

18-1453

Donna Belton

From: Time to Change- Jersey Style <opra+request-3073-d1543f8f@requests.opramachine.com>
Sent: Wednesday, November 28, 2018 9:34 PM
To: clerkforms
Subject: OPRA request - Howell Township Police Department Policies and Procedures Manual

Dear Howell Township,

This is a request for public records made under OPRA and the common law right of access. Please acknowledge receipt of this message.

Records requested:

Howell Township Police Department Policies and Procedures Manual-

1. adult school crossing guards — NONE
2. alternate care arrestee dependents
3. arrest and transportation
4. arrestee DNA specimens — NONE
5. body worn cameras
6. cash accounts and law enforcement equipment — NONE
7. citizen initiated complaint
8. command protocol
9. consular notification and access
10. criminal case management
11. Emotionally Disturbed Persons

TOWNSHIP OF HOWELL
RECEIVED
2018 NOV 29 A 9 06
CLERK'S OFFICE

*The above policies or/and procedures were ruled as public records through the Monmouth County Superior Court already.

Yours faithfully,

Time to Change- Jersey Style

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:
opra+request-3073-d1543f8f@requests.opramachine.com

HOWELL POLICE DEPARTMENT GENERAL ORDER			
VOLUME: 4	CHAPTER: 21	# OF PAGES: 21	
SUBJECT: EMOTIONALLY DISTURBED PERSONS			
EFFECTIVE DATE: June 13, 2016		ACCREDITATION STANDARDS: 3.5.4	
BY THE ORDER OF: Chief Andrew A. Kudrick, Jr.			

PURPOSE The purpose of this general order is to provide guidance for department personnel in recognizing and dealing with persons with mental illness or emotional disturbances.

POLICY It is the policy of the Howell Township Police Department to treat emotionally disturbed persons and persons with mental illness with dignity and to divert these persons from the criminal justice system where appropriate.

It is further the policy of the Howell Township Police Department that the procedures necessary to involuntarily commit emotionally disturbed persons and persons with mental illness conform to N.J.S.A. 30:4-27-1 et seq. in order to provide for the public good while maintaining the rights and dignity of the persons being committed.

Although mental health professionals treat various mental disorders differently, for purposes of this general order mental illness also includes anxiety, personality, mood, developmental, conduct, and emotional disorders, where this department's response is somewhat consistent.

PROCEDURES

I. DEFINITIONS

- A. Alzheimer's disease is a progressive, degenerative disease of the brain in which brain cells die and are not replaced. It results in impaired memory, thinking and behavior. It is the most common form of dementia illness.
- B. Autism/Autism Spectrum Disorder (ASD) is a biologically based disorder that affects the development and functioning of a person's verbal and non-verbal communication skills, social interactions and patterns of behavior. Autism affects people of all races, ethnicities and socio-economic groups and is found throughout the world. Autism is four times more prevalent in boys than girls. Some signs and symptoms associated with ASD include, but are not limited to:
1. No babbling, pointing or meaningful gestures by 1 year of age;
 2. No single words by age 16 months;
 3. Loss of language or other skills at any age;
 4. Little or no eye contact;
 5. Lack of pretend, imitative and functional play appropriate to developmental age;
 6. Stereotypical and repetitive behavior;
 7. Failure to develop peer relationships appropriate to developmental age; and
 8. Unusual or inappropriate fears.
- C. Dangerous to self means that by reason of mental illness the person has threatened to harm him/herself, or has behaved in such a manner as to indicate that the person is unable to satisfy their need for nourishment, essential medical care or shelter, so that it is probable that substantial bodily injury, serious physical debilitation or death will result within the reasonable foreseeable future; however, no person shall be deemed to be unable to satisfy their need for nourishment, essential medical care or shelter if they are able to satisfy such needs with the supervision and assistance of others who are willing and available. (N.J.S.A. 30:4-27.2h)
- D. Dangerous to others or property means that by reason of mental illness there is a substantial likelihood that the person will inflict serious bodily harm upon another person or cause serious property damage within the reasonably foreseeable future. This determination shall take into account a person's history, recent behavior and any recent act or threat. (N.J.S.A. 30:4-27i)
- E. Dementia is a generic term used for all memory impairing diseases.

- F. Emotionally disturbed person is generic term used to describe a person with an emotional disturbance, behavioral disorder, or mental illness. There is a wide range of specific conditions that differ from one another in their characteristics and treatment including, but not limited to:
1. Autism Spectrum Disorder;
 2. Anxiety disorders;
 3. Bipolar disorder (sometimes called manic-depression);
 4. Conduct disorders (including disorder due to substance abuse);
 5. Diminished capacity;
 6. Excited delirium;
 7. Obsessive-compulsive disorder (OCD); and
 8. Psychotic disorders.
- G. Excited delirium is a medical disorder generally characterized by observable behaviors, including extreme mental and physiological excitement, intense agitation, hyperthermia often resulting in nudity, hostility, exceptional strength, endurance without apparent fatigue, and unusual calmness after restraint accompanied by a risk of sudden death.
- H. Incapacitated means, incapable, lack of normal intellectual power.
- I. In need of involuntary commitment means that an adult who is mentally ill whose mental illness causes the person to be dangerous to self or dangerous to others or property and who is unwilling to be admitted to a facility voluntarily for care, and who needs care at a short term care facility or special psychiatric hospital because other services are not appropriate or available to meet the person's mental health care needs. (N.J.S.A. 30:4-27.2m)
- J. Mental illness means a current, substantial disturbance of thought, mood, perception or orientation which significantly impairs judgment, capacity to control behavior or capacity to recognize reality, but does not include simple alcohol intoxication, transitory reaction to drug ingestion, organic brain syndrome or developmental disability unless it results in the severity of impairment described herein. The term mental illness is not limited to psychosis or active psychosis, but shall include all conditions that result in the severity of impairment described within. (N.J.S.A. 30:4-27.2r)
- K. Screening means the process by which it is ascertained that the patient being considered for commitment meets the standards for both mental illness and dangerous to self, others, or property and that all stabilization options have been explored or exhausted.

- L. Screening outreach visit means an evaluation provided by a mental health screener, wherever the person may be, when clinically relevant information indicates the person may need involuntary commitment and is unable or unwilling to come to a screening service and the police are unable or unwilling to transport without an evaluation. (N.J.S.A. 30:4-27.2aa)
- M. Short-term custody for purposes of this general order, means except where delinquent conduct is alleged, a law enforcement officer may take any juvenile into short-term custody consistent with the provisions of this general order, not to exceed six hours, when there are reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and that immediate custody is necessary for the juvenile's protection.

II. GENERAL PROVISIONS

- A. Absent criminal behavior or danger to self or others, persons with mental illness permit no special police responses. Mentally ill persons have a right to be left alone as long as they do not violate the law.
- B. No person suspected of having mental illness is to be taken involuntarily into police custody unless such person has committed an offense that could result in their arrest or has demonstrated by acts observed by a police officer or other reliable persons, that he/she is dangerous to the lives or safety of others or himself/herself.
- C. No one is to be treated as being mentally ill unless a compelling necessity exists. Police officers shall exercise extreme care in determining that a person is mentally ill and in conforming to the procedures set out in this general order.
- D. The Police Training Commission currently requires entry-level training in this topic for new police officers. Entry-level officers shall receive documented training in the police academy or with this department prior to assuming operational duties.
- E. Documented refresher training in this general order shall be conducted at least once every three years.

III. RECOGNIZING THE SIGNS OF MENTAL ILLNESS / EMOTIONAL DISORDER

- A. Officers may encounter a person with an emotional disturbance or mental illness at any time. Common situations in which such individuals may be encountered include but are not limited to, the following:
 - 1. Wandering: individuals with emotional disturbances or mental illness may be found wandering aimlessly or engaged in repetitive or bizarre behaviors in a public place.
 - 2. Seizures: emotionally disturbed or mentally ill persons are more subject to seizures and may be found in medical emergency situations.
 - 3. Disturbances: disturbances may develop when caregivers are unable to maintain control over emotionally disturbed or mentally ill persons engaging in self-destructive behaviors.

4. Strange and bizarre behaviors: repetitive and seemingly nonsensical motions and actions in public places, inappropriate laughing or crying, and personal endangerment.
 5. Offensive or suspicious persons: Socially inappropriate or unacceptable acts such as ignorance of personal space, annoyance of others, inappropriate touching of oneself or others, are sometimes associated with emotionally disturbed or mentally ill persons who are not conscious of acceptable social behaviors.
- B. Symptoms vary and each person with mental illness is different, but all people with mental illness have some of the thoughts, feelings, or behavioral characteristics listed below. While a single symptom or isolated event is not necessarily a sign of mental illness, multiple or severe symptoms may indicate a need for a medical evaluation. These symptoms should not be construed as an all-inclusive list.
1. Changes in thinking or perceiving, such as:
 - a. Hallucinations;
 - b. Delusions;
 - c. Excessive fears or suspiciousness;
 - d. Inability to concentrate;
 - e. Expressing a combination of unrelated or abstract topics;
 - f. Expressing thoughts of greatness (e.g. believes they are God);
 - g. Expressing ideas of being harassed or threatened (e.g. CIA is monitoring their thoughts through TV set);
 - h. Preoccupation with death, germs, guilt, etc.
 2. Changes in mood:
 - a. Sadness coming out of nowhere; unrelated to events or circumstances;
 - b. Extreme excitement or euphoria;
 - c. Pessimism, perceiving the world as gray and lifeless;
 - d. Expressions of hopelessness;
 - e. Loss of interest in once pleasurable activities;
 - f. Thinking or talking about suicide.
 3. Changes in behavior:
 - a. Sitting and doing nothing;

- b. Friendlessness; abnormal self-involvement;
 - c. Dropping out of activities; decline in academic or athletic performance;
 - d. Hostility, from one formerly pleasant and friendly;
 - e. Indifference, even in highly important situations;
 - f. Seeing or hearing things that cannot be confirmed;
 - g. Confusion about or unawareness of surroundings;
 - h. Lack of emotional response;
 - i. Causing injury to self, others or damage to property;
 - j. Inappropriate emotional reactions.
 - 1) Overreacting to situations in an overly angry or frightening way.
 - 2) Reacting with opposite of expected emotion (e.g. laughing at an auto accident).
 - k. Inability to express joy;
 - l. Inability to concentrate or cope with minor problems;
 - m. Irrational statements;
 - n. Peculiar use of words or language structure;
 - o. Excessive fears or suspiciousness;
 - p. Unexplained involvement in vehicular collisions;
 - q. Drug or alcohol abuse;
 - r. Forgetfulness and loss of valuable possessions;
 - s. Attempts to escape through geographic change; frequent moves or hitchhiking trips;
 - t. Bizarre behavior (skipping, staring, strange posturing);
 - u. Unusual sensitivity to noises, light, clothing.
4. Physical changes:
- a. Hyperactivity or inactivity or alternations of these;
 - b. Deterioration in hygiene or personal care;

- c. Unexplained weight gain or loss;
 - d. Sleeping too much or being unable to sleep.
- 5. Physical appearance:
 - a. Wearing clothing inappropriate to environment (e.g. shorts in winter, heavy clothing in summer);
 - b. Wearing bizarre clothing or cosmetics (taking into account current trends).
- 6. Body movements:
 - a. Strange postures or mannerisms;
 - b. Lethargic, sluggish movements;
 - c. Repetitious, ritualistic movements.
- 7. Unusual speech patterns:
 - a. Nonsensical speech or chatter;
 - b. Word repetition (frequently stating the same or rhyming words or phrases);
 - c. Pressured speech (expressing an urgency in manner of speaking);
 - d. Extremely slow speech.
- 8. Verbal hostility or excitement:
 - a. Talking excitedly or loudly.
 - b. Argumentative, belligerent or unreasonably hostile.
 - c. Threatening harm to self, others or property.
- 9. Environmental Indicators:
 - a. Decorations (e.g. strange trimmings, inappropriate use of household items such as aluminum foil covering windows);
 - b. Waste matter and trash;
 - c. Accumulation of trash such as newspapers, paper bags, egg cartons, etc. (e.g., Hoarding Syndrome);
 - d. Presence of feces and/or urine on the floor or walls.

- C. Often the symptoms of mental illness are cyclic, varying in severity from time-to-time. The duration of an episode also varies; some people are affected for a few weeks or months while for others the illness may last many years or for a lifetime. There is no reliable way to predict what the course of the illness may be. Symptoms may change from year to year. Also, one person's symptoms may be very different from those of another although the diagnosis may be the same.
- D. In many cases of apparent mental illness, other diseases or maladies are found to be the cause including, but not limited to: Alzheimer's, epilepsy, Parkinson's, diabetes, etc. Be alert for and note behaviors to relay to mental health professionals for their diagnosis. A thorough examination by a health professional should be the first step when mental illness is suspected.
- E. People with Alzheimer's disease share a number of behavioral patterns and symptoms, which include:
 - 1. Blank facial expression;
 - 2. Unsteady walk/loss of balance;
 - 3. Age (common age of onset 65+);
 - 4. Repeats questions;
 - 5. Inappropriate clothing for season;
 - 6. Safe Return Program identification;
 - 7. Inability to grasp and remember the current situation;
 - 8. Difficulty in judging the passage of time;
 - 9. Agitation, withdrawal or anger;
 - 10. Inability to sort out the obvious;
 - 11. Confusion;
 - 12. Communication problems;
 - 13. Delusions and hallucinations;
 - 14. Inability to follow directions.

IV. ENCOUNTERS WITH EMOTIONALLY DISTURBED PERSONS

- A. Personnel may encounter a person with mental illness or emotional problems as a result of field encounters or when otherwise notified by a mental health professional.
- B. When encountering an emotionally distressed/disturbed person or a person with suspected mental illness:

1. Approach the person with extreme caution; be alert and maintain a calm and casual demeanor
 2. If possible, identify a friend or relative that can provide assistance in dealing with the person or who may be able to explain the behavior
 3. Speak to the person by name, if known; your tone of voice should be soothing, but firm and businesslike.
 4. Avoid exciting the person; do not say or do anything that may threaten or intimidate the person
 5. Ask questions slowly, one at a time, and be patient in waiting for a response; be prepared that the person may not understand questions and/or instructions or be able to answer in an understandable manner
 6. Avoid arguing with or scolding the person; do not allow anyone else to do so
 7. Avoid deceiving the person (although sometimes it may be necessary)
 8. Ignore verbal abuse directed at you or others
 9. Make use of friends or relatives who know how to talk to, and deal with, the person unless there is friction between them
 10. Whenever possible, try and stall until a back-up officer arrives at the scene
 11. Show kindness and understanding; maintain professionalism
 12. Be aware that the person may respond the way he/she thinks you want him/her to
- C. If it is necessary to restrain or take the person into custody, do so carefully; use physical restraint prudently as it may cause more aggressive behavior. Keep sidearms and other weapons out of the person's reach. Contact EMS for restraints and/or transportation.
- D. Avoid chokeholds and be continually aware of the potential for positional asphyxia.
- E. In addition to the requirements set forth in this department's directive on Interviews, Interrogations, & Access to Counsel and depending on the circumstances, personnel need to establish that any confession made by someone with mental illness is knowingly and intelligently given, see *State v. Flower* 224 NJ Super (App. Div. 1988). Consult with the Monmouth County Prosecutor for guidance in these situations.
1. Do not interpret lack of eye contact or strange actions as indicators of deceit;
 2. Use simple and straightforward language; he/she may have limited vocabulary or speech impairment.

3. Recognize that the individual might be easily manipulated and highly suggestible.
- F. Miranda warnings may need to be explained, rather than just read, to the individual in language that is understandable to him or her. When reading the Miranda warnings to someone with mental impairment, or to others who may have difficulty understanding, use simple words and modify the warnings to help the individual understand. It's important to determine whether the individual genuinely understands the principles, protections and concepts within the warnings.

V. EXCITED DELIRIUM

- A. Calls associated with excited delirium often include descriptions by complainants of wild, uncontrollable physical action, and hostility that comes on rapidly. While officers cannot diagnose excited delirium, specific signs and characteristic symptoms may be evidence including, but not limited to:
1. Constant or near constant physical activity;
 2. Irresponsiveness to police presence;
 3. Nakedness/inadequate clothing that may indicate self-cooling attempts;
 4. Elevated body temperature/hot to touch;
 5. Rapid breathing;
 6. Profuse sweating;
 7. Extreme aggression or violence;
 8. Making unintelligible, animal-like noises;
 9. Insensitivity to or extreme tolerance of pain;
 10. Excessive strength (out of proportion to the person's physique);
 11. Lack of fatigue despite heavy exertion;
 12. Screaming and incoherent talk;
 13. Paranoid or panicked demeanor;
 14. Attraction to bright lights/loud sounds/ glass or shiny objects.
- B. Physical control must be applied quickly to minimize the intensity and duration of resistance and struggle, which often are direct contributors to sudden death.
- C. When responding to a call involving possible excited delirium, officers should:
1. Eliminate unnecessary emergency lights and sirens;
 2. Ensure that an adequate number of backup officers have been dispatched to affect rapid control of the subject.

3. Ensure that EMS is on the scene or en route (note: where possible, EMS should be on site when subject control is initiated).
- D. When the subject is responsive to verbal commands, one officer should approach the subject and employ verbal techniques to help reduce his/her agitation before resorting to the use of force. The officer should
1. Not rush toward, become confrontational, verbally challenge, or attempt to intimidate the subject, as he/she may not comprehend or respond positively to these actions and may become even more agitated or combative; and
 2. Ask the subject to sit down, which may have a calming effect; and
 3. Be prepared to repeat instructions or questions.
- E. When there is no apparent threat of immediate injury to the subject or others, the officer should not attempt to take physical control of the subject. This would likely precipitate a struggle and exacerbate the subject's physical and emotional distress. The officer should wait for backup and EMS assistance before attempting to control the subject.
- F. Reasonable steps should be taken to avoid injury, such as moving the subject from asphalt to a grassy area to reduce abrasions and contusions.
- G. If the subject poses a threat of death or serious bodily injury to the officer, others, or to him or herself, apart from the dangers inherent in excited delirium alone, intervention should be taken using that level of force reasonably necessary to control the individual.
- H. OC and impact tools are normally ineffective due to the subject's elevated threshold of pain. Officers may consider a physical takedown using a multiple officers as long as an adequate number of officers are available.
- I. Officers should not attempt to control continued resistance or exertion by pinning the subject to the ground or against a solid object, using their body weight. When restrained, officers should position the subject in a manner that will assist breathing, such as placement on his or her side, and avoid pressure to the chest, neck, or head (positional asphyxia).
- J. Officers should check the subject's pulse and respiration on a continuous basis until transferred to EMS personnel. Officers shall ensure the airway is unrestricted and be prepared to administer CPR or an automated external defibrillator (AED) if the subject becomes unconscious.
- K. Whenever possible, an officer should accompany the subject to the hospital for security purposes and to provide assistance as necessary.

VI. VOLUNTARY REFERRAL

- A. The preferred method of obtaining mental health evaluation and assistance is getting the person to accept a voluntary referral.

- B. In most situations, no extraordinary steps are required other than to be patient, calm and attempt to convince the person to seek professional assistance. Officers should tactfully inform the person that the crisis unit at one of the designated medical facilities (subsection VI.C) is equipped to handle their problems and that, if the person wishes, conveyance can be arranged to the hospital.
 - 1. The psychiatric staff is available 24/7 in these hospitals and the staff will be summoned whenever officers bring an EDP to the emergency room.
 - 2. At the request of the patient or a family member, the person can be transported to Kimball Medical Center in Lakewood.
- C. If the person refuses to cooperate and responsible adult members of the person's family or the person's guardian are known, the officer may want to contact them and suggest that they try to influence the person to seek care.
- D. Unless the person is considered a threat to himself or herself or the officer or if the person has a history of violence, officers do not have to accompany the person to the hospital/facility. Additionally:
 - 1. The officer should conduct a frisk to check for weapons or implements the person can use to harm him/herself or others;
 - 2. Ask a family member to accompany the person to the hospital/facility in their personally owned vehicle (POV);
 - 3. If requested by ambulance personnel, an officer should accompany the person to the hospital/facility.

VII. INVOLUNTARY COMMITMENT

- A. The State of New Jersey is responsible for providing care, treatment and rehabilitation services to mentally ill persons who are disabled and cannot provide basic care to themselves or who are dangerous to themselves, to others, or to property. Because involuntary commitment entails certain deprivations of liberty, it is necessary that State law balance the basic value of liberty with the need for safety and treatment, a balance that is difficult to affect because of the limited ability to predict behavior.
- B. The procedures set forth in this directive are as a result of rules promulgated by the New Jersey Department of Human Services, Division of Mental Health and Services Screening Outreach, specifically N.J.A.C. 10:31-8.1 through 10:31-8.3.
- C. Upon determining that a person is in need of involuntary commitment or further evaluation, the investigating officer shall request that a mental health screening service is notified. The primary mental health screening center for Monmouth County is:

Monmouth Medical Center (MMC)
300 Second Avenue
Long Branch, NJ 07740
HOTLINE: (732) 923-6999

D. Alternate screening centers in Monmouth County are:

Centra State Medical Center PES
901 West Main Street
Freehold, NJ 07728
HOTLINE: (732) 294-2595

Jersey Shore University Medical Center PES
1945 Corlies Avenue, Route 33
Neptune, NJ 07753
HOTLINE: (732) 716-4555

Riverview Medical Center PES
1 Riverview Plaza
Red Bank, NJ 07701
HOTLINE: (732) 219-5325

E. This notification shall include information related to the person's:

1. Name, if known;
2. Age, if known;
3. Physical condition (obvious injuries or illnesses);
4. Whether ambulatory or not;
5. A brief summary of the observations leading to the need for involuntary commitment;
6. Criminal charges, if applicable.

F. Depending on the circumstances, personnel may request a screening outreach visit, if available.

G. In situations where there is overt and extreme danger or believed to be such, personnel shall contact MMC or any of the alternate screening centers and request screening outreach as soon as practicable.

1. Personnel should attempt to stabilize the situation to the extent of their training and experience, if and when possible.
 - a. Certain situations may require prompt police intervention prior to the arrival of screening personnel. (Examples: person threatening to jump from a bridge, building or other structure; person threatening him/herself with a firearm or other weapon.)
 - b. Screening personnel will verbally engage the subject only with the approval of police personnel.
 - c. Police personnel shall not permit screening personnel to place themselves in harm's way to engage a subject.

- H. Often, a screening outreach visit by a screener may occur without this department's prior knowledge. A physician or a family member may have arranged these visits. If the screener determines that police intervention is necessary due to the potential for danger or to escort the subject to a medical facility, they will contact this department for assistance.
1. Upon receiving a call for assistance, communications personnel shall record the following information:
 - a. The screener's name;
 - b. The name and home address of the subject;
 - c. The time the call was received;
 - d. The reason for the escort, if applicable;
 - e. The location of the incident;
 - f. The screener's telephone number;
 - g. Any other pertinent information provided.
 2. If responding personnel determine that transportation to a medical facility would cause a clear and present danger to police personnel, the subject, or the public due to a lack of appropriate equipment or personnel necessary to safely conduct the transport, they shall consult with the screening staff to determine appropriate available transportation.
- I. Screeners may meet with this agency prior to responding to the patient's location or may call from the patient's location. The amount of police personnel appropriate for the situation shall be assigned. Field personnel shall:
1. Take control of and secure any dangerous situations;
 2. Remain at the scene until the screener indicates that the initial assessment is completed and it is determined that the patient is in need of further assessment or commitment at the screening center. The officer will ordinarily arrange transportation for the patient to the screening center.
- J. If a screening outreach visit is unavailable or impracticable, personnel shall transport the person to be evaluated to the Monmouth Medical Center or one of the alternate screening facilities.
1. Personnel should first contact the screening center prior to transporting the subject to discuss the appropriate disposition.
 2. Unless otherwise mandated by the screener, the transportation should ordinarily be accomplished by ambulance and in accordance with N.J.A.C. 8:40-4.10.

