

Mahwah Police Department -- Policies and Procedures		Number 150:20:15
Subject Abandoned Vehicles - Towing		
Issue Date 04062001		Effective Date 04062001
Revisions a. Reviewed 2/2015 LtSC, b. 08/2018 D.Lt.GB		
Page 1 of 8.	Accreditation Number 61.4.3	

I. BACKGROUND

Officers of the Mahwah Police Department, upon locating an abandoned or junk vehicle, or receiving a complaint about such a vehicle, will take necessary and appropriate action to have the vehicle removed. Officers have the authority and responsibility to ensure the safe and efficient flow of vehicular traffic on the streets and highways. This sometimes requires that vehicles be removed or towed to a place of safety. Any officer who finds that a vehicle is left unattended upon a street or highway in violation of any of the provisions regulating stopping, standing, or parking, is authorized to remove the vehicle, or require the driver or person in charge of the vehicle to move it to a position off the roadway, or otherwise legally park it.

II. POLICY

It is the policy of this Department that all members adhere to the below listed guidelines regarding the handling of abandoned/inoperable vehicles.

III. ACTION

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A. HANDLING OF ABANDONED VEHICLES

TOWNSHIP ORDINANCE

The officer will need to determine whether or not the vehicle involved meets the criteria of a Inoperable Motor Vehicle by Ordinance 3-3 of the Township Code. Specifically to be considered an "Inoperable Motor Vehicle" the vehicle must meet the following criteria;

Inoperable Motor Vehicle

1. No person shall park, leave or store any inoperable motor vehicle on any public lands or premises except in case of emergency and then for a period of not more than forty-eight (48) hours.
2. No person shall park, leave, store or maintain any inoperable motor vehicle for a period of more than thirty (30) days upon any private lands or premises.

3. No owner or occupier of any private lands or premises shall permit or suffer any inoperable motor vehicle to be parked, left, stored or maintained on his or her lands or premises for more than thirty (30) days.

Exceptions

1. Lawfully operated junkyards.
2. Motor vehicle located or stored in garages or other buildings.
3. New or used vehicles on display for sale upon the premises of a legally operated automobile dealership.
4. Vehicles with current registrations under repair upon the premises of a legal operated automotive service.

Continuation of Violations

The imposition of a penalty or penalties for any violation of this ordinance shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations within a reasonable time. If the violations are not corrected within a reasonable time, then each ten (10) days thereafter that the prohibited conditions are maintained shall constitute a separate offense.

NJ STATE LAW

According to **Title 39, Section 4-56.5** it is unlawful for any person to abandon a motor vehicle on or along any highway or other public property or on any private property without the consent of the owner or other person in charge of the private property. A vehicle which has remained on or along any highway or other public property or on private property without such consent for a period of more than 48 hours or for any period without current license plates shall be presumed to be an abandoned motor vehicle.

Section **4-56.6** states that no person shall park or leave unattended a vehicle on private property without the consent of the owner or other person in control or possession of the property or for a period in excess of that for which consent was given, except in the case of emergency or disablement of the vehicle in which case the owner or operator thereof shall arrange for the expeditious removal of the vehicle.

The owner or other person in control or possession of the property on which a vehicle is parked or left unattended in violation of this section may remove or hire another person to remove and store the vehicle. It shall be the obligation of the owner of the vehicle to pay the reasonable costs for the removal and for any storage which may result from such removal. If the owner of the vehicle refuses to pay such costs or fails to make any claim for the return of the vehicle within 90 days after such removal, the vehicle may be sold at public auction.

Section **4-56.7** states that any law enforcement officer may in the performance of his duty enter upon the property upon request of the property owner wherein a vehicle is parked in violation of this section for the purpose of issuing a summons for such violation.

B. TOWING & REMOVAL POLICY OF VEHICLES FROM PUBLIC AND PRIVATE PROPERTY

Officers of the Mahwah Police Department are authorized to remove and/or impound vehicles when certain conditions are present. When vehicles are removed and/or impounded, procedures listed in this SOP shall prevail. The towing procedures outlined in this section of this SOP shall be followed when a tow is authorized. Unless

circumstances require the immediate removal of a vehicle, officers will exhaust all reasonable attempts to notify the registered owner of a vehicle prior to having it towed. Officers are authorized to remove and/or impound, or cause to be removed to the nearest garage or other place of safety, a vehicle found upon a street or highway under the following circumstances:

1. When authorized by State law or local ordinances;
2. When a report has been made that the vehicle was stolen or taken without the owner's consent;
3. When a vehicle upon a street is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
4. When the driver of such vehicle is taken into custody by the officer and the vehicle would be left unattended;
5. When a vehicle is found being driven upon the street and is not in proper condition to be driven;
6. When removal is necessary in the interest of public safety because of fire, flood, storm, snow, or other emergency reasons; and/or
7. When in the judgment of the officer it is necessary to protect the safety and integrity of the vehicle or property contained in the vehicle.

Officers are authorized to remove or cause to be removed to the nearest garage or other place of safety a vehicle found on private property under the following circumstances:

1. When vehicles are found to be in violation of junk vehicle laws and ordinances; and
2. Attempts to have the violations corrected by the registered owners have been unsuccessful

Arrest of Vehicle Operators

The arrest of a driver or owner from a vehicle may result in the officer having the vehicle towed. The officer has the discretion of legally parking and securing the vehicle with the driver's or owner's permission, or releasing the vehicle to a responsible person of the owner's choice once ownership has been verified, provided the vehicle is not needed as evidence. If the vehicle has been reported stolen, officers will determine whom the reporting agency is, and whether the vehicle should be held for evidentiary purposes. If another agency is the reporting agency, such agency will be contacted and advised of the recovery made by this department.

Stolen Vehicle

If the stolen vehicle is not to be held for evidentiary purposes or other reasons, the owner should be contacted and instructed to come to the scene with proof of ownership to claim the vehicle. If the owner of the vehicle cannot be located is unable to respond immediately, or cannot present proof of ownership, the vehicle shall be towed. Financial settlement with the towing service prior to release is the vehicle owner's responsibility. It is the responsibility of the officer recovering the stolen auto to track all towed vehicles and to make every effort to locate and notify the owner of the location of the vehicle, and the procedure for claiming it. Whenever possible, recovered stolen autos should be processed at the scene where recovered. If this is not possible due to weather conditions or other circumstances, recovered stolen vehicles may be towed to the police department, with the approval of the Tour Commander, and processed in the police garage. Such vehicles shall not be left in the garage for extended time periods. If the owner cannot respond to the police department to claim the vehicle within a reasonable period of time

after processing is completed, the vehicle may be parked in the rear lot of the police department, or towed to an impound lot, garage, or other place of safety. Fees for towing the vehicle from the police department are the responsibility of the vehicle owner.

Vehicles Parked Illegally

Vehicles parked illegally on the streets will be handled in the following manner:

1. If the vehicle is unattended and upon any highway, or portion thereof, and constitutes an obstruction or hazard, the officer should take appropriate steps to have the vehicle moved as soon as possible. Circumstances will dictate whether or not there is time to determine if the driver or owner has help en route before the officer arranges for having the vehicle towed away. A motor vehicle summons should be issued to the owner of the vehicle for 39:4-56.5, abandonment of a motor vehicle on public property.
2. If the vehicle is parked in violation of a parking restriction, but poses no immediate hazard or obstruction, the officer will take regular enforcement action; usually consisting of issuing a parking or traffic citation to the vehicle. If the owner or driver is present, they should be instructed to move the vehicle, or park it legally. Vehicles illegally parked as described in this section will not normally be towed, however, one exception might be vehicles illegally parked in handicapped spaces in front of private residences;
3. If the vehicle is parked illegally by way of being in violation of abandoned or junk vehicle ordinances or laws the officer shall take the appropriate actions to correct the violation.
4. If the vehicle is parked in a private parking space as in the case of assigned parking spaces in condominium/townhouse complexes, the owner of the assigned parking space can have the vehicle removed from the space at their own expense or the expense of the vehicle owner in accordance with the policy of the individual private towing agent.

On occasion, this may result in immediately towing a vehicle. However, unless a violation presents an identifiable hazard, the officer should allow the owner an opportunity to correct the problem by following the procedure below:

1. Attempt to ascertain if the vehicle does fit the criteria for such violation;
2. Make reasonable attempts to contact the registered owner and advise them of:
 - The nature of the complaint;
 - Requirements of applicable statutes/ordinances;
 - What actions will be taken by the police department (i.e. checking back at a specific time); and
 - The possible consequences of failing to comply with the statutes or ordinances involved.
3. When applicable, take necessary investigative actions (i.e. photographing junk vehicles on private property or marking tires of vehicles parked on the street), and document the date and time of such actions;
4. Conduct appropriate follow-up investigations (i.e., check back for compliance, have vehicle removed, issue citations, etc.)

Expired License Plates

When an officer encounters a vehicle with expired license plates the following will apply:

1. If such vehicle is being driven on the roadway, or parked on the street or right-of-way the officer may, at his discretion, taking into consideration his training and experience and the circumstances involved, issue a regular traffic citation;
2. The driver/owner shall be instructed to remove the vehicle from the street until appropriate registration is displayed on the vehicle;
3. If such vehicle appears to be abandoned, or the violation appears to be flagrant, the officer should issue a citation and then follow guidelines for having the vehicle towed as outlined in this section of this SOP.

Traffic Crash Involvement

When a vehicle is involved in a traffic crash and needs to be towed, the officer will contact dispatch and request the appropriate Tow Company respond to the scene. If the owner or driver requests a specific tow service, every effort should be made to contact that tow company. The Mahwah Police Department will utilize a prescribed method for contacting towing services to ensure that all towing services are treated equally, and that preference to any particular service is limited to special circumstances. When officers have a need to call for towing services, such requests shall be made through the Communications Center. The communications center will use the authorized rotation system to ensure that all towing services on the list are given equal business opportunities, and that no towing service on the list gets undue preferential treatment. The rotation system may be ignored when special circumstances exist. Special circumstances that would permit going outside the rotation system include:

1. A need or special request by the owner or operator of a vehicle to be towed for AAA wrecker service;
2. A particular wrecker service being requested by the owner or driver of a vehicle to be towed;
3. A need for a wrecker service with inside or secured storage available;
4. A need for a particular type of service or capability, such as a wrecker service capable of towing large vehicles (semi tractors and trailers).
5. A need for a minimum response time, such as when the towing service to be called according to rotation is on another service call, and response time is going to be delayed.
6. Wreckers who coincidentally arrive on a scene where such service is going to be needed, but the officer has not yet had time to call for such service; and
7. Other legitimate reasons approved by the Tour Commander.

Towing Service Not Available for Call

If the towing service recommended by the rotation system is not available (either no answer or not able to respond), the dispatcher is to contact the next available towing service on the list. Unavailability shall be considered a turn on the rotation list regardless of the reason for unavailability. In those instances where an officer requests a heavy-duty wrecker, the dispatcher will contact the next available wrecker service on the list that provides such service.

Requests to be on Approved Towing List

Towing services requesting to be placed on the rotation list must submit their request to the Chief of Police in writing. Prior to being accepted and placed on the list, towing services must first meet certain requirements. Those requirements are included in Township Ordinance 4-2.

Removal from Approved Tow List

The Chief of Police may, at his discretion, have any towing service removed from the rotation list for violating any of the terms of this SOP, for violations of Township Ordinance 4-2 or for practices which are contrary to the expectations of the Mahwah Police Department. Officers aware of any violation of this SOP shall report the violation to their immediate supervisor in the form of an Inter-Office Memo. Such memo shall be forwarded through the chain of command to the Chief of Police.

C. MAINTAINING RECORDS OF ALL VEHICLES REMOVED, STORED, OR TOWED AT THE DIRECTION OF AN OFFICER.

Vehicle Inventory

Vehicles towed at the direction of a police officer are subject to inventory. A vehicle inventory is conducted for the following purposes:

1. For the protection of the owner's property in the vehicle; and
2. To provide for documentation of property inside the vehicle so that unjustified claims of theft can be refuted.

An inventory shall be conducted when vehicles are towed under any of the following circumstances;

1. The driver has been arrested;
2. The driver has been removed to the hospital; or
3. The vehicle is abandoned.

The officer requesting a tow truck is responsible for ensuring that the vehicle inventory is conducted. If that officer must leave the scene prior to conducting the inventory in order to process a D.W.I. suspect, conduct a follow-up crash investigation at the hospital, or other valid reason, he/she may solicit the assistance of another officer to conduct the inventory.

The inventory shall be as thorough as possible and will include the unlocked glove compartment, under seats, and any other area that is open to view. Locked areas and containers, such as: trunks, glove compartments, and suitcases may be inventoried if keys are available. When locked containers are present and no key is available a warrant is required. All items unattached in the vehicle with an estimated value of more than \$10.00 shall be listed on the inventory. Any item of substantial value (i.e. jewelry, large sums of cash, etc.) will be removed from the vehicle and submitted to the property room for safekeeping. A property sheet will be completed. A list of the items submitted into property will be included on the Vehicle Storage Receipt.

Vehicle Storage Receipt forms are a two-part form, with the white copy being the Owner/Operator's copy and the yellow copy being the Department Copy. The forms are self explanatory, and should be filled out as completely as possible. The top of the form involves filling in vehicle information, location, reason for tow, etc. The middle of the form is for a complete vehicle inventory and damage report. The bottom of the form is for the signatures of the owner/operator, investigating officer and tow truck driver along with instructions to the vehicle owner. If a listed inventory item would normally have more than one, such as mirrors, the officer should enter the actual number of mirrors on the vehicle as opposed to just placing a check mark in the box. Once completed, the officer shall have the wrecker operator sign the vehicle inventory. The inventory form must be appropriately marked as to whether the vehicle is to be held or released, and the officer should advise the wrecker operator of this information as well.

Recovery of Towed Vehicle System

The Communication Desk will maintain a clipboard in the radio room. All Vehicle Storage Receipts will be kept on the clipboard in the desk area and when the towing agent or owner calls for release of the vehicle, the desk officer/dispatcher will check the sheet to determine what, if anything, must be done or obtained for a lawful release of the vehicle. No vehicle should be released to an operator whose driver license is suspended unless another valid operator is going to take possession and drive the vehicle from the impound lot. Vehicles may be towed from the original towing agents lot by a wrecker of the owner's choice, provided that all fees and costs are paid at that time. Generally, the towing agent will contact the Communications Center when the owner arrives to pick up the vehicle and will advise the owner of the conditions of the release. The owner/operator will more than likely have to stop at the Police Station to show proof of compliance prior to driving the vehicle off the lot.

If a vehicle has been towed to the police department and is to be reclaimed at the police department, the owner must:

1. First report to the involved towing agency and pay all charges; or
2. Report to the police department and present a paid receipt from the towing agency, and proof of ownership of the vehicle being claimed.

If a vehicle is located at a tow company lot and there has been no hold placed on the vehicle, it may be reclaimed by the owner settling the tow bill with the towing service.

Officers will not place a "police hold" on a vehicle except for legitimate purposes. Legitimate police holds include, but are not limited to, a vehicle being held for the following reasons:

1. Processing of evidence;
2. DWI violation where the statute authorizes the impoundment of the vehicle;
3. Mechanical inspections following serious crashes;
4. Securing a search warrant; and
5. Instructions per the prosecutor or court.

Tow Incident Records

All vehicles towed or removed at the direction of a Mahwah Police officer will be properly documented. Whenever a vehicle is towed at the direction of or with the assistance of an officer it is necessary to record the following information:

1. Date;
2. Time;
3. Location of tow;
4. Officer;
5. Description of vehicle including registration and/or vehicle identification number;
6. Reason for removal;
7. Towing service company;
8. Location of vehicle (where stored); and
9. Notification (attempts) of the registered owner.

Whenever a vehicle is towed at the direction of or with the assistance of an officer, the officer shall notify the Communications Center of the need for a tow service. The officer will provide the location needed, the license number of the vehicle, vehicle identification number (VIN) of the vehicle if there are no license plates or the vehicle is licensed out of state, description of the vehicle and request that a complaint number be assigned to the towing of the vehicle and that the information be recorded in the CAD

entry. When more than one vehicle is towed from one event, only one complaint number is required. The Communications Center will enter all of the above information in the CAD entry along with any instructions or comments that the officer wants entered, including any reason(s) the vehicle may need to be held or conditions that must be met before the vehicle is released.

Mahwah Police Department – Policies and Procedures		Number 150:20:20
Subject Traffic Safety Educational Materials		
Issue Date 04052001	Effective Date 04052001	
Revisions a. Reviewed 2/2015 LtSC, b. 08/2018 D.Lt.GB		
Page 1 of 1.	Accreditation Number 61.4.4	

I. BACKGROUND

Education of the motoring public is one way to assist in voluntary compliance with traffic laws and regulations. By having educational materials on hand at the Department and readily available to the public, the Department will be able to further this goal.

II. POLICY

It is the policy of this Department that members be familiar with the location of traffic safety material and make every attempt to disseminate this material to the public when requested or when advisable.

III. ACTION

The ultimate goal of traffic enforcement is to achieve voluntary compliance with traffic laws and regulations. Preparation and dissemination of traffic safety educational materials tends to support enforcement efforts, and enhance public understanding of traffic safety programs. As such, the Mahwah Police Department will have such educational materials available for dissemination. The Traffic Bureau will be responsible for maintaining educational materials pertaining to traffic safety. Traffic safety educational materials will be made available to the public in the lobby of the Police Department, through the Department Internet Web Site, and at various other locations and functions in the Township as determined by the Chief of Police.

Mahwah Police Department – Policies and Procedures		Number 150:20:25
Subject Impounding of Motor Vehicles		
Issue Date 04242001		Effective Date 04242001
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Page 1 of 3.	Accreditation Number 61.4.5	

I. BACKGROUND

Various occasions may arise in which the impounding of vehicles becomes necessary. In an effort to ensure that vehicles are impounded legally and to establish a uniform handling of all cases involving the impoundment of vehicle, a set policy had been created.

II. POLICY

It is the policy of this Department that its members impound vehicles in accordance with the guidelines listed below.

III. ACTION

A. DEFINITIONS:

1. Community care-taking function: This describes situations in which a vehicle is removed from the roadway wherein the public safety and efficient movement of vehicular traffic are in jeopardy.
2. Exigent Circumstances: This term describes an emergency situation facing officers that would justify an immediate search in lieu of obtaining a warrant.

B. CASE LAW DEALING WITH MOTOR VEHICLE IMPOUNDMENTS AND SEARCHES OF LAWFULLY IMPOUNDED VEHICLES:

1. Lawful Impoundment of a Motor Vehicle: In order for the impound of a vehicle to be lawful, it must be made based upon substantial necessities grounded in the public safety. Police may not *routinely* impound a motor vehicle, and, in the course thereof, inventory its contents. "Routine" impoundments and inventory "searches" amount to "an unconstitutional invasion of a driver's zone of privacy unless the driver either consents or is given a reasonable opportunity to make other arrangements for the custody of the vehicle". *Absent a substantial police need to impound the vehicle*, the vehicle's owner/permissive user should be allowed to secure the vehicle or make arrangements to have the vehicle moved.
2. When a motor vehicle may legally be impounded: Per State v. Ercolano, police may impound a vehicle subsequent to its driver's arrest when:
 - a. The driver consents to the impoundment;
 - b. The vehicle, if not removed, constitutes a danger to persons or property or the public safety, and the driver cannot arrange for alternative means of removal;
 - c. Probable cause exists to believe both that the vehicle constitutes an instrumentality or fruit of a crime and that absent immediate impoundment, the vehicle would be removed by a third party; or

d. Probable cause exists to believe that the vehicle contains evidence of a crime and that absent immediate impoundment; the evidence would be lost or destroyed.

3. Giving owner/permissive user the opportunity to remove belongings from impounded vehicle: Per State v. Mangold, in the absence of a search warrant or any indicia of criminal activity, police must give an individual an opportunity to remove possessions from a lawfully impounded vehicle.

Once a vehicle is lawfully impounded and its owner/permissive user is present, that person must be given the opportunity to make his own arrangements for the safekeeping of the property contained in the vehicle. Where the owner/permissive user refuses to make arrangements for the safekeeping of his property contained in the vehicle, the vehicle/permissive user will be presumed to have assumed the risk for any claims of property loss or theft arising from the impoundment.

(Exception: If the owner/permissive user is unconscious/incapacitated as a result of a motor vehicle collision, and is unable to communicate verbally, and other reasonable arrangements cannot be made for the securing of property contained within the vehicle, an inventory is to be conducted to ensure the protection of the victim's property.)

C. INVENTORYING/SEARCHING OF IMPOUNDED VEHICLES:

1. Impounded as a result of Community Caretaking Function: The inventorying of a vehicle that has been impounded as a result of a community caretaking function is prohibited. This does not preclude the completion of a Towed Vehicle Report by the officer indicating the contents/equipment in a vehicle that is in plain view.

2. Impounded as a Result of Criminal Activity: Absent exigent circumstances, vehicles which are impounded as a result of probable cause that they contain evidence of a crime should not be searched until a judicially authorized search warrant is obtained.

Property which is of an evidentiary nature will be handled accordingly, have an evidence tag affixed to it, be documented and placed in the evidence locker.

D. WRECKER SERVICE TO BE UTILIZED:

Generally, the on-call police wrecker shall be utilized for all police related tows. However, if the owner/operator has a preference of wrecker service, such preference shall be given consideration and accommodations made if the use of such wrecker service does not constitute a hardship to the Department (i.e. extended arrival time, etc.).

E. STORAGE OF IMPOUNDED VEHICLES:

1. Impounded as a Result of Community Caretaking Function: Vehicles that are towed as a result of motor vehicle violations, motor vehicle collisions and/or non-criminal activity and which need no additional processing, are to be towed and stored by the on-call wrecker service.

2. Impounded as a Result of Criminal Activity: With the permission of a supervisor, any vehicle which is an instrumentality of a crime, contains potential evidence of a crime and/or needs to be secured for future processing, may be towed to the police garage and stored in the designated storage bay, which will then be secured.

With supervisor approval a vehicle impounded as a result of criminal activity may be impounded to a private impound lot.

F. PAYMENT FOR IMPOUNDED/TOWED VEHICLES:

1. Stored at Private Impound Lots: Persons whose vehicles have been towed to and stored at a private towing service impound lot shall be directed to respond to Police Headquarters to sign a release for the vehicle, and upon completion

communications personnel will contact the involved towing service yard and advise them the vehicle has been released. They will then be directed to the involved towing service yard to make payment in order to retrieve the vehicle.

2. Stored at Police Headquarters: Persons whose vehicles have been towed to Police Headquarters for storage purposes will be directed to the respective towing agency in order for payment to be made. Once payment is made, the owner must show the paid receipt to the tour Supervisor in order to obtain the release of the vehicle. No unpaid towing bills will be retained by any police department personnel/section.

G. REQUIRED PAPERWORK FOR IMPOUNDED/TOWED VEHICLES:

1. The impounding of a vehicle for a motor vehicle violation and/or non-criminal activity mandates that a "Towed Vehicle Report" be completed in its entirety.

This report will be stored at the Communications Desk for referral when the vehicle is to be removed.

2. The impounding of a vehicle due to criminal activity, and its being preserved as evidence must be so noted in the Incident Report.

3. The impounding of a vehicle as a result of a motor vehicle collision shall be reflected in the appropriate location on the accident report.

Mahwah Police Department – Policies and Procedures		Number 155:05:05
Subject Prisoner Transportation		
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I. BACKGROUND

The proper method of transporting prisoners will assist in preventing escapes, safeguard from injuries both the Officer and the prisoner, hinder false accusations of abuse, and lend an air of professionalism to all of those involved.

II. POLICY

It is the policy of this Department that Officers will adhere to the following guidelines whenever transporting prisoners. The specific type of prisoner (i.e. normal, sick, injured, mental patient, etc.) will determine the manner in which the prisoner is transported.

