

Mahwah Police Department – Policies and Procedures		Number 145:05:05
Subject Victim/Witness Assistance		
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I. BACKGROUND

Law enforcement officials and the State and county offices of victim/witness advocacy are obligated to ensure that the rights of crime victims are adhered to and protected. To implement these rights and services, the following standards have been set forth.

II. POLICY

It is the policy of this Department that all victims and witnesses will be treated with fairness, compassion, and dignity. Additionally, the Mahwah Police Department is committed to the development, implementation, and continuation of appropriate victim/witness assistance programs and activities. Department personnel, in partnership with county, state and social service agencies will assist victims and witnesses pursuant to state law and will adhere to the following standards in reference to victim/witness rights and assistance.

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A. DEFINITIONS

VICTIM: “Victim” means a person who suffers personal, physical or psychological injury or death or incurs loss of or injury to personal or real property as a result of a first, second, third, or fourth degree offense committed against that person; or as a result of a motor vehicle accident involving another person’s driving while under the influence of drugs or alcohol; or as a result of a bias incident, domestic violence, or a motor vehicle

violation involving a fatality. Victim means the surviving spouse, child, legal guardian or the next of kin.

WITNESS: “Witness” means a person who – as determined by the Department – has information or evidence relevant to the investigation of a specified crime. (“Specified crimes” are indictable crimes, offenses committed against persons, and upon the recommendation of the responding officer, other crimes/offenses.) When the witness is a minor, the term “witness” includes an appropriate family member. “Witness” includes neither defense witnesses nor anyone involved in the crime as a suspect or accomplice. All victims are witnesses. Witnesses to the aforementioned crimes, homicide and sudden death survivors are also entitled to the rights and services contained herein, as applicable.

B. RIGHTS OF CRIME VICTIMS AND WITNESSES: The following are the rights of crime victims as outlined in N.J.S. 52:4B-36, which states that crime victims and witnesses are entitled:

1. To be treated with dignity and compassion by the Criminal Justice System;
2. To be informed about the criminal justice process;
3. To be free from intimidation;
4. To have inconvenience associated with participation in the criminal justice process minimized to the fullest extent possible;
5. To make at least one telephone call provided the call is reasonable in both length and location called;
6. To medical assistance if, in the judgment of the law enforcement agency, medical assistance appears necessary;
7. To be notified if presence in court is needed;
8. To be informed about available remedies, financial assistance and social services;
9. To be compensated for their loss whenever possible;
10. To be provided a secure, but not necessarily separate, waiting area during court proceedings;
11. To be advised of case progress and final disposition; and
12. To the prompt return of property when no longer needed as evidence.

C. RIGHTS OF MOTOR VEHICLE AND TRAFFIC ACCIDENT VICTIMS AND WITNESSES:

The following are the rights of motor vehicle and traffic accident victims as outlined in N.J.S. 39:4-50.11, which states that said victims and witnesses have the right to:

1. Make statements to law enforcement officers regarding the facts of the motor vehicle accident and to reasonable use of a telephone;
2. Receive medical assistance for injuries resulting from the accident;
3. Contact the investigating officer and see copies of the accident reports and, in the case of a surviving spouse, child or next of kin, the autopsy reports;
4. Be provided by the court adjudicating the offense, upon the request of the victim in writing with:
 - a. Information about their role in the court process;
 - b. Timely advance notice of the date, time and place of the defendant’s initial appearance before a judicial officer, submission to the court of any plea agreement, the trial and sentencing;
 - c. Timely notification of the case disposition, including the trial and sentencing;
 - d. Prompt notification of any decision or action in the case which results in the defendant’s provisional or final release from custody; and
 - e. Information about the status of the case at any time from the commission of the offense to final disposition or release of the defendant.

5. Receive, when requested from any law enforcement agency involved with the offense, assistance in obtaining employer cooperation in minimizing loss of pay and other benefits resulting from their participation in the court process;
6. A secure waiting area, after the motor vehicle accident, during investigations, and prior to a court appearance;
7. Submit to the court adjudicating the offense a written or oral statement to be considered in deciding upon sentencing and probation terms. This statement may include the nature and extent of any physical harm or psychological or emotional harm or trauma suffered by the victim, the extent of any loss of earnings or ability to work suffered by the victim and the effect of the offense upon the victim's family.

D. VICTIM/WITNESS LIAISON:

The Bias Crime Officer is designated as the Departments Liaison Officer with outside victim/witness agencies. He has the authority and responsibility for administering and coordinating the Mahwah Police Departments role in victim/witness assistance. He is responsible for supervising sworn members, non sworn employees and volunteers (if any) who are directly involved with the Departments victim/witness assistance efforts and for ensuring that all liaison functions as outlined in this policy are performed.