3. Physical behavioral restraints are generally not authorized unless:
 - a. A physician or court has authorized the placement of the restraints;
 - b. The patient is in the custody of a law enforcement officer; or
 - c. The medical condition of the patient mandates transportation to, and treatment at, a health care facility, and the patient manifests such a degree of behavior that he or she:
 - 1) Poses serious physical danger to himself or herself or to others; or
 - 2) Causes serious disruption to ongoing medical treatment, which is necessary to sustain his or her life or to prevent disability.
4. No patient shall be kept in physical behavioral restraints for a period greater than one hour unless:
 - a. A physician or court has authorized the use of the restraints for longer than one hour; or
 - b. A law enforcement officer accompanies the patient in the rear of the vehicle.
5. No physical behavioral restraint shall be of a type, or used in a manner, that causes undue physical discomfort, harm or pain to a patient. Hard restraints, such as handcuffs, are specifically prohibited unless the officer who applied the hard restraints/handcuffs accompanies the patient.
6. A patient placed in any type of restraint shall be closely monitored to ensure that his/her airway is not compromised in any way. In no circumstance shall a patient be placed facedown on a stretcher while in restraints.
7. If an ambulance is unavailable, officers may transport the person to the hospital in a police vehicle (only non-violent with no life threatening medical condition, e.g. respiratory disorder, heart condition, etc.)
- K. If the person is being transported in an ambulance, an officer should follow the ambulance to the hospital in order to render aid, if necessary.
- L. If the person is violent, has the potential for violence, or has a history of violence, two officers shall ordinarily assist with transportation:
 1. Ideally, one officer should be in the rear compartment of the ambulance with the patient, with sidearm away from the patient to minimize the risk of the patient gaining control of the weapon.
 2. The second officer should ride behind the ambulance (or transporting vehicle) in a police car to render immediate aid, if necessary.

- M. Ordinarily, police personnel shall remain at the hospital until hospital security takes over. Once the patient has been secured in the screening facility, it is normally not necessary for the officers to remain.
1. If the patient is in police handcuffs, a police officer must accompany the patient to the hospital.
 2. Personnel must remain with the patient if the patient is being held on bail resulting from criminal/disorderly person charges or if the patient is being held on a warrant.
 3. On occasion, hospital personnel may request officers to remain in extraordinary situations. The duty supervisor shall render this determination.

VIII. INCIDENTS INVOLVING ARRESTS

- A. Personnel are obliged to arrest any person who has committed an act in violation of any criminal statute.
1. If the person is going to be incarcerated, ensure that the person is screened for suicide potential.
 2. The duty supervisor shall order close observation of the subject while in custody.
- B. When the mental status of an arrested person requires evaluation, officers shall transport the person to one of the designated facilities using the procedures in subsection VI.
- C. If the subject is admitted or committed to a State psychiatric facility, personnel shall complete a *Uniform Detainer Form*. The detainer shall be forwarded to the psychiatric facility. Copies of the *Uniform Detainer Form* must be retained by this department, filed with all police reports and filed with any criminal complaints that are forwarded to the courts.
- D. Under the provisions of N.J.S.A. 30:4-27.22c, this department may be required to take custody of a person being released from involuntary commitment by the psychiatric facility and who was being held on bail resulting from criminal/disorderly person charges. Normally, this department must take custody within 48 hours. Contact the Monmouth County Sheriff for transportation assistance, if necessary.

IX. INCIDENTS INVOLVING JUVENILES

- A. Mobile screening is available for juveniles in crisis situations, where such help is indicated, but not to the point where the juvenile should be involuntarily taken to a hospital or screening center.
1. A mobile response child crisis team (through Performcarenj.com 877-652-7624) will respond directly to the juvenile's residence, but officers cannot initiate the call. The parent(s) or guardian(s) must call the mobile response child crisis team.

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300 Horizon Drive Suite 306
Robbinsville, NJ 08691-1919

- B. When a mobile response child crisis team is unavailable and officers have reasonable belief to believe that a juvenile is in need of involuntary commitment, but the juvenile has not committed a crime or offense, officers can take the juvenile into short-term custody under N.J.S.A. 2A: 4A-31 et seq. and take them to an authorized screening center.
1. Whenever possible, parental consent should be obtained and the parents (guardians) should be present during the screening interview. If not, contact the NJ Department of Children and Families as they may already be involved if abuse and neglect exist.
 2. If a juvenile had committed a crime or offense, he/she can be taken into custody for delinquency.

X. REPORTING REQUIREMENTS

- A. For the protection of all concerned parties, all incidents involving possible excited delirium and/or involuntary commitment must be thoroughly documented on an incident report. The report shall include the following information:
1. Name, address, telephone number, DOB, and SS# of subject
 2. Description of circumstances that required police involvement
 3. If custody of a subject is required for mental health screening, designate if the subject was:
 - a. Dangerous to others or to property;
 - b. Dangerous to self.
 4. Name of transporting EMS.
 5. Name of mental health screening personnel contacted.
 6. Name of mental health facility to where transported.
 7. Whether medical attention prior to mental health screening was required.
 8. Include results of PES screening:
 - a. Temporary Commitment – Location;
 - b. Released - Voluntary Referral.
 9. Include information on all criminal charges, if applicable.
 10. If excited delirium is suspected, the following information must be included in the report:

- a. Conditions at the incident scene;
- b. Description of the subject's behavior and its duration;
- c. Description of what the subject said during the encounter;
- d. Type and duration of resistance;
- e. Identity of all officers at the scene;
- f. Actions taken to control the subject;
- g. Restraints used on the subject and the length of time applied;
- h. Location of the restraints on the subject;
- i. Response time and actions taken by EMS, including a list of drugs given to the patient;
- j. Means of transport and total elapsed time of transport;
- k. Behavior of the subject during transport;
- l. Means of resuscitation, if applicable;
- m. Information from relatives and friends of the subject that can provide insight to the potential causation of the incident.

XI. LAWS CONCERNING INVOLUNTARY COMMITMENT

A. N.J.S.A. 30:4-27.6, Basis for Custody of Person and Transport to Screening Service by Law Enforcement Officer:

A state or local law enforcement officer shall take custody of a person and take the person immediately and directly to a screening service if:

1. *On the basis of personal observation, the law enforcement officer has probable cause to believe that the person is in need of involuntary commitment; or*
2. *A mental health screener has certified on a form prescribed by the division that based on a screening outreach visit the person is in need of involuntary commitment and has requested the person be taken to the screening service for a complete assessment; or*
3. *The court orders that a person subject to an order of conditional discharge issued pursuant to N.J.S.A. 30:4-27.15c who has failed to follow the conditions of the discharge be taken to a screening service for assessment.*

The involvement of the law enforcement authority shall continue at the screening center as long as necessary to protect the safety of the person in custody and the safety of the community from which the person was taken.

B. N.J.S.A. 30:4-27.7, Law Enforcement Officers, Screening Service, Emergency Services or Medical Transport Persons or their Employers; Immunity from Liability for Assessment, Custody, Detention and Transportation:

1. *A law enforcement officer, screening service or short term facility designated staff person or their respective employers, acting in good faith pursuant to N.J.S.A. 30:4-27 et seq. who takes reasonable steps to assess, take custody of, detain or transport an individual for the purposes of mental health assessment or treatment is immune from civil and criminal liability.*
2. *An emergency services or medical transport person or their respective employers, acting in good faith pursuant to this act and pursuant to the direction of a person designated in subsection 1 (above), who takes reasonable steps to take custody of, detain or transport an individual for the purpose of mental health assessment or treatment is immune from civil and criminal liability*
3. *Emergency services or medical transport person means a member of a first aid, ambulance, rescue squad or fire department whether paid or volunteer, auxiliary police officer or paramedic.*

C. N.J.S.A. 30:4-27.22, Admitting or committing persons awaiting trial on criminal or disorderly persons charges; discharge, reads:

1. *If a person in custody awaiting trial on a criminal or disorderly persons charge is admitted or committed pursuant to this act, the law enforcement authority that transferred the person shall complete a uniform detainer form [appended], as prescribed by the Division of Mental Health Services, that shall specify the charge, law enforcement authority and other information that is clinically relevant. This form shall be submitted to the admitting facility along with the screening certificate or temporary court order directing that her person be admitted to the facility.*
2. *The division shall prepare the form with the approval of the Administrative Office of the Courts.*
3. *When the person is administratively or judicially discharged and is still under the authority of the law enforcement authority, that authority shall within 48 hours of receiving notification of the discharge, take custody of the person.*

CASE #: _____

**STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MENTAL HEALTH AND HOSPITALS**

UNIFORM MENTAL HEALTH DETAINER FORM

N.J.S.A. 30: 4-27.22, states in pertinent part, that:

...If a person in custody awaiting trial on a criminal or disorderly persons charge is admitted or committed pursuant to this act, the law enforcement authority that transferred the person shall complete a uniform detainer form [appended], as prescribed by the Division of Mental Health Services, that shall specify the charge, law enforcement authority and other information that is clinically relevant. This form shall be submitted to the admitting facility along with the screening certificate or temporary court order directing that the person be admitted to the facility. (N.J.S.A. 30: 4-27.22a)

When the person is administratively or judicially discharged and is still under the authority of the law enforcement authority, that authority shall within 48 hours of receiving notification of the discharge, take custody of the person. (N.J.S.A. 30: 4-27.22c)

DATE:

TO:

Psychiatric Facility

FROM:

Detaining Authority

RE:

Name of Inmate/Patient

Date of Birth:

Social Security #:

Outstanding Criminal or Disorderly Persons Charges:

Indictment Numbers, If Applicable:

Court in Which Charged:

CASE #: _____

CHECK APPLICABLE STATUS:

- ☐ (1) Individual is transferred for evaluation of 'fitness to proceed' pursuant to attached court order (N.J.S.A. 2C: 4-5a(2) or 2C: 4-5c).
- ☐ (2) Individual is transferred for evaluation of whether they should be found 'not guilty by reason of insanity' pursuant to attached court order (N.J.S.A. 2C: 4-5 OR 2C: 4-8a or 2C: 4-9a).
- ☐ (3) Individual is transferred as 'involuntary civilly committed' pursuant to (N.J.S.A. 30: 4-27.1 et seq., and a certificate from a screening service or a temporary court order is attached.

This individual must be returned to _____ upon discharge.

THIS FORM IS ONLY APPLICABLE TO INDIVIDUALS AWAITING TRIAL ON A CRIMINAL OR DISORDERLY PERSONS CHARGE.

APPLICABLE COURT ORDERS MUST BE INCLUDED WITH THIS FORM.

PRINTED NAME OF PERSON COMPLETING FORM

SIGNATURE

TITLE

PHONE NUMBER

HOWELL POLICE DEPARTMENT GENERAL ORDER			
VOLUME: 3	CHAPTER: 10	# OF PAGES: 8	
SUBJECT: CRIMINAL CASE MANAGEMENT			
EFFECTIVE DATE: January 12, 2017 BY THE ORDER OF: Chief Andrew A. Kudrick, Jr.	ACCREDITATION STANDARDS: 4.1.1	SUPERSEDES ORDER #: V8C4 (03/01/2011) V3C10 (01/09/2014)	

PURPOSE: The purpose of this general order is to establish the administrative and operational processes necessary for an efficient, effective criminal investigations process.

POLICY: Successful investigations are based on fidelity, accuracy and sincerity in lawfully searching for the true facts of an event under investigation and on an equal accuracy, faithfulness, and probity in memorializing the results of an investigation. It is the policy of the Howell Police Department to investigate criminal cases to the fullest extent possible and to present defendants for prosecution as directed by other elements of the criminal justice system.

PROCEDURE:

I. CASE SCREENING

- A. The detective bureau commander or his/her designee shall screen all criminal reports generated by the department for follow-up assignment or closure at the preliminary investigation stage based upon solvability factors.
- B. Cases being forwarded to investigative personnel for follow up investigation should normally be assigned by the detective bureau commander or his/her designee taking the following factors into consideration:
 - 1. Detective's investigative experience: the detective's past experience with the type of case involved and his/her crime scene technical experience (cases may be assigned to a detective to increase his/her knowledge and experience in that particular type of investigation).
 - 2. Detective's caseload: the detective with the largest caseload will be assigned a fewer number of new cases and vice versa.
- C. The detective bureau commander or his/her designee shall consider the seriousness and complexity of each case and reach a decision concerning the appropriate number of detectives to assign to a case.
 - 1. There shall be only one detective assigned primary responsibility as the lead detective for each assigned case.
 - 2. The assignment of additional detectives is intended to provide investigative support to the lead detective.
 - 3. The detective bureau commander or his/her designee shall coordinate the work on any case having more than one detective assigned.
- D. In reaching a decision on whether or not to assign a case for follow up investigation, the detective bureau commander or his/her designee shall consider the following solvability factors of the case:
 - 1. Were there witnesses to the crime?
 - 2. Can a suspect be named?
 - 3. Can a suspect be located?
 - 4. Can a suspect be described?
 - 5. Can a suspect be identified?
 - 6. Was the suspect previously seen?
 - 7. Can the suspect's vehicle be identified?
 - 8. Is the stolen property traceable?
 - 9. Is a significant modus operandi present?

10. Is significant physical evidence present?
 11. Was there opportunity for anyone but the suspect to commit the crime?
 12. Is there some other significant reason to believe that the crime may be solved with a reasonable amount of investigative effort?
- E. Upon review, the cases shall be routed as follows:
1. Assigned to detective: serious crimes, serial crimes and those having identified investigative leads may be assigned to a detective for follow-up investigation.
 2. Assigned to patrol for follow up: cases involving crimes of a less serious nature or cases where patrol personnel have already conducted a significant investigation and appear capable of solving the crime may be returned to the officer completing the initial report for continued investigation.

II. CASE MANAGEMENT

- A. The detective bureau commander or his/her designee shall assign all active cases to their personnel. He/she is responsible for the swift and proper management of all cases originating in or assigned to their personnel. The cases shall be recorded and managed through the electronic records case status control system and the paper case assignment logbook. The system shall indicate the status of all cases with the following information:
1. Detective assigned;
 2. Date assigned;
 3. Agency assigned number;
 4. Case type;
 5. Final disposition and date of final disposition.
- B. Investigative assignments:
1. Whenever possible, the detective bureau commander or his/her designee should normally assign cases requiring a specialized skill, knowledge, and ability to the detective who possesses those credentials. The detective bureau commander or his/her designee should normally take the following criteria into consideration when assigning such cases:
 - a. The detective's past exposure to such cases, as well as training and expertise that they may possess (cases may be assigned to a detective to increase his/her knowledge and experience in that particular type of investigation);
 - b. The detective's overall qualifications, proficiency, and ability as an investigator.

2. Criminal investigation case type:
 - a. Original investigations: investigations undertaken prior to the filing of a formal complaint. Original investigations consist of joint investigations or exclusive investigations.
 - b. Joint investigations: investigations conducted cooperatively or in conjunction with investigative activity of another law enforcement agency. Case types include assisting local police, state agency, county prosecutor, or other agency.
 - c. Exclusive investigations: those investigations conducted solely by department personnel. Note: The intent is to distinguish investigations involving substantial contributions by other agencies from those conducted independently by our department. Contact with other agencies limited to the exchange for information would not constitute a joint investigation.
 - d. Post complaint investigations: investigations undertaken in response to a previously filed criminal complaint (e.g., investigative activity to complete a case file) for court presentation or disposition.
- C. The following administrative designators/case disposition shall be applied to each case as applicable.
 1. **A** – Closed by arrest;
 2. **C** – Closed;
 3. **O** – Incident open;
 4. **N** – No crime involved.
- D. Investigative reports are in an electronic format in RMS. Ancillary reports maintained in the case file may include evidence submission request, analysis reports, statements, exemplars, fingerprint cards, victim/witness notification forms, and photographs relating to the case.
- E. Access to active case files is limited to appropriate investigative personnel. A limited electronic version of closed case files may be made available for patrol personnel for information sharing purposes only.
- F. Confidentiality of investigations:
 1. Except as investigative needs require, investigators shall refrain from discussing any aspect of their activities with any person not involved in law enforcement.
 2. From time-to-time, investigators are required to conduct investigations that are, by nature, confidential. Examples would be official corruption, complaints against police and complaints against public officials. Such investigations are not to be discussed with anyone outside of the investigative chain of command except in furtherance of the investigation.

3. An investigator who has any concern about the propriety of speaking with someone outside of the department on these types of investigations will first consult with a supervisor before proceeding further.
- G. When a case is completed and approved by a detective bureau supervisor, the case file shall be surrendered to the detective bureau secretary, who shall promptly hand deliver it to the records bureau for filing.

III. ACCOUNTABILITY FOR CONDUCTING INVESTIGATIONS

A. Preliminary investigations:

1. The preliminary investigation begins when the first officer arrives at the scene and continues until a transfer of responsibility to the appropriate investigative personnel.
2. The assigned police officer shall initiate and complete as many of the activities listed below as needed. The individual circumstances of the incident shall determine how many of the activities are required. As soon as the preliminary investigation is concluded the police officer shall complete a preliminary investigation report. The officer shall list on the prescribed report form all information obtained at the scene.
3. Upon the arrival of an assigned detective, the police officer(s) shall:
 - a. Brief the detective on all pertinent information;
 - b. Assist the detective where necessary or requested;
 - c. Prepare the necessary report(s) to maintain continuity of evidence;
 - d. Make appropriate entry on the incident report as to the identity of the detective relieving him/her;
 - e. Return to his/her prior assignment upon completion of necessary reports and when the detective needs no further assistance.
4. The following activities are part of the preliminary investigation:
 - a. Observe all conditions, events, and remarks. Provide aid to the injured.
 - b. Locate and identify witnesses.
 - c. Protect, maintain, and arrange for the collection of crime scene evidence ensuring that none is lost or contaminated.
 - d. Make immediate notification of the crime to other units. The police officer assigned shall be responsible for initiating action to inform other appropriate law enforcement agencies of a serious crime or one requiring immediate on-scene follow-up investigation.

- e. Interview and, if needed, obtain written statements from the complainant, witness, victim, and suspect. Obtain written statements from victims and witnesses and from the suspect, if such statements can be obtained legally. Determine if a crime has actually been committed, and if so, the exact nature of the crime. Determine the identity of the suspects, and effectuate an arrest, if it can be accomplished either at the scene or through immediate pursuit. Determine what information the victim and each witness knows.
- f. Furnish other field units, through the communications center, descriptions, method and direction of flight, and other relevant information concerning wanted persons or vehicles.
- g. Accurately and completely record all pertinent information on the prescribed report forms.

B. Follow-up investigation (supplementary investigation):

- 1. The follow-up investigation is an extension of the preliminary investigation. The purpose of the follow-up is to provide additional investigation in order to effectuate the arrest of an offender and/or recover stolen property.
- 2. The assigned detective(s) will complete the follow-up investigation of most crimes. Crimes should be referred to the specialized investigators/units/task forces for follow-up only when the crime appears to be part of a pattern of crimes or when follow-up is required in widely separated locations outside the geographic boundaries of the local jurisdiction in which the crime occurred.
- 3. The detective responsible for the follow-up investigation will receive the copies of the incident report(s).
- 4. Any detective receiving information on any investigation, whether assigned to the detective or another, shall submit the information on a supplemental report. Each detective who works on the case, but not necessarily for each occasion he/she works on it, must prepare a supplemental report. Upon completion of the follow-up investigation, all discoverable reports shall be submitted to the supervisor for review.
- 5. Basic activities of the follow-up investigation include:
 - a. Review and analyze all previous reports, records, and laboratory results prepared during the initial investigation.
 - b. Conduct follow-up interviews and interrogations as required both with victims, witnesses, and suspects. Investigators shall make a second contact with the victim after several days from initial contact.
 - c. The detective should make every effort to contact the victim by telephone, or home visit, or when those attempts are unsuccessful by sending a letter attempting to make contact.
 - d. Seek additional information from other sources including both patrol officers and street level intelligence.

- e. Plan and organize method of follow-up investigation. Conduct searches and arrange for the proper collection, analysis, and evaluation of evidence.
- f. Identification and apprehension of the offender.
- g. Ascertain involvement of suspects and or offenders in other crimes.
- h. Seek and review criminal histories.
- i. Prepare reports for prosecutorial review and courtroom presentation.
- j. During the course of a follow-up investigation, circumstances may arise where the victim will express their desire to waive additional investigative procedure or criminal prosecution. Although motivation for such a request should be examined, a mechanism for the formal acknowledgement and recording of subsequent action will be required. A waiver of investigation and/or criminal prosecution form should be completed, when possible. Acknowledgement of this form does not mean that the investigation or prosecution may/may not proceed at a future period.
- k. The detective shall make every effort to reveal an individual as being a repeat offender according to definition as furnished in the New Jersey Criminal Code Statutes Title 2C. Notification of these findings should be made available to the appropriate prosecuting authority.

6. Supplemental reports:

- a. All supplemental reports will contain the full name, address, date of birth and telephone number of all complainants, defendants or suspects, and witnesses.
- b. The supplemental report will begin with a brief synopsis of the complainant report.
- c. The supplemental report shall contain the detective's investigation including:
 - 1) Did an officer or detective search the crime scene?
 - 2) Was evidence collected and sent to appropriate laboratory?
 - 3) A brief synopsis of people interviewed or from whom statements were taken.
 - 4) How was the positive identification of the defendant made?
 - 5) When the defendant was arrested, did he/she receive the constitutional advisement warning and was he/she interviewed and what statement did he/she make?
 - 6) When a warrant is issued, the dates and times service was attempted.

- 7) When a detective has unsuccessfully tried to contact the victim, all such attempts should be documented in the supplementary report.
- 8) Attempts to obtain serial number of stolen property.
- 9) Attempts to recover stolen property.
- 10) All NCIC record entries.

7. Operations:

- a. The detective will effectively communicate with victims, witnesses, and suspects as a means to develop information.
- b. The detective shall appropriately interview and or interrogate individuals with the purpose of identifying the person(s) responsible for the commission or omission of the act.
- c. When appropriate, the detective shall properly examine, collect, preserve, memorialize, record, and submit for additional examination any item deemed to be of evidential value.
- d. When necessary, the detective will conduct background investigations of individuals relating to the investigation.
- e. When required, the detective shall employ the legal use of surveillance methods as a means to gather information.
- f. Investigative checklist can be used to aid in criminal investigations.

HOWELL POLICE DEPARTMENT GENERAL ORDER			
VOLUME: 3	CHAPTER: 25	# OF PAGES: 5	
SUBJECT: CONSULAR NOTIFICATION & ACCESS			
EFFECTIVE DATE: December 10, 2013		ACCREDITATION STANDARDS: N/A	SUPERSEDES ORDER #: V4C25 dated 02/10/2011
BY THE ORDER OF: Chief Ronald T. Carter			

PURPOSE The purpose of this general order is to comply with the provisions of the Vienna Convention on Consular Relations regarding notifications to consulate officials in the event foreign nationals die or are arrested or detained.

POLICY Under the provisions of the Vienna Convention on Consular Relations, Apr. 24, 1963, articles 5, 36, 37, 21 U.S.T. 77, 101, when foreign nationals are arrested or detained, they must be advised of the right to have their consular official notified. In some cases notification is mandatory, whether the foreign national consents to the notification or not. Further, in the event a foreign national dies, their consulate must be notified.

The Vienna Convention on Consular Relations is a bilateral agreement between nations regarding the legal obligations that countries have towards foreign nationals in certain situations.

All personnel must be aware that they are required to provide prompt notification to a foreign national's consular officials. Failure to provide prompt notification may result in the reversal of any criminal conviction (State v. Cevallos-Bermo, 333 N.J. Super. 181 (App. Div. 2000)).

It is the policy of this agency to promptly provide these notifications, where necessary, in the event a foreign national is arrested or detained.

