

Karen Wynne

From: Time to Change- Jersey Style <opra+request-2267-2bccc0c2@requests.opramachine.com>
Sent: Thursday, August 02, 2018 11:17 AM
To: OPRA requests at Matawan Borough
Subject: OPRA request - Information regarding police contact

Dear Matawan Borough,

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:

1. Copy(s) of Matawan Police Department SOPs/General Orders/Directives/Policies/Rules/Regulations referencing and in regards to the practice of police officers identifying themselves by name and/or badge number to members of the general public when requested, and/or by individuals the police officers make contact with in the course of their duties, when requested by those individuals.
2. Copy(s) of Matawan Police Department SOPs/General Orders/Directives/Policies/Rules/Regulations referencing and in regards to the display of name tags, name plates, name patches, badges, and/or badge numbers.
3. Copy(s) of Matawan Police Department SOPs/General Orders/Directives/Policies/Rules/Regulations referencing and in regards to the conduct of police officers when engaging/making contact with the public.
4. A copy of all of the SOPs/General Orders/Directives/Policies/Rules/Regulations that are currently in place as of 8-1-2016 from the Matawan Police Department regarding public photography and/or video recording of government buildings and within publically accessible areas of Government Buildings.
5. A copy of all of the SOPs/General Orders/Directives/Policies/Rules/Regulations that are currently in place as of 8-1-2016 from the Matawan Police Department regarding public photography and/or video recording of military facilities and critical infrastructures.

Yours faithfully,

Time to Change- Jersey Style

Please use this email address for all replies to this request:
opra+request-2267-2bccc0c2@requests.opramachine.com

Is karen.wynne@matawanborough.com the wrong address for OPRA requests to Matawan Borough? If so, please contact us using this form:
https://opramachine.com/change_request/new?body=matawan_borough

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

[https://opramachine.com/request/information regarding police con 34](https://opramachine.com/request/information%20regarding%20police%20con%2034)

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

OPEN PUBLIC RECORDS ACT REQUEST FORM



Borough of Matawan
201 Broad Street, Matawan, New Jersey 07747
Karen Wynne, RMC
(732) 566-3898 ext. 602
Fax (732) 290-7585
karen.wynne@matawanborough.com

**Important Notice**

The last page of this form contains important information related to your rights concerning government records. Please read it carefully.

Requestor Information – Please Print

First Name _____ MI _____ Last Name _____
 E-mail Address _____
 Mailing Address _____
 City _____ State _____ Zip _____
 Telephone _____ FAX _____
 Preferred Delivery: Pick Up _____ US Mail _____ On-Site Inspect _____ Fax _____ E-mail _____
If you are requesting records containing personal information, please circle one: Under penalty of N.J.S.A. 2C:28-3, I certify that I **HAVE / HAVE NOT** been convicted of any indictable offense under the laws of New Jersey, any other state, or the United States.
 Signature _____ Date _____

Payment Information

Maximum Authorization Cost \$ _____
 Select Payment Method
 Cash _____ Check _____ Money Order _____
 Fees: Letter size pages - \$0.05 per page
 Legal size pages - \$0.07 per page
 Other materials (CD, DVD, etc) – actual cost of material
 Delivery: Delivery / postage fees additional depending upon delivery type.
 Extras: Special service charge dependent upon request.

Record Request Information: Please be as specific as possible in describing the records being requested. Also, please note that your preferred method of delivery will only be accommodated if the custodian has the technological means and the integrity of the records will not be jeopardized by such method of delivery.

AGENCY USE ONLY

Est. Document Cost _____
 Est. Delivery Cost _____
 Est. Extras Cost _____
 Total Est. Cost _____
 Deposit Amount _____
 Estimated Balance _____
 Deposit Date _____

AGENCY USE ONLY

Disposition Notes
 Custodian: If any part of request cannot be delivered in seven business days, detail reasons here.

In Progress - Open _____
 Denied - Closed _____
 Filled - Closed _____
 Partial - Closed _____

AGENCY USE ONLY**Tracking Information**

Tracking # _____ Total _____
 Rec'd Date 8-2-18 Deposit _____
 Ready Date 8-13-18 Balance Due _____
 Total Pages _____ Balance Paid _____