1. With other agencies: The purpose for liaison with outside sources of victim/witness assistance is twofold: (1) to ensure that Department referrals of victims/witnesses to outside sources are based on accurate and up-to-date knowledge of the services offered by those sources; and (2) to maintain an ongoing channel of communication by which to offer and receive suggestions about how the Department and outside sources can more effectively work together in order to better serve the victim/witness.

The Bias Crime Officer will maintain liaison with such agencies as (but not limited to) the Office of Victim/Witness Advocacy at the County level, the Center for Hope and Safety, the State Violent Crimes Compensation Board, and the Rape Crisis Center. Liaison with other county, state and social service agencies will also be maintained. If, based upon the current crime trend, a need arises to establish liaison with a new agency, the Bias Crime Officer will initiate and maintain said liaison. Also, if based upon an analysis of the Departments needs and/or the needs of the community, a need arises to establish liaison with a newly formed agency, said liaison will be initiated and maintained by the Bias Crime Officer. Liaison may be initiated and maintained by letter, phone conversation or in person contacts.

2. Other Agencies with the Department: It is important for the Department to promote victim/witness efforts of other agencies when we are sought out by said agencies. If another criminal justice or social service agency contacts the Department seeking help and/or advice in the area of victim/witness assistance, said help/advice shall be rendered if at all possible. The help/advice sought should be supplied to the inquiring agency by the person who is asked of the information (i.e. communications/desk officer). Only if the information sought is not known should the inquiring individual be directed to contact the Department Liaison (Bias Crime Officer). This type of mutual assistance can only shed a positive light upon the Department and will ultimately promote the rights of victims/witnesses.

E. ANALYSIS OF VICTIM/WITNESS NEEDS & AVAILABLE SERVICES: The Bias Crime Officer or his/her designee will be responsible for conducting a documented analysis of victim/witness needs and available services at least every three years or has access to a current analysis. This analysis shall include the following elements:

1. The extent and major types of victimization within the Departments service area; (i.e. assaults, thefts, burglaries, etc.)

2. An inventory of information and service needs of victims/witnesses in general (including homicide or suicide survivors) and special victims, such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes, and drunken drivers;
3. Victim assistance and related community services available with the service area; and
4. Identification of all unfulfilled needs and the selection of those that are appropriate for the agency to meet.

NOTE: Some of the questions the analysis shall address are as follows: What are the needs of victims and other witnesses? How are those needs being met by other government agencies and by community organizations? What needs remain unfulfilled? Of those, which ones are appropriate for the agency to meet? Of those needs the Department cannot meet - Is there an agency available in which the victim/witness can be directed to meet these needs? These are the major questions to be raised by this analysis. Answers to these questions will ultimately result in a list of victim/witness services that the agency can provide without duplicating the efforts of other victim/witness services in the jurisdiction. Minimally, such services should include those that only first-responders can provide effectively, those that the agency is in a unique position to provide between first response and the time when (and if) the case is accepted for prosecution, and those that pertain to the liaison function as described in section D of this policy. The agency's victim/witness liaison may seek assistance of the county victim/witness section in conducting this analysis, interpreting the results, and implementing changes if deemed necessary.

F. DEPARTMENT ROLE IN VICTIM/ WITNESS ASSISTANCE:

1. A. Implementation and delivery of victim/witness assistance services by Department personnel. Appropriate services and referrals shall be made on initial contact with victims and witnesses. The follow-up investigator shall conduct additional assessments and make further referrals as required.
2. Confidentiality. The confidentiality of victims/witnesses and their role in case development will be maintained to the extent consistent with applicable statutes.
3. The Department will inform the public and media about the Department's victim/witness services.
4. Relationship between the Department and victim/witness efforts of other agencies and organizations. The needs of victims and witnesses will be determined and appropriate services will be provided in cooperation with, and without duplicating, assistance provided by other agencies and organizations.

G. UTILIZATION OF INFORMATION FROM ANALYSIS: Based upon the analysis described in section "E" of this policy, the Department will revise existing policies and procedures and/or develop new policies and procedures as necessary to achieve at least the following:

1. Govern the implementation and delivery of victim/witness assistance services by agency personnel;
2. Ensure the confidentiality of records and files of victims/witnesses and their role in case development to the extent consistent with applicable law; and
3. Govern agency efforts to inform periodically the public and media about the agency's victim/witness assistance services.