PROCEDURES

I. Definitions

- A. Arrest shall refer to any detention or other commitment to custody that results in a foreign national being incarcerated for more than a few hours triggering the consular notification requirements in this order.
 - 1. A brief traffic stop or an arrest that results in a uniform traffic ticket or special complaint and release at the scene for an infraction or offense would not require that consular notification is provided.
 - 2. Requiring a foreign national to accompany a law enforcement officer to a place of detention may trigger the consular notification requirements, particularly if the detention lasts for a number of hours or overnight.
 - 3. The longer a detention continues, the more likely it is that a reasonable person would conclude that the consular notification obligation is triggered.
- B. Consular Assistance is defined as the right to visit, correspond with, and arrange for legal representation of a foreign national detained or in detention.
- C. Consular Official or Consul is a citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government's citizens in a foreign country. The term consul should not be confused with counsel, which means an attorney authorized to provide legal counsel and advice.
- D. Detention/Detained shall refer to the temporary seizure of a person not amounting to a custodial arrest, but more than the brief stopping of a person to answer questions in a street or motor vehicle investigative encounter. The detention is greater than that which occurs during a simple Terry stop or a field interview.
- E. Foreign National is any person who is not a United States citizen. The term foreign national and alien are used interchangeably. Resident aliens who have a resident alien registration card, commonly known as a green card, are considered foreign nationals for the purposes of consular notification, as are undocumented aliens.
- F. Without Delay is a term contained in the Vienna Convention on Consular Relations generally understood to mean that there should be no deliberate delay, and that notification should occur as soon as reasonably possible under the circumstances. Nevertheless, notification to consular officials should be made within the first 24 hours of the detention, and certainly within 72 hours.

II. General Provisions

- A. When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified.
- B. Some countries require that the nearest consular official must be notified of the arrest or detention of a foreign national, regardless of the foreign national's wishes.

- C. Consular officials are entitled to have access to their foreign national in detention and are entitled to provide consular assistance.
- D. A listing of countries that require mandatory notification is contained in Attachment A to this general order. (Note: Although the U.S.S.R., Yugoslavia and Czechoslovakia no longer exist, some nationals of its successor states may still be traveling on its passports. Mandatory notification must be given to consular officials for all nationals of these states, including those traveling on old U.S.S.R., Yugoslavia or Czechoslovakia passports. The successor states are listed separately).
- E. A formatted fax sheet for notifying consular officials of arrests or detentions is contained in Attachment B.
- F. A formatted fax sheet for notifying consular officials of death/serious injuries is contained in Attachment C.
- G. A compendium of translated statements in multiple languages is contained in Attachment D to this general order. (For purposes of this general order only 13 languages are listed. It is impossible to list all possible languages. Only those languages common to this region are listed.)
- H. A listing of Foreign Embassies and Consulates in the United States are contained in Attachment E to this general order.
- I. The Vienna Convention on Consular Relations, articles 5, 36, and 37, are contained in Attachment F to this general order.
- J. These are mutual obligations that also pertain to American citizens in foreign countries. In general, treat a foreign national as you would want any American citizen to be treated in a similar situation in a foreign country. This means prompt, courteous notification to the foreign national of the possibility of consular assistance, and prompt, courteous notification to the foreign national's nearest consular officials so that they can provide whatever services they deem appropriate.
- K. Under no circumstances should any information indicating that a foreign national may have applied for asylum in the United States or elsewhere be disclosed to that person's government.
- L. If a foreign aircraft crashes, consular officials **must** be notified. In all probability, a state or federal agency having overall jurisdiction for the crash will make this notification.

III. Notification Procedures

- A. When a foreign national is arrested or detained, determine their country of nationality. Normally, this is the country on whose passport or other travel document the foreign national travels.
- B. If the foreign national's country is not on the mandatory notification list in Addendum A:

1. Without delay, offer to notify the foreign national's consular officials of the arrest/detention. See Statement #1 listed below.
 - a. If the foreign national understands English, then the statement can be given in English. If the foreign national does not understand English, a listing of statements in 13 foreign languages is contained in Attachment D.
 - b. If the language is not listed, notify the appropriate consulate to obtain a copy of the notification in that language or access the **U.S. State Department Website**.
 2. If the foreign national asks that a consular notification be given, notify the nearest consular official of the foreign national's country without delay. For phone and fax numbers, this contact information can be found on **the U.S. State Department Website Consulate Section**.
- C. If the foreign national's country is on the list of mandatory notification countries:
1. Notify that country's nearest consular officials of the arrest/detention, without delay immediately via fax. Notification should occur as soon as is reasonably possible under the circumstances. Notification must be made regardless of whether the foreign national desires notification. For phone and fax numbers, this contact information can be found on **the U.S. State Department Website Consulate Section**.
 2. Inform the foreign national of the mandatory notification of their arrest/detention. See Statement #2 listed below.
 - a. If the foreign national understands English, then the statement can be given in English. If the foreign national does not understand English, a listing of statements in 13 foreign languages is contained in Attachment D.
 - b. If the language is not listed, notify the appropriate consulate to obtain a copy of the notification in that language or access the **U.S. State Department Website**.
- D. Document the notification or the declined notification on the investigative report noting the following:
1. Name of Consulate notified;
 2. How notified, voice, fax, etc;
 3. Name of the official notified;
 4. Time notification was made;
 5. If notification was made by fax, a copy of the fax sheet and the transmission verification report must be appended to the report.

6. A copy of the appropriate statement whether in English or in one of the other languages, noting **Yes** or **No**, (in the case of a non-mandatory notification) must be attached to the investigative report.

IV. Statement #1

- A. To be read to or viewed by a foreign national in a non-mandatory notification setting:

"As a non-U.S. citizen who is being arrested or detained, you are entitled to have us notify your country's consular representatives here in the United States. A consular official from your country may be able to help you obtain legal counsel, and may contact your family and visit you in detention, among other things. If you want us to notify your country's consular officials, you can request this notification now, or at any time in the future. After your consular officials are notified, they may call or visit you. Do you want us to notify your country's consular officials?"

V. Statement #2

- A. To be read to or viewed by a foreign national in a mandatory notification setting:

"Because of your nationality, we are required to notify your country's consular representatives here in the United States that you have been arrested or detained. After your consular officials are notified, they may call or visit you. You are not required to accept their assistance, but they may be able to help you obtain legal counsel and may contact your family and visit you in detention, among other things. We will be notifying your country's consular officials as soon as possible."

VI. Death or Serious Injury of a Foreign National

- A. Notification of the death or life-threatening injury of a foreign national must be made immediately to the nearest consulate of the national's country. The notification will be documented in the investigative report documenting the death or serious injury.
- B. Whenever possible, notification must be made by fax. The fax sheet found in Attachment C can be used to document and transmit the notification of death or serious injury.
- C. Such notice will help to ensure that passports and other legal documentation issued by that country are cancelled and not reissued to fraudulent claimants. Additionally, it may help ensure that the foreign national's family and legal heirs, if any, in the foreign country are aware of the death and that the death is known for estate purposes in that country.

HOWELL POLICE DEPARTMENT GENERAL ORDER			
VOLUME: 2	CHAPTER: 5	# OF PAGES: 5	
SUBJECT: COMMAND PROTOCOL			
EFFECTIVE DATE: January 9, 2014		ACCREDITATION STANDARDS: 1.5.3d-g	SUPERSEDES ORDER #: V1C12 dated 01/11/2011
BY THE ORDER OF: Chief Ronald T. Carter			

PURPOSE: To provide a clear illustration to all employees of the established lines of authority in the department and to briefly explain the attendant responsibilities of those members serving in positions of rank.

POLICY: In all law enforcement agencies it is imperative that a clear line of authority is identified and recognizable to all employees. The lines of authority in the Howell Police Department have been established in furtherance of the management concepts of "unity of command" and a manageable "span of control". In police departments it is essential that only one (1) person be in complete control of each situation and that the number of officers reporting to any one (1) supervisor do not exceed the number that he/she can effectively supervise. Department members promoted to supervisory and command positions have specific responsibilities that must be exercised without exception.

PROCEDURE:

I. Definitions

- A. Command Officer: A member promoted or assigned to the rank of Chief of Police, Captain, or Lieutenant.
- B. Supervisory Officer: A member promoted or assigned to a position granting him/her the responsibility and/or authority to supervise the actions of one (1) or more subordinate members.

II. Chain of Command

- A. Rank in the police department as established by municipal ordinance shall descend in the following order:
- B.
 - 1. Chief of Police
 - 2. Captain
 - 3. Lieutenant
 - 4. Sergeant
 - 5. Corporal, Patrolman, Detective
 - 6. Special Officer
 - 7. Civilian
- C. The Chief of Police is responsible for the day-to-day operation of the police department. In his/her absence, (not to include normal off-duty time), and in the absence of any personnel order directing otherwise, such responsibility will be assumed in the following order: #1 Operations Commander, #2 Administration Commander if the Operations Commander is not available, #3 Services Commander if both the Operations Commander and Administration Commander are not available, and thereafter by the next highest-ranking officer in terms of rank.
 - 1. In a situation where two (2) or more members of equal rank are in the line of succession, and there is no personnel order designating assumption of command, the member with the greater length of service in such rank shall be deemed the next in line.

III. Responsibilities

- A. The following information is intended to serve as a brief description of the responsibilities of each listed rank as it relates to their position in the chain of command. A complete listing of the responsibilities of each rank within the police department can be found in "Duties and Responsibilities."

B. Command Officers

1. Subject to higher authority, a command officer has direct control over all members and employees within his/her command. In addition to the general and individual responsibilities of all members and employees, a command officer is responsible for the following:
 - a. Supervision: the direction and control of personnel under his/her command to assure the proper performance of duties and adherence to the written directives of this department, and providing for the continuation of adequate supervision in his/her absence.
 - b. Loyalty and Esprit de Corps: the development and maintenance of esprit de corps and loyalty to the department.
 - c. Discipline and Morale: the maintenance of discipline and morale within the command and the investigation of personal complaints not assigned elsewhere.
 - d. Interdepartmental Action: maintain a harmonious relationship with other elements of the department, allied agencies, other township departments and the public.
 - e. Organization and Assignment: proper organization and assignment of duties within his/her unit to assure proper performance of departmental functions and those of his/her unit.
 - f. Reports and Records: preparation of required correspondence, reports and maintenance of records relating to the activities of his/her command. Assure that information is communicated up and down the chain of command as required.
 - g. Maintenance: assurance that quarters, equipment, supplies and material assigned to his/her command are correctly used and maintained.

C. Shift Supervisor

1. Subject to higher authority, a shift supervisor, during his/her assigned tour of duty, exercises the same authority and has the same responsibilities as his/her commanding officer. In addition to the general and individual responsibilities of all members and employees, the shift supervisor is specifically responsible for the following:
 - a. Good Order: the general good order of his/her command during his/her tour of duty to include proper discipline, conduct, welfare, field training and efficiency.
 - b. Roll Call: conduct of prescribed roll calls, communication of all orders or other information at roll call, and inspection and oversight and correction of his/her tour of duty as needed.
 - c. Reporting: reporting as required by a commanding officer.

- d. Personnel Complaints: inquiry into minor personnel complaints against members and employees assigned to his/her tour of duty in accordance with the provisions of agency policy.

D. Supervisors

- 1. In addition to the general and individual responsibilities of all members and employees, each supervisor is specifically responsible for the following:
 - a. Supervision: a supervisor may be assigned to field or office duties. During his/her tour of duty he/she must closely supervise the activities of the subordinates assigned to his/her charge, making corrections where necessary and commending outstanding service where appropriate.
 - b. Leadership: effective supervision demands leadership. Leadership includes on the job training of subordinates and the coordination of effort of more than one (1) employee as needed for efficient operation. Additionally, leadership is the ability of a supervisor to demonstrate to his/her subordinates the qualities necessary to be a good police officer.
 - c. Direction: supervisors must exercise direct supervision in a manner that assures the good order, conduct, discipline and efficiency of subordinates. Exercise of command may extend to subordinates outside of his/her established line of authority if the police objective or preservation of the reputation of the department so dictates; or if no other provision is made for personnel temporarily unsupervised. This authority shall not be exercise unnecessarily.
 - d. Enforcement of Rules, etc.: supervisory officers must enforce all provisions of agency policy without exception.
 - e. Inspection: supervisors are responsible for inspection of activities, personnel and equipment under their supervision and initiation of suitable action in the event of a failure, error, violation, misconduct, or neglect of duty by a subordinate.
 - f. Assisting Subordinates: a supervisor shall have a working knowledge of the duties and responsibilities of his/her subordinates. He/She shall observe contacts made with the public by his/her subordinates and be available for assistance or instruction as may be required. A field supervisor shall respond to calls of serious emergencies, crimes in progress, assaults and others, unless actively engaged in a police incident. He/She shall observe the conduct of assigned personnel and take active command when necessary.

IV. General Provisions

- A. In the absence of a personnel order to the contrary, command shall always be exercised by virtue of rank, and in cases of equal rank, by length of time in service in such rank; and, where equal, the member's respective position on the eligibility list that determined the order of his appointment to that grade.

- B. The Chief of Police or his/her designee may, based upon specialized training/expertise/experience, appoint a specific person, not necessarily by rank, to be in charge for a predetermined emergency/unusual occurrence or for a specific operational activity/special event.
- C. During the temporary absence of a command officer in normal day to day operations, when competent authority makes no other provision, the command automatically devolves upon the subordinate present who is next highest in rank.
- D. Members of the department who, by order of competent authority, are temporarily assigned to a position of a member of higher rank, shall exercise the authority and perform the duties of such higher rank, and shall be held responsible in like manner as if regularly appointed to such higher office. They shall not alter or countermand any order issued by the member whose place they temporarily occupy, except when expediency demands.
- E. Upon all occasions when a body of members of the department is assembled, the ranking officer present shall take command and will be held responsible for the official action and conduct of those present. He/She shall be familiar with all that affects his/her command and he/she shall exact from his/her subordinates efficient performance of duty.
- F. Consistent with the provisions herein stated, when personnel from two (2) or more divisions, bureaus or units are operational at the same event, overall command of the operation shall rest with the highest-ranking supervisor, regardless of assignment.
- G. When two (2) or more members are sent upon any special duty and no ranking member accompanies them, absent a designation of command by competent authority, the member senior in terms of department service shall have command.
- H. To promote efficiency and responsibility, employees are only directly accountable to one (1) supervisor at any given time. They shall be accountable to their immediate supervisor unless situations/circumstances dictate accountability shifting to a supervisor outside their established chain of command.
- I. Unless extenuating circumstances exist, personnel wishing to move up or down the chain of command shall adhere to the established structure.
 - 1. Extenuating circumstances would be any on-going situation resulting in the emergent need for immediately reporting such situation to prevent injury to any person or to protect the integrity and/or reputation of the police department.
- J. In order to promote efficiency, it may from time to time be necessary for a supervisor to relay an order through a subordinate employee. In such situations, the employee receiving a relayed order shall treat the order as though directly issued by the applicable superior officer, regardless of the rank of the employee relaying the order.

HOWELL POLICE DEPARTMENT GENERAL ORDER			
VOLUME: 6	CHAPTER: 23	# OF PAGES: 4	
SUBJECT: CITIZEN INITIATED REPORTING SYSTEM			
EFFECTIVE DATE: January 17, 2011 BY THE ORDER OF: Chief Ronald T. Carter		ACCREDITATION STANDARDS: 81.2.14 SUPERSEDES ORDER #:	

PURPOSE The purpose of this General Order is to establish the policy and procedures for the Howell Township Citizen Initiated Reporting System.

POLICY It is the policy of the Howell Township Police Department to optimize its limited resources by implementing a Citizen Initiated Reporting System to maintain a high level of service to the public while reducing the time officers spend on routine report writing. The intent of this program is to maximize police officer availability at incidents that require direct police intervention.

PROCEDURES

I. General

- A. This agency will make every attempt to maintain the same level of services to the community with fewer resources. This program is a precursor to a proposed purchase of an electronic citizen reporting system, which will provide on-line police reporting through a secure internet site.
- B. For purposes of this general order, the following terms are defined:
 - 1. Matter of record – means any call for service where the reporting person merely wants a matter documented. There is typically no investigation required or expected.
- C. The Citizen Initiated Reporting System (CIR) will permit citizens to report incidents for matter of record including, but not limited to the following incidents:
 - 1. Child custody disputes;
 - 2. Not in progress civil disputes;
 - 3. Lost property;
 - 4. Criminal mischief (minor acts of vandalism);
 - 5. Thefts under \$200 with no suspects.
- D. Generally, this agency will no longer respond to:
 - 1. Unoccupied lockouts of motor vehicles;
 - 2. Non-life threatening EMS calls if the Police EMS unit is available and in route;
 - 3. Environmental crimes where there is no suspect (caller can be directed to Code Enforcement);
 - 4. Routine house checks;
 - 5. Water restriction violations;
 - 6. Gate checks.

II. CIR Intake

- A. Upon receiving a citizen's call requesting to report one of the below listed minor incidents, the dispatcher will generate a CIR Card and enter the name, address, phone number of the caller, and a brief description of the event in the narrative. The dispatcher will advise the caller that a mail-in form will be sent to their mailing address in order for them to complete the citizen initiated report form.

- B. When considering which calls should be handled as a CIR, the dispatcher must triage the call to determine whether an officer will be sent to the scene or whether a CIR is warranted. Calls for service involving the following criteria shall not be handled as with a CIR and an officer will be dispatched as per current protocol. Incidents requiring an officer response include calls involving:
1. An in-progress call;
 2. Suspects are known;
 3. A threat of injury or public safety hazard is present;
 4. The loss or damage is valued over \$200.00;
 5. Domestic Violence related (except for a past incident for matter of record purposes only)
 6. Missing persons, runaways, unidentified persons, or returned missing persons;
 7. Incidents requiring a preliminary investigation or follow-up;
 8. Pattern crime or offense (e.g. several mailboxes damaged in an area);
 9. Pattern crime to the individual (e.g. reporting repeated minor offenses over series of days or months);
 10. Vehicle or pedestrian/pedacycle crashes;
 11. This list is not inclusive and may be expanded if reasonable. If the dispatcher is in doubt whether to send an officer they shall consult with a patrol supervisor. If a supervisor is not available, an officer will be sent.
- C. To determine if a CIR form can be sent to a citizen the first important question to be asked is, ***"Is this for a matter of record only?"*** If the citizen is requesting action to be taken by this agency that is reasonable and within job descriptions, an officer will be sent as usual and when available.
- D. This general order also applies to walk-ins. If a citizen walks-in to police headquarters to make a report for documentation purposes they will be handed a CIR form, which they can complete in the lobby or take home to mail in at a later date.

III. CIR Processing

- A. On the next business day, Records Division personnel will run all the CIR Cards in the CAD system for the time period since the prior check and print a report. The report will be used to identify those callers where a mail-in form will be sent.
- B. Records Division personnel are required to send mail-in forms to the callers by the end of the next business day that the CIR report was created.
- C. Upon return receipt of the mail-in form to the Records Division, Records personnel will forward a photocopy of the form to the Detective Division and file the original report in the separate CIR file.

- D The Detective Sergeant will review each mail-in form to determine if the information provided by the reporting person is adequate for reporting purposes or if further follow-up is necessary. The Detective Sergeant may:
1. Contact the complainant asking for more information;
 2. Determine the report to be an incident that requires follow-up at which time a detective will be directed to investigate and generate an OF; or
 3. Find the report acceptable.
- E If staffing levels in the Detective Division fall and the Detective Sergeant can no longer process the mail-in forms, the midnight patrol supervisor may be directed to perform these duties.
- F At this time, additional information will not be entered into the MDT reports other than that which was entered by the dispatcher.
- G The Chief of Police may choose at a later date to backlog the system at which time a member of this agency, possibly an officer on light duty or the midnight dispatchers may be required to perform these duties.

HOWELL POLICE DEPARTMENT GENERAL ORDER			
VOLUME: 5	CHAPTER: 13	# OF PAGES: 25	
SUBJECT: MOBILE VIDEO/BODY WORN RECORDERS			
EFFECTIVE DATE: October 18, 2018	ACCREDITATION STANDARDS: 3.5.5	SUPERSEDES ORDER #: V5C13 (06/05/2015) V5C13 (11/02/2016)	
BY THE ORDER OF: Chief Andrew A. Kudrick, Jr.			

PURPOSE The purpose of this general order is to establish procedures for the use of mobile video recorders (MVR) and body worn recorders (BWR). MVR/BWR are intended to enhance officer safety, produce effective materials for training and to produce an additional method of collecting evidence to prosecute those who violate the law.

POLICY It is the policy of the Howell Township Police Department to utilize MVR/BWR to their fullest extent for the day-to-day patrol function and to maintain the necessary safeguards that will ensure the non-discriminating use as well as the proper preservation of evidence that may be obtained through use of this technology.

All personnel shall use this equipment (including accessing recordings) consistent with manufacturer's guidelines, this general order, and those policies or guidelines issued by the New Jersey Attorney General and Monmouth County Prosecutor's Office. Failure to use this technology in accordance with this general order and those policies or guidelines issued by the New Jersey Attorney General and Monmouth County Prosecutor's Office can result in discipline.

The use of MVR/BWR with electronically enhanced audio/visual capabilities such as infrared/night vision features are not authorized.

The Howell Township Police Department website/webpage shall contain a clear statement that this department utilizes BWR. The website posting shall include an image showing what the device looks like and how it is to be worn by uniformed officers or plainclothes detectives so that citizens will be able to determine whether an officer is equipped with the device. The Chief of Police shall provide certification to the Monmouth County Prosecutor's Office of this general notification to the public.

Any willful or repetitive violations of this general order shall be reported the internal affairs supervisor who shall report directly to the Chief of Police and Monmouth County Prosecutor's Office. The Monmouth County Prosecutor is authorized to take such actions as are reasonable and necessary to ensure compliance with this general order and to prevent future violations.

PROCEDURES

I. GENERAL

- A. All references to MVR and BWR include the equipment installed in the police vehicles, body worn devices and, where appropriate, the wireless transmitter, microphone, removable media (HDD/SSD), server, and other accessories necessary to operate these systems.
- B. MVR/BWR are invaluable to law enforcement for evidential purposes. MVR/BWR have consistently demonstrated their value in the prosecution of criminal, traffic, and other related offenses and to protect personnel from false claims of misconduct. Additionally, this equipment will provide valuable instructional material that can be utilized for in-service training programs.
- C. While visual and audio evidence may be captured on the recordings, the use of MVR/BWR is not intended to document all evidentiary material relevant to court or administrative proceedings, but it can serve to supplement an officer's senses and eyewitness account. There is no intent to utilize the MVR/BWR as a management tool to punish officers for minor departmental rule infractions.
 - 1. Officers shall not be subject to criticism for the proper exercise of lawful discretion in enforcement matters.
 - 2. MVR/BWR shall only be utilized for legitimate law enforcement purposes.
- D. When properly used, this equipment will have the following capabilities:
 - 1. Creation of accurate documentation of motorist contacts and other patrol related activities.
 - 2. Preservation of an audio and video record of events, actions and conditions during arrests, critical incidents, and prisoner transports.
- E. These records will serve the following purposes:
 - 1. Recordings serve as protection for police officers when there are complaints about their conduct or professionalism during encounters with the public.
 - 2. The recordings can be introduced into evidence in criminal and motor vehicle prosecutions as well as in civil litigation.
 - 3. The recordings can resolve disputes concerning what occurred during particular incidents, thereby protecting both the public and the officers involved.
 - 4. When complete recall is not possible, such as when multiple events are happening simultaneously, an audio/visual recording can provide an accurate record of events.

5. MVR/BWR can record events during transportation of arrested persons, escape risks, mentally disturbed individuals, intoxicated persons, people who are physically injured and members of the opposite sex. The recording can provide accurate documentation of highly detailed and/or fast-moving incidents, such as roadside sobriety testing, violent encounters, and pursuits.
 6. Supervisors will be able to view the recordings, select portions to use to train officers in safety, field officer training, interpersonal skills, proper police procedures, and legal doctrines.
 7. Recordings can permit supervisors to undertake more meaningful performance evaluations.
 8. Recordings augment management's ability to evaluate its basic police practices and interactions between its personnel and the general public.
 9. Recordings enhance management's ability to train personnel in proper police procedures.
- F. Installation, removal, or repairs to any of the MVR and/or BWR equipment shall only be performed under the direction of the operations captain or his/her designee.
1. No one is permitted to move the installed components of the system from its positions without authorization by the Chief of Police or his/her designee. Likewise, no one is authorized to repair any MVR equipment or related component except those personnel authorized by the Chief of Police
 2. Equipment shall be maintained according to manufacturer's recommendations.
- G. The Chief of Police shall establish a training program on the lawful and proper use of MVR/BWR equipment. The Chief of Police may designate one or more persons to coordinate and/or conduct such training.
1. Only officers who have received training in the use of MVR/BWR are permitted to use this system and must demonstrate a satisfactory degree of familiarity and efficiency in the use of this system.
 2. Proper use of an MVR/BWR is considered an essential job requirement.
 3. Officers shall receive initial training during their field training phase or as otherwise directed by the Chief of Police or his/her designee;
 4. The MVR user manual shall be posted on DMS. All users must acknowledge receipt of this user manual;
 5. Officers shall receive periodic refresher training at least once every three years to ensure the continued effective use and operation of the equipment in accordance with any changes, updates, or other revisions in this general order and equipment;

6. The Chief of Police or his/her designee shall cause supplemental training to any officer who has demonstrated a lack of knowledge of the proper use of MVR or as part of a disciplinary matter.
- H. MVR and/or BWR are intended for official police department use only and are not to be used for frivolous or personal activities. Intentional misuse or abuse of the units will result in disciplinary action.
- I. MVR (including remote microphone) can be utilized and, if available, BWR shall be worn and utilized on all extra duty assignments (e.g., security, traffic, etc.)

II. MOBILE VIDEO RECORDERS

- A. The MVR system consists of a front view and rear seat/view digital camera, portable microphone/control unit, display monitor with controls, hard drive and system server.
- B. The MVR is preprogrammed to automatically begin recording when the vehicle's emergency lights are activated, when the wireless microphone is activated, at the predetermined speed, or in the event of a crash. Whenever the MVR is activated, officers shall ensure that the audio portion is also activated.
 1. Recordings will automatically upload to the MVR server when a vehicle returned to headquarters and is in proximity to the server's antenna.
 2. No officer or other police employee shall conduct him/herself in any way that would intentionally interfere with any data upload from occurring. If an officer or police employee is found to have intentionally interfered with any upload, an internal affairs investigation shall be initiated.
 3. If a police vehicle is towed due to a collision or other mechanical problem, the shift supervisor shall direct that the vehicle is towed to headquarters for a sufficient amount of time to allow the upload/transfer of data to the server prior to being taken to any garage for repair. If the vehicle's electrical system is damaged, the operations captain or his/her designee will decide whether to immediately remove the hard drive/media or wait until the next working day.
 4. Officers engaged in undercover operations or surveillance activities are not required to utilize MVR.
- C. Every officer operating a departmental police vehicle equipped with an MVR shall carry and utilize the transmitter assigned to them. Officers are responsible for the proper care of the transmitter. The transmitter shall be worn on the front of an officer's duty belt, epaulet, or in an officer's shirt pocket, facing forward.
 1. In the event a transmitter is not synchronized to that vehicle, the officer shall properly synchronize the transmitter with the cradle installed within that vehicle, waiting for synchronization to be complete.
 2. The MVR transmitter includes a button located on the unit's face. This button will activate the record feature while away from the vehicle by depressing the button and releasing it.

3. This should be used if the officer is away from his/her vehicle and finds him/herself in a situation that would normally be recorded, or where audio recording will be of evidentiary value.
 4. This button can also act as a momentary mute button while depressed and held in the down position. This should only be used under certain circumstances, such as conferring with a supervisor or where the conversation/audio is completely irrelevant to the investigation.
- D. At the beginning of each shift, officers shall determine whether their MVR equipment is working satisfactorily. An audio/video check shall be conducted at the beginning and end of the officer's tour of duty. This will normally be done during the exterior check of the vehicle at the beginning of the officer's tour. In the event the officer needs to quickly depart headquarters for a call, this exterior check shall be completed at the completion of the call.
1. The unit shall be turned on at the beginning of the officer's tour of duty and shall not be turned off until the end of his/her tour of duty.
 2. Officers shall ensure the MVR is working properly by recording themselves in front of the vehicle with both video and audio.
 3. Officers shall log into the camera system using their name/badge#. Officers should log out at the end of the tour however this will automatically be done upon the log in of the following officer.
 4. All malfunctions and/or damaged or missing parts to the system shall be immediately reported to the shift supervisor and then documented on a repair slip unless specified differently by a supervisor. This shall be forwarded to the operations captain or designee. MVR equipment shall only be repaired or adjusted at the direction of the operations captain or designee(s).
 5. Vehicles with an inoperable or damaged MVR system will not result in the automatic non-use of the vehicle pending repair. The shift supervisor shall first determine if another MVR equipped vehicle is available. If another vehicle is available, the shift supervisor or designee should assign the officer to this other MVR equipped vehicle. If not, the vehicle with the non-operating MVR can still be used for patrol purposes.
 6. Officers are responsible for turning off and securing the wireless, rechargeable portable transmitter at the end of their tour. Any malfunctions or damage shall be reported immediately to the duty shift supervisor and then documented on a *Special Report*. The *Special Report* shall be forwarded to the operations captain or his/her designee.
- E. The following incidents shall be recorded on an MVR:
1. All traffic stops from the time the violation is observed until the stop is concluded, including sobriety testing.
 2. Stationary police details, such as DWI sobriety checkpoints, car/truck inspections, seatbelt use checkpoints, etc.; this shall apply during motorist contact.

3. All vehicle responses when using emergency lights and/or siren.
 4. Crash scenes, including interviews on the scene.
 5. Crime scenes.
 6. Motor vehicle pursuits.
 7. In-progress crimes or others deemed significant to the officer.
 8. In-progress domestic-related incidents.
 9. Motor vehicle assistance calls.
 10. Investigative detentions/field interviews.
 11. Strikes, picket lines, protests, demonstrations.
 12. All transports of arrestees, prisoners.
 13. Other passengers at the officer's discretion.
 14. 80+ MPH patrol speed (automatic).
 15. Crash activation - department vehicle involved MVA (automatic).
 16. All other situations that an officer's training and experience believes should be recorded or when instructed to do so by a supervisor.
- J. While it is recognized that not every event takes place in the field and that subjects may move off camera, officers are encouraged to position their patrol vehicle in the best position to allow the camera to record the pertinent event. If necessary, an officer can reposition a camera to capture the event when possible making sure to never rotate any camera more than 180 degrees. The camera shall be placed back into the original position as soon as practicable. Officer safety always comes first.
- F. To prevent allegations of arbitrary and capricious utilization of the system, the following procedural guidelines shall be followed:
1. Recordable incidents shall be video and audio recorded from beginning to end.
 - a. This procedure applies to primary as well as secondary/back-up units on these incidents.
 - b. Whenever the MVR is activated, officers shall ensure that the audio portion is also activated. Video recording may not completely document events as they occur. Therefore, officers are encouraged to provide narration as the events are occurring.

- c. Officers can manually activate the MVR by depressing the 'Record' button located in the police vehicle or on the switch located on the belt microphone transmitter. This feature permits a recording to be made without alerting the potential subject with emergency lights.
 - d. Once an MVR is activated, it must continue in the record mode until the completion of the incident or law enforcement action except for the circumstances described within this general order (see subsections II.F.2 and II.F.3 below).
 - e. When executing a motor vehicle stop, the officer should consider activating the auto-zoom feature to record the registration of the subject motor vehicle.
 - f. During any of the mandatory recordable incidents the MVR must be activated and left on until the investigation/detention is complete with the exception of circumstances specifically described within this general order.
 - g. In the event a CAD number is generated, it shall be documented on the recording upon completion of the recording event.
 - h. Officers are required to wear and use the wireless transmitter during recordable incidents (see subsection II.C, above).
2. Officers shall not deactivate the MVR when responding to calls for service with a multiple unit response. All units shall record the incident and shall follow the same guidelines in this section.
- a. If an MVR recording is ceased prior to the conclusion of an incident, the officer shall provide justification by recording the reason verbally on the system (e.g., "MVR will be turned off, at scene of down utility pole, MVR not needed") and document the reasons for such termination in the report of the incident. In instances not requiring an incident report, officers shall clearly document the reasons in the CAD record of the incident.
 - b. Only the assigned officer or his/her supervisor is authorized to manually turn off the recording system.
 - c. In some instances, officers might 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 and reason that the audio was deactivated must be documented in the report of the incident. In instances not requiring an incident report, officers shall clearly document the reasons in the CAD record of the incident.
 - d. At no time should the MVR be deactivated while an officer is interacting with a subject.

- e. Any officer found to have purposely deactivated the MVR (video or audio) without justification in violation of this general order shall be the subjected of an internal affairs investigation and potential discipline.
3. When transporting an arrestee, prisoner, or EDP, the rear seat camera shall be activated to record the rear compartment for the duration of the person's stay in the vehicle. Any non-custodial transport shall also be recorded.
4. Officers shall note in the narrative portion of any reports related to the incident, arrest, investigative detention, or motor vehicle stop the fact that audio/video recordings were made and also indicate the unit number of the police vehicle that was used. Under no circumstances shall officers simply refer to an MVR recording in an incident/supplemental report instead of detailing the facts and circumstances of their investigation/observations.
5. Officers may tag their digital files captured while the MVR recording is in progress. This function will allow officers to further document the type of incident that is being recorded for more efficient file retrieval and discovery. Bookmarks may also be placed within a recording to mark evidentiary points or points of interest for later review.

III. BODY WORN RECORDERS

- A. For purposes of this section regarding body worn recorders, the following terms are defined as they relate to BWR:
 1. Activate – means to actuate (put into operation) the recording mode/function of a BWR.
 2. Body worn audio/video recorder (BWR) – is an officer worn device that makes an electronic audio/video recording of activities that take place during any law enforcement action. The term does not include any form of electronic recording device worn by a law enforcement officer while acting in an undercover capacity nor does the term include an electronic recording device when used to comply with the requirements of Court Rule R. 3:17 (electronic recording of station house custodial interrogations).
 3. Constructive authority – involves the use of an officer's authority to exert control over a subject (see this department's general order on *Use of Force*), except that the term shall apply only to constructive authority directed against a person who is subject to an investigative detention or arrest (e.g., "...show me your hands," "...get out of the vehicle", etc.), or directed against any person if the officer has unholstered a firearm or CED (e.g., "...move out of the way", "...get down", etc.).
 4. Force – has the same meanings as defined in this department's general order on *Use of Force*.
 5. Investigation of a criminal offense – means any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, including but not limited to responding to a report of a possible criminal offense; an investigative detention based on or leading to

reasonable and articulable suspicion to believe that a criminal offense has been or is being committed; an arrest for a criminal offense; an interview of a potential witness to a criminal offense; or canvassing an area, neighborhood, or premises for potential witnesses to a criminal offense.

6. School – means an elementary or secondary school (i.e., middle school or high school), public or private.
 7. Tagging – is the electronic labeling of a video/audio file captured by a BWR.
 8. Youth facility – means a facility where children assemble under adult supervision for educational or recreational purposes, such as day-care centers, youth camps, etc.
- B. Officers will use only those BWRs approved and issued by the Chief of Police. Such BWRs shall not be capable of recording images or conversations that cannot be seen or heard by the officer wearing the device without the expressed approval of the Monmouth County Prosecutor or his/her designee. Wearing any personally owned video/audio recorder is not authorized without the expressed permission of the Chief of Police, the Monmouth County Prosecutor's Office, or the New Jersey Division of Criminal Justice. Violations will be subject to disciplinary action, up to and including termination.
- C. When not in use, BWRs shall be stored in the designated docking station. The docking station allows for the units to be charged and for the download of events to the secure storage units.
1. Supervisors shall document the issuance and return of each BWR on a form approved by the Chief of Police. The operations captain shall maintain these forms.
 2. BWRs will be rotated at shift change and will remain the responsibility of each assigned officer unless otherwise directed by a supervisor.
 3. BWRs are considered issued equipment until relinquished at the direction of a supervisor.
 4. Officers shall inspect their BWRs at the commencement and conclusion of each shift to guarantee both video and audio recording readiness of the system. The inspection shall include, but not be limited to:
 - a. Ensuring that the battery is fully charged,
 - b. Ensuring that the device has sufficient memory to complete their tour of duty; and
 - c. Ensuring the proper positioning of the BWR on their uniform.
 - d. Shall document the device number on the accountability form at the start of each shift

5. When conducting the pre and post shift inspection, the officer shall activate the BWR and verbally state the date, time, whether a pre or post-shift inspection is being conducted, and that a test is being performed on the unit. The results of the inspection, including any malfunctions or deficiencies, shall be noted on the appropriate agency report.
 6. Officers shall periodically, and no later than the end of each shift, download the contents of the unit by placing the unit in the designated docking station. Each file downloaded shall contain information related to the date, BWR identifier, and assigned officer. The recordings should be labeled to include not be limited to:
 - a. Incident #;
 - b. Type of incident (e.g., MV stop, crime scene, etc.);
 - c. CAD entry (if different from the incident #).
- D. Officers engaged in undercover operations or surveillance activities are not required to utilize BWR. BWR shall be used only in conjunction with official law enforcement duties. The BWR shall not be used to record:
1. Courtroom proceedings, unless responding to a call for service or incident;
 2. Communications with other police personnel without the advanced permission of the Chief of Police, internal affairs commander, the Monmouth County Prosecutor's Office or the New Jersey Division of Criminal Justice;
 3. Encounters with undercover officers or confidential informants;
 4. When on break or otherwise engaged in personal activities;
 5. When engaged in police union business;
 6. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room or break room; or
 7. When involved in counseling sessions, guidance sessions, personnel evaluation interviews, or other supervisor-subordinate interaction;
 8. Inside of schools, youth facilities, hospitals, medical facilities, or places of worship, unless directly related to an incident that warrants recording, see section II.C of this general order; or
 9. While discussing criminal investigation strategies;
 10. When engaged in conversations with individuals with whom the officer has a privileged relationship (e.g., spouse, attorney, minister, etc.).
- E. Officers shall activate the BWR to record:
1. All traffic stops from the time the violation is observed until the stop is concluded, including sobriety testing;

2. An officer is responding to a call for service and is at or near the location to which the officer has been dispatched;
 3. Stationary police details, such as DWI checkpoints, car/truck inspections, seatbelt use checkpoints, etc.;
 4. Major crime scenes;
 5. Motor vehicle pursuits;
 6. Interviews of witnesses when conducting investigations of criminal violations (not to include undercover investigations, related surveillance activities, or stationhouse recordings of custodial interrogations/interviews);
 7. Investigative detentions/field interviews;
 8. Searches (all types, including frisks);
 9. Arrests;
 10. Arrestee/prisoner transportation;
 11. When an officer uses constructive authority or force, or reasonably believes that constructive authority or force may be used in any encounter or situation not otherwise listed in this subsection based on specific and articulable facts warranting heightened caution (must be documented by narration on the recording and/or in any incident report);
 12. Domestic violence investigations;
 13. Special events or projects, including but not limited to crowd control, unruly crowds, or any incident requiring activation of the all hazards or emergency operations plan;
 14. Strikes, picket lines, demonstrations;
 15. Officer initiated pedestrian stops;
 16. The officer is conducting a motorist aid or community caretaking check
- F. Notwithstanding any other provision of this general order, when an officer equipped with a BWR is dispatched to or otherwise goes to the scene of an incident knowing or reasonably believing that police deadly force has been or is being employed, or to a scene where an officer has requested emergency assistance (e.g., an officer in distress, shots fired, etc.), the officer shall activate his/her BWR before arriving at the scene when feasible.
- G. Notwithstanding any other provision of this general order, an officer while at the scene of a police deadly-force event or the on-scene investigation of that event shall not deactivate his/her BWR unless instructed to do so by the assistant prosecutor supervising the investigation of the deadly force incident pursuant to *Attorney General Law Enforcement Directive 2006-5*. The assistant prosecutor or his/her designee supervising the investigation may provide such instruction telephonically.

- H. BWR shall remain activated for the entire duration of a citizen contact required in sections III.E above until either the officer or citizen have departed the scene and the officer has notified communications that the event is closed.
- I. Officers assigned as a school resource officer shall only activate the BWR during student encounters consistent with subsection III.E of this general order. The BWR shall not be activated or shall be deactivated upon being advised the incident involves:
 - 1. Student(s) meeting with the school counselors, student assistance counselor (SAC) or child study team (CST) members and the SRO or other police personnel are called in for assistance. (Due to the confidential status that must be maintained by state law);
 - 2. Conversations between the student, counselor, SAC or CST about any ongoing counseling services or follow-up after a crisis,
 - 3. The SRO being called in for information during intervention and referral service meetings;
 - 4. Conversations in regards to homeless, Division of Child Protection & Permanency, and educational stability students;
 - 5. A school counselor, SAC or CST member reporting a confidential incident to the SRO may request the BWR be deactivated.
- J. Officers assigned to the detective bureau or specialized units (CSD) shall wear a BWR as practicable when assigned as primary officer for incidents detailed in subsection III.E, or when assigned to traffic, security, or other details that requires wearing a Class A or B patrol uniform.
 - 1. Officers assigned to the detective bureau or specialized units (CSD) may utilize a BWR for the purpose of interviewing individuals as part of a criminal investigation.
 - 2. Officers assigned to the detective bureau or specialized units (CSD) assisting in the service of a warrant, and with markings clearly identifying themselves as police officers shall wear a BWR and activate the BWR prior to the service of the warrant, but not during circumstances prior to or during the warrant service that may be confidential in nature.
- K. When a BWR is activated to transport an arrestee/prisoner, it shall remain activated at all times while the BWR-equipped officer is in the presence of the arrestee and until the arrestee is secured in the processing room or a cell, or until custody of the arrestee has been transferred to county jail personnel, or until the arrestee is with hospital/medical/mental health personnel and the officer is no longer in the presence of the arrestee.
- L. When wearing a BWR, officers shall notify crime victims and civilians inside of their homes or place of abode (e.g., hotel/motel rooms, boarding houses, etc.) that they are being recorded unless it is unsafe or unfeasible to provide such notification.

1. If the officer decides not to provide notification of BWR activation because it is unsafe or unfeasible to do so, the officer shall document the reasons for that decision in the incident/supplemental report of the incident and/or by narrating the reasons on the BWR recording.
 2. The failure to verbally notify a person pursuant to this section shall not affect the admissibility of any statement or evidence.
 3. If an officer fails to activate the BWR, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable incident report why a recording was not made, was interrupted, or was terminated.
- M. If a civilian inquires of an officer whether the officer is equipped with a BWR, or inquires whether the device is activated, the officer shall answer truthfully unless the Monmouth County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, has expressly authorized the officer to make a covert electronic recording.
1. Officers may deactivate a BWR when a civilian conversing with the officer requests that the device be turned off under circumstances where it reasonably appears that the person will not provide information or otherwise cooperate with the officer unless that request is respected (e.g., prior to providing such information, the person indicates that he/she will only provide such information if it were not recorded; provided however, that the agreement to participate under that condition is itself recorded).
 - a. Officers shall not suggest to the person that the BWR should be deactivated; nor shall the officer ask the person whether he or she would prefer that the BWR be deactivated. Rather, the request for deactivation must be self-initiated by the civilian. The officer may explain the consequences of deactivation (e.g., evidence relevant to a criminal investigation will not be recorded).
 - b. In deciding whether to deactivate the BWR, the officer shall consider the privacy and safety interests of the person requesting deactivation, whether the encounter is occurring in the person's residence, and the need for the information or assistance that the person will provide is important to the investigation, yet is not critical to require recording.
 2. Officers may deactivate a BWR when a person, other than an arrestee, is seeking emergency medical services for him or herself or another and requests that the BWR be deactivated. In deciding whether to de-activate the BWR, the officer shall consider the privacy interests of the person requesting deactivation and the person in need of medical assistance (e.g., a victim of an assault during a fight does not want to be recorded, etc.)
 3. When an officer deactivates a BWR:
 - a. The conversation between the officer and the civilian concerning the request for deactivation shall be electronically recorded;

- b. The officer before deactivating the BWR shall narrate the circumstances of the deactivation (e.g. "*...I am now turning off my BWR as per the victim's request.*" State the time);
 - c. The officer shall report the circumstances concerning the deactivation to the shift supervisor as soon as is practicable; and
 - d. The officer shall document the circumstances of the deactivation in the incident report concerning the incident under investigation, including the time of activation and/or deactivation.
- 4. If an officer declines a request to deactivate a BWR, the reasons for declining the request (e.g., the officer believes that there is a reasonable possibility that it may be necessary to use constructive authority or force during the encounter) must be memorialized on the recording and documented and shall be reported to the shift supervisor as soon as it is safe and practicable to do so.
 - a. In the event that the officer declines a deactivation request, the officer immediately shall inform the person making the request of that decision.
 - b. Officers are prohibited from misleading the person making the deactivation request into believing that the BWR has been turned off when in fact it is operating unless the Monmouth County Prosecutor or his/her designee or the Director of the Division of Criminal Justice or his/her designee expressly has authorized covert recording.
- 5. In any instance where a BWR was deactivated, the device shall be reactivated as soon as it is safe and practicable to do so if and when the circumstances justifying deactivation no longer exist (e.g., the interview of the person requesting deactivation is completed, etc.) and the officer would otherwise be required to activate the BWR.
- N. Officers can deactivate a BWR when specifically authorized to do so by an assistant prosecutor for good and sufficient cause as determined by the assistant prosecutor. When an officer deactivates a BWR pursuant to this section, the officer shall narrate the circumstances of the deactivation indicating the assistant prosecutor who authorized the deactivation (e.g., "*...I am now turning off my BWR as per the instruction of assistant prosecutor (insert name).*").
- O. Officers should deactivate a BWR while participating in a discussion pertaining to criminal investigation strategy and planning (e.g., to consider what investigative techniques to pursue, such as what questions to pose to a suspect or witness, whether to summon a drug/explosives detection canine, whether to apply for a search warrant, whether to request permission to conduct a consent search, or to conduct another type of warrantless search, etc.), provided that the strategy/planning discussion is not conducted in the immediate presence of a civilian and further provided that the BWR-equipped officer is not actively engaged in the collection of physical evidence (i.e., conducting a search). When an officer deactivates a BWR pursuant to this section, the officer shall narrate the circumstances of the deactivation (e.g., "*...I am now turning off my BWR to discuss investigative strategy with my supervisor.*").

- P. If an officer is required to deactivate the BWR when entering a school, house of worship, health care facility, substance abuse treatment center, etc., the officer shall narrate the reason for deactivation (e.g., "*...I am entering a school building where children are present.*" State the time). The BWR shall be reactivated as soon as it is safe and practicable to do so if and when the circumstances requiring deactivation no longer exist (e.g., the officer is conversing with an adult as part of a criminal investigation while in a place within the school where children would not be in view of the BWR). School resource officers should not activate their BWR unless involved in any incident listed in section III.A of this SOP.
- Q. In the event that a BWR captures the image of a patient in a substance abuse treatment facility, the Chief of Police or his/her designee shall notify the Monmouth County Prosecutor or his/her designee to ensure compliance with all applicable federal laws and regulations providing for the confidentiality of substance abuse treatment information (42 USC § 290dd-2, 42 CFR §23.1 to 23.41). The recording shall not be accessed without the permission of the Monmouth County Prosecutor or his/her designee. (Note that destruction of the recording would be inappropriate until it has been determined that it had not captured exculpatory information that must be provided to a defendant in discovery.)
- R. Officers shall not activate a BWR, and shall deactivate a BWR that has been activated, if the officer knows or reasonably believes that the BWR would capture the image of an undercover officer or confidential informant or otherwise would pose a risk to the safety of an undercover officer or confidential informant, unless such activation is expressly authorized by a supervisor, or unless the exigency of the situation and danger posed to an officer (e.g., active shooter, actual use of police force, officer in distress, etc.) require that the encounter/incident be recorded, in which event the officer shall inform the shift supervisor that the image of an undercover officer or confidential informant was recorded. The BWR shall be activated/reactivated as soon as it is safe and practicable to do so if and when the risk of capturing the image of an undercover officer or confidential informant no longer exists.
- S. In the event that a BWR worn during the execution of tactical operations (e.g., MOCERT operations, execution of arrest and/or search warrant, etc.) records confidential tactical information the disclosure of which might jeopardize future operations or officer safety (e.g., verbal codes or hand signals used to communicate information or instructions, techniques for interior movements and clearing rooms, techniques to convince persons to open doors, etc.), the recording shall be tagged accordingly to prevent its unauthorized release.
- T. BWR shall be deactivated or removed while in the ALCOTEST area when the ALCOTEST device is being used. Nothing herein shall be construed to preclude the use of a BWR to record the behavior of a person arrested for driving while intoxicated other than while the person is in the ALCOTEST area while the ALCOTEST device is being operated. If this provision requires deactivation of a BWR, the officer shall narrate the reasons for deactivation (e.g., "*...I am deactivating the BWR because the suspect is about to take a breath test*"), and the BWR shall be reactivated when safe and practicable to do so following the completion of the breath testing operation.