III. ACTION

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A. DEFINITIONS

Prisoner:

- Any person, regardless of age or sex, who is arrested or taken into custody for an alleged violation of any criminal or traffic law, or pursuant to a warrant or other court order or directive, whether for transfer to a detention facility, court proceedings, arranging for bond or pending release on an own recognizance bond or release to a parent or other responsible party; or
- Any person, regardless of age or sex, taken into protective custody for transport to a mental health facility for evaluation and/or admission as a mental health patient.

Transport:

- The physical transfer, by vehicular or any other means, of a prisoner from the location where the prisoner is arrested or taken into custody, to the police department, court, medical facility, mental health facility, or detention facility, or

- The transfer from custody of the Mahwah Police Department to any other agency outside the police building.

“Transport” does not include holding a prisoner in custody at the police building pending arrival of another agency to take custody, or pending arrival of a party to whom the prisoner is to be released.

B. PHYSICAL SEARCH OF PRISONERS

All persons taken into custody present a potential risk to the safety of the arresting/transporting officer, regardless of whether or not the prisoner is known to the officer, the prisoner's age, apparent or obvious threat at the time, or nature of the offense. Therefore, EVERY prisoner shall be searched and handcuffed by the transporting officer, unless specifically exempted under provisions of this procedure.

Officers shall thoroughly search all prisoners prior to each transport, including pockets, waistbands, shoes, socks or other locations where weapons or contraband may be concealed. It is the transporting officer's responsibility to conduct this search of the prisoner. The transporting officer must never assume that someone else has searched the prisoner. The transporting officer must still search prisoners that have been searched by other officers prior to being transported. If a prisoner has been arrested, searched, and then transported, but will then be transported a second time, such as to the hospital or county jail, the transporting officer shall conduct another thorough search of the prisoner before departing for the new destination in the event the prisoner was able to gain possession of possible weapons or contraband since the original search. Whenever possible, the search will be conducted by a member of the same sex. If it is necessary for an officer to search a prisoner of the opposite sex, a second officer will witness the search, and the searching officer will utilize procedures such as patting with the backs or sides of the hands, etc.

At the time of arrest or acceptance for transport, officers will also search any articles (purses, brief cases, gym bags etc.) which the prisoner has in his/her possession, or which have been given to the officer as personal property. The purpose of this search is to inventory any valuables contained in the property, or to search for weapons or contraband. Such personal property will be transported where it cannot be accessed by the prisoner during transport.

The station will be advised prior to the initiation of any transportation of any injury the prisoner might have sustained. This will help circumvent any false accusations of Police abuse.

Procedures and guidelines for strip and body cavity searches are specified in SOP 005:10:40.

Law Enforcement Interactions with Transgender Individuals – Attorney General Directive NO. 2019-3, specifically II.A (1-3) – Conducting Searches. **EFFECTIVE JUNE 1st, 2020.**

C. SEARCH OF PRISONER TRANSPORT VEHICLES

In order to reduce the opportunity for prisoners to secure or dispose of weapons and/or contraband, the passenger compartment of every police vehicle shall be searched and inspected by the assigned officer or employee at the beginning of the officer's shift, or at any time during the shift that the officer is required to change vehicles. Officers shall also search the vehicle prior to, and as soon as practical after any prisoner, or civilian not associated with the police department, has had access to the police vehicle. If an officer is prevented from conducting the inspection at the beginning of the shift due to calls for

service which require immediate attention, the inspection shall be conducted as soon as practical after the call has been handled. The search will include the removal of the rear seat for inspection of discarded evidence/contraband. Transporting officers will also search each prisoner before placing the prisoner into the rear passenger compartment of the transporting unit.

Property seized or found during vehicle inspections requires a full report and shall be submitted to the property/evidence custodian if any of the following apply:

- The property is money;
- The property includes drugs or contraband;
- The property is a weapon, whether commercially manufactured or of crude design;
- The property has value; or
- The Tour Commander or another supervisor determines that the property should be submitted.

Property seized or found during vehicle inspections, which has no value and does not meet any of the criteria listed in above may be destroyed and/or disposed of at the officer's discretion. Any property that is destroyed or disposed of in this manner shall be destroyed or disposed of in the presence of another officer. A report will be completed and submitted which fully describes the property, the method of disposal, and names of witnesses to the disposition of the property. Property seized or found during vehicle inspections, as well as any other property that is seized or found, shall not be converted to personal use by any officer.

Prior to conducting high risk or long distance prisoner transports, a vehicle inspection shall be conducted to ensure that any special equipment that may be needed is in the vehicle and in serviceable condition. Such equipment may include, but is not limited to a spare tire, jack, lug wrench, cellular phone, etc. The condition of the vehicle itself should be examined, including proper inflation of tires, fuel and oil levels, ignition system and engine operation. The transporting officer should have proper forms or credit cards for procurement of gasoline, as well as all prisoner-related documentation required.

D. POSITIONING WITHIN THE VEHICLE

Officers, when transporting prisoners, will implement reasonable methods and techniques that provide for the security of the prisoner, and the safety of the prisoner and the officer. Officer safety and prisoner security shall be enhanced by the following procedures:

1. One Man Unit

- a. One Prisoner: in the right rear of the unit so that he/she may easily be kept under observation by simply adjustment of the rear view mirror.
- b. Two Prisoners: one prisoner in the right rear, and the other as close to the other prisoner as possible. This will allow the Officer to keep both prisoners under observation by simply adjusting the rear view mirror.

2. Two Man Unit

- a. One Prisoner: in the right rear of the unit so that the passenger Officer may keep the prisoner under observation, but the driving Officer may still adjust his rear view mirror to observe the prisoner if the need arises.
- b. Two Prisoners: both prisoners seated in the left and right rear of the unit, or as close as possible. This allows both to be observed by the passenger Officer, while still allowing limited observation by the driving Officer's adjustment of his rear view mirror.

3. Transportations In Uncaged Units: Should the situation arise in which an uncaged unit has to be utilized (i.e., no marked/caged unit available), it is mandated that only one (1) prisoner be transported per uncaged unit, and that a

minimum of two (2) officers/detectives accompany the prisoner during the transportation. The prisoner shall always be placed in the rear of the uncaged unit, and at least one (1) officer/detective seated in the rear with the prisoner. The officer/detective seated in the rear will always be seated so that his firearm is on the opposite side of the prisoner. The prisoner shall be handcuffed with both arms behind his/her back (double locked) and, if possible, be seat belted in to further restrict his/her movement.

Officers, when transporting prisoners, will implement reasonable methods and techniques that provide for the security of the prisoner, and the safety of the prisoner and the officer. Officer safety and prisoner security shall be enhanced by the following procedures:

- Unless otherwise directed, the transporting officer(s) will take the most direct route to their destination.
- When a single officer is transporting a single prisoner in a vehicle equipped with a physical protection barrier, the prisoner should be seated on the passenger side of the back seat.
- If circumstances require that two officers transport a single prisoner in a vehicle with a physical protection barrier, the prisoner should be seated on the passenger side of the rear seat. The second officer may remain in the front seat area, unless it becomes necessary to ride in the rear seat for purposes of controlling or observing the prisoner during transport. When the prisoner needs to be controlled or observed during transport, the second officer should ride in the rear seat, with his/her weapon away from the prisoner.
- Only vehicles that are equipped with a protective barrier will be used for prisoner transports, except during emergency situations as approved by the Tour Commander, a Division Commander or Chief of Police.
- If it is necessary to use a vehicle for prisoner transport that has no protective barrier separating the front and rear seat area, the prisoner shall be placed in the rear passenger seat. A second officer must ride in the rear seat, with his/her weapon away from the prisoner. No more than one prisoner will be transported in a vehicle that is not equipped with a protective barrier. Under no circumstances will a prisoner will be handcuffed to any part or portion of the transporting vehicle.

Vehicles not equipped with protective barriers may be utilized to transport other persons, such as victims, witnesses, suspects and persons not believed to be a threat. However, officers are advised to use extreme caution under such circumstances and should consider having a second officer with them during such transports, or requesting another officer conduct the transport in a vehicle equipped with a protective barrier.

When transporting prisoners, there will be no more than two (2) prisoners to a unit, with a caged unit being primarily used. An uncaged unit will only be utilized in emergency situations. Also, whenever possible, adults will be separated from the juveniles, and males separated from the females. Exceptions to this will be governed by the availability of transportation.

When transporting transgender individuals, refer to Law Enforcement Interactions with Transgender Individuals – Attorney General Directive NO. 2019-3, specifically II.B (1-2) –Transportation. **EFFECTIVE JUNE 1st, 2020.**

The transporting Officer will always take the most direct route to the station whenever transporting a prisoner from the scene of an arrest or from one point to another. He will divert from the most direct route ONLY to render aid and assistance in life threatening situations. The transporting Officer will advise the station and/or his

supervisor of his intentions to respond in such cases. If such an incident occurs, the transporting Officer will assure that the risk to the prisoner is minimal.

Any transportation of a prisoner(s) from the station to a detention facility or from a detention facility/holding cell to the station shall be manned by two (2) Officers. Exceptions may be made by the Tour Commander based upon specific situations. Both Officers will ride in the front seat unless unique circumstances present themselves (i.e. an attempt to escape via the kicking out of the windows, or a history of such attempts, etc.). A caged unit will be utilized for any pre-arranged transportation.

Under no circumstances will the transporting Officer(s) grant any request from the prisoner to stop at specific location for any reason once the transportation has been initiated. If the duration of the transportation is expected to be of a lengthy nature, the prisoner shall be given an opportunity to use the toilet facilities prior to the initiation of the transportation. Only in extreme emergencies will a stop be made for the utilization of toilet facilities. In these circumstances, a Police facility shall be located and utilized. Only in extreme emergencies will the transporting Officers consider the need to stop for food. Should such a need arise, the selection of the stop shall be random.

Only those vehicles that have had the window/door controls disconnected in the rear passenger compartment will be utilized for any transportation of a prisoner.

E. INTERRUPTIONS IN PRISONER TRANSPORTS

When any officer is engaged in transporting a prisoner, that officer's primary duty is the safe delivery of the prisoner in his or her care. It is important that officers realize that any diversionary incident, whether instigated by the prisoner or other persons, may enhance the chances for an escape. Diversions also increase the potential danger to the safety of the prisoner being transported, as well as the transporting officer(s).

Officers engaged in a prisoner transport shall stop to render assistance only when:

- There is a clear and immediate risk of grave physical harm to a third party;
- Physical risks to the prisoner is minimal;
- Risks of prisoner escape appear to be minimal; and
- No other officer is readily available to render assistance.

If it becomes necessary to assist a third party while transporting a prisoner the transporting officer shall advise the dispatcher of his/her location, and the nature of the incident. The officer shall remain only until other assistance has arrived at the scene. Officers engaged in prisoner transports shall not engage in pursuits, roadblocks, or other activities that might create a risk of harm to prisoners.

When transporting prisoners for duration of less than 90 minutes or fewer than 90 miles, the prisoner shall be given an opportunity to use restroom facilities before the transport is initiated. During such transports officers will not stop for restroom purposes until reaching the destination. Under no circumstances will any stop be made at the suggestion of a prisoner being transported.

When a prisoner transport is of such duration (4 hours or more) that the transporting officer is required to stop for fuel or meals, the refueling location, or the eating place is to be randomly selected by the transport officer so that predicted patterns of behavior may be avoided. Under no circumstances will officers permit prisoners to select the location for refueling, meals, etc. Prisoners shall not be permitted to use metal eating utensils or any allowed access to any other item that may be used as a weapon. Felons shall never be allowed to eat in a public restaurant. Prior arrangements must be made to have the meal served at a jail or detention facility. Officers should obtain petty cash from the Finance Department prior to the trip (unless financing has been provided

by another agency). All receipts are to be retained and submitted in accordance with the department's travel policy.

Transporting officers shall be able to visually observe prisoners in their custody at all times unless special circumstances dictate, including while using rest room facilities, unless the prisoner and officer are of the opposite sex. On trips of extended length, female officers should accompany female prisoners.

If a prisoner cannot be viewed while using toilet facilities, the restroom shall be thoroughly searched prior to use by the prisoner. The purpose of the search shall be to ensure that other persons are not present, to determine possible avenues of escape, and to identify and remove anything present that could be used as a weapon. If other persons are present, the prisoner shall not be permitted to use the rest room until all other persons have left the area. The prisoner shall be searched immediately after using the restroom facility.

F. PRISONER COMMUNICATIONS

The transporting officer should not allow the prisoner to communicate with other people during transport, unless the situation is such that a verbal exchange is necessary. Good judgment and common sense are required when deciding whether to allow or prohibit communication between a prisoner and a third party. Examples of when communication might be necessary would include: to arrange for bond, to arrange for another person to respond to the police department so the prisoner can be released, and making arrangements for the care of a prisoner's minor children, etc. If an officer determines that communication between a prisoner in transport and third party is necessary, the officer is to remain with the prisoner during this communication. The officer should document any pertinent verbal exchanges in report form. For reasons of officer safety, the prisoner's right to communicate with an attorney will not normally be exercised during the period that the prisoner is being transported. The prisoner will be offered the right to communicate with an attorney once the transport has been completed, either at the Police Department or the facility the prisoner is being transported to.

G. RELEASE/TRANSFER OF PRISONERS TO DETENTION FACILITIES

General Duties of Officer

Prisoner safety and prisoner responsibility do not automatically cease for officers on arrival at the final destination; normally the incarceration facility. Therefore, it is this department's policy that officers follow specific procedures pertaining to weapon security, removal of restraints, and transferring custody of the prisoner over to other agencies.

Transporting officers should be familiar with security procedures used at state institutions, forensic hospitals, mental health units, and any county or municipal jail utilized by the Department. In the event officers are required to transport prisoners to a facility that they are not familiar with, officers should attempt to ascertain what procedures are used by that facility prior to beginning the transport. Officers will comply with the procedures imposed by the facility and, when necessary, seek advice from facility employees regarding specific procedures.

Securing Firearms at Detention Facility

Officers transporting prisoners to the Bergen County Jail shall remove and secure weapons prior to entering the jail/prisoner receiving area in accordance with the guidelines established by the Bergen County Jail. Officers shall secure all impact weapons (flashlights, baton, etc.) inside the police vehicle. These weapons shall be removed from the officer's person and secured either in the front seat or trunk area prior to letting the prisoner out of the police vehicle.

When entering the prisoner receiving area through the garage officers shall enter with the prisoner standing opposite the officer's duty weapon. The Officer shall secure his/her duty weapon prior to removing the prisoner and after the overhead bay door is secure in one of the lockers provided. The officer shall then remove the locker key, and turn it over to the Sheriff's Officer on duty.

Due to jail "trustees" frequently having access to the garage area, officers are required to secure police vehicles parked in the garage while booking prisoners into or receiving prisoners from the county jail. Police vehicles are to be secured when parked outside at the Bergen County Jail, just as this requirement applies at any other location.

Removing Restraints

Once a corrections officer takes the prisoner into the receiving area, the corrections officer has authority and responsibility over that prisoner. The corrections officer will normally assume responsibility for searching the prisoner, removing and returning the officer's handcuffs or other restraints, and placing the prisoner in a cell. Officers shall not leave the jail until the prisoner has been secured in a cell, or the corrections officer has excused the officer.

Delivering Documentation to Receiving Facility

Officers transporting prisoners to the jail are required to provide the receiving corrections officer with a properly completed Jail Commitment Form, a copy of the original Warrant, Complaint Summons or motor vehicle summons(es) and any personal property removed from the prisoner. Personal property removed from prisoners is to be placed in a clear bag. The property bag is to be turned over to the jail staff on arrival. Officers should have the prisoner property sheet completed and signed by the prisoner prior to leaving the police station. If complaints/charges for court are transported to the jail with the prisoner, it is the transporting officer's responsibility to see that the charges are filed with the Sheriff's Officer on duty.

Written Documentation Detailing the Prisoner Transfer

When any Mahwah Police Officer transports a prisoner to another facility, or when a member of this Department transfers custody of a prisoner to a representative from another agency, such transfer shall be documented in the officer's Investigation Report. Documentation shall include the name of the facility or agency receiving the prisoner (date stamp), and/or the name of the person accepting responsibility for the prisoner.

Forwarding Information to Receiving Facility

Whenever a Mahwah Police Officer transfers custody of a prisoner to another agency or facility, and the transporting officer has information related to potential safety or security risks related to the prisoner, the transporting officer shall forward the information to the receiving agency or facility. The specific information, the fact that it was forwarded, and the name of the person notified shall all be documented in the Investigation Report. Information that shall be forwarded includes, but is not limited to, the following:

- If the prisoner presents an escape risk;
- If the prisoner presents is suicidal;
- If the prisoner has been violent or has resisted or assaulted officers;
- If the prisoner presents a medical risk or has a medical ailment
- If the prisoner is currently taking medication; and
- Similar types of information.

If, while at the Bergen County Jail, or any other facility, the transporting officer receives instructions that deviate from this SOP, the transporting officer shall follow those directions, provided they do not require him/her to commit a criminal violation. The officer shall subsequently advise the Tour Commander of the circumstances involved upon returning to Mahwah.

H. TRANSPORTATION OF PRISONERS FROM FACILITY TO FACILITY:

Upon the arrival at the Officers destination, either to pick-up a prisoner or delivery of a prisoner, the Officer(s) shall properly secure their firearms prior to entrance into the holding cell area. The prisoner will be secured prior to exiting the holding cell area, (for pick-up's) or will remain handcuffed until entrance into the holding cell area and custody is relinquished to the respective agency (for delivery of a prisoner). All corresponding papers shall be delivered at this time, and any required signatures obtained/given.

Commitment papers must accompany a prisoner being transported to the county detention center, unless exigent circumstances dictate otherwise. If these circumstances exist, the prisoner may be transported to the detention center without commitment papers. However, the respective papers MUST be delivered within twenty-four (24) hours of the delivery time. In circumstances where the prisoner poses a health risk, a security/escape risk, or a suicide risk, the transporting Officer(s)/arresting Officer(s) shall so note this information on the prisoner log card. In situations where these circumstances exist and the subject is to be transported/transferred to another facility, a photocopy of the prisoner log card shall accompany the related court documents with the prisoner. The prisoners' personal property will always be transported with the prisoner to his/her destination.

I. IN CASES OF ESCAPE

In cases of escape, the transporting Officer(s) will immediately notify the station (if able) via Police communications, or landline if communications are not available/not functional. Any assistance available will be requested/dispatched to assist in the apprehension of the escapee(s). A description of the suspect(s), direction of travel, original charge(s) lodged against the suspect(s), and any additional information that is applicable (i.e., armed, mode of transportation, assistance rendered by other non-custodial person(s), etc.) shall be given to all agencies involved in the search of the escapee(s). The superior Officer in charge will determine if any specialized assistance is required (K-9, etc.). The stand-by Detective will immediately be notified.

Appropriate reports (minimally Incident reports) will be completed and forwarded via Departmental channels up the Chain of Command upon completion of the involved Officer(s) tour of duty. The transporting officer shall file a report citing all pertinent facts surrounding the incident, including any use of force, as indicated in **SOP 005:15:05**. The report shall be filed prior to the end of an officer's shift.

Additionally, any victim(s)/witnesses involved/listed on the Victim/Witness notification form shall be contacted and advised of the escape. Computer entries shall be made to indicate date/time of said notifications. Appropriate protective measures shall be taken to ensure the safety of the listed victim(s)/witnesses.

If multiple prisoners are being transported and not all prisoners are involved in the escape, the transporting officer shall remain with the transport vehicle, being aware that the transporting officer is responsible for all prisoners in the vehicle.

The transporting officer shall be guided by SOP 005:15:05 when considering force options for affecting the recapture of an escaped prisoner, up to and including deadly force options. If the prisoner is not immediately captured, an NCIC/SCIC message shall be sent statewide. The teletype message shall contain all necessary descriptive information, the exact time and location of escape and any cautionary messages required.

Officers Duties When Escapes Occur In Other Jurisdiction

Should the escape occur outside the jurisdiction of the Mahwah Police Department, the transporting officer should request that dispatch immediately notify the

agency with jurisdiction and provide that agency with all available and pertinent information regarding the escape.

Tour Commander's Responsibilities & Investigation of Escape Prisoner Incidents

The Tour Commander, upon being notified of the escape, shall direct efforts to recapture the escapee if the escape occurred within this Department's jurisdiction. If the escape occurred in the jurisdiction of another agency, the Tour Commander shall provide reasonable and necessary assistance to the agency with jurisdiction.

The Tour Commander shall investigate the incident and submit an inter-office memo along with a copy of the offense report to the Patrol Division Commander for review and any necessary disposition. The Patrol Division Commander shall forward the report along with any recommendations to the Chief of Police.

J. NOTIFICATIONS REGARDING PRISONERS WHO PRESENT UNUSUAL SECURITY RISKS

Some prisoners present special or unusual security risks in that they are considered to be "high risk prisoners." Such prisoners would include:

- Prisoners that are prone to violence;
- Prisoners with suicidal tendencies;
- Prisoners with a high potential for escape;
- Prisoners who may have accomplices arrive at court to aid in an escape attempt;
- Prisoners who may be the target of violence directed at them as vengeance for the crime(s) allegedly committed by the prisoner;
- Prisoners who may be the target of violence directed at them to intimidate them or prevent them from testifying in court proceedings.

When a prisoner who is being transported to another agency or to any court proceeding is considered to be a "high risk prisoner," the transporting officer shall notify the agency or the presiding judge of such conditions, and request additional safeguards as needed. Notification of the agency or presiding judge should be done either personally by the transporting officer, or in writing. The agency receiving the prisoner may take additional security steps in accordance with that agency's procedures. In transports to court proceedings, the presiding judge will have sole authority in determining what, if any, additional safeguards will be taken including, but not limited to, allowing or directing the use of restraining devices in the court and/or the assignment of additional officers for security.

Mahwah Police Department – Policies and Procedures		Number 160:05:05
Subject Holding Facility—Organization, Administration and Management		
Issue Date 11012002		Effective Date 10012007
Revisions a. 12232002 b. 10012007, c. 08/2018 D.Lt.GB		
Page 1 of 3.	Accreditation Number 72.1.1-2	

I. BACKGROUND

Due to the fact that any prisoner held in police custody becomes the responsibility of the holding agency, and there exists a need to comply with State laws and guidelines concerning incarcerated individuals, the Department has enacted the following policy in an effort to conform with the State guidelines, to reduce the possibility of the prisoners sustaining injuries, (self-inflicted or otherwise), to provide for Officer safety, and to provide for uniformity in the treatment of prisoners. For the purposes of this policy, Bergen Regional Medical Center will be the "medical facility" of choice, barring extenuating circumstances.

II. POLICY

It is the policy of this Department that all members comply with the following guidelines concerning the incarceration and treatment of prisoners held in our detention facility. Additionally, on an annual basis, the Chief of Police will designate a specific supervisor to serve as primary liaison person for any detention facility issue that may arise.

III. ACTION

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A. TRAINING

1. All officers will receive training on the operation of the holding facility including fire suppression and first aid.

a. **Operation**-All doors in the secure area including the holding cell, processing area, detention cells and fire closet operate off the cell keys that are stored at the desk area. A second set of three keys is stored in a wall mounted plastic case in the desk area. The three keys operate all the doors and are color coded to the corresponding lock (figure 1 shows the locations of the doors that are activated by the cell keys). The holding cell door must be manually locked or unlocked via the cell keys. Detention cell doors lock automatically when closed firmly.

b. **Fire Suppression**-Fire suppression equipment is located in the secure area in two locations (figure 2 shows the locations of the fire suppression equipment). An upright water extinguisher is located in a cabinet in the booking area along the west wall. The extinguisher is operated by holding the extinguisher upright and pulling the ring pin. The operator should start approximately 20 feet from the base of the fire and squeeze the handle. Operate the extinguisher in a sweeping

side-to-side fashion until the fire is out. The second fire suppression measure is a 1.5-inch fire hose located in the mechanical closet directly between the four detention cells. The access door is located in the corridor between the two detention cell areas. Access the hose by removing the nozzle and start water delivery by turning the red valve in a counterclockwise fashion. Follow the same fire fighting procedure as with the upright water extinguisher. The hose will reach to either access door for the detention cells.

c. **First Aid**-A first aid kit is located in the secure portion of the processing area. The supplies contained therein are for temporary treatment until the prisoner can be transported to hospital. By no means is the prisoner to be treated for injury and placed back into the detention cell, unless the injuries are minor and with approval of a supervisor. Retraining in these areas will occur at least once every four years.