H. TRAINING:

1. Non sworn Employees: All newly hired non sworn employees shall be informed about existing Department and community victim/witness assistance programs serving the public as well as Department personnel. This training will be conducted or arranged by the Training Section. Subsequent retraining shall be

- conducted once every two years. This training may be in the form of a structured training class, a memorandum/training bulletin or an annual report.
2. New Recruits: All new recruits, while attending the Police Academy, will receive a structured block of instruction in the area of victim/witness rights and needs and in the role of law enforcement in meeting those rights and needs. The responsibility of this training rests with academy staff.
 3. Officers in Field Training: Included in the course of the Field Training Program (conducted upon completion of Basic Police Academy training) is training involving this "Victim/Witness" policy. The Field Training Officer assigned this particular week of training will be responsible for advising the new officer of the particulars of this policy, and specifically, the victims/witnesses rights and needs and the role of law enforcement in meeting those rights and needs.
 4. First Responder Training: All sworn personnel as well as non sworn employees directly involved in the Departments victim/witness assistance efforts shall receive a structured block of instruction in the area of victim/witness rights and needs and in the role of law enforcement in meeting those rights and needs. The Training Section shall arrange this training.
 5. First Responder Retraining: Retraining to the aforementioned personnel shall be conducted at a minimum of every two years. Said retraining shall reflect the findings of the periodic analysis conducted in accordance with section "E" of this policy and the goals and objectives as outlined in section "F" of this policy. If major revisions in policies and procedures occur in the area of victim/witness assistance, or the direction the Department needs to go to address the needs of the community in this area change dramatically, said retraining shall occur on a more frequent basis. This retraining shall be conducted/arranged by the Training Section.

I. VICTIM/WITNESS ASSISTANCE INFORMATION PROVIDED:

The Mahwah Police Department communications center is open seven (7) days per week, 24 hours per day and is the screening center for incoming phone calls received via 9-1-1 or other main Police Department phone numbers (i.e., 529-1000). Incoming phone calls are received by the communications operator at the communications center, who has the responsibility of eliciting information from the caller and judging the characteristics of the call to determine whether it is of an emergency nature or non emergency nature. The communications operator will inform the caller of the Departments response, including direct law enforcement service (dispatching a police unit) and/or referral to other sections/agencies. (NOTE: If the call is deemed non-emergent and the caller utilized an emergency phone line, (i.e. 9-1-1), the caller shall be transferred to the non-emergency message, as per 9-1-1 policy).

If the call is of a police nature and requires police presence, the communications operator will dispatch marked police unit(s) to the call for service. During the course of dispatching the unit(s), the communications operator will advise the unit(s) of the nature of the call and the type of response needed (emergency or non emergency) based upon the information received via land-line. If there is a doubt as to the type of response needed, it shall be considered to be an emergency and the response will be handled accordingly. (Calls such as accidents-unknown injuries, accidents with injuries, industrial/residential accidents that are determined to be of a serious/life threatening nature, indictable crimes that are in progress are examples of calls that would require an emergency response.) The communications operator will also advise the caller that a police unit(s) will be dispatched. Under certain emergency call situations where the caller can be a continuing source of information as to the location of suspects, (i.e. burglary in progress, etc.) the communications/desk officer will attempt to keep the caller on the line until the police unit(s) have arrived.

If the call is deemed of a non-emergency nature, a unit will be dispatched as soon as one becomes available. If a delay in response is expected, the communications operator will advise the caller of this fact and attempt to provide information assistance to the caller until the preliminary investigation can begin.

If the call for service can best be handled by another section within the Department (i.e., Detective Section, Records Section, Traffic Safety Section, etc.) the communications operator will direct the call accordingly. If the particular section needed/back-up location is not manned at the time of the call, the communications operator will either obtain the call back information and forward it to the appropriate person/section or have the caller call back at a time when said person/section is available. The option of leaving a message or calling back will be left to the caller. If the caller states it is of an emergency nature, the communications operator will attempt to elicit the nature of the emergency and determine if immediate police response is required or if the person sought should be contacted at home.

If the call for service can best be handled by referring the caller to another agency, the communications operator will advise the caller of that fact and attempt to assist in locating the name and phone number of the appropriate agency. Available at the communications center is the Communications Information Manual, which is a resource manual that contains local, county, state and social agencies (and the related information such as organizations names, phone numbers and addresses. These are organizations and services offered (governmental or private sector) both within the Department's jurisdiction as well as those outside the jurisdiction and are for victims/witnesses in need of medical attention, counseling, and emergency financial assistance. The communications operator will utilize this manual in referring said callers.

Should the call be received on any of the private phone lines (i.e. Detective Section, Traffic Safety Section, etc.), and the call is for police assistance, the person answering the phone shall first determine the nature of the call. If it is of a non-emergency nature, the person answering the phone shall attempt to assist the caller by either obtaining the information for him/her or re-routing the call to the proper location/agency. If the call is for a police emergency, the Department representative taking the call shall record the information (including a call back number) and immediately contact the communications operator to transfer the information for dispatch.