Records Provided

8-13-18
 - File complete
 - See attached email @

Karen Wynne 8-2-18
 Custodian Signature Clerk Date

- Excerpt from Matawan Police Dept
Rules & Regulations

- (7) Supervisor's Responsibility. Supervisors shall not assign to duty or allow to remain on duty any employee whose fitness for duty is questionable due to the use of alcohol or medication and shall make immediate notification to the Chief of Police, or his designate.
- (8) Possession of Alcoholic Beverages. Employees shall not have alcoholic beverages on their person while on duty or in uniform, nor in any police department building or vehicle, except for evidential or other authorized purpose.
- (9) Taking Medication on Duty. Employees of the department shall not take any medication which may diminish their alertness or impair their senses prior to or after reporting for duty unless directed by a physician.
- (10) Notification about Medication. When employees are required to take any prescription medication or any non-prescription medication which may diminish their alertness or impair their senses, the employee shall notify their supervisor as to the medication required, its properties, the dosage and the period during which the employee is required to take the medication. This notification shall be by the prescribing physician. If the medication is a non-prescription drug the employee shall make this notification. The required notification shall be made prior to the employee reporting for duty. This information so provided shall be confidential.
- (11) This department shall conduct random drug testing of police officers in accordance with the Drug Testing Policy of the Attorney General

K. *Duty Conduct.*

- (1) Reporting for Duty. Employees shall report for duty at the time and place specified, properly uniformed and equipped.
- (2) Absence from Duty. An employee who fails to appear for duty at the date, time and place specified without consent of competent authority is absent without leave. Supervisors shall immediately report to their supervisor in writing any employee who is absent without leave.
- (3) Prohibited Activity on Duty. Employees who are on duty are prohibited from engaging in activities which are not directly related to the performance of their duty (e.g., sleeping, conducting private business, or gambling).

- (4) Smoking while on Duty. Employees shall not smoke except in authorized areas. Employees shall not smoke on duty while in direct contact with the public.
- (5) Distracters. The use of any item or object that distracts an employee from the performance of duty other than equipment authorized by the department is prohibited while on duty.
- (6) Relief. Employees are to remain at their assignments and on duty until properly relieved by other employees or until dismissed by competent authority.
- (7) Meals. All meals are to be consumed within authorized areas, subject to modification by the supervisor.
- (8) Training. Employees shall attend training at the direction of the appropriate supervisor. Such attendance is considered a duty assignment, unless the prevailing collective bargaining agreement provides otherwise.
- (9) Inspections. Employees directed to attend full dress inspections shall report in the uniform prescribed, carrying the equipment specified. Unauthorized absence from such inspection shall be considered absence without leave.

L. Uniforms, Appearance and Identification:

- (1) Regulation Uniform Required. All police officers and uniformed civilians shall maintain uniforms prescribed in the department uniform regulations. Uniforms shall be kept neat, clean and well-pressed at all times.
- (2) Manner of Dress on Duty. Employees shall wear the uniform or civilian clothing on duty as prescribed by department regulation for the employees current assignment
- (3) Wearing Jewelry on Duty. Police Officers on duty shall not wear loose-fitting jewelry which may be grasped during a struggle or which may inflict injury or retard the mobility of the officer. This provision shall not prohibit non-uniform officers on duty from wearing jewelry appropriately for the conditions of their current assignment.

- 2.) Under suspension. Any employee under any suspension shall immediately surrender their identification, firearm and all other department property to the appropriate supervisor pending disposition of the case.

4. COMMUNICATIONS, CORRESPONDENCE

- 1) Restrictions. Employees shall :
 - a) Not use department letterhead for private correspondence
 - b) Only send correspondence out of department under the direction of the appropriate supervisor.
- 2) Forwarding Communications. Any employee who receives a written communication for transmission to another employee shall forward same without delay.
- 3) Use of Department Address. Employees shall not use the department as a mailing address for private purposes. The department address shall not be used for any private vehicle registration or driver license.
- 4) Telephones. Department telephone equipment may not be used for personal use involving toll charges without express approval of a supervisor.
- 5) Radio Discipline. Employees operating the police radios shall strictly observe the procedures and regulations for such operations as set forth in department policy and procedure.

5. CONDUCT TOWARD PUBLIC

- 1) Courtesy. Employees shall be courteous and orderly in their dealings with the public. They shall perform their duties politely, avoiding profane language and shall always remain calm regardless of provocation.
- 2) Request for Identification. Upon request, employees are required to supply their name and identification number in a courteous manner.
- 3) Impartiality. Employees shall not exhibit bias or favoritism towards any person because of race, sex, sexual orientation, creed, color, national origin, ancestry or influence.