B. FIRE PREVENTION PRACTICES AND PROCEDURES:

1. All bedding will be fire resistant.
2. There will be no smoking/ignitable materials allowed in the cell area.
3. Visual monitoring equipment will be left on at all times when the cell area is occupied.
4. Fire fighting equipment has been provided for the cell area, and will be maintained in an operational and fully charged condition.
5. No property of any type will be stored in the cell area.
6. The cell corridor will be posted with emergency escape routes.
7. The smoke and heat fire alarm system will:
 - a. Have daily visual inspections
 - b. Have bi-annual testing by the Mahwah Fire Prevention Bureau.
8. If the need arises, the shift commander will enact the "Emergency Evacuation Plan" for Police Headquarters.

C. ACCESS TO HOLDING FACILITY

Non-essential persons should not be granted access to the holding facility. Non-essential persons may violate the detainee's privacy, impede facility operation or obstruct or frustrate acquisition and development of information for presentation in court by either the prosecution or the defense. Examples of non-essential persons include visitors, family members, janitorial staff and other persons not directly involved with the detention and processing of the detainee. Under no circumstances will non-essential persons be allowed access to the holding facility during emergency situations.

There will be no visitors allowed into the cellblock area. Individuals who request visitation of a prisoner who is going to be transferred to another facility (i.e. county, other municipality) will be referred to that agency regarding visitation hours, if any.

EXCEPTION - ATTORNEY/CLIENT CONSULTATIONS: Should a detainee request the presence of an attorney for consultation, the attorney and detainee should be given time to consult in a confidential environment. The attorney may speak to his client in the detention area with the audio portion of the monitoring system turned off or, at the discretion of the Tour Commander, the detainee and his/her attorney may speak in a secure interview room. No briefcases or large items should be brought in to the consultation environment by the attorney and the attorney should be made aware that he/she may be subject to search prior to leaving. Once the consultation is complete the detainee should be searched for contraband/weapons and returned to the detention cell. The attorney will be required to register his name and address upon entry. The duration

of this visit shall be reasonable in length. The attorney's name and address, the time in which the attorney was visiting the defendant, shall be recorded on the respective prisoners Log Sheet.

D. PRISONER RECORDS

Prisoner records-No records regarding prisoners should be disclosed without proper authorization. Improper dissemination of records regarding prisoners can result in damage to the department. The New Jersey Administrative Code (NJAC) 13:59, Criminal Justice Information System Security Policy requires the destruction of Computerized Criminal History (CCH) records immediately after they have served their intended and authorized purpose. The individual responsible for the CCH record must ultimately decide when the record has served its intended and authorized purpose and can be destroyed.

CCH records can be altered by the State at any time to include deletions, additions and expungements. The best security policy is to request a CCH record every time one is needed. The record should subsequently be destroyed after it has served its intended and authorized purpose. A CCH record left in a case jacket has the potential of being disseminated improperly, which may result in civil or criminal liability.

ALL prisoner records, including CCH, MARS and III should be checked upon arrest and/or prior to release. Once checked, the records should be destroyed and not attached to the original police report.

Mahwah Police Department – Policies and Procedures		Number 160:30:05
Subject Medical and Health Care Services		
Issue Date 11012002		Effective Date 10012007
Revisions a. 10012007 b. Revised 05/30/2018 JNB		
Page 1 of 2.	Accreditation Number 72.6.1-.5	

I. BACKGROUND

Emergency health care may become a necessity for a detainee held in the holding facility or detention cell. Procedures for accessing that care are outlined below.

II. POLICY

It is the policy of this Department that all members familiarize themselves with the below listed guidelines regarding medical and health care services for detainees.

III. ACTION

A. EMERGENCY HEALTH CARE

In the event that a detainee is in need of emergency health care the desk officer/dispatcher will immediately request that the Mahwah Ambulance Corps respond to headquarters for treatment and transportation of the detainee to the nearest New Jersey medical facility. In instances where the problem would require the attention of the Mobile Intensive Care Unit, the desk officer/dispatcher will notify MICOM as well. The officer finding the detainee in need of medical assistance will notify the Tour Commander of the situation and if necessary, assist the detainee prior to the ambulance's arrival. Every attempt should be made to have a second officer accompany the initial officer into the occupied cell when rendering basic life support assistance. All weapons should be secured prior to entering the occupied cell as the situation may be a ruse in order to affect an escape.

B. FIRST AID EQUIPMENT

A fully stocked first aid kit is located in the secure portion of the holding/processing area of the cell. This equipment is for the treatment of detainees who are in need of immediate medical attention and prior to arrival of the ambulance/paramedics. The first aid kit should be inspected weekly along with the condition of the detention cells. Any deficiencies should be replenished from the medical storage closet and any major problems with the first aid kit brought to the attention of the Operations Division Commander.

C. RECEIVING SCREENING

When a detainee is admitted to the detention facility, a medical screening shall be conducted in order to determine whether or not the detainee is in need of immediate medical attention or prolonged treatment of a chronic illness, etc. The arresting/processing officer shall determine:

- a. the current health of the detainee
- b. any medication taken by the detainee
- c. the behavior of the detainee, including state of consciousness and mental status
- d. body deformities, trauma markings, bruises, lesions, jaundice, ease of movement, etc.

- e. asking the detainee if any medical assistance is needed or if there are any other medical problems that we should be aware of.

If the investigating officer determines that any of the above conditions exist, appropriate action should be taken, including transportation to a medical facility. If none of the above conditions exist, the officer should process the detainee as usual and either secure the detainee in the detention cell or release the detainee ROR or to another agency.

D. MEDICAL SERVICES

Procedures for gaining access to medical services are posted in areas used by detainees. It is important that detainees know that emergency health care services are available to them. The posting is located in the processing area of the holding cell and explain that emergency services should be requested through the Police Department and will be provided by the Mahwah Ambulance Corps.

E. MEDICATION - DISPENSING OF:

1. Under normal circumstances, no member of this Department shall dispense/administer medication of any type to a prisoner. This includes insulin to diabetics. In circumstances where a prisoner is incarcerated and prescribed medication needs to be dispensed/administered, the prisoner will be transported to a medical facility for the proper dispensing of the medication. A prisoner who is a diabetic shall be questioned as to the required frequency of medication as well as when the last insulin dose was administered. Any medication required and the time it needs to be administered shall be noted on the Prisoner Log Sheet, and the information passed from shift commander to shift commander. Transportation of a prisoner requiring medication to a medical facility shall be done in accordance with Departmental policy.

2. Exceptions to the Dispensing/Administering of Medication to a Prisoner:

a. **ACUTE ASTHMATIC ATTACK:** If a prisoner has an inhaler and is in distress, the officer will allow him/her to take sprays from the inhaler for temporary relief. The prisoner should then immediately be transported to a medical facility for further care/evaluation.

If, however, the prisoner is having continuous and/or severe respiratory difficulty, the Ambulance Squad and a Paramedic Unit will be immediately dispatched to the station to provide advanced life support capability.

b. **PRISONERS WITH NITROGLYCERINE PILLS FOR HEART**

CONDITION: Should a prisoner be in possession of heart pills (nitro) and expresses a need for same, he/she shall be allowed to take one (1) pill and will then immediately be transported to a medical facility for further care/evaluation. If, however, the prisoner is noted to be in marked distress, the Ambulance Squad and a Paramedic Unit will immediately be dispatched to the station to provide advanced life support capability.

c. **SPECIAL MEDICATION:** Special medication will be provided if the need for the medication is verified by the detainee's physician.

Mahwah Police Department – Policies and Procedures		Number 160:35:05
Subject Detainee Rights		
Issue Date 11012002		Effective Date 10012007
Revisions a. 10012007 b. Revised 05/30/2018 JNB		
Page 1 of 2.	Accreditation Number 72.7.1a-f	

I. BACKGROUND

Detainees have rights that must be granted when incarcerated in the holding facility or detention cells. These rights include the basic needs for survival and those associated with Constitutional guarantees.

II. POLICY

It is the policy of this Department that all members adhere to the below listed guidelines regarding the rights of detainees.

III. ACTION

A. COURT APPEARANCES

When a detainee is incarcerated in a detention cell at the Mahwah Police Department provisions shall be made to release the detainee after processing, transfer the detainee to the Bergen County Jail, turn the detainee over to another Agency or make arrangements for a first appearance by the Municipal Magistrate.

B. BAIL

Any detainee who can be released on bail shall have an opportunity to call a bail bondsman, relative or other person who may be able to post the required bond to facilitate the detainee's release. The detainee shall be given access to a telephone book if he/she requests the services of a bail bondsman and shall also be assisted with calling friends/relatives who may be able to post the required bail. The opportunity to make bail shall not be impeded in any way unless the detainee is obviously stalling transport to another jurisdiction or facility. The Tour Commander will determine when all reasonable avenues of assistance have been exhausted and bail would not be forthcoming. If the detainee states that he/she cannot make bail or would not like to attempt to do so arrangements for transport to another facility or jurisdiction shall be made as soon as possible so as not to delay the time the detainee remains incarcerated at the Mahwah Police Department.

C. ATTORNEY ACCESS

Should a detainee request the presence of an attorney for consultation, the attorney and detainee shall be given time to consult in a confidential environment. The attorney may speak to his/her client in the detention area with the audio portion of the monitoring system turned off or, at the discretion of the Tour Commander, the detainee and his/her attorney may speak in a secure interview room. No briefcases or large items shall be brought in to the consultation environment by the attorney without first being searched

and the attorney shall be made aware that he/she may be subject to search prior to leaving. Once the consultation is complete the detainee shall be searched for contraband/weapons and returned to the detention cell.

D. PHONE CALLS

All prisoners are entitled to at least one (1) phone call during the booking phase. If the prisoner has previously been granted phone call(s) during the booking phase, and he/she has contacted the party intended, it is not required to grant him/her additional calls. However, if the shift commander deems it in the best interest of the Department, or the prisoner was unable to contact anyone on previous attempt(s), or bail amount has been set/changed, additional phone call(s) shall be permitted. The officer shall dial all numbers tried, and the numbers dialed and times attempted shall be recorded on Prisoner Log Sheet. Any toll or long distance phone call shall have the charges reversed. The duration of each phone call shall be limited to five (5) minutes. If the prisoner wishes to contact a bail bondsman, he/she shall be given access to a public phone book.

E. RECORDED PHONE CONVERSATIONS

Detainees shall be made aware of the fact that all telephone calls will be recorded and/or monitored by the Department. The processing officer should remain in the holding cell area while the detainee makes the phone call and monitor the conversation. Any calls made that are not relevant to the acquisition of an attorney or bail shall be terminated by the officer. Phone numbers should be recorded when calls are made by a detainee.

F. PRISONER FOOD

Prisoners who are housed in the detention facility shall be afforded the opportunity to eat when the incarceration period includes times of normal eating hours. (i.e. breakfast-0700-1000, lunch-1200-1300, dinner-1700-1900).

G. INCARCERATION - LENGTH OF

The absolute maximum time period allowed by law for incarceration in a municipal detention facility is seventy-two (72) hours, no exceptions. However, it is Departmental policy that every attempt shall be made for either the release of a prisoner (bail, ROR) or the transportation of the prisoner to the county facility within twenty-four (24) hours of the initial detention. Anytime a prisoner is housed in the municipal facility beyond twenty-four (24) hours, the reason(s) for going beyond the 24 hour time limit must be noted on the prisoner inspection sheet (i.e., court order, lack of sufficient manpower to transport, etc.).

Mahwah Police Department – Policies and Procedures		Number 170:05:05
Subject Legal Process—Civil and Criminal		
Issue Date 11082002		Effective Date 11082002
Revisions: Reviewed 09/2018 D.Lt.GB		
Page 1 of 7.	Accreditation Number 74.1.1- .2; 2.1- .2; 3.1-.2; 84.1.8	

I. BACKGROUND

The proper handling and control of all warrants, summonses, detention orders and other legal documents that are received by the Mahwah Police Department is a shared responsibility that rests not only with the Chief of Police, but with all department personnel who receive, handle, file and serve these documents.

II. POLICY

It is the policy of this Department that all legal documents received will be accounted for and executed with the utmost promptness.

III. ACTION

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A. RECORDING INFORMATION

The officers and personnel of the Mahwah Police Department have continuous twenty-four (24) hour access to warrant information and may receive information on criminal warrants by:

- Requesting such information through the Communications Center;
 - Requesting such information directly from the Bergen County Sheriff's Office by telephone or radio communications; and
 - Inquiry through the SCIC/NCIC interface on the records system or MDT terminals.
- Information regarding each item of legal process, civil and/or criminal, is recorded, including the following elements:
- Date And Time Received;
 - Type Of Legal Process (Civil Or Criminal);
 - Nature Of Document;

- Source Of Document;
- Name Of Plaintiff/Complainant Or Name Of Defendant/Respondent;
- Personnel Assigned For Service;
- Date Of Assignment;
- Court Docket Number; and
- Date Service Due

All officers are to document the above information on incidents involving civil/criminal process through the Department's Police Records System, including pertinent narrative and supplementary incident reports. The above information at a minimum must be included in such police reports.

B. ATTEMPTED AND COMPLETED EXECUTION OF LEGAL PROCESS

It is the policy of this Department to take quick and diligent action in serving outstanding warrants and/or other civil/criminal legal process documents as permitted by law. The purpose of this policy is to significantly increase the likelihood of apprehension. Officers will record, update, and maintain the execution or attempted service of legal process documents by the Department. This will include the following information as a minimum;

- a. Date and time service was executed/attempted;
- b. Name of personnel executing/attempting service;
- c. Name of person on whom legal process was served/executed;
- d. Method of service/reason for non-service; and
- e. Address of service/attempt.

Whenever an officer attempts to serve a warrant, the Communications Center will be notified, and the officer will be logged out on the call through the CAD system. The officer will be responsible for documenting the reason for non-service in the comments section of the CAD entry. Whenever an officer attempts to serve a warrant and receives new or more up to date information concerning the location of the subject, the officer shall record that information on the Warrant Service History form and see that a copy of the information is forwarded to the Records Division.

C. POLICE RECORDS SYSTEM REQUIREMENTS

1. **Arrest Warrant** - An incident report, including arrest information, and narrative are required whenever a person is arrested; and
2. **Search Warrant** - An incident/supplemental report and narrative are required whenever a search warrant is served irrespective of the outcome of the search.

D. WARRANT SERVICE PRIORITIES

All officers are to serve outstanding arrest warrants as outlined in this SOP. Warrants are to be served by an individual officer in the following priorities:

1. Criminal Warrants - Warrants for violent crimes or dangerous individuals are to take precedence over all other warrants;
2. Traffic Warrants and Failure to Appear Warrants - In the absence or lack of service of criminal summonses, traffic and failure to appear warrants shall take precedence with the most serious receiving priority. Failures to appear warrants are always to receive prompt attention due to the fact that those who willfully fail to appear do not remain in the area for long.

E. CIVIL PROCESS

Normally, members of the Mahwah Police Department will not be required to serve civil process. The Bergen County Sheriff's Office is responsible for the service of all civil legal process documents. If and when requested, officers of the Mahwah Police Department may assist these agencies with safety and security in the service of civil process documents to the extent permitted by law.

In addition, officers of the Department may be called upon in emergency situations to deliver subpoenas in other civil and criminal cases. Officers will serve such legal process consistent with the provisions of this SOP including the proper documentation of such activities through the police report system.

In any event, an investigation report must be taken that includes all pertinent information.

F. CIVIL ARREST/SEIZURE

1. It is the policy of the Mahwah Police Department that the execution of orders for civil arrest shall be performed by sworn officers because the restriction of an individual's present right to liberty is best performed by an officer who has proper authority and training. When a civil arrest is to be made by the Mahwah Police Department, only sworn law enforcement officers are to execute the arrest.

2. Seizure of Property to be Executed by Sworn Officer

It is the policy of the Mahwah Police Department that sworn law enforcement officers shall execute writs directed to the Police Department to seize real or personal property. Such seizure involves a potential for resistance and only sworn officers who have the power to keep the peace are assigned, in sufficient numbers, to this task. Writs ordering the seizure of real or personal property are normally directed to the Bergen County Sheriff's Office for execution. If and when requested, the Mahwah Police Department may assist these and other governmental agencies in the execution of such civil process documents.

In all civil arrest/seizure situations, the supervisor must be advised and give permission for any police action.

G. EXECUTION OF CRIMINAL PROCESS DOCUMENTS

Upon receipt of the copy or notice of the warrant, the officer shall ensure that it is good on its face. If not, he/she shall contact his immediate supervisor to have the warrant transmitted to the appropriate authority for correction. The officer receiving a valid warrant is then to determine if the warrant can be immediately served from the information contained on it. If not, more descriptive information should be obtained through the originating agency.

Arrest Warrant Service

It is the policy of the Mahwah Police Department to establish the types of warrants to be executed, territorial limitations upon execution, time requirements for execution, statutory provision for summoning aid, and procedures for the issuance of summons in lieu of arrest. Standards for the use of force, statutory provisions respecting immunity from arrest, as well as other statutory provisions pertaining to arrest in the jurisdiction shall be established as well.

Sworn members of the Mahwah Police Department will execute any criminal warrant which is presented to them or which comes to their knowledge while they are

performing their duties within the Township of Mahwah, as governed by New Jersey Court Rule 3:3-3. Sworn members of the Mahwah Police Department may execute criminal warrants outside of the Township of Mahwah, anywhere within the territorial limits of the State of New Jersey. Persons who are served process in counties other than the one in which the warrant was issued must be brought in front of the court in the county in which the warrant was issued to admit bail.

The following are additional guidelines and procedures regarding the serving of arrest warrants by officers of the Mahwah Police Department:

1. Persons arrested upon a warrant must be brought before the Court that issued the warrant without unnecessary delay or must be presented the opportunity to present bail to the Court.
2. Sworn members of this Department attempting to serve criminal process outside of the Township of Mahwah will make a reasonable attempt to inform the Department which has primary jurisdiction of their intent to serve process and will make a reasonable attempt to have an officer of that Department of jurisdiction in their company prior to service.
3. The issuance of a complaint summons in lieu of an arrest warrant is discretionary on the part of the officer when the appearance of the defendant is reasonably assured and none of the provisions of Rule 3:3-1(c);
4. Summons should not be issued when the offender cannot or will not offer satisfactory evidence of his/her identity or when the offender has previously failed to appear in court;
5. Use of force in service of a criminal warrant will be governed by standards governing use of force in any situation. Forcible entry into a dwelling house or other building is permissible if, after notice of the officer's intention to make such arrest, the officer is refused admittance. Common sense should be used in such situations along with consideration of the type of arrest warrant (i.e. 1st degree crime vs. petty disorderly persons offense);
6. Officers will be familiar with those individuals who are privileged from arrest and under what circumstances these individuals are privileged from arrest;
 - Senators and Representatives of the United States during their attendance at the session of their respective Houses, and in going to and returning from the same, except in matters of treason, felony, and breach of the peace. (United States Constitution Article I Section 6);
 - Senators and Representatives of the State of New Jersey during their attendance at the session of their respective Houses, and in going to and returning from the same, except in matters of treason, felony, and breach of the peace. (New Jersey Constitution).
 - Electors, while going to, returning from, or in attendance at elections.
 - Judges of the courts, while attending court, and also during the time necessarily employed in going to, holding, and returning from the court, which it is their duty to attend.
 - The United States is obligated under international treaties and customary international law to notify foreign authorities when foreign nationals are arrested or otherwise detained in the United States. The officer shall immediately inform the foreign national of his right to have his government notified concerning the arrest/detention. If the foreign national asks that such notification be made, do so without delay by informing the nearest consulate or embassy. In the case of the following countries, such notification must be made without delay regardless of whether the arrestee or detainee so wishes, including: Antigua, Bahamas, Barbados, Belize, China (People's

Republic)*, Costa Rica, Cyprus, Czechoslovakia, Dominica, Fiji, The Gambia, Ghana, Grenada, Hungary, Jamaica, Kiribiti, Kuwait, Malta, Mauritius, Nigeria, Philippines, Poland, Romania, Seychelles, Sierra Leone, Singapore, South Korea, St. Kitts & Nevis, St. Lucia, St. Vincent & Grenadines, Tanzania, Tonga, Trinidad & Tobago, Tuvalu, United Kingdom**, U. S. S. R., Zambia.

*When Taiwan nationals who carry "Republic of China" passports are detained, notification should be made to the nearest office of the Coordination Council for North American Affairs, the unofficial entity representing Taiwan's interests in the United States;

** Please contact this consulate or embassy when nationals of Anguilla, British Virgin Islands, Hong Kong, Bermuda, Monserrat and Turks & Caicos are detained.

Foreign consular officials have the right to visit their arrested or detained nationals unless the arrestee or detainee objects to such visits. Inquiries should be addressed to the Assistant Legal Advisor for Consular Affairs, Department of State, Washington, D. C. 20520, and (202) 647-4415.

Warrant service is governed by SOP **005:10:20**.

H. SERVICE OF A SEARCH WARRANT

Officers are to complete all necessary forms making enough copies for the number of people expected to be present during the search and the owner of the place searched. The forms necessary for a search warrant are the search warrant, affidavit (for search warrant), non-consensual entry search warrant, affidavit (for non-consensual entry search warrant), inventory and receipt, addendum to affidavit for search warrant (if necessary) and return.

A search warrant must be directed to the chief law enforcement officer of the jurisdiction in which it is to be served. Police personnel from that jurisdiction must conduct the search. If the search is within the jurisdiction of the Bergen County Superior Court, a judge of the Superior Court may sign the warrant. If the search is outside the jurisdiction or outside of Bergen County, a judge with venue must be found to sign the warrant. The appropriate clerk of courts must be notified and the warrant must be time stamped and certified. The search warrant is good for only one search and is limited to 72 hours from the time of issuance by the judge. Search warrants should be executed at reasonable hours, which according to general rule, means in the daytime. Search should only be made in the nighttime if urgent necessity exists and should not be made merely for the convenience of the officer. However, a detailed and thorough search may extend into the night without becoming an illegal search if it began during the daytime.

It is the policy of the Mahwah Police Department that when an officer takes property from a search he/she shall:

1. Give to the person from whom or from whose premises the property was taken, and to each occupant of the premises, a copy of the warrant and a receipt for the property taken, or
2. Leave the copy and receipt at the place from which the property was taken;
3. The original application for the search warrant, the search warrant and the completed return must be returned to the issuing court as soon as practical, but in all cases within 24 hours of completion of the search; and
4. Make the inventory in the presence of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person who applied for the warrant.

I. WARRANT SERVICE IN JURISDICTIONS OUTSIDE THE TOWNSHIP OF MAHWAH

1. In accordance with New Jersey Court Rules, warrants may be executed or summons may be served at any place within this state. Whenever an officer attempts to personally serve a warrant outside the jurisdiction of the Township, he/she shall request that an officer of the respective jurisdiction accompany him to serve the warrant. Uniformed officers, except with prior approval of the Patrol Division Commander, shall not attempt personal service outside of five miles of the Township's jurisdictional boundaries. Service within the five mile limit may only be done with the approval of the Tour Commander, taking into account manpower considerations, call load, etc. Investigators may attempt personal service within Bergen County or adjacent counties with the approval of the Investigative Division Commander.

For warrants outside Bergen County or adjacent counties, the following guidelines shall apply. In most cases, where immediate service is necessary, or may be the only way to apprehend the person, a phone call followed by an appropriate Teletype may be appropriate. Such steps may only be taken with permission of the Tour Commander. In some circumstances the appropriate course is to send a copy of the warrant with a cover letter to the chief law enforcement officer of the jurisdiction where the wanted person is believed to be. The letter is to request service and note the location where the person is believed to be or frequent. Such letters may only be sent under the signature of the Chief of Police.

As a general policy, officers serving warrants in other New Jersey jurisdictions should contact that jurisdiction's police department and advise them of the pending action. The serving officer should request the presence of an officer from the local jurisdiction.