(NOTE: It is important to remember that all victims/witnesses shall be provided with information about compensation and the criminal justice process. This includes:

1. Making available brochures describing the criminal justice process and providing victim/witness rights information.
2. Providing case specific explanation of the system and process.
3. Providing information on the status of any property stolen or removed as well as procedures and regulations governing property return.
4. Upon filing of a report involving a violent crime, making available to any victim/witness information concerning crime victims' compensation.
5. Making available in the lobby of the Police Station informational booklets, pamphlets, and/or other pertinent written information that is provided by various governmental/social service agencies.)

J. THREATS TO VICTIMS/WITNESSES & FEAR OF INTIMIDATION OR FURTHER VICTIMIZATION:

All Department personnel will provide/arrange for the providing of appropriate assistance to victims/witnesses who have been threatened or who, in the judgment of the Department, express specific, credible reasons for fearing intimidation or further victimization.

Appropriate assistance will be determined by the nature of the case and by the resources available to the Department and, if possible, is commensurate with the danger faced by the victim witness. Said assistance may range from arranging for protective custody through the Prosecutor's Office to referring a battered female victim to an appropriate shelter to offering a frightened witness words of encouragement.

Appropriate attention shall be given to investigating victim/witnesses reports of threats or intimidation and these reports shall be promptly recorded, investigated and the results forwarded to the County Prosecutor's Office. Victims/witnesses should be encouraged to report any incident of threats/intimidation/harassment. Victims/witnesses should be informed of potential responses to such incidents including bail revocation, restraining orders, additional charges, and escort to court. When applicable, restraining orders should be sought as a condition of bail and prepared with the complaint.

In certain situations, said assistance may need to be rendered by/arranged for by the first responding Patrol Officer. These are situations where the victim/witness fears that threats/retaliation/further victimization will be carried out immediately or in the very near future (i.e., a domestic violence restraining order exists which states that the husband will not have contact with the wife. The wife notifies the Department that she has learned that the husband is enroute to the residence to do harm to her.). In other situations, said assistance may be rendered by/arranged for by a detective who, during the course of his follow-up investigation, becomes aware of threats/intimidation or has reason to believe that a potential exists for further victimization. (i.e., through an informant, he becomes aware of a suspects plan to do bodily harm to a witness sometime in the future.)

The Prosecutor's Office is ultimately responsible for dealing with victims/witnesses of indictable cases that have already been referred to their office. They are responsible for advising the victim/witness of the various services available and assisting them in contacting these services. However, if situation presents itself in which a victim/witness contacts this Department regarding threats/fear of intimidation or further victimization, we have a responsibility to take action if immediate action is necessary. The Prosecutor's Office will be notified of the circumstances and action taken. They will determine if any additional charges are applicable and what law enforcement response to the victim/witness will follow.

If, at any time, a Department member becomes aware of danger to a victim/witness, that member shall promptly attempt to contact and alert the victim/witness, or arrange for said contact. If the victim/witness resides in another jurisdiction, the member shall also contact the appropriate agency and inform it of the situation and request that reasonable precautions be taken.

K. VICTIM/WITNESS SERVICES DURING PRELIMINARY INVESTIGATION:

During the course of a preliminary investigation by a Patrol Officer, there are certain services to be rendered as a normal course of business as well as those over and above normal investigative routines. These services include but are not limited to:

1. In emergency situations, the Officer will take an active role in providing emergency services and/or arranging for such services to be provided. These include utilization of 24-hour Hotline services (i.e., psychiatric, violent crimes compensation board, etc.) rendering first aid, affecting arrests and making referrals.
2. Making available information to the victim/witness about applicable services (e.g., counseling, medical attention, compensation programs, emergency financial assistance and victim advocacy). In non-emergency situations, this may be accomplished via referral to the County Victim/Witness Unit or to the appropriate agency.
3. It is the responsibility of the Patrol Officer, as first responder and initial investigator, to advise the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him/her. Primarily, the victim/witness will be advised to immediately notify the Police Department of the threat/intimidation.

4. The Patrol Officer will advise the victim/witness of the case number as well as subsequent steps in the processing of the case, such as follow-up contact by a detective, return of property seized as evidence, completion of the "Property Loss Report", signing of complaints, etc.
5. The Patrol Officer will advise the victim/witness of the Detective Section direct phone number (755-1338) so that he/she may call to report additional information about the case or to receive information about the status of the case.

L. VICTIM/WITNESS SERVICES DURING FOLLOW-UP INVESTIGATION:

During the course of a follow-up investigation by a Detective, there may be certain services that can be rendered over and above those offered by the Patrol Officer during the preliminary investigation. These services include but are not limited to:

1. If, in the opinion of the detective conducting the follow-up investigation, the impact on a victim/witness has been unusually severe and has triggered above-average victim/witness assistance, he shall take the initiative of recontacting the victim/witness periodically to determine whether needs are being met. This shall occur within ten (10) days of the initiation of the follow-up investigation and shall occur as often as deemed necessary to accomplish the purpose. Additionally, the Commander of Service shall direct that such recontact take place if he becomes aware of unusually severe impact. (Each recontact shall be recorded on the Supplemental Report.) This awareness may be the result of consultation with the detective or may be the direct result of his liaison with the Prosecutor's Office.
2. If not an endangerment to the successful prosecution of the case, the procedures involved in the prosecution of their cases will be explained to the victim/witness as well as their role in said procedures. This explanation may be verbal, may be in printed form describing the procedures and is intended to orient them and relieve their possible anxiety about their continued involvement in the case. Depending on the type of case will determine the responsibility of this function. In some cases (i.e., shoplifting, domestic violence situations, etc.) the Patrol Officer has this responsibility. In certain indictable cases (i.e., burglaries, robberies, etc.) the Detective conducting the follow-up investigation has this responsibility. In major cases (i.e., homicides, aggravated sexual assaults, etc.) this function is the primary responsibility of the Prosecutor's Office with assistance of the Department's Detective assigned to the case.
3. When feasible, the scheduling of line-ups, interviews, and other required appearances would be at the convenience of the victim/witness. If necessary, the Department shall provide for/arrange for transportation of the victim/witness to said functions, as well as providing interpreters as necessary. Further services include: (a) ensuring that victims/witnesses are not forced to wait for long periods of time to be interviewed, (b) limiting the number of times the victim/witness must repeat the facts surrounding the incident, (c) supplying adequate time for the victim/witness to relate the facts as he/she knows it, (d) conducting interviews in as secure, private and pleasant surroundings as possible, and (e) making available a telephone to the victim/witness. The feasibility of providing this assistance will vary from case to case and will depend in large part, on the physical, financial, and emotional state of the victim/witness as well as resources available to the Department. In major cases (i.e., homicides, aggravated sexual assaults, etc.) this function is the primary responsibility of the Prosecutor's Office with assistance of the Department's Detective assigned to the case.
4. Any property which had been seized as evidence shall promptly be returned to the victim/witness once the case has been disposed of and/or the return has been authorized by the Prosecutors Office. The state law on the rules of evidence will govern said return. Any contraband, disputed property, and weapons used in the course of the crime will not be returned. Property not deemed to have any evidentiary value shall be returned within thirty (30) days of said determination.

5. Confidentiality of records and files of victims/witnesses will be maintained by all personnel. Existing State law regarding release of records will govern any requests for release of this information. The County Prosecutor will be consulted when there is a question as to the legality of release.
6. If feasible, a victim advocate will be assigned to the victim/witness during the follow-up investigation. The advocate, who is a person authorized by the Department to assist the victim/witness in specified ways, may be the Detective assigned to the case, personnel from the County/State victim/witness advocates office, or a social agency available to serve the needs of the victim/witness. The responsibility for assigning and advocate will at times rest solely with the Prosecutor's Office (i.e., homicides).
7. If required, ensure copies of incident and supplemental reports are forwarded to local prosecutor's office.

M. ASSISTANCE TO VICTIM/WITNESS UPON ARREST & DURING POST-ARREST PROCESSING OF THE SUSPECT: In indictable cases and domestic violence cases, attempts will be made to notify victims/witnesses of arrests, charges and the suspects status and changes thereto. Said notification will ensure that victims/witnesses are periodically informed of the status of the suspect as well as the case in general. The notification may be made by the communications operator as a result of a "Victim-Witness Notification Form" maintained at the Communications Center or, by the Detective working on the case, or, under certain circumstances (i.e., major case investigations) by the Prosecutor's Office. Whenever a notification/attempt at notification to a victim/witness is made by a member of this Department, the communications operator will be advised as to who was target of the notification/attempt at notification and the date and time of the notification/attempt at notification. This is done so that a computer entry can be made and an event number assigned.

The following are specifics in regard to notifications to the victims/witnesses:

1. Victims/witnesses shall be advised of any arrest and pre-trial release as soon as possible. This is accomplished through adherence to the following procedure: For any indictable arrest in which a warrant is issued, or any arrest for domestic violence, the arresting officer must complete a "VICTIM-WITNESS NOTIFICATION FORM" and supply the appropriate literature to the victims/witnesses. This form will be forwarded with the CIR to the Records Section for recording purposes. Upon processing the report, the Records Section shall make a copy of the form, and return it to the desk for retention in the desk file. The desk file will be maintained in alphabetical order by defendants last name. If release of the prisoner from the municipal jail is forthcoming and the victims/witnesses have requested to be notified, the supervisor will ensure that proper notification is made. If the detective assigned to the case becomes aware of the suspects impending release, he will notify the communications operator to make all necessary notifications and record as provided herein. If the prisoner is transferred to the county detention center, a photocopy of this form will be forwarded with the commitment papers. If the prisoner is going to be released from the county detention center, and the release is during normal business hours, the county will be responsible for making notification to the victims/witnesses listed on the form. During non-business hours, the county will notify the communications center of the impending release, and it will be the responsibility of the Police Department to make the appropriate notifications. (NOTE: Telephone notification to the victims/witnesses or a responsible member of the victims/witnesses household shall be deemed sufficient. Where telephone contact is not feasible, the Department should take reasonable action under the circumstances to make personal notification, or arrange for said notification if the victims/witnesses reside in another jurisdiction.) Anytime a notification is made, an "EVENT NUMBER" shall be assigned, and the date/time of each individual notification noted on the "Victim-Witness Information Form". The form shall,

upon notification to the listed individuals, be removed from the file, and forwarded to records for permanent retention.

In certain situations, such as where the suspect of a crime committed in Mahwah is apprehended elsewhere and perhaps released on bail well before we become aware of the arrest, the notification to the victims/witnesses will not be timely. However, every attempt shall still be made to complete the notification as soon as possible.

2. When ROR bail is established prior to the offender's confinement in the county jail, or the offender makes bail from the municipal jail, the Department shall notify the victims/witnesses of the offender's release. Said notification should include any associated conditions of the release.

3. Anytime the Department has been unable to effect notification, (after a reasonable number of attempts), the Department should inform the County Victim-Witness Coordinator promptly on the next business day. The Victim/Witness Coordinator should then be responsible for prompt notification to the victim.

4. Where the Department is responsible for notification to the victims/witnesses, the officer who made the initial contact with the victim should, whenever possible, be designated to provide notification to the victims/witnesses of the defendant's release from custody.

5. Upon verification of the escape of a defendant from the custody of the county jail or the return of an escapee to confinement in the county jail, notification of the escape or return to custody of the defendant should be provided to the victims/witnesses as specified above.

N. DOMESTIC VIOLENCE CASES: Analysis has revealed that one of the most prevalent types of offenses in which the victim may require additional protection/assistance is that of domestic disputes. To address the needs of victims of domestic disputes, a Domestic Violence Crisis Team has been formulated. The Crisis Team is made up of the Municipal Social Worker and a group of trained volunteers. The function of the Crisis Team is to review all D.V. cases and contact the victim of each case. The Crisis Team offers intervention, counseling, and ensures that Victim/Witness rights and applicable resources have been made known to the victim. In addition to the duties related to Domestic Violence, the D.V. crisis team will be responsible for periodically informing the public and media regarding the agency's overall victim/witness assistance services. This can be accomplished through media releases, face-to-face contacts, and seminars to interested groups.

O. NOTIFICATIONS OF DEATH: See Policy 145:10:30, titled "Notifications: Death/Serious Injury/Illness".

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I. BACKGROUND

It is the purpose of this policy to provide officers with guidelines for notifying next of kin of the death of a family member.

II. POLICY

Notification of next of kin of the death of a family member is a difficult task even for experienced officers. There is a natural hesitancy to deal with this subject, and the risk exists that, without guidance, inappropriate methods, comments or remarks may unnecessarily exacerbate the mental distress of survivors. Therefore, this law enforcement agency requires that all officers become familiar with concepts and procedures set forth in this policy so as to provide surviving family members with sufficient useful information and support in a manner consistent with professionally accepted crisis intervention techniques.

III. ACTION

For purposes of this policy, the closest relative of the deceased—spouse, parents, brothers or sisters, and children will be considered the next of kin.

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A. INFORMATION GATHERING AND PREPARATION

1. All death notifications that are the responsibility of this agency shall be delivered in person unless the exigency of circumstances demands telephonic notification. To the extent possible, two officers should be used to effectuate the in-person notification with at least one officer in uniform. This shall be done only with supervisory approval.
2. Officers shall be prepared to and shall be provided adequate discretion to spend the necessary time with survivors to provide assistance as authorized by this policy.

3. Prior to contacting next of kin, notifying officers shall gather and familiarize themselves with essential details concerning the deceased, to include full name, age, race and home address, as well as details of the death, location of the body/personal effects and other pertinent information.
4. Officers shall identify the next of kin of the deceased for purposes of notification. Particular effort should be made to locate the closest relative starting with a spouse and followed by parents, brothers or sisters, then children.
 - a. Only where substantial delays would be required to make contact with next of kin should other relatives be contacted.
 - b. Officers should contact a supervisor for guidance when in doubt concerning next of kin or delays in notification.
5. Where another agency must be contacted to notify the next of kin, officers should
 - a. Request that the notification be made in person, and
 - b. Request immediate verification when notification has been accomplished.
6. Wherever possible, officers should gather available information concerning the survivors that may aid in the notification. This includes but is not limited to whether survivors are elderly, disabled, visually or hearing impaired, have medical problems or may not speak English. If possible, obtain the names of the survivor's closest relative, friend, family doctor and clergyman. Officers shall ensure that they have on hand a list of referral agencies that may be helpful and should leave this with survivors.
7. Officers should, wherever reasonably possible, avoid using the name of the deceased over the radio prior to notification of immediate surviving relatives.
8. Where possible, two officers (preferably a male and female team) should be assigned to a death notification.
9. Officers should request the assistance of the agency chaplain or local crisis intervention specialist where feasible.
10. Personal effects of the deceased shall not be delivered to survivors at the time of death notification.
11. Notification of death should be made in person by a law enforcement officer who is actively involved in conducting the investigation.

B. MAKING NOTIFICATION

1. Notification of the next of kin should occur as soon as possible after the death is discovered, the victim's identity is determined and the next of kin is located.
2. The identity of the deceased and/or the facts and circumstances concerning the death should be provided to the next of kin prior to release to the media.
3. Upon arrival at the residence or place of business, officers shall do the following:
 - a. Check the accuracy of the location;
 - b. Request to speak to the immediate survivor;
 - c. Identify themselves by name, rank and departmental affiliation;
 - d. Verify the relationship of the survivor to the deceased; and
 - e. Ask permission to enter the residence or (in the case of a business or other location) move to a place of privacy.
4. If a child answers the door, the officers should request to speak to the child's parents and ensure that notification is being made to the appropriate individual.

D. SERIOUS INJURY/SERIOUSLY ILL: In cases of serious injury of illness, the investigating officers will, if possible, ascertain the desires of the injured/ill person relative to notification of next of kin and relay this information to the des officer, who will notify the next of kin by telephone.

E. SERIOUS INJURY/ILLNESS OR DEATH NOTIFICATIONS INVOLVING MEMBERS OF THE DEPARTMENT

1. Death or Serious Injury: When a member is killed or seriously injured on or off duty, his immediate supervisor will, as soon as possible, verbally notify the Chief of Police. This will be followed by the immediate submission of a report of the facts. Information shall include the date, location, cause, extent of injuries and property damage. Serious injury in this instance means an injury that could result in death or disability.

2. Death of Department Member or Employee: Any member or employee receiving notice of the death of any member or employee during regular business hours shall notify the Chief of Police, and commanding officer of the deceased. At other times, the desk officer shall be notified, and he shall relay such information to the aforementioned personnel.

3. Non-Serious Injury: In cases where the injuries are other than of a serious nature, a written report will be submitted prior to reporting off duty. The report shall include all information required above. These reports are in addition to these accident and sick reports otherwise required.

4. Notification of Family: The family of a member or employee killed or seriously injured on duty shall be personally notified by the highest-ranking officer available.

Mahwah Police Department – Policies and Procedures		Number 145:15:01
Subject Abandoned Infant Policy		
Issue Date 09272001		Effective Date 09272001
Revisions a. 01092012 LtSC, b.02262015 SgtSC		
Page 1 of 3.	Accreditation Number (None) 55.3.1	

I. BACKGROUND

The New Jersey Safe Haven Infant Protection Act allows a parent(s) or other individual(s), without expressing an intent to return for the child or identifying him/herself, to voluntarily leave an infant who is no more than thirty days old at a State, county or municipal police department or a hospital emergency room of a New Jersey licensed general hospital. By so doing the parent(s) or individual(s) will have removed the child from potential harm or a life threatening situation that often results in abandonment situations.

II. POLICY

It is the policy of this Department that all members adhere to the below listed guidelines regarding the New Jersey Safe Haven Infant Protection Act.

III. ACTION

A. DEFINITIONS

The Act- means the New Jersey Safe Haven Infant Protection Act, PL 2000, c. 58, to amend NJSA 30:4C-15 et seq.

Safe Haven for Infants Hotline- means the toll-free 24-hour hotline, reached by dialing 1-877-839-2339, established by the Department of Human Services pursuant to the Act, housed within the Division of Child Protection & Permanency and manned by specially trained DCPD staff. The hotline aims to serve the following purposes:

1. To receive and process referrals from a hospital emergency room when an infant is brought there from a police station, or brought directly to the hospital pursuant to the Act.
2. To provide support to persons who may be considering giving up, or even abandoning a newborn or a child as yet unborn.
3. To respond to inquiries from the public about the Act, safe placement alternatives for infants, and information about adoption proceedings in New Jersey.

Infant- means a child no more than 30 days old.

Hospital- means a licensed general hospital or medical center operating in the State of New Jersey under applicable State law.

Parent- means an infant's birth mother or birth father.

Police Department- means a State, county or municipal police department operating within the State of New Jersey.

Non-Identifying Information- means information about an infant, which is not intended to identify his or her parents or birth family.

DCPP- means the New Jersey Department of Human Services' Division of Child Protection & Permanency, the State's lead agency for the provision of child protective and child welfare services.

B. GENERAL PROCEDURES

Since State, county and municipal police departments have responsibilities under the Act, the following protocols are suggested by DCPP.

The act permits a parent or parents who want to permanently give up rights to an infant, or a person acting on a parent's behalf, to voluntarily deliver, and subsequently leave an infant at a police station or a hospital emergency room.

If the parent, or person acting on behalf of a parent, does not express intent to return for the child, the police shall proceed as follows:

1. Take physical custody of the infant.
2. Take any action necessary to protect the infant's physical health and safety.
3. Offer the parent(s), or person acting on behalf of a parent, literature provided by the Department of Human Services.
4. Offer the parent(s) medical services or inquire if they need medical care.
5. Transport the infant to the local hospital emergency room, or arrange for the infant's safe transportation to the hospital.
6. If signs of abuse or neglect are present, the person delivering the infant should be detained and the local Division of Child Protection & Permanency District Office (DCPP) should be contacted.
7. Consult the County Prosecutor and On-call detective **immediately** if the infant appears to be abused or neglected.
8. If offered, record basic, non-identifying information from the parent or person who brought the child to the police station. Record this information as it is being given to you. (A parent or person who brings an infant to a police station is not required to provide **any** information. He or she will most likely be nervous, anxious and perhaps distrusting. Be concerned and supportive when reaching out. Do not be judgmental. Remember that the physical safety of the infant is of paramount concern.) Such information may include:
 - a. The child's present health. (Has the child been sick since birth? Does the child appear to have any handicaps or physical or developmental problems?
 - b. The child's race.
 - c. The composition of the child's birth family. The age of the parents.
 - d. Was the child given a name?
 - e. The child's date and place of birth (city/town? State? Country?).
 - f. The infant's pre-natal history. (Did the mother receive medical care while pregnant? Did she deliver in a hospital or birthing center? Was the baby full term? Birth weight?)
 - g. The physical and mental health history of each parent. Any hospitalizations?
 - h. Whether either parent is HIV positive/has any serious medical problems.
 - i. Did the mother take/use any drugs and/or abuse alcohol while pregnant? Gather details.
 - j. Why the infant is being given up.
 - k. Is the father aware of the birth of the child? Is the extended family aware?
9. Offer details to the emergency room staff about the child being brought to/appearing at the police station. Provide any non-identifying information obtained from the parent or

other person who delivered the child, to be documented in the infant's medical chart, and later shared by the hospital with DCPD.

10. Provide a copy of the police report of the incident to DCPD, upon request.

11. Assist the Missing Persons Unit of the Division of the State Police, and DCPD with its search of listings of missing children, to ensure that the infant has not been reported "missing".

Note: Police officers and staff who act in good faith when attempting to help these infants and their parents shall be immune from civil and criminal liability under the law.

C. INVESTIGATION

Any officer who is present at police headquarters when an infant is voluntarily left shall immediately notify a supervisor and attempt to obtain the above information for the required investigation report. The investigating officer will make arrangements for the immediate transport of the infant to the nearest New Jersey licensed hospital (Valley Hospital or Bergen Regional Medical Center) via ambulance. Once at the hospital, the investigating officer will note any physical signs of abuse after a physician checks the infant. If possible, the investigating officer will obtain any documentation from the hospital regarding the physician's check-up.

Mahwah Police Department – Policies and Procedures		Number 150:05:10
Subject Enforcement Action		
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Revisions a.01122012 CaptRS b. 02262015 SgtMB c. 08/2018 D.Lt.GB		
Page 1 of 4.	Accreditation Number 61.1.2	

I. BACKGROUND

It is the policy of the Mahwah Police Department that enforcement actions regarding traffic law enforcement are commensurate with applicable laws and take into account the degree and severity of the violation committed. The enforcement of traffic laws and ordinances within the Township of Mahwah is a primary responsibility of the Mahwah Police Department. Uniform enforcement procedures support the ultimate goal of traffic law enforcement, which is to reduce traffic crashes and increase voluntary compliance with traffic laws by motorists and pedestrians. The role of the officer is to observe, detect, and prevent violations of traffic laws and to take appropriate enforcement actions when violations are observed. Enforcement policies cannot and should not take the place of the individual officer's discretion, based upon professional judgment and a combination of training and experience. This Department places a strong emphasis on both the qualitative and quantitative aspects of the Department's traffic enforcement program. The Department prohibits any formal or informal system with an emphasis solely on the quantitative basis of enforcement activities, