words chosen by officers and their expression are important in obtaining truly voluntary consent. The language must convey a request, not a command. Additionally, where the person giving consent is in custody, the burden of proving voluntariness becomes more formidable but not impossible.
 - 5. A valid consent to search may be given only by the person with the equal rights to the occupation of the premises. If the suspect and another jointly occupy the premises, the latter may be entitled to consent to entry on that portion of the premises jointly occupied and to seize property. Likewise, a spouse may authorize a search of those areas jointly occupied. However, a third party's consent to search will be invalid where a physically present co-occupant of the premises expressly refuses consent. In situations with co-occupants, officers must also take care not to remove the refusing party in order to gain consent of a co-occupant. Once a co-occupant has refused consent, no consent search may be conducted at that time.
 - 6. Because the scope of permissible consent search is determined by the scope of the consent given, officers must make clear in his/her discussions with the consenting party the precise scope of the consent that the consenting party is providing.
 - 7. An employer cannot consent to the search of non-common premises used by an employee in his/her work.
 - 8. An individual with custody of personal property belonging to another may not consent to its search unless he/she has been given full control over the property. Thus, consent by a person having only limited custody, such as for storage or shipment, is not valid.

9. Generally, a parent or guardian may consent to a search of a child's property. New Jersey Courts have extended this rule to include even the search of an adult child's room if the homeowner parent or guardian consents to the search. If a child refuses to give consent to search common areas of his or her parents' or guardians' home, (e.g. living room, dining room, kitchen) officers may gain consent to search these areas from the parent(s) or guardian(s). New Jersey Courts have recognized a certain hierarchy of ownership in these cases; officers must be careful to differentiate between purely co-occupant situations and children residing with parents or other guardians.
 10. Consent to search may be revoked or limited in scope at any time prior to completion of the search. When an individual revokes consent, officers are not required to cease their investigation. If the officer develops probable cause during the consent process, file for a warrant.
- E. Because consent is a voluntary act, the consent-giver may condition his/her consent as he/she chooses, such as by agreeing to consent to a search only if he/she is allowed to be present during the search or only after speaking with an attorney. If the conditions required by the consent-giver are unacceptable, for example because they might jeopardize the safety of the personnel conducting the search, a search warrant should be obtained, but only after probable cause has been established.
 - F. When the consent-giver is informed that the search will be for a specific item or items, the scope of the search is limited to places where those items can be found.
 - G. Shift supervisors are required to review all Consent to Search forms.

IV. TERRY STOP AND FRISK ENCOUNTERS

- A. Officers 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.
- B. 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.
- C. Officers should announce the purpose of the inquiry and begin with exploratory questions regarding the subject's identity.
 1. To verify information obtained from the subject, it may be necessary to remove them from within earshot of any radio or telephone conversation.

2. 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.)
- D. The courts have consistently ruled that there are three components to justify a frisk in these instances:
1. The investigative detention may only be conducted when an officer has an objective reasonable suspicion of criminal activity.
 2. The protective frisk of a suspect's outer clothing may be conducted only when the officer is in possession of additional specific and articulable facts from which he/she can reasonably suspect that the person is armed and potentially dangerous (Terry v. Ohio).
 3. The frisk must be strictly limited in scope; designed solely to uncover hidden weapons. The purpose of this frisk is not to discover evidence of a crime, but to allow officers to pursue their investigations without fear of violence.
 4. A frisk cannot be confused as a search for anything other than a weapon.
- E. Detainees of the opposite sex shall be frisked with the backside of the officer's hands unless an officer of the same sex is immediately available. Note: officers are not required to delay any frisk if the facts and circumstances reasonably infer that a subject is armed.
- F. Officers may conduct a protective frisk of the passenger compartment of a motor vehicle during an investigatory detention when they have a reasonable suspicion that the person or persons detained may be armed or able to gain immediate control of a dangerous weapon. If the basis for the belief is movement within the vehicle, officers shall inquire as to the nature of the movement and may only continue with a frisk if the individual provides an unsatisfactory explanation or denies making the movement. When officers have this level of belief, they may search the passenger compartment, limited to those areas where the movement occurred and closed containers in which a weapon may be placed or hidden within those areas.
- G. A vehicle frisk may not be conducted where all occupants have been removed and arrested or where no occupants will be allowed to re-enter the vehicle during the encounter.
- H. The sole justification for these frisks is the protection of the police officers and others nearby.
- I. Officers should avoid the term search in any reports or documents describing a frisk.

V. SEARCH OF MOTOR VEHICLES

- A. In accordance with State v. Alston, 88 N.J. 211 (1981) and State v. Witt, 2015 WL 5601436, (2015) the automobile exception to the warrant requirement authorizes the at-scene warrantless search of a motor vehicle only:

1. When officers have probable cause to believe that the vehicle contains contraband or evidence of an offense; and
 2. The circumstances giving rise to probable cause are unforeseeable and spontaneous.
- B. A search under this exception extends to all parts of the vehicle, as well as to all containers that may reasonably be expected to conceal the object of the search until the object of the search is found. If the probable cause extends only to a particular container in the vehicle then a search of the entire vehicle and any other containers may not be justified. This is a fact specific issue and is typically judged on a case-by-case basis using a common sense standard.
- C. In order to conduct an at-scene warrantless search of a motor vehicle, the following requirements must be met:
1. The initial stop is not a pretext; and
 2. There must be probable cause to believe the vehicle contains contraband or other evidence subject to official seizure; and
 3. Such probable cause must be unforeseeable and spontaneous; and
 4. The motor vehicle must be readily mobile.
- D. A warrantless search of a stolen vehicle will be considered on a case-by-case basis. The courts recognize a reasonable expectation of privacy in some cases for occupants of a stolen vehicle. If clarification is needed, the tour commander or an assistant prosecutor should be contacted for assistance.
- E. A limited search of a vehicle may also be conducted to retrieve ownership credentials (not proof of insurance or a driver's license). Such a search must be limited to those areas where the credentials are normally kept, such as glove compartments, center consoles, and visors. Once the credentials are located the search must cease. Implicit in this type of search is that there must be a reasonable opportunity for the owner/operator to produce the required documentation. Any further search would require separate probable cause with an exigency or consent.
1. A search for ownership credentials is allowable under the following circumstances:
 - a. The motorist has been asked to provide credentials and has failed to do so; or
 - b. The information provided by the motorist leads to a reasonable belief that the motorist is lying as to his/her identity; or
 - c. To retrieve rental or lease agreements that may prove or disprove the authority to have the vehicle; or
 - d. There is reasonable belief that the motorist is not in lawful possession of the vehicle.

2. Any contraband or items of evidentiary value that are in plain view during the ownership credential search may be seized. Adequately describe the location of all seized items in the investigation report.
 3. When appropriate and supported by probable cause, motorists and/or passengers shall be arrested.
- F. Nothing in this section imposes any new limitations on an officer's ability to conduct probable cause searches or Terry frisks of operators/passengers when case-specific facts of a vehicle stop support such action.
- G. If officers develop probable cause to arrest a vehicle operator for DWI, a search for open containers of alcohol may be conducted if there is probable cause to believe that such containers are present in the vehicle. The search must be confined to areas where an open container may be kept (e.g., center console, cup holders, etc.)

VI. CRIME SCENE SEARCHES

- A. The fact that a crime has been committed does not in and of itself give personnel the right to conduct a warrantless search of the scene. While this does not preclude personnel who are legally present from seizing evidence that is in plain view, it does prohibit unlimited searches.
- B. Generally, there is no impediment to search when the victim of a crime invites personnel to search and/or investigate the crime scene. An example could be a homicide investigation. These searches generally fall under the emergency aid and community caretaking function.
- C. Personnel are permitted to conduct protective victim/suspect fan-out searches of a crime scene to determine the presence of victims or suspects.
- D. However, there may be exigent circumstances that would justify a warrantless search of a crime scene. In the absence of such circumstances, a search warrant or valid consent should be obtained prior to conducting a crime scene search. Officers cannot create the exigency.
- E. General exceptions or circumstances that may justify such a search include, but are not limited to:
1. Degree of urgency involved and the amount of time necessary to obtain a search warrant
 2. Reasonable belief that evidence/contraband is about to be removed or destroyed
 3. Possibility of danger to personnel securing the scene while a search warrant is being sought
 4. Information indicating that suspects in possession of evidence/contraband are aware of immediate or imminent police interdiction

5. Ready destructibility of the evidence/contraband and the knowledge that efforts to dispose of the evidence/contraband and to escape are characteristic behavior of suspects engaged in this type of criminal activity.

VII. PUBLIC SAFETY CONSIDERATIONS/EMERGENCIES AND EXIGENCIES

- A. Officers are not required to delay the conducting of an entry or search if to do so would endanger their safety or the safety of others. Therefore, if officers have reasonable grounds to believe that a firearm or other condition exists that poses a severe threat to public safety, that officer may take whatever action deemed appropriate to thwart that threat.
 1. Officers who have reasonable cause to believe a place contains substances imminently likely to burn, explode, or otherwise cause death, serious bodily injury, or substantial destruction of property may, without a warrant, enter and search the premises to the extent reasonably necessary for the prevention of such death, serious bodily injury, or destruction.
 2. Officers in hot pursuit of a fleeing dangerous criminal suspect wanted for a serious crime may enter into a structure without a warrant to affect the arrest.
 3. A warrantless forcible entry into a dwelling for the arrest of a person for a minor offense (e.g., DWI offenses, minor drug offenses, DP & PDP offenses) is considered unreasonable.
- B. Officers who take such action must make every effort to immediately notify their supervisor of the condition and of the action to be taken and those actions subsequently carried out.
- C. Under the emergency aid doctrine, two elements must be met before officers conduct a warrantless search:
 1. There must be a reasonable and objective basis to believe that a real emergency exists and immediate action is required to protect or preserve life or to prevent serious injury; and
 2. There must be a connection or nexus between the emergency and the area entered or searched.
- D. Once inside of a premises or area, an officer's conduct must be carefully limited to achieving the objective that justified the entry. If the officer(s) determines that his or her assistance is, in fact, not needed, the officer(s) must depart without exploring further.

VIII. PLAIN VIEW / PLAIN TOUCH / PLAIN SMELL

- A. Officers may seize evidence of a crime or contraband that is in plain view without first obtaining a search warrant when the following conditions apply:
 1. Officers must lawfully make the initial intrusion or lawfully be in the viewing area.

2. Officers must have probable cause to believe that the items observed are evidence of a crime, contraband, or otherwise subject to official seizure.
 3. Plain view may be extended to the recognition of evidence/contraband by any of an officer's senses (sight, touch, smell). For touch, the initial frisk must be justified and the item must be immediately identifiable without manipulation or the need to explore further
 4. When conducting a vehicle stop for any reason, officers are encouraged to visually scan the interior of the stopped vehicle. Use a flashlight if necessary. The initial scan must be conducted from outside of the vehicle.
- B. Officers can lawfully enter a motor vehicle for the sole purpose of retrieving any contraband that is in plain view. See subsection V. Search of Motor Vehicles for additional instructions. Describe the specific location where all seized items were found in the investigation report.
- C. An odor of raw or burnt marijuana on a person can be considered as probable cause to detain, search or arrest. Officers should distinguish between:
1. Raw marijuana – inference that marijuana is physically present; and
 2. Burnt marijuana – strong suspicion of use and additional contraband may be present.
- D. If reasonable suspicion is present, officers should request consent to search the occupant(s) or the vehicle as warranted, see § III. Search by Consent.
- E. If officers develop probable cause to search the vehicle, see § V Search of Motor Vehicles for instructions.
- F. Officers can search the person based upon probable cause and an exigency. (The odor of raw or burnt marijuana on a person's clothing provides sufficient probable cause)
- G. Note: An admission by an occupant of a motor vehicle that marijuana was consumed within the vehicle or other contraband is contained within the vehicle will be used as part of the justification to request consent to search or be included in the affidavit in support of a search warrant application.
- H. The occupant(s) of the vehicle must be searched incidental to arrest and, if questioned, read their Miranda rights.

IX. OPEN FIELDS

- A. Officers are permitted to enter and search an open field without a search warrant. The special and unique safeguards provided by the Fourth Amendment to people in their persons, houses, papers, and effects, is not extended to open fields. Open fields are not houses, nor can they be considered effects.
- B. An open field is best described as a place that has no protected reasonable expectation of privacy. Examples include, but are not limited to:
1. Common woods/forests;

2. Public parks and playgrounds;
 3. Fields or farm lands;
 4. Public beaches;
 5. Lakes, reservoirs, waterways, marshlands or riverbanks.
- C. Constitutional restrictions may apply in an area immediately surrounding a home, i.e. curtilage. Consult with a supervisor before making this type of search.

X. SEARCH INCIDENTAL TO ARREST

- A. The search incidental to arrest exception to the warrant requirement has two specific purposes – the protection of agency personnel and the preservation of evidence.
- B. Upon making a lawful arrest, personnel shall conduct a contemporaneous (happening during the same period of time) complete search of the arrested person and the area within that person's immediate control. Immediate control means the area within reach (grapple area) from which the arrested person(s) might gain possession of weapons, destructible evidence, or implements of escape. All objects shall be removed from the arrested person.
- C. Personnel must ensure that the arrest is not a pretext to search.
- D. A search will not be incidental to arrest if it takes place at a different time and place than the arrest.
- E. The area within immediate control includes any packages in the arrested person's possession or control at time of arrest; but, once personnel have reduced the personal property not immediately associated with the person of the arrestee to their exclusive control, and there is no longer any danger that the arrestee might gain access to the property to seize a weapon or destroy evidence, a search of that property is no longer incident to the arrest.
- F. A warrantless search of an automobile based solely on the arrest of a person unable to endanger police or destroy evidence cannot be justified under any exception to the warrant requirement and is unreasonable. Once the occupant of a vehicle has been arrested, removed and secured elsewhere, the considerations informing the search incident to arrest exception are absent and the exception is inapplicable. If the occupant has been arrested, but not removed and secured, the court will have to determine on a case-by-case basis whether the suspect was in a position to compromise agency personnel safety or evidence to justify resort to the search incident to arrest exception. (State v. Eckel)
- G. If the area within the arrested person's immediate control is a room, the entire room may be subject to search.
1. There is no comparable justification for routinely searching any room other than in which an arrest occurs or for searching through all the desk drawers or other closed or concealed areas in that room itself.

2. If there is reasonable belief that a person(s) who pose a threat to those present in the home, a protective sweep of the home is permissible. A protective sweep is a quick and limited cursory visual inspection of places where a person may be hiding.

XI. PRE-INCARCERATION / PROTECTIVE CUSTODY SEARCHES

- A. Prior to confining an arrestee in the holding/jail facility, arresting personnel shall conduct a pre-incarceration search and inventory of detainees and their personal effects.
- B. This search and inventory is performed to discover any weapons or implements arrestees could use to injure agency personnel, themselves or others, aid in an escape attempt, safeguard detainees' valuables, and protect the agency against false claims of theft or loss of detainees' belongings. (See Strip and Body Cavity Search SOP.)
 1. Searches shall be conducted in a professional and dignified manner, with maximum courtesy and respect for the person.
 2. No detainee shall be searched as punishment or discipline.
 3. All objects or property in the possession of the person detained, arrested or lawfully confined in the detention facility, whether the objects or property are opened or closed, shall be thoroughly searched and an inventory of the contents prepared. A copy of the inventory shall be provided to the detainee.
 4. A pat search shall be conducted while the detainee is fully clothed. A pat search includes both the touching of the detainee's body through clothing, including hair, dentures, etc., and a thorough examination into pockets, cuffs, seams, etc., and all personal property in the detainee's possession.
 5. Pat searches of detainees may be conducted at any time where conditions indicate a need for such searches.
 6. In addition to the foregoing routine searches, a pat search may be conducted at any time when there is a reasonably clear indication that the detainee is carrying contraband.
 7. Pat searches may be conducted by either male or female custody staff members regardless of the gender of the arrestee.
- C. Personnel may search a person taken into protective custody to look for weapons or implements that can be used to injure police personnel, the person in protective custody, or others. Reasons for protective custody include, but are not limited to:
 1. A person with mental illness;
 2. A person with emotional disorder;
 3. A person who is a threat to him/herself or others;
 4. A person who is semi-conscious or unconscious;

- 5. A person who is suicidal
- D. The search may disclose medical identification tags, medallions, or bracelets to assist medical personnel in treating the person.
- E. All items taken shall be inventoried and safeguarded for eventual return to the person (except for any contraband seized).

XII. ABANDONMENT

- A. An individual who abandons property relinquishes a reasonable expectation of privacy in that property. Therefore, there can be no Fourth Amendment seizure when personnel search the contents of such property after it has been so abandoned.
- B. Note: the New Jersey Constitution recognizes that citizens have a reasonable expectation of privacy in their garbage when discarded in typical opaque bags. (The seizure of the bags is generally considered proper; but the search of the bag requires a warrant.)
- C. Property is considered abandoned when the person who has control or dominion over the property knowingly and voluntarily relinquishes any possessory or ownership interest in the property and there are no other apparent or known owners of the property.

XIII. CANINE ALERTS

- A. A positive canine alert can help to establish probable cause to support an application for a search warrant, the reasonable suspicion required for asking consent to search, or the probable cause to conduct a warrantless search. Absent consent, probable cause and an exigency must still be established for a warrantless search.
- B. Officers shall adhere to the policies issued by the Monmouth County Prosecutor's Office if a canine is being considered to conduct sniffs in a public school.

WALL TOWNSHIP POLICE DEPARTMENT			
<i>Standard Operating Procedure</i>			
CHAPTER: 9	SECTION: 18	# OF PAGES: 4	
SUBJECT: SECONDARY EMPLOYMENT			
EFFECTIVE DATE: January 12, 2010	ACCREDITATION STANDARDS:	REVISION DATE	PAGE #
BY THE ORDER OF: Police Chief Robert Brice			
SUPERSEDES ORDER #: GO 1994-42			

PURPOSE: The purpose of this directive is to regulate secondary employment by all employees of this department and to establish procedures to maintain accountability.

POLICY: Secondary employment shall not conflict with the official duties and responsibilities of employees or the interests of the department, nor interfere with or take precedence over the proper performance of any police-related duties at any time or under any circumstances

Secondary employment is a privilege. The Chief of Police reserves the right to prohibit, restrict and regulate all secondary employment for the good of the agency and in the best interests of the community. This privilege may be revoked or modified at any time by the Chief of Police.

PROCEDURE:

I. GENERAL

- A. This agency shall conform to the provisions of the Fair Labor Standards Act, specifically 29 CFR § 553.227 concerning secondary employment.
- B. **ABC** means Alcoholic Beverage Control.
- C. **Secondary Employment** shall include outside employment and extra-duty employment.
- D. **Outside Employment** is defined as non-police related work for which compensation is received for services rendered. This type of work includes, but is not limited to, retail sales, any trades (roofer, plumber, mechanic, electrician, etc.), consulting, other professions (accountant, teacher, etc.), or in any self-employed capacity.

- E. **Extra-Duty Employment** is defined as police related employment not performed during normal duty hours, and is conditioned on the actual or potential use of law enforcement powers by a police officer. Extra-duty employment is also referred to as special duty or side jobs.
- F. **Employee(s) of the Police Department** shall include all police officers and civilian employees.
- G. **Police Officer(s)** shall include all ranks.
- H. **Chief of Police** shall include the Chief or designee.

II. **OUTSIDE EMPLOYMENT**

- A. Employees of this police department may only engage in outside employment with the express written approval of the Chief of Police.
- B. Prior to engaging in any outside employment, employees shall submit a *Request for Outside Employment* form to the Chief of Police through the normal chain-of-command. The Chief of Police shall either grant or deny any request for outside employment.
- C. Authorization shall apply to the specific work, location and conditions stated in the request. A new request shall be submitted for each new employment.
- D. When investigating a request for authorization for outside employment, the Chief of Police shall consider the welfare of the department as of primary importance.
- E. The Chief of Police shall maintain all requests for outside employment.
- F. Authorization for outside employment shall remain in effect until termination of the employment or until canceled by the Chief of Police.
- G. Employees of the police department shall submit a written report through the existing chain-of-command to the Chief of Police upon terminating their outside employment.
- H. Police officers may engage in outside employment of a non-police nature in which vested police powers are not a condition of employment; the work provides no real or implied law enforcement service to the employer, and is not performed during duty hours.
- I. Police Officers are prohibited from any outside employment in any conflict of interest situations including, but not limited to, the following:
 - 1. When the badge, uniform, or exercise of authority are to be used in the performance of the outside employment. This includes any work involving personnel investigations for the private sector or any employment that might require the police officer to have access to police information, files, records, or services as a condition of employment.
 - 2. Employment in any patrol, investigative guard or security related duties. (This does not include extra-duty assignments)
 - 3. Employment using the police uniform in the performance of tasks other than those of a police nature.

4. Employment for any establishment where alcoholic beverages are sold.
 5. As a process server, reposessor, bill collector, or any employment in which police powers can be used for private purposes of a civil nature.
 6. Employment by a concern(s) involved in a labor dispute or any participation in a labor dispute.
 7. Any employment that assists in any manner the case preparation for the defense in any criminal or quasi-criminal proceeding within the County of Monmouth.
 8. In any occupation(s) that are regulated by, or that must be licensed through, the police agency.
 9. Any employment which will in any way reduce their effectiveness as police officers or present an unusual amount of physical danger to the officer.
 10. In any establishment that sells pornographic books, magazines, sexual devices or videos or that otherwise provide entertainment or services of a sexual nature.
 11. Any employment involving the sale, manufacture, or transport of alcoholic beverages as the principle business.
 12. In any casino or gambling establishment.
- J. Failure to submit a written request for outside employment, giving false information when requesting authorization, or failure to adhere to any conditions of outside employment are causes for disciplinary action.
- K. Any injury, disability or illness occurring during outside employment must be reported immediately to this department.
- L. Employees of the police department who are unable to work for a protracted period due to an on duty injury or illness; or off duty injury or illness are prohibited from engaging in outside employment, with the following exception:
1. The employee may request a waiver from the township physician. The decision will be solely a medical decision based on the individual facts of the case in question. The township physician will only grant a waiver in cases where the outside employment will in no way affect the rehabilitation or treatment of the injury, nor will it cause any delay in the employee's recovery and eventual return to full duty status. If the injury is not job related, the cost of the examination by the township physician will be borne by the employee.
- N. Excessive unscheduled absences from duty may result in a denial or revocation of authorization for outside employment.
- O. Police officers are reminded that their primary duty is that of a police officer. Any crime, offense or condition occurring in their presence, or coming to their attention while engaged in outside employment, shall be acted upon in accordance with all applicable laws, ordinances, policies and directives.

- P. Soliciting, or otherwise enhancing, outside employment interests while on duty, or at any time as a result of an official duty, or conducting outside employment activities while on duty are prohibited.

WALL TOWNSHIP POLICE DEPARTMENT				
<i>Standard Operating Procedure</i>				
CHAPTER: 8	SECTION: 2	# OF PAGES: 19		
SUBJECT: SECURITY FOR POLICE DEPARTMENT COMPUTER EQUIPMENT AND DATABASES				
EFFECTIVE DATE: February 17, 2011		ACCREDITATION STANDARDS:	REVISION DATE	PAGE #
BY THE ORDER OF: Captain Tim Clayton, Officer in Charge				
SUPERSEDES ORDER #:				

PURPOSE The purpose of this policy is to establish guidelines to protect and secure police related information, gathered, compiled, and disseminated by various police agencies.

POLICY Effective immediately, and until further notice, all Wall Police Department personnel will conform to this Standard Operating Procedure and will strictly adhere to the procedures governing the use of any and all computer hardware, software, and mobile data terminals. Part of the protection and security of the computer system and information involve proper training in the use of the computer and the capabilities of the machine. Members of the police department must accept training and accept responsibility for safeguarding the computers, information they contain, and the software applications they run. Improper use could result in serious damage to the computer and /or software, or result in members of the police department being held liable for misused or improperly disseminated information.

PROCEDURE

I. CHAIN OF COMMAND FOR COMPUTER RELATED ISSUES

- A. The Chief of Police has ultimate authority and control over all computer hardware, software, and operating systems that are owned, leased, or licensed to the police department. Direct responsibility for the computer systems is assigned to the Administrative Lieutenant. The Administrative Lieutenant is supported in his role by the employee assigned to the IT function.

II. OVERVIEW OF DATABASES

- A. The New Jersey State Police, as part of the CJIS management, serve as the Control Terminal Agency (CTA) for the NCIC and NLETS. The NJCJIS is operating under the concept that management and responsibility should be shared. The
- February 2011 Security For Police Department Computer Equipment and Databases Page 1 of 19

various entities involved in operating, administrating, controlling, and supporting the system; the FBI, the New Jersey State Police, the Office of Telecommunications and Information Systems (OTIS), system participants and users at the federal, state, county, and municipal levels, should be attuned to the needs of the criminal justice and law enforcement community in a cooperative spirit.

- B. NJCJIS management must exercise sufficient control to comply with the interfaced operations of NCIC and NLETS. It will also manage the exchange of information statewide within the NJCJIS terminal network. The CTA will ensure that the NJCJIS terminal network is properly utilized and the exchange of CHRI, as well as other criminal justice information, is properly transacted, processed, and communicated via the various information indexes and NJLETS facilities. NJCJIS management cannot vouch for the accuracy, validity, timeliness, and completeness of all information accessed and exchanged by the system users, but every effort will be made to institute and maintain a high degree of system integrity. The issue of liability has become a major consideration in the daily use of the system and informed users may prove best armed to avoid litigation.
- C. Quality assurance of records, compliance with system policy and procedures, integrity, discipline, training, and proper terminal operation are essentially and ultimately the responsibilities of the individual User. Managers at all levels must ensure that available resources are committed to operational efficiency and compliance with prescribed policies and procedures. Operational assistance to the control point users is provided by the FBI/NCIC managers, the NLETS staff, and the CTA. An agency operating a computer interface or an agency providing NJCJIS access for other agencies via its own NJCJIS terminal, will be considered a control point terminal (CPT). Assistance must further extend to the actual User, the respective terminal operator, the terminal agency coordinator (TAC), the criminal justice practitioner, the patrol officer or investigator, record personnel, the upper-level manager, and the administrator.
- D. Channels utilized for the flow of timely information regarding all aspects of system usage, will consist of operating manuals and guides, newsletters, NJLETS messages, and other communications. CPTs must provide the necessary descriptive operating materials for their respective system interfaces.
- E. The purpose of this agreement is to facilitate the exchange of criminal justice law enforcement information in accordance with current laws, rules and regulations, and in compliance with operating policies and procedures applicable to authorized system participants at the federal, state, county, and municipal level. The following documents, subject matter, and procedures are incorporated by reference and made part of this agreement:

SCIC/NCIC Operating Manual	NJCJIS Security Policy
NCIC Code Manual	NJCJIS Regulations
NJLETS Guide	R & I Newsletters
NLETS Guide	CCH/ANI Operating Manual
NCIC Policy Paper, Dec. 8, 1982	NJ DMVS Guide

NJCJIS Validation Policy/Procedures Guide
Established NJCJIS policies and procedures
New Jersey Administrative Code 13:59-1.1 through 1.6
Department of Justice CCH Title 28-Judicial Administration Guide Part 20-Criminal Justice Information Systems

III. DUTIES AND RESPONSIBILITIES DELINEATED

- A. NJCJIS agrees to furnish access to the files of the SCIC and NCIC, the communications facilities of the NJLETS and NLETS, the State Bureau of Identification's Computerized Criminal History/Automated Name Index (CCH/ANI) files, the files operated by the NJDMVS and other systems or files that may be available in the future.
- B. The Criminal Justice Information System Control Unit (CJISCU) will manage the NJCJIS computerized indexes and communications facilities at the OTIS Network Control Center (NCC) located in West Trenton, New Jersey. The CJISCU will coordinate the installation of terminal hardware, modems, and communication lines between the OTIS NCC and the User.
- C. System availability goals are set in order to provide minimum acceptable performance. The NJCJIS computer availability goals shall be 100% with 96% as minimum acceptable performance. The local/regional/county computer availability goals shall be 100% with 96% as minimum acceptable performance. The local/regional/county facilities are the several control point terminals interfaced with the NJCJIS computer. Average processing and response time shall be held in line with SCIC/NCIC and other adopted standards.
- D. The terminal agency administrator shall appoint a TAC to be responsible for the reactive NJCJIS terminal operation. The TAC must ensure compliance with all approved policies and procedures established by the CTA.
- E. Operational failure at the User end, within the NJCJIS terminal network, may result from one of the following four conditions:
 - 1. The NJCJIS computer is out of service
 - 2. Modem failure
 - 3. A circuit or line problem
 - 4. Terminal equipment malfunction(s)
- F. The User must first ensure that the failure is not associated with its equipment. Once terminal equipment malfunction has been eliminated, the OTIS NCC must be contacted immediately to check circuit/line status. Any indication of circuit/line problems must be logged and furnished to the OTIS NCC operator for relay to the communications vendor.
- G. It is the responsibility of the User to contact the State Police Operational Dispatch (SPOD) at 609-882-2000, extension 2229, to report that the User will be out of service for any reason. The SPOD will then monitor any messages directed to the out of service agency. Under no circumstances should any NJCJIS equipment be disconnected or moved to another location without authorization from the CJISCU.

IV. NJCJIS SECURITY POLICY

- A. Pursuant to a security policy update, which was approved by the NCIC Advisory Policy Board on June 3, 1992, appropriate background investigations must be conducted on all terminal operators who access NCIC and were hired after June 3, February 2011 Security For Police Department Computer Equipment and Databases Page 3 of 19

1992. This will include completed state and federal applicant fingerprint cards submitted to the State Bureau of Identification (SBI). The New Jersey State Police has adopted this policy and expanded it to include all telecommunication systems accessed through the NJCJIS.

B. Procedural guidelines for conducting background investigations on prospective NJCJIS terminal operators are listed below:

1. The employing agency staff must check the following state and national arrest and fugitive files prior to the submission of state and federal applicant fingerprint cards.
2. New Jersey Computerized Criminal History (NJCCH) * SCIC Wanted Person File.
3. NCIC Wanted Person File.
4. NCIC Interstate Identification Index III.
5. NLETS CHRI for non-III participant states.

C. Procedural guidelines for disqualified persons

1. If a record of any kind is found, pursuant to the remote terminal checks listed above, access will not be granted by the employing agency. Access will be contingent upon further investigative review of arrest and /or fugitive records by the employing agency, positive identification by both FBI and SBI fingerprint comparison, and verification of the disqualifying information.
2. After positive identification of the applicant, potential disqualifying information will be forwarded to the employing agency. If the applicant is confirmed to be a fugitive from justice, or has been convicted of an indictable offense, the applicant shall be denied NJCJIS terminal operator access/certification by the employing agency.
3. Disorderly persons convictions shall not be an absolute bar to terminal operator access/certification. The agency head shall review each case and make the determination if NJCJIS access will be granted. Access shall be denied by the agency administrator if not deemed to be in the public interest.
4. Although expunged records may continue to provide a disability to criminal justice employment, pursuant to N.J.S.A. 2C:52-27c, the expunged record will not be utilized to deny terminal operator access/certification. For example, if the employing agency hires a dispatcher with an expunged record, the expunged record will not be used to deny NJCJIS access.
5. The employing agency administrator may allow a current NJCJIS terminal operator who has been charged with an offense to remain in that capacity until resolution of the charge.
6. Police officers, who are denied NJCJIS terminal operator access/certification by the employing agency, are not prohibited from requesting and receiving NJCJIS record information from a certified operator in the performance of their duties.

7. NJCJIS terminal operators with convictions prior to July 13, 1994 are not subject to the disabilities outlined above. Subsequent indictable offense convictions, however, will terminate terminal access. The agency administrator to determine continued access would review subsequent disorderly person convictions.
8. NJCJIS management will ensure that all necessary physical site, personnel, computer, and communications safeguards prescribed are functioning properly in daily operations.
9. The User shall not exchange or disseminate criminal history record information unless transactions are made in compliance with federal and state laws and approved NJCJIS policies and procedures. The User shall ensure that all participating personnel be thoroughly informed of the federal regulations promulgated by the Department of Justice and the New Jersey Administrative Code.

V. NJCJIS TRAINING REQUIREMENTS

- A. User agencies shall comply with prescribed training requirements. Training, testing, affirmation of proficiency, and biennial re-testing and reaffirmation of the proficiency of NJCJIS terminal operators shall be the responsibility of each respective TAC. Training and reaffirmation of proficiency shall be documented and certified by the TAC. The TAC shall provide NJCJIS with the names of all personnel who have been trained and granted access to the NJCJIS. NJCJIS training coordinators will assist in the training program.

VI. NJCJIS NONCOMPLIANCE SANCTIONS PLAN

- A. In order to combat a number of persistent noncompliance issues plaguing the NJCJIS operation, management has developed a three-phase sanction plan. It will be implemented whenever a NJCJIS participant member is not in compliance with established federal and state guidelines that regulate system operation. This process will enhance system integrity and security through increased user compliance with NJCJIS mandated policy and procedures. Ultimately, information contained in the databases accessed through the NJCJIS will be valid, accurate, timely, and complete. **Noncompliance will result in the termination of CJIS services.**
- B. All NJCJIS participants, in accordance with policy and procedures established by the FBI/NCIC and the New Jersey State Police, as the control terminal agency (CTA), will be audited biennially. An audit will focus primarily on the SCIC/NCIC application; however, all NJCJIS related material and programs listed below will be reviewed pursuant to the Agency Audit Report, dated 12/1/93:
 1. Records entered in the State Crime Information Center (SCIC) and National Crime Information Center (NCIC) for validity, accuracy, timeliness, and completeness
 2. Agency's personnel training records to ensure compliance with NJCJIS mandated training requirements
 3. NJCJIS standard operating procedures and provisions outlined in the NJCJIS publications and User Agreement

4. JCJIS distributed publications for up-to-date status, completeness, and availability
 5. Insure standards for statewide SCIC/NCIC inquiry response times are in compliance with NJCJIS requirements.
- C. SCIC/NCIC records that have been identified as invalid must be purged immediately. All discrepancies will be documented and brought to the attention of the chief law enforcement officer (CLEO) and the terminal agency coordinator (TAC). If appropriate corrective measures are not completed on the day of the audit, Phase 1 of the sanction plan will be enacted.
1. Phase One: All infractions will be documented and brought to the attention of the TAC and the agency's CLEO for their review and immediate corrective action. A written formal response from the CLEO shall be directed to the Supervisor of the Records and Identification Section (R&I), Division of State Police, within twenty (20) business days of the receipt of the Phase 1 letter and the following issues shall be addressed:
 - a. Noncompliance issues cited in the CJIS audit.
 - b. Documentation of corrective measures.
 - c. Plans implemented to eliminate future noncompliance.
 - d. Documentation of retraining of agency personnel.
- D. A follow-up visit will be scheduled to ensure that appropriate corrective measures have been implemented. This visit will be made within forty (40) business days of the initial visit. If noncompliance remains an issue, Phase 2 will be implemented.
1. PHASE 2: A letter from the Supervisor of the R & I Section, Division of State Police, will be forwarded to the CLEO, county prosecutor, and governing administrator. The letters will outline the results of the NJCJIS audit and the Agency's failure to implement corrective measures. The letter submitted to the County prosecutor will request a meeting regarding the assignment of another criminal justice agency to provide limited NJCJIS services for the subject agency. Limited sanctions will be imposed at this time:
 - a. Access to the New Jersey Computerized Criminal History (NJCCH) and NCIC Interstate Identification Index (III) through the subject agency's NJCJIS equipment will be suspended.
 - b. All other NJCJIS services will be restricted to one (1) terminal and one (1) printer at the subject agency.
 - c. The subject agency will be placed on sixty (60) days probation
- E. If noncompliance remains an issue, Phase 3 will be implemented and the surrogate agency will provide full NJCJIS services.
1. PHASE 3: A formal letter from the Superintendent, Division of State Police, will be forwarded to the CLEO, county prosecutor, and governing

administrator. Each letter will address the noncompliance issue(s), failure to implement corrective measures, and previously imposed sanctions. In addition, a copy of the audit results will be enclosed. The Phase 3 letter directed to the county prosecutor will indicate the NJCJIS participating member which will provide all NJCJIS services for the subject agency. A CJIS Service Agreement must be executed between the surrogate agency and subject agency. The CJIS Control Unit will programmatically alter software to permit the surrogate member agency to provide the subject agency with NJCJIS services. An additional formal letter will be sent to the CLEO, county prosecutor, and governing administrator, from the Superintendent of State Police, advising that services to that agency's NJCJIS equipment have been terminated. All action taken by the Division of State Police will be documented and filed at the NJCJIS Control Unit, Records and Identification Section, State Police Headquarters, West Trenton, NJ.

VII. REINSTATEMENT-OF CJIS SERVICES

- A. To regain access to suspended NJCJIS services through their terminal equipment, a formal letter from the agency's CLEO must be submitted to the Superintendent of State Police. All of the following issues must be addressed:
 - 1. Noncompliance issue(s) that initiated the enforced sanctions.
 - 2. Corrective action taken by the agency's CLEO.
 - 3. Implemented plans to ensure compliance in the future.
 - 4. Documentation of retraining agency personnel.
 - 5. Requested date for re-inspection by State Police personnel
- B. Upon completion of a satisfactory re-inspection by NJCJIS Control Unit personnel, the Superintendent of the Division of State Police will notify, by correspondence, the subject agency's CLEO, county prosecutor, and governing administrator. After the NJCJIS Control Unit institutes the appropriate software changes, the subject agency's NJCJIS equipment will be restored to its original level of access. The subject agency will be placed on probation for a period of one year.
- C. User agencies shall submit to periodic comprehensive NJCJIS audits. Audits shall be conducted by NJCJIS and/or FBI personnel to ensure compliance with approved policies and procedures.
- D. NJCJIS audits will examine training curriculum, operating procedures, validation procedures, distributed publications, supporting documentation for records, and User/Management Agreements to ensure compliance with NJCJIS policies and procedures.
- E. All noncompliance discrepancies will be documented and brought to the attention of the TAC and the agency administrator. If appropriate corrective measures are not implemented in a timely fashion, a three phase NJCJIS Noncompliance Sanction Plan will be implemented by the CTA. Sanction may result in censure, restriction of NJCJIS access, or ultimately in termination of all NJCJIS terminal services.

VIII. MANAGEMENT CONTROL

- A. In accordance with provisions set forth in the Department of Justice Computerized History Regulations, Title 28, Chapter 1, Part 20, and the National Crime Information Center Policy Paper, all computers, electronic switches, and manual terminals interfaced directly with the NJCJIS must be under the management control of criminal justice agencies. Similarly, satellite computers and manual terminals accessing NJCJIS through a control terminal agency computer must be under the management control of a criminal justice agency.
 - 1. Management control is defined as the authority to set and enforce:
 - a. Priorities
 - b. Standards for the selection, supervision, and termination of personnel
 - c. Policy governing the operation of computers, circuits, and telecommunications terminals used to process criminal justice information insofar as the equipment is used to process, store, or transmit criminal justice information.
 - 2. Management control includes, but is not limited to, the supervision of equipment, systems design, programming, and operating procedures necessary for the development and implementation of a criminal justice information system. Therefore, a criminal justice agency must have a written Management Control Agreement (SBI-12B) with the non-criminal justice agency operating a data center.
 - 3. In addition to providing management control of a non-criminal justice agency operating a data center, the criminal justice agency administrator shall appoint a sworn officer as the TAC to ensure compliance with approved NJCJIS policies and procedures. New management control agreements must be executed when the administrator of the criminal justice agency or the non-criminal justice agency is replaced.

IX. MOBILE DATA TERMINALS

- A. The implementation and functional use of Mobile Data Terminals (MDTs) and the host central processing unit (CPU) must conform to the OTIS interface protocol requirements as needed.
- B. Prior to utilizing the MDTs, the User shall submit a letter of intent to utilize MDTs and list the number of devices and model type of each MDT. Each MDT will be assigned a unique ORI. It is the responsibility of each User to implement software to track transactions of each MDT unit and present them to NJCJIS management during agency audits. The User shall annually provide a list of MDTs and the corresponding police vehicle assignments to the CJISCU.
- C. The User software shall restrict NJCJIS inquiry access via MDTs to the following:
 - 1. New Jersey DMVS Files
 - 2. SCIC and NCIC "HOT" Files

3. NLETS RQ (vehicle registration) and DQ (drivers information) messages
- D. Police officers who are denied NJCJIS terminal access/certification, due to NJCJIS security policy disqualifiers, shall not be denied MDT system access in the performance of their duties.
- E. The User shall be responsible for MDT system security and authorized use, i.e., MDT log-on security, password protection, and physical security to prevent theft or-unauthorized access.
- F. In the event a MDT is lost or stolen, the User shall programmatically disable the MDT from the CPU immediately. In addition, the User shall notify the CJISCU.
- G. MDT screen formats or menus must be submitted to the NJCJIS Control Unit for review to ensure compliance with system policies and procedures.
- H. Users must maintain and store the MDT transactions on disk. The disks shall be indexed, retrievable, and retained for a period of 1 year.
- I. A diagnostic modem will be permitted to perform system diagnostics, network configuration checks, and vendor software maintenance under the following conditions:
 1. The User's modem shall be under the management control of the agency administrator and in a secure location.
 2. The modem shall be connected only during time of actual diagnostic testing.
 3. The modem line shall be equipped with quick disconnect plugs.
 4. Non-criminal justice MDT maintenance personnel shall not have access to valid NJCJIS system data during diagnostic testing.
 5. MDT training shall conform to the standardized requirements established by the CTA.

X. TERMS OF AGREEMENT

- A. The terms of this agreement shall be contingent upon the availability and appropriation of funds by the State of New Jersey for the operation and maintenance of the system. Either party of this agreement may cancel it by giving thirty (30) days notice in writing to the other party of its intention to cancel, unless terminated by casualty. NJCJIS access may also be terminated due to a security violation or by sanction. The Division of State Police shall execute and administer this agreement pursuant to the authority vested in the Superintendent.

XI. CJIS SECURITY POLICY

- A. In order to provide a viable communications system that supports the needs of the criminal justice community, security and confidentiality of information must not be compromised. Security has been a major concern throughout the history of the New Jersey Criminal Justice Information System (NJCJIS). Therefore, the New Jersey State Police Criminal Justice Information System Control Unit (CJIS Control

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Unit) has developed a Security Policy in accordance with existing NJCJIS and National Crime Information Center (NCIC) policies, procedures, and regulations.

- B. Many of the security measures outlined in this document, whether inherently designed into the system, established security policies, or dissemination regulations, have been extracted from various NJCJIS and NCIC publications. The experience and expertise, in the area of security and violations of security, gained by the Federal Bureau of Investigation (FBI) and the New Jersey State Police, acting in its capacity as the Control Terminal Agency (CTA), have been incorporated into this document.
- C. Although this document comprehensively addresses all current security features, impending future system developments may require additional security considerations.
- D. The continuous quest to better serve the communication needs of the criminal justice Community requires the exploration of new or enhanced communication technology. This search may, on occasion, produce a product that does not fully meet the security specifications of the NJCJIS. Therefore, prior to the design, development, or implementation of any new NJCJIS related application, participant members must submit such proposals to the NJCJIS management for review and approval.
- E. Policies, procedures, and regulations presented in this document are intended to serve as a minimum-security requirement and do not preclude an agency from invoking additional security policy measures. Each NJCJIS participant member, including non-terminal agencies, shall retain a copy of this document at their respective agency.
- F. Administrators of criminal justice information systems, police chiefs, police officers, and criminal records personnel must be cognizant of the potential for civil liability inherent in the dissemination of all information obtained via NJCJIS. Security and proper management of this information provides safeguards against the infringement of individual constitutional rights and civil litigation. All precautions, coupled with proper handling of NJCJIS data, should be standing operating procedure.

XII. SECTION I-PERSONNEL SECURITY

- A. Pursuant to a security policy update, approved by the NCIC Advisory Policy Board on June 3, 1992, appropriate background investigations must be conducted on all terminal operators accessing the NCIC and hired after June 3, 1992. This investigation will include completed state and federal applicant fingerprint cards submitted to the State Bureau of Identification (SBI). The CTA has adopted this policy and expanded it to include all telecommunications systems accessed through the New Jersey Criminal Justice Information System.
- B. Procedural guidelines for conducting background checks on prospective NJCJIS terminal operators are listed below.
 - 1. The employing agency must check the following state and national arrest and fugitive files prior to the submission of state and federal applicant fingerprint cards.

- a. New Jersey Computerized Criminal History (NJCCH)

- b. State Crime Information Center (SCIC) Wanted Person File
 - c. NCIC Interstate Identification Index (III)
 - d. NCIC Wanted Person File
 - e. National Law Enforcement Telecommunication System
 - f. (NLETS) Criminal History Record Information (CHRI) for non III participant states
2. If a record of any kind is found, pursuant to the remote terminal checks listed above, access will not be granted by the employing agency. Access will be contingent upon further investigative review of arrest and/or fugitive records by the employing agency, positive identification by both FBI and SBI fingerprint comparison, and verification of the disqualifying information.
 3. After positive identification of the applicant, potential disqualifying information will be forwarded to the employing agency. If the applicant is confirmed to be a fugitive from justice or has been convicted of an indictable offense, the applicant shall be denied NJCJIS terminal operator access/certification by the employing agency.
 4. Disorderly persons convictions shall not be an absolute bar to terminal operator access/certification. The agency administrator shall review each case and make the determination to grant NJCJIS access. Access shall be denied by the agency administrator if deemed not to be in the public interest.
 5. Although expunged records may continue to provide a disability to criminal justice employment, in accordance with N.J.S.A. 2C: 52-27c, the expunged record will not be utilized to deny terminal operator access/certification. For example, if the employing agency hires a dispatcher with an expunged record, the expunged record will not be used to deny NJCJIS access.
 6. The employing agency administrator may allow a current NJCJIS terminal operator who has been charged with an offense to remain in that capacity until resolution of the charge.
 7. Police officers who are denied NJCJIS terminal operator access/certification by the employing agency are not prohibited from requesting and receiving NJCJIS record information from a certified terminal operator in the performance of their duties.
 8. CJIS terminal operators with convictions prior to July 13, 1994 are not subject to the disabilities outlined above. The terminal agency administrator, however, is reserved the right to deny terminal operator access for prior convictions. Subsequent indictable offense convictions will terminate operator access. Subsequent disorderly persons convictions shall be reviewed by the agency administrator to determine continued access.
 9. Mobile Data Terminals (MDTs) do not access the New Jersey Computerized Criminal History (NJCCH) database, the NCIC Interstate Identification Index, or the NLETS criminal history record information.

Therefore, police officers that are denied NJCJIS terminal access/certification due to NJCJIS Security Policy disqualifiers shall not be denied MDT access while in the performance of their authorized duties.

10. Thorough background checks must be completed and documented prior to employment.

XIII. DISCIPLINE OF SECURITY POLICY VIOLATORS

- A. Agencies authorized access to the NJCJIS must have appropriate written standards for discipline of NJCJIS policy violators. These standards will be subject to review during an NJCJIS audit or FBI NCIC agency review. NJCJIS security policy

XIV. SECTION 11-PHYSICAL and VISUAL SECURITY

- A. All NJCJIS terminal agencies must assume responsibility for, and enforce system security. These responsibilities also extend to any agency furnished NJCJIS services by that agency.
- B. Terminal agencies must comply with specific physical and visual security standards before a terminal/computer will be permitted NJCJIS access. Therefore, prior to installation, NJCJIS management must inspect and approve all potential terminal site locations/relocations of computers, printers, and video display units, hereinafter "terminal devices", that access the NJCJIS. This includes a base station terminal device that services a mobile data terminal (MDT) network (MDTs are excluded from site inspections but are subject to the same stringent security measures that pertain to base station operations).
- C. All site inspection requests submitted to the CJIS Control Unit must include the following information:
 1. Agency's name
 2. Physical address
 3. County
 4. NCIC originating agency identifier (ORI)
 5. Contact person
 6. Telephone number
 7. Type of inspection (initial, additional device(s), relocation)
 8. Terminal device(s) make, model, and level of access
- D. The following visual and physical security standards are applicable to all terminal devices:
 1. Terminal Site
 - a. The terminal device must be kept in a secure area with a lockable entrance.

- b. A terminal device site must afford adequate physical security to prevent access by unauthorized personnel.
 - c. The terminal device must be positioned within the physically secured area to prevent visual access from an unsecured area by unauthorized personnel.
 - d. MDTs must be "logged off" NJCJIS when unattended by authorized personnel.
 - e. Passengers in MDT equipped vehicles, who are not authorized NJCJIS participants, shall not be permitted visual or physical access.
 - f. Additional MDT security measures are outlined in the NJCJIS User Agreement dated 10-1-94.
- 2. Once these security standards are achieved, they must be constantly monitored and enforced to prevent any breach of security.
 - 3. All visitors entering a terminal device area must be escorted by authorized terminal agency personnel.
 - 4. Authorized Personnel
 - a. Terminal operators must be screened pursuant to specified guidelines (Section I, Personnel Security).
 - b. Access to the terminal device area must be restricted to the minimum number of authorized employees needed to accomplish the task.
 - c. Terminal operators are restricted to the NJCJIS applications they are authorized to access.
 - d. The control terminal agency will monitor all security policies and procedures through the NJCJIS audit program.
 - e. The terminal agency coordinator (TAC) shall establish procedures for deleting the logon and password of unauthorized personnel.

XV. SECTION 111-USER AUTHORIZATION

A. Originating Agency Identifier

- 1. The NCIC Originating Agency Identifier (ORI) is a nine-character alphanumeric identifier that provides an authorized criminal justice agency, hereinafter "User," (a criminal justice agency as defined by New Jersey Administrative Code 13:59-1.1 and the Code of Federal Regulations, Title 28-Judicial Administration, Chapter 1-Department of Justice, Part 20-Criminal Justice Information Systems (CJIS), Section 20.3(c) "criminal justice agency," and further delineated in Section 20.3(d) "administration of criminal justice") access to the NJCJIS. Once an agency has been authenticated by the CTA, the FBI will assign that agency a unique ORI.

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Assignment of an ORI is based on the FBI NCIC ORI Policy approved by the NCIC Advisory Policy Board on June 17, 1981. This policy established qualifying criteria for various levels of access that can be controlled by the ORI configuration.

2. The ORI must be used in each NCIC transaction and thereby serves to ensure the proper level of access for each transaction. At the initial submission of a transaction into the NCIC System, the CTA ensures that the ORI is in fact originating from the assigned location within the state. Furthermore, at the national level, the ORI is automatically referenced to the relevant state telecommunications circuit. This access program prevents one agency from masquerading as another and ensures that only the entering agency may modify or clear/cancel an NCIC record.
3. New Jersey ORIs are also entered into the NLETS ORI On File for routing NLETS messages. ORIs, in conjunction with terminal identifiers and net names, provide NJLETS with a secure routing environment.
4. To ensure ORI integrity, the CTA is responsible for monitoring ORI assignment and application. In addition, all ORIs are validated biennially to ensure that the information associated with that ORI is valid, accurate, and complete.

XVI. NJCJIS USER AGREEMENT

- A. Each terminal agency administrator must sign a written agreement with the New Jersey State Police and the Office of Telecommunications Information Services (OTIS), to delineate the responsibilities of the signatory agencies.

XVII. NJCJIS/SECURITY POLICY

- A. The agreement includes the standards and sanctions governing utilization of the NJCJIS. The following documents, subject matter, policies, and procedures are incorporated by reference and made part of the User Agreement:
 1. SCIC/NCIC Operating Manual
 2. NCIC Code Manual
 3. NJLETS Guide
 4. NJCJIS Security Policy
 5. R & I Newsletters
 6. Memorandums and other communication
 7. Department of Justice CCH/NLETS Guide Title 28-Judicial Administration Chapter 1-Department of Justice-Part 20-Criminal Justice Information Systems
 8. NJ Division of Motor Vehicle Services Guide
 9. NJCJIS Validation Policy/Procedure Guide
 10. NCIC Policy Paper, November 17, 1986

11. New Jersey Administrative Code 13:59-1.1 through 1.6
 12. Established NJCJIS policies and procedures
 13. CCH/ANI Operating Manual NJCJIS Noncompliance Sanction Plan
- B. The agreement delineates an agency's access level to the NJCJIS/NCIC databases and requires the terminal agency to comply with the following:
1. Timeliness of record entry
 2. Quality assurance
 3. Validation of SCIC/NCIC records
 4. SCIC/NCIC hit confirmation procedures
 5. Security of terminal devices
 6. Dissemination of computer generated data
 7. Biennial audit of standing operating procedures by FBI/State Police personnel
 8. Training of agency personnel
 9. Pre-employment screening
 10. Logging of NJCJIS transactions

XVIII. MANAGEMENT CONTROL

- A. All computers, electronic switches, and manual terminals interfaced directly with the NJCJIS must be under the management and control of a criminal justice agency. Similarly, satellite computers and manual terminals accessing NJCJIS through a control terminal agency computer must be under the management and control of a criminal justice agency.
- B. Management control is defined as the authority to set and enforce:
1. Priorities
 2. Standards for the selection, supervision, and termination of personnel
 3. Policy governing the operation of computers, circuits, and telecommunications terminals used to process criminal justice information insofar as the equipment is used to process, store, or transmit criminal justice information.
- C. Management control includes, but is not limited to, the supervision of equipment, systems design, programming, and operating procedures necessary for the development and implementation of a criminal justice information system. Therefore, a criminal justice agency must have a written Management Control Agreement (NJCJIS 11-6) with the non-criminal justice agency operating a data center.

- D. In addition to providing management control of a non-criminal justice agency operating a data/communications center, the criminal justice agency administrator shall appoint a sworn officer as the TAC to ensure compliance with approved NJCJIS policies and procedures. New management control agreements must be executed when the administrator of the criminal justice agency or the non-criminal justice agency is replaced.

XIX. SECTION IV-TECHNICAL SECURITY

- A. Adequate security measures are crucial to maintaining the confidentiality and security of the system. The ultimate decision for approving and establishing security measures for NJCJIS use will be made by the CTA.

XX. USER AUTHENTICATION

- A. Authentication is the security measure(s) designed to verify the identity of the user and establish that person's eligibility to receive information. The NJCJIS employs the Access Control Facility 2 (ACF-2) application program which utilizes a logon identification (ID) and password mechanism to authenticate user identities. In addition to established policy, certain customized programs and inherently designed features with expansion capabilities were incorporated into the ACF-2. The programs and policies outlined in this section provide the necessary access security safeguards for the NJCJIS.
- B. Only the TAC will be programmatically authorized by the CJIS Control Unit to assign, update, or delete logon identifications and reset erroneous password violations for agency personnel at a terminal site. This program, including an invisible typed password, will restrict system access to authorized terminal equipment operators and prevent visual password compromise. Through agency audits and ACF-2 maintenance programs, NJCJIS management will verify that only qualified personnel, who have received the proper training, are assigned logon identifications. If administered properly, and with the mutual cooperation of all system participants, the ACF-2 software application will provide a significant measure of security.

XXI. TERMINAL DEVICE AUTHENTICATION

- A. Before a terminal device can be used to access the NJCJIS, it must be assigned an ORI, unique terminal ID/netname, and be entered into the appropriate software tables managed by NJCJIS personnel. Any access attempt from a terminal device not identified or authenticated by the NJCJIS Central Processing Unit (CPU) will be denied with a caveat transmitted to the unauthorized terminal device attempting access. Therefore, all NJCJIS application and terminal device access requests must be submitted to the CJIS Control Unit for processing.
- B. Most data exchanged between the CPU and the terminal device is transmitted via dedicated telecommunications lines. During this exchange, the CPU verifies and records which terminal device is being used and its location.
- C. User authentication and security measures employing dedicated telecommunications lines ensure the integrity of the system by preventing access from unauthorized terminal devices.

XXII. ENCRYPTION

- A. Radio wave transmitted messages, because of the nature of the transmitting medium, can be intercepted by any receiver operating on the same frequency. At present, all radio wave transmitted NJCJIS messages use assigned police frequencies. The rapidly increasing number of microwave transmitting terminal devices (MTTD), especially MDTs, has caused the demand for these frequencies to exceed the supply. Therefore, public network frequencies (cellular) have been authorized as a viable solution to this problem. Because these frequencies are also used by non-criminal justice agencies, they present a security risk. Consequently, to preserve security and confidentiality, any transmission of criminal justice information sent via a public network frequency must be encrypted.
- B. Encryption protects the confidentiality of information passing over the communications link by making it unintelligible to unauthorized reception. When combined with an authentication technique, encryption can be used to protect the integrity of messages and allow tampering or transmission errors to be identified. The uniqueness of the encryption key shared by the sender and receiver enforces an extremely high degree of user identification.
- C. Use of public network frequencies for NJCJ18 transactions must be approved by the CJIS Control Unit to ensure security safe guards prior to installation. User agencies and vendors must make a detailed written request for approval. Such requests may require the vendor to make a demonstration/presentation to the CJIS Control Unit. Wall Township Police Dept. uses Verizon's CDPD-(Cellular Digital Packet Data).

XXIII. MESSAGE AUTHENTICATION

- A. In message authentication, selected fields in a message, or alternatively the entire message, are authenticated to ensure that the content of the message has not changed during transmission.
- B. Data entry field editing is currently employed by the CPU for message authentication. When a message is received at the CPU for processing, information in the data entry fields is compared with existing state edits. Incompatible data in these fields will result in message rejection.
- C. A number of publications, which assist system users with the construction of messages, have been distributed by the CJIS Control Unit to all NJCJIS terminal agencies. These publications should be kept in a secured environment at the terminal site.
- D. A security application that is not currently in use, but may be adopted for future NJCJIS message applications, involves a message authentication code (MAC). A MAC is calculated as a cryptographic function of the clear text message. The MAC is then appended to the clear text message to serve as a cryptographic cipher. The recipient may then check the MAC by duplicating the original MAC generation process.
- E. These safeguards will help to preserve message security, integrity, and ensure that only authorized messages are transmitted via the NJCJIS.

XXIV. LOGGING

- A. Logging is recording processes which captures data from a message transaction and maintains it on file (automated log) for an extended period of time. This information can be utilized to supplement existing NJCJIS security monitoring

programs by providing certain identifying data unique to a terminal equipment operator and a terminal device. Data retrieved from the automated log can be used by NJCJIS management to investigate suspected security or dissemination violations.

- B. All SCIC/NCIC "Hot File," New Jersey Computerized Criminal History, and Interstate Identification Index transactions originating from terminal devices will be maintained on the automated log. The hot file segment of this log will be maintained for a minimum of six months; the III and NJCCH segment will be maintained for seven years. When an III or NJCCH message is generated from a terminal device, the automated log will capture the following identifying data:

Transaction Code	Purpose Code
Requesting ORI	Terminal Net-name
Request Date	Requesting Logon ID
Request Time	Request Name
Receiving ORI	Operator ID
Comments	FBI Number (III only)
State Bureau of Identification Number	

The entire SCIC/NCIC "Hot File" transaction will be recorded on the automated log.

XXV. DISSEMINATION

A. General Dissemination

1. NJCJIS data is confidential and intended for use by authorized criminal justice agencies for criminal justice purposes. This data is documented criminal justice information that must be protected to ensure legal and efficient dissemination and use. Unauthorized requests or receipt of material via the NJCJIS may result in criminal prosecution.
2. Before disseminating NJCJIS information, an individual must ensure that the person/agency is authorized to receive such data. When one agency provides or dispenses NJCJIS services to another criminal justice agency, a service agreement must be enacted between the agencies.

B. NJCCH, NLETS, CHRI, and III Dissemination

1. To prevent unauthorized access or use of NJCCH, NLETS, CHRI, and III data received through the NJCJIS, copies of such data must be afforded maximum security. All NJCCH, NLETS, CHRI, and III Records will be destroyed immediately after they have served their intended and authorized purpose pursuant to state and federal regulations (only the cover page, containing the subject's personal identifiers, may be retained).

C. NJCCH, NLETS, CHRI, and III Record Disposition/Destruction

1. Final disposition of NJCCH, NLETS, CHRI, and III records will be accomplished in a secure manner to preclude unauthorized access/use (shredding is preferable).

XXVI. SECTION VI-AUDIT

- A. Pursuant to a FBI NCIC mandate, the CTA has established a comprehensive program to biennially audit every terminal agency to ensure compliance with state and federal policies and procedures. Failure to comply with established standards will result in implementation of the NJCJIS Noncompliance Sanction Plan.
- B. Audits will focus on the approved standing operating procedures associated with the NJCJIS and review the following:
 - 1. SCIC/NCIC record validations
 - 2. SCIC/NCIC hit confirmation procedures
 - 3. General policy statements
 - 4. Security of terminal devices
 - 5. Training of terminal agency personnel
 - 6. Local/regional interface dispatch centers
 - 7. MDT applications
 - 8. NJCCH requirements
 - 9. NCIC III requirements
- C. In addition to the audits conducted by the CTA audit staff, the CTA will be audited by the FBI NCIC audit staff biennially. The purpose of the audit is to ensure CTA compliance with NCIC policies/procedures. A substantial part of the FBI audit will consist of a local agency review of randomly selected NJCJIS terminal agencies.

XXVII. INVESTIGATIVE AUTHORITY FOR SECURITY VIOLATIONS

- A. All agencies with access to the NJCJIS shall permit an inspection team, appointed by the CTA, to conduct appropriate inquiries into any allegations of security violations. For NCIC and III data security violations, permission will be extended to include an inspection team appointed by the FBI Criminal Justice Information Services Division, Advisory Policy Board. The inspection team will include at least one representative from the FBI NCIC. Results of the investigation shall be reported to the CTA and, if applicable, to the Advisory Policy Board.

WALL TOWNSHIP POLICE DEPARTMENT <i>Standard Operating Procedure</i>					
CHAPTER: 13	SECTION: 1	# OF PAGES: 9 Appendix A			
SUBJECT: SELECTION					
EFFECTIVE DATE: September 1, 2011	ACCREDITATION STANDARDS: 2.5.2, 2.5.3	REVISION DATE	PAGE #		
		September 1, 2011 January 28, 2013 July 3, 2013	P.4 P.3-10 P. 3-9		
BY THE ORDER OF: Police Chief Robert Brice		June 1, 2014 September 2, 2014 June 1, 2017	P. 5,7-9 P.3 P.2		

PURPOSE: To establish a fair and consistent procedure designed to enable the Wall Township Police Department to recruit and select qualified candidates for employment who will best serve the agency.

POLICY: The selection process is generally acknowledged as a key event in the operational effectiveness of a law enforcement agency. The Wall Township Police Department will attempt to identify and recruit individuals who best possess the proper attitude along with the skills, knowledge and abilities necessary for an effective, respected law enforcement employee. All recruitment efforts will comply with the requirements set forth in prevailing law.

PROCEDURE:

I. Eligibility

- A. Must be 18 – 34 years of age;
- B. Possess a valid driver license;
- C. Possess a high school diploma or equivalent;
- D. Be a United States citizen.
- E. Must have completed a minimum of sixty credit hours of study at an accredited college or university. An Associates Degree is also acceptable.

OR

- F. Must have completed two or more years of active duty in any branch of the Armed Forces of the United States. Two or more years of Reserve or National Guard time does not meet this requirement unless the applicant was on active duty for at least twenty four months.

OR

- G. Hold a valid certification from the NJ Police Training Commission as a Class A Police officer.

OR

- H. Fulfill such requirements as determined by the Chief of Police.

II. Entry Tracks

- A. There are two tracks of entry into this organization as a police officer.
 - 1. Track I – Applicants are not required to possess a valid Class A police officer certification from the NJ Police Training Commission.
 - 2. Track II –Applicants are required to possess a valid Class A Police Officer, Class II Special Law Enforcement Officer (must meet waiver eligibility requirements) certification from the New Jersey Police Training Commission, New Jersey State Trooper certificate (must meet waiver eligibility requirements.), or any other eligible waiver outlined in the Police Training Commission Rules Appendix 13:1-8 with approval from the Chief of Police.

III. Selection Process

- A. The selection processes for Track I and Track II are similar except the written examination is at the discretion of the Chief of Police for the Track II selection process.
- B. The date, time and location of the Wall Township Police Department physical assessments and written examinations will be announced on the police department's Website and through local advertisements. Qualifying criteria for the selection process will also be announced. The selection process for Track I and Track II applicant's are as follows:
 - 1. The Wall Township Police physical fitness assessment;
 - 2. The Wall Township Police written examination (at the discretion of the Chief of Police for Track II applicants);
 - 3. Pre-Screen background investigation;
 - 3. Police department panel interview;
 - 4. Full-background investigation;
 - 5. Interview with the Chief of Police;
 - 6. Medical and psychological examinations (following a conditional offer of employment);
 - 7. Probationary officer is hired.
 - 6. The physical fitness assessment and the written examination are in no particular order. Depending on the circumstances, the written examination may be conducted prior to the physical fitness assessment.
- C. Physical fitness assessment
 - 1. Many law enforcement tasks require physical effort: pursuing or restraining suspects, moving objects or people, climbing stairs, etc. Often the outcome of these events is critical. Failure to complete these tasks can mean loss of property or lives. Fit officers are better able to accomplish these physical tasks and to react quickly in emergency situations. Physical fitness has been validated as an underlying and predictive factor for officer's performance on essential physical tasks.
 - 2. All candidates will be required to have an application on file with the Wall Township Police Department. Applicants must provide an original physician's letter, dated within the past six months, indicating they are capable of participating in rigorous physical activities. They must also have a signed waiver form on file and pay the required testing fee.
 - 3. Candidates should prepare themselves for rigorous physical activities. Testing will include strength and endurance, cardio/respiratory endurance, agility and flexibility evaluation. Candidates will report with the appropriate clothing, including sweat clothes and sneakers.

4. Test content for the physical examination shall be determined and administered by the Wall Township Police Department.
 5. Agency personnel will receive the necessary training and will be responsible for the scoring of the various segments of the assessment.
 6. Physical fitness testing events and standards are as follows:
 - a. Maximum pushups in two minutes;
 - b. Maximum sit ups in one minute;
 - c. Timed 1.5 mile run;
 - d. 50 foot dummy drag- pass/fail event.
 - e. Timed 300 meter sprint.
 - f. Vertical Jump
 7. The physical fitness examination will be conducted in an atmosphere of strict control and discipline. Applicants will be required to follow all directions without exception.
- D. Written examination (At the discretion of the Chief of Police for Track II applicants)
1. The written examination will be conducted by the NJ State Chief of Police Association. The test content and testing materials will be determined by the Chiefs of Police Association.
 2. After completion of the physical and written phases, the Chief of Police will determine which applicants will be given a department oral interview. Applicants that possess certain qualifications may be given consideration. These qualification(s) include, but are not limited to, the following:
 - a. Law Enforcement Experience;
 - b. Military Veterans;
 - c. Residential Status;
 - d. Any other training, experience or attribute that will aid the Police Department in accomplishing its mission.
- E. Department Oral Interviews:
1. The Chief of Police will select applicants who have successfully passed the written examination, physical fitness assessment and a pre-background check for an oral interview. The Wall Township Police Department holds the oral segment as the most important segment of the testing process. The Oral Board shall consist of five superior officers of the department. Questions on said interview are generally formulated from enclosed

categories, along with pre-background findings, also clarification questions as to the applicant's answers.

2. Upon completion of the department oral interviews, a list will be forwarded to the Chief of Police. This list will reflect which applicants are recommended to advance to a full-background investigation. This list will have recommendations and comments regarding the applicants. The Chief of Police will examine the results and review the comments of the interview panel. The Chief will then determine which applicants shall be advanced to a full background investigation.

F. Background Investigations

1. The list shall be given to the Detective Division Commander to assign to his/her investigators for a background investigation.
2. The purpose of the background investigation is to determine if behavior patterns exist that would preclude an applicant from successfully performing the duties assigned to the involved position, or if such applicant is legally able to handle a weapon and/or confidential matters.
3. The background investigation includes, but is not limited to the following:
 - Verification of qualifying credentials, sworn and non sworn
 - Employment History
 - Driving History
 - Criminal History Check
 - A check of the NJSP Central Drug Registry
 - A check of the NJ Domestic Violence Registry
 - Military History
 - Verification of at least three personal references
 - Use of Drugs/Narcotics
 - Credit Check
 - Use of Alcohol
 - Residence Check
 - Education Abstract
 - Rental History
 - Organization Membership
 - Family History
 - Financial History
- a. The background process should be viewed as an inclusive, rather than an exclusive mechanism. Its purpose is to bring into the agency those persons who appear to be most qualified.
4. The individual investigator shall meet with the applicant, conduct an interview as to the application submitted, and procures an update on said data. A complete motor vehicle and criminal abstract shall be in possession at the time and falsification or lies shall result in dismissal and ineligibility to proceed further.

5. Waivers shall be signed for credit, military, school, and profession security checks. Visits to all the above shall be made. At first stage interview, fingerprints shall be taken for local, state, and federal checks.
6. At least 3 personal references shall be interviewed along with personal interviews of past and present neighbors; also fellow employees and friends. A complete review of the applicant's domestic, educational, social, and professional environments shall be made with a final interview with the spouse and children in their home. Parents of the applicant and spouse shall be interviewed. All of the above shall be placed in an Investigator's Report, with a personal comment as to recommendations or doubts.
7. Applicants may be disqualified for any of the following reasons:
 - a. An applicant who is involved in ongoing criminal activity, use of narcotics, drugs, intoxicating beverages, or any other substance, which is detrimental to health of an individual;
 - b. An applicant who has been convicted of a crime;
 - c. An applicant who has been dismissed from any public service for good cause;
 - d. An applicant who has attempted to practice any deception or fraud on an application;
 - e. An applicant whose character and employment references are unsatisfactory;
 - f. An applicant whose background, behavior, demeanor or personal character would indicate that they are lacking the moral and personal qualities needed to be a Wall Township Police Officer;
 - g. An applicant who does not possess a high school diploma or its equivalent;
 - h. An applicant whose driving privileges are revoked or suspended, or otherwise has an unsatisfactory driving record;
 - i. An applicant whose name is present on the NJSP Central Drug Registry as ineligible (sworn position);
 - j. An applicant whose name appears on the New Jersey Domestic Violence Registry as an actor in a domestic violence matter (sworn position);
 - k. To qualify, applicants must possess a minimum of sixty credit hours of study, or an Associate's Degree.

OR

An applicant that has completed two or more years of active duty in any branch of the Armed Forces of the United States. Two or more

years of Reserve or National Guard time does not meet this requirement unless the applicant was on active duty for at least twenty four months.

OR

- I. An applicant that does fulfill such requirements as determined by the Chief of Police.

OR

- I. When applicable, an applicant who does hold a valid certification as a Class A police officer from the NJ Police Training Commission.

G. Interview with Chief of Police:

1. After the successful completion of the background investigation, the Chief of Police will determine which applicants are advanced to an Interview with the Chief of Police. This panel interview will consist of the Chief of Police and Superior Officer(s). After this interview, the Chief of Police will determine which applicant(s) shall be advanced to the psychological evaluation, medical examination and drug test.

H. Psychological Evaluation:

1. A psychological fitness examination will be conducted on all candidates for the position of probationary officer by the police agency's police psychiatrist/psychologist but only after a conditional offer of employment is issued to the candidate(s).
2. All test results of those considered for appointment shall be placed in their confidential personnel file to be viewed by the respective officers and only those having access to said file. All other applicant's test results shall be filed with their background investigations. All the above reports will not be loaned or copied to any other agency, including law enforcement.

I. Medical Examination:

1. A medical examination will be conducted on all candidates for appointment to the position of probationary officer that satisfies the Board of Trustees of the Police and Firemen's Retirement System but only after a conditional offer of employment is issued to the candidate(s).
2. The agency medical physician shall review personal medical history, operations, bones, body condition, along with sight and hearing, in order to reveal any medical problems. The agency must be made aware of any condition likely to cause a problem that might inhibit work performance, or contribute to work-related disabilities. The medical physician shall be licensed and certified by the State of New Jersey.
3. A complete laboratory research of blood and urine shall be made to test for the use of drugs by the candidate.

- a. Candidates required to submit to a drug test by urinalysis will receive a notice informing them that a negative result is a condition of employment and that a positive result will:
 1. Result in the applicant being dropped from consideration for employment.
 2. Cause the applicant's name to be reported to the central drug registry maintained by the Division of the State Police; and
 3. Preclude the applicant from being considered for future law enforcement employment for a period of two years.
 - b. In addition, the notice shall indicate that if the applicant is currently employed by another agency as a sworn law enforcement officer and the officer tests positive for illegal drug use, the officer's employing agency will be notified of the test results and the officer will be terminated from employment and permanently barred from future law enforcement employment in New Jersey.
4. The Chief of Police will establish a list of applicant(s) that have successfully completed all phases of the selection process and are recommended for hiring as a probationary officer. Any vacancies or additional positions will be filled from this established list. The list of applicants will remain in effect for a period to be determined by the Chief of Police.

III. Appointment as Probationary Officer

- A. The probationary officer will serve a probationary period beginning from date of hire and through an additional 12 months following graduation from an approved police academy. This probationary period will not exceed a total of 18 months. An employee hired with a PTC Certification will serve a 12-month probationary period.
- B. A Track I police recruit must successfully complete basic training at the Monmouth County Police Academy or other suitable academy, as determined by the Chief of Police.
- C. Track I police recruits shall complete a field training officer program upon completion of an approved police academy. Track II recruits are also required to complete a field training officer program. The probationary officer will be assigned to the Training Supervisor during the FTO period.
- D. Upon successful completion of the field training officer program, probationary officers will be released to the patrol squad to complete their probationary period.

IV. Selection Process Non-Sworn Positions

- A. All vacancies for non-sworn positions will be selected at the sole discretion of Wall Township pursuant to Wall Township policies and procedures. At a minimum the selection process shall include:
 - 1. Advertisement of the position, unless a current Wall Township employee meets the qualifications and submits an application for consideration;
 - 2. Resume review;
 - 3. Oral Interview;
 - 4. Background check consistent with Section V of this policy.
- B. The Chief of Police shall make a recommendation to the Township Administrator for employment.

V. Background Investigation Non-Sworn

- A. A background investigation will be conducted on all non-sworn candidates for all positions prior to appointment that will include at least the following:
 - 1. A review of the candidate's application to confirm/verify meeting eligibility requirements for the position applied for;
 - 2. A check of the applicant's driving history, if driving is a requirement of the position;
 - 3. A fingerprint check for criminal record;
 - 4. Verification of at least three personal references.

Appendix A

Scoring Scale for 1.5 Mile Run (in minutes:seconds)

Score	Female Range	Male Range
-2	15:00 and over	13:30 and over
0	14:59-14:00	13:29-12:25
1	13:59-13:35	12:24-12:15
2	13:34-13:00	12:14-11:35
3	12:59-12:30	11:34-11:10
4	12:29-11:57	11:09-10:35
5	11:56-11:35	10:34-10:15
6	11:34-11:15	10:14-9:55
7	11:14-11:06	9:54-9:35
8	11:05-10:45	9:34-9:20
9	10:44-10:35	9:19-9:00
10	10:34 and below	8:59 and below

Scoring Scale for Timed 300- Meter Sprint (in seconds)

Score	Female Range	Male Range
-2	67.5 and over	55.1 and over
0	67.4-65.0	55.0-52.5
1	64.9-62.5	52.4-51.1
2	62.4-60.0	51.0-49.5
3	59.9-57.5	49.4-48.0
4	57.4-56.0	47.9-46.1
5	55.9-54.0	46.0-45.0
6	53.9-53.0	44.9-44.0
7	52.9-52.0	43.9-43.0
8	51.9-51.0	42.9-42.0
9	50.9-50.0	41.9-41.0
10	49.9 and below	40.9 and below

Appendix A

Scoring Scale for Two Minute Push-Ups

Score	Female Range	Male Range
-2	4 and below	19 and below
0	5-13	20-29
1	14-18	30-32
2	19-21	33-39
3	22-26	40-43
4	27-29	44-49
5	30-32	50-53
6	33-35	54-56
7	36-38	57-60
8	39-41	61-64
9	42-44	65-70
10	45 and over	71 and over

Scoring Scale for One- Minute Sit Ups

Score	Female Range	Male Range
-2	29 and below	31 and Below
0	30-34	32-37
1	35-36	38
2	37-40	39-42
3	41-42	43-44
4	43-46	45-47
5	47-48	48-49
6	49-50	50-51
7	51-52	52-53
8	53-54	54-55
9	55-56	56-57
10	57 and over	58 and over

Appendix A

Scoring Scale for Vertical Jumping Ability (inches)

Score	Female Range	Male Range
-2	4 and below	7 and below
0	5-7	8
1	7-9	9-10
2	10-12	11-12
3	12-13	13-14
4	13-14	15-16
5	15-16	17-18
6	17-18	19-21
7	18-19	22-23
8	20-21	24-25
9	22-23	26-27
10	24 and over	28 and over

Scoring for 50 Foot Dummy Drag

The fifty foot dummy drag is a PASS/FAIL event. The applicant must drag the dummy fifty feet in 30 seconds or less/ If an applicant can drag the dummy 50 feet in 30 seconds or less, he/she will be given a score of 10. If he/she cannot do so in 30 seconds or less, he/she will receive a zero (0) for the score. The "Rescue Randy" 170 pound rescue dummy will be utilized. Every part of the dummy's body must cross the 50 foot line to stop the clock.

WALL TOWNSHIP POLICE DEPARTMENT				
<i>Standard Operating Procedure</i>				
CHAPTER: 3	SECTION: 34	# OF PAGES: 7		
SUBJECT: SPECIAL LAW ENFORCEMENT OFFICERS				
EFFECTIVE DATE: August 13, 2012		ACCREDITATION STANDARDS: 2.6.1	REVISION DATE August 14, 2014	PAGE # All
BY THE ORDER OF: Police Chief Robert Brice				
SUPERSEDES ORDER #:				

PURPOSE: The purpose of this standard operating procedure is to establish and define the department's Special Law Enforcement Officer program.

POLICY It is the policy of the Wall Township Police Department to maintain a Special Law Enforcement Officer Program to supplement and not supplant the regular police department in accordance with the requirements of NJSA 40A: 14-146.8, et seq., and Wall Township Municipal Ordinances. The proper utilization of Special Law Enforcement Officers enhances the department's ability to provide the community with the highest possible level of law enforcement services.

PROCEDURES

I. General

- A. Special Law Enforcement Officer (SLEO) means any person appointed pursuant to NJSA 40A: 14-146.8, et seq., to temporarily or intermittently perform duties similar to those performed regularly by members of a municipal police department, or to provide assistance to a police department during unusual or emergency circumstances.
 - 1. SLEO personnel are considered part-time employees and can be terminated for cause after adequate hearing, unless the appointment is for four months or less, in which event the appointment may be revoked without cause or hearing (NJSA 40A: 14-146.14).
 - 2. Under no circumstances do the contents of this SOP intend to create a contract for any purpose of a guarantee of continued employment between the Township of Wall and SLEO personnel.
- B. Wall Township Municipal Code 36-1 et seq. authorizes Special Law Enforcement Officers (SLEO).
- C. SLEO I are authorized to perform routine traffic detail, spectator control and similar duties. SLEO I have the power to issue summonses for disorderly persons and petty disorderly person offenses, violations of municipal ordinances, and violations of Title 39 of the Revised Statutes.
 - 1. SLEO I are prohibited from carrying and using a firearm and no SLEO I shall be assigned any duties that may require the carrying or use of a firearm. SLEO I are authorized to carry the following less lethal weapons while on duty only after demonstrating proficiency in the use of these weapons with the same frequency as regular police officers:
 - a. Oleoresin capsicum aerosol restraint spray;
 - b. ASP collapsible baton;
 - 2. SLEO I are authorized to utilize handcuffs and other restraining devices consistent with this department's SOPs and only after demonstrating proficiency in the use of these devices.
 - 3. SLEO I duties include, but are not limited to:
 - a. Traffic Direction;
 - b. Parking Enforcement;
 - c. Security/spectator control at special events;
 - d. Municipal building and facilities security;
 - 4. SLEO I shall not be primary response personnel.

- D. SLEO Class II (SLEO II) are authorized to perform all duties of regular full time police officers subject to authorization of the Chief of Police.
1. SLEO II are authorized to carry firearm.
 2. SLEO II are authorized to utilize handcuffs and other restraining devices consistent with this department's policies and only after demonstrating proficiency in the use of these devices.
 3. SLEO II have the power of arrest and the authority to issue summonses the same as regular full time police officers.
- E. Minimum qualifications for SLEO personnel:
1. Must be a citizen of the United States;
 2. Must be a resident of the State of New Jersey during the term of appointment;
 3. Must be at least 18 years of age;
 4. Must be able to read, write and speak the English language well and intelligently and have a high school diploma or its equivalent;
 5. Must be of good moral character and shall not have been convicted of any crime or offense involving moral turpitude;
 6. Must be sound in body and of good health and be able to perform the physical functions of the duties assigned;
 7. Must successfully undergo the same psychological testing that is required of full time police officers.
- F. No person shall be appointed to be a SLEO in more than one municipality at the same time, nor shall any permanent, regularly appointed full-time police officer of any municipality be appointed as a special law enforcement officer. No public official with responsibility for setting law enforcement policy or exercising authority over the budget of the local unit or supervision of a police department shall be appointed as a special law enforcement officer.
- G. Any person who at any time prior to appointment had served as a duly qualified, fully-trained, full-time officer in any municipality of this State and who was separated from that prior service in good standing, shall be eligible to serve as a SLEO. The PTC may waive the basic training requirements with regard to any such person eligible to be appointed as a SLEO.
- H. SLEO personnel in good faith carrying out, and complying with, or attempting to comply with rules and regulations made and promulgated or performing any authorized service shall have and possess all the rights, privileges and immunities conferred upon regular officers by the laws of this State.
- I. When on duty, SLEO personnel are covered by state and federal statutes for compensation insurance in case of death or personal injury.

- J. SLEO personnel are provided with public liability protection equal to that provided to regular police officers.
- K. SLEO personnel shall be included in the agency's Organizational Chart and are subordinate to the officer in charge to whom assigned.

II. Selection Process

- A. Applications will be accepted for the position of Special Law Enforcement Officer Class II when openings are available or anticipated.
- B. All SLEO applicants shall be fingerprinted and subject to a background investigation, including, but not limited to:
 - 1. Verification of qualifying credentials;
 - 2. A review of any criminal or traffic record;
 - 3. Verification of at least three personal references;
 - 4. A check of the NJ Domestic Violence Registry;
 - 5. A check of the NJSP Central Drug Registry.
- C. Applicants being considered for appointment and following a conditional offer of employment are required to:
 - 1. Obtain a medical release by a physician licensed to practice medicine in the State of New Jersey;
 - 2. Successfully complete psychological screening;
 - 3. NOTE: SLEO applicants, who have retired in good standing from a New Jersey law enforcement agency within 6 months of appointment, are not required to undergo psychological screening, but only at the discretion of the Chief of Police.
- D. The Township Committee makes appointments upon recommendation by the Chief of Police. The Chief of Police shall certify the eligibility and qualifications of all applicants, in writing, to the Township Committee prior to appointment.

III. Training

- A. All SLEO personnel must successfully complete a PTC approved basic training course before commencing duties. The PTC may waive basic training consistent with subsection I.F of this SOP.
- B. SLEO personnel are required to attend other mandatory training made necessary by their assignment or duties. Those training topics required of regular police officers shall be provided with the same frequency as regular police officers. These topics include, but are not limited to:
 - 1. Ethics training;

2. Unlawful harassment in the workplace;
3. Pursuit Guidelines;
4. Hazardous material awareness;
5. Use of Force refresher;
6. Lethal and less lethal weapons proficiency;
7. Other topics mandated by the Chief of Police.

IV. Appointment, Terms, Regulations, and Duties

- A. SLEO personnel shall be appointed by the Township Committee for a term not to exceed one year. Reappointment is not guaranteed at the expiration of the one-year term.
- B. SLEO personnel are not members of the regular police force and their powers and duties shall cease at the expiration of the term for which appointed.
- C. SLEO personnel shall not perform any duties other than authorized by the Chief of Police or designee(s).
- D. SLEO personnel shall not leave any assignment without notification to and permission from the shift supervisor to whom assigned.
- E. Regular police officers shall not abdicate their authority and responsibility to a SLEO. When a regular police officer is present, the regular officer is responsible for any decisions made and/or actions taken.
- F. SLEO personnel shall be deemed on duty only when they are performing the public safety functions on behalf of Wall Township and when receiving compensation as established by Township Ordinance.
- G. SLEO personnel are subject to all rules, regulations, policies, SOPs, special orders and directives of this department.
- H. SLEO personnel will report for duty only under the following conditions:
 1. SLEO has obtained the approval of the supervisor of the affected shift; and
 2. As part of a scheduled assignment or training session, or
 3. When so directed by an officer of supervisory rank.
- I. Upon reporting for duty, SLEO personnel will notify the duty supervisor of their arrival or the supervisor in charge of that specific detail. When a SLEO is assigned to work a scheduled shift, his/her primary duties will consist of the following:
 1. Court security;

2. Transportation of prisoners;
 3. Any other duties assigned by a supervisor.
- J. When assigning SLEO personnel, supervisors should keep in mind that these officers need to be exposed to all facets of police work. Assignments should periodically include fulfilling the police services function and assisting with arrest processing, to include fingerprinting, photographing, and the preparation of related reports and complaints.
- K. When giving assignments to SLEO personnel, supervisors must ensure that adequate instructions are given and that those instructions are clearly understood by the SLEO. If the SLEO is to be assigned to a full-time officer, that officer should be present when the instructions are given so that he/she too clearly understands the SLEO's role.
- L. SLEO personnel may travel through another municipality to reach a noncontiguous portion of Wall Township, or to transport persons to and from a correctional facility, or while in fresh pursuit of any person consistent with NJSA 2A: 156-1 et seq.

V. Uniforms & Equipment

- A. SLEO II sidearms shall be secured in individual lockers in headquarters.
1. All sidearms will be stored unloaded and safe.
 2. Before every assignment, the SLEO II officer shall obtain the weapon along with three fully loaded magazines plus one (1) round.
 3. Sidearms shall be loaded and unloaded in a safe manner.
 4. Upon the completion of the assignment, the SLEO II will return directly to HQ and return the weapon, including spare magazines and ammunition.
 5. At no time shall the assigned firearm be possessed by the SLEO outside his/her tour of duty unless authorized by the Chief of Police
- B. SLEO personnel shall report for duty in the uniform of the day as defined in this department's uniform policy. While in uniform, SLEO personnel shall wear a patch clearly identifying them as SLEO II.
- C. Uniforms shall not be worn to/from work, only while on duty.
- D. The Chief of Police may authorize plainclothes assignments, but only for non-field activities (e.g., records destruction, property/evidence purging, communications, etc.)

VI. Documentation

- A. SLEO personnel shall complete all reports and forms required by their assignment prior to reporting off duty.

- B. SLEO personnel shall be issued an ID number, which shall be used on all documentation, electronic or paper.

VII. Supplemental

- A. SLEO personnel shall not be permitted to work in excess of statutory limits (20 hour maximum) except in a declared state of emergency requiring their presence.
 - 1. The Chief of Police may designate one SLEO to whom this limitation does not apply and that SLEO can work as many hours as deemed necessary by the Chief of Police.
 - 2. SLEO personnel are subject to an immediate call to duty during any emergency as determined by the Chief of Police or designee.
- B. SLEO personnel shall be permitted to access the DMS program to read and sign for all rules, regulations, policies, procedures, SOPs, or directives issued by the Chief of Police or designee and to partake of any training or testing programs mandated or offered by the Chief of Police or designee.
- C. SLEO personnel shall be paid at a rate established by Township Ordinance and shall be paid their hourly rate for in-person training when done at the request of the Chief of police or designee.
- D. SLEO personnel shall receive performance evaluations with the same frequency as regular police officers.

WALL TOWNSHIP POLICE DEPARTMENT				
<i>Standard Operating Procedure</i>				
CHAPTER: 5	SECTION: 8	# OF PAGES: 2		
SUBJECT: SPEEDOMETER CALIBRATION PROCESS				
EFFECTIVE DATE: June 6, 2013		ACCREDITATION STANDARDS:	REVISION DATE	PAGE #
BY THE ORDER OF: Police Chief Robert Brice				
SUPERSEDES ORDER #:				

PURPOSE To establish a procedure to calibrate department patrol vehicles.

POLICY It is the policy of the Wall Township Police Department to utilize properly calibrated speedometers when identifying certain traffic violations.

PROCEDURES

I. Speedometer Calibration

- A. The area that will be used to calibrate the patrol vehicle's speedometer will be a closed roadway. The roadway will be free of debris and any hazards as well as vehicular traffic that would make driving of the patrol vehicles at numerous speeds unsafe.
- B. Two officers will complete the calibration process. One officer, a certified radar operator, will utilize a Stalker radar unit to record the target vehicle's speed. One officer will operate the target vehicle and note its speed using the speedometer. The officers will communicate via a two way radio or similar means of communication.
- C. The certified radar operator will test the Stalker radar to confirm that it's working properly. A Radar/Lidar Test Card cad will be generated to document the radar test. The radar will be tested before and after the speedometer calibration process.
- D. The radar operator will generate a Speedometer Calibration cad noting the serial number for the Stalker unit, the two antennas and tuning forks. The operator will note the weather, roadway surface and any other pertinent conditions.
- E. The radar operator will set up the radar in stationary mode.
- F. The target vehicle will be driven towards the radar operator holding the speedometer at the speed being checked for accuracy.

- G. The radar operator will track the target vehicle's speed for a minimum of 5 seconds. The driver of the target vehicle will tell the radar operator his speedometer speed on the two way radio.
- H. Each vehicle will be driven at speeds from 25 mph up to 80 mph in 5 mph increments.
- I. The stationary radar results should be within 1 mph +/- of the target vehicle's speed.
- J. The radar operator will then record the target vehicle's speed on the Wall Township Police Speedometer Calibration Certificate.
- K. Once all of the speeds are recorded, a copy of the certificate will be made and forwarded to the Traffic Division and the originals forwarded to Records.
- L. Each vehicle tested will be entered into the Speedometer Calibration cad that will include all patrol vehicles tested during that test session.
- M. Patrol vehicles will be tested twice per calendar year. In addition, patrol vehicles will be re-calibrated when repairs or modifications are made that may affect the accuracy of the calibration including, but not limited to, the following: major body or mechanical repairs, tire-size changes or wheel-size changes.

WALL TOWNSHIP POLICE DEPARTMENT					
VOLUME: 14	CHAPTER: 7	# OF PAGES: 9			
SUBJECT: STRIP & BODY CAVITY SEARCHES					
EFFECTIVE DATE: March 2, 2009		ACCREDITATION STANDARDS: 3.1.4	REVISION DATE	PAGE #	
BY THE ORDER OF: Police Chief Robert Brice			09/16/10	2-9	
			02/13/13	2-7	
			04/01/14	4-5	
SUPERSEDES ORDER #: GO 1.2.8 (05/01/2008), SM 12-18					

PURPOSE The purpose of this standard operating procedure is to establish this department's policy and procedures concerning strip and body cavity searches and to codify the guidelines for the appropriate conduct of such searches.

POLICY Under certain narrowly defined conditions, strip and or body cavity searches may be necessary to protect the safety of officers, civilians and other prisoners; to detect and secure evidence of criminal activity; and to safeguard the security, safety and related interests of this department's prisoner detention and holding facilities.

Recognizing the intrusiveness of these searches on individual privacy, it is the policy of the Wall Township Police Department to be in strict compliance with NJSA 2A: 161A-1, et seq., Department of Corrections Regulations NJAC 10A: 34-1, et seq., and the New Jersey Attorney General Guidelines, with due recognition and deference for the human dignity of those being searched.

PROCEDURES

I. Definitions

- A. **Body cavity search** is defined as the visual inspection or manual search of a person's anal or vaginal cavity. (NJSA 2A:161A-3b)
- B. **Contraband** includes any item, article, or material that is, in and of itself, unlawful to possess, found in the possession of or under the control of a person who has been detained or arrested. It shall also include any article that may be harmful or presents a threat to the security and orderly operation of a municipal detention facility. Items of contraband shall include, but are not limited to:
1. Guns, firearms or ammunition of any type;
 2. Explosives of any type;
 3. Knives, tools or other implements;
 4. Hazardous or poisonous chemicals, gases, or substances;
 5. Unauthorized drugs and medications;
 6. Prescription or over-the-counter medications, not specifically authorized by the police physician or designee;
 7. Intoxicants, including, but not limited to liquor or alcoholic beverages;
 8. Electronic communications devices;
 9. Any article that can be fashioned as a weapon or implement of escape;
- C. **Crime** means an indictable offense of equivalent in another state.
- D. **Detain** means any holding of a person in police custody, whether pending court or other disposition of charges filed or to be filed against the person, or under circumstances where the person is being held on account of a serious danger to the person's health or safety.
- E. **Detainee** is applicable to male/female adult detainees and/or male/female juveniles placed in protective custody.
- F. **Electronic communication device** means a device or related equipment or peripheral that is capable of electronically receiving, transmitting or storing a message, image or data. Examples of such electronic devices include, but are not limited to, all types and sizes of a computer, telephone, cell telephone, Blackberry®, two-way radio, camera or video/audio player/recorder, fax machine, pager or beeper, personal data assistant, hand-held e-mail system, or any other device containing a means of internet access or receiving, transmitting or storing information electronically by means of audio, visual or recorded data.
- G. **Exigent circumstance** means the probable cause to believe that the person is concealing a weapon, contraband or evidence of crime, and circumstances prevent obtaining a search warrant.

- H. **Juvenile** means an individual who is under the age of 18 years.
- I. **Lawfully confined** means custodial confinement in a municipal detention facility, county correctional facility, or a New Jersey Department of Corrections facility.
- J. **Licensed medical professional** means an appropriately licensed health care provider who is a physician, registered nurse, nurse practitioner, or physician assistant.
- K. **Municipal detention facility** means a holding or lockup facility, located in and operated by a municipal police agency, which receives and temporarily detains for no more than 24 hours, excluding holidays or weekends, persons who have been arrested and who are awaiting release or transfer to other authorities; the Wall Township Police Department's temporary detention / holding facility.
- L. **Offense other than a crime** means a non-indictable offense or equivalent in another state.
- M. **Pat search** means a thorough search of a fully clothed inmate, including the clothing and personal property in the inmate's possession.
- N. **Probable cause** means reasonable ground(s) of suspicion, supported by circumstances sufficiently strong to warrant a cautious person to believe that criminal activity is taking place.
- O. **Reasonable suspicion** means a belief that an action is necessary based upon specific and articulable facts that, taken together with rational inferences from those facts, reasonably support a conclusion.
- P. **Scanning/testing device** means a mechanical and/or electronic instrument used to identify or to detect certain substances and materials.
- Q. **Scanning/testing device search** means a search of a person or object by exposure to a mechanical and/or electronic instrument used to detect certain substances and materials.
- R. **Strip search** is defined as the removal or rearrangement of clothing for the purpose of visual inspection of the person's undergarments, buttocks, anus, genitals or breasts. The term does not include any removal or rearrangement of clothing reasonably required to render medical treatment or assistance, or the removal of articles of outer clothing such as coats, ties, belts or shoelaces. (NJSA 2A: 161A-3a) Strip search shall also include the direct observation by a police officer or matron of an arrestee defecating, urinating, or changing a sanitary napkin or tampon.
1. Under the provisions of NJAC 10A:34-3.5d, when a person charged with a **crime** is confined to a municipal detention facility, an authorized strip search shall also include a check for:
- a. Body vermin;
 - b. Cuts or bruises;
 - c. Needle scars, tracks, or other injuries.

II. Strip and Body Cavity Searches

A. Strip Search without Custodial Confinement

1. A person arrested for the commission of an offense or crime not requiring incarceration, or the commission of an offense or crime requiring incarceration, but who will be released on their own recognizance or by the posting of bail within a reasonable time, shall not be subjected to a strip search unless:
 - a. The shift supervisor expressly authorizes the search; and
 - b. The search is:
 - 1) Conducted under authority of a search warrant; or
 - 2) Conducted pursuant to a valid consent; or
 - 3) Supported by:
 - a) Probable cause to believe that the person is concealing a weapon, contraband, or evidence of a crime; and
 - b) Exigent circumstances which prevent obtaining a search warrant or the approval of the shift supervisor.

B. Strip Search with Custodial Confinement – Other than a Crime (Person to be detained within municipal detention facility or to be committed to a County, State, or Federal detention facility for offense other than a crime)

1. A person who has been detained or arrested for the commission of an offense other than a crime and who is confined in the municipal detention facility shall not be subject to a strip search unless:
 - a. The search is authorized by a warrant or valid documented consent;
 - b. A recognized exception to the warrant requirement exists and the search is based on probable cause that a weapon, controlled dangerous substance, contraband, or evidence of a crime will be found and the officer authorized to conduct the strip search has obtained the authorization of the shift supervisor;
 - c. Exigent circumstances prevent obtaining a search warrant or authorization of the shift supervisor and such exigent circumstances require the officer to conduct a strip search in order to take immediate action for purposes of preventing bodily harm to the officer, person subjected to the search, or others.

C. Strip Search with Custodial Confinement – Crime (Person to be confined in municipal detention facility or to be committed to a County, State or Federal detention facility for commission of a crime)

1. A person lawfully confined for the commission of a crime shall be strip searched when the shift supervisor authorizes confinement in the municipal detention facility or transfer to an adult county correctional facility, the officer authorized to conduct the strip search obtains the authorization of the shift supervisor and one of the following exists:
 - a. A search warrant or valid documented consent; **or**
 - b. Reasonable suspicion that the person is concealing a weapon, controlled dangerous substance, contraband, or evidence of a crime.
 2. A strip search may also be conducted in any of the following circumstances:
 - a. When the shift supervisor authorizes the search; and
 - b. Before placement under psychological observation or suicide watch, or
 - c. After a contact visit.
- D. All strip searches must be conducted:
1. By a person of the same sex; **and**
 2. In private where the search cannot be observed by unauthorized persons; **and**
 3. Under sanitary conditions; **and**
 4. In a professional and dignified manner.
 5. The shift supervisor may authorize another officer of the same sex as the person being searched to be present during the search, but not able to observe the search, if there are heightened security concerns.
 6. Officers must document the need to conduct a strip search.
 7. Officers may conduct a scanning/testing device search to develop probable cause to justify an application for a search warrant or reasonable suspicion to justify a request for consent.
- E. Body Cavity Searches
1. A person arrested or detained for the commission of a crime or offense and is not being committed to the Monmouth County Jail shall not be subject to a body cavity search unless authorized by a search warrant or valid documented consent.
 2. Any application for a search warrant must contain the requisite probable cause and must be reviewed by a designated attorney of the Monmouth County Prosecutor's Office in accordance with Attorney General Directive 2002-2.

3. Requests for valid consent must be based on reasonable and articulable suspicion that the person is in possession of evidence or contraband.
4. Officers may conduct a scanning/testing device search to develop probable cause to justify an application for a search warrant or reasonable suspicion to justify a request for consent.
5. The person shall be escorted immediately to Jersey Shore Medical Center or other authorized medical facility.
6. The body cavity search shall be conducted:
 - a. Under sanitary conditions;
 - b. At a location where the search cannot be observed by unauthorized persons;
 - c. In the presence of only those officers, who are of the same sex as the person being searched, deemed reasonably necessary by the shift supervisor; and
 - d. In a professional and dignified manner, with the maximum courtesy and respect for the person being searched.
 - e. If the person is being detained for an offense other than a crime, by a licensed medical professional who must be of the same sex as the detained or arrested person;
 - f. If the person is being detained for a crime, by a licensed medical professional of either sex.
7. The person being searched may:
 - a. Remove the object in the presence of the licensed medical professional and the officer of the same sex as the person; or
 - b. Be examined by the licensed medical professional, who may remove the object in a medically accepted manner and environment without the use of force.
8. In the event it is determined that a foreign object, which contains metal is present in the body cavity of the person, such object may be removed only by the licensed medical professional in a medically accepted manner and environment, with or without the use of force if the shift supervisor has authorized a body cavity search based on a duly authorized search warrant or a valid documented consent of the person involved.
9. In the event the shift supervisor or the licensed medical professional has determined that nonmetal contraband is being concealed in the body cavity of the person, who has been detained or arrested, and officers are not able to obtain a search warrant for the search, and that person refuses to permit contraband removal, the person may be placed in isolation. During isolation, that person shall be treated in a medically accepted manner and environment as deemed necessary by the licensed medical professional

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