



## Borough of Pitman Police Department

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Daniel J. McAteer – Chief of Police  
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May 20, 2022

Via email only ([opra+request-31253-63f5d5bb@requests.opramachine.com](mailto:opra+request-31253-63f5d5bb@requests.opramachine.com))

Anonymous Citizen

Re: Open Public Records Act/Common Law Records Request

Dear Anonymous Citizen:

The Borough of Pitman Records Custodian received your request for records pursuant to the Open Public Records Act (OPRA) and the New Jersey common law right of access, dated April 22, 2022, via email on April 25, 2022, and forwarded it to the Police Records Custodian for response. Accordingly, the initial seven (7) business day deadline to respond to your request under OPRA was May 4, 2022. By correspondence dated May 4, 2022, we requested a seven (7) business day extension, to May 13, 2022, to further process your request. We responded to your request on May 13, 2021.

Your records request was as follows:

An additional search of our available records has identified the following as responsive to your request:

Special Order 2021-01

A copy of the identified record is enclosed.

If your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision by the Borough of Pitman to deny access. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at 866-850-0511, by mail at P.O. Box 819, Trenton, NJ, 08625, by e-mail at [grc@dca.state.nj.us](mailto:grc@dca.state.nj.us), or at their web site at [www.state.nj.us/grc](http://www.state.nj.us/grc). The GRC can also answer other questions about the law. All questions regarding complaints filed in Superior Court should be directed to the Court Clerk in your County.

Very truly yours,

*Lori A. Scutt*

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cc:djm

|                                                                               |                                          |                                                                                     |
|-------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------------------------|
| <b>Pitman Police Department</b><br><b>SPECIAL ORDER</b>                       |                                          |  |
| <b>SUBJECT:</b> Guidelines for Response due to Marijuana/Cannabis Legislation |                                          | <b>NUMBER:</b><br>SO 2021-01                                                        |
| <b>EFFECTIVE DATE:</b><br>February 23, 2021                                   | <b>DISTRIBUTION TO:</b><br>All Personnel | <b>ISSUED BY:</b><br>DJM #102                                                       |
| <b>CANCELLATION DATE:</b><br>Until Cancelled and/or Replaced by SOP           |                                          | <b>APPROVED BY:</b><br>DJM #102                                                     |

Based on the marijuana/cannabis legislation signed into law yesterday (02/22/2021), specifically with regard to the juvenile restrictions, I am directing all response and investigations that directly or indirectly have to do with marijuana/cannabis be suspended immediately until proper legal analysis and guidance is received concerning this new law. Officers are to fully investigate all other aspects of a complaint/investigation and document their actions accordingly. At the time of this writing, a directive has yet to be issued by the NJ State Attorney General or his Office; nor has the County Prosecutor issued one.

This new law states that a law enforcement officer cannot use the odor of marijuana or alcohol as reasonable articulable suspicion to initiate an investigatory stop. It further states that a minor cannot consent to be searched and that a law enforcement officer no longer has probable cause to search a minor for illegally using or possessing marijuana or alcohol, and that in doing so, an officer could face criminal charges for Deprivation of Civil Rights. Therefore, due to the substantial potential and likelihood for violations of this new law leading to severe consequences of criminal charges for an officer, this directive will cover any call regarding the odor or possession of marijuana/cannabis by anyone.

If an officer's response/investigation relates to the immediate safety of the public, such as driving under the influence, officers must still protect the public without pursuing any possible marijuana/cannabis element and again, by documenting all action.

Until we have more information, understanding, and direction, and you are provided with proper and appropriate training, this Special Order will stand as the guiding policy of the Pitman Police Department until cancelled and/or replaced by a Standing Operating Procedure (SOP).