In those cases where a subject in Mahwah is found to have an outstanding warrant from another jurisdiction, information must be verified before an arrest is made. In these cases, the officer or dispatcher will telephone the local jurisdiction to determine if the warrant is still active. If confirmed, the officer or dispatcher will request a fax copy of the warrant be sent.

Execution of warrants for fugitives from this state or upon fugitives from another state must be made in strict compliance with Title 2A, Section 160, sub-section 10.

The court having jurisdiction over the location to be searched must issue search warrants. Mahwah police officers may apply to a court of jurisdiction outside the Township for search warrants. Service of the search warrant will be accomplished by coordinating efforts with an agency having law enforcement jurisdiction over the location to be searched.

2. Non-Adjacent Counties

Pursuant to New Jersey Court Rules, whenever a person is arrested in a non-adjacent county, he/she is to be brought without unnecessary delay before a court of record therein, having jurisdiction over such an offense, and he/she shall not be removed from that county until he/she has been given an opportunity to consult with an attorney, or another person of his/her choice, and to post bail to be determined by the judge of that court. If not released at such hearing, he/she shall be removed from that county and brought to the court issuing the warrant, without unnecessary delay.

This shall not preclude a prisoner posting bond if such has already been set. The Tour Commander is to inform the Department having the person in custody of the date, time and location the person is to appear. A notation is to be made for the Records Division indicating the outcome.

The Tour Commander receiving information that a person is being held in a non-adjacent county, and after having confirmed the warrant and that the bond will not be posted, is to assign an officer to serve the warrant and transport the prisoner. If an original incident report is associated with the case, the appropriate supplements are to be made. If no original incident report exists, one is to be assigned and completed.

J. ARREST WARRANTS EXECUTED ONLY BY SWORN OFFICERS

Pursuant to New Jersey Court Rule 3:3-3, a sworn officer authorized by law shall only execute warrants. It is the policy of the Mahwah Police Department that only sworn law enforcement officers shall execute arrest warrants. Furthermore, the broader potential of civil liability for citizens who affect arrests requires that this be conducted only by sworn officers. Every officer shall be diligent and responsible for serving any warrant issued as a result of a case or citation handled by the officer or as otherwise assigned.

K. PROPERTY

1. The Mahwah Police Department does not normally acquire property and/or monies through the service of civil process, as the Department does not normally serve civil process. This function is the exclusive responsibility of the Bergen County Sheriff's Department and the Courts. However, there are occasions where the Department may acquire property through civil process related to asset forfeiture proceedings and other legal proceedings (search warrants, etc.). As a result, it is necessary to establish policies and procedures governing these activities, although occurrences may be very infrequent.

It is the policy of the Mahwah Police Department that all property acquired through civil process is accounted for in agency records and is disposed of by the Department pursuant to legal authority. This SOP applies to all property obtained through civil asset forfeiture proceedings by the Department.

2. Procedures

All property obtained through the legal process (i.e., search warrants, warrantless searches, vehicle inventories or seized for safekeeping) will be submitted to the Evidence and Property Room as outlined in SOP 185. The Property Custodian is responsible for maintaining an accurate record keeping system (outlined in SOP 190) for all property accepted by or stored in the Evidence and Property Room. All property acquired through the legal process function is disposed of by the Police Department pursuant to Titles 2C, 53 and 40. All monies received by and through the Mahwah Police Department must be handled in accordance with accepted accounting practices and are subject to audit and verification procedures. These practices and procedures are established in SOP 040.

3. Eviction Proceedings – Property

When the courts evict a tenant within the Township and the Mahwah Police Department becomes aware of evicted property within the Township's right of way, the Mahwah Health Department should be immediately contacted to pickup and dispose of said property as abandoned property unless the owner advises of suitable arrangements for the pickup of the property within a reasonable time period. The Mahwah Police Department will not assume control over any property resulting from an eviction nor will the Department assume security responsibility for the property prior to pickup by the Health Department.

Mahwah Police Department – Policies and Procedures		Number 170:15:15
Subject Bail—Setting and Accepting		
Issue Date 02132001	Effective Date 02132001	
Revisions a.01122012 OfcJH b.02262015 SgtSC		
Page 1 of 3.	Accreditation Number None (74.3.3)	

I. BACKGROUND

To process prisoners more efficiently, it has become necessary to develop guidelines for the setting and accepting bail. The following procedures will expedite the processing of prisoners and regulate how the bail money is handled.

II. POLICY

It is the policy of this Department to follow the below listed procedure as it applies to the setting and acceptance of Bail.

III. ACTION

A. SETTING OF BAIL

1. Offenses Bailable by Municipal Judge: A municipal judge may admit to bail any person charged with any offense except those considered as an Impact Crime. See Court Rules 3:26-2; 7:5-1.

2. Denial of Bail by Municipal Judge: When a person charged with an offense shall have been committed to jail after hearing by reason of bail having been denied, only a judge of the Superior Court may thereafter admit him to bail. See Court Rules 3:26-2; 7:5-1.

3. Indictable Offenses Reserved to Court: Only a Municipal Judge, as well as other judges provided by law, shall have the power to admit to bail any person arrested and charged with an indictable offense; however, he cannot set bail in all cases; see sections 1 and 2 above. Court Rule 7:5-3.

4. Absence of the Municipal Judge: In the absence of the Municipal Judge or the availability of a stand-by Judge, a person arrested and charged with a criminal offense which is not an indictable offense and which may be tried by the Municipal Judge, may be admitted to bail by the clerk of the court. Court Rule 7:5-3.

5. Business Hours of the Court: The regular business hours of the court shall be from 8:00 a.m. to 4:00 p.m., Monday through Friday.

6. Bail for Witness: Every Municipal Judge shall, when the interest of justice requires, bind with sufficient surety all persons who can give testimony against one accused of a criminal offense punishable by death or imprisonment in State Prison, whether or not the offender be arrested, imprisoned, or bailed. Court Rule 3:26-3; 7:5-1.

8.The Payment of Bail: Only cash bail, or money order shall be accepted by a Police Officer who is authorized to admit to and accept bail. [With the following

exceptions: bail bond, a check from a resident of the Township or a check from a non-resident in the case of charges filed in our jurisdiction with approval from the Municipal Court Official].

9. Release in Own Recognizance: When directed by any Municipal Judge no cash need be required and the person arrested may be released on his own recognizance, Court Rule 3:26(a). Police officers shall assist the Municipal Judge, if he should inquire, by advising him of the defendant's background, residence, family status and employment, if it is known or can easily be learned. The completed Recognizance forms shall be completed with the originals placed in the bail drawer, and copies attached to the Incident Report. The Tour Supervisor shall review all completed Recognizance forms.

10. Amount of Bail for Traffic Offenses: When specified by the Municipal Court Administrator, Police Officers may admit to bail persons arrested and charged with non-indictable traffic and motor vehicle violations in amounts equal to the maximum fine charged upon convictions for the specific violation plus costs, unless otherwise ordered by the Court. There should be specific reasons articulated to Court personnel when bail is requested on traffic and motor vehicle charges.

11. Amount of Bail for Other Non-Indictable Offenses: The police officer admitting to bail persons arrested and charged with other non-indictable offenses, shall accept bail in conformance with applicable departmental orders, unless otherwise ordered by the court. In unusual circumstances the police officer may assist the municipal judge in arriving at a proper bail and shall consider the amount that will insure their presence in court when requested, having regard for their background, residence, employment, and family status.

12. Under Influence of Narcotics or Intoxicants: Police officers shall not admit to bail persons who are apparently under the influence of narcotics or intoxicants unless they can be released to the care of a responsible person.

13. Police Shall Not Bail on Warrants That Issue Out of Superior Courts: When arrests are made on warrants on a complaint that originated in the Superior Courts, bail must be set by a Superior Court Judge.

14. Juveniles Shall Not Be Bailed: Police officers shall not admit to bail any juvenile offender who may be taken into custody. They shall follow Court Rule 5:21-1 et. seq. See Sections 3:7.2 to .8, supra.

15. Anytime an incident requires the setting or taking of bail money the Tour Supervisor shall be notified. It shall be the responsibility of Tour Supervisor/ OIC to contact and speak with the Judge/ Stand-By Judge or Court Personnel unless due to exigent circumstances this is not possible.

16. If the Municipal Judge or Stand-By Judge cannot be contacted and the offense requires them to set bail, then the Bergen County Sheriff's Department shall be notified so that the County Stand-By Judge can be contacted. This should only be used as a last resort.

B. ACCEPTING BAIL

1. Anytime a prisoner is going to be released via bail (i.e., cash, check, money order), a bail receipt is to be completed, with the only exception being posting of a bond by a bail bondsman. The Officer receiving the bail will make complete a "Bail Receipt" (The Officer is to address all areas applicable). All bail collected

will be placed in the locked bail money drawer located in the Records Bureau area.

2. In situations where the criminal complaint has been issued by a county/state/federal agency and bail has been preset by a Judge at the level of issuance, and we are merely the executing agency, it is imperative that a copy of the criminal complaint be attached to the bail receipt so that the bail can be forwarded to issuing authority.

3. Accepting Bail in Indictable Offenses: After the Municipal Judge has set bail for a person who has been arrested and charged with an indictable offense, which is bailable, authority is granted to the Chief of Police, or officer acting in the capacity; or to the police officer in responsible charge of the desk to accept bail in the amount set by the Municipal Judge. Court Rule 7:5-3.

4. Procedure for Acceptance of bail: When bail is taken the officer accepting the bail shall:

- a. Complete the "Bail Receipt" with the required information.
- b. Indicate the amount of bail on all required jail information sheets.
- c. Bail money, check or money order shall be attached to the bail receipt and placed in the bail drawer.
- d. Information concerning the bail, amount, set by whom etc. shall be included in the Incident Report.

The Bergen Municipal Courts are required, pursuant to the Department of Treasury – Internal Revenue Service, that all transaction (Bail) in excess of \$10,000 require that a 8300 IRS Form be completed and transmitted to the Superior Court Finance Unit with all other required documents. (*See attached IRS from 8300*)

C. BAIL SOURCE QUESTIONNAIRE

1. If the defendant is charged with a first or second degree crime with bail restrictions, as enumerated under N.J.S.A. 2A:162 – 12, prior to begin released, the defendant shall complete "Bail Source Inquiry Questionnaire" form, said form is to be forwarded to the Prosecutor's Office by local municipal police department for review and contemplation whether there is to be a bail source hearing. The defendant so charged is **not to be released** upon bail until confirmation that the form was completed and filed with the Prosecutor's Office.
2. Court personnel are **not** to participate in the actual completion of the form by the defendant.
3. It is the person accepting the bail who has the responsibility to confirm that the defendant has filed and completed the "Bail Source Inquiry Questionnaire" form with the prosecutor.
4. In the event the County Prosecutor's Office demands a bail source hearing, all such bail source hearings will be heard in the Superior court.

Mahwah Police Department – Policies and Procedures		Number 180:05:05
Subject Records--Administration		
Issue Date 11112002	Effective Date 10012007	
Revisions a. 12232002 b. 10012007 c. revised 9/2015 Ofc K. Stewen		
Page 1 of 7.	Accreditation Number 82.1.1-6	

I. BACKGROUND

The central records function is important to the effective delivery of law enforcement services. Privacy, retention, reporting and accessibility of department records all affect how effective this delivery is accomplished.

II. POLICY

It is the policy of this Department that all members be familiar with the below listed guidelines regarding police department records.

III. ACTION

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A. RECORDS--PRIVACY AND SECURITY

1. Separation of Juvenile Criminal Records from Adult Criminal Records

The Records Division maintains separation of juvenile criminal records from adult criminal records. Juvenile arrest records are entered into the Records Management System and marked as juvenile. Limited access to these records maintains this integrity. The records office, where incident reports are generally stored, is locked whenever a records clerk is not on duty. Juvenile Records are distinguished from adult records in the records management system through a checkbox on the report form.

2. Juvenile Fingerprints, Photographs and Other Identifiable Evidence

Juveniles may be fingerprinted and photographed:

When a juvenile, age 14 or older, is charged on the basis of an act which, if committed by an adult, would constitute a crime.

When a juvenile is referred to superior court to be handled as an adult (Attorney General's opinion).

When a juvenile, age 13 or older, is adjudicated delinquent in family court on the basis of an act which, if committed by an adult, would constitute a crime (list the disposition on the front of the state criminal fingerprint card, the sentence and date on the back of the fingerprint card. See SOP 005:15:22.

Initially, the fingerprints, photographs and records of the arrest or custody shall be used or released only for the investigation of the act for which they were taken. If no complaint is pending against the child in relation to the act for which the fingerprints or photographs were taken, and if the child has neither been adjudicated delinquent in relation to that act nor convicted or pleaded guilty to a criminal offense based on that act subsequent to a transfer of the child's case for criminal prosecution, the fingerprints and photographs and all records of the arrest or custody that was the basis for taking the fingerprints or photographs will be removed from the file.

The fingerprints and photographs, copies of the fingerprints and photographs, and records of the arrest or custody will be used or released only as follows:

- a. Photographs and/or fingerprints will be used only for the investigation of the act for which they were originally taken or for the investigation of any similar act that would be a felony if committed by an adult;
- b. Photographs, fingerprints, and records will be released only to law enforcement officers of this state or a political subdivision of this state upon notification to the juvenile court of the name and address of the law enforcement officer or agency to whom or to which they will be released, or to a court that has jurisdiction of the child's case.

Photographs, fingerprints, and criminal arrest records of juveniles may not be released to the general public, to the child or his parents, or to military recruiters or federal authorities.

When a criminal investigation requires that fingerprints and/or photographs of a juvenile be taken, the officer taking the fingerprints and/or photographs will immediately forward them to the Juvenile Officer for documentation and control. It will be the responsibility of the Juvenile Officer to maintain a register of the receipt of such items.

Fingerprints and photographs of juveniles, which are stored at the police station, shall be done so separately from those of adults in the Juvenile Bureau. "JUVENILE" will be plainly marked on the photographic envelope and the fingerprint card. No juvenile photos will be used in any adult photo line-ups. The Juvenile Officer is responsible for maintaining proper control and use of all juvenile fingerprints and photographs in the custody of the Mahwah Police Department.

Juvenile records will be disposed of in accordance with the New Jersey Records Retention Schedule. Juvenile records are generally retained for ten years after adulthood is attained. Expungements will be handled the same as adult cases with all records sealed after the expungement is finalized by the court. Juvenile arrest records will be obtained from the Juvenile Officer and sealed after the expungement is finalized.

3. Physical Security and Access to Records Division Files

As a matter of policy, direct access to files in the Records Division is limited to Records Division personnel and supervisory officers, who may also copy and release documents in the Records Division. Information contained in written reports stored in the Records Division will be released outside this Department in accordance with New Jersey law and Department policy.

Original reports or any portion thereof are not to be removed from the control of Records Division personnel unless subpoenaed for court. When subpoenaed, a copy of the complete file will be made prior to release and filed in place of the original record.

Security precautions for criminal history records (CCH and III records) and SCIC/NCIC printouts will be in accordance with regulations of the NJ State Police and the U.S. Department of Justice regulations governing NCIC.

Records information stored in the records computer system is available to department personnel. Access is restricted through a password system and individual user privilege matrix (records stored in the records computer are backed up daily).

When Records personnel are not on duty, the Records Office is to be locked and may be accessed only by;

- a. Supervisory Personnel;
- b. Off duty Records Personnel called in on overtime.

All computers in the Records Division and all other offices shall be logged out when no personnel, assigned to those offices, are on duty. The file server is to be locked whenever the Records Division is not open for business. The archive room shall normally be locked and only Records Division personnel and personnel authorized by the Chief of Police are permitted entry and access to this room.

Privacy and security precautions for records function will be in accordance with other Departmental policies, local ordinances, and state statutes.

Information concerning open cases will not be released without the approval of Patrol Division Commander, Investigative Division Commander or the Chief of Police. This information may be released upon order of the Court (e.g. subpoena duces tecum, or upon request of the Prosecutor's Office). Records and other documentation shall not be removed from the records area except upon order of the Court (e.g. subpoena duces tecum), upon request of the Prosecutor's Office (e.g. case summaries), by an officer for purposes of investigation, or upon order of the Chief of Police.

Any Records Personnel who removes an original file from the records area for any reason will be responsible for placing a complete copy of the file, a notation that the file was removed, the date of removal, by whom, and the reason for removal and location of the original in the folder and then file this folder in the storage location of the original file.

4. Procedures and Criteria for the release of Records

Title 47, Section 1A, Sub-section 2 of the New Jersey Statutes allows every citizen of this State the right to inspect and copy public records. Also see SOP 180:05:06 New Jersey Open Public Records Act (OPRA)

a. Business Hours:

The established open business hours for inspection and copying of records of the Mahwah Police Department are normally as 8:00 A.M. to 4:00 P.M., Monday through Friday. The business office of the Mahwah Police Department may be closed on holidays recognized by the Township of Mahwah, as directed by the Chief of Police.

b. Inspection and/or Copies of Records:

Requests for copies or to inspect public records maintained in the records storage areas shall be handled promptly by the records personnel. Requests for inspection or copying of a large number of public records shall be referred to the OPRA Officer who will evaluate the scope of the request and make arrangements to provide the records for inspection and/or copying in a reasonable time frame.

c. Fee Schedule:

The New Jersey Statutes determine that copies will cost \$0.05 per page. Copies of digital and Polaroid public record photographs shall be provided for actual copying costs. Costs for Digital pictures shall be the actual cost of the Digital Media per picture paid by the department;

Copies of electronic media public records shall be provided in the media requested, however, the individual/organization requesting the copy shall be charged a fee for the copying and processing.

d. Special Requests:

1. Organizations requesting reports by event type, not identified by specific individual(s) involved or specific locations shall not be taken over the phone or mail, but shall require personal appearance during normal business hours;
2. Copies of requested public record material shall be mailed only if the requestor has provided a stamped self-addressed envelope;
3. Copies of requested public record material may be faxed to non-toll telephone numbers. Material shall not be faxed to toll numbers unless the requestor is a governmental, legitimate news media or social services agency.

All requests for public records must be made with the OPRA Form.

e. Fingerprinting:

There is no fee for fingerprinting. Fingerprinting services are available only for Mahwah residents or businesses that meet the requirements set forth by the New Jersey State Police. Exceptions may be made at the discretion of the Chief of Police.

Fingerprints shall be taken on Applicant or Civilian cards supplied by the person requesting the fingerprints on red, blue or green cards only.

Only the person being fingerprinted shall be permitted past the lobby and into the secured portion of the building, if necessary.

f. Misc. Guidelines:

Certain information may not be released to the public under any circumstances. Certain records are not subject to public inspection and shall not be released to the public, which include, but are not limited to the following;

1. Medical records, including psychiatric and psychological reports, will not be released. Information having to do with history, diagnosis, or prognosis as a result of medical treatment may not be divulged;
2. Adoption, probation, and parole records legally cannot be released. Juvenile records legally cannot be released;
3. Trial preparation records will not be released;
4. Confidential law enforcement investigatory reports (NJSA 47:1A-3), which meet the criteria below, will not be released. The information in these reports must pertain to a matter involving the enforcement of laws, which is currently under investigation. The information must also meet one or more of the following criteria:
 - The information would create a high probability of disclosing the identity of a suspect who has not been charged;
 - The information would create a high probability of disclosing the identity of an information source or witness who has been promised his/her identity would be kept confidential;
 - Information that creates a high probability of endangering the safety of law enforcement personnel, crime victims, witnesses, or information sources;
 - Information that creates a high probability of disclosing specific investigatory techniques and procedures;
 - Information that creates a high probability of disclosing specific investigatory work product (information gathered by the investigating agency once its inquiry has focused on a particular person, complaint, or event) but not including basic factual information about the event.

Certain other State and Federal laws prohibit the release of the following information;

1. The home address and telephone number of any sworn officer.
2. Records of habitual sex offenders;
3. Information maintained on students at public schools and private schools that receive public funding;
4. Information obtained from the NCIC computer database. All teletypes shall be left with the agency ORI (header) on the Teletype. Security breaches are the responsibility of the TAC Officer, who may recommend appropriate action to protect the Mahwah Police Department against sanctions in their use of the NCIC system. Records relating an investigation of child abuse, neglect or dependent child are not public record and may not be released except to criminal justice agencies.

B. RECORDS RETENTION SCHEDULE

In accordance with Title 47 of the NJ Statutes Annotated, a "Schedule of Retention and Disposition of Records" has been established by the Department of State, Archives and Records Management and is on file in the office of the Chief of Police. The schedule will be maintained in the Records Division and updated as necessary. No records are to be retained, transferred, destroyed, or otherwise disposed of in violation of this schedule. The Chief of Police or his designee is the department's "Records Retention and Destruction Coordinator." Any questions concerning the retention, destruction, or storage of records shall be directed to that office.

The actual records destruction shall be accomplished either by incineration or shredding as approved by the Chief of Police, with the approval of the Custodian of Records.

C. UCR REPORTING

The Mahwah Police Department is involved in the submission of data to the Uniform Crime Report. By the 8th of each month the Department compiles and submits crime statistics to the New Jersey State Police, UCR unit. The NJSP reviews the data and in turn submits the local data to the FBI.

D. RECORDS AVAILABILITY

The Mahwah Police Department maintains a computerized records system that is available 24 hours per day to authorized operations personnel. The computerized records system indexes all police reports. In addition, original records are accessible through the Records Division personnel during normal Records Division business hours.

E. STATUS OF REPORTS

All complaints brought to the attention of this Department will receive appropriate attention and each report will be followed-up in due time. It is essential that all reports be submitted no later than the end of the reporting officer's tour of duty, unless specific articulable reasons exist and the immediate supervisor has given approval for the report to be completed on the officer's next tour of duty. The Records Management System runs an open case report for all Tour Commanders each day. This report is the method of keeping supervisors apprised of the status of reports taken by officers under their command. Incomplete reports assigned to the original reporting officer should be followed up at the earliest opportunity.

The Records Division will retain the original of all criminal incident reports. Upon the review of an incident report as outlined in SOP 100, the Investigative Division Commander may assign the report for further investigation to either the Patrol Division

or Investigation Division. When the Investigative Division Commander closes the case, the case file will be filed in the original incident report file cabinet in the records division.

Motor vehicle accidents requiring further investigation will be returned to the investigating officer's supervisor for assignment. If a citation has already been issued, the report will be due in the Records Division before the end of the officer's regular shift. Accident reports that require further investigation to determine if a citation will be issued will have their report status checked at least every seven (7) days by the investigating officer's supervisor.

All incomplete accident reports shall be sent to the Records Division with any notations affixed so that there are readily available explanations as to what needs to be done to complete the Accident report. When completed, the accident report shall be submitted to the Records Division for data entry and filing. This assists the Records Division personnel in performing their duties. Officers shall make every effort to complete every accident report prior to going off duty and shall seek approval from the Tour Commander to stay over on overtime if deemed necessary or to follow up at a later date.

F. ANNUAL COMPUTER AUDIT

On an annual basis, the Management Information Systems Officer shall conduct an audit of the department's computer system security. The audit shall include an analysis of the physical security of the computer system. A report shall be prepared detailing the findings of the audit, along with recommendations for change. The MIS Officer shall delete any inactive accounts. The report shall be submitted to the Chief of Police and changes approved by the Chief shall be implemented in accordance with his direction.

Each officer will maintain a secure password for the RMS system. Personnel are required to maintain the confidentiality of their passwords. The MIS Officer's Password is to be documented to the Chief of Police and the two Division Commanders.

G. INTRODUCTION OF SOFTWARE INTO DEPARTMENT COMPUTERS

The installation of software onto any computer owned by the Mahwah Police Department requires prior approval from the MIS Officer or the Chief of Police. This includes software installed from diskettes, CDs, other removable media, downloaded from the Internet, or installed by any means. The MIS Officer shall determine if the software is compatible with the department's computers and provides overall benefit to the department. No games or other personal software shall be installed on any department computer. All software installed on department computers is to be properly licensed and no illegal copying of department owned software is permitted.

All computers in the Mahwah Police Department are to have anti-virus protection installed and this software is to be updated as deemed appropriate by the MIS Officer. All programs and data installed from outside sources shall be checked for virus infection prior to installation.

H. CENTRAL POLICE COMPUTER FILES, BACK-UP AND STORAGE

The Mahwah Police Department maintains a primary file server for the storage of critical record and data files. This Server has Raid 5 drive arrangement for redundancy and is scheduled for a complete back up on a daily basis. The Mahwah Police Department Police Records Computer files are backed up automatically according to a regular schedule approved by the MIS Officer, which includes the aforementioned daily backups. The back-up tapes are stored off-site with an electronic software solution.

I. COMPUTERIZED CRIMINAL HISTORY RECORDS

1. State Computerized Criminal History Records (CCH)

All CCH inquiries are to be conducted in accordance with the rules and policies of the NJSP Records and Identification Section. Access to CCH files is restricted to criminal justice purposes related to an individual's contact with the criminal justice system and employment background information for potential criminal justice employees. CCH inquiries for permits and licensing or for employment backgrounds of non-criminal justice positions are strictly prohibited. No CCH information is to be sold, transmitted, or distributed to any non-law enforcement agency, non-criminal justice agency, or unauthorized person (NO CCH information may be faxed from this department for any reason). CCH printouts must be shredded when no longer needed and are not to be attached to any investigation reports.

2. Mahwah Police Department Computerized Criminal History Records (CCH)

The Mahwah Police Department's Police Records Management System contains mostly arrest information and may not contain conviction or disposition records. Persons requesting conviction and disposition records are to always be referred to the Court Administrator.

The security protocol for access and release of such local arrest information is subject to the procedures described in this SOP (Procedures and Criteria for Release of Records). Special disclaimers are to be placed on any such records release to the public regarding the accuracy of the records. These types of cases usually involve arrest records checks for employment, rental, or other purposes.

Mahwah Police Department – Policies and Procedures		Number 180:05:06
Subject Official Correspondence		
Issue Date 12232005		Effective Date 122232005
Revisions		
Page 1 of 2.	Accreditation Number None (82.1.1.1)	

I. BACKGROUND

Official letterhead and correspondences are representative of not only the Mahwah Police Department but also the Township of Mahwah. As such, official letterhead should only be used with the approval of the Chief of Police or his designee.

II. POLICY

It is the policy of this Department that all members adhere to the below listed guidelines on the use of official correspondence.

III. ACTION

A. OFFICIAL LETTERHEAD

1. Official letterhead bearing the name of the Mahwah Police Department is representative of the Mahwah Police Department and the Township of Mahwah and therefore, is under the direction of the Chief of Police or his designee.
2. Employees are prohibited from designing and/or using any other stationary which gives the appearance of official correspondence. The only approved letterhead is as follows:
 - a. Official Departmental letterhead as designated by the Chief of Police.
 - b. D.A.R.E. letterhead.
 - c. Mahwah Police Department Traffic Bureau letterhead.
3. Officers and/or civilian employees shall not use letterhead stationary or the appearance of official correspondence for personal communications.
4. Officers and/or civilian employees shall not provide blank official letterhead to any person who is not an employee of the Department and who has not received approval for its usage from the Chief of Police.
5. All outgoing correspondence shall be in the following format (see attached example):
 - a. Center the date under the letterhead.
 - b. Place the reference number, if any, in the upper right hand corner.
 - c. Place the inside address and salutation at the left hand margin.
 - d. The subject of the correspondence should be placed in the RE: section between the inside address and the salutation.
 - e. Place the closing on the right hand side of the page. The closing should read "Very Truly Yours," with the name and position of the officer writing the correspondence four line spaces directly below that. Directly below that should be the Chief of Police's name and title.
 - f. If applicable, the enclosure and attachment section follows the closing of the correspondence.

g. The copy section (cc:) follows the attachment or enclosure section. List the name(s) of each person receiving a copy of the correspondence.

h. Use plain paper for second and subsequent pages.

6. The approval of the Chief of Police or his designee must be received before any correspondence is sent from this agency. The only exception will be routine pre-approved correspondences, such as discovery requests, etc.

January 1, 2003

Mr. John Smith
123 Any Street
Mahwah, New Jersey 07430

Re: Requested Crime Statistics

Dear Mr. Smith,

Enclosed please find Mahwah Police Department crime statistics for the incidents in your area.

If we can be of further assistance to you please do not hesitate to contact me.

Very Truly Yours,

John Jones
Lieutenant

For: James N. Batelli
Chief of Police

Attachments:

CC:

Mahwah Police Department – Policies and Procedures		Number 180:10:05
Subject Records—Incident Reporting and Management		
Issue Date 11102002		Effective Date 11102002
Revisions: 09/2018 D.Lt.GB		
Page 1 of 5.	Accreditation Number 82.2.1-.5	

I. BACKGROUND

Incident reporting is basic to meeting the management, operational and information needs of the agency.

II. POLICY

It is the policy of this Department that all members be familiar with the below listed guidelines regarding incident reporting.

III. ACTION

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C.	Case Reporting System	pp. 4-5
D.	Supervisory Review	p. 5
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A. INCIDENT REPORTING AND MANAGEMENT

1. Guidelines for When Reports are to be Written

It will be the requirement of the Mahwah Police Department that official records be prepared and maintained to document every reported police activity, whether originated by a citizen, another organization, or a Department member. Members of the department will use the appropriate form(s) as indicated by the nature of the incident being reported. The importance of a well-written and complete report cannot be over-emphasized. The police record system depends upon the work product of the officer in the field.

2. Forms

Forms generally used in the field for reporting purposes by the department include, but are not necessarily limited to the following:

- a. Investigation Report (IR)/Arrest Information;
- b. Supplemental Report;
- c. Property/Evidence Description Report (card);
- d. Victim Property Loss Report (Stolen property);
- e. Missing Persons Report;
- f. Domestic Violence Offense Report;
- g. Victim/Witness Information Form (TRO Application);
- h. Driving While Intoxicated Packet;
- i. NCIC/SCIC Computer Entry Reports;

- j. Cell Block Log;
- k. Towed Vehicle Report;
- l. Motor Vehicle Accident Report (includes accident continuation page and accident diagram page);
- m. N.J. Supplemental Truck/Bus Accident Report;
- n. Pursuit Incident Report;
- o. O.C. Spray Report;
- p. Bias Crime Report;
- q. Use of Force Report;
- r. Sudden Death Report;
- s. Defibrillator Report;

All reports shall be legibly written. All blocks of the particular report shall be addressed.

a. Mahwah Police Department Incident Report

All complaints of a criminal nature, which occur within the Township, will be recorded on an MPD Incident Report. This report form also reports the offense analysis and the victim information. The form is to be completed as completely as possible including entries for all related items or persons (suspects, persons interviewed, property stolen or lost, etc.).

In non-criminal incidents, an Incident Report will be completed where an officer is assigned and makes contact with the complainant, victim, witness, or other involved persons. Incident Reports are not required on non-criminal incidents where no contact is made with the complainant, victim, witness, or other involved persons and sufficient information can be placed in the Computer Aided Dispatch system for indexing and disposition.

The Tour Commander is responsible for seeing that Incident Reports are submitted in all appropriate incidents.

b. Motor Vehicle Accident Reports

Officers will complete the appropriate accident reports on all traffic accidents that occur in the Township in accordance with the directions of the New Jersey Guide for Police Reports of Motor Vehicle Accidents.

In cases where all involved parties want to waive an accident report, the Communications Center must be advised and notation made in the CAD system. Involved parties that wish to waive an accident report must be adults. Involved juveniles must have parental permission to waive the accident report. The responding officer must verify that juveniles have permission to waiver.

c. Field Interview Card

This form is to be completed by the officer on all field interviews.

d. Domestic Violence Offense Report, Victim Notification Form

These forms are to be completed for every domestic violence incident. The form indicates whether or not the victim wants to apply for a Temporary Restraining Order and the extent of the violence committed. Should the victim request a TRO, the TRO application should also be completed and presented to a Judge.

e. Miscellaneous Reports

- Vehicle Tow/Inventory - to be completed when a vehicle is towed or impounded;
- Evidence/Property Report- to be completed by officers to report property taken into or released from custody;
- Affidavit - to be used by witness to give their account of an incident;
- Alcohol Influence Form-in DWI investigations;
- NJSP Regional Crime Laboratory Submission Form-for submission of evidence.

f. Special Reports

Special reports are letters, memorandums, or correspondence that are typed, printed, or written for formal communication within the Police Department. Police Officers and civilian members will submit special reports to their immediate supervisor who will attach his/her comments and forward to the Chief of Police. When any supervisory officer initials a report, it will be assumed the supervisor is in concurrence with the contents of the report, unless notes are made to the contrary. Under normal circumstances, special reports should not be delayed more than one week before reaching the Chief's office. After reviewing the report and all attached comments and recommendations, the Chief of Police will make a decision, if one is necessary, and will reply to convey information, decisions, or instructions. At no time will a supervisor stop a communication or special report from proceeding to the Chief of Police. Any report of a confidential nature that concerns improper conduct of a member's superior officer may be addressed and sent directly to the Chief of Police. Special reports originating at the command level will proceed directly to the Chief of Police.

3. Information Required and Procedures to be Followed in Completing, Submitting and Processing Incident Reports

a. Information Required

All reports and records maintained to document police activity will contain, at a minimum, the following information, if readily available:

- Date and time of initial report;
- Incident number;
- Name, if available, of the citizen requesting the service, or victim's or complainant's name;
- Nature of the incident;
- Date, time and type of action taken, if any, by police personnel (In situations where a request for service is made through dispatch, and the caller refuses to be identified, the CAD history entry should contain, in the complainant name field, "refused"); and
- All other information required by the supervisor.

b. Completing Submitting, and Processing Incident Reports

Every written report submitted by an officer will follow the appropriate guidelines of the Department or appropriate manual (accident reports). The Incident Report form is self-explanatory and should be completely as possible. Inclusion of all the information required on the report will facilitate a complete and thorough investigation of the incident.

Reports will be reviewed by a supervisor for completeness, accuracy, and compliance with incident reporting requirements by the end of the shift. In addition, the supervisor will check the report for neatness and legibility and will return unsatisfactory

reports to the writer for necessary corrections. Upon approval, the supervisor will sign the report and forward it to the Records Division for processing.

The Tour Commander will make sure that each incident report has been turned in by the end of the assigned officer's shift. If the officer cannot complete a report on an incident by the end of his/her duty shift, he/she may with supervisory approval complete the front page of the Investigation Report for non-critical incidents. All significant reports must be completed prior to the officer going off-duty, except as approved otherwise by the Patrol Division Commander. All reports will be completed prior to scheduled days off, except in special cases with prior approval of the Patrol Division Commander.

On a daily basis, the Records Division will run the pending event report and forward to all Tour Commanders. The Tour Commanders shall evaluate the report and assign their officers to complete the appropriate open events/incidents.

On pending Traffic Crash Reports, the officer shall fill in the date, time, location, incident number, and involved persons information on the form before going off duty. All Traffic Crash reports should be completed by the end of the officer's Tour and must be completed prior to going on days off, unless approved otherwise by the Patrol Division Commander.

B. COMPREHENSIVE REPORTING SYSTEM

It will be Departmental policy to prepare documentation for the following categories of incidents, if they were alleged to have occurred within the Township of Mahwah:

- Citizens' reports of crime; Citizens' complaints;
- All citizens' requests for services of the Department when an officer is dispatched, an employee is assigned to investigate, or an employee is assigned to take action at a later time;
- Criminal and non-criminal cases initiated by or coming to the attention of Department personnel;
- Incidents involving arrests or summonses; and
- Actions of the Department or its employees that may require documentation for statistical or other Departmental purposes.

Documentation of police activity may be in the form of a completed investigation, or arrest report, citation, field interview card, crash report, or CAD history entry. Narratives are generally expected on all criminal activity, incidents involving arrest or citation, domestic situations, civil disputes, and any incident where it is likely that the police department may have a request for a report, be summoned to court, or the department may be dispatched again because the issue was not resolved.

The Tour/Section Commander shall review all reported police activity to ensure that proper action is taken to investigate complaints, evaluate suggestions, correct deficiencies, or to refer them to the appropriate authority for action. In incidents where the complainant was not notified of the action taken, the Tour Commander shall take appropriate steps to ensure that the complainant is contacted and informed of the department's action.

C. CASE REPORTING SYSTEM

The case numbering system used by the Police Department requires the assignment of a unique master report number to all offense reports, traffic crash reports, and incident reports. Master numbers are generated by the computer aided dispatch consecutively in a numerical sequence beginning with the calendar year, followed by leading zeros and the sequential number (six places). Thus, the 1088th call for service for 2002 would be 02-001088.

D. SUPERVISORY REVIEW

Every written report submitted by department personnel will be reviewed for completeness and accuracy by a supervisor. The supervisor will check the report for neatness, legibility, completeness, and accuracy and to ensure specific procedures are being followed as outlined in the Incident Reporting System. Reports not approved will be returned to the submitting officer for the necessary corrections. Upon approval, the supervisor will sign or place his/her initials and the date approved in the appropriate space on the report. All completed approved reports will then be forwarded to the Records Division.

E. DISTRIBUTION OF REPORTS AND RECORDS

All original approved reports and attachments will be forwarded to the Records Section for filing, security, and maintenance. In addition, copies may be distributed as follows:

1. Copies of reports that may require follow up by the criminal investigators shall be forwarded to the Investigative Division Commander;
2. The Records Division will forward copies of reports requesting crime prevention follow-up to the Community Policing Office.
3. A copy of each incident involving injury to a Township employee or damage to Township property will be sent to the Patrol Division Commanders. The Patrol Division Commander will forward a copy to the Township Administrator and Human Resources Department, if there was an injury to an employee. If a police vehicle or employee is involved, a copy will be forwarded to the Chief of Police.

The Records Section will be responsible for forwarding other reports or copies of, as necessary, to personnel, departments, or outside agencies (Health Department, Construction Code Official, etc.) as appropriate.

The distribution of reports to the public and media will be covered by the applicable provisions of the New Jersey Statutes Annotated and New Jersey Administrative Code.

Mahwah Police Department – Policies and Procedures		Number 180:15:05
Subject Records		
Issue Date 11122002		Effective Date 11122002
Revisions a. 12242005 b. 10232008 c. 09/2018 D.Lt.GB		
Page 1 of 4.	Accreditation Number 74.1.3, 1.2.5, 82.3.1-6	

I. BACKGROUND

Police Department records are generated and stored through various means. Storage and retrieval of records is important for the smooth and efficient operation of the Department.

II. POLICY

It is the policy of this Department that all members familiarize themselves with the below listed guidelines regarding Department records.

III. ACTION

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A. MASTER NAME INDEX

1) Records shall be maintained in the Records Management System (RMS), alphabetical master name index that serves as a cross-reference to reports in which a person has been named.

2) Names listed in the master name index file include victims, complainants, suspects, witnesses, arrested persons, and persons issued traffic summons or involved in traffic accidents.

B. RECORD MAINTENANCE

Records are maintained in various ways by the Department on the RMS system. Among others, records are maintained by:

1. service calls and crimes by type,
2. service calls and crimes by location, and
3. stolen, found, recovered and evidentiary property.

C. TRAFFIC RECORDS SYSTEM

The Mahwah Police Department maintains a comprehensive Police Records System for administrative, criminal, traffic and CAD (Computer Aided Dispatch)

Dispatch modules. This system is Uniform Crime Report (UCR) compliant. Through the Department's Police Records System the Records Division maintains computerized and hard-copy Traffic Records which contains at a minimum:

Traffic Accident Data—reports/investigations/locations;

Copies of all collision reports are kept on file at the Department. Information from collision reports, including the involved vehicle operator and owner along with any injured persons, is coded into the CAD/RMS system and can be accessed via the incident system.

Traffic Enforcement Data—citations/arrests/dispositions/locations;

Hard copies of all citations issued are kept on file in the Records Division by summons number. Summonses can also be accessed via the CAD/RMS system under the ticket heading. All arrests, including motor vehicle arrests, are accessible via the arrest system.

Traffic Crash and Enforcement Analysis Reports-- are conducted on an as needed basis by the Traffic Office and are accessible via the Call History module in the CAD/RMS system. Any enforcement activity (DWI checkpoints, speed enforcement, etc.) will normally generate a report of incident in the CAD/RMS system.

It is the policy of the Mahwah Police Department that traffic records should be included in the department's centralized records system. All traffic records (traffic accident reports and citations) are maintained in the Department's Records Division. Traffic records are maintained and distributed as indicated in SOP 180:05:05. The record keeping system utilized covers:

1. Processing, maintaining, and distributing records;
2. Retention requirements; and
3. Release of records.

D. TRAFFIC CITATIONS

1. Issuance of traffic citation forms to agency personnel is rigidly controlled by the Records Division. Each officer must sign out each numbered citation book, in order, and only issue summons from that book until complete. The Records Division maintains a master list of citation books and to whom each was issued. Each officer who obtains a summons book must have the sign out slip initialed by his/her supervisor upon receipt of the book.
2. Each officer is accountable for any summons books issued to him/her. The Department maintains the Officer's Copy of each summons issued at Headquarters for court appearances and discovery purposes. Missing or unaccounted summonses are the responsibility of the officer who signed out the book in question. The Court Administrator will generally maintain summons accountability and report any missing summonses to the Records Division for investigation.
3. All summons books are stored in a secure Records Division cabinet. Supervisors will have access to the secure cabinet and will issue summons books to officers. The supervisor and officer will sign the summons log when summons books are issued. Access to the cabinet is restricted to authorized personnel and not available to the general public. Officer copies of issued summonses are also secured in the Records Division in a similar fashion for court appearances and discovery purposes.

E. RECORDS MAINTENANCE IN OPERATIONAL COMPONENTS

Most reports generated by department personnel are maintained in the Records Division, with older reports stored in records storage. Some records, usually of either a confidential nature or containing such information, which renders them more appropriately stored in a specific unit or section, are maintained outside the Records Division. Other reports and records which are maintained by the various components within the Department include, but are not limited to, the following:

- **Office of the Chief of Police** - Use of Force, Personnel records, Grievance Records, Labor Negotiation Records, Training Records, Directive System Originals, and miscellaneous personal files;
- **Office of Professional Standards**- Internal Affairs Investigation Records, Pursuit Records;
- **Office of the Patrol Division Commander** - Vehicle Maintenance Records, Scheduling records, miscellaneous personal files.
- **Criminal Investigations Division** - Criminal Intelligence Reports and Files, Confidential Informant Files, Active case files,* and Special Investigative Fund Records, miscellaneous personal files.
*Until case is completed and then entire file is transferred to the Records Section for filing with the main case file.
- **Prisoner Processing Area** - Breath testing equipment records will be maintained by in the secure area of the jail.

F. CRIMINAL HISTORY FILES

A criminal identification number is assigned to each person custodially arrested for a crime. Numbers are assigned consecutively and are infinite. To ensure that identification numbers are not duplicated or skipped, the Records Division Secretary will check the master name index file to determine if the suspect arrested has an identification number already assigned. If no number has been previously assigned, the computer will assign the next available number. All subsequent arrests and information concerning the identification of that person should be referenced to that identification number. One number is assigned to an individual each time he/she is arrested.

Fingerprint cards are all forwarded to the New Jersey State Police and The Federal Bureau of Investigation. One copy of each arrested person fingerprints are kept on file at the Department.

Criminal history information within the department's records computer can be accessed through the records system. Criminal history information is immediately accessible and maintained through the State of New Jersey and the FBI, by CCH certified operators, through the NLETS interface with our department's computer system.

G. ARREST INFORMATION

Arrest information is to be completed for every arrest, including physical arrests on traffic offenses. This information should be included with the investigation report. The investigation report should contain the details that led to and surrounded the arrest, and the processing of the suspect at the Police Department. This report should be as complete as possible.

Fingerprints and photographs will be taken for the commission of all crimes (1st through 4th degree), all drug offenses and all shoplifting and prostitution offenses. Certain juvenile offenders and offenders under the domestic violence laws must also be fingerprinted and photographed (for details see SOP 005:15:22). Fingerprints and photographs are required on each arrest even if the offender was recently arrested on a

qualifying offense. This is necessary in order to keep the existing file information current for persons subsequently arrested, e.g. address, photograph.

Fingerprints and photographs of individuals arrested may be taken, upon the discretion of the Tour Commander, when there is a question concerning the identity of a subject or future identification may be necessary.

All fingerprints and photographs shall be recorded in accordance to the guidelines of the FBI and other written directives of this department,

H. WARRANT/WANTED PERSONS FILE

a. Entering information:

- 1) NCIC: Entries into the NCIC system are done at any level.
- 2) SCIC: Entries into SCIC are for state wants only, must be a crime, and must be approved by the Tactical Agency Coordinator (TAC). The TAC Officer is the individual responsible to the state for all NCIC/SCIC transactions originating from this agency.
- 3) LOCAL: All warrants originating from the Mahwah Police Department and those originating from other jurisdictions for residents of Mahwah Police Department are entered into the RMS system.

b. Any warrant received from other jurisdictions shall be handled in the following manner: The warrant is received by the Records Bureau. The warrant is reviewed to insure validity. Once reviewed, the hard copy of the warrant is placed in the Warrant File according to alphabetic category.

c. Existence of a warrant in the ATS/ACS (Automated Traffic System/Automated Crime System) system does not itself mean validity. All warrants shall be confirmed via telephone or hard copy, if available.

d. ATS/ACS warrants are cancelled by the Municipal Court once the bail and paperwork are received. Copies of the ATS/ACS warrants and other paperwork should be attached to the reports.

e. Warrant files are accessible by all authorized personnel on a 24-hour basis via the ATS/ACS system and the hard copy warrant file.

f. Active criminal Warrants are maintained in the Investigative Bureau or the Lieutenants Office, and are there existence is distributed to agency personnel via CSI roll call.

Mahwah Police Department – Policies and Procedures		Number 185:05:05
Subject Collection and Preservation of Evidence		
Issue Date 11112002		Effective Date 11112002
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I. BACKGROUND

The effective exercise of law enforcement responsibility in the investigation of crime and in the prosecution of offenders requires that information be obtained through the application of scientific knowledge and methods. There is no practical alternative. Research has shown clearly that physical evidence must be identified, collected and preserved properly, and transmitted to the laboratory promptly if laboratory support resources are to be used effectively.

II. POLICY

It is the policy of this Department that all members adhere to the below listed guidelines regarding the collection and preservation of evidence.

III. ACTION

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A. PRELIMINARY INVESTIGATIONS

All officers receive basic training that includes some crime scene processing, traffic crash investigation and evidence handling procedures. As such, Mahwah Police Officers will conduct preliminary crime scene and traffic crash investigations to the fullest extent possible, taking into consideration factors involved in a particular incident or crime. Such factors include:

- The individual officer's skills, training, experience, and abilities;
- Time and personnel constraints;

- Gravity and character of the incident;
- Solvability factors present;
- Equipment available; and
- Other pertinent factors.

In situations where an Evidence Technician or Technical Crash Investigator is not required, it becomes the on-scene responding officer's responsibility to photograph, draw, collect, preserve, mark, transport, package, and submit all evidence collected to the evidence room.

1. SPECIALIZED TRAINING

Evidence Technicians are those officers who have received special training in evidence collection procedures by the New Jersey State Police Technical Section, or a comparable course of instruction, and have been certified. Technical Crash Investigators are those officers who have received special training in traffic crash investigation by the Northwestern University Traffic Institute, Institute for Police Technology and Management or a comparable course of instruction, and have been certified.

Access to Specially Trained Officers

When there is a need for a specially trained officer to examine or process a crime or traffic crash scene, it is the responsibility of the Tour Commander to summons such assistance in accordance with the guidelines listed below. If the specially trained officer is on duty, the initial responding officer will request and coordinate the response through the Tour Commander.

When no such officer is on duty, or when the on duty officer with specialty skills is unavailable to respond, the initial responding officer shall request the Tour Commander respond to the scene. The Tour Commander, if certified and trained as an Evidence Technician or Technical Crash Investigator, shall then assume the responsibilities of the Evidence Technician. The Tour Commander may give consideration to calling in specially trained personnel on an overtime basis to complete the duties, if/when:

- The Tour Commander is not trained to perform the duties required; or
- The Tour Commander is trained to perform the duties but is unable to dedicate sufficient time to due to other supervisory duties required of him/her.

Calling an employee in to work on an overtime basis to perform the duties of an Evidence Technician or Technical Crash Investigator will be done only after careful consideration of all of the factors involved.

Personnel with specialized skills may also be available through other agencies. Examples of technical services available through other agencies include the Bergen County Prosecutor's Office Fatal Accident Investigation Unit, the Bergen County Sheriff's Department Bureau of Criminal Investigation (Crime scene processing and forensic photography), Bergen County Arson Squad, New Jersey State Police Technical Section, other state and federal agencies, and other police agencies through mutual aid agreements or other special arrangements. Requests to outside agencies and invoking mutual aid for such assistance require the prior approval of the Tour Commander.

B. COMPARISONS TO KNOWN SOURCES OF EVIDENCE

Officers shall, whenever possible, collect samples from known sources for comparison purposes with suspect evidence that has been collected from a crime scene or may be collected at a later time from a suspect, suspect vehicle, etc. Known sources are especially needed when requesting comparison matches on evidence such as blood, hair,

fibers, paint, glass, wood, metal, soil, tool marks, footwear, tire impressions and similar evidence

The locations from which the known standards were collected and the method or manner in which they were collected will be documented in the officer's report. This information shall also be documented on the lab submission sheet.

C. COLLECTING, PROCESSING AND PRESERVING EVIDENCE IN THE FIELD

Evidence collection in this field shall be completed in accordance with established procedures. When it is determined that it is necessary to collect evidence, like types of evidence should be handled in a consistent manner, regardless of the nature of the incident or event. Evidence must be collected, processed and preserved in a consistent and acceptable manner based on the type of evidence involved; not based on the type of incident or event. On a routine basis the Bergen County Sheriff's Office Bureau of Criminal Investigation will retain all evidence that is processed in the field or at the scene of a crime and no field transfers of evidence is conducted. If in a rare occasion evidence is transferred in the field the Officer transferring said evidence will document the transfer of custody in their report including but not limited to the date and time of transfer, and the names of Officers and their agency conducting the transfer.

1. INTRODUCTION TO SCENE PRESERVATION

The scene of any crime is itself evidence, and the testimony of a trained police officer concerning observations and findings at an unchanged crime scene is vitally important to the successful clearance of the case. Improper protection of the crime scene will usually result in the contamination, loss, or unnecessary movement of physical evidence items, any one of which is likely to render the evidence useless. Therefore, the first officer to arrive at the scene of the crime automatically incurs the serious and critical responsibility of securing the crime scene from unauthorized intrusions.

The best physical evidence is normally found at or near the site of the most critical action that was taken by the criminal against property or the victim. Thus, it is more likely that important physical evidence will be found in the immediate area surrounding the body in a homicide case, the point of forcible entry in a burglary case, the area immediately around a cracked safe, etc. While it is entirely possible that the dimensions of a crime scene will be large, it is normally apparent to a trained officer where priority areas are located that require immediate protection. On the other hand, valuable evidence may be discarded or inadvertently deposited by the criminal at some distance from the (apparent) immediate scene of the crime. Thus, the area to be protected may eventually be considerably expanded beyond the area initially considered to have the highest priority.

2. CRIME SCENE SECURITY

It is imperative that a crime scene be secured in order to preserve the condition of the scene and prevent needless destruction of valuable physical evidence. In order to accomplish this task it is necessary to restrict access to the scene to those persons who are going to be involved in conducting the on-scene investigation. This restriction applies to police personnel as well as civilians. Therefore, after the initial responding officer has arrived at the scene, he/she shall secure the scene as soon as possible. Securing the scene is secondary only to the following responsibilities:

- Providing emergency medical care to victims;

- Providing for the safety of other persons in the area, including other responding units; and
- Apprehending and securing suspects.

The officer providing scene security is responsible for maintaining a crime scene log and shall not allow anyone to enter the scene without a valid reason for being present. The crime scene log will include the following information:

- The time and date that scene security was established;
- The identity of anyone (police officers, coroner's investigators, fire and EMS personnel, etc.) entering or leaving the scene;
- The time and date that each person enters and leaves the scene;
- The reason for each person entering the scene;
- The time that the scene security was released.

3. RESPONSIBILITY FOR CRIME SCENE PROCESSING

All officers shall process less serious crime scenes to the extent that his/her training and experience permits. Officers shall not summon an Evidence Technician solely because they find the task at hand to be uninteresting, time consuming, or otherwise unpleasant. An Evidence Technician should be requested to respond to the scene when any of the following applies:

- Crime scenes which indicate a serious crime has been committed;
- The nature of evidence work to be completed is beyond the officer's capabilities;
- The responding officer is unsure as to whether or not physical evidence is present or is unable to determine the value of apparent evidence;
- The responding officer is unsure of proper methods for preserving/collecting evidence;
- The responding officer lacks proper equipment to collect specific evidence.

An Evidence Technician shall respond to the scene, when requested. The Evidence Technician, after having received specific requests from the investigating officer, Tour Commander, or other supervising officer, will be responsible for:

- Evaluating the scene to determine what evidence is present and will be collected;
- Coordinating the collection of evidence with the assigned Investigator or investigating officer;
- Photographing the scene;
- Drawing/sketching the scene;
- Taking and recording measurements;
- Collecting, preserving, transporting, packaging and submitting all evidence collected to the property room; and
- Completion of a detailed report documenting his/her actions, including evidence collected.

An Evidence Technician will assume command of the crime scene on arrival at the scene, unless an Investigator has arrived at the scene to conduct the investigation. An Evidence Technician may request that other officers assist in processing of the scene, and may assign other officers to specific functions. Investigators assuming responsibility for a crime scene may request the assistance of an Evidence Technician or other officers, and may assign them to specific functions.

When Evidence Technicians or Investigators desire assistance to process a crime scene from on-duty patrol officers or other officers on an overtime basis, such assistance will be coordinated with the on-duty Tour Commander or officer-in-charge. When

Investigators desire assistance from other Investigators, such assistance will be coordinated through the Investigative Division Commander.

All other personnel shall not disturb, touch, or handle physical evidence prior to collection by an Evidence Technician or Investigator, unless the evidence presents a danger simply by being present, i.e., a loaded firearm in close proximity to a suspect, or there is significant risk that the evidence will be lost, destroyed, or altered if not immediately collected. Should such a situation arise, it becomes the responsibility of the initial responding officer to collect, mark, and preserve the evidence until submitted by him/her to the Evidence Custodian.

4. USE OF BCSD BUREAU OF CRIMINAL INVESTIGATION PERSONNEL

The Bergen County Sheriff's Department will provide trained personnel to process serious crime scenes for agencies that subscribe to and utilize their services. The Mahwah Police Department does utilize this organization and may therefore call on trained personnel to process certain crime scenes.

When an officer feels that the services of BCSD personnel are needed at the scene of a crime, the officer shall discuss the matter with his/her Tour Commander. If the Tour Commander agrees with the request the on-call detective will also be notified.

The BCSD Bureau of Criminal Investigation must be called to process any suspected or actual homicide or arson incidents.

5. PROGRESSION OF TASKS WHEN PROCESSING CRIME/TRAFFIC COLLISION SCENES

The methods used to collect and mark physical evidence may determine whether or not the evidence remains to be valuable to an investigation or prosecution. An officer with the best of intentions may inadvertently destroy valuable evidence, causing an incident to remain unsolved or a guilty person to be acquitted.

The following guidelines represent the general progression of tasks for processing a crime scene. Depending upon circumstances at each crime scene, it may not be necessary to complete each and every step listed. For example, not every crime scene includes perishable evidence. Those steps that are completed, however, should be done in the progression listed as follows:

- 1) Sketch and diagram of the scene;
- 2) Photograph and collect perishable evidence (blood, semen, saliva, liquids, etc.);
- 3) Develop, photograph and collect latent prints; and
- 4) Begin physical search for evidence.

As physical evidence is discovered, it will be photographed in its original location and condition to the extent possible. After each piece of evidence has been photographed, it should be collected before continuing the search for additional evidence.

6. SKETCHING AND DIAGRAMS OF CRIME SCENES

When crime scene sketches are made, they will include the following information:

- Dimensions;
- Relation of the crime scene to other buildings, roads, or other geographical features;
- Address, floor, room, or apartment number as appropriate;
- Location of significant features of the scene, including the victim;
- Date and time sketch was prepared;
- Name(s) of person(s) preparing the sketch;
- Directions of north;

- Location of items of physical evidence recovered; and
- Additional information needed to enable the officer to complete a final drawing at a later time.

Field sketches made by an officer may be required at a later time as evidence in court. As such, any field sketch made at a crime scene is to be maintained by the officer making the sketch, and should be submitted as part of the original report.

7. GUIDELINES FOR MARKING AND LABELING EVIDENCE

For physical evidence to be accepted in court, it is essential that a proper chain of evidence be maintained. The initial step in this process is marking or labeling the item at the time it is collected, seized, or received. Items shall be marked so as not to cause unnecessary damage or contamination. All evidence shall be marked in a manner that enables the officer to positively identify the item at a later date. At a minimum, the marking will contain the officer's initials and badge number. Officers should include the date and time the item was recovered.

Items that cannot be marked, such as hair, blood, fibers, etc., should be placed in an appropriate container that is sealed with tamper proof tape or labels. The container shall then be labeled with the appropriate information.

All evidence must be labeled to include additional information for identification purposes. Labeling required that the officer document the following information for each item of evidence: date and time recovered or taken into custody; Investigation Report number; and officer's name and badge number.

Labeling can be accomplished by writing directly on items of evidence, writing directly on packaging (envelopes, paper bags, plastic bags, boxes, etc.) that contain evidence, or affixing a tag or label to the package containing the evidence.

8. EVIDENCE COLLECTION EQUIPMENT

Proper crime scene processing includes timely access to evidence collection personnel and equipment. It is the policy of the Department to ensure that adequate personnel and equipment are available for such duties. Sections A.1 and C.4 provide specific guidelines and information related to accessing personnel for evidence collection duties. Section F.2 provides specific guidelines and information related to accessing equipment for evidence collection duties.

9. DOCUMENTATION OF EVIDENCE SUBMITTED

All items of evidence collected at a crime scene must be properly documented and recorded. Documentation of evidence collected is the responsibility of the officer collecting the evidence. Documentation includes completion of a detailed narrative report, Evidence/Property report and, when applicable, a Laboratory Submission Form.

Requirements for completion of the detailed narrative report are defined in Section H. Minimal information required on the BEAST Case report includes:

- Corresponding case number;
- Property classification (evidence or in-custody property);
- Submitting officer's name and shield number;
- Date and time property was received or taken into custody;
- The Complainant/Victim name, address, and telephone number, if known;
- Defendant or suspect names, if known;
- Owner's name, address and phone number, if applicable;
- Detailed description of property, including quantity and weight if the property is drugs/narcotics;

- Appropriate or important comments (i.e., firearm is Not In File NCIC, taken for safekeeping only, may be returned to owner, etc.)

The nature of certain property, or circumstances involved in a particular case, may require that additional information be recorded on the Evidence/Property report. Such information includes, but is not limited to, the following:

Seizure of United States Currency

Accounting: United States Currency seized by any sworn law enforcement officer shall be counted as soon as practical, but not later than the end of the seizing officer's tour of duty. The currency shall be counted by at least two officers, independent of one another, preferably at the location of the seizure. If it is impractical to count the currency at the location of the seizure, the currency should be transported to the police station by at least two officers (the seizing officer and one assisting officer). Both officers must agree and certify the total dollar amount of the currency as well as assure the authenticity of the currency by randomly determining that the currency is not counterfeit. The officers shall record the seized currency on a form entitled United States Currency Seizure Report (copy attached at end of SOP). Upon completion, the form shall be signed by the officers conducting the count and the arrested party or their attorney. The original shall be placed in the evidence bag with the currency, a copy shall be given to the arrested party or their attorney and a copy shall be attached to the incident report.

All currency seized by this agency shall be forwarded to the custodian designated by the County Prosecutor no later than forty-eight hours of the seizure. Procedures for the security of the currency and coins seized, prior to being forwarded to the designated custodian are specified in SOP 190 "Property and Evidence Control", section D.1. Upon transfer of these funds, the submitting officers shall sign the United States Currency Seizure Report and include their badge number and date. The custodian of the funds shall also sign this form and return a copy to the officers.

D. GENERAL GUIDELINES FOR PHOTOGRAPHIC DOCUMENTATION OF EVIDENCE

Photography of a crime/crash scene is the responsibility of the investigating officer. Investigators, Evidence Technicians and Technical Crash Investigators, when assigned to a particular investigation or complaint, have responsibility for photographic duties. The photographing officer shall maintain a record of photographic data.

Circumstances will dictate the type of photographic documentation required, and some cases may result in more than one type of photographic documentation, i.e., a serious crime scene would result in digital photos and possibly Digital Video. When it is determined that photography of a scene is necessary, items of evidence shall be photographed in their original location, position and condition (to the extent possible) prior to being collected, marked, or otherwise processed.

The following crime scenes/situations/persons should be photographed when physical evidence is present or the likelihood exists that photographs of the scene will be beneficial to the investigation or prosecution at some future time:

- Homicide, suicide, crash, and unknown death scenes;
- Rape, abduction, and kidnapping scenes;
- Investigations of excessive force;
- Injuries to a police officer or citizen during an arrest or use of force incident;
- Injuries to any person which occurred or were alleged to have occurred while in the custody of a Mahwah Police Officer;

- Crash or collision, damage, or injury involving Township owned property;
- Fatal or serious injury traffic crashes;
- Serious property damage traffic crashes (damage estimate in excess of \$2500);
- Burglaries where total loss (damage and/or theft) may exceed \$500;
- Arson or suspected arson of any structure or vehicle, or arson resulting in physical injury or death to any person;
- Investigation of discharge of firearms by a police officer, other than injured animals;
- Aggravated assaults;
- Injury to any Police Department employee sustained while on duty;
- Evidence or contraband recovered or seized pursuant to a search warrant; and
- Any other crime scene or incident upon request of the reporting officer, investigating officer, or superior officer.
- Use of personally owned devices is prohibited – as per departmental Rules and Regulations 3.2.1 - 8.

1. TYPES OF PHOTOGRAPHIC DOCUMENTATION

Photography of crime/crash scenes, property victims, etc., can be easily accomplished through one method available to officers; Digitized photos.

a. Digitized Photographs/Audio and Video

The Department has available two digital cameras to be used for photographic documentation. The digital cameras may be used for other official purposes as circumstances require and supervisors deem appropriate. The cameras have been assigned to (1) the Sergeants Office for general use by patrol officers, (2) the Detective Bureau for use by investigators.

Digitized photographs provide an economical means for the department to document scenes, property, individuals, injuries, etc. In addition, digitized photography allows for integration of the photographs into the computerized record along with the reports associated to a particular case/complaint. As such, digitized photography is the preferred method for photographic documentation of most photo assignments. Examples of circumstances where use of digitized photography would be appropriate include:

- Situations requiring immediate access to photographs, such as the immediate identification of a suspect or victim;
- When necessary for identification of property or evidence;
- When an extraordinary number of photographs will be taken to document information, such as extensive vandalism or graffiti;
- When necessary to document perishable evidence that will be returned to the rightful owner, and
- Other incidents with approval of the Tour Commander.
- Digital Cameras may be utilized to audio/ video record a crime scene or investigation through a Video Mode setting on the camera.

Officers utilizing the digital cameras will record the photographs directly into the flash card. When finished, a Digital Photograph Report form will be completed and forwarded to the appropriate officer.

E. GUIDELINES FOR DEVELOPING, LIFTING AND LABELING FINGERPRINTS

Crime scene and evidence processing frequently includes searching for and recovering latent fingerprints. As with any other type of evidence, proper procedures must be employed in order for the evidence to be deemed admissible in a court of law.

Latent fingerprints developed with powder should be photographed on the original object prior to being lifted. Once photographed, fingerprint lift tape shall be firmly applied to the developed print. The developed print shall then be transferred to a latent print card. The BCSD BCI requires that the officer collecting the print apply his/her unique identification marking on the print to disprove any claim of tampering. This can be accomplished by placing the mark partially on the latent lift card and partially on the actual tape, in an area that does not interfere with the latent print.

The latent print card shall be labeled with the appropriate information, to include:

- Corresponding case number;
- General location (address) of crime scene/incident;
- Specific location where latent print was recovered (i.e., northwest basement window, refrigerator door, clear drinking glass, knife handle, victim's watch face, cash drawer, etc.);
- Date and time lifted;
- Unique and identifying mark of officer collecting the print;
- Identification of officer who collected latent fingerprint.

1. LABORATORY SUBMISSION OF LATENT PRINTS

Latent print cards shall be submitted to the property room as evidence. All latent prints should be sent to the BCSD BCI or the NJSP B.I.C. (Biometric Identification Unit) Unit.

If comparison prints are unavailable, the lab submission form should request that the print be checked for evaluation purposes and that a Biometric Identification (B.I.C.) search be completed. If no B.I.C. search is requested the lab will only evaluate to determine whether or not the print can be classified.

When comparison prints are available from a known suspect, those prints should also be submitted with the latent card and a request that the latent print be compared to the known prints of the suspect. In the event the comparison with the known prints proves to be negative, a request for a B.I.C. search of the latent print should be conducted. In the absence of an actual set of fingerprints for a known suspect, it is possible to ask for a comparison to be made against the suspect's fingerprint classification number if the classification number is made available to laboratory personnel.

Elimination prints are sometimes necessary to determine whether latent prints belong to a perpetrator or someone who may have been authorized to be in a particular area or handle a particular item. Elimination prints should be submitted along with latent prints for comparison purposes. Elimination prints shall be taken on civilian fingerprint cards and shall be labeled to indicate that they were obtained for purposes of eliminating the person as a suspect. Elimination prints should also be marked with a request to, "Return to MPD, No B.I.C. Scan."

F. CRIME SCENE PROCESSING PERSONNEL, EQUIPMENT AND SUPPLIES

The Department provides 24 hour access to personnel, equipment and supplies used for processing scenes for the purposes of:

- Recovery of latent prints;
- Photography and videoagraphy;

- Sketch of the scene; and
- Collection and preservation of physical evidence.

1. ACCESS TO PERSONNEL FOR CRIME SCENE PROCESSING

In an effort to ensure availability of personnel to process crime scenes, Technical Crash Investigators and Evidence Technicians are available on an on-call basis. Further assistance can be obtained from the BCSD BCI or BCPO FAIU, also on an on-call, twenty-four hour basis.

2. ACCESS TO EQUIPMENT AND SUPPLIES FOR CRIME SCENE PROCESSING

An evidence collection kit is available in the Tour Commander's Vehicle. Use of the evidence collection kit is not restricted to any individual officer. It is the responsibility of each officer who utilizes the evidence collection kit to maintain it and replenish supplies as needed. Replacement for standard issue supplies may be acquired from the Investigative Division. Requests for special equipment for evidence collection kits shall be made in writing and forwarded through the chain of command to the Chief of Police.

3. EVIDENCE PROCESSING EQUIPMENT

Evidence kits include, but are not limited to, equipment for processing and recovering latent prints and the collection and preservation of other physical evidence. The Department maintains a crime scene processing kit that includes evidence collection supplies and equipment. The crime scene kit will consist of the following equipment:

- Digital camera;
- Items commonly used for evidence collection and preservation (bags, metal tins, evidence tape, labels, tags, rubber gloves, etc.); and
- Latent fingerprint developing materials.

Special equipment needed to process evidence and/or crime/traffic crash scenes is available and may be brought to the scene on an as-needed basis. Examples may include equipment such as portable lights, generators, ladders and other items available through the Fire Department or other agencies. Additional items, such as special cameras, lenses, plaster, etc., are stored at the police department and may be brought to the scene on request.

G. SEIZURE OF COMPUTER AND ELECTRONIC EQUIPMENT

Improper seizure or shut down of computer equipment can result in severe damage to the equipment or evidence (data) being lost. Seizures of computer equipment and analysis of data will be accomplished in accordance with the guidelines in this SOP. These guidelines are intended for those circumstances when officers intend to seize a computer which is suspected of being used in the commission of a crime, or where it is suspected that records of criminal activity may be stored electronically on a computer that is going to be seized.

1. SEARCH WARRANT APPLICATION

When applying for a search warrant to seize a computer or peripheral equipment where it is suspected that a computer is being used in the commission of a crime or where it is suspected that records of criminal activity may be stored electronically on a computer, the search warrant application should include:

- The computer;
- All computer disks;

- Magnetic media;
- Peripherals;
- Any computer associated documentation; and
- Accessory components.

Records and documents are commonly stored on computer disks and other magnetic media. This fact should be included when applying for the warrant to ensure that the warrant will encompass all possible sources of evidence.

2. SCENE SEARCH

Searches involving computers, computer software, computer data, etc., should involve a forensic computer specialist or, at the very least, an officer with a high degree of computer related knowledge and experience. Other officers involved in such searches will take no action to seize, operate, disconnect or connect computers and related equipment without first receiving instruction or advice from the forensic specialist or experience officer placed in charge of the search.

Once the scene has been stabilized, the actual search can be started. The search should begin by determining the computer environment. This step may indicate that on-site data examination would be prudent to avoid or prevent the inadvertent loss of valuable evidence. Conversely, this step may provide information indicating that additional technical expertise will be needed as the search continues. Determining the environment includes, at a minimum:

- Number of CPU's to be seized;
- Location of CPU's and peripheral property;
- Type and topology of network;
- Network operating system;
- Size and nature of storage media;
- Existence of back-up media; and
- Attempts to interview person familiar with the system to gain additional knowledge. (Officers with sufficient expertise and knowledge to discern truthfulness related to technical information that may be discussed should conduct such interviews.)

3. SEIZURE GUIDELINES

a. Photograph of systems

Prior to seizing computers and related equipment, close up photographs should be taken of the front and rear. This is especially important if the monitor is powered up. It is also important to include photographs of the rear so that cable hook-ups are adequately recorded and documented.

Subsequent to photographing the system, any information displayed on monitors, printers or other components should be carefully and completely recorded.

b. Power down system

If the computer system is currently running, it will be necessary to power down before seizing the system. Depending on which system is running, it may be necessary to shut the system down before shutting off the power source. The power should be disconnected at its source (i.e., the wall outlet, fuse box, etc.) rather than through the use of the unit's power switch.

c. Marking and labeling system

Before disconnecting or disassembling any computer components, each component should be labeled or tagged, initialed and dated. This will be done in accordance with Section C.7 of this SOP. When multiple central processing units are being seized, it is recommended that marking be done in a manner which will assist in easy identification of components associated with a particular CPU at a later time. For example, separate CPU's and components seized in the living room, kitchen and bedroom of the residence under one warrant might be labeled as follows:

Item 1-L-1 CPU from living room

Item 2-L-2 Keyboard from living room

Item 3-L-3 Monitor from living room

Item 4-L-4 Printer from living room

Item 5-K-1 CPU from kitchen

Item 6-K-2 Keyboard from kitchen

Item 7-K-3 Monitor from kitchen

Item 8-K-4 Printer from kitchen

Item 9-K-1 CPU from bedroom

Item 10-K-2 Keyboard from bedroom

Item 11-K-3 Monitor from bedroom

Item 12-K-4 Printer from bedroom

d. Labeling/markings connections and plugs

Prior to dismantling or during the process of dismantling, each side (plug and receptacle) of all connections should be marked. This will ensure that the system can be reassembled later in exactly that same manner that it was prior to being seized.

Marking and labeling connections can be easily accomplished by using a variety of colored markings, affixing a label or tag with a series of dots or other symbols to assist in reassembling the system. Each end of each cord must be marked. The receptacle for each end of the cord is then marked in corresponding manner so that the cord and receptacle can later be observed for a visual match. Once a particular cord and corresponding receptacles have been marked, those particular markings are not used again with that system. Other cords are marked in a similar fashion with a different, unique marking, until the entire system has been disassembled and packaged.

e. Dismantling equipment

The dismantling process should be handled slowly and methodically. As each item is dismantled, it should be packaged, labeled and recorded/documented before proceeding to the next item. When seizing multiple systems, it is recommended that a complete system be processed (marked, labeled, disassembled, packaged and logged) before starting on a second system.

Packaging, marking, labeling and documentation of seized computer equipment shall be done in the same manner as other evidence and in accordance with the provisions of this SOP.

f. Documentation and media associated with seized computers

Commercially printed material and handwritten material associated with the computer should be seized. Officers should pay particular attention to computer related notes, scraps of papers, Post-it Notes, inside covers of manuals, etc. that may contain passwords or other information pertinent to the analysis of data. Appropriate steps should be taken to protect such documents for latent print examination.

g. Handle equipment gently

It is important that computer equipment be handled gently. The condition of the equipment seized usually is not known and any disturbance can lead to loose connections or other problems that could impede analysis of the system. For example, not all fixed magnetic media is "self-parking." It should be assumed that the heads are not "parked" and that any significant trauma could result in drive failure.

h. Storage of computer equipment

Special care must be used to ensure that computer media is neither transported nor stored near electromagnetic fields.

i. Technical support and forensic examination

Forensic data analysis is the process in which computer evidence is examined and analyzed. The process includes highly technical skills on the part of the analyst. On occasion, officers may find that additional expertise is needed to conduct a thorough examination and analysis. When additional expertise is needed officers should consider obtaining assistance from one or more of the following sources:

- Other Mahwah Police Officers with specialized computer training or extensive computer knowledge;
- Bergen County Prosecutor's Office;
- New Jersey State Police;
- Federal Bureau of Investigation (Technical Services Unit);
- Other public law enforcement or investigative agencies with specially trained units or personnel;
- Other appropriate agencies or persons; or
- Commercial computer services (with prior approval of Chief of Police).

H. REPORTING

An accurate record of events that transpire at the scene of a crime or traffic collision is critical to investigation and prosecution. Therefore, it is the responsibility of any officer processing the scene of a crime or crash to submit a detailed report on the sequence of events associated with a scene investigation. The report will contain the following applicable information:

- Case number;
- The date and time of arrival at the scene;
- Location of the incident;
- Name(s) of victim(s), if known;
- Name(s) of suspect(s), if known;
- Name(s) of witnesses or other persons contacted;
- Actions taken at the scene (including number or photos, measurements, prints lifted, etc.)
- A listing of evidence or property seized;
- The date and time the investigator was summoned to the scene;
- The name of the investigating officer;
- The names of other officers assisting in the investigation and their specific involvement;
- The disposition of physical evidence, photos, videotapes, etc.; and
- Information related to scene measurements, diagrams, etc.

In addition to the above information, evidence recovered at the scene shall be documented in the written report, to include: the nature, condition and description of item(s) recovered; location where each item was recovered; identity of officer/person recovering the item(s); and the disposition of the items recovered.

Extensive or detailed crime/crash scenes, and scenes involving multiple officers may result in reports being required from more than one officer to adequately document the information listed above. NJTR-1 Crash Reports, when properly completed, will satisfy the requirements of this order for most routine crash investigations handled by road patrol officers.

Any time an Evidence Technician, or any other officer, determines that no evidence can be collected or photographed at the scene of a serious offense, such information shall be documented in the officer's written report.

All sworn personnel should be aware of what evidence is needed to meet requirements of the offense being investigated. The Evidence Technician acts only in support of the investigating officer and as such may act as an advisor, but does not assume responsibility for the entire investigation. An Evidence Technician will be requested to evaluate, photograph, and process serious crime scenes for physical evidence. For purposes of this order, serious crimes include any of the following incidents:

- Homicide;
- Suicide;
- Rape;
- Arson of any structure or vehicle (may be in cooperation with a Fire Department Arson Investigator);
- Robbery;
- Major assaults (especially those with life threatening injuries);
- Any burglary or breaking & entering of a commercial or residential structure;
- Recovered stolen vehicles (at discretion of Tour Commander);
- Serious injury or fatal traffic crashes (may be in cooperation with a technical crash investigator or in place of such investigator if none is working, at discretion of Tour Commander); and
- Any other crime or incident at discretion of Tour Commander.

I. DOCUMENTING EVIDENCE TRANSFERS

Any officer collecting evidence is responsible for maintaining custody of the evidence until such time that it is formally submitted into the BEAST system.

Tracking and documenting the chain of custody is the responsibility of the Evidence Custodian once an item has been formally entered into the BEAST system. When property is transferred out of the evidence room, either on a temporary or permanent basis, such transfer will be noted in BEAST.

No item of evidence, or other property, is to be removed from the property room without prior approval of an authorized Evidence Custodian.

When an officer requires evidence be released for court, prosecutor review, etc. he/she is to notify the Property Control Officer, giving a reasonable amount of advanced notice whenever possible. The requesting officer should advise the Property Control Officer of the following information when making such a request:

- A list of those items needed for court;
- The case number (if known); and
- Date and time of court appearance.

Following the officer's appearance in court, the evidence shall be immediately returned to the evidence room, unless the Court or the Prosecutor retains the item. This may be accomplished by handing the item personally to the Evidence Custodian or by securing the item in the evidence chute.

Any officer or employee releasing evidence or property to another person must ensure that the person has a lawful right to have the property. Additionally, the person accepting the property must sign a receipt indicating that the property was released to them.

J. LABORATORY SUBMISSIONS

It is the responsibility of the Evidence Custodian to complete the lab submission form for any items being sent for laboratory examination or analysis.

At any scene where two or more officers are involved in the collection of evidence, one officer shall assume the position of being the primary evidence officer for that particular call. The primary evidence officer is responsible for submitting evidence to the evidence room and completing the BEAST entry.

Requests for laboratory examination, analysis, or processing shall be forwarded to the Evidence Custodian. The Evidence Custodian is responsible for facilitating the transport of evidence to and from the NJSP Crime Lab utilizing any able officer or detective if available.

K. METHODS FOR PACKAGING EVIDENCE FOR LABORATORY EXAMINATION

Methods used to collect and mark physical evidence may determine whether or not the evidence remains to be valuable to an investigation or prosecution. An officer with the best of intentions may inadvertently destroy valuable evidence, thereby causing an incident to remain unsolved or an acquittal for a guilty person. Additionally, only evidence that has been properly processed and packaged will be accepted at the NJSP Regional Crime Lab for examination purposes.

1. Blood, Bodily Fluids and Perishable Items

Any employee handling blood, urine, semen, and/or any other body fluids will wear disposable, protective gloves while handling those fluids. Blood, urine, semen and other body fluids will be collected at a crime scene where they are found by evidence technicians trained in collection and preservation techniques established by the NJSP.

Specimens collected in liquid form will, at all times except while in transit, be maintained in the evidence refrigerator in accordance with SOP 190. All specimens collected will be marked, sealed and tagged as appropriate to identify and preserve them for analysis. Markings required include those specified in SOPs 185 and 190, as well as those required on the various collection kits, envelopes and other supplies that are furnished by the Department.

Wet blood, urine, semen, blood standards from suspects or victims, after having been properly collected, preserved, and handled shall be secured in the refrigerator.

In any arrest or investigation for DWI where the collection of blood or urine is necessary, the appropriate blood/urine collection kit will be utilized. Blood and urine collection kits are stored in the evidence processing area in headquarters.

Blood specimens taken for DWI cases must be placed in vacuum tubes containing an anti-coagulant provided in the kit. Department of Health rules specify that blood may only be collected (drawn) in such cases by a physician, registered nurse, qualified

technician, or chemist. Blood must be collected as soon as possible. Urine specimens will be collected in a plastic container provided in the evidence processing area.

Blood and urine kits shall be sealed and marked in the manner set forth by the Evidence Custodian.

2. Bloodstained Materials

Blood stained items should be air-dried prior to packaging. Items stained with wet blood should not be dried by applying artificial heat or sunlight. Once dried, the items should be wrapped in plain brown paper or a paper evidence bag. Each item shall be packaged separately to avoid contamination. Items of clothing should be folded in such a manner that bloodstained areas do not rub together.

3. Fresh Blood

Fresh (wet/puddled) blood will be collected using a medicine dropper, pipette, or similar item containing saline. The sample will be placed in a sterile glass vial, capped or stoppered, sealed, marked, tagged and refrigerated as soon as possible.

4. Dry Blood

Whenever possible, the entire object should be submitted. When the bloodstain is located on a wall, floor, ceiling, automobile interior, or similar object, one of the following procedures should be used.

- When the bloodstain covers a large area and it is possible to do so, the easiest technique is to use a sterile instrument to scrape large flakes into a pill tin.
- When the bloodstain is small, the "fiber technique" may be used. This entails cutting 4-6-gauze fibers at least one half inch in length, and moistening the fibers with a small amount of saline. The fibers are then used to swab the stain until the stain is absorbed into the fibers as much as possible. The fibers must then be air dried thoroughly in a pillbox lined with scotch tape prior to sealing the pillbox. Once the samples are completely air dried, it is not necessary to refrigerate them.
- When the bloodstain is found on items such as furniture, automobile interiors, etc., the portion containing the stain may be cut out, and allowed to air dry. The sample should then be wrapped in some type of box or paper package. (Note - prior to utilizing this process, officers will give due consideration to the damage incurred to the property involved and will consider alternative methods of collecting the evidence.)

5. Other Stains, Tissues, and Biological Materials

Other types of stains can be collected using the same procedures as previously described for wet and dry blood. Body tissue must be collected and placed in a sterile glass bottle containing saline solution. The bottle must be capped or stoppered, sealed, marked and refrigerated. Other biological material, if not air dried, must be refrigerated. All bodily fluids, when collected in the liquid state, unless air-dried, must be refrigerated.

6. Rape Evidence Kits

The Bergen County Prosecutor's Office Sex Crimes unit provides rape evidence kits. Anytime a rape or suspected rape occurs, the investigating officer should notify the Prosecutor's Office after regular business hours. The Prosecutor's Investigator will respond with the rape evidence kit. Emergency Room personnel have been instructed on collection of physical evidence for these kits, and instructions are included in the kits. The collection, handling and storage of rape evidence kits will only be done by BCPO.

7. Other Perishable Evidence

In addition to biological fluids and tissue, perishable evidence may include a variety of other items. Such items may include foods, liquids, vegetation and other consumable materials. With the permission of the prosecutor, when such perishable items are collected as evidence, they should normally be photographed and disposed of, or returned to the owner. In some situations, it may be necessary to retain food items for laboratory examination or testing, such as casting bite marks, testing for contamination, etc. In such cases, the food item, depending on the circumstances, will have to be refrigerated or frozen in order to be properly preserved.

8. Large, Bulky and Unusual Items

When the need arises to transport large, bulky or unusual items to the crime lab, the Evidence Custodian or transporting officer will first make contact with the lab to determine:

- The preferred method for packaging or otherwise preparing the item;
- The best time to deliver the item; and
- Any other special instruction laboratory personnel may have.

9. Firearms

Firearms submitted to the evidence room must be unloaded and the ammunition packaged separately. In the event that it is necessary to submit a firearm that is loaded due to the physical condition of the weapon or some other reason, the package containing the weapon shall be conspicuously marked, "loaded firearm." The respective BEAST Case report shall be marked in a similar manner. The gun will also be packaged in such a manner as to prevent, to the extent possible, accidental discharge and place in a temporary locker.

10. Drugs

Dangerous drugs (including, but not limited to, narcotics, hallucinogens and narcotic implements) counted, if appropriate, by the submitting officer. Each separate container of the material will be marked with the count along with the other appropriate markings on the label.

L. DOCUMENTATION TO ACCOMPANY EVIDENCE TO CRIME LAB

It is the Evidence Custodian's responsibility to arrange for the transfer of evidence to the NJSP Regional Crime Lab. The Evidence Custodian shall maintain and process all forms required regarding the transfer. This includes ensuring that lab submission forms have been thoroughly and accurately completed by the submitting officer in sufficient quantity, and completion of the BEAST Case report related to the chain of custody.

Copies of the lab submission form will be submitted to the lab with the evidence. Crime lab personnel will mark all copies with the date and time that evidence was transferred to custody of the lab, as well as the identification of the laboratory employee receiving the property. Lab personnel will return one copy of the submission form to the transporting officer. That copy will be returned to the police department, where it will be maintained with the original of the BEAST Case report.

M. CHAIN OF CUSTODY

Tracking and documenting the chain of custody is the responsibility of the Evidence Custodian once an item has been formally entered into the BEAST system. When

property is transferred to the laboratory, the Evidence Custodian will make notation in the BEAST. The Evidence Custodian will record the necessary information in the BEAST regarding the transfer of the property and then have laboratory personnel sign for the property.

N. REPORT OF LABORATORY RESULTS

Upon completion of laboratory examination, the NJSP Regional Crime Laboratory will send a written report to the police department. All such reports will be forwarded to the Records Division.

The Records Division will file the original lab report in the case file. When charges have already been filed, The Records Division will also forward a copy of the lab report to the appropriate prosecutor.

Mahwah Police Department – Policies and Procedures		Number 185:10:35
Subject DNA Evidence Collection and Preservation		
Issue Date 10012007		Effective Date 10012007
Revisions Revised 2/2015 Sgt. TO b. 05/31/2018 JNB		
Page 1 of 4.	Accreditation Number 83.2.7	

I. BACKGROUND

Deoxyribonucleic acid (DNA) is analyzed in body fluids, stains, and other biological tissues recovered from evidence. The results of DNA analysis of questioned biological samples are compared with the results of DNA analysis of known samples. This analysis can associate victim(s) and/or suspect(s) with each other or with a crime scene.

There are two sources of DNA used in forensic analyses. Nuclear DNA (nDNA) is typically analyzed in evidence containing blood, semen, saliva, body tissues, and hairs that have tissue at their root ends. Mitochondrial DNA (mtDNA) is typically analyzed in evidence containing naturally shed hairs, hair fragments, bones, and teeth.

II. POLICY

It is the policy of this Department to collect DNA evidence when appropriate and submit that evidence for analysis in a timely manner.

If DNA evidence is not properly documented, collected, packaged, and preserved, it will not meet the legal and scientific requirements for admissibility in a court of law.

If DNA evidence is not properly documented, its origin can be questioned.

If it is not properly collected, biological activity can be lost.

If it is not properly packaged, contamination can occur.

If it is not properly preserved, decomposition and deterioration can occur.

When DNA evidence is transferred by direct or secondary (indirect) means, it remains on surfaces by absorption or adherence. In general, liquid biological evidence is absorbed into surfaces, and solid biological evidence adheres to surfaces. Collecting, packaging, and preserving DNA evidence depends on the liquid or solid state and the condition of the evidence.

The more that evidence retains its original integrity until it reaches the Laboratory, the greater the possibility of conducting useful examinations. It may be necessary to use a variety of techniques to collect suspected body fluid evidence.

III. ACTION

A. FIRST RESPONDER RESPONSIBILITIES

First responder responsibilities for collection and preservation of DNA evidence are the same as those for any other crime scene where evidence is present. The procedures to be

followed by first responders as the same as those listed in SOP 185:05:05 "Collection and Preservation of Evidence", especially Section C. Universal precautions will be utilized when collecting DNA evidence. As with any other bodily fluid, transmission of disease is possible if precautions are not taken when handling evidence samples. All officers processing crime scenes and collecting DNA evidence will wear latex gloves when processing crime scenes.

B. COLLECTION OF DNA EVIDENCE

Blood – NOTE: *No plastic Bags & No Staples*

Bio-Hazard labels must be affixed to package

***** Disposable latex gloves must be worn when handling biological evidence! *****

Liquid Sample: Will be collected by B.C.I..

Dried Stains: Submit stains only if entire article cannot be submitted

1. Stains on non-porous items (glass, tile, metal) may be scraped with a clean scalpel and collected directly into a druggist fold. Seal, package, label and submit to the lab

Bloodstained Clothing: Thoroughly air dry clothing when possible, out of direct sunlight and heat sources, package, label, and submit to the lab.

Bloodstained Knives, Guns, Rugs, Car Seats, Rags, Bed Clothing or other stained objects:

Submit the entire item to the laboratory. If not possible to submit entire item, isolate stained area, remove (cut out, scrape or swab), package, label, and submit to the lab. Thoroughly air dry stains and package in a sealed paper envelope, paper bag or clean paper wrapping.

All clothing should be individually packaged and labeled

Seminal Stains - NOTE: *No Plastic Bags & No Staples*

***** Be sure to separate victim and suspect items to avoid cross-contamination. *****

Sharp objects: Must be placed in an individual puncture proof container.

NOTE: Photograph bloodstains and liquid blood samples before collecting.

Blood spatter interpretation, if warranted, must be performed prior to removing any bloodstains

***** Disposable latex gloves must be worn when handling biological evidence! *****

Seminal Stains

***** Disposable latex gloves must be worn when handling biological evidence! *****

Liquid Sample: Collect onto at least two sterile cotton swabs, air dry, package, label, and submit to the lab

Dried Stains: Submit stains only if entire article cannot be submitted.

1. Stains on non-porous items (glass, tile, metal) may be scraped with a clean scalpel and collected directly into a druggist fold. Seal, package, label and submit to the lab

This method should only be used if no loss of material will occur.

2. Collect onto cotton swabs moistened with a minimal amount of distilled water, air dry, package, label and submit to the lab

Clothing, Rugs, Car Seats, Bedding, Rags, Towels etc.: Submit the entire item to the laboratory. If not possible to submit the entire item, isolate stained area, remove, (cut out or swab), package, label, and submit to the lab

Semen stains may be isolated by an individual trained in utilizing an Alternate Light Source.

Thoroughly air dry stains and package in a sealed paper envelope, paper bag or in clean paper wrapping

NOTE: No Plastic Bags & No Staples

All clothing should be **individually** packaged and labeled

**** Be sure to separate victim and suspect items to avoid cross-contamination. ****

Bio-Hazard labels must be affixed to package

Condoms

**** Disposable latex gloves must be worn when handling biological evidence! ****

Liquid sample present in the condom: Collect liquid onto at least two sterile cotton swabs. Air dry the condom and swabs, package, label, and submit to the lab

Dry Condom: Collect condom, package, label, and submit to the lab

Saliva Stains

**** Disposable latex gloves must be worn when handling biological evidence! ****

Liquid Sample: Collect onto at least two sterile cotton swabs, air dry, package, label, and submit to the lab.

Dried Stains: Submit stains only if entire article cannot be submitted

1. Stains on non-porous items (glass, tile, metal) may be scraped with a clean scalpel and collected directly into a druggist fold. Seal, package, label and submit to the lab

This method should only be used if no loss of material will occur.

2. Collect onto cotton swabs moistened with a minimal amount of distilled water, air dry, package, label and submit to the lab

Cigarette Butts, Chewing Gum, Envelopes, Stamps, Ski Masks, etc.: Allow to air dry, package, label, and submit to the lab. Thoroughly air dry stains and package in a sealed paper envelope, paper bag or in clean paper wrapping

NOTE: No Plastic Bags & No Staples

All clothing should be **individually** packaged and labeled

**** Be sure to separate victim and suspect items to avoid cross-contamination. ****

Bio-Hazard labels must be affixed to package

Rape kit should be refrigerated prior to submission to the lab. Do not package Blood and/or Urine Samples in Rape Kits

Sexual Assault

Evidence Kits

**** Disposable latex gloves must be worn when handling biological evidence! ****

Sexual Assault Victim:

1. The victim should be transported to the hospital as soon as possible
2. Examination should be conducted by medical personnel trained in sexual assault evidence collection utilizing the Sexual Assault protocol present in kit
3. Label, seal and submit kit to the lab
4. List the entire Kit as a single item in LIMS

Fingernail Swabs

**** Disposable latex gloves must be worn when handling biological evidence! ****

Moisten a sterile cotton swab with distilled water and swab under fingernails, (one swab per hand). Allow to air dry, package, label, and submit

Known Control Samples

**** Disposable latex gloves must be worn when handling biological evidence! ****

Living Subjects & Deceased Subjects (without blood in the oral cavity):

Buccal Swabs: Prior to collecting, rinse the mouth with water. Utilizing two sterile cotton swabs, rub the inside cheek area of the mouth at least twelve times. Allow swabs to air dry, package, label and submit to the lab. No medical personnel are needed for this collection.

Deceased Subjects who have not been Transfused:

1. **FTA Card:** Liquid blood sample removed from body at time of autopsy must be spotted onto FTA card. Allow card to air dry, package, label and submit to the lab
2. If no blood sample is available, collect at least 50 head or pubic hairs, **(PULLED, NOT CUT)**, package, label and submit to the lab
3. If no hair sample is available, collect an approximate ½ inch square piece of the best tissue sample available, (liver, spleen, stomach), package, label and submit to the lab
4. If no tissue sample is available, collect an approximate 1" piece of a long bone, (femur, tibia, ulnar), package, label and submit to the lab

Deceased Subjects who have been Transfused:

1. If available, procure the pre-transfusion sample taken at the hospital, package, label and submit to lab
2. If pre-transfusion sample is unavailable, a buccal swab control may be taken if there is no bleeding in the mouth region. Dry swabs, package, label and submit to lab
3. If no buccal swab is available, collect at least 50 head or pubic hairs **(PULLED, NOT CUT)**, package, label and submit to Lab
4. If no tissue sample is available, collect a 1" piece of a long bone (femur, tibia, ulnar), package, label and submit to Lab. Thoroughly air dry and package in a sealed paper envelope or paper bag

Bio-Hazard labels must be affixed to package

FTA cards should be packaged in the barrier envelope available through the manufacturer of the FTA card. Hairs should be packaged in druggist folds. Place the tissue specimen in a leak proof container and keep frozen prior to submission to the lab

C. TRAINING

Evidence Technicians are those Officers who have received special training in evidence collection procedures by the New Jersey State Police Technical Section, or a comparable course of instruction and have been certified. In cases of major crimes where DNA evidence would be collected, the responsibility for collection, preservation and transportation of the DNA evidence would most likely be that of the Bergen County Sheriff's Office, Bureau of Criminal Investigation. Officers will assist the BCI with collection when asked and document this in the investigation report.

D. SUBMISSION OF COLLECTED SAMPLES

It is the responsibility of the evidence custodian to complete the lab submission form for any items being sent for laboratory examination or analysis. At any scene where two or more Officers are involved in the collection of evidence, one Officer shall assume the position of being the primary evidence officer for that particular call. The primary Evidence Officer is responsible for submitting evidence to the evidence room and completing the BEAST entry.

Request for laboratory examination, analysis or processing shall be forwarded to the evidence custodian. The evidence custodian is responsible for facilitating the transport of evidence to and from the New Jersey State Police crime lab or B.C.S.D. Bureau of Criminal Investigation laboratory utilizing any able Officer or Detective if available.

E. DNA ACT (N.J.S.A. 53:1-20.20) – COLLECTION OF DNA SAMPLES FROM ARRESTEES

The DNA Act requires samples to be collected from all adults and juveniles arrested for certain Violent Crimes: (including attempt to commit)

- Aggravated Sexual Assault (2C:14-2)
- Sexual Assault (2C:14-2)
- Aggravated Criminal Sexual Contact (2C:14-3)
- Criminal Sexual Contact (2C:14-3)
- Murder (2C:11-3)
- Manslaughter (2C:11-4)
- 2nd Degree Agg. Assault (2C:12-1B(1) or (6) ONLY)
- Kidnapping (2C: 13-1)
- Luring/Enticing a Child (2C:13-6)
- Engaging in Sexual Conduct Which Would Impair or Debauch the Morals of a Child (2C:24-4)

****Refusal to submit to a required DNA sample is a 4th degree crime (2C:29-11)**

The collection kits, refusal forms, and the packaging to mail the sample are located in the Detective Bureau. Notification of a Detective must be made when a DNA sample is to be taken and coordination of the collection can be done at that time. When a CCH is printed for a person under arrest, check for the "DNA Sample Status." If the status states, "collection required," a sample should be taken from the person as well. If they refuse, charge them with (2C:29-11) accordingly. In cases of a parent not allowing a lawful DNA sample to be collected from a juvenile, the parent can be charged under (2C:29-11). There is no chain of custody requirements under these guidelines and the sample is to be mailed in the provided envelope. In the case that a Detective (on-duty or off-duty) is not available to take a required DNA sample, a supervisor may take the required sample utilizing the collection kit that is kept in the processing area cabinet for these emergency situations. Notification to the Detective Bureau shall still be made regardless.

Mahwah Police Department – Policies and Procedures		Number 190:05:05
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Revisions a. 12232002 b. 10012007 c. 11022008 d. 01122012 Lt. SB, e. Revised 2/2015 Sgt. TO f. 05/30/2018 JNB		
Page 1 of 7.	Accreditation Number 84.1.1-.7	

I. BACKGROUND

The purpose of this policy is to establish guidelines for maintaining the integrity of the evidentiary chain of custody. The property and evidence procedures hereafter shall be followed for all recovered, stolen, found or confiscated property coming into the possession of any member of this agency.

II. POLICY

It is the policy of this law enforcement agency to ensure that evidence in its custody is properly secured and stored, readily retrievable, and that any changes in its custody have been properly and fully documented.

III. ACTION

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A. DEFINITIONS

Chain of Evidence: The continuity of the custody of physical evidence—from time of original collection to final disposal—that may be introduced in a judicial proceeding.

Impounding Officer: The member of this law enforcement agency who initially receives the evidence and initiates the chain of custody.

Physical Evidence: Any substance or material found or recovered in connection with a criminal investigation.

Evidence Custodian: Agency member accountable for controlling and maintaining all evidence accepted by or stored in the agency's evidence room.

Evidence Room: Facilities used by this law enforcement agency to store evidence.

B. PROPERTY SUBMISSION

1. Any member of this agency who comes into possession of any property or evidence to be secured and maintained shall make an inventory of that property or evidence at the location found or recovered if practical. In instances where it is impractical or difficult to inventory the item(s) at the location the property or evidence will be secured and transported to police headquarters where a complete and thorough inventory shall be made.
2. Upon completion of the property or evidence inventory, an entry into the BEAST operating system must be made for each item seized, either by the officer's supervisor or his designee. The submitting officer will detail the circumstances by which the property came into the possession of this department and describe each item of property obtained. Each submitting officer shall insure that the BEAST Case Report is accurately completed and contains all of the required information.
3. The officer who took custody of the property will then process the evidence which includes marking, labeling, packaging, and sealing the evidence as well as completion of the BEAST Case Report. Once complete, (2) BEAST Case Reports will be printed and signed by the submitting officer and his/her supervisor. One copy gets attached to the officer's report and the other copy goes to the Evidence Custodian.
4. All evidence and property will be submitted into the BEAST operating system prior to the end of the personnel's shift. This will be done in accordance with procedures established in this SOP, and will include marking, labeling, packaging, and sealing the evidence as well as completion of the Property/Evidence description report. The submitting officer will detail the circumstances by which the property came into the possession of this department and describe each item of property obtained.
5. Submitting evidence and property to the property room requires that the item be placed in one of the areas designated for such purposes, specifically, Evidence Room 1, through the depository, the evidence refrigerator for blood and urine evidence as well as other items of evidentiary value which need to be refrigerated or the impound garage for bicycles and vehicles. Temporary Storage of evidence during nights and weekends will be accomplished by way of the lockers in the secure area of the holding facility. Large items of evidence or property will be secured in a locker and the key deposited in the Evidence Room 1 chute for processing and long term storage by the Property Officer. Bicycles will be secured to the cable in the impound garage by way of one of the bike locks in the Impound Garage.

C. PROPERTY MARKING AND PACKAGING

1. For physical evidence to be accepted in court, it is essential that the chain of evidence be properly maintained. The initial step in this process is marking, packaging and labeling the item at the time it is collected, seized or received. Packaging and labeling evidence shall be accomplished in accordance with guidelines listed below.
2. It is the responsibility of the submitting officer and his/her supervisor to properly process all property being submitted (i.e., tagged, marked, packaged, sealed, documented and recorded). Property that is not properly processed will not be transferred into the evidence room until processing is complete. In such cases, the Property Officer will notify the submitting officer's immediate supervisor so that arrangements can be made to complete the processing.
3. Each item will be properly stored in appropriate evidence packaging material and affixed with a BEAST label.

4. The label, which accompanies article being submitted to the evidence custodian, will include the following information on the outermost container (bag or envelope):
 - a. Incident Report number
 - b. Date and time of recovery
 - c. Location of recovery
 - d. Owner of property, if known
 - e. Brief description of article
 - f. Arresting/Submitting Officer's name and shield number and signature
5. Evidence of a hazardous nature shall be appropriately packaged and stored in accordance with established agency policy and state and federal law. Such substances include but are not limited to items that may have been exposed to or contaminated by communicable diseases, hazardous chemicals or waste products, explosives or highly combustible products. Where appropriate, the evidence custodian will make arrangements and assume responsibility for storage and control of such substances outside the evidence room.
6. Any materials or substances (Evidence) that must be refrigerated shall be placed in the locked evidence refrigerator. No such materials or substances are to be refrigerated at any other place unless it is absolutely necessary.
Plastic evidence bags (two sizes), syringe tubes and other packaging containers are located in the secure area of headquarters for the proper collection, marking and preservation of evidence or found property.
7. Packages containing evidence (envelopes, paper bags, plastic bags, boxes, etc.) must be sealed with tamperproof evidence tape, evidence labels or similar material. The submitting officer shall place his/her marking on the package in such a manner that part of the marking is on the package itself and part of the marking is the evidence tape, evidence label or other material used to seal the package.
8. Firearms, narcotics and dangerous drugs and valuables are to be packaged separately, with no more than one item per package. Other items may be packaged together provided there is no issue of cross contamination and the label details each and every item contained in the package.
9. Large items and certain types of evidence, such as bicycles, perishable items, etc. may not be easily packaged. Such items, after being properly marked, may have a tag affixed to the item in lieu of being packaged. When tags are used instead of packaging, officers must place the BEAST label on the tag. If the item tagged requires further examination for physical evidence, the item must be packaged or protected in such a way to prevent the possibility of cross contamination or loss of the evidence. Any item that cannot be secured in one of the above manners will require a call out of the Evidence Custodian for proper and secure storage.
10. Firearms must be made safe, ammunition must be separate and each item must be affixed with a BEAST tag/ label.

D. EXTRA SECURITY MEASURES FOR EXCEPTIONAL, VALUABLE, SENSITIVE PROPERTY

1. Extra security measures will be taken to enhance security for any item logged into the evidence room that is considered to be sensitive, high in value, or otherwise constitutes an increased security risk. The following types of property will be stored in separately secured cabinets, or within separately secured interior rooms, inside the main property room:
 - Jewelry, Precious Metals and Other Valuables;
 - Firearms; and

- Drugs and Narcotics.

Money shall be secured in a separate locked safe within the evidence locker by the evidence custodian prior to transferring the money to the County Prosecutor, if necessary. See SOP 185, Section C.9 "Collection and Preservation of Evidence" for details on the procedure in seizing cash or coins.

2. If, in the opinion of the submitting officer, other property being submitted is of great value or potentially vulnerable to claims of tampering, the Property Officer may be summoned to personally accept the property and secure it in the designated safe within the main evidence room. The Tour Commander must approve such requests if the Property Officer is off duty at the time.

E. EVIDENCE CUSTODIAN DUTIES

1. The evidence custodian shall be responsible for receiving, storing, maintaining, releasing and for the proper destruction of all property and evidence.
2. The evidence custodian shall maintain the BEAST operating system which reflects the chain of possession of property/evidence during the time the evidence is in the custody of the police department. This operating system reflects the location of the property; date and time when the property was received or released; description of the property; and chain of custody form the time the property was stored until its destruction or other final disposition.
3. The evidence custodian shall maintain physical evidence in a place, and under conditions that guarantee that the evidence shall be secure and not tampered with.

F. STORAGE OF EVIDENCE

1. The evidence custodian shall assign a storage location to each item of property or evidence and record this information in the BEAST operating system.
2. Weapons narcotics and other dangerous drugs shall be stored separately from all other property or evidence.
3. All currency shall be stored in a separately locked safe within the evidence room and access to the safe can only be gained by the Chief of Police and his authorized evidence custodian. A currency log shall be maintained by the evidence custodian that will reflect the amount of the currency, the investigation report number and the reason for the retention of the currency.

G. ACCESS TO THE EVIDENCE ROOM

1. Only the Chief of Police and his/her authorized evidence custodian may enter the evidence room.

H. INSPECTIONS OF THE EVIDENCE ROOM

1. On a semi-annual basis, the supervisor of the evidence custodian shall inspect the evidence storage facility to ensure adherence to appropriate policies and procedures.
2. Unannounced audits of the evidence storage facility may be conducted as directed by the Chief of Police, at least once a year.
3. An annual audit of the evidence held by the agency shall be conducted by a superior officer not routinely or directly connected with evidence control, in compliance with Appendix K. Similar inventories shall be conducted whenever a new evidence custodian is assigned.
4. A inventory of property shall occur whenever a new evidence custodian is assigned and the inventory shall be conducted jointly by the new designated evidence custodian

and a designee of the Chief of Police to ensure that the records are correct and properly annotated.

I. RECORDING TRANSFERS OF CUSTODY

1. The evidence custodian shall be responsible for developing and maintaining the BEAST operating system which documents all changes in custody of physical evidence. This system shall be capable of readily identifying the individual or organization currently maintaining custody of all evidence.
2. An electronic record of all transfers of physical evidence shall be made.
3. Members of this law enforcement agency who assume custody of evidence from the evidence room bear full responsibility for ensuring its security, proper storage, and maintenance, and for ready retrieval of such evidence upon demand. Whenever possible the evidence shall be returned to the evidence custodian or in his/her absence the evidence depository when the evidence is no longer needed.

J. IDENTIFICATION AND NOTIFICATION OF RIGHTFUL OWNER OF IN-CUSTODY PROPERTY

1. Officers receiving or taking custody of property under circumstances in which the rightful owner is unknown will make diligent efforts to identify and notify the owner that the property is in the custody of the Department. When such property has yet to be entered into the property function and circumstances permit the release of the property, officers will make a reasonable effort to return the property to the rightful owner.
2. When property has been submitted and the identity of the rightful owner is unknown, the Property Officer will make reasonable efforts to identify the owner. When there is no longer a need to hold the property for official purposes, the Property Officer will notify the owner that the item may be claimed, and that failure to do so will result in the item being disposed of in accordance with applicable statutes. Such notification may occur in person or by telephone to expedite the process of returning the property, however, if the property remains unclaimed the Property Officer must forward written notification to the owner by certified mail before taking any action to dispose of the property. Written notification shall provide the owner a minimum of 30 days in which to claim the property prior to final disposition.
3. In certain cases, it may be more efficient or prudent for the Property Officer to arrange to have certain property personally returned to the rightful owner. When appropriate and approved by the Patrol Division Commander, other officers may be assigned to return such property.
4. In every case, the Department will make reasonable efforts to verify rightful ownership to property and return in-custody property, with the exception of circumstances that prohibit the return of certain property (i.e. contraband, property ordered destroyed by the court, etc.).

K. DISPOSAL OF EVIDENCE

1. Where tangible personal property comes into possession of the police department, by finding or recovery by an officer in the line of duty, and where the owner or his whereabouts are unknown, or if owner refuses to receive the property, then the said property shall be retained by the police agency for a period of six months. The Township of Mahwah may then by resolution, provide for the sale of said property at auction. All monies received from the auction of said property shall be paid to the general municipal treasury. All unclaimed currency coming into possession of the police department shall be inventoried and witnessed by a superior officer and turned over to the evidence

custodian. In the absence of the evidence custodian the currency shall be placed in the evidence depository. The evidence custodian upon receipt of the currency shall store the currency in the currency safe in the evidence room and shall within forty-eight hours turn the currency over to the municipal treasurer for deposit into a trust account. After six months if unclaimed by any person entitled to ownership, the money shall be paid into the general municipal treasury.

2. When currency or tangible property personal property is found by any person other than a member of the police department acting in the line of duty, and when the finder gives possession of currency or tangible personal property to the police department than a written investigation report shall be initiated. The police department shall retain the currency or tangible personal property for a period of six months. If unclaimed during the six-month period by the person entitled thereto, then the money or tangible personal property shall be returned by the police department to the finder, who shall be deemed the sole owner.

3. When an item of stolen property comes into custody of this agency and if there is no dispute regarding ownership of said property, then the item may be immediately returned to the rightful owner upon presentation of proper personal identification. The claimant will also sign a written receipt and the receipt acknowledging the return of the item shall be retained by this agency. Prior to release a BEAST Case Report Entry shall be completed and submitted by the investigating officer, and photographs of the item shall also be taken. The receipt shall be forwarded to the evidence custodian for filing.

4. Any firearms, which are confiscated by, surrendered or forfeited to this agency, will be safeguarded and inventoried. The evidence custodian shall make all entrees in the master log and shall complete a Firearms Control Report as required by the Bergen County Prosecutor's Office. If the firearm was seized as a result of a criminal matter, than the firearm should promptly be submitted to the Bergen County Sheriff's Department for ballistic testing and comparisons. If the case regarding to the firearm is disposed of through court proceeding than the agency shall retain the weapon pending any appeals. At the expiration of the appeal process, the weapon shall be disposed of in one of the following ways.

a. If the firearm is determined to be the property of an innocent party, it shall be returned to that party. Prior to the return of the firearm a Firearms Disposition Request- Return to Rightful Owner (Form A) shall be completed and forwarded to the Bergen County Prosecutor for review.

b. If the firearm in possession of this agency is believed to be prima facie contraband and is believed to be of use to this agency than the Chief of Police can seek permission from the Bergen County Prosecutor to add the firearm to the agency arsenal. A Firearms Disposition Request-Arsenal (Form B) shall be completed and forwarded to the Bergen County Prosecutor for review.

c. If the firearm is determined to be of no value to law enforcement than a Firearms Disposition Request-Destruction (Form C) shall be completed and forwarded to the Bergen County Prosecutor for review. Upon approval by the Bergen County Prosecutor for the destruction of the firearm contact will be made with the evidence section of the Bergen County Prosecutor's Office and arrangements will me made for turning the firearm over for destruction.

5. All controlled dangerous substances that come into possession of this agency will be safeguarded and inventoried into the BEAST operating system. If the case regarding the controlled dangerous substance is disposed of than the evidence shall be retained pending any appeals. At the expiration of the appeal process, the evidence custodian shall complete a Narcotics survey form and forwarded the form to the Bergen County

Prosecutor's Office for review. Upon approval for the destruction of the controlled dangerous substances than arrangements should be made with the evidence section of the Bergen County Narcotic's Task Force in order to turn over the evidence for destruction.

L. EVIDENCE USED FOR TRAINING PURPOSES

Items (i.e. controlled dangerous substances, weapons, explosives etc.) entered as evidence, found property, surrendered for safe keeping or turned in for destruction will not be used for training or investigative purposes.

Mahwah Police Department – Policies and Procedures		Number 190:10:05
Subject Digital Photography—Crime Scenes		
Issue Date 04252001		Effective Date 04252001
Revisions		
Page 1 of 2 .	Accreditation Number None (84.2.1)	

I. BACKGROUND

Digital photography is a cost effective and relatively easy way to document evidence that is of a temporal nature. Patrol officers should be able to determine when photographs of a particular crime scene or incident would further the investigative process or criminal prosecutions.

II. POLICY

When a patrol officer is called to a scene or comes across an apparent incident, this procedure should guide the process of documenting the situation with a digital camera.

III. ACTION

A. EQUIPMENT AND MATERIALS

Each officer will have available either the Kodak DC120 or Epson 800 digital camera for use in such situations. There is also a kit that includes a 6-inch evidence ruler with white, gray and black patches and spare batteries.

B. PROCEDURES

When investigating incidents such as burglaries, domestic violence, or motor vehicle accidents, the officer is expected to determine if the investigation will be aided by photo documentation. When in doubt, take pictures.

C. CAMERA SETTINGS

The camera should be set to “automatic” for exposure, flash and focus. The viewer should be in the “on” position. The storage control should be set to “best quality”. The viewer can be used to look at the images, but the images shall not be opened up in a computer or any other device that allows image editing.

D. AT THE SCENE

Photos should include general scene shots to show what the situation looked like at the time. If there are broken windows, furniture, decorations, etc. that are indicators of violent action, care should be taken to show these items. If there are injuries of any sort, close-up (about 10 to 12 inches away) photos of these should be taken with an evidence ruler in the picture. When taking close-up shots, the officer should cover part of the flash window with a finger to subdue the exposure. In addition to close-ups, broader shots of any injured people should be taken, including full-length shots. Head-and-shoulders photos of all apparent victims at a scene also should be taken. If there are weapons, alcohol containers or drug-related paraphernalia at the scene, these items should be

photographed too. When taking photos of paraphernalia, wounds or other items where it may be important to know the size of the subject of the photo, two pictures should be taken: one of the item in its original condition and another with an evidence ruler laying close to the subject. If more than 10 shots are taken, the officer should keep a written record of what pictures were taken and kept. The officer will need to be prepared to describe the scene and use the photos to illustrate the verbal testimony. Any photos that are photographically faulty should be discarded at the scene. Photographically faulty images include those with problems from being out of focus, a flash failure, a blocked lens, inadvertently pushing the exposure button, blurring due to subject or camera movement, etc.

E. AFTER THE ON-SCENE PHOTOGRAPHY

After completing on-scene duties, the officer should place the flash card(s) used at the scene in an evidence envelope, fill out the case identification information on the envelope label, and seal the envelope. The sealed envelope should be turned in at Police Headquarters to a photo specialist, or placed in the evidence locker in the event a photo specialist is not available. The photo specialist will log case information, the officer, and time and date of the transfer on the envelope. The photo specialist will sign that the envelope was sealed at the time of transfer. The photo specialist will then follow the crime scene photo processing procedure to prepare the visible images and archive the records.

F. PRIOR TO INVESTIGATION

The officer retrieving the camera from Headquarters will ensure that there is an extra set of batteries and at least two (2) flash cards in the camera case before leaving for the scene.

G. CALIBRATION

While no calibration is needed, the officer is expected to check the camera on a regular basis and make sure that it is functioning normally. If there are any indications of a malfunction, the unit should not be used, and contact should be made with the photo specialist.

H. LIMITATIONS

Digital cameras are issued to patrol officers primarily for use at scenes where photos will help the investigation and possible prosecution, and an evidence technician probably will not be called to the scene. If it is used at major crime scenes, it will serve as a backup to the work done by the evidence technician, and used primarily to document fragile evidence during the initial stages of an investigation that may be lost or contaminated prior to arrival of an evidence technician.

I. SAFETY

There are no safety issues beyond normal precautions used when operating electrical devices. Batteries should not be heated, and if they get hot while in use or charging, they should be removed from the device. Batteries should be turned in to the photo specialist when no longer functional and exchanged for new ones. They should not be discarded in any other way except in an emergency.

Mahwah Police Department – Policies and Procedures		Number 190:10:10
Subject Digital Photography—Processing and Storage		
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Revisions		
Page 1 of 3.	Accreditation Number None (84.2.2)	

I. BACKGROUND

Digital photographs of an evidentiary nature must be processed and stored in accordance with the rules of evidence and not be altered in any way.

II. POLICY

Patrol officers are instructed to take digital photos under certain circumstances and to bring the images to the photo specialist on flash cards. This procedure covers the processing of those images.

III. ACTION

A. EQUIPMENT AND MATERIALS

A photo department image processing station, complete with peripherals and software, serial-numbered, write-once-read-many times (WORM) compact disks (CDs), nickel-metal-hydride batteries, 16 MB flash cards, zip cartridges, photo-quality inkjet printer paper, ink cartridges, evidence envelopes with appropriate labels, and an evidence transfer log book.

B. PROCEDURES

Each officer is instructed to bring in the flash card, with images from every incident investigated and documented with a digital camera. The flash card should be sealed in an evidence envelope with a completed case information label on the outside. The officer bringing in the envelope will have signed it and given directly to the photo specialist or placed in the secure evidence chute. The photo specialist receiving the envelope should enter the case information in the transfer logbook, indicating the case descriptor numbers, and the date and time of the transfer. The envelope should be opened and the number of disks in the envelope entered into the log. The photo specialist should then sign the entry. The photo specialist re-supplies the camera kit with a new flash card(s) and new envelope(s). If new batteries are also required, the old ones should be swapped for new. The disk(s) in the envelope should be stored in the locked holding box until it is time to process the images.

When it is time to process the images, the photo specialist should remove the disks from the holding box and insert the card into the computer. Using the appropriate file management tools, two case folders should be created and labeled with the case number. One of these folders will be on the computer's hard drive and another will be on a password-protected zip cartridge. Then two folders should be created and inserted into each case folder - one labeled, "Raw Images" and the other labeled, "Processed Images".

At this point, the right-click copy tool should be used to duplicate the contents of the flash card into both of the "Raw Images" folders. These folders should not be opened until after the images have been permanently duplicated later. The contents then should be duplicated a second time but placed in the "Processed Images" folder on the computer's hard drive. At this point some of the photos in the "Processed Images" folder can be opened to check that the transfers did occur. If all is OK, the zip cartridge should be removed from the computer and secured. Once this is done, the "Primary Images" on the flash card should be erased using a card-reformatting tool. This flash card now is ready to be reused. If there are multiple flash cards in the case, this series of steps should be repeated until all of the images have been duplicated to the appropriate folders on both drives. The images stored in the "Raw Images" folder are now known as the "Primary Images".

The images in the "Processed Images" folder should be opened and examined. All those needing adjustments for color balance, brightness, or contrast should be adjusted using the software tools named. If the image needs curve-shape adjustment, this should be done as well. No further adjustment should be made. The images then should be printed - one copy of each on photo-quality paper. The photo-quality image should be viewed by the photographer at a convenient time and then attached to the corresponding investigation report. The photo images should be printed six images to an 8x11 page.

As soon as the images are printed, the "Processed Image" files should be duplicated onto the password protected zip drive, and the cartridge placed in the locked holding box. Any unusual information regarding the images or their processing should be noted in a text file kept in the case folder. Likewise the information found on the envelope label should be entered into a text file and inserted in the case folder. Finally, the date and time of the processing and the name of the person processing the images should be placed in a text file and stored in the case folder.

When two password-protected zip drives are filled, the contents should be transferred to a CD. To do this, the contents of the two drives are duplicated to a folder and the contents of the folder are then duplicated to a CD. The cases that have been recorded on the CD should be listed along with the CD serial number. This record is stored in the secure photo lab file. An entry also is made into the logbook to indicate which CD (by serial number) holds the contents of the disks that were originally brought in by the photographer. The images in the "Raw Images" folder on the CD now are known "Original Images". The operator should now open a few of the images on the CD to ensure that the duplications occurred and the files are readable. It is at this point that the "Raw Images" folders as recorded on the CD can be opened and the images inside can be viewed. (The "Raw Images" folder on the zip drive is never opened unless there is an emergency.) Once it is ascertained that the images on the CD are in fact there and readable, the zip drive should be reformatted to make it available for reuse. The images in the "Raw Images" folders are "Original Images," and all of the "Primary Images" have been erased.

C. CALIBRATION

The image processing system should be checked by its diagnostic system periodically and the results filed in the secure photo laboratory office file.

D. LIMITATIONS

Digital cameras are issued to patrol officers primarily for use at scenes where photos will help the investigation and possible prosecution, and an evidence technician probably will not be called to the scene. If it is used at major crime scenes, it will serve as a backup to the work done by the evidence technician, and used primarily to document fragile evidence during the initial stages of an investigation, which may be lost or contaminated prior to arrival of an evidence technician.

E. SAFETY

There are no safety issues beyond normal precautions used when operating electrical devices. Batteries should not be heated, and if they get hot while in use or charging, they should be removed from the device. Batteries should be turned in to the photo specialist when no longer functional and exchanged for new ones. They should not be discarded in any other way except in an emergency.