- U. Officers shall not activate a BWR while in a courtroom during court proceedings, unless the officer is responding to a call for service or is authorized to use constructive force or authority, or unless the presiding judge expressly authorizes such activation.
- V. When a BWR is activated, officers shall state the time and are encouraged to provide narration where practical and appropriate in an effort to augment the value of the recording and to provide clarity for the viewer. Likewise, immediately prior to BWR deactivation, officers shall state the time.
- W. Non-law enforcement personnel shall not be allowed to review the recordings at the scene of contact. Officer complaints shall be handled in accordance with the policies set forth in this department's general order on *Internal Affairs*. All other requests to view and/or obtain footage by the public shall be handled in accordance with section V of this general order.
- X. If an officer fails to activate the BWR, fails to record the entire event contact, or interrupts the recording, the officer shall document in the applicable incident report why a recording was not made, was interrupted, or was terminated.
- Y. Officers shall document the BWR number in the remarks section of the appropriate incident report when the device is used to capture the incident. Under no circumstances shall officers simply refer to an BWR recording in an incident/supplemental report instead of detailing the facts and circumstances of their investigation/observations
- Z. To identify BWR recordings that may raise special privacy or safety issues, officers shall appropriately label (tag) recordings that:
 - 1. Captures the image of a victim of a criminal offense;
 - 2. Captures the image of a child;
 - 3. Were made in a residential premises (e.g., a home, apartment, college dormitory room, hotel/motel room, etc.), a school or youth facility, a healthcare facility or medical office, a substance abuse or mental health treatment facility, or a place of worship;
 - 4. Captures a conversation with a person whose request to deactivate the BWR was declined;
 - 5. Captures a special operations event or execution of an arrest and/or search warrant where confidential tactical information may have been recorded;
 - 6. Captures the image of an undercover officer or confidential informant; or
 - 7. Captures the screen of a law enforcement computer monitor that is displaying confidential personal or law enforcement sensitive information.

IV. SUPERVISORY RESPONSIBILITY

- A. Supervisors shall:

1. Ensure that all officers follow procedures for proper use of MVR/BWR as outlined in this general order;
 2. Ensure that MVR/BWR equipment is being fully and properly used;
 3. Identify material or incidents that may be appropriate for training;
 4. Document requests for repairs, maintenance or replacement for non-functioning MVR/BWR equipment;
 5. Randomly review recordings to assist in appraising performance and objectives;
 6. Ensure that MVR/BWR digital video procedures are followed.
- B. Supervisors shall encourage and assist officers in using MVR/BWR as a training aid.
- C. Each patrol sergeant shall randomly review a minimum of four (4) incidents each calendar month to include vehicle stops, investigative detentions and other incidents of interest. The review can be conducted on the in-vehicle monitor with the officer present; however the sergeant may review video already logged into records or the digital systems at their discretion.
1. If upon review of the video, there is a supervisory, training, operational and/or any other issue that needs to be addressed, the supervisor shall verify and immediately address the issue.
 2. All supervisory reviews and actions shall be documented in Guardian Tracking.
 3. Sergeants must insure that all officers assigned to them are reviewed periodically. Sergeants may conduct additional reviews at their discretion for follow up purposes.
- D. Patrol lieutenants shall review the Guardian Tracking incidents created by the sergeant to ensure compliance with supervisory review listed above. Patrol lieutenants will then direct and oversee the appropriate and timely resolution of any issues that need further attention.
- E. It is recognized that regular use of the '*Record After The Fact*' feature of an MVR can be detrimental to employee performance, but is also a tool that can be used to evaluate and review employee performance. The '*Record After The Fact*' feature of an MVR shall not be utilized as routine practice.
1. Except in cases of emergent or exigent circumstances, the supervisor seeking to utilize the '*Record After The Fact*' feature must forward a confidential memo to the appropriate division commander detailing the reason(s) why the '*Record After The Fact*' feature is being requested.
 2. The appropriate division commander shall approve or deny the request. If approved, the division commander shall notify the Internal Affairs Unit of the approved request for the '*Record After The Fact*' feature.

3. An internal affairs officer shall utilize the '*Record After The Fact*' feature and review the recording. The internal affairs officer shall then provide the appropriate division commander with a report regarding his/her findings.

V. RECORDS RETENTION AND REVIEW

- A. MVR files are automatically uploaded to the system server while in the immediate vicinity of headquarters. No officer should conduct him/herself in any way that would intentionally interfere with this upload from occurring.
- B. All recording media, images, and audio will be stored on the secure agency server or other designated storage device(s). The contents (images and audio) of all MVR/BWR are the intellectual property of the Howell Township Police Department and will not be copied, released or disseminated in any form or manner outside the parameters of this general order without the expressed written consent of the Chief of Police.
- C. No law enforcement officer or civilian employee of this department shall access, view, copy, disseminate, or otherwise use an MVR/BWR recording except for an official purpose. Access to and use of a stored BWR recording is permitted only:
 1. When relevant to and in furtherance of a criminal investigation or prosecution;
 2. When relevant to and in furtherance of an internal affairs investigation;
 3. When relevant to and in furtherance of a management review process to identify circumstances indicating possible police misconduct or to determine the existence of a pattern or practice of possible misconduct;
 4. Except in officer involved deadly force incidents, to assist the officer whose BWR made the recording in preparing his or her own police report (see subsection V.N.3 of this general order);
 5. When relevant to a supervisor's review of an officer's actions as part of the supervisory process authorized by the agency;
 6. To show to a civilian who intends to file a complaint against an officer to demonstrate what actually occurred during the encounter so that the person can make an informed decision whether to file the complaint;
 7. To comply with the state's discovery obligations in prosecutions pursuant to the Rules of Court;
 - a. Such request must be specific and on the proper instrument, i.e., subpoena, discovery request, etc.
 - b. Only those portions of the recording pertinent to the request shall be forwarded.
 - c. The Howell Township Police Department reserves the right to redact video as applicable by law.

- d. All requests for copies or review of BWR recordings are subject to the fee requirements of the prevailing ordinance.
 - 8. To comply with any other legal obligation to turn over the recording to a person or entity;
 - 9. For training purposes, provided that the recording is edited so that the identity of individuals depicted in the recording cannot be determined by persons viewing the training video unless the depicted individuals have consented to the recording being used for training purposes;
 - 10. To show or disseminate the recording to a civilian or a non-law enforcement entity or to disseminate it to the public, where the Monmouth County Prosecutor or his/her designee, or Director of the Division of Criminal Justice or his/her designee, determines that disclosure to that particular person entity or the public is warranted because the person's/entity's/public's need for access outweighs the law enforcement interest in maintaining confidentiality;
 - 11. To conduct an audit to ensure compliance with this general order;
 - 12. To enhance officer and public safety by providing intelligence information in preparation for a raid/warrant execution (e.g., by providing information about the layout of a premises to be searched), when such use is approved by the Monmouth County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee; or
 - 13. Any other specified official purpose where the Monmouth County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee, finds in writing that good and sufficient cause exists to authorize access to a particular BWR recording
- 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. Under no circumstances will any member of the Howell Township Police Department make or permit to be made a personal copy of any recorded event without the expressed permission of the Chief of Police.
- F. Officers who capture evidence or critical incidents shall bring it to the attention of the shift supervisor. The shift supervisor shall then make arrangements to flag the incident as needed and ensure the evidence is preserved.
- G. Except in officer involved deadly force incidents, officers are permitted to conduct a review of the contents of a MVR/BWR to ensure accurate reporting and to assist in articulation of probable cause prior to downloading the events to the digital storage site.
- H. Except in officer involved deadly force incidents, if an officer is giving a formal statement about the use of force or if the officer is the subject of a disciplinary investigation, the officer shall:

1. Have the option of reviewing the recordings in the presence of the officer's attorney or labor representative; and
 2. Have the right to review recordings from other MVR/BWRs capturing the officer's image or voice during the underlying incident.
 3. Only the Monmouth County Prosecutor's Office or the New Jersey Division of Criminal Justice can permit an officer to review recordings of officer involved deadly force incidents, see subsection V.N.3 of this general order.
- I. No department personnel shall copy, record, or share any MVR/BWR recordings outside the agency except as permitted by this general order without approval from the Chief of Police.
- J. Recordings are considered investigatory records of this police department and shall be maintained and disposed of in accordance with New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules.
1. Contents downloaded from an MVR/BWR will be stored on the secure agency server or other designated storage device(s).
 2. Except for recordings being stored for criminal, civil administrative proceedings, or evidentiary purposes, recordings shall be retained for a period of 90 days.
 3. Recordings that are being stored for criminal, civil, or administrative purposes are to be processed and submitted as evidence or maintained with the appropriate case file.
 4. Recordings being stored for criminal, civil, or administrative purposes must be maintained until the conclusion of the case plus any retention period. Recordings maintained for these purposes can only be erased or destroyed in accordance with New Jersey Division of Revenue and Enterprise Services, Bureau of Records Management (BRM) records retention schedules. Examples of retention periods include, but are not limited to:
 - a. Any death investigation (at least 7 years);
 - b. Criminal arrest - 1st, 2nd, 3rd, 4th degree crime (at least 5 years following adjudication of the case);
 - c. Non-criminal arrest, excluding DWI (at least 2 years following adjudication of the case);
 - d. DWI arrest (at least 10 years following adjudication of the case);
 - e. Use of force incidents (at least 2 years);
 - f. Internal affairs investigations (6 years after separation from employment or following any discipline or appeal, whichever is later).

5. The evidence officer will be responsible for the retrieval, storage, and dissemination of MVR/BWR data.
6. When an MVR/BWR records an arrest that did not result in an ongoing prosecution, or records the use of police 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 (currently two years).
7. When an MVR/BWR records an incident that is the subject of an administrative internal affairs complaint, the recording shall be kept pending final resolution of the internal affairs investigation and any resulting administrative action.

K. Open public records requests:

1. Body worn camera recordings – The records custodian or his/her designee shall notify the Monmouth County Prosecutor's Office OPRA records custodian within one business day upon receiving any subpoena, court order or OPRA request for a BWR recording before complying with it.
 - a. The records custodian or his/her designee shall utilize a *Monmouth County Prosecutor's Office Body Worn Camera OPRA Notification Form* and emailing the form to opra@mcponj.org.
 - b. The form must contain the date the request was received, the deadline by which a response must be made, whether the agency intends to release or deny the request, and the justification for that decision.
 - c. Provide the type of police action or activity depicted in the recording, including but not limited to, whether the officer was involved in an investigative detention, an arrest, an interrogation of a suspect, a witness interview, a search, a protective frisk for weapons, or was using constructive or actual force.
 - d. Indicate whether the recording is part of an ongoing criminal or internal affairs investigation or whether release of the recording potentially infringes upon a victim and/or juvenile privacy rights.
 - e. The records custodian or his/her designee will receive an email acknowledgement. If no further communication is received within 72 hours, the record custodian or his/her designee should respond to the request as deemed appropriate.
2. Mobile video recordings:
 - a. In accordance with *New Jersey Attorney General Directive 2018-1*, the Monmouth County Prosecutor's Office must authorize the release of any video/audio recordings (e.g., MVR, surveillance, etc.) in the agency's possession resulting from a police-involved use of force incident involving death or serious bodily injury.

- b. The Monmouth County Prosecutor's Office will determine on a case-by-case basis whether and when such recordings will be made publicly available.
 - c. The Chief of Police or his/her designee shall promptly notify the Monmouth County Prosecutor's Office upon receiving such a request and provide the name and contact information of the requestor.
 - d. In other criminal matters, the Chief of Police or his/her designee shall contact an assistant prosecutor for guidance when receiving an OPRA request for MVR recordings for matters under the jurisdiction of the MCPO.
 - e. In other than in criminal matters, the Chief of Police or his/her designee shall contact the township attorney for guidance when receiving an OPRA request for MVR recordings.
- L. MVR/BWR recordings shall be provided in discovery to defendants and their attorneys, in accordance with *R. 3:13-3*, *R. 7:4.2*, and *R. 7:7-7*.
 - 1. Such request must be specific and on the proper instrument, i.e., subpoena, discovery request, etc. Only those portions of the recording pertinent to the request shall be forwarded.
 - 2. All requests for copies or review of MVR/BWR recordings are subject to the fee requirements of the prevailing municipal ordinance.
 - 3. Only an assistant prosecutor can release MVR recordings for discovery in a criminal matter under the jurisdiction of the MCPO.
 - 4. Requests for copies of the entire contents of an MVR/BWR recording shall only be provided upon issuance of an order by a superior court judge.
 - 5. 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 designee and only if a duplicate copy is retained by the department.
 - a. Duplicate copies shall be maintained as evidence in accordance with this department's property and evidence guidelines.
 - b. The property/evidence officer shall ensure that any media used for duplicate recordings is properly stored away from magnetic fields (speakers, etc.) or other areas that may facilitate corruption in the property room.
- M. All requests by the media or general public to view video/hear audio related to a crime must be referred to the Monmouth County Prosecutor's Office.
- N. A BWR recording of an event or encounter that involves an investigation of a criminal offense shall not be shared with or provided or shown to any person, entity, or government agency, other than a law enforcement agency or officer or authorized civilian employee of such agency, unless such disclosure is required by

the Rules of Court governing discovery in prosecutions, or by a court order, or unless the Chief of Police in consultation with the Monmouth County Prosecutor or his/her designee determines that the person's/entity's/non-law enforcement agency's/public's need for access outweighs the law enforcement interest in maintaining confidentiality.

1. If disclosure of a BWR recording as part of the state's discovery obligations in a prosecution might present a danger to any officer or civilian (e.g., reveal an undercover officer, confidential informant, surveillance site, etc.), or might reveal confidential tactical information the disclosure of which might jeopardize future operations or officer safety, the Monmouth County Prosecutor or his/her designee shall, in the exercise of sound prosecutorial discretion, take such steps as are appropriate and authorized by law and/or court rule to protect the information from disclosure, such as by seeking a protective order from the court.
 2. A BWR recording tagged pursuant to section III.Z of this SOP shall not be accessed, viewed, copied, disseminated, or otherwise used without first obtaining the permission of the Monmouth County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee. The Monmouth County Prosecutor or his/her designee, or the Director of the Division of Criminal Justice or his/her designee may authorize the Chief of Police and one or more supervisory officers to grant permission pursuant to this section to access, view, copy, disseminate, or otherwise use BWR recordings tagged pursuant to section III.Z.
 3. The assistant prosecutor overseeing a police use of force investigation pursuant to Attorney General Law Enforcement Directive 2006-5, or his or her designee, may in the exercise of sound discretion authorize a civilian or law enforcement witness to be given access to or view a BWR recording of the incident under investigation. To ensure the integrity of investigations of police-involved shootings and other use of force incidents and to avoid possible contamination of a witness's personal recollection of events that could undermine his or her credibility as a witness, notwithstanding any other provision of this general order, no civilian or law enforcement witness, (including the principals) of the investigation, shall be given access to or view a BWR recording of the incident, or a BWR recording of the response or on-scene investigation of the incident, without the expressed prior approval of the assistant prosecutor, assistant or deputy attorney general, or designee.
- O. The records custodian or his/her designee shall maintain a record of all BWR recordings that are accessed, viewed, copied, disseminated, or deleted. The Chief of Police shall cause a periodic audit of these records to ensure compliance with this general order. Minimally, the record keeping system shall document the following information:
1. The date and time of access;
 2. The specific recording(s) that was/were accessed;
 3. The officer or civilian employee who accessed the stored recording;
 4. The person who approved access, where applicable; and

5. The reason(s) for access, specifying the purpose or purposes for access and specifying the relevant case/investigation number, where applicable.
- P. The Chief of Police or his/her designee may conduct random reviews of MVR/BWR recordings to assess the training needs of the department and to ensure compliance with current safety procedures.

V. CONTROL AND MANAGEMENT

- A. MVR and BWR recordings containing information that may be of value for case prosecution or in any criminal or civil adversarial proceeding shall be safeguarded as other forms of evidence. As such:
1. The secure agency server or other designated storage device shall be designated as the authorized storage location of all MVR/BWR recordings.
 2. MVR/BWR software shall be designated as the activity tracking software for all MVR/BWR recordings.
 3. All MVR/BWR recordings covered in this general order shall be maintained on the agency server until such time they are authorized for destruction by statute, rule, or other directive governing the record.
 4. Video recordings shall not be released to any person without proper written approval. MVR/BWR recordings authorized for release shall be copied to portable media and shall be subject to the same security restrictions and chain of evidence safeguards and documentation in accordance with the agency's evidence general order.
 5. MVR/BWR recordings will not be released to any person or agency without having a duplicate copy made and entered into secure storage.
- B. All recordings are maintained within the BWR system in the BWR's software and are authenticated by an internal audit program with the BWR system. The MVR/BWR system administrator shall have access to delete video/audio segments.
- C. Officers shall inform their supervisor of any recordings that may be of value for training purposes. Recordings from MVR/BWR may be shown for training purposes upon completion of a criminal case. All such use shall be pursuant to the written authority of the Chief of Police. Officers shall be provided with at least 30 days notice if recordings intended for use for training purposes were either made by them or captured their image or voice.
1. Officers are entitled to review recordings depicting their own activity to evaluate their own performance.
 2. Requests to view MVR/BWR recordings of other officers or events shall be made in writing and forwarded to the operations captain or designee, through the established chain-of-command. The request must articulate the reason for the review.

3. Except in officer involved deadly force incidents, officers may review their own MVR/BWR recordings in headquarters by logging into the system. They can review, classify, reclassify or bookmark their video recordings as well as assign case numbers.

HOWELL POLICE DEPARTMENT GENERAL ORDER			
VOLUME: 3	CHAPTER: 6	# OF PAGES: 36	
SUBJECT: ARREST AND TRANSPORTATION			
EFFECTIVE DATE: September 11, 2018	ACCREDITATION STANDARDS: 3.1.2, 5.1.1, 5.1.2	SUPERSEDES ORDER #: V3C6 (Dated 01/09/2014) V3C6 (Dated 06/22/2017) V3C6 (Dated 01/03/2018)	
BY THE ORDER OF: Chief Andrew A. Kudrick, Jr.			

PURPOSE: The purpose of this general order is to provide basic guidance to personnel and to codify standardized procedures regarding arrests and subsequent transportation.

POLICY: It is the policy of the Howell Police Department to be in compliance with all statutes, contemporary criminal procedure, Attorney General and Prosecutor Directives and Guidelines when arresting and subsequently transporting any person in order to protect an arrestee's or detainee's rights and to minimize risk to police personnel.

PROCEDURES:

I. DEFINITIONS

- A. Arrest is defined as a substantial physical interference with the liberty of a person, resulting in apprehension and custodial detention. It is generally used for the purpose of preventing a person from committing a criminal offense, or calling upon a person to answer or account for an alleged completed crime or offense.
1. An actual arrest occurs when a law enforcement officer intentionally employs physical touching of a person and delivers a formal communication of a present intention to arrest.
 2. A constructive arrest occurs without an intentional use of physical contact and without a formal statement indicating an intention to take a person into custody. The courts generally consider whether there has been a submission to the assertion of authority.
- B. Fresh pursuit (hot pursuit) is defined by N.J.S.A. 2A: 156-2 as not necessarily implying immediate or instant pursuit, but pursuit without unreasonable delay.
- C. Presence sums up the requirement that officers knew of the event by the use of any of their senses. A defendant's admission brings the offense within the presence of the officer.
- D. Probable cause refers to facts or evidence that would make a reasonable person believe that a crime or wrongdoing has been, is being, or will be committed.
1. Vague hunches or suspicions are not enough.
 2. The belief must be supported by the facts.
 3. Experience as a police officer is a fact, which can be relied upon to support probable cause, provided it is documented.
 4. The facts upon which the belief of guilt is based must have been known at the time of arrest.
 5. Post-arrest actions by the accused are irrelevant to the lawfulness of the initial arrest.
 6. It is not necessary to believe beyond a reasonable doubt that a person committed an offense in order to arrest.
 7. There is no limit to the types of information that can be used to support probable cause, provided such information is not vague and can be documented. Among the types of information the officer can rely upon:
 - a. Observed facts surrounding the incident (behavior, appearance and location of subject; subject's height and weight).
 - b. Familiarity with the subject(s)' prior record, prior observation of subject and earlier contacts with subject.

- c. Reports from others (accounts given by victims or witnesses; reliable informants).
 - 1) Reports from citizen informants are differentiated from anonymous informants in that the citizen reports the information face-to-face with the officer. The citizen may be known to the police, but merely not identified. Citizen informants are considered more reliable than an anonymous informant (such as an untraceable telephone call.)
 - 2) Information received from anonymous sources is generally not sufficient cause to restrict a person's liberty without some corroboration of illegal activity. One exception is DWI where the Courts have ruled that a 9-1-1 call reporting an ongoing DWI vehicle can be treated in the same manner as the citizen informant.
- d. Each of these sources of information can lead to a determination of probable cause, but some require corroboration by other facts if they are to be given weight.

E. Ontario Domestic Assault Risk Assessment (ODARA) is a tool that predicts how likely an abusive partner is to assault again. No clinical expertise is required to administer an ODARA assessment. Officers can obtain the necessary information for scoring the ODARA's 13 items during an interview with a victim, a review of the defendant's criminal history, and related records (e.g., prior investigations, CAD records, etc.).

- 1. Related definitions include:
 - a. Defendant: the person being assessed.
 - b. Index assault: the most recent incident in which the defendant assaulted his/her current or former partner. Assault is any act of violence that involved physical contact with the index victim or a credible threat of death made with a weapon displayed in the presence of the victim.
 - c. Partner: a person who currently is, or previously was, involved with the defendant in an intimate relationship. This includes current or former spouses, current or former intimate cohabitants, co-parents, and those currently or formerly in a dating relationship.
 - d. Victim: the person upon whom the index assault was committed.
- 2. Instances of domestic violence that do not involve physical violence or threat of death with a weapon should not be assessed under ODARA.
- 3. Officers shall complete the ODARA in those cases of domestic violence in which the following crimes/offenses are charges and the victim is a partner, as defined above:
 - a. Homicide (N.J.S.A. 2C: 11-1);

- b. Simple assault with contact or a weapon (N.J.S.A. 2C: 12-1a);
 - c. Aggravated assault (N.J.S.A. 2C: 12-1b);
 - d. Terroristic threats with contact or with a weapon (N.J.S.A. 2C: 12-3);
 - e. Kidnapping (N.J.S.A. 2C: 13-1);
 - f. False imprisonment with contact or with a weapon (N.J.S.A. 2C: 13-3);
 - g. Sexual assault (N.J.S.A. 2C: 14-2);
 - h. Criminal sexual contact (N.J.S.A. 2C: 14-3);
 - i. Robbery (N.J.S.A. 2C: 15-1);
 - j. Burglary, 2nd degree with contact or with a weapon (N.J.S.A. 2C: 18-2);
 - k. Any other crime involving risk of death or serious bodily injury (N.J.S.A. 2C: 25-19a(18)).
- F. Statewide Veterans Diversion Program is established under N.J.S.A. 2C: 43-23 et seq. and establishes a process to divert eligible service members away from the criminal justice system and toward appropriate case management and mental health services as early as possible following an interaction with law enforcement in which the service member is alleged to have committed an eligible offense.

II. GENERAL PROVISIONS

- A. Unless impracticable, officers should identify themselves to the person(s) being arrested and indicate the crime or offense. The arrestee should be informed of the warrant and the charges.
- B. Officers shall only use that amount of force necessary to safely affect the arrest.
- C. Consular notification for non-US citizens is addressed in V3C25. Additionally, in order to comply with **AG Directive 2007-3**:
 - 1. When making an arrest for any indictable crime or for DWI, the arresting officer shall inquire about the arrestee's citizenship, nationality and immigration status.
 - 2. If the officer has reason to believe that the person may not be lawfully present in the United States:
 - a. The officer shall cause notification to the Immigration and Customs Enforcement (ICE) Law Enforcement Support Center via NLETS with an Immigration Alien Inquiry (IAQ) message key. ICE will generate an Immigrant Alien Response (IAR).

- b. If an indictable offense has been committed, notify the Monmouth County Prosecutor's Office. Copies of any NLETS IAQ, IAR, or fax shall also be forwarded.
 - c. If a DWI has been committed, the municipal court administrator shall likewise be notified.
 - d. The arresting officer shall ensure that the assistant prosecutor is advised that the person arrested is believed not to be in the United States lawfully when they are seeking a complaint-warrant.
 - e. The original NLETS documentation or fax will be forwarded to the Records Bureau with the other reports made necessary by the arrest.
- 3. No employee of this department shall consider a person's race or ethnicity as a factor in drawing an inference or conclusion that the person may be an undocumented immigrant.
 - 4. When warranted, the arresting officer may contact the **ICE Law Enforcement Support Center (LESC)** at 1-866-347-2423 for assistance. LESC operates 24 hours a day, 365 days a year, to supply real-time assistance to officers who are investigating or have arrested foreign-born individuals involved in or suspect of criminal activity.
 - 5. If ICE issues a detainer, the person is to be held for a period not to exceed 48 hours (excluding Saturdays, Sundays, and holidays). If ICE does not claim the person within the designated 48 hours, the person is to be released. Forward any such detainer to the Monmouth County Jail, when appropriate.
- D. Diplomatic and consular immunity is addressed in General Order V3C24.

III. ARREST WITH A WARRANT

- A. An arrest warrant has the purpose of interposing a probable cause determination by a neutral and detached judge between the law enforcement officer and the person to be arrested. Warrants include bench warrants, CDR warrants, ACS, ATS, and any other criminal process issued by a court.
- B. All pre-planned arrest warrants shall be de-conflicted in accordance with *New Jersey Attorney General Directive 2016-1*. Deconfliction is not required for warrant arrests that occur spontaneously.
- C. Sworn police officers have the right to execute a warrant by arresting defendants at their homes or at any public place within the State.
- D. A search warrant, consent, or an exigent circumstance is required to affect a warrant arrest in a third party's dwelling.
- E. Only in rare circumstances involving extremely serious offenses and exigent circumstances can an officer enter a residence to make a warrant arrest, without knocking and announcing his/her presence. These circumstances include:

1. There is reason to believe that the knock and announcement would cause danger to the officer;
 2. There is reason to believe that the suspect would attempt to escape;
 3. There is reason to believe that the suspect would try to destroy evidence;
 4. If it is necessary to prevent the commission of a crime.
- F. A forcible entry or subterfuge may be used to gain entry, when warranted, where it is refused.
- G. When executing an arrest warrant outside of Howell, officers should provide prior notice to the law enforcement agency in that jurisdiction prior to execution except under exigent circumstances where prior notice is impracticable.
- H. To execute arrest warrants out of the State of New Jersey, contact the Monmouth County Prosecutor's Office, Extradition Unit.
- I. Unless impracticable, pre-planned warrant arrests shall be conducted by a minimum of two officers. More officers or tactical resources can be used depending upon the circumstances and anticipated flight risk.
- J. Officers shall not execute an arrest warrant without first confirming or taking reasonable measures to confirm the validity of the warrant.
1. The warrant should be verified and confirmed through ACS, ATS, and/or NCIC.
 - a. Verify the identity of the person to be arrested
 - b. Understand the scope of the warrant so as not to exceed any limitations set by the warrant
 2. Warrants issued by the judge of the Howell Municipal Court that are not listed in the ACS/ATS system are to be confirmed with the court administrator prior to any action being taken.
 3. Warrants issued by a judge of any other court, not listed in the ACS/ATS system, are to be confirmed with the issuing authority prior to any action being taken.
 4. Members of this department should not assist an outside law enforcement agency with the execution of a warrant until such time as it has been confirmed that the warrant is valid.
 5. An NCIC hit is not probable cause to make an arrest. A confirmation request shall be sent to the agency that entered the person. A positive response by that agency will serve as confirmation of the warrant as per Part 7 of the *National Crime Information Center Operating Manual*.
 6. A printed copy of the request and response shall be included in the report of the incident.

- K. Requests from other jurisdictions to serve/execute their warrant(s) should be referred to the shift supervisor.
- L. When serving a special request arrest warrant from another jurisdiction, record the warrant number, jurisdiction name, and results in the arrest report.
- M. After completing the service of a warrant, the arresting officer will be responsible to ensure the warrant is executed in the ACS/ATS system(s).
- N. When an officer determines that an individual is a fugitive from justice from another state, he/she shall:
 - 1. Obtain and preserve the NCIC hit confirmation;
 - 2. Confirm via NLETS that the outstanding out-of-state warrant is currently active. Preserve the NLETS message;
 - 3. Verify the extradition limits set by the demanding state;
 - 4. Ensure, by way of fingerprints and photograph, that the individual who has been located in New Jersey is in fact the defendant being sought by the demanding state;
 - 5. Confirm via NLETS that the demanding state will extradite the defendant. Preserve the NLETS message;
 - 6. Immediately notify the Monmouth County Prosecutor's Office Fugitive Unit;
 - 7. If the fugitive from justice complaint is the only charge on which the defendant will be held, contact the Monmouth County Prosecutor's Office Fugitive Unit to ensure all procedures have been properly met. Contact the Fugitive Unit at (732) 431-7160. After hours, contact the Monmouth County Radio Room at (732) 665-4766 or (732) 577-8700 and request to speak with the on-call supervisor.
 - 8. Charge the defendant on a complaint-warrant (CDR-2) with *Fugitive from Justice*, contrary to N.J.S.A. 2A: 160-21. Ensure that this charge is on a separate complaint-warrant (CDR-2) if the fugitive has other charges pending;
 - 9. Contact the designated superior court judge or, when court is closed the on call superior court judge, to have bail set on the fugitive complaint. A significant bail amount should be requested in these cases as by its very nature, a fugitive from justice complaint is evidence that the defendant poses a flight risk. Note: bail on fugitive matters may not be set by a municipal court judge, pursuant to R.3:26-2(a).
 - 10. Make sure the fugitive has been properly processed (i.e., complaint-warrant(s) signed, arrest report completed, fugitive is fingerprinted and photographed, etc.);

11. Immediately following processing, all documentation should be scanned and emailed to the Monmouth County Prosecutor's Office Fugitive Unit at Fugitiveunit@mcponj.org. The following documents must be scanned and attached to the email:
 - a. Arrest report;
 - b. NCIC hit confirmation request and response;
 - c. Any NLETS messages exchanged with the demanding state;
 - d. Copy of the bench warrant issued by the demanding state;
 - e. Fugitive from justice complaint-warrant and any other complaints signed.
12. If a scanning device is unavailable, immediately fax all of the above documents to the Monmouth County Prosecutor's Office Fugitive Unit at 732-294-5400. An email containing the below listed information shall still be immediately sent to Fugitiveunit@mcponj.org:
 - a. Fugitive's identifiers;
 - b. Arresting agency's name;
 - c. Arresting officer's name;
 - d. Demanding state's contact information.

IV. ARREST WITHOUT A WARRANT

- A. Officers may make a warrantless arrest of a person within the territorial limits of the State of New Jersey if there is probable cause to believe that the suspect has committed or is presently committing a crime punishable by more than one year in state prison (1st, 2nd, 3rd, 4th degree crime).
 1. N.J.S.A. 2A: 155-1 et seq., permits a New Jersey law enforcement officer, who is in fresh pursuit, to enter another state to effect an arrest for a 1st, 2nd, or 3rd degree crime.
 2. N.J.S.A. 2A: 156-1, et seq., authorizes a police officer, who is in fresh pursuit of a person and who is reasonably believed by him/her to have committed a 1st, 2nd or 3rd degree crime or has committed, or attempted to commit, any criminal offense in the presence of such officer, or for whom such officer holds a warrant of arrest may arrest and hold that person anywhere in the State.
 3. However, if the offense is a 4th degree crime, disorderly person, petty disorderly person offense, or DWI the authority to pursue under N.J.S.A. 2A: 156-1 only extends to offenses committed in the officer's presence or ones that he/she holds a warrant for the arrest of the person.

- B. Within the territorial limits of Howell Township, officers may make a warrantless arrest of someone who, in their presence, has committed a disorderly person offense or other minor offense that involves a breach of the peace. (N.J.S.A. 40A: 14-152)
- C. In certain circumstances, an officer may affect the warrantless arrest of a person whom the officer has probable cause to believe has committed an offense, even though the offense did not take place in the officer's presence. These offenses are:
 - 1. Operating while intoxicated;
 - 2. Shoplifting;
 - 3. Theft of library materials;
 - 4. Domestic violence related offenses.
- D. Only in rare circumstances involving extremely serious offenses and exigent circumstances can an officer enter a residence to make a warrantless arrest.
 - 1. Officers in fresh pursuit of a person suspected of motor vehicle infractions or a disorderly person or petty disorderly person offense may not make a warrantless entry into a home to affect an arrest, absent exigent circumstances.
 - 2. Fresh pursuit alone is an insufficient justification for a warrantless entry into a person's home to affect an arrest absent exigent circumstances.
- E. As a general rule, an arrest for a violation of N.J.S.A. 39 (except DWI, Possession of CDS in a Vehicle, or Leaving the Scene of an Accident with Serious Injuries) is improper if the underlying offense poses little or no threat to the public safety, and if there is no reason to believe that the offender would fail to respond to a summons.
- F. Representatives of the superior court, usually the pretrial services program manager or his/her designee, will be alerted if a previously released defendant violates any electronic monitoring conditions. Under certain circumstances, the pretrial services program representative will contact this department of the violation's circumstances.
 - 1. Communications personnel shall obtain as much information as possible from the pretrial services program representative, including the identities of the defendant/violator, contact information for victims and witnesses, and pertinent addresses. Communications **must immediately** dispatch an officer to investigate the violation and to secure the safety of the victim.
 - 2. Officers shall promptly conduct a welfare check on any potentially impacted victims or witnesses, particularly when a no-contact condition may have been violated. Also, officers should consult available databases (e.g., CAD, RMS, domestic violence central registry, the automated statewide deconfliction database, etc.) to help with decisions as to any response and to ensure the safety of victims, witnesses, and responding officers.

3. The pretrial services program representative may be able to provide communications with the GPS coordinates or a street address where the defendant could be located when such information is available through the defendant's electronic monitoring device.
 4. The pretrial services program may apply for a bench warrant for contempt of court for violating the conditions of release. If the judge grants the request for a bench warrant, the pretrial services program representative will advise this agency to arrest the defendant on the bench warrant.
 5. The pretrial services program representative should be able to provide communications with copies of the pretrial release orders. When the pretrial services program representative is unable to provide copies of pretrial release orders, officers should request complaint numbers or Promis/Gavel numbers, so they can view the orders in the case jacket of the eCDR system.
 6. If there is evidence that any defendant has committed a new crime or offense, including a violation of a domestic violence temporary or final restraining order, officers should consult with an assistant prosecutor to file new criminal charges based on those violations.
- G. With respect to municipal ordinance violations, N.J.S.A. 40A: 14-152 provides: *"The officers of a police department, within the territorial limits of the municipality, shall have all the powers of peace officers and upon view may apprehend and arrest any disorderly person or any person committing a breach of the peace."*
1. Under this statute, there are three (3) prerequisites that must be met before an officer may arrest:
 - a. The offense must occur in Howell Township; and
 - b. The offense must have occurred upon view of the officer; and
 - c. The offender either must be a disorderly person or have committed a breach of the peace.

V. HANDCUFFING

- A. Sworn personnel shall maintain and carry on duty an operable set of handcuffs equipped with a double locking feature.
- B. Sworn personnel shall maintain a set of handcuffs free of dirt, lint or other conditions that may make them inoperative.
- C. To provide greater control of an arrestee/detainee, officers should:
 1. Remain alert for any unexpected moves by the subject;
 2. Approach the subject from his/her rear or side;
 3. Maintain control of the subject and keep him/her off balance;
 4. Unless special circumstances exist, handcuff the subject behind their back;

5. Double lock the handcuffs;
 6. Never handcuff a subject to yourself or another officer;
 7. Never handcuff a subject to the inside of a vehicle or a fixed object unless the object is designed for that purpose.
- D. Use of handcuffs during investigations and prior to an at-scene arrest:
1. Officers should not use handcuffs prior to arrest unless special circumstances exist to warrant their use. Special circumstances may include:
 - a. The subject is uncooperative or takes action at the scene that raises a reasonable probability of danger or flight;
 - b. Where officers have information that the suspect may be armed;
 - c. Where the stop/detention is in close proximity (time and space) following a violent crime;
 - d. Where officers have information that a crime involving violence is imminent.
 2. In the absence of a continuing threat to the officer or citizen safety, the handcuffs should be removed if the protective frisk discovers no weapons.
 3. Any incident where a suspect is handcuffed during an investigative detention should be documented.

VI. CUSTODY AND TRANSPORTATION

- A. Officers shall search the rear seat of vehicles used for arrestee transportation at the beginning of their shift and perform a visual inspection prior to occupation by an arrestee. Vehicles shall be searched again immediately after transportation to ensure that contraband or evidence had not been secreted by the arrestee. Found property/evidence shall be collected and processed in accordance with existing procedures. The arrestee should be charged accordingly, when applicable.
- B. Immediately upon arrest all persons will be appropriately secured. At a minimum, they should be handcuffed unless handcuffing is not possible due to injury or disability. Unless impractical due to injury, disability or physical size, handcuffs should be placed behind the back. Officers should remain aware of the dangers of positional asphyxia and continually monitor arrestees for symptoms.
1. Always handcuff arrestees before searching:
 2. Disposable handcuffs (e.g., Nylon flex cuffs, zip ties, etc.) and/or a handcuffing belt may be utilized when deemed necessary to provide additional restraints for subjects who are combative or deemed a flight risk.
 3. Transportation of arrestees in a lying or supine position is prohibited. Accordingly, the application of additional restraints must be made in such a manner as to allow for upright transportation of all arrestees.

- C. The entire person of the individual taken into custody is to be thoroughly searched for weapons, contraband, evidence and implements of escape, as is the area under that individual's immediate control. The search must be thorough enough to ensure the safety of the individual, the arresting officer, other officers, and persons the individual may come in contact with while in custody.
1. This search should be conducted contemporaneous to the arrest, immediately after the person has been placed in custody and handcuffed, unless exigent circumstances exist.
 2. Officers should use cut resistant gloves.
 3. In situations where an arrestee is accepted from another department, facility, store security or officer, the officer preparing to conduct the transportation must not assume that a competent search has already been conducted. Arrestees that are coming from these various environments may have inadvertently been exposed to contraband or weapons after their initial search and this possibility warrants the need for a new pre-transportation search.
 4. The search should minimally include (if worn):
 - a. Hat;
 - b. Jacket;
 - c. Footwear (inside and out);
 - d. Pockets;
 - e. Gloves;
 - f. Waistbands.
 5. An officer of the same sex of the arrestee should search arrestees. If none are available:
 - a. Have a second officer at the scene;
 - b. Pull clothing tight to body, if possible, have the arrestee do this him/herself;
 - c. If necessary, use the back of your hand;
 - d. Avoid groin area and breast area (females);
 - e. If there is a reasonable, articulable suspicion that a more extensive search is needed, obtain assistance from an officer of the same sex as the arrestee (if necessary from another department or the county jail).

- D. After being restrained and searched the arrestee should be placed in the rear of a police vehicle equipped with a partition between the front and rear passenger compartments with the rear doors and windows controls disabled or removed. The arrestee should be further secured with the vehicle's safety restraints. This further restraint will provide an additional level of security for the transporting officer(s).
1. Arrestees shall not be handcuffed to or otherwise secured to any part of a vehicle, nor shall two or more prisoner be handcuffed or otherwise restrained to one another.
 2. Whenever an arrestee is placed into a police vehicle, the doors to the vehicle shall be locked to prevent unauthorized persons from opening the vehicle doors.
 3. Officers shall exercise due care and provide assistance to arrestees who are entering or exiting a department vehicle during transportation procedures.
 4. The following are situations when using a seat belt may be inappropriate or unsafe:
 - a. Aggressive/combative arrestee making attempts to secure him/her impracticable;
 - b. Injuries to the arrestee that may be aggravated by the seat belt;
 - c. The use of supplementary restraints on the arrestee that make it difficult, impossible, or unsafe for the seat belt to be used.
- E. Arrestees shall not be left unattended after being placed into police cars awaiting transportation. Officers must be constantly aware that other persons may attempt to flee or otherwise facilitate an escape.
- F. If no such equipped vehicle is available or when confronted with a legitimate and unforeseen exigency that requires transportation of an arrestee in a vehicle that is not equipped with a security partition, the arrestee should be placed in the front seat and secured with the vehicle's lap/shoulder restraints by running the lap/shoulder restraint across chest/abdomen and between left arm and torso before latching.
- G. If two officers conduct the transport, the second officer and the arrestee shall be in the rear seat with the arrestee secured with the vehicle's lap and shoulder restraint as described above. The arrestee should be placed on the side opposite the rear seat officer's sidearm. (If the officer is right-handed, the arrestee should be placed on the left side. If the officer is left-handed, the arrestee should be placed on the right side.)
- H. Whenever possible, arrestees initially taken into custody as a result of the same incident should be transported to police headquarters in separate vehicles in an attempt to minimize the opportunity for coordination of stories.
1. If, due to the number of arrestees, it becomes necessary to transport multiple prisoners in a single vehicle, communications must be notified prior to such activity.

2. Notwithstanding the above requirement, male and female arrestees should not be transported in the same vehicle unless the vehicle is equipped with a barrier capable of providing physical separation between such arrestees.
3. Adult and juvenile arrestees shall not be transported in the same vehicle.
- I. Arrestees should not be permitted to communicate with anyone except a police officer during transportation or while waiting to be transported. Persons approaching a police vehicle containing an arrestee shall be instructed to leave and advised that the failure to oblige may result in their arrest and/or prosecution.
- J. Under no circumstance shall an officer travel to the home of a Township of Howell official/employee while an arrestee is in the vehicle.
- K. If any suspicious, threatening, dangerous, or alarming incident occurs during transportation, the officer should immediately notify communications and pull over in a safe location to further observe or correct the situation. Particular attention shall be directed toward arrestees who are or might possibly be under the influence of alcohol or drugs or who have a propensity or history of being violent.
- L. Arrestees shall ordinarily be transported directly to police headquarters, another law enforcement agency, or confinement facility as directed unless being taken to a medical facility for evaluation and/or treatment.
 1. Unless the injury is serious or life threatening, the arrestee can refuse medical evaluation and/or treatment.
 2. Officers shall employ the level of additional security at the treatment facility permitted by the nature of the injury, the regimen of treatment, and as allowed by the treating physician/nurse.
 3. Any evidence or indication of injury or illness to an arrestee shall be documented on the officer's report.
 4. Officers shall take universal precautions against bloodborne pathogens and infectious diseases.
 5. If an arrestee must be admitted to the hospital, an officer shall be assigned to guard and remain with them.
 - a. Police personnel shall not sign any documents at the hospital or medical facility indicating that the Township of Howell is the responsible billing party.
 - b. The hospital or medical facility shall seek reimbursement from the arrestee's medical insurance or indigent care fund.
 6. Visitors are prohibited. Only authorized medical staff shall be allowed into the room and have contact with the arrestee.
 7. Officer(s) shall ensure that the room/area is secure so that the arrestee cannot escape.

8. Officer(s) shall remain at the arrestee's room or inside and ensure that no unauthorized personnel enter. The arrestee shall be continuously monitored to minimize the potential for escape.
 9. If an escape occurs, see subsection VI.O and contact hospital security.
 10. If the hospital notifies the officer that the arrestee will be released, the officer shall notify the shift supervisor. The shift supervisor will determine if the arrestee is to be transported to police headquarters for further processing, to be interviewed by detectives, or to be transported to the Monmouth County Jail.
 11. If the hospital informs the officer that an arrestee who is to be committed to the Monmouth County Jail has a medical condition that requires admission to the hospital, the officer shall notify the shift supervisor. The shift supervisor shall arrange for the Monmouth County Sheriff to take custody of the arrestee at the hospital. The officer at the hospital shall remain at the hospital guarding the arrestee until the Sheriff's Office arrives and custody is transferred.
- M. Arrestee transportation should not be interrupted for any reason except in extreme cases when the arrestee is stricken with a medical condition requiring immediate aid, vehicle crash involving the transporting vehicle or the arrestee becomes a danger to himself/herself or the transporting officer. In that event, the transporting officer shall stop safely and should not remove the arrestee from the vehicle to render aid unless another officer is present to assist.
- N. Prior to commencing transportation, officers shall advise communications of the number of arrestees being transported, their gender, their classification (adult or juvenile), the starting location, their destination, and starting mileage to the nearest 1/10th of a mile. Upon arrival at their destination officers are to give their ending mileage.
- O. If an arrestee escapes while in custody prior to or during transportation:
1. The arresting/transporting officer(s) shall promptly notify communications.
 - a. Communications shall immediately notify the shift supervisor or designee.
 - b. Extreme caution shall be exercised to minimize the potential of a hostage scenario.
 2. A general radio broadcast to all duty personnel shall be broadcast as soon as practicable. Provide the following information at a minimum:
 - a. Arrestee's name, if known;
 - b. General description;
 - c. Clothing description;
 - d. Last known home address;

- e. Last direction of flight;
 - f. Crime(s) originally arrested for;
 - g. Weapons, if known; and
 - h. Any other pertinent information known.
- 3. Additionally, broadcast the escape over SPEN to surrounding communities. Provide the same information listed above. Update any changes to this information as necessary.
 - 4. The shift supervisor or designee shall take personal command of the incident and direct units accordingly. If the escape is confined to police headquarters, the building and immediate surrounding areas shall be secured by patrols.
 - 5. The shift supervisor shall cause notification to the division commander.
 - 6. The shift supervisor or designee may assign additional staffing, as needed for assistance, to the scene or to provide patrol coverage while existing duty personnel are committed to the escape investigation/search.
 - 7. Activation of additional resources should be consistent with the offense for which the escapee had been taken into custody, the likelihood of injury to the escapee and/or other persons, the likelihood of apprehension, and the anticipated duration of the search.
 - 8. Communications personnel shall ensure that telephone contact is made with any jurisdiction where the escapee may be likely to flee, provide the pertinent information, and request assistance from that jurisdiction in apprehension.
 - 9. If and when the escapee is recaptured, the shift supervisor should direct a minimum of two (2) officers to reclaim the arrestee and transport him/her back to this facility for incarceration. Any alarm or broadcast to patrols or surrounding agencies should be promptly cancelled. Additional measures should be taken to prevent any further escape.
 - 10. Seek medical attention if the escapee requires it. Additional security measures shall be deployed to minimize any future escape attempt.
 - 11. The incident must be fully documented in the investigation report of the precipitating event.
- P. When transportation terminates at this department, officers will bring the individual(s) into the booking area. Officers shall secure their weapons in a weapons locker prior to entering the booking area.
 - Q. If an officer suspects that an arrestee may have a communicable disease, personnel shall wear protective surgical gloves while searching, fingerprinting and processing the arrestee.

1. Clean the handcuffs with an alcohol or disinfectant wipe after removal from an arrestee.
2. Personnel shall thoroughly wash their hands with disinfectant soap after completing the search.
3. If an officer has reason to believe his/her clothing has become contaminated as a result of contact with a party with a communicable disease, his/her clothing should be removed and placed in a plastic bag for proper cleaning or disposal. After placing clothing in a plastic bag, personnel should wash their hands thoroughly with disinfectant soap.
4. The interior of the police vehicles is to be cleaned with a disinfectant before being used again.
5. Paper towels used to clean up are to be discarded in a plastic bag and placed in an outside trash receptacle.

VII. SPECIAL NEEDS CUSTODY AND TRANSPORTATION

- A. There may be instances when normal custody and transportation procedures are impracticable. These reasons include, but are not limited to:
 1. Arrestee(s) who exhibit signs of mental illness;
 2. Arrestee(s) who may be emotionally disturbed;
 3. Arrestee(s) who are physically disabled;
 4. Arrestee(s) who are injured;
 5. Arrestee(s) who are morbidly obese.
- B. Transportation for arrestees who exhibit special needs may be accomplished by ambulance, if available. Restraints should be used, if available and practicable. If the arrestee has a wheelchair, the wheelchair should be transported with him/her. Canes and crutches should also be taken; but shall be stored as arrestee property until needed.
- C. The shift supervisor will determine whether the person being arrested should be taken to the booking room or to a medical facility for evaluation and/or treatment first.
- D. If an arrestee indicates that he/she has medication that they need to sustain their health, the arresting officer should take possession of the medication.
 1. Personnel shall not dispense or permit arrestees to take medication (prescription or non-prescription) without authorization of a licensed medical professional or paramedic. In emergent situations, a certified EMT may permit an arrestee to utilize common lifesaving medications (e.g. asthma inhaler, Epi-pen®, etc.) consistent with the prescription.
 2. If the arrestee needs immediate medical attention, he/she shall be transported to the hospital via ambulance;

3. If the arrestee is going to be committed to the Monmouth County Jail, bring the medication for determination by the jail's medical staff.
 4. Under no circumstances shall personnel sign or endorse any medical authorization for any person under arrest or in custody. Persons shall use their own medical insurance or the medical facility/hospital shall seek remuneration from the appropriate indigent care funds.
- E. Arrestees have no right or privilege to attend funerals, religious services, visit in hospitals with critically ill family or friends, or attend probate proceedings while in the custody of this agency.

VIII. POST ARREST IDENTIFICATION

- A. Photographs (mug shots) shall be completed for all adult arrestees processed at police headquarters. Head coverings should be removed unless they serve a religious or medical purpose. Head coverings include, but are not limited to:
1. Hijab is a piece of fabric used as a headscarf and fastened under the chin, in traditional Islamic dress is a veil traditionally worn by Muslim women in the presence of adult males outside of their immediate family, which usually covers the head and chest. The term can further refer to any head, face, or body covering worn by Muslim women that conform to a certain standard of modesty. The hijab should not cover the face on the mug shot.
 2. Snood is a type of female headgear designed to hold the hair in a cloth or yarn bag. In the most common form the headgear resembles a close-fitting hood worn over the back of the head. It is similar to a hairnet, but snoods typically have a looser fit, a much coarser mesh, and noticeably thicker yarn. Snoods are permitted if they do not cover the face.
 3. Yarmulke (also known as a kippah, kippa, or kipah) is a brimless cap, usually made of cloth, worn by followers of Judaism to fulfill the customary requirement held by Orthodox authorities that the head be covered. Yarmulkes are permitted.
 4. Wigs worn by female followers of Judaism to fulfill the customary requirement held by Orthodox authorities that married women cover their hair.
- B. Fingerprints shall be completed for all adult persons when:
1. Arrested for an indictable offense.
 2. Arrested for a violation of any state law relating to narcotics or dangerous drugs, whether indictable or otherwise.
 3. Within a reasonable time after the filing of a complaint-summons by an officer charging the defendant with an indictable offense.
 4. Arrested for shoplifting.
 5. Arrested for prostitution.

6. Convicted of a non-indictable offense and the identity of the convicted person is in question. The disposition shall be listed on the front of the state fingerprint card; the date of sentence and terms of sentence shall be listed on the back of the fingerprint card.
 7. Charged in an indictment/accusation and had not already been arrested, fingerprinted/photographed for the charge(s). The indictment number shall be listed on the front of the state fingerprint card.
 8. Arrested and believed to be wanted for an indictable offense.
 9. Arrested for a domestic violence related crime/offense where any of the following four criteria are met:
 - a. Victim exhibits signs of injury caused by an act of domestic violence;
 - b. A warrant is in effect;
 - c. There is probable cause to believe that the person has violated a judicial order in N.J.S.A. 2C: 29-9 and there is probable cause to believe that the person has been served with that order;
 - d. There is probable cause to believe that a weapon as defined in N.J.S.A. 2C: 39-1 has been involved in an act of domestic violence.
 10. Arrested and believed to be a habitual criminal.
- C. The arresting officer shall ensure that the following checks are made on the arrestee(s) prior to release or transfer:
1. NCIC
 2. ACS/ATS
- D. The arresting officer shall ensure that all appropriate victim/witness notifications are made.
- E. The arresting officer shall ensure that guidelines for alternate care for arrestee's dependents are followed and documented on the arrest or investigation report.
- F. DNA samples shall be taken from arrestees with qualifying changes prior to their release from custody or transfer to another facility.

IX. COMPLAINT PROCESS

- A. In accordance with the Statewide Veterans Diversion Program (see subsection I.F of this general order), when a person is taken into custody for a crime or offense, the officer shall inquire whether the person is an active service member or has ever served in the military services of the United States.
1. The officer shall indicate the results of this inquiry on the complaint-summons or complaint-warrant at the time it is prepared.

2. In certain circumstances, N.J.S.A. 2C: 43-25 permits a municipal police officer to divert a veteran in lieu of signing a criminal complaint. An assistant prosecutor or his/her designee **MUST** expressly approve any pre-complaint diversion of an individual pursuant to N.J.S.A. 2C: 43-25.
 3. If approval is not or cannot be obtained, regular complaint procedures shall be followed.
- B. Prior to charging a defendant with any indictable crime or disorderly persons offense, the officer must:
1. For qualifying crimes/offenses listed in subsection VIII.B, take and submit fingerprints and a digital photograph of the defendant using Live Scan. Use the highest degree charge first. The charges entered into Live Scan must match the charges that are placed on the complaint (CDR).
 - a. Before a decision is made between the issuance of a complaint-summons and a complaint-warrant, and before a complaint is filed, initiate the automated pretrial risk assessment process and receive a preliminary public safety assessment (PSA).
 - b. The PSA relies on data stored in law enforcement and judiciary databases, to include adult criminal history and court appearance history (e.g., failure to appear).
 - c. If the PSA indicates that the defendant has an out-of-state criminal record, the appropriate out-of-state criminal history check (III) must be run.
 - d. Because the automated PSA does not incorporate all background information on a defendant, the arresting officer **MUST** check the following databases prior to a final determination on whether to request a complaint-warrant or a complaint-summons:
 - 1) CCH;
 - 2) Out of state criminal history (III);
 - 3) Juvenile central registry;
 - 4) Domestic violence registry;
 - 5) Sexual assault registry;
 - 6) Expunged records (if available to officer).
 - 7) Any other information relied upon in processing arrest (e.g., ATS, ACS warrant checks, de-confliction checks, if appropriate, etc.);
 - 8) ODARA (domestic violence cases only; see subsection I.E for qualifying domestic violence related crimes/offenses);

- a) NOTE: Use an *ODARA Scoring Form* regardless of the gender of the person committing the index assault or the gender of the victim, but officers shall only use the ODARA scores to frame decision-making in cases in which a male or a person who self identifies as a male has assaulted a female or a person who self identifies as a female partner.
 - b) In all other cases, officers should include a concise description of all ODARA items found to be present in the PLEIR and in any *Affidavit of Probable Cause* submitted with an application for a complaint-warrant.
 - e. The PSA does not take into account the threat of future harm to the victim or witness, defendant's involvement or affiliation with gang or organized crime, alcohol and drug dependence or mental illness. The shift supervisor **MUST** alert the assistant prosecutor to additional known relevant facts and circumstances in filing in the blanks that will not be known based upon the PSA.
- 2. Live Scan fingerprinting must be completed before beginning eCDR complaint entry.
 - 3. After a Live Scan confirmation is received, proceed to the eCDR system and begin generating a complaint.
- C. When either a complaint-warrant is authorized or a complaint-summons is issued, the officer SHALL prepare an *Affidavit of Probable Cause* and a *Preliminarily Law Enforcement Incident Report*, which will be filed electronically through the eCDR system.
- 1. In accordance with *New Jersey Attorney General's Directive 2017-1*, do not include victim and witness identifying information in the *Affidavit of Probable Cause*, such as names and addresses. DO NOT use initials. Instead, use anonymous pseudonyms (e.g., John/Jane Doe #1, John/Jane Doe #2, etc.) and reference such pseudonyms to the correct person in the police department's investigation report.
 - 2. The *Affidavit of Probable Cause* will include a checkbox allowing the officer to certify that the statements in the affidavit are true. The affidavit SHALL include a concise description of relevant facts and circumstances. It should also include a concise statement as to the officer's basis for believing the defendant committed the offense. It shall also indicate whether a victim was injured and, if so, to what extent.
 - 3. The supervisor will then authorize the officer to contact the appropriate judge/judicial officer for a finding of probable cause and to submit the complaint. Once such a finding is made the complaint-warrant is considered filed with the court.
- D. In consultation with the shift supervisor, the officer must make a determination whether application for a complaint-warrant is either mandated or presumed:

1. MANDATORY COMPLAINT-WARRANT – Crimes/conditions requiring a mandatory application for a complaint-warrant where probable cause exists to believe that defendant committed or attempted to commit:
 - a. Murder (N.J.S.A. 2C: 11-3);
 - b. Aggravated manslaughter (N.J.S.A. 2C: 11-4(a));
 - c. Manslaughter (N.J.S.A. 2C: 11-4(b));
 - d. Aggravated sexual assault (N.J.S.A. 2C: 14-2(a));
 - e. Sexual assault (N.J.S.A. 2C: 14-2(b) or (c));
 - f. Robbery (N.J.S.A. 2C: 15-1);
 - g. Carjacking (N.J.S.A. 2C: 15-2);
 - h. Escape (N.J.S.A. 2C: 29-5(a));
 - i. The defendant was extradited from another state for the current charge (the officer must notify the court of the extradition);
 - j. A lawful detainer has been lodged against the defendant by another law enforcement agency (the officer must notify the court of the detainer(s)).
 - k. Note: If a defendant is arrested for an offense committed under the laws of another state, or the United States, and is not charged with an offense under New Jersey law, the *Bail Reform Act* does not apply, and the agency making the arrest or having custody of the defendant shall proceed in accordance with the laws, practices, and procedures currently in place.
2. PRESUMED COMPLAINT-WARRANT: The officer SHALL apply for a complaint-warrant unless such application would not serve the interests of public or victim safety, or the interest of justice:
 - a. Automated risk assessment (PSA) indicates an elevated risk of flight (i.e. FTA score of 3, 4, 5 or 6);
 - b. Automated risk assessment (PSA) indicates an elevated risk of new criminal activity (i.e. NCA score of 3, 4, 5 or 6);
 - c. Automated risk assessment (PSA) indicates that there is a risk of new violence (i.e. the new violent criminal activity (NVCA) flag is indicated);
 - d. When 'unclassifiable charges' appear on a preliminary PSA unless otherwise directed by an assistant prosecutor;
 - e. The defendant has violated a domestic violence restraining order as part of present offense;

- f. The defendant has violated a sexual assault survivor protection order as part of present offense;
- g. There is probable cause to believe that the defendant committed or attempted to commit any of the below offenses:
 - 1) A 1st or 2nd degree crime set forth in Chapter 35 of Title 2C;
 - 2) A crime involving the possession/use of a firearm;
 - 3) Vehicular homicide (N.J.S.A. 2C: 11-5);
 - 4) A second degree aggravated assault (N.J.S.A. 2C: 12-1(b));
 - 5) Disarming a law enforcement officer (N.J.S.A. 2C: 12-11);
 - 6) Kidnapping (N.J.S.A. 2C: 13-1);
 - 7) Aggravated arson (N.J.S.A. 2C: 17-1(a));
 - 8) Second degree burglary (N.J.S.A. 2C: 18-2);
 - 9) Extortion (N.J.S.A. 2C: 20-5);
 - 10) Booby traps in manufacturing/distribution facilities (N.J.S.A. 2C: 35-4.1(b));
 - 11) Strict liability for drug induced death (N.J.S.A. 2C: 35-9);
 - 12) Terrorism (N.J.S.A. 2C: 38-2);
 - 13) Producing or possessing chemical weapons, biological agents or radiological devices (N.J.S.A. 2C: 38-3);
 - 14) Racketeering (N.J.S.A. 2C: 41-2);
 - 15) Firearms trafficking (N.J.S.A. 2C: 39-9(i));
 - 16) Endangering the welfare of a child (N.J.S.A. 2C: 24-4b(3, 4 or 5) involving sexual abuse or exploitation);
 - 17) Eluding, 2nd degree (N.J.S.A. 2C: 29-2b);
 - 18) Aggravated assault on a public official or employee, 3rd degree (N.J.S.A. 2C: 12-1b(5));
 - 19) Causing or permitting a child to engage in a prohibited sexual act (N.J.S.A. 2C: 24-4b(3));
 - 20) Bail Jumping (N.J.S.A. 2C: 29-7);
 - 21) Witness Tampering/Retaliation (N.J.S.A. 2C: 28-5);
 - 22) Hindering Apprehension (N.J.S.A. 2C: 29-3a(3) or b(3)).

- h. The present offense was committed while on release for another offense (including release for any indictable crime or disorderly persons offense whether that previous offense had been charged by complaint-warrant or complaint-summons);
- i. The present offense was committed while on probation, special probation, intensive supervision program (ISP), parole or pretrial intervention (PTI) where the defendant pleaded guilty as required by N.J.S.A. 2C: 43-12g(3);
- j. The present offense was committed while the defendant was on release pending sentence or appeal;
- k. The final ODARA score is 3 or greater and the defendant is or self identifies as male, AND victim is or self identifies as female.
- l. Within the last 10 years, the defendant as a juvenile was adjudicated delinquent for a crime involving a firearm or a crime that if committed by an adult would be subject to N.J.S.A. 2C: 43-7.2;
- m. It reasonably appears that the defendant has an out-of-state pending charge or conviction involving actual or threatened violence or unlawful possession or use of a firearm;
- n. The PSA results are not available because either the Live Scan system or the judiciary's automated PSA system is not operational, or the results from the PSA otherwise are not or will not be available within a reasonable period of time (e.g. within two hours of fingerprinting the defendant);

E. DOMESTIC VIOLENCE RELATED CASES:

- 1. Officers shall complete an ODARA in those cases of domestic violence in which the following crimes/offenses are charges and the victim is a partner, as defined in subsection I.E of this general order:
 - a. Homicide (N.J.S.A. 2C: 11-1);
 - b. Simple assault with contact or a weapon (N.J.S.A. 2C: 12-1a);
 - c. Aggravated assault (N.J.S.A. 2C: 12-1b);
 - d. Terroristic threats with contact or with a weapon (N.J.S.A. 2C: 12-3);
 - e. Kidnapping (N.J.S.A. 2C: 13-1);
 - f. False imprisonment with contact or with a weapon (N.J.S.A. 2C: 13-3);
 - g. Sexual assault (N.J.S.A. 2C: 14-2);
 - h. Criminal sexual contact (N.J.S.A. 2C: 14-3);

- i. Robbery (N.J.S.A. 2C: 15-1);
 - j. Burglary, 2nd degree with contact or with a weapon (N.J.S.A. 2C: 18-2);
 - k. Any other crime involving risk of death or serious bodily injury (N.J.S.A. 2C: 25-19a(18)).
2. Prior to administering an ODARA, officers shall inform the victim about the use of the information being obtained and resultant score as well as the person(s) or agencies that will have access to the results and permit the victim to decline participation if the victim believes that participation will compromise his/her safety.
- a. If the victim declines to participate in the ODARA interview, the officer shall complete the ODARA without the victim's participation. In such instances, the information to complete the ODARA can be obtained from others knowledgeable about the circumstances of the victim and the defendant, law enforcement reports, law enforcement databases, etc.
 - b. (NOTE: such information gathering can also be employed in those instances in which a victim is incapable of participating in an interview (e.g., hospitalized, etc.)).
3. When considering the totality of circumstances, the following special considerations and factors must be assessed:
- a. In consultation with the shift supervisor, the officer must consider whether the mandatory detention that would result from the issuance of a complaint-warrant might exacerbate the domestic violence situation, or might discourage a victim from pursuing the charge or cooperating with the prosecution, or otherwise would not serve the interest of justice.
 - b. Given the repetitive nature of domestic violence offenses, the officer or shift supervisor may consider whether it is appropriate to apply for a complaint-warrant, in recognition that if the defendant is charged on a complaint-summons and thereafter commits a new crime while on pretrial release, the prosecutor cannot move to revoke release.
 - c. In determining whether to apply for a complaint-summons or a complaint-warrant, the officer shall give special consideration to the following circumstances relevant to the risks that would be posed if the defendant were to be released on a complaint-summons:
 - a) Whether the victim exhibited sign of injury caused by an act of domestic violence, and if so, the extent of injury;
 - b) Whether any weapon was used or threatened to be used against the victim;

- c) Whether the defendant has at any time previously violated a domestic violence restraining order and the nature and seriousness of such violation(s);
 - d) Whether the defendant exhibited suicidal behavior such as excessive sadness or moodiness or threatening self-injury;
 - e) Whether there is reason to believe that the defendant possesses one or more firearms that for practical or other reasons cannot be seized or surrendered pursuant to the *Prevention of Domestic Violence Act* before the defendant can be released on a complaint-summons.
 - f) Whether the defendant attempted to or did strangle the victim during an assault or at any point prior thereto; and
 - g) Whether the defendant threatened to or did harm a household pet.
- d. In any application for a complaint-warrant, the presence of any of the above circumstances shall be included in the *Affidavit of Probable Cause*.
 - e. When the officer or shift supervisor has reason to believe, considering the totality of the circumstances including, but not limited to the special factors listed above, that issuance of a no-contact condition or other restraint, a requirement to surrender weapons, or any other special condition of pretrial release expressly authorized by N.J.S.A. 2C: 25-26(a) is necessary to reasonably assure the immediate safety of the victim, the officer shall apply for a complaint-warrant and seek imposition of the condition(s) needed to reasonably assure the immediate safety of the victim.
 - f. Nothing in this subsection shall be construed to preempt or in any way alter the authority of the victim to apply for a temporary or final restraining order, and the special conditions of pretrial release in the criminal prosecution sought pursuant to this subsection shall be in addition to, not in lieu of, any such civil temporary or final restraining order.
 - g. If the decision is made to apply for a complaint-warrant, the application shall clearly state that the offense involves domestic violence, and shall include any relevant information contained in the *Domestic Violence Central Registry* and/or ODARA, if applicable. Whether the offense is charged by complaint-warrant or complaint-summons, the victim shall be informed how to apply for a restraining order under the *Prevention of Domestic Violence Act*. This requirement to inform the victim shall not be construed to preclude the officer or shift supervisor from seeking imposition of a no contact or other appropriate restraint as a condition of release on a complaint-warrant as may be required.

3. PRESUMED COMPLAINT-SUMMONS – If the case is not a mandatory or presumed warrant application, the officer **SHALL** issue a complaint-summons, unless the application for a complaint-warrant is reasonably necessary to protect the safety of a victim or community, to reasonably assure the defendant's appearance in court when required, or to prevent the defendant from obstructing or attempting to obstruct the criminal justice process, AND there is a lawful basis to apply for a complaint-warrant:
 - a. The defendant has been served with a complaint-summons and has failed to appear;
 - b. There is reason to believe that the defendant is dangerous to him/herself if released on a summons;
 - c. There is reason to believe that the defendant will pose a danger to the safety of any other person or the community if released on a summons;
 - d. There are one or more outstanding indictable or disorderly person warrants for the defendant;
 - e. The defendant's identity or address is not known and a warrant is necessary to subject the defendant to the jurisdiction of the court;
 - f. There is reason to believe that the defendant will obstruct or attempt to obstruct the criminal justice process if released;
 - g. There is reason to believe that the defendant will not appear in response to a summons; or
 - h. There is reason to believe that the monitoring of pretrial release conditions by the pretrial services agency is necessary to protect any victim, witness, other specified person, or the community.
- F. Charging decisions when live scan is unavailable; results are delayed; or defendant is not yet arrested:
 1. If the Live Scan system or the judiciary's automated PSA is not operational; or
 2. If the PSA result is not available within 2 hours of fingerprinting the defendant; or
 3. If probable cause exists to issue a complaint for a defendant not yet arrested:
 - a. The shift supervisor **SHALL** make a complaint-warrant versus complaint-summons determination by applying the provisions and presumptions set forth in this section that do not depend on the results of the automated PSA tool.

- b. In making this decision, the shift supervisor SHALL give special consideration to the interests of public protections served by providing the pretrial services program with an opportunity to conduct an objective assessment and to make recommendations as to any conditions that may be needed to manage the risks that would be posed by defendant's release.
- G. In those situations where pre-trial services is not involved to recommend and monitor a defendant's release conditions and the shift supervisor has concerns about the defendant's appearance in court and/or the risk he/she presents to the community or obstruct the criminal justice process, a complaint-warrant should be requested. Otherwise, a complaint-summons will be issued.
- H. When seeking to overcome a presumption to either issue a complaint-summons or apply for a complaint-warrant, the officer or shift supervisor must contact an assistant prosecutor for approval, or if a judge or other court officer denies an officer's application for a complaint-warrant, leaving the officer with no choice but to issue a complaint-summons, the officer MUST immediately contact an assistant prosecutor by telephone:
 - 1. Weekdays between 0700hrs and 2100hrs (732) 431-7160 ext. 8913
 - 2. Weekdays between 2100hrs and 0700hrs, holidays and weekends
 - a. Primary (732) 810-2211
 - b. Backup (732) 810-2144
 - 3. And by e-mail to: IntakeAPs@mcponj.org.
- I. When either a complaint-warrant is authorized or a complaint-summons is issued, the officer SHALL prepare an *Affidavit Of Probable Cause*, which will be filed electronically through the eCDR system.
 - 1. In accordance with *New Jersey Attorney General's Directive 2017-1*, do not include victim and witness's identifying information in the *Affidavit of Probable Cause*, such as names and addresses. DO NOT use initials. Instead, use anonymous pseudonyms (e.g., John/Jane Doe #1, John/Jane Doe #2, etc.) and reference such pseudonyms to the correct person in the investigation report.
 - 2. The affidavit includes a checkbox allowing the officer to certify that the statements in the affidavit are true. The affidavit SHALL include a concise description of relevant facts and circumstances. It should also include a concise statement as to the officer's basis for believing the defendant committed the offense. It shall also indicate whether a victim was injured and, if so, to what extent.
 - 3. Additionally, the officer SHALL prepare and file electronically through the eCDR system the *Preliminary Law Enforcement Incident Report (PLEIR)*.

4. In domestic violence related cases, officers should include a concise description of all ODARA items found to be present in the *Affidavit of Probable Cause*. Note: ODARA factors not specifically relating to probable cause for the offenses charged should not be referenced in the *Affidavit Of Probable Cause*.
5. Additionally, the officer SHALL prepare and file electronically through the eCDR system the *Preliminarily Law Enforcement Incident Report* (PLEIR). The shift supervisor should review the PLEIR prior to submission in the eCDR system. ODARA factors not specifically relevant to probable cause must be listed in the PLIER by caption of the relevant item only. Do not expand beyond the caption of the ODARA item, or include specific ODARA scores.
4. If the incident involves an ODARA, officers must also include the following in the PLEIR:
 - a. That an ODARA had been completed;
 - 1) Whether the victim was confined at the index assault;
 - 2) Whether there was a threat to harm or kill anyone at the index assault;
 - 3) Victim's concern about future assaults;
 - 4) Victim and/or defendant have more than 1 child altogether;
 - 5) Victim has a biological child with someone other than the defendant;
 - 6) Assault on the victim while she was pregnant (at index assault or prior assault);
 - 7) Two or more indicators of substance abuse;
 - 8) Victim faces at least 1 barrier to support;
 - 9) Prior violent incident against a non-domestic victim;
 - 10) Prior domestic incident of assault in a police report or criminal record (against current or former partner or partner's child);
 - 11) Prior non-domestic incident of assault in a police report or criminal record (against any person other than a partner or a partner's child);
 - 12) Prior custodial sentence of 30 days or more;
 - 13) Failure on current or prior conditional release (including bail, parole, probation, or pretrial release order) or conditions of a restraining order (TRO, FRO, DORO, SORO, SASPA, stalking).

- b. NOTE: Factors scored a '1' on the *ODARA Scoring Form* should be checked off on the PLEIR. Officers should not convey to the court factors scored with a '?' or '0'.
- c. Also note:
 - 1) Whether the defendant has access to firearms;
 - 2) Whether the defendant attempted to or did strangle the victim during this incident or at any time prior;
 - 3) Defendant's characteristics:
 - a) Defendant has history of mental illness (may include PTSD, depression, etc.)
 - b) Defendant exhibited suicidal behavior (such as excessive sadness or moodiness) or threatened self-injury during this incident or at any time prior thereto
 - c) Defendant has a history of stalking, harassment or terroristic threats (towards any victim);
 - d) Defendant threatened to or did harm a household pet during this incident or at any time prior;
 - e) Defendant is unemployed or has a history of chronic unemployment.
 - 4) Relationship changes:
 - a) Victim recently left defendant or informed defendant that he/she was ending the relationship;
 - b) Victim is with a new intimate partner;
- 6. If the arrestee is an active or former service member or claims to be an active or former service member, the officer shall note the information on the criminal complaint-summons/complaint-warrant, or corresponding preliminary law enforcement incident report (PLEIR).
- 7. After receiving approval from the shift supervisor, the officer should select 'Submit to Court' within eCDR to obtain authorization for a complaint-warrant from the judicial officer. On the following screen, the officer must certify that he/she has received approval from the shift supervisor to submit the warrant to the court. Officers will enter their rank and name.
- J. If a complaint-warrant is issued, the officer will logon to the Monmouth County Prosecutor's Office Infoshare CJP/Intake module (the CJP module) and input the case.

1. In the 'special factors' box, the officer should input the PSA scores and/or the violent crime flag, and any other information relevant to pre-trial detention not captured by the PSA. The officer should upload the mandatory fields and any available discovery.
 2. If a complaint-warrant for a disorderly person domestic violence offense is issued, the officer or shift supervisor shall send an e-mail to IntakeAPs@mcponj.org providing a synopsis of the case and/or attaching the investigation report, and provide the name and phone number of a police contact if detention is being sought. If detention is being sought, any media involving a formal statement and/or any identification procedures should be immediately hand-delivered to the MCPO.
 3. Upload the mandatory fields (i.e., complaints, arrest report, PLEIR, *Affidavit of Probable Cause*, tickets/ordinance, etc.).
 4. Upload all additional available discovery into the 'misc. folder'.
 5. Once all documents are uploaded and the case successfully sent to the CJP module, the officer must print the confirmation. This confirmation is necessary to produce at MCCI before the arrestee is accepted.
 6. Officers must also bring paper copies of eCDR-generated complaints and orders of commitment with the defendant to the jail.
 7. **Note:** there is no need to obtain such a confirmation if a defendant is charged only with disorderly persons offenses.
 8. Other than domestic violence related cases, see subsection IX.H.2 above, if a complaint-summons has been issued for an indictable charge, the case must still be inputted into the CJP portal, but the officer or other designee has 48 hours to complete the process.
- K. When issuing a complaint-summons, officers must use the first appearance dates listed on the spreadsheet provided by the superior court. Note: all first appearances will be scheduled at 11am.
- L. When a complaint-warrant is issued without the defendant present, leave the arrest date blank. If the defendant is apprehended by another agency, the defendant still must be arrested and processed by this department.
1. The municipal court will print and complete the CJP commitment by hand and fax it to the Monmouth County Correctional Institute.
 2. Under normal circumstances, this department will take custody of the defendant and Live Scan and otherwise process the defendant.
 3. If the defendant is not taken to headquarters and is instead transported directly to the Monmouth County Correctional Institute, the shift supervisor must send an officer to the Monmouth County Correctional Institute to complete the arrest process.

4. Upon arrest, whether conducted at headquarters or in MCCI booking, Live Scan the defendant per routine procedure. At that time the officer must access eCDR, search for the issued complaint and select the appropriate LiveScan record to link the complaint and the fingerprints.
5. *ODARA Scoring Forms* (when applicable in DV cases):
 - a. Officers shall also transmit a copy of the completed *ODARA Scoring Form* to the Division of Criminal Justice at ***ODARA@njdcj.org*** and the Monmouth County Prosecutors Office at ***ODARA@mcponj.org***.
 - b. The original *ODARA Scoring Form* shall be maintained in the applicable case file.
 - c. ODARA scores shall not be communicated or disseminated to members of the judiciary (i.e., judicial officers, including judges and court administrators, and pretrial service program personnel), and completed *ODARA Scoring Forms* shall not be offered in evidence. This prohibition applies to every stage of a criminal prosecution (e.g., applications for complaint-warrants, requests for conditions of release, hearings for pretrial detention, and trials). However, officers should utilize any information learned from the ODARA to frame critical decisions during criminal prosecutions, including whether to seek a complaint-warrant and whether to seek detention.
 - d. *ODARA Scoring Forms* are subject to discovery.
- M. In the event that an officer has reason to believe that a defendant has violated a condition of his/her pre-trial release, including electronic monitoring, the agency and or officer shall promptly notify the Intake Screening Unit at ***IntakeAPs@mcponj.org***.
7. Representatives of the superior court will be alerted if the defendant violates any of the electronic monitoring conditions. Under certain circumstances, the court representative will contact this department of the violation circumstances.
8. Communications **must immediately** dispatch an officer to investigate the violation and secure the safety of the victim, or whatever the violation may be.
9. Upon confirmation of a violation, defendant shall be charged with contempt, in violation of N.J.S.A. 2C: 29-9(a) and a complaint-warrant shall be pursued in accordance with this section (section IX).

X. REPORTING REQUIREMENTS

- A. All arrest incidents shall minimally require the following documentation whether electronic in the records system or on paper forms:
 1. Investigation report (if required);
 2. Arrest report;

3. Supplemental report (if required);
4. *Preliminary Law Enforcement Incident Report* (when required);
5. *Affidavit of Probable Cause* (when required);
6. *ODARA Scoring Form* (when required);
7. Prisoner property report (if required);
8. Evidence report (if required);
9. Consent to search (if required);
10. Use of force report (if required);
11. Witness statements (if required);
12. Miranda waiver (if required);
13. Victim notification form (if required).

XI. SUPPLEMENTAL PRISONER TRANSPORTATION

- A. This section addresses instances where prisoners already in custody are transported to and from this agency by this department.
- B. Prior to beginning any transportation, personnel assigned shall ensure that the vehicle being used is sufficiently fueled. For transportation over long distances, officers should be prepared to purchase fuel if necessary, receipt required. Reimbursement shall be sought through the chain of command.
- C. Interstate transportation will typically be performed by the Monmouth County Sheriff's Office. If this agency is called upon to assist, officers(s) assigned shall be briefed on and adhere to the Sheriff's policies and procedures.
- D. Generally, prisoners being taken to or from county jail, state prison, or other facility should be handcuffed in the back unless circumstances require handcuffing in the front. If handcuffed in the front, a handcuffing belt should be used. The circumstances may include, but are not limited to:
 1. Transporting to/from long distances (typically out-of-county);
 2. Disability;
 3. Potential for positional asphyxia (morbid obesity, etc.);
 4. A handcuffing belt may be utilized when deemed necessary to provide additional restraints for subjects;
 5. Transportation of arrestees/prisoners in a lying or supine position is prohibited. Accordingly, the application of additional restraints must be made in such a manner as to allow for upright transportation of all prisoners.

- E. Personnel shall search the rear seat of vehicles being used for prisoner transportation prior to occupation by the prisoner(s). Vehicles should be searched again following transportation.
- F. Prisoners being taken to/from any facility should be searched prior to being placed in a vehicle. Do not assume that the prisoner is free of weapons, contraband, evidence, or implements of escape.
- G. Each prisoner being transported to or from another detention facility should be positively identified as the person who is to be moved. Names, physical identifiers, photographs (if available), date of birth, fingerprints, etc. shall be verified beforehand. The proper documentation shall accompany the prisoner being moved to or from another facility. This documentation includes, but is not limited to:
 - 1. Warrants;
 - 2. Personal property;
 - 3. Commitment papers;
 - 4. Medical records of unusual illnesses (if applicable);
 - 5. Information relating to the prisoner's escape or suicide potential or other personal traits of a security nature;
 - 6. Victim notification forms.
- H. Follow intake/booking procedures when bringing prisoners to this facility.
- I. Multiple prisoners of the same sex can be transported within the same vehicle, but the number of prisoners should not exceed the capacity of the safety devices (lap and shoulder harnesses) in rear seat area.
- J. Prisoners should be transported in a vehicle equipped with a safety partition with the rear doors and windows controls disabled or removed. If a prisoner is violent, has a past history of violence, or is otherwise deemed a security risk, two officers should perform the transportation (unless being transported locally). When applicable, the second officer can sit in the front seat, but that officer's attention should be focused on the prisoner. Prisoners should be secured with the vehicle's safety restraints. This further restraint will provide an additional level of security for the transporting officers.
- K. If any suspicious, threatening, dangerous, or alarming incident should occur during transportation, the officer should immediately notify communications and pull over in a safe location to further observe or correct the situation. Particular attention shall be directed toward prisoners who are or might possibly be under the influence of alcohol or drugs or who have a propensity or history of being violent.
- L. Prisoners should not be permitted to communicate with anyone except a police officer during transportation or while waiting to be transported. Persons approaching a police vehicle containing a prisoner shall be instructed to leave and advised that the failure to oblige may result in their arrest and/or prosecution.

- M. Prisoners shall be transported directly to the intended destination as directed unless being taken to a medical facility for treatment. Under no circumstance shall an officer travel to the home of a Township of Howell official/employee while a prisoner is in the vehicle.
- N. Prisoner transportation should not be interrupted for any reason except in extreme cases when the arrestee is stricken with a medical condition requiring immediate aid, vehicle crash involving the transporting vehicle or arrestee becomes a danger to himself/herself or the transporting officer. In that event, the transporting officer shall stop safely and should not remove the prisoner from the vehicle to render aid unless another officer is present to assist.
1. Immediately notify communications of the event and what type of assistance is needed. Communications personnel shall direct the appropriate type and level of assistance, if local;
 2. If the transporting vehicle is in another jurisdiction, communications personnel shall immediately contact the law enforcement agency with jurisdictional responsibility for assistance.
- O. If long-range transportation is necessary, the prisoner should be directed to use the restroom facilities prior to transportation. Personnel must remain aware that any request to stop may be a pretext for escape. If a restroom stop is required, personnel should use the facilities at a state, county or local law enforcement agency and not public restrooms at highway rest areas.
- P. Personnel shall not stop to eat or take breaks while transporting prisoners.
- Q. Prior to commencing transportation, personnel shall advise communications of the number of prisoners being transported, their gender, their classification (adult or juvenile), the starting location, their destination, and starting mileage to the nearest 1/10th of a mile. Upon arrival at their destination, personnel are to give their ending mileage. If out of radio range, use a telephone to relay this information and call a taped line.
- R. If a prisoner is being transported to another law enforcement agency or confinement facility, personnel shall comply with all of that agency's rules and procedures concerning weapons storage.
- S. If the prisoner's destination is other than this agency,
1. Restraints should not be removed until just prior to placing the prisoner in a cell or other secure holding facility.
 2. All necessary forms, documentation, and prisoner property, shall be turned over to the receiving agency.
 3. The receiving officials name, title and agency shall be documented in the transportation report/record.
 4. The receiving agency shall be advised of any potential medical or security hazards concerning the prisoner(s).
- T. If a prisoner escapes during transportation, see section VI.O.

- U. If prisoners with special needs are being transported to a Monmouth County facility, first notify the Monmouth County Sheriff's Office to see if that agency can provide transportation.
- V. Do not presume that restraining devices are unnecessary for disabled prisoners, but exercise discretion in restraining a disabled or injured prisoner for transportation. Depending on the degree of disability or the body parts or functions that are disabled, simple handcuffing in the front through a belt may suffice. Prisoners who cannot ambulate without crutches or cane(s) may be permitted to do so without restraint depending on their security risk. A wheelchair may be preferred to transport non-ambulatory prisoners where high security is warranted. The prisoner should be secured to the wheelchair.
- W. Prisoners being picked up at other locations and exhibiting signs of untreated injuries should normally be refused before this agency accepts custody.
 - 1. If the prisoner is being picked up on a Howell warrant, take him/her to the nearest medical facility for emergency treatment, see subsection VI.L of this general order;
 - a. If the prisoner exhibits signs of mental illness, follow the protocols found in *General Order V3C21 Emotionally Disturbed Persons*, specifically the subsections on mental health screening and commitment.
 - b. Prisoners exhibiting signs of intoxication may be accepted, but should be transported to a medical facility for medical clearance if they exhibit signs of extreme intoxication.
 - c. Promptly notify a supervisor and document the matter.
- X. Operational or administrative problems encountered while transporting prisoners shall be documented. These problems include, but are not limited to:
 - 1. Prisoners who become sick or injured during transportation;
 - 2. Agency vehicle crashes with prisoners on board during transportation;
 - 3. Prisoner escapes (or attempts to escape);
 - 4. Inoperative or damaged restraints or equipment;
 - 5. Intake problems at other facilities, etc.



Howell Township
P.O. Box 580
4567 Route 9 N.
Howell, NJ 07731-0580
(732) 938-4500

Date Issued:	11/19/2018
Application Number:	ZA-18-01145
Application Date:	11/13/2018
Project Number:	P-18-0809
Permit Number:	ZP-18-01153
Fee:	\$85.00 CHK 10713

Land Use Certificate

Worksite **1097 LAKEWOOD FARMINGDALE**
Location: **Howell Township, NJ**

Owner: **GYIRASZI, TIBOR & RUTH**
Address: **14 B LARK ST**
MANCHESTER, NJ 08759

Applicant:
Address: _____, NJ

Block: 38 Lot: 26.02 Qualifier: _____ Zone: _____

This Certifies that an application for the issuance of a Land Use Certificate has been examined.

Present Use: **(None)**

☐ Non Conforming Use

☐ Non Conforming Structure

Proposed Use: **(None)**

Work Description:

WELL - Approved for domestic replacement well per plan and application.

Application Approved Date: 11/19/2018

Upon review it was determined that the Land Use Certificate:

☒ Permitted by Ordinance

☐ Permitted by Variance approved on: _____

☐ Approved with Conditions

☐ Valid Nonconforming Use/Structure is established by

☐ Zoning Board of Adjustment

☐ Zoning Officer

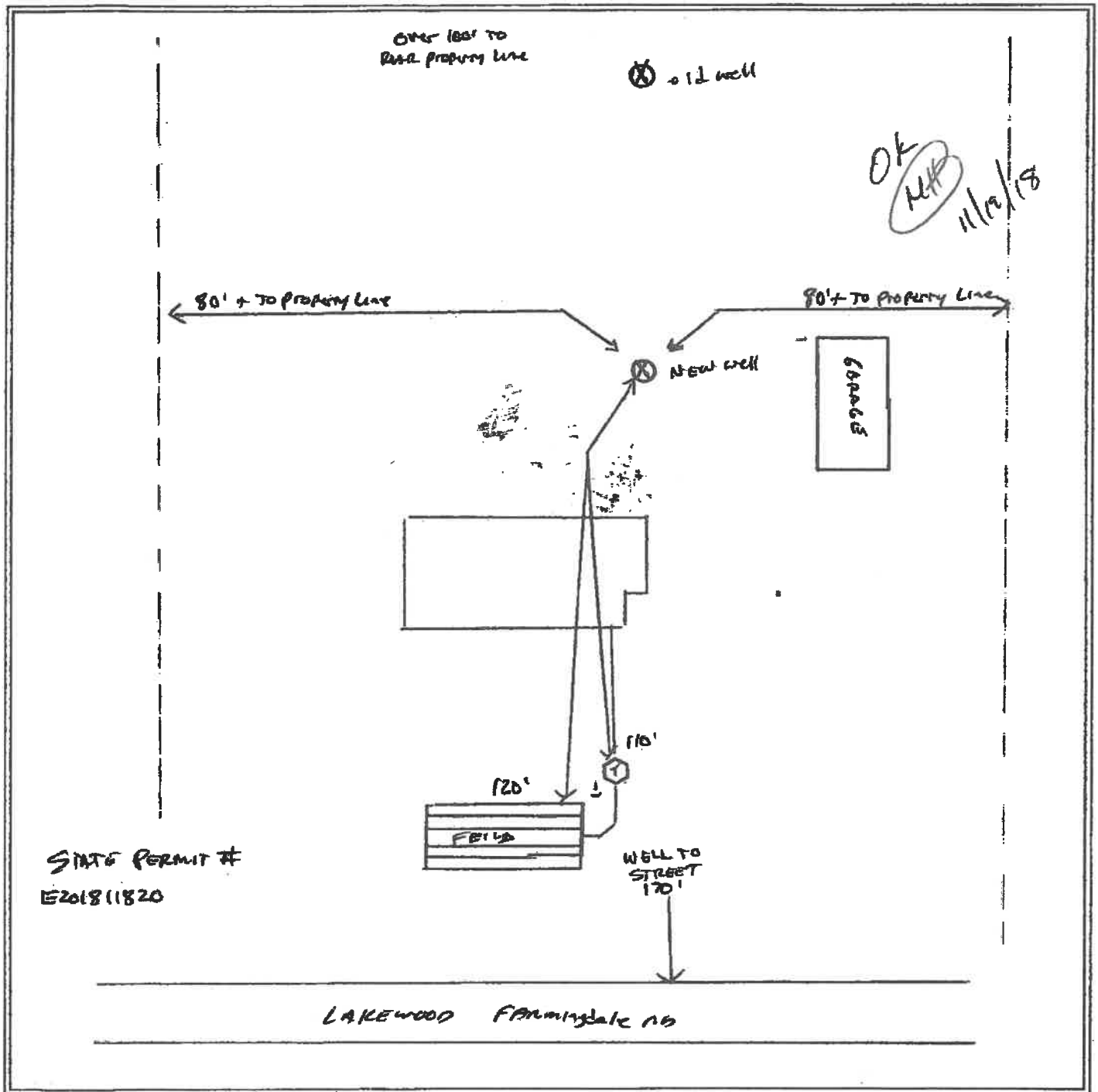

Matthew Howard, Director of Land Use

11/19/2018
Date

Land Use Certificate

(2)

1. Sketch of property to be served is as shown below. (Indicate distance from well to septic system).



This is to certify that the water supply and system will be installed in accordance with the provisions of Chapter 199 PL 1954 and standards for the Construction of Public Non-Community and Non-Public Water Systems (as revised).

11-12-18

Date

Signature of Well Driller

Print Form



Howell Township
P.O. Box 580
4567 Route 9 N.
Howell, NJ 07731-0580
(732) 938-4500

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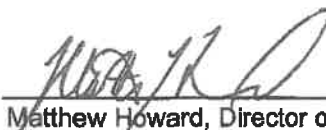
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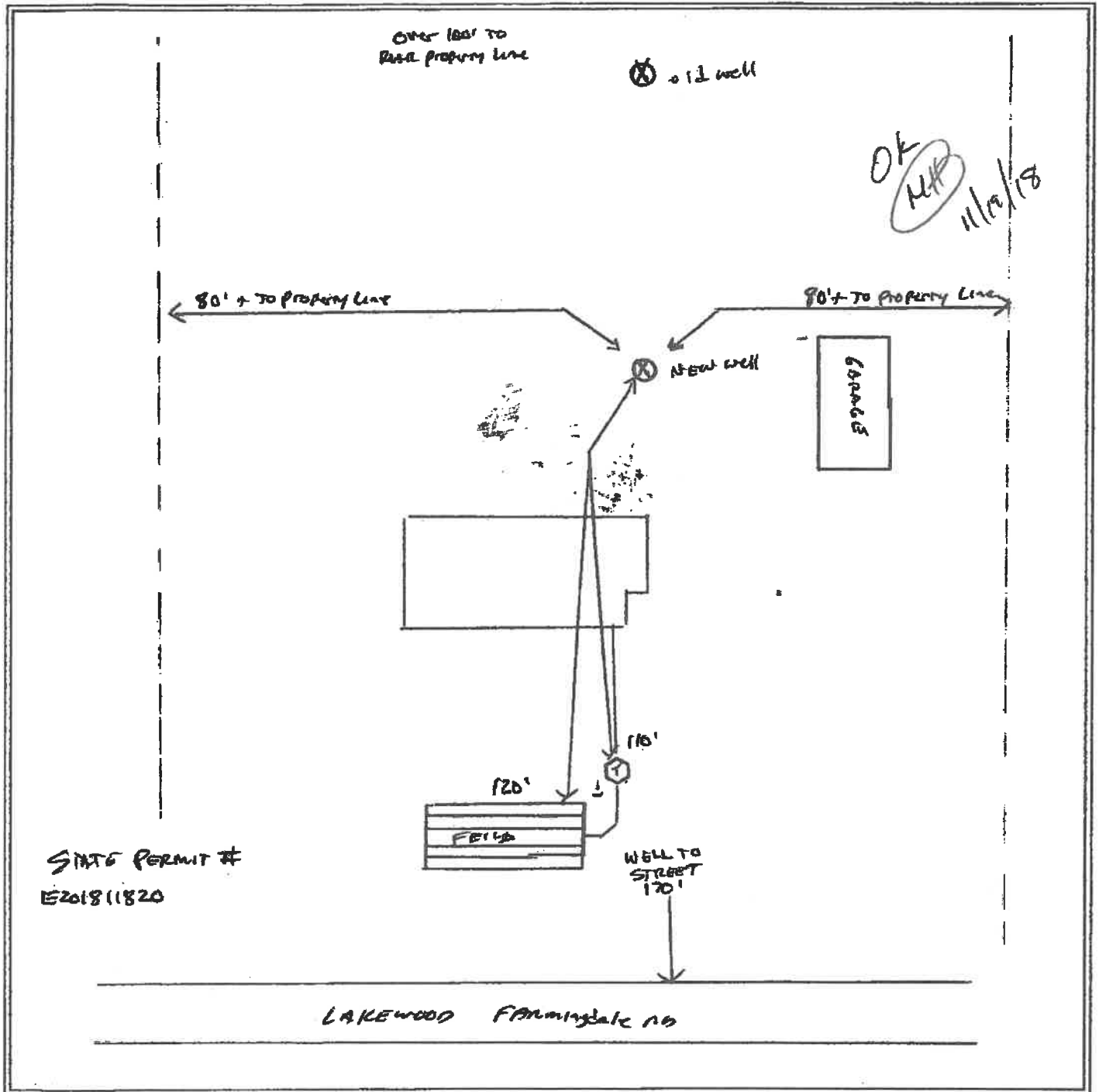

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Date

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Print Form

HOWELL POLICE DEPARTMENT GENERAL ORDER			
VOLUME: 3	CHAPTER: 7	# OF PAGES: 3	
SUBJECT: ALTERNATE CARE FOR ARRESTEE'S DEPENDENTS			
EFFECTIVE DATE: December 10, 2013		ACCREDITATION STANDARDS: 3.1.3	SUPERSEDES ORDER #: V4C7 dated 01/19/2011
BY THE ORDER OF: Chief Ronald T. Carter			

PURPOSE The purpose of this general order is to maintain compliance with the N.J. Attorney General's model policy for Alternate Care for Arrestee's Dependents.

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

PROCEDURES

I. Definitions

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

II. General

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

4. If the arrestee/detainee is unable to arrange for alternate care for the dependent(s), the officer shall cause notification to the appropriate agency of the arrest and the need for alternate care.
 - a. The NJ Department of Children and Families can be reached at their 24-hour telephone number 1-877-652-2873 or the Asbury Park Office at 732-897-6300.
 - b. Monmouth County Office on Aging at 732-431-7450.
 - c. The arrestee/detainee must be informed of the agency that is taking charge of their dependents.
 5. The agency assuming care of the dependent must be included in the Investigation Report. Minimally, the following information should be included:
 - a. Name of the agency;
 - b. Name of the contact person;
 - c. Telephone number of the contact person.
 6. The arrestee/detainee must also be provided with this information and must be provided with information on how to reclaim custody of their dependent(s) upon release.
 7. When setting bail, the on-call judge shall be notified that the arrestee has dependent(s) requiring the arrestee's care and what arrangements had been made for the care of the dependents.
- C. Whenever a person is arrested or taken into custody, even if the complaint is to be placed on a summons and his/her release is anticipated, but likely to be detained for more than two (2) hours, that person must be questioned as to whether or not there is any child or other person solely dependent upon the arrestee for care, sustenance or supervision. If the arrestee answers in the affirmative, the above procedures apply.