

Police Department Policies and Procedures Manual

We are currently in the process of reviewing and updating many of our policies and procedures to comply with current case law as well as the Monmouth County Prosecutor's Office and Attorney General's Office. In these instances, we follow the policy of the Monmouth County Prosecutor's Office and/or the Directives and Guidelines issued by the Office of the Attorney General of the State of New Jersey. These Directives and Guidelines may be found at <https://www.nj.gov/oag/dcj/directiv.htm>

Traffic Enforcement and Control

Responsive record attached

Diplomatic and Consular Immunity

Responsive record attached

Automatic License Plate Reader (ALPR)

Responsive record attached

BOLO List (HOT List)

Responsive record exists within Automatic License Plate Reader (ALPR) Policy

Mobile In-Car Video

Responsive record attached

Nasal Narcan Procedure

Responsive record attached

Mutual Aid

Responsive record attached

Small Unmanned Aircraft Systems/Drones

Responsive record attached

Field Training and Evaluation Program

Responsive record attached

Records

Responsive record attached

Training

We follow the Directives and Guidelines issued by the Office of the Attorney General of the State of New Jersey

Post Shooting Personnel Support

We follow the recommendations of the NJ Police Suicide Task Force

[https://www.state.nj.us/lps/library/NJPoliceSuicideTaskForceReport-January-30-2009-Final\(r2.3.09\).pdf](https://www.state.nj.us/lps/library/NJPoliceSuicideTaskForceReport-January-30-2009-Final(r2.3.09).pdf)

Temporary Detention

We follow NJAC Chapter 34, New Jersey Municipal Detention Facilities.

<https://www.nj.gov/corrections/pdf/OCS/NJAC-34-Municipal-Detention-Facilities.pdf>

Prison Rape Elimination Act (PREA)

We follow 34 USC Ch. 303: PRISON RAPE ELIMINATION

<https://uscode.house.gov/view.xhtml?path=/prelim@title34/subtitle3/chapter303&edition=prelim>

Public Information

We follow the State of New Jersey's Open Public Records Act (N.J.S.A. 47:1A-1 et seq.)

[https://www.nj.gov/grc/public/docs/Citizen's%20Guide%20to%20OPRA%20\(July%202011\).pdf](https://www.nj.gov/grc/public/docs/Citizen's%20Guide%20to%20OPRA%20(July%202011).pdf)

School Resource Officer (SRO)

No responsive record exists

Emergency Mobilization

No responsive record exists

Ceremonial Honor Guard

No responsive record exists

For the following policies, the police department has adopted the policy and/or procedure of the Monmouth County Prosecutor's Office. Copies of those policies and procedure may be requested from that agency at: <http://mcponj.org/request-records/>

- Pursuit and Forcible Guidelines
- Missing and Unidentified Persons
- Crime Scene Procedures
- Response to Demonstrations and Protests
- Officer Involved Shooting/In-Custody Death
- Evidence and Property Control

IF you believe that you have been illegally denied access to a public record, you may file a complaint with the Government Records Council (GRC), or filed suit in Superior Court to challenge the decision and compel disclosure

Captain J. Cole

201

504B: Traffic Squad

Unit 6305 is to be used. Radar will be permanently mounted in the car and is not to be removed except for repair.

Unit 6311 is the backup car.

Not to be assigned to Patrol Sector. This does not apply when they are filling in a vacant Patrol spot, i.e., only one Patrol Officer on.

Duties to include, but not limited to, the following:

Investigate all M.V. accidents, if possible, and do follow-up investigations.

Enforce traffic laws, regulations, and ordinances.

Do surveys, reports, etc. on traffic matters and safety concerns.

Report on junk cars and take necessary actions.

Perform all other functions of a Police Officer and do related work as required.

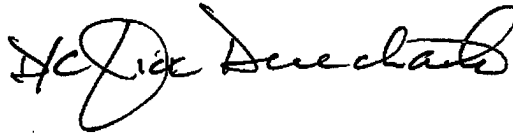
If a member of the Traffic Squad has to be called out between 0300 and 0700, the Officer scheduled for 0700/1700 shift is to be called. Call outs are limited to major accidents/fatal accidents and must be authorized by the duty Sergeant.

Traffic Squad assignees will continue to be eligible for overtime in Patrol as they have been in the past.

Memorandum

2012-006

TO: All Sworn Personnel
FROM: D/C Rick Derechailo
DATE: June 5, 2012



RE: Consulate Notification and Access

The Monmouth County Prosecutor's Office has issued an advisory reminding all law enforcement agencies of the requirements under the Vienna Convention on Consular Relations (VCCR) when foreign nationals are arrested or detained. Under the VCCR, when foreign nationals are arrested or detained, they must be advised of the right to have the Consular Official notified. For nationals of some countries, Consular notification is mandatory even if it is not requested by the arrestee. The notification and access requirements are from international treaties and are binding on the United States. It is imperative that officers strictly adhere to the requirements of the VCCR. Failure to comply with the VCCR could impede the ability to prosecute a case.

The Consular Notification and Access Manual has been printed and placed in a binder for reference. This manual is located in the squad room. Related links can be accessed at http://travel.state.gov/law/consular/consular_753.html for additional information.

**TOWNSHIP OF ABERDEEN
POLICE DEPARTMENT**

DATE
10/23/2014

NUMBER
2014-008

SUBJECT

AUTOMATED LICENSE PLATE READERS

GENERAL ORDER

REFERENCE N/A	RESCINDS N/A	DISTRIBUTION ALL PERSONNEL
-------------------------	------------------------	--------------------------------------

I. PURPOSE

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

II. POLICY

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

III. DEFINITIONS

- A. Automated License Plate Reader (ALPR).** System consisting of a camera(s) and related equipment that:
1. Automatically and without direct human control locates, focuses on, and photographs license plates and vehicles that come into range of the device;
 2. Automatically converts digital photographic images of scanned license plates into electronic text documents;
 3. Is capable of comparing scanned license plate text data with data files for vehicles on a BOLO (Be on the Lookout) list programmed into the device's electronic memory; and
 4. Notifies officers, whether by an audible alert or by other means, when a scanned license plate matches the license plate on the programmed BOLO list.
 5. The term includes both devices that are placed at a stationary location (whether permanently mounted or portable devices positioned at a stationary location) and mobile devices affixed to a police vehicle and capable of operating while the vehicle is in motion.

- B. Authorized User.** A sworn member or civilian employee of a law enforcement agency who has been authorized by the Chief Executive Officer of the agency, or by the Attorney General or a county prosecutor or designee, to operate an ALPR or to access and use ALPR stored data, and who has successfully completed training provided by the agency on this written directive and on AG Directive 2010-5.
- C. BOLO (Be on the Lookout) or BOLO Situation.** Determination by a law enforcement agency that there is a legitimate and specific law enforcement reason to identify or locate a particular vehicle, or, in the case of a post-scan BOLO, there is a legitimate and specific reason to ascertain the past location(s) of a particular vehicle.
- D. BOLO List (also known as a hot list).** Compilation of one or more license plates, or partial license plates, of a vehicle or vehicles for which a BOLO situation exists that is programmed into an ALPR so that the device will alert if it captures the image of a license plate that matches a license plate included on the BOLO list. The term also includes a compilation of one or more license plates, or partial license plates that is compared against stored license plate data that had previously been scanned and collected by an ALPR, including scanned license plate data that is stored in a separate data storage device or system.
- 1. Initial BOLO List.** BOLO list that was programmed into an ALPR at the time that the device was being used to scan license plates in the field.
 - 2. Post-Scan BOLO List.** BOLO list that is compared against stored data collected by an ALPR, including scanned license plate data that has been transmitted to another device or data storage system.
- E. Crime Scene Query.** Process of accessing and reviewing stored ALPR data that had been originally scanned at or about the time and in the vicinity of a reported criminal event for the purpose of identifying vehicles or persons that might be associated with that specific criminal event as suspects, witnesses, or victims.
- F. Criminal Event.** Specific incident, or series of related specific incidents, that would constitute an indictable crime under the laws of the State of New Jersey, whether or not the incident(s) have occurred or will occur within the State of New Jersey. The term includes an attempt or conspiracy to commit a crime, or actions taken in preparation for the commission of the crime, such as conducting a surveillance of the location to identify and evade or thwart security measures, or conducting a rehearsal of a planned crime. The term includes two or more separate criminal acts or episodes that are linked by common participants or that are reasonably believed to have been undertaken by a criminal organization or as part of an ongoing conspiracy.
- G. Crime Trend Analysis.** Analytical process by which stored ALPR data is used, whether alone or in conjunction with other sources of information, to detect crime patterns by studying and linking common elements of recurring crimes; to predict when and where future crimes may occur; and to link specific vehicles to

potential criminal or terrorist activity. The term includes an automated process in which a computer program analyzes stored data to identify potentially suspicious activity or other anomalies involving one or more scanned vehicles and where such automated analysis is done without disclosing personal identifying information about any individual to an authorized user or any other person except as may be authorized pursuant to Section S of this directive.

- H. **Designated Supervisor.** One or more superior officers assigned by the Chief of Police to oversee and administer or to assist in overseeing and administering the agency's use of ALPRs and stored ALPR data.
- I. **Personal identifying information.** Information that identifies one or more specific individuals, including an individual's name, address, social security number, vehicle operator's license number, or biometric records. The term includes personal identifying information that is included within the data comprising a BOLO list, as well as personal identifying information that is learned by checking a license plate scanned by an ALPR against the Motor Vehicle Commission database or any other data system that contains personal identifying information.
- J. **Post-Scan BOLO Query.** Process of comparing a post-scan BOLO list against stored ALPR data.
- K. **Scan.** Process by which an ALPR automatically focuses on, photographs, and converts to digital text the license plate of a vehicle that comes within range of the ALPR.
- L. **Stored Data.** Information captured by an ALPR and stored in the device's memory or in a separate data storage device or system. The term includes the recorded image of a scanned license plate and optical character recognition data, a contextual photo (e.g. a photo of the scanned vehicle and/or occupants), global positioning system (GPS) data (when the ALPR is equipped with a GPS receiver) or other location information, and the date and time of the scan. The term applies to both alert data and non-alert data that has been captured and stored by an ALPR or in a separate data storage device or system.
 - 1. **Alert Data.** Information captured by an ALPR relating to a license plate that matches the license plate on an initial BOLO list or a post-scan BOLO list.
 - 2. **Immediate Alert.** Alert that occurs when a scanned license plate matches the license plate on an initial BOLO list and that is reported to the officer operating the ALPR, by means of an audible alarm or by any other means, at or about the time that the subject vehicle was encountered by the ALPR and its license plate was scanned by the ALPR.

3. **Non-encounter Alert.** Immediate alert where the officer operating the ALPR is instructed to notify the agency that put out the BOLO without initiating an investigative detention of the subject vehicle or otherwise revealing to the occupant(s) of that vehicle that its location has been detected or that it is the subject of law enforcement attention (e.g. a Violent Gang or Terrorist Organization File (VGTOF) alert).

IV. PROCEDURES

- A. ALPR and the data that are collected by these devices stored for future use shall only be used in accordance with Attorney General Directive 2010-5, the manufacturer's user guide, and this directive.
 1. ALPRs and ALPR generated data shall only be used for bona fide public safety purposes.
- B. These procedures apply to any ALPR data that is collected by another law enforcement agency and provided to this agency or collected by this agency and provided to another law enforcement agency.
- C. An ALPR and data generated by an ALPR shall only be used for official and legitimate law enforcement business and should be interpreted and applied to achieve the following objectives:
 1. To ensure that BOLO lists that are programmed into the internal memory of an ALPR or that are compared against stored ALPR data are comprised only of license plates that are associated with specific vehicles or persons for which or whom there is a legitimate and documented law enforcement reason to identify and locate or for which there is a legitimate and documented law enforcement reason to determine the subject vehicle's past location(s) through the analysis of stored ALPR data;
 2. To ensure that data that is captured by an ALPR can only be accessed by appropriate law enforcement personnel and can only be used for legitimate, specified, and documented law enforcement purposes;
 3. To permit a thorough analysis of stored ALPR data to detect crime and protect the homeland from terrorist attack while safeguarding the personal privacy rights of motorists by ensuring that the analysis of stored ALPR data is not used as a means to disclose personal identifying information about an individual unless there is a legitimate and documented law enforcement reason for disclosing such personal information to a law enforcement officer or civilian crime analyst; and
 4. To ensure that stored ALPR data are purged after a reasonable period of time so as to minimize the potential for misuse or accidental disclosure.

- D.** ALPR shall be used in a consistent manner to assist agency personnel in accomplishing its mission in homeland security, suspect interdiction, stolen property recovery, detection of crime, enforcement of State law and local ordinances, identification of stolen vehicles, stolen license plates, wanted and missing persons, AMBER Alert assistance, crime prevention and other traffic related matters.
- E.** Information obtained through ALPR use shall only be released or disseminated in accordance with NJCJIS User Agreement protocols, applicable State Statutes, and applicable Court Rules. Unauthorized release of any information obtained through an ALPR is subject to criminal, civil, and administrative sanctions.
- F.** ALPR is more than an enforcement tool. ALPR should be deployed to capture the license plates of vehicles in the area of a major crime or an area of repeated minor offenses. Captured data can be analyzed and utilized in criminal investigations or in the assignment of staffing based on empirical data.
- G.** Designated supervisors shall:
- 1.** Provide or oversee the training of all officers and civilian employees who are authorized to operate an ALPR or to access or use ALPR stored data;
 - 2.** Review and approve requests to access and use stored ALPR data to conduct crime trend analyses and/or to access personal identifying information based upon crime trend analyses; and
 - 3.** Ensure compliance with this directive and AG Directive 2010-5.
- H.** The Chief of Police shall designate all authorized users. No officer or civilian employee will be authorized to operate an ALPR, or access or use ALPR stored data, unless the officer or civilian employee has received training by the agency on the proper operation of these devices, and on the provisions of this directive and AG Directive 2010-5.
- I.** Any officer or civilian employee of the agency who knowingly violates this directive or AG Directive 2010-5 shall be subject to discipline.
- J.** All significant violations of this directive or AG Directive 2010-5, including but not limited to all instances involving the unauthorized access or use of ALPR stored data, shall be reported to the County Prosecutor upon discovery of the violation. Unless the County Prosecutor elects to conduct or oversee the investigation of the violation, such notification of the violation shall be followed up with a report, approved by the Chief of Police, explaining to the County Prosecutor the circumstances of the violation, and the steps that are being taken to prevent future similar violations.

1. Investigations into violations of this directive shall be conducted in accordance with SOP 201:567, Internal Affairs.
- K.** The Chief of Police shall provide a copy of this directive to the County Prosecutor, at or before the time of promulgation and shall provide to the County Prosecutor copies of any amendments or revisions to this directive at or before the time that such amendments take effect.
- L. Deployment of ALPR.**
1. An ALPR shall only be used to scan license plates of vehicles that are exposed to public view (*e.g.*, vehicles on a public road or street or that are on private property, but which license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shopping mall or other business establishment).
 2. An ALPR shall not be deployed in the field unless the deployment has been authorized by the Chief of Police or a designated supervisor, or by the Attorney General or designee, or a county prosecutor or designee. Such authorization may be given for repeated or continuous deployment of an ALPR (*e.g.*, mounting the device on a particular police vehicle, or positioning the ALPR at a specific stationary location), in which event the deployment authorization shall remain in force and effect unless and until rescinded or modified by the Chief of Police or designated supervisor, or the Attorney General or county prosecutor or designee(s).
 3. Sworn members or civilian employees of the agency may operate an ALPR or access or use ALPR stored data only if the person has been designated as an authorized user by the Chief of Police, or by the Attorney General or designee, or a county prosecutor or designee, and has received training from the agency on the proper use and operation of ALPRs, the requirements of AG Directive 2010-5, and this directive.
 4. Personnel must ensure that the lenses are free from obstructions before commencing operations. If safe to do so, personnel may remove obstructions such as snow, mud, paper, etc. Under no circumstances are the camera lenses to be wiped with anything other than a clean, soft cloth.
 5. Any damage to the ALPR systems or any problems with the operation of an ALPR system shall be immediately reported to a supervisor verbally and then documented in a report and forwarded to an ALPR Designated Supervisor.
 6. Personnel authorized to use ALPR shall ensure that the system is operating properly every time the vehicle is used for field operations.

7. Authorized personnel shall sign on to the system and deploy the ALPR in accordance with training received, manufacturer's user guide, AG Directive 2010-5, and this directive.

M. Maintenance of Records

1. The Designated Supervisor(s) shall maintain a written or electronic record that documents the following information:
 - a) Date and time when the ALPR was deployed;
 - b) Whether the ALPR was mobile, or was stationed at a fixed specified location;
 - c) The identity of the operator(s);
 - d) Whether ALPR data was transferred to any other database or data storage device or system.
2. The Designated Supervisor(s) shall maintain a record of all access to stored ALPR data. The agency's ALPR data record keeping system, which may be automated, shall document the following information:
 - a) The date and time of access, and in the case of access to stored non-alert data, the type of access authorized (e.g., post-scan BOLO query, crime scene query, or crime trend analysis);
 - b) The authorized user who accessed the stored data;
 - c) Whether an automated software program was used to analyze stored data;
 - d) The designated supervisor who reviewed and approved any disclosure of personal identifying information based upon crime trend analysis when such approval is required;
 - e) The designated supervisor who approved any use of an automated crime trend analysis computer program that would automatically alert and disclose personal identifying information;
 - f) Any other information required to be documented.
3. All written or electronic records of ALPR activity and access to ALPR data shall be maintained by the agency for a period of five years and shall be kept in a manner that makes such records readily accessible to any person authorized by this directive to audit the agency's use of ALPRs and ALPR-generated data. If an automated system is used to record any information that is required to be documented pursuant to this directive, it

shall not be necessary to maintain duplicate records of any events or transactions that are documented by the automated record-keeping system.

4. All stored data and required documentation and decisions shall be kept in a place and in a manner as to facilitate a review and audit of the agency's ALPR program by the County Prosecutor or by the Attorney General or designee(s).

N. Content and Approval of BOLO Lists.

1. A license plate number or partial license plate number shall not be included in an ALPR Initial BOLO list unless there is a legitimate and specific law enforcement reason to identify or locate that particular vehicle or any person or persons who are reasonably believed to be associated with that vehicle.
2. A license plate or partial license plate number shall not be included in a Post-Scan BOLO list unless there is a legitimate and specific law enforcement reason to ascertain the past locations(s) of that particular vehicle or of any person or persons who are reasonably believed to be associated with that vehicle.
3. Examples of legitimate and specific reasons include, but are not limited to:
 - a) Persons who are subject to an outstanding arrest warrant;
 - b) Missing persons;
 - c) Amber or Silver Alerts;
 - d) Stolen vehicles;
 - e) Vehicles that are reasonably believed to be involved in the commission of a crime or disorderly persons offense;
 - f) Vehicles that are registered to or are reasonably believed to be operated by persons who do not have a valid operator's license or who are on the revoked or suspended list;
 - g) Vehicles with expired registrations or other Title 39 violations;
 - h) Persons who are subject to a restraining order or curfew issued by a court or by the Parole Board, or who are subject to any other duly issued order restricting their movements;
 - i) Persons wanted by a law enforcement agency who are of interest in a specific investigation, whether or not such persons are themselves suspected of criminal activity; and

- j) Persons who are on any watch list issued by a State or Federal agency responsible for homeland security.
- 4. BOLO list information may be downloaded in batch form from other databases, including but not limited to the National Crime Information Center (NCIC), National Insurance Crime Bureau, United States Department of Homeland Security, and Motor Vehicle Commission database.
- 5. An initial BOLO list may be revised at any time. In the event that an initial BOLO list is constructed, in whole or in part, with sets of data downloaded from another database, so as to account for any changes that may have been made in the data maintained in those other databases, updates to the initial BOLO list shall, in the case of a mobile unit attached to a police vehicle, be made at the start of each shift, and in the case of an ALPR positioned at a stationary location, be made as frequently as is practicable, and on not less than a daily basis. Information concerning any license plate that is referenced in an Amber or Silver Alert activated by the New Jersey State Police shall be added to the initial BOLO list as expeditiously as possible, and shall remain in the initial BOLO list until the Amber or Silver Alert expires or is withdrawn.
- 6. When practicable, the reason for placing a vehicle on BOLO list shall be included with the BOLO and shall be disclosed to the officer who will react to an immediate alert. If for any reason an officer reacting to an immediate alert should not initiate an investigative detention (*e.g.*, where the license plate was included in the BOLO list because the agency or any other agency wanted to be notified of the location of the subject vehicle without alerting the driver/occupants that they are the subject of law enforcement attention, such as in the case of Violent Gang or Terrorist Organization File (VGTOF) alert), to the extent feasible, the information attached to the license plate on the BOLO list shall be entered in such a way as to cause the ALPR to clearly designate an immediate alert as a non-encounter alert, and shall provide specific instructions to the officer as to who to notify of the alert.

O. Actions in Response to an Immediate Alert.

- 1. When officers operating a vehicle equipped with ALPR receive an immediate alert, the officer shall take such action in response to the alert as is appropriate in the circumstances. Officer(s) alerted to the fact that an observed motor vehicle's license plate is on the BOLO list may be required to make a reasonable effort to confirm that a wanted person is actually in the vehicle before the officer would have a lawful basis to stop

the vehicle. (*State v. Parks*, 288 N.J. Super. 407 App. Div. 1996). Police do not have reasonable suspicion to justify a stop based on a computer check that shows that the operator's license of the registered owner of the vehicle is suspended unless the driver generally matches the owner's physical description (*e.g.*, age and gender).

2. An officer reacting to an immediate alert shall consult the database to determine the reason why the vehicle had been placed on the BOLO list and whether the alert has been designated as a non-encounter alert. In the event of a non-encounter alert, the officer shall follow any instructions included in the alert for notifying the law enforcement or homeland security agency that had put out the BOLO.

P. Security of Stored ALPR Data.

1. All ALPR stored data shall be kept in a secure data storage system with access restricted to authorized persons. Access to this stored data shall be limited to the purposes described in Section R.
2. Stored ALPR data shall be maintained electronically in such a manner as to distinguish alert data from non-alert data so as to ensure that access to and use of non-alert data and any disclosure of personal identifying information resulting from the analysis of non-alert data occurs only as authorized pursuant to Section R. Positive alert data may, as appropriate, be transferred to the appropriate active investigation file and if appropriate be placed into evidence in accordance with agency written directives.

Q. Retention Period and Purging of Stored Data.

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

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

1. Authorized users may access and use stored ALPR Alert Data as part of an active investigation or for any other legitimate law enforcement purpose including, but not limited to a post-scan BOLO query, a crime scene query, or crime trend analysis.
 - a) A record shall be made of all access to ALPR data, which may be an automated record that documents the date of access and the identity of the authorized user.
 - b) An authorized user does not need to obtain approval from the Commander of the Law Enforcement Division or designated supervisor for each occasion on which he or she accesses and uses stored ALPR data. Once positive alert data has been accessed and transferred to an investigation file, it shall not be necessary thereafter to document further access or use of that data pursuant to this directive.
2. Access to and use of stored Non-Alert ALPR Data is limited to the following three purposes:
 - a) A post-scan BOLO query;
 - b) A crime-scene query; and
 - c) Crime trend analysis.
3. An authorized user does not need to obtain approval from the Chief of Police or a designated supervisor for each occasion on which he or she accesses and uses stored non-alert data pursuant to this directive.
4. Post-Scan BOLO Query:
 - a) Authorized users are authorized to compare a post-scan BOLO list against stored ALPR data where the results of the query might reasonably lead to the discovery of evidence or information relevant to any active investigation or ongoing law enforcement operation, or where the subject vehicle might be placed on an active initial BOLO list.
 - b) Example: an authorized user may review stored non-alert data to determine whether a specific vehicle was present at the time and place where the ALPR data was initially scanned for the purpose of confirming or dispelling an alibi defense, or to develop lead information for the purpose of locating a specified vehicle or person. Authorized users may also check stored data to determine whether a vehicle that was only recently added to an initial BOLO

list had been previously observed in the jurisdiction before it had been placed on an initial BOLO list.

5. Crime Scene Query:

- a)** Authorized users are permitted to access and use stored non-alert data where such access might reasonably lead to the discovery of evidence or information relevant to the investigation of a specific criminal event.
- b)** If an investigator has reason to believe that a specific person or vehicle was at or near the location of the specific crime at the time of its commission, non-alert stored data might also be examined as part of post-scan BOLO query.
- c)** A crime scene query may not be conducted to review stored non-alert data based on general crime patterns (*e.g.* to identify persons traveling in or around a high crime area), but rather is limited to situations involving specific criminal events.
- d)** The crime scene query of non-alert stored data shall be limited in scope to stored non-alert data that is reasonably related to the specified criminal event, considering the date, time, location, and nature of the specified criminal event. Examples:
 - 1)** A crime that reasonably involves extensive planning and possible rehearsals, such as a terrorist attack, would justify examining stored non-alert data that had been scanned and collected days or even weeks or months before the criminal event, and that may have been scanned at a substantial distance from the site of the crime or intended crime (*e.g.*, at any point along a highway leading to the intended crime site).
 - 2)** A spontaneous crime, in contrast, might reasonably justify examination of stored non-alert data that was scanned and collected on or about the time of and in closer physical proximity to the criminal event.
- e)** The authorized user shall document the specific crime or related crimes constituting the criminal event and the date(s) and location(s) of the specific crime(s).

6. Crime Trend Analysis

- a) An authorized user may access and use stored non-alert data for purposes of conducting crime trend analyses when such access and analyses are approved by a designated supervisor and where such analyses are undertaken to produce analytical products that are intended to assist the agency in the performance of its duties.
 - 1) A designated supervisor may authorize one or more authorized users to conduct a method or methods of crime trend analysis on a repeated or continuous basis, in which event such authorization shall remain in force and effect unless and until modified or rescinded by the supervisor.
 - 2) A designated supervisor may also approve the use of an automated software program to analyze stored data to look for potentially suspicious activity or other anomalies that might be consistent with criminal or terrorist activity.
- b) Crime trend analyses of stored non-alert data, whether automated or done manually, shall not result in the disclosure of personal identifying information to an authorized user or any other person unless:
 - 1) The agency can point to specific and articulable facts that warrant further investigation of possible criminal or terrorist activity by the driver or occupants of a specific vehicle (*e.g.* unusual behavior consistent with the *modus operandi* of terrorists or other criminals), and access to the personal identifying information based on those specific and articulable facts has been approved by a designated supervisor. Such approval may be given by a designated supervisor in advance when the crime trend analysis reveals the existence of specified suspicious circumstances that would warrant further investigation and that would justify disclosure of personal identifying information to the authorized user conducting the analysis under the specific and articulable facts that warrant further investigation standard of proof. The supervisor shall document any and all specified suspicious circumstances for which disclosure of personal identifying information is pre-approved if those suspicious circumstances are revealed by authorized crime trend analysis. When an automated crime trend analysis computer program is used, specified suspicious circumstances that would warrant further investigation and that would justify disclosure of personal identifying

information to an authorized user may also be pre-approved by a designated supervisor and built into the computer program so that if the program identifies the existence of the pre-determined suspicious circumstances, it will automatically alert the authorized user of the suspicious activity and provide to him/her the relevant personal identifying information in accordance with the specific and articulable facts that warrant further investigation standard of proof; or

- 2) Disclosure of personal identifying information concerning any vehicle plate scanned by the ALPR is authorized by a grand jury subpoena.
- c) Nothing in this section shall be construed to prohibit a computer program from accessing and comparing personal identifying information of one or more individuals who are associated with a scanned vehicle as part of the process of analyzing stored non-alert data, provided that such personal identifying information is not disclosed to a person unless the specific and articulable facts that warrant further investigation standard is satisfied. The specific and articulable facts that warrant further investigation standard applies only to the crime trend analysis of non-alert data and nothing in this Section shall be construed to limit disclosure of personal identifying information of a person who is the registered owner of a vehicle that is on an initial or post-scan BOLO list.
 - d) For the purposes of this Section, the specific and articulable facts that warrant further investigation standard required for the disclosure of personal identifying based upon crime trend analysis of stored non-alert data is intended to be comparable to the specific and articulable facts that warrant heightened caution standard developed by the New Jersey Supreme Court in *State v. Smith*, 134 N.J. 599, 616-19 (1994) (establishing the level of individualized suspicion required before an officer may order a passenger to exit a motor vehicle stopped for a traffic violation).
 - e) The authorized user accessing stored non-alert ALPR data for purposes of conducting crime trend analysis shall document:
 - 1) The nature and purpose of the crime trend analysis;
 - 2) The persons who accessed stored non-alert ALPR data for use in conducting that analysis; and
 - 3) The designated supervisor who approved access to ALPR non-alert data.

- f) In any instance where personal identifying information is disclosed based upon crime trend analysis of stored non-alert data, the authorized user shall document the specific and articulable facts that warrant further investigation and the designated supervisor who reviewed those facts and approved the disclosure of personal identifying information, or who pre-approved disclosure of personal identifying information based upon specified circumstances identified by an automated crime trend analysis computer program, or, where applicable, the fact that access to personal identifying information was authorized by a grand jury subpoena.

S. Shared Law Enforcement Access to Stored ALPR Data.

1. ALPR data obtained in conformance with this directive can be accessed and used by this agency and may be shared with and provided to any other law enforcement agencies.
2. Stored ALPR data may be combined with ALPR data collected by two or more law enforcement agencies (*e.g.*, collection of stored data by the State Police Regional Operations Intelligence Center); provided that such aggregated data shall only be retained, accessed, and used in accordance with the provisions of AG Directive 2010-5 and this directive.
3. When ALPR data is made accessible to or otherwise shared with or transferred to another law enforcement agency, the Designated Supervisor(s) shall document the identity of the other agency and the specific officer(s) or civilian employee(s) of that agency who were provided the information.
4. When the transfer of stored ALPR data is performed periodically as part of a system for aggregating data collected by two or more law enforcement agencies (*e.g.*, the scheduled and routine transmittal of data to the State Police Regional Operations Intelligence Center), each agency contributing data to the combined database shall maintain a record of the data transfer, which may be an automated record, and shall have and keep on file a memorandum of understanding or agreement or other memorialization of the arrangement for maintaining and populating a database comprised of stored ALPR data collected by multiple law enforcement agencies. Any agency provided with access to or use of the ALPR data collected by this agency shall comply with all applicable provisions of AG Directive 2010-5 concerning stored ALPR data and disclosure of personal identifying information.

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

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

U. Program Accountability.

1. All ALPR records documenting the use of an ALPR or access to or use of ALPR stored data, whether kept manually or by means of an automated record-keeping system, shall be subject to review and audit by the County Prosecutor, or by the Attorney General or designee.
2. Any complaints about an agency's ALPR program made by any citizen or entity shall be forwarded to the County Prosecutor for appropriate review and handling. The County Prosecutor may conduct an investigation, or may direct the agency that is the subject of the complaint to conduct an investigation and to report back to the County Prosecutor.
 - a) Investigations into violations of this directive by agency personnel shall be conducted in accordance with SOP 201:567, Internal Affairs.

V. Sanctions for Non-Compliance.

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

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

1. ALPRs and all ALPR stored data shall only be used and accessed for the purposes and in the manner authorized by AG Directive 2010-5. In recognition of the need to be able to address issues or circumstances that are not contemplated by AG Directive 2010-5, the Attorney General or designee may grant an exemption from any provision of AG Directive 2010-5 and may authorize the specific use of an ALPR, or the data collected by or derived from an ALPR, that is not expressly authorized by AG Directive 2010-5. Any request by a department to use an ALPR or ALPR-generated data for a purpose or in a manner not authorized by AG Directive 2010-5 shall be made to the Attorney General or designee through the Director of the Division of Criminal Justice or designee, who shall make recommendations on whether to grant the agency's specific request for an exemption or special authorization. Such requests shall be made in writing unless the circumstances are exigent, in which event the request by the agency and approval or denial by the Attorney General or designee may be given orally, in which event the circumstances of the request and the approval or denial shall be memorialized in writing as soon thereafter as is practicable.

Receipt of this order shall be via Directive Management System.



John T. Powers
Chief of Police

SUBJECT

Watch Guard Mobile Video Recorders (MVR)

GENERAL ORDER

REFERENCE	RESCINDS	DISTRIBUTION
N/A	GO2017-003	Full

I. PURPOSE

It is the purpose of this policy update to reflect the technological advances made in recording systems since the original policy was implemented and comply with the Monmouth County Uniform Policy on MVR Equipment in Police Vehicles. The policy has been extensively overhauled and contains many changes and additions. The most significant changes are as follows:

- An officer who deliberately deactivates the MVR equipment without justification is subject to an internal affairs investigation and potential discipline.
- The back seat microphone should not be turned off at any time there is a civilian being held in a patrol vehicle. There is no expectation of privacy in the back of a patrol car.
- This policy applies to both adults and juveniles.

II. POLICY

The Aberdeen Township Police Department maintains a mobile video recorder (MVR) system. That system has been installed and operates in selected police vehicles. The primary purpose of this system is to document motor vehicle stops; however, it is also used provide additional evidence in the prosecution of criminal or traffic offenses and to provide unbiased documentation to support the actions of the department and its members during prisoner transports and other police-citizen contacts. The MVR system will be used to provide protection for our officers, increased accountability, and a higher level of service to the public. The MVR system will enhance the agency's ability to review probable cause for arrests, arrest procedures, officer interaction with suspects and the public, as well as for officer evaluation and training.

III. DEFINITIONS

Recorded Media -Refers to any media that captures and records audio and/or visual signals.

In-Car Camera System and Mobile Video Recording (MVR) - are synonymous and defined as any media recording unit that captures audio and/or visual signals.

Supervisor - Personnel holding the rank of Sergeant and above.

IV. PROCEDURES

A. Program Objective

This agency has adopted the use of in-car video/audio recording systems (MVR) in selected vehicles in order to accomplish the following objectives:

1. To provide an accurate depiction of events for courtroom testimony;
2. To accurately capture statement and events during the course of an investigation or other contacts;
3. To enhance the officer's ability to document and review statements and actions for report purposes and for courtroom preparation;
4. To provide an impartial measurement for self-critique and field evaluation of our current officers and during new officer training;
5. To be used as an investigative tool to capture visual and audio information and to further existing and future investigations;
6. To monitor the quality of our officers' interactions with others;
7. To provide valuable instructional materials for in-service training as to practices and procedures;
7. To monitor prisoners.

B. General Procedures

Officers shall adhere to the following procedures when utilizing MVR equipment:

1. MVR equipment installed in selected vehicles is the responsibility of the officer assigned to that vehicle and will be operated with proper care;
2. Officers assigned to a MVR equipped vehicle must use the MVR unit as outlined in this policy. Officers will "log in" with their name at the beginning of their shift. At the conclusion of their shift they will be required to log out;
3. Prior to each shift, officers shall determine whether their MVR equipment is working satisfactorily. If an officer finds at any time that the equipment is not working properly, the officer is to immediately advise their supervisor;
4. The officer is never to attempt to repair any MVR equipment unless authorized by a supervisor. If an MVR is not operating properly, the officer should be reassigned to a vehicle with a working MVR if one is available. Officers will note the deficiencies of the MVR equipment on their Daily Work Sheet in the Mechanical Defects section of the Daily Work Sheet;
5. Officers will also ensure that "video recording" warning signs are clearly visible within the prisoner transport compartment;
6. Officers shall not attempt to erase, modify, overwrite or in any manner alter or tamper with MVR hard drives or recordings created by the MVR. (See NJ Rev Stat 2C:28-7c Tampering with Public Records or information);

7. Officers are to ensure that the audio microphone is turned on during the time when the recorder is activated so that radio transmissions will also be recorded while the officer is in the vehicle;
8. Officers should ensure that all equipment is operating in order to record traffic stops or other enforcement actions. In doing so, they will ensure that the video recorder is positioned and adjusted to record events. The MVR camera shall be positioned to view the entire target object. The MVR camera shall not be positioned or blocked in any manner that will prevent the recording of the target object or incident. The MVR is not to be deactivated until the enforcement action is complete and the violator is safely back in traffic or the officer leaves the incident scene. Whenever the officer is engaged in a motor vehicle pursuit, the MVR will not be deactivated until the event is completed and the deactivation is approved by a supervisor.
9. Officers will ensure that the remote transceiver is charged and synchronized for that patrol unit and ready to be used for their shift. The remote transceiver shall be worn on the front of the officer's uniform and shall not be covered, blocked or worn in any manner that interferes the recording capabilities of the device. Officers are to carry the remote transceiver unit on their persons at all times unless it is being charged in a vehicle charger or it is impractical to do so.
10. Officers will record the "Event ID" after recording an event or traffic stop. The recorder will display an "Event ID" screen when the recording is stopped. Officers will record the incident number from the department CAD system. Incident numbers will start with two digits for the year followed by the incident number (18012345). It is important that officers enter this "Event ID" number prior to the end of their shift so it can be referenced for future display or archiving.
11. Keep code fields will be completed for each recorded event using the following codes:

- MV Stop
- Traffic Accident
- Domestic
- Use of Force
- Drug Seizure
- DWI
- Pursuit
- Disabled Vehicle
- Suspicious Person/Adversarial Contact
- Arrest
- Transports
- Crime Scene/Evidence
- MVS/Felony
- Non Event
- Test Recording

12. The following incidents **shall** be both audibly **and** visually recorded by any police vehicle which has MVR equipment:

a. All motor vehicle stops:

Normal traffic violations should be recorded from the point where lights and or sirens are activated continuously through the entire stop concluding when the violator drives away or is placed in the patrol vehicle.

In cases of suspected D.W.I., recording should begin when the officer first suspects erratic driving and should continue through the stop, any field sobriety tests and the arrest, if applicable.

b. All police pursuits;

c. All person stops (to include but not limited to suspicious persons, field interviews, any citizen contact that may be adversarial);

c. All transports of arrestees, prisoners, and other civilians, including emotionally disturbed persons, persons under the influence of drugs or alcohol, and juveniles;

d. Vehicle searches;

e. All police responses when using emergency lights and/or siren;

f. All major crime scenes;

g. All domestic violence calls;

h. Special events including but not limited to crowd control, strikes, picket lines, demonstrations, or riots;

i. All arrests;

j. Any events likely to be evidential in a criminal case (this includes but is not limited to any crime in progress, any crime scene or portion thereof, any activity leading to an arrest, any field interviews, and any evidence recovered);

k. Other situations where in an officer's best judgement, based on training and experience, is to record a situation, event, object, or activity;

l. When directed to by a supervisor.

13. Additionally, the MVR will be automatically activated when:

a. When the vehicles emergency lights are activated;

b. When patrol vehicle reaches a speed of 75 miles per hour (MPH) regardless of emergency device activation;

c. In the event the patrol unit is involved in a crash.

14. The MVR shall remain in the record mode until the entire activity is completed. If for some reason the recording must be terminated, the justification for same must be verbally recorded prior to deactivation and appropriately documented in a police report.

15. Officers shall note in their report the fact that audio/video recordings were made and also indicate the unit number of the police vehicle that was used.

16. Officers who capture evidence or critical incidents on a recording shall bring it to the attention of their supervisor.

- a. Officers are responsible for flagging such events so that the recording can be downloaded, copied, and placed into evidence and the related file.

17. While it is recognized that not every event takes place in the street, and that people may move off camera, officers are encouraged to park their patrol vehicle in the best position to allow the camera to record the pertinent event. If necessary, an officer may reposition a camera to capture the event when possible.

18. MVR equipped back-up officers arriving at a scene of one of the above listed events will record the event as if they were the primary vehicle whether the actual primary vehicle has a MVR unit or not.

19. Manual Deactivation:

- a. In some instances an officer may wish to deactivate the audio portion of the MVR to discuss strategy with another officer or to share intelligence. This is acceptable police practice so long as the subject(s) of the police activity remain visible on the camera. The officer should verbally record the reasons for deactivation prior to deactivation and should re-activate the audio portion as quickly as possible. The fact that the audio was deactivated, and the reason, must be documented in the related police report. **Any officer who deliberately deactivates the MVR without justification is subject to an internal affairs investigation and potential discipline.**

MVR equipment may be manually deactivated during certain non-enforcement activities such as:

- a. Traffic control details (road jobs);
- b. Protecting accidents scenes;
- c. Perimeter control details;
- d. Other instances where the MVR unit will be stationary for an extended period of time and the events recorded are likely to be of little or no documentary value as determined and approved by a supervisor;
- e. To protect the anonymity of an informant, undercover officer or other confidential information source;
- f. Other Events: Once an event has stabilized and if it becomes necessary to discuss issues surrounding the investigation with a supervisor in private, officers may turn off their remote transmitter thereby preventing their private audio conversation from being recorded. The video recording shall not be terminated until the entire contact has ended unless otherwise authorized by this policy;
- g. The above listed events may also be marked as a: "Non-Event".

20. Prohibited use of the MVR. The MVR system shall not be used in the following circumstances:

- a. Inside the police facility unless the officer is responding to an emergency or a crime in progress;

- b. During courtroom proceedings unless an incident occurs in court that would be beneficial to record to further a law enforcement objective;
- c. For anything other than official police business;
- d. To record any other employee without their knowledge unless authorized by the Chief of Police or his/her designee as part of an Internal Affairs function;
- e. For covert recordings of events or individuals except in the performance of official duties.

NOTE: The MVR is set up to operate on a continuous 60 second video loop. Once activated, either manually or automatically, the last 60 seconds of video recording only, prior to activation will be captured and permanently recorded.

- 21. Officers may review recordings in their vehicle only after the enforcement action, emergency response, or the initial reason for the recording is completed unless approved by a supervisor and it is immediately necessary to further a law enforcement objective.
- 22. Officers are encouraged to review stops and incidents before court proceedings with the approval of their supervisors and under their direction. Stops and incidents that are the subject of an Internal Investigation, can only be viewed by or with the approval of the Chief of Police.
- 23. Recordings marked with any of the listed "Keep codes" will be kept on the Watch Guard server for the period dictated by the State of New Jersey Records Retention and Disposition Schedule and Attorney General Guidelines for the Retention of Evidence.
- 24. In order to alert Records that an offense is captured on a MVR, officer shall indicate that Watch Guard was used by writing on the rear of the Police Record copy (blue copy) of the traffic summons in the Sentence Area above the Officer's Comments area. If an E-Ticket is written, use the comments section.
- 25. Citizen Complaints: MVR recorded events that result in a citizen complaint will be only be reviewed by Chief of Police, his/her designee or Internal Affairs officers. The Chief or Internal Affairs will determine if any violations have occurred. If any violations are found during the review of an incident, a copy of that recording will be made and retained as part of the Internal Investigation. Recordings documenting false reports to the police concerning the action of our officers will be used to pursue actions against the complainant when appropriate.
- 26. Records Retention Review:
 - a. When an officer is requested to provide information regarding a serious event that has been recorded on a MVR, the officer may be given the opportunity to review the recording prior to making any statements;
 - b. Viewing of MVR recordings is strictly limited to sworn members of this department. Viewing by any other person is prohibited unless authorized by the Chief of Police, his/her designee, or consistent with this General Order;

c. At no time is it permissible for police employee to record/copy or photograph any of the recorded contents of the MVR through the means of any phone, camera or any other electronic device. Any violation of this paragraph shall result in discipline up to and including termination;

d Personnel shall not erase or in any other manner alter, tamper with, destroy, or conceal video/audio recordings or remove or disable any camera or monitoring device installed in a police vehicle. Any such tampering is a violation of N.J.S.A. 2C:28-7, and is a 4th degree crime;

e The MVR system has a feature that allow it to continually record, without audio. This feature is used when a MVR passes through an area and it is later learned that something or someone of investigative interest had been there. The officer may not have activated the record feature, but if the supervisor knows the date and time, the video of that moment can be found in the MVR's memory. This feature is also useful when a police vehicle is left parked and is later found vandalized.

a. These recordings will not contain any audio;

b. Only supervisory personnel will retrieve these recordings. Recordings will not be labeled and uploaded automatically like other patrol recordings;

c. Because they are not uploaded and kept in the MVR memory, they can be overwritten. If there is a need to get a video off the MVR memory, the supervisor must be notified within 48 hours. After that time chances of the video being overwritten are greatly increased.

C. Media File Transfer

a. When a police vehicle equipped with an MVR is within range of the main server an automatic file transfer or upload of the recordings takes place. In the event of a collision involving a police vehicle, or if the police vehicle develops mechanical problems, the supervisor shall direct that the vehicle be towed to police headquarters for a sufficient amount of time to allow for the transfer of that MVR data to the server prior to being towed to any facility for repair. NOTE: (If the vehicle's battery is "dead" the MVR will not upload). In this case the vehicle may be towed directly to the repair facility and the supervisor will notify the shift commander as soon as possible so any recordings may be manually recovered.

b. No officer shall conduct themselves in any way that would intentionally interfere with a file transfer or upload from occurring. If an officer is found to have intentionally interfered with an upload, an internal affairs investigation shall be initiated.

D. Supervisor Responsibilities

As a measure of quality control, accountability and to monitor officer performance, supervisors **shall** periodically and routinely review captured recordings. Supervisors **shall** review a minimum of one (1) recording per officer per week and maintain documentation of

that review for each officer using an MVR unit under their command. This documentation should be maintained in the individual supervisor's evaluation records for at least one year. Those records will be subject to periodic staff review. Any recordings that may be helpful in future training shall be identified by the reviewing supervisor and that information should be forwarded to the training officer. All recordings to be used for training will be reviewed and approved by the Chief of Police or his/her designee prior to their presentation or use. Recordings should not be used to ridicule or embarrass but may be used as a training device. Officers are encouraged to advise their supervisors of any recorded events that may be beneficial for training purposes.

In addition to the above supervisors shall:

- a. Ensure that all officers follow procedure for proper use of MVR as outlined in this policy;
- b. Ensure that MVR equipment is being fully and properly used;
- c. Identify material or incidents that may be appropriate for training;
- d. Randomly review recordings to assist in appraising performance and objectives as per existing policy and procedures;
- e. Document requests for repairs, maintenance or replacement for non-functioning MVR equipment through the chain of command;
- f. Ensure that officers document the fact that the MVR was in operation at the time of an event;
- g. Notify the Internal Affairs Unit of any MVR policy violations, any other department policy or rules or regulations violations, any excessive use of force incidents, any training issues or any other event that should trigger an internal affairs investigation.

E. The Back Seat Microphone

The use of MVR equipment, including audio recording equipment, **does not** fall within the purview of the New Jersey Wiretap and Electronic Surveillance Control Act as set for the in N.J.S.A. 2A:156A-1 et seq. As such, the back seat microphone **should not** be turned off any time there is a civilian is being held in a patrol vehicle regardless of whether or not a police officer is in, or near, the vehicle. This includes subjects under arrest, being held for investigative purposes, or being transported for any reason in a patrol vehicle.

F. Evidence Control and Discovery

A. Recordings are considered investigatory records of the police department and shall be maintained and disposed of in accordance with New Jersey Division of Revenue and Enterprise Services - Records Management Services records retention schedules, and the New Jersey Attorney General's Guidelines for the Retention of Evidence, Directive 2011-1.

B. Contents downloaded from a MVR will be stored on the secure agency server or other designated storage device.

- a. Recordings that are being stored for criminal, civil, or administrative purposes are to be processed and submitted as evidence, with a copy placed in the appropriate case file.

C. Recordings that are being stored for criminal, civil, or administrative purposes may only be erased or destroyed in accordance with New Jersey Division of Revenue and Enterprise Services - Records Management Services records retention schedules, and the New Jersey Attorney General's Guidelines for the Retention of Evidence, Directive 2011-1.

- a. When the MVR records an officer's use of force, the recording shall be kept until the expiration of the statute of limitations for filing a civil complaint against the officer and/or agency;
- b. When the MVR records an event that is the subject of an Internal Affairs Investigation, the recording shall be kept through the final resolution of the investigation including any discipline and appeal;
- c. Other Examples of retention periods include, but are not limited to:
 - a. Any death investigation (7 years);
 - b. Criminal arrest - 1st, 2nd, 3rd, 4th degree crime (5 years);
 - c. Non-criminal arrest, excluding DWI (2 years);
 - d. DWI arrest (10 years following adjudication of the case);
 - e. **Routine "No Keep" recordings shall be kept for 31 days.**

D. MVR recordings shall be provided in discovery to defendants and their attorneys in accordance with New Jersey Court Rules.

- a. For indictable crimes, it is the responsibility of the Monmouth County Prosecutor's Office to provide the MVR recording in discovery;
- b. For all criminal cases where the defendant has been detained in the Monmouth County Correctional Institution, it is the responsibility of the Monmouth County Prosecutor's Office to provide the MVR recording in discovery;
- c. For all criminal cases that have been remanded to municipal court, it is the responsibility of the Records Custodian to provide the MVR recording in discovery;
- d. For all municipal court cases, it is the responsibility of Records Custodian to provide the MVR recording in discovery;
- e. For civil litigation, no MVR recording shall be released without a subpoena and authorization by the attorney representing the municipality or the Chief of Police.

E. When responding to an OPRA request for a MVR recording, the OPRA custodian must review all recent case law regarding MVR recordings and review the request with the Chief of Police and/or attorney representing the municipality before releasing.

- a. The OPRA custodian may consult with the Monmouth County Prosecutor's Office about recent case law and a particular OPRA request for a MVR recording;
- b. Requests by the media or general public to view a MVR recording related to a crime shall be referred to the Monmouth County Prosecutor's Office.

F. Officers may review MVR recordings upon permission of a supervisor.

- a. Officers may review recordings depicting their own activity to evaluate their own performance or to assist in writing a police report;
- b. Officers may be directed to review recordings depicting their own activity by a supervisor for training purposes;
- c. Officers may not review a recording depicting an officer involved shooting unless authorized by the Monmouth County Prosecutor's Office.

G. In the event that a recording is required for use in court or by another law enforcement agency, that recording shall not be released without the prior approval of the Chief of Police or his/her designee, and only if a duplicate copy is retained by the department.

- a. Duplicated copies shall be maintained as evidence in accordance with this department's property and evidence guidelines;
- b. The property/evidence custodian shall ensure that any media used for duplicate recording is properly stored away from magnetic fields (speakers, etc.) or other areas that may facilitate corruption in the property room.

H. The Chief of Police reserves the right to view any and all files captured by the MVR system in order to provide for the efficient and professional operations of the agency. The viewing of files is to be used only for departmental purposes and shall never be used to embarrass an officer and such use will not be tolerated.

I. Records/administrative personnel will maintain a list of all DVDs that have been produced and distributed. If a request is made to use a video/audio file for training purposes, then that request must be made in writing and approved by the Chief of Police or his/her designee. The Chief of Police will designate departmental personnel who are authorized to copy audio/video files from the server.

Receipt of this General Order shall be via Directive Management System



Captain J. Cole
Administrative Commander

For
John T. Powers
Chief of Police

SUBJECT

Nasal Narcan Policy/Procedure

GENERAL ORDER

REFERENCE	RESCINDS	DISTRIBUTION
S.O.P 201:569	N/A	ALL SWORN

Effective 5/14/2014, General Order 2014 - 004 establishes S.O.P. 201:569 which provides guidelines for members of the Aberdeen Township Police Department administering Nasal Narcan when responding to opioid overdoses.

PURPOSE: To establish guidelines and regulations governing utilization of the Nasal Narcan administered by the Aberdeen Township Police Department. The objective is to treat opioid overdoses and reduce fatal opioid overdoses.

POLICY: It is the policy of the Aberdeen Township Police Department that officers who will be administering Nasal Narcan are properly trained in the use and deployment of the Nasal Narcan according to the laws of the State of New Jersey.

PROCEDURE:

- A. The Aberdeen Township Police Department will deploy the Nasal Narcan kit in the following primary locations:
- 1.) each patrol car that is assigned an AED
 - 2.) Duty supervisors office
 - 3.) Operations Captain's office
 - 4.) Detective Bureau
 - 5.) Cell Block
 - 6.) SRO assigned vehicle

NOTE: Nasal Narcan may be damaged by extreme temperatures, both high and low. Due to this fact, Nasal Narcan kits assigned to patrol vehicles will be stored in the squad room in a location designated for this purpose. Nasal Narcan kits will be deployed in each patrol vehicle that is assigned an AED. The AED and Nasal Narcan kit will be assigned at the start of the shift and returned to the squad room at the end of the shift.

B. Nasal Narcan Coordinator:

The Operations Commander is designated as the Nasal Narcan Coordinator for the Aberdeen Township Police Department. The Nasal Narcan Coordinator shall be responsible for the following:

- 1.) Ensuring the Nasal Narcan is current and not expired.
- 2.) Proper and efficient deployment of Nasal Narcan for patrol.
- 3.) Replacement of any Nasal Narcan that is either damaged, unusable, expired or deployed.
- 4.) Ensuring all personnel that will be using Nasal Narcan has received appropriate training.
- 5.) Ensure that any deployment of Nasal Narcan to a subject will have a corresponding police report documenting such deployment.
- 6.) Report to the County Prosecutor within 24 hours (County Nasal Narcan Coordinator) any use of Nasal Narcan on the Monmouth County Nasal Narcan Deployment Form. Report is to be FAXED to MCPO at Fax (732) 431 - 1594

C. Nasal Narcan Use

A. When using the Nasal Narcan kit officers will maintain universal precautions, perform patient assessment, and determine unresponsiveness, absence of breathing and or pulse. Officer(s) should update their communications dispatcher that the patient is in a potential overdose state. Dispatcher will then notify local EMS and Paramedic Unit. Officers shall follow the protocol as outlined in the Nasal Narcan training.

B. Officer Nasal Narcan Deployment Protocol

- 1.) Identify and assess victim for responsiveness, pulse and status of breathing
- 2.) If no pulse, initiate CPR and AED as per normal protocol; notify incoming EMS.
- 3.) If pulse is present and the victim is unconscious, assess breathing status
 - a. if breathing is adequate (>8 per minute, no cyanosis/skin blue in color) and no signs of trauma, place in recovery position
 - b. if breathing is decreased or signs of low oxygen (cyanosis) and overdose is suspected (based on history, evidence on scene, bystander reports, physical examination) then proceed with Narcan administration
- 4.) Retrieve Narcan Kit
- 5.) Assemble Kit
- 6.) For Adults (Ages 13 and up) administer 1 mg in each nostril and stop
- 7.) For Children (Ages 1 -12) administer 1 mg in one nostril and stop
- 8.) Initiate breathing support with pocket mask, bag-valve-mask and oxygen if available
- 9.) If no response after 3-5 minutes and a second dose of Naloxone is available, repeat the administration
- 10.) Continue to monitor breathing and pulse - if breathing increases and there is no evidence of trauma, place in the recovery position
- 11.) If at any time pulses are lost, initiate CPR and AED as per normal protocol
- 12.) Keep responding EMS advised of patient status when able to do so
- 13.) Give full report to EMS when they arrive
- 14.) Complete documentation and internal department procedures for re-stocking and notification

NOTE: When an officer deploys Nasal Narcan and it results in a resuscitation of an overdose victim, that officer should ensure that person receives appropriate follow-up care. The effects of Narcan only last for a limited period of time and the person may experience another opiate overdose when the effects of the Narcan wear off. As such, every effort should be made to encourage that person to be transported to the hospital for additional care. If the person refuses additional care, police should ensure that the victim is taken to a medical facility by ambulance. Furthermore, the officer should accompany the ambulance personnel for their safety. Local police and EMT procedures should not be otherwise circumvented as a result of this protocol.

SEE: Barna v. City of Perth Amboy, 42 F.3d 809, 820 (3rd Cir. 1994)(citing Terry v. Ohio, 392 U.S. 1, 16 (1968) and State v. Edmonds, 211 N.J. 117, 132 (2013)(citing State v. Frankel, 179, N.J. 586 (2004) which stated “(1) the officer had ‘an objectively reasonable basis to believe that an emergency requires that he provide immediate assistance to protect or preserve life, or to prevent serious injury’ and (2) there was a ‘reasonable nexus between the emergency and the area or places to be searched’ Also, SEE: Morey v. Palmer 232 N.J. Super. 144, 153 (App. Div. 1989); Barna, supra, 42 F.3d at 820 which held that when a person is so “intoxicated” that they appear to the officer to be “incapacitated”, the officer not only has the discretion but the duty to transport the incapacitated person to a hospital with reference to N.J.S.A. 26:2B-16.

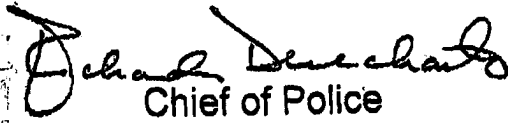
D. Maintenance/Replacement

1. An inspection of the Nasal Narcan kit shall be the responsibility of the officer assigned the equipment and will be conducted each shift.
2. Missing or damaged Nasal Narcan kit(s) will be reported immediately to the duty supervisor who notify the department’s Nasal Narcan Coordinator. Officer will also note this information on his/her car sheet.
3. Where any condition that necessitates the Nasal Narcan kit to be taken off line or be submitted for replacement this information shall be directed to the department’s Nasal Narcan Coordinator via memo detailing the specific issue with the kit.
4. Replacement: The department’s Nasal Narcan Coordinator shall be responsible for replacing the Nasal Narcan and ensure the police department has an adequate supply available for patrol use. Replacement kits will be stored in the Operations Captain’s office.

E. Documentation/Nasal Narcan Report

Upon completing the medical assist, the officer shall complete an Investigation Report (IR) and shall submit the Monmouth County Nasal Narcan Deployment Form detailing the nature of the incident, the care the patient received and the fact that the Nasal Narcan was deployed. Once reviewed and approved by the duty supervisor the Nasal Narcan form will be forwarded to the department Nasal Narcan Coordinator and to the Monmouth County Prosecutor’s Office. These records must be completed for statistical value and tracking of the Nasal Narcan deployments.

Receipt of this order via Directive Management System


Chief of Police

MUTUAL AID AGREEMENT
ANNEX

EMERGENCY INTRACOUNTY MUTUAL AID
AND ASSISTANCE AGREEMENT BETWEEN
PARTICIPATING UNITS

TOWNSHIP OF ABERDEEN

COUNTY OF MONMOUTH
STATE OF NEW JERSEY

REVISED
MARCH 2019



TOWNSHIP OF ABERDEEN

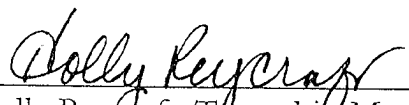
ONE ABERDEEN SQUARE, ABERDEEN, NEW JERSEY 07747

TOWNSHIP OF ABERDEEN

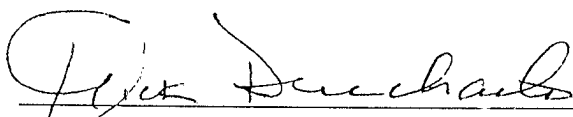
COUNTY OF MONMOUTH STATE OF NEW JERSEY

March 5, 2019

The Township of Aberdeen agrees to be a participating unit in the EMERGENCY INTRACOUNTY MUTUAL AID AND ASSISTANCE AGREEMENT BETWEEN PARTICIPATING UNITS WITHIN MONMOUTH COUNTY and further agrees to the provisions contained herein.


Holly Reycraft, Township Manager

3/5/2019
March 5, 2019


Chief Rick Derechailo
Aberdeen Township Deputy OEM Coordinator

3/5/2019
March 5, 2019

RESOLUTION NO. 2019-48

AUTHORIZING THE TOWNSHIP OF ABERDEEN TO PARTICIPATE IN INTRA-COUNTY MUTUAL AID AND ASSISTANCE AGREEMENTS WITH PARTICIPATING UNITS IN THE COUNTY OF MONMOUTH

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical service, fire departments, fire companies, or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A:14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (“NIMS”), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Control Act” App.A9-33 et.seq., provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, the Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the “Fire Service Resource Emergency Deployment Act,” N.J.A.C. 52:14E-11 et. seq., commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A et. seq.; and

WHEREAS, the Township Council of the Township of Aberdeen deem it to be in the best interest of the Township of Aberdeen to enter into Mutual Aid and Assistance Agreements with governmental entities throughout Monmouth County and all of their departments, authorities, boards, commissions and other functions under the auspices of each participating governmental entity including but not limited to, law enforcement, public works, emergency medical services, emergency management, human services, hazardous materials response units, technical or special operations teams, Community Emergency Response Team (“CERT”) members, Medical

Reserve Corps ("MRC") members or other volunteers and other jurisdictions defined "local governments" in the Homeland Security Act of 2002; and

WHEREAS, N.J.S.A. 40A:14-26 and 156.1 et. seq. has authorized interjurisdictional mutual aid; and

WHEREAS, the Township Council of the Township of Aberdeen and the Participating Units recognize the benefit of entering into an Agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property of each individual jurisdiction.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Aberdeen that the Intra-County Mutual Aid and Assistance Agreements between the Township of Aberdeen and Participating Units be and are hereby accepted.

BE IT FURTHER RESOLVED that the Township Manager, Holly Reycraft and Deputy OEM Coordinator, Richard Derechailo are authorized to execute the Intra-County Mutual Aid and Assistance Agreements once they have been authorized and executed by each Participating Unit.

BE IT FURTHER RESOLVED that the Township Manager, Holly Reycraft forward a certified true copy of this resolution to the Monmouth County Sheriff; Office of Emergency Management Coordinator; and Participating Units within Monmouth County.

ROLL CALL VOTE:

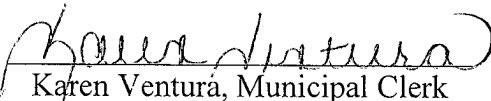
Ayes: Councilmember Cannon, Hirsch, Kelley, Martucci, Montone, Deputy Mayor Swindle and Mayor Tagliarini

Nays: None

Abstain: None

Absent: None

I hereby certify the foregoing to be a true copy
of a resolution adopted by the Township
Council of the Township of Aberdeen at
a regular meeting held on March 7, 2019


Karen Ventura, Municipal Clerk

**EMERGENCY INTRACOUNTY MUTUAL AID AND ASSISTANCE AGREEMENT
BETWEEN PARTICIPATING UNITS**

THIS AGREEMENT is made between the parties set forth on Schedule A (attached hereto) all of which are governmental entities within Monmouth County, New Jersey and all of its departments, authorities, boards, commissions and other functions under the auspices of the governmental entity including, but not limited to, law enforcement, public works, emergency services, emergency management, human services, hazardous materials responses units/technical or special operations teams, Community Emergency Response Team (CERT) members, Medical Reserve Corps (MRC) members or other volunteers and other jurisdictions defined as "local governments" in the Homeland Security Act of 2002. Hereinafter the parties may be referred to as "Participating Units", "Requesting Units" or "Responding Units".

WHEREAS, the President in Homeland Security Directive (HSPD - 5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, "The New Jersey Civilian Defense and Disaster Control Act" App.A9-33 et. seq, provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, the State of New Jersey adopted the "Fire Service Resource Emergency Deployment Act," N.J.S.A. 52:14E-11 et. seq., to establish a mechanism for the coordination of fire service resources throughout the State to facilitate a quick and efficient response to any emergency incident or situation that requires the immediate deployment of those resources in order to protect life and property from the danger or destruction of fire, explosion or other disaster; and

WHEREAS, the Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules commonly referred to as the "Fire Service Resource Emergency Deployment Regulations" N.J.A.C. 5:75A et. seq, and N.J.A.C. 5:75 A-2.2 specifically requires each municipality or fire district to adopt a local fire mutual aid plan; and

WHEREAS, N.J.S.A. 40A: 14-26 and 156.1 et seq has authorized interjurisdictional mutual aid; and

WHEREAS, an emergency responder is defined as anyone employed by, contracted to provide services to or otherwise affiliated with the Participating Units and possessing special skills, qualifications, training, knowledge and experience beneficial to the mitigation of disaster situations; An emergency responder includes, but is in no way limited to, the following: hazardous materials response officials, law enforcement officers, fire fighters, emergency medical services personnel, physicians, nurses, other public health personnel, emergency management personnel, public works personnel, those persons with specialized equipment operations skills or training or any other skills needed to provide aid in a declared emergency.

WHEREAS, the Participating Units recognize the benefit of entering into an agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire,

civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property in each individual jurisdiction.

WHEREAS, on November 14th, 2013, the County of Monmouth became a participant in the Statewide Inter-County Mutual Aid and Assistance Agreement.

WITNESSETH:

In consideration of the mutual benefits and covenants contained in this agreement, the Participating Units respectively agree as follows:

1. **Mutual Aid and Assistance.** Upon the request as provided herein, the Participating Units shall provide mutual aid and assistance to each other. Mutual Aid and Assistance shall include the following:
 - a. Rendering of aid and assistance, including pre-established immediate response or other support, i.e. providing sheltering of the Requesting Units population, by one or more Participating Units to an emergency scene under the control and/or jurisdiction of another Participating Unit, said emergency may include but not to be limited to fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe affecting the environment.
 - b. Rendering of aid and assistance by one or more Participating Units to another Participating Unit to serve as supplemental reserve protection in the Requesting Unit's jurisdiction while the Requesting Unit is on an emergency call and/or otherwise currently unable to address the emergency service needs in its jurisdiction.
 - c. Participating in training exercises with other participating units, where the purpose of such training exercises is to coordinate and prepare for fire, civil unrest, hazardous material, major emergency, natural disaster, environmental disaster and/or other emergency situations that are a threat to life or property.
2. **Requests for Mutual Aid and Assistance.**
 - a. Each Participating Unit within the applicable Annexes or Emergency Support Functions of their Emergency Operations Plan shall address mutual assistance to the levels they deem acceptable when measured against potential risks and shall be based on available resources at the time a request is made. Said information shall be updated with the quadrennial submission of said Emergency Operations Plan or on a more frequent basis as needed to the Monmouth County Office of Emergency Management.
 - i. All Local Fire Mutual Aid Plans shall be in compliance with the New Jersey Fire Service Emergency Deployment Rules N.J.A.C. 5:75A et seq, specifically N.J.A.C. 5:75A-2.2
 - ii. The County Emergency Management Coordinator, County Fire Coordinator, the County EMS Coordinator, the County Director of Public Works and Engineering or the County Prosecutor, where appropriate, will implement mutual aid provisions in accordance with the County EOP or

- b. Requests for mutual aid should be made by the on-scene incident commander or through the jurisdiction's emergency operations center to the Monmouth County Communications Center who will notify the Responding Unit's dispatch center.
 - i. The request to the Responding Unit shall include the following:
 1. The type and extent of services requested,
 2. The staging location,
 3. A designated communications frequency for mutual-aid units to contact the Requesting Unit for further instructions.
 - ii. The on-scene incident commander or the emergency operations center of the Requesting Unit shall formally release the Responding Unit from the incident scene once it has been determined that the Responding Unit's services are no longer needed for the incident period.

- a. If a Responding Unit responds to the scene of an emergency located within a jurisdiction that does not possess the capabilities of the Responding Unit, then the Responding Unit's officer in charge must coordinate with the Incident Commander of the Requesting Unit to expand incident management structure through established policies and procedures.

a. In the event of a federally declared disaster:

b. If consumable goods (e.g. disposable personal protection equipment, fuel, chemical substances, crowd control gases, water additives, sterilized medical equipment) are used in response to the incident by a Responding Unit at a mutual

aid and assistance response which will cause the Responding Unit to incur an expenditure to replace the same, the Requesting Unit shall replace or reimburse the Responding Unit the actual cost for the expenditure involved or pursuant to an annual cost recovery resolution adopted by the governing body of the Responding Unit, but in no case more than 110% of actual cost.

- i. In order for the Requesting Unit to repair or replace the consumed goods, the Responding Unit must submit an invoice within thirty (30) days of the event for the cost of the goods to the Requesting Unit.
- c. If equipment (e.g. aerial lift, ambulance, backhoe, excavator, generator, hazardous materials trailer, truck-mounted snow plow with truck) is used in response to the incident by a Responding Unit at a mutual aid and assistance response which will cause the Responding Unit to incur an expenditure, the Requesting Unit shall reimburse the Responding Unit the rate dictated in the FEMA Schedule of Equipment Rates or previously agreed upon actual rate. If the equipment is not included the FEMA Schedule, the Requesting and Responding units agree to determine a reasonable hourly or daily rate.
 - i. In order for the Requesting Unit to recover the cost to use the equipment, the Responding Unit must submit an invoice within thirty (30) days of the event with the length of time the equipment was used times the established rate to the Requesting Unit.
- d. If personnel (e.g. hazardous materials technician, law enforcement officer, firefighter, paramedic, or any other employee who may fall under the jurisdictions' authority) are used in response to the incident by a Responding Unit at a mutual aid and assistance response which will cause the Responding Unit to incur an expenditure, the Requesting Unit shall reimburse the Responding Unit at the median hourly rate published by the State of New Jersey's Department of Labor and Workforce Development's Occupational Employment Statistics tool or previously agreed actual rate¹ or at the hourly rate that is established by the Responding Unit's Collective Bargaining Agreement(s), applicable salary ordinance or affective pay scales and shall, when applicable, shall include all Fringe Benefits as stated in the listed document. In the event that the Responding Unit utilizes personnel that are not normally assigned to work at the time their assistance is requested (e.g. calling in off-duty personnel), the Requesting Unit shall be responsible for the additional overtime rate.
 - i. In order for the Requesting Unit to recover the cost of personnel, the Responding Unit must submit an invoice within thirty (30) days of the event with the number of hours work was performed multiplied by the median hourly rate for each personnel type to the Requesting Unit.
- e. In the event of a hazardous materials incident, the Responding Unit may directly invoice the party responsible (e.g. a chemical plant) instead of the Requesting Unit for the cost of consumable goods, equipment, and/or personnel following the aforementioned rate structure. Said invoice must be submitted to the Responsible

¹ http://lwd.dol.state.nj.us/labor/lpa/LMI_index.html

Party, and copied to the Requesting Unit, within thirty (30) days of the event. if, after ninety (90) days, the invoice remains unpaid, the Requesting Unit shall, at the request of the Responding Unit, issue a local summons pursuant to the local Spill Reimbursement Ordinance adopted as part of this agreement.

- f. This Agreement applies when there is no other mutual aid agreement between the participating parties or otherwise supersedes existing mutual aid agreements when: 1) there has been an Emergency Proclamation issued for the County by the Governor, the County or City the Government authorities; 2) by the activation of the State or County Emergency Operations Center to coordinate the emergency response; or, 3) when an NIMS Incident Commander has been established for the emergency.
 - g. Participating Units, when possible, will be reimbursed in accordance with the Spill Compensation Control Act (N.J.A.C. 7:1E-5.3/N.J.S.A. 58:10-23.11e).
 - h. This agreement recognizes the provisions as required by New Jersey Civilian Defense & Control Act App.9-33 et seq. and specifically Emergency Medical Services N.J.S.A.26:2K-60.
5. **Limitation of Providing Mutual Aid and Assistance.** Nothing contained in this Agreement shall be construed to require a Participating Unit to make a mutual aid and assistance response if the response will leave the Participating Unit's jurisdiction without sufficient police, fire, ambulance and/or emergency protection.
6. **Communication and Coordination.** The Emergency Management Coordinator of Monmouth shall be responsible for maintaining an update list of all contact information for all signatories.
7. **Death or Disability.** If any member of a Participating Unit suffers injury or death at the scene of a mutual aid and assistance emergency or training exercise, the member or the member's 'designee or legal representative shall be entitled to all salary, pension rights, worker's compensation and other benefits to which the member would be entitled if injury or death occurred in the performance of duties within the jurisdiction of the Participating Unit in accordance to N.J.S.A.40A: 14-26. Said rights, benefits and compensation shall be paid by the Participating Unit and not by the Requesting Unit. Each Participating Unit shall be individually responsible for providing adequate benefits, coverage and compensation for its members.
8. **Members Authority.** The members of each Participating Unit making a mutual aid and assistance response shall have the same powers and authority as the members of a Requesting Unit at the scene of an emergency in accordance with N.J.S.A. 40A: 14-156.2. Said members of a Participating Unit shall also have, while so acting, such rights and immunities as they would otherwise enjoy in the performance of their normal duties within their own jurisdiction.
9. **Liability Insurance.** Each Participating Unit shall maintain adequate liability insurance, the minimum limits of which shall be \$1 million. Additionally, the Requesting Unit agrees to hold harmless and defend a Participating Unit in the event of any lawsuit arising out of such assistance. On an annual basis, all Participating Units are to provide the County Emergency Management Coordinator with a Certificate of Insurance supporting the existence of the required insurance, referencing this agreement.

10. **Indemnity.** To the fullest extent permitted by law, a Responding Participating Unit shall indemnify and hold harmless the other Participating Units, its agents, servants, officers, officials and employees, or any of them, from and against any and all claims, damages, losses, and expenses including, but not limited to, reasonable attorney's fees and other legal, arising out of or resulting from the performance or provision of services required under this Agreement, provided that same is caused in whole or part by the negligent act, error, omission, failure to act, or willful misconduct of the Responding Unit, its agents, servants, officers, officials, employees.

The Unit shall submit a report to all other Participating Units within forty-eight (48) hours of learning of any incident resulting in damage or which is reasonably likely to result in a claim of damage.

11. **Term; Withdrawal.** This Agreement shall commence upon signing by each of the Participating Units and shall continue in full force and effect indefinitely so long as there are at least two (2) Signatories. Any Participating Unit may withdraw from this Agreement by providing all other Participating Units and the Monmouth County Office of Emergency Management with sixty (60) days advanced written notice of withdrawal, clearly specifying the applicable date of withdrawal. In the event of withdrawal by any Participating Unit, this Agreement will continue in full force and effect for all remaining Participating Units.
12. **Legal Authority.** This Agreement for mutual aid and assistance is expressly made in accordance with N.J.S.A. 40A: 14-26 and 156.1 et seq.
13. **Entire Agreement.** This agreement constitutes the entire understanding between the Participating Units. This Agreement supersedes all communications, representations or prior agreements, oral or written, between Participating Units with respect to the subject matter hereof.
14. **Execution of Agreement.** Upon execution of this agreement, all signatories become mutual aid partners amongst all other executed entities.
15. **Preclusion of Double Benefit.** Should any entity covered under this agreement receive benefits that would otherwise cover the costs of services, the requesting entity may not be responsible to cover costs associated with the request.

Schedule A

Schedule A shall be updated and maintained by the Monmouth County Office of Emergency Management. It shall contain the list of all agreement signatories. Below is a sample form for tracking signatories.

[illegible]

Cost Recovery Quick Reference Guide

Assistance Provided by Responding Unit	Source to Calculate Cost	Method of Obtaining Payment from Requesting Unit
Consumable Goods	Actual cost	Submit invoice with proof of actual cost
Equipment	FEMA Schedule of Equipment Rates or previously agreed upon actual rates	Submit invoice with length of time in use times published or agreed upon rate
Personnel	State of New Jersey Department of Labor and Workforce Development's Occupational Employment Statistics tool or the hourly rate that is established by the Responding Unit's Collective Bargaining Agreement(s), applicable salary ordinance or affective pay scales and shall, when applicable, shall include all Fringe Benefits as stated in the listed document.	Submit invoice with hours worked by each type of personnel times the median hourly rate or previously agreed upon rate

SUBJECT UNMANNED AERIAL VEHICLE (DRONE)

OPERATION ORDER

REFERENCE	RESCINDS	DISTRIBUTION
N/A	N/A	ADMINISTRATION SWORN

❖ **PURPOSE**

The purpose of this policy is to establish procedures for the use of the unmanned aerial vehicle (UAV) and outline the qualifications for members who operate this type of equipment.

❖ **POLICY**

Unmanned aerial vehicles may be utilized to enhance the police department's mission of protecting lives and property when other means and resources are not available or less effective. Any use of a UAV by the police department will be in strict accordance with the **State of New Jersey Attorney General Guidelines, constitutional and privacy rights**, and Federal Aviation Administration (FAA) regulations.

❖ **DEFINITIONS**

- Certificate of Authorization (COA). Certificate issued by the Federal Aviation Administration (FAA) which grants permission to fly within specific boundaries and perimeters. Missions and training flights outside operational limitations shall not take place without a valid COA.
- Federal Aviation Administration (FAA). The component of the United States Department of Transportation which is responsible for access for the national airspace.

*Unmanned Aerial Vehicle (UAV). An unmanned aircraft that is capable of sustaining directed flight, whether preprogrammed or remotely controlled, and all of the supporting or attached systems designed for gathering information through imaging, recording, or any other means, and used in law enforcement missions.

❖ **PROCEDURES**

• **GENERAL USE OF UAV**

- Only authorized operators who have completed a certified course in Unmanned Aerial Vehicle remote pilot training shall be permitted to operate the UAV.
- Use of vision enhancement technology such as thermal and other imaging equipment is only permissible in viewing areas where there is no protectable privacy interest or when in compliance with a search warrant or Court order.
- The UAV shall not be used for the purpose of investigative surveillance, unless so ordered by the New Jersey Supreme Court Order.
- In accordance with FAA regulations, UAV operations may be conducted during daylight or civil twilight (30 minutes before official sunrise to 30 minutes after official sunset, local times.) with the appropriate issued FAA Certificate of Authorization.

❖ **OPERATION AND ASSIGNMENT OF THE UAV**

- Only a trained pilot in command (PIC) shall be authorized to operate the UAV.
- The UAV shall be operated by a PIC who has successfully completed the FAA UAV remote Pilot certification. The PIC must also be in good mental and physical health.
- The UAV must be operated in accordance with the following limitations.

* Cannot be flown faster than a ground speed of 100 mph.

Cannot be flown higher than 400 feet above ground level unless flown with a 400 foot radius of a structure and not flown higher than 400 feet above the structure's immediate uppermost limit.

Minimum visibility must be no less than 3 statute miles.

Minimum distance from clouds must no less than 500 feet below a cloud and 2,000 feet horizontally from the cloud.

- The UAV may be deployed for law enforcement missions, including, but not limited to the following scenarios:
- Active scenarios requiring photo/video flight;
- Missing persons;
- Search and rescue operation;
- Active shooter scenarios;

- Search and rescue operation;
- Active shooter scenarios;
- Critical emergency incidents;
- Homeland Security operations;
- Searches for fleeing criminal suspects with a known perimeter; or
- Any other incident as approved by the Chief of Police or their designee, while in compliance with all FAA regulations and State of New Jersey Attorney General Guidelines.
- The remote pilot in command may not operate a small unmanned aircraft directly over another person unless that person is:
 - Directly involved in the operation;
 - Within a safe cover, such as inside a stationary vehicle or a protective structure that would protect a person from harm if the UAV were to crash in that structure.

❖ **SAFETY CONSIDERATIONS**

- The UAV shall not be operated in a manner that presents undue risk to persons or property on the surface or the air.
- The UAV shall only be piloted by a certified PIC who is properly trained and competent to operate the vehicle and its systems.
- UAV flights shall only be conducted after a thorough assessment of risks associated with the activity. The risk assessment will include, but not limited to:
 - Weather conditions relative to the performance capability of the system;
 - Identification of normally anticipated failure modes (lost link, power plant failure, loss of control, etc.) and consequences of the failures;
 - Crew fitness for flight operations;
 - Overlying airspace, compliance with aviation regulations as appropriate to the operation, and the off-nominal procedures;
 - Communication, command, control, and payload frequency spectrum requirements; and
 - Reliability, performance, and airworthiness to establish standards;
- The remote PIC must report any accidents with the UAV within one day of the operation, if any of the following thresholds are met:
 - Serious injury to any person or any loss of consciousness
 - Damage to any property, other than the UAV itself, if the cost is greater than \$500 to repair or replace the property, whichever is lower.

❖ **SELECTION AND TRAINING**

- Selection for the UAV PIC shall be in accordance with the rules and regulations of the Aberdeen Police Department, and chosen by the Chief of Police.
- Selected member(s) must successfully complete a certified course for Unmanned Aerial Vehicle Pilot training prior to commencing UAV activities as Pilot in Command.

❖ **POSITION RESPONSIBILITIES AND DUTIES**

- Pilots in command and Observer. When the UAV is deployed for a law enforcement mission, and when practicable, there will be two officers participating in the UAV mission, consisting of one PIC and one Observer. The UAV may be deployed with only one PIC. However, one Observer shall be utilized whenever staffing levels permit. Pilot and Observer duties shall include, but not limited to the following:
- Flight planning and preparation, including preflight inspection of aircraft and equipment;
- Weather briefing ;
- Flight operations, including course, air speed, altitude, and duration;
- Landing zone selection;
- Post flight inspection, to include assuring batteries are recharged, to ensure the duty aircraft is stored and maintained in a state of operational readiness for the next mission; and
- Making appropriate entries in the aircraft logbook.

❖ **PILOT IN COMMAND RESPONSIBILITY**

- The PIC shall initiate a flight only when the flight can be conducted safely.
- The PIC may refuse a flight request based on current meteorological conditions, physiological conditions, or for any other reason that the PIC believes will affect the safety of the flight. Should the PIC refuse a flight for any reason, they shall inform officer in charge or person who summoned the use of the UAV as soon as practicable of such refusal and the reason for the refusal.
- While aircraft are in flight , the PIC is authorized and responsible for making all decisions regarding the use of the aircraft including, but not limited to; direction of aircraft, duration of flight time, capabilities of the aircraft, maximum load allowance, use of affixed certified equipment, the determination of allowance of personal or agency equipment, and configurations.
- There shall be only one (1) PIC at any given time and they shall exercise final responsibility and authority for the safety of the aircraft, personnel, and equipment during flight operations.
- It shall be the responsibility of the PIC to maintain current awareness of all pertinent agency requirements, FAA regulations, and other regulatory data bearing on the performance of their duties.
- Ensure that the small unmanned aircraft complies with the existing FAA requirements.

❖ **OBSERVER RESPONSIBILITY**

- The Observer shall be responsible for the see-and -avoid operations of the aircraft. The Observer shall remain in radio contact with the PIC and communicate any obstacles the aircraft might encounter. The Observer is not required to possess the FAA remote pilot certification, but must have completed sufficient training to communicate to the pilot any instructions required to remain clear of conflicting traffic. This training at a minimum, must include general knowledge of FAA UAV Rules and Regulations and knowledge of air traffic and radio communications.
- Should the flight become a hazard to ground personnel or other aircraft, the Observer shall immediately notify the PIC.
- During any phase of flight, if the Observer notices a malfunction with the aircraft, they will notify the PIC, who shall immediately terminate the flight.
- The Observer is responsible for all radio communication with Air Traffic Control, and the Communication Center.
- The Observer shall operate any attachments to the UAV, allowing the operator to maintain complete focus on the operation of the UAV.
- The Observer must have constant visual on the UAV during flight at all times when the PIC cannot maintain the visual line of sight, and report to the PIC of any danger or incoming low flying aircraft.

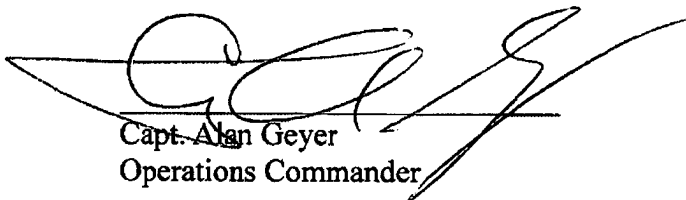
❖ **AIRCRAFT INSPECTION AND MAINTENANCE**

- The designated PIC is responsible for completing preflight inspections of the aircraft and completing the preflight checklist. The following list of equipment shall be inspected by the PIC prior to the deployment of the UAV:
 - Check the UAV camera;
 - Check the SD card in camera;
 - Check motors to ensure they are clear of foreign objects and debris;
 - Check propellers for any melting, misshapen, or cracks. Ensure they are hand tight, and;
 - Ensure the quick release plastic base has no cracks or fissures.
- Any anomalies found by the PIC shall be fixed before any flight is conducted
- After every flight, a post flight inspection shall be conducted by the PIC with a post flight checklist complete.
- The PIC shall notify the officer in charge of the shift, or Chief of Police, of any damage or anomalies found or sustained to the aircraft. The damage shall be documented in an incident report.
- The designated PIC shall be responsible for the overall condition, secure storage, and maintenance of the aircraft, to include assuring batteries are recharged, and ensuring the duty aircraft is stored and maintained in a state of operational readiness.
- In accordance with FAA regulation, the PIC shall report to the FAA within ten (10) days of any operation that results in at least serious injury, loss of consciousness, or property damage of at least \$500.

❖ **REQUEST FOR DEPLOYMENT OF THE UAV**

- Requests made for deployment of the UAV from outside agencies shall be made through the chain of command. The supervisor of the shift has the final decision on all deployments of the UAV.
- There must be adequate manpower within the agency in order for the PIC to be deployed for an outside agency.
- An incident report shall be completed and submitted by the designated PIC, detailing all UAV flights.
- Any images or video obtained from the UAV flight shall be turned over to the requesting agency. Any images or video determined to be of evidentiary value obtained by this agency shall be secured and stored in accordance with the rules and regulations of property and evidence control.

Receipt of this order shall be via Directive Management System



Capt. Alan Geyer
Operations Commander

For: Rick Derechailo
Chief of Police

STANDARD OPERATING
PROCEDURE

ABERDEEN TOWNSHIP
POLICE DEPARTMENT

NUMBER: 201:555

SUBJECT: FIELD TRAINING PROGRAM

DATE: 1/12/95

DISTRIBUTION:

AMENDS/REVISED - DATE

PAGE

ALL SWORN PERSONNEL

All Probationary Officers will be assigned to a Field Training Officer (FTO) during the initial phase of his/her probationary period. The Officer shall only patrol with a designated FTO. In the event an FTO is absent and no other FTO is available, the Shift Supervisor will assign the Probationary Officer to another experienced officer for the remainder of the shift.

Probationary Officers will also be assigned to Detective Division and Dispatch Center as part of training program.

FTO will train the officer in the practical application of the Probationary Officer's academy training. FTO will prepare written Progress Reports as required and submit same to the immediate Supervisor. FTO must have a minimum three years of police experience from date of Police Academy graduation. FTO should exhibit a proactive approach to his/her duties and be self-motivated.

He/she should possess good job knowledge and the ability to communicate that to others.

Sergeant will closely monitor the activity of FTO and Probationary Officer to ensure compliance with Departmental Standards. Sergeants will review Progress Reports and submit to Operations Commander.

During the field training period, Probationary Officers will not be eligible for overtime except under emergent circumstances.

DATE
16 January, 1996

NUMBER
96-003

TOWNSHIP OF ABERDEEN
POLICE DEPARTMENT

SUBJECT
Reports

OPERATIONS ORDER

REFERENCE

AMENDS

DISTRIBUTION

SOP 201-511

SOP 201-511

All Personnel

Effective this date all detective division closed cases will be maintained in Central Records.

Procedures:

Class I and/or *indictable offenses.

When the final disposition is received from the Court, the Detective Division Commander shall review the case, then transfer all original case reports to Central Records. This review will also facilitate the return of property and/or evidence held by this Department to its rightful owner(s).

**The entire case file will be transferred.*

Class II offenses.

When a case is closed by Arrest, X-Cleared, Administratively Cleared or Cleared Unfounded, all original reports will be transferred to Central Records.

The Victim File Card will contain a notation of "R" which will be an indication that the record has been transferred to Central Records.

The only cases which will be maintained in the Detective Bureau are Active Cases and cases pending disposition. Juvenile arrest files will remain in the Detective Bureau.

Detectives requiring access to any case in Central Records will receive authorization from a supervisor and will sign for same on request form attached.(see form).

Receipt of this order is via posted certification sheet.


Lt. Joseph Kelly
Administrative Lieutenant

cc: Chief Dougherty
Lt. Powers

**TOWNSHIP OF ABERDEEN
POLICE DEPARTMENT**

DATE
16 January, 1996

NUMBER
96-004

SUBJECT
Central Records

OPERATIONS ORDER

REFERENCE

SOP 201-511A

RESCINDS

DISTRIBUTION

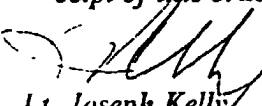
All Personnel

Consistent with Operations Order 96-003 all Department reports will be maintained in Central Records when completed. The following procedure will be utilized when records are needed by Department Personnel.

- 1. A request for the needed record will be filled-out by the requesting officer. (See Form).*
- 2. The officer will submit the request to the duty supervisor who will approve same by signing the form.*
- 3. The form will be presented to the records clerk who will provide the requesting officer with the report.*
- 4. The report provided will be a photo copy unless otherwise requested.*
- 5. Immediately upon completion of court case the requesting officer will return same to records clerk who will initial form and give the officer a copy of the form. The original request form will be maintained in records.*

This procedure will be followed for all Department Records needed for court cases.

Receipt of this order is via posted certification sheet.


Lt. Joseph Kelly
Administrative Lieutenant

cc: Chief Dougherty
Lt. Powers

**TOWNSHIP OF ABERDEEN
POLICE DEPARTMENT**

DATE
16 January, 1996

NUMBER
96-005

SUBJECT
Central Records
Records Clerk Procedures

OPERATIONS ORDER

REFERENCE

SOP 201-511B

RESCINDS

DISTRIBUTION

Records Personnel

Consistent with Operations Order 96-003 all Department reports will be maintained in Central Records when completed. The following procedure will be utilized when records are needed by Department Personnel.

- 1. A request for the needed record will be filled-out by the requesting officer. (See Form).*
- 2. The officer will submit the request to the duty supervisor who will approve same by signing the form.*
- 3. The form will be presented to the records clerk who will provide the requesting officer with the report.*
- 4. Immediately upon completion of court case the requesting officer will return same to records clerk who will initial form and give the officer a copy of the form. The original request form will be maintained in records.*

The records clerk will not issue a report unless the above procedure is followed.

Upon receiving a proper request for a record the Record Clerk will do the following.

- 1. Make a copy of the requested report and provide same to the requesting officer.*
- 2. When the original report is needed the Clerk will make a copy of all information in the file and place the copy and approved request form back in the proper location until the officer returns the report.*
- 3. When a report is not returned in a timely fashion the Records Clerk will notify the Administrative Lieutenant of this fact.*
- 4. Upon return of copy to the Records Clerk the Clerk will verify its return and file same.*

This procedure will be followed for all Department Records needed for court cases.

Receipt of this order is via posted certification sheet.



Lt. Joseph Kelly
Administrative Lieutenant

cc: Chief Dougherty
Lt. Powers

Township of Aberdeen
Request for Reports Form

Requesting Officer Name(print)_____

Date of Request _____

Case Number (CD #) _____

Original or Copy _____

Purpose of Request
(Municipal Court) _____
(Superior Court) etc.

Requesting Officer Signature _____ **Date & Time**

Supervisor's Signature _____ **Date & Time**

RECORDS PERSONNEL

Date Checked Out _____ **Records Clerk Signature** _____

Date Returned _____ **Records Clerk Signature** _____

(Recreq)