- 4) Use of Derogatory Terms. Employees shall not use language that is derogatory to anyone because of race, sex, sexual orientation, creed, color, national origin, ancestry or influence.
- 5) Affiliation with Certain Organizations Prohibited. No employee shall knowingly become a member of any organization which advocates the violation of law, or which professes hatred, prejudice, or oppression against any racial or religious group or political entity, except when necessary in the performance of duty and at the direction of the Chief of Police.
- 6) Representing the Police Department. Employees shall not give public speeches or demonstrations on behalf of the department, nor shall they endorse any product or service as a representative of the department, without prior approval of the Chief of Police

6. POLITICAL ACTIVITIES

- 1) Employees Shall not be candidates for or hold office in elective public positions or political organizations within or inclusive of the jurisdiction in which they are employed unless authorized to do so by the county prosecutor.
- 2) Employees may contribute funds or any thing of value to candidates for public offices subject to provision of law governing such contributions.
- 3) Employees shall not engage in any political activity while on duty, or while in uniform, or at any other time if to do so would conflict with their duties or impair their ability to perform their duties.
- 4) Employees shall not directly or indirectly use or attempt to use their official position to influence the political activity of another person.
- 5) Employees shall not engage in any poling duties except in the performance of their official duties.
- 6) Employees shall not display any political material on any government property or on their person while on duty or in uniform.



MEMORANDUM

MEMO 17-017

To: All Department Employees
From: Lt. Thomas J. Falco
Subject: Council Meeting – December 19, 2017
Date: December 12, 2017

On December 19, 2017 at 1900 hours, this department will hold its annual awards ceremony at the final council meeting of the calendar year.

The Office of the Chief of Police has received nominations for various accomplishments. The nominations were reviewed by the Awards Committee and recommendations have been made to recognize the following officers and civilians:

Sgt. Christopher Stark
Ptl. Eric Andersen
Ptl. Paul Ryba
Ptl. Joseph Mason
Ptl. Christine Heppel
Ex-Fire Chief Zoltan Varsanyi
Nancy Varsanyi

In accordance with General Order #15-003, only those accomplishments that have been brought to the attention of the Chief of Police and reviewed by the Awards Committee have been considered.

As 2017 comes to a close, and the new year begins, please remember to take note of each other's accomplishments throughout the year.

Preceding the awards ceremony will be the ceremonially oaths of office for:

- Lt. Jeremiah E. Hourihan (promoted October 1st)
- Sgt. Matthew T. O'Boyle (promoted December 1st)
- Ptl. Brian Ramcheran (hired July 16th)

And the recognition of twenty-nine years of service by Lt. Ben Smith (retired October 1st)

In addition to the Command Staff, members being recognized or sworn-in shall wear the Class "A" Dress Blouse (Cross strap, holster, magazine pouch, cuff case, MB PD collar brass, name tag and hat).

Family, friends, and members are encouraged to attend. Members may dress casually.



SPECIAL ORDER

SO 15-003

Subject: Uniform Inspection

Effective Date: May 21, 2015

Expiration Date: June 9, 2015

Issued by: Chief Jason D. Gallo

Distribution: All members

The written directives developed by the Matawan Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

On Monday, June 8, 2015 at 1500 hrs, all department members shall report to the Matawan Municipal Community Center for a uniform inspection. After assembly and inspection, a department photograph and individual photographs may be taken at a different location within the Borough. Members shall report wearing the following uniform, accessories and equipment:

1. Class A Dress Blouse with department patch on left sleeve and reverse U.S. flag on right sleeve, with the correct number of hash marks or service stars (Command Staff) for the number of years serving as a sworn Police Officer
2. Regulation uniform pants with gold stripe
3. Long sleeve white uniform shirt (without patches or insignia, unless Command Staff)
4. Navy blue tie
5. Trooper Hat with hat badge
6. Breast Badge (Patrolmen assigned to the Detective Division may wear their Detective's badge if so desired)
7. Cross Strap
8. Duty belt
9. Holster and firearm
10. Magazine pouch with magazines
11. Handcuff case with handcuffs
12. Name plate
13. Whistle set and MBPD collar brass (gold for Sergeant and above, silver for Patrolmen)
14. Black shoes or boots (leather or Corfam is acceptable)

All leather and brass shall be highly polished.



SPECIAL ORDER

SO 16-007

Subject: Uniform Inspection

Effective Date: November 21, 2016

Expiration Date: December 20, 2016

Issued by: Chief Jason D. Gallo

Distribution: All members

The written directives developed by the Matawan Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

On Tuesday, December 20, 2016 at 1700 hours, all department members shall report to the Matawan Municipal Community Center for this agency's annual uniform inspection. Members shall report wearing the following uniform, accessories and equipment:

1. Class A Dress Blouse with department patch on left sleeve and reverse U.S. flag on right sleeve, with the correct number of hash marks or service stars (Command Staff) for the number of years serving as a sworn regular Police Officer
2. Regulation uniform pants with gold stripe
3. Long sleeve white uniform shirt (without patches or insignia, unless Command Staff)
4. Navy blue tie
5. Trooper Hat with hat badge
6. Breast Badge (Patrolmen assigned to the Detective Division may wear their Detective's badge if so desired)
7. Cross Strap
8. Duty belt
9. Holster and firearm
10. Magazine pouch with magazines
11. Handcuff case with handcuffs
12. Name plate
13. Whistle set and MBPD collar brass (gold for Sergeant and above, silver for Patrolmen)
14. Black shoes or boots (leather or Corfam is acceptable)

All leather and brass shall be highly polished.



GENERAL ORDER

GO 16-002

Subject: Recording of Police

Effective Date: November 3, 2016

Issued by: Chief Jason D. Gallo

of pages: 2

Distribution: All Members

Review Date:

Last Revised:

Accreditation Standards:

The written directives developed by the Matawan Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

I. PURPOSE

This General Order provides members of this agency with guidance for dealing with situations in which they are being recorded, to include photographing, videotaping, audiotaping, or both, by members of the public or the press.

II. POLICY

Members of the public, including media representatives, have an unambiguous First Amendment right to record officers in public places, as long as their actions do not interfere with the officer's duties or the safety of officers or others. Officers should assume that they are being recorded at all times when on duty in a public space.

III. DEFINITIONS

Recording: Capturing of images, audio, or both, by means of a camera, cell phone, audio recorder, or another device.

Media: The storage source for visual or audio recordings, whether by film, analog, or digital means.

IV. PROCEDURES

- A. Persons who are lawfully in public spaces or locations where they have a legal right to be present—such as their home, place of business, or the common areas of public and private facilities and buildings—have a First Amendment right to record things in plain sight or hearing,¹ to include police activity. Police may not threaten, intimidate, or otherwise discourage or interfere with the recording of police activities. However, the right to record is not absolute and is subject to legitimate and reasonable legal restrictions, as follows:
1. A reasonable distance must be maintained from the officer(s) engaged in enforcement or related police duties.
 2. Persons engaged in recording activities may not obstruct police actions. For example, individuals may not interfere through direct physical intervention, tampering with a witness, or by persistently engaging an officer with questions or interruptions. The fact that recording and/or overt verbal criticism, insults, or name-calling may be annoying, does not of itself justify an officer taking corrective or enforcement action or ordering that recording

¹ In nearly all cases, audio recording of police is legally permissible and subject to the same guidelines as video recording. This is so even in states where eavesdropping statutes require two-party consent.

be stopped, as this is an infringement on an individual's constitutional right to protected speech.

3. Recording must be conducted in a manner that does not unreasonably impede the movement of emergency equipment and personnel or the flow of vehicular or pedestrian traffic.
4. The safety of officers, victims, witnesses, and third parties cannot be jeopardized by the recording party.

B. Arrest

1. Persons who violate the foregoing restrictions should be informed that they are engaged in prohibited activity and given information on acceptable alternatives, where appropriate, prior to making an arrest.
2. Arrest of a person who is recording officers in public shall be related to an objective, articulable violation of the law unrelated to the act of recording. The act of recording does not, in itself, provide grounds for detention or arrest.
3. Arrest of an individual does not provide an exception to the warrant requirement justifying search of the individual's recording equipment or media. While equipment may be seized incident to an arrest, downloading, viewing, or otherwise accessing files requires a search warrant. Files and media shall not be altered or erased under any circumstances.

C. Seizure of Recording Devices and Media

1. Absent arrest of the recording party, recording equipment may not be seized. Additionally, officers may not order an individual to show recordings that have been made of enforcement actions or other police operations.
2. If there is probable cause to believe that evidence of a serious crime has been recorded, an officer should
 - a. advise and receive instructions from a supervisor;
 - b. ask the person in possession of the recording if he or she will consent to voluntarily and temporarily relinquish the recording device or media so that it may be viewed and/or copied as evidence; and
 - c. in exigent circumstances, in which it is reasonable to believe that the recording will be destroyed, lost, tampered with or otherwise rendered useless as evidence before a warrant can be obtained, the recording device or media may be seized under a temporary restraint. A warrant must be obtained in order to examine and copy the recording and the chain of custody must be clearly documented per department policy.
3. In exigent situations where it is objectively reasonable to believe that immediate viewing of recordings is necessary to prevent death or serious bodily harm of another before a warrant can be authorized, the recording device or media may be seized and viewed.
4. Whenever a recording device or media is seized without a warrant or obtained by voluntary consent, the seized item shall be held in police custody no longer than reasonably necessary for the police, acting with due diligence, to obtain a warrant. The device must be returned at the earliest possible time and its owner/operator given instruction on how it can be retrieved. In all cases property receipts, shall be provided to the owner.

D. Supervisory Responsibilities

A supervisor should be summoned to any incident in which an individual recording police activity is going to be, or will most likely be, arrested or when recording equipment may be seized without a warrant or lawful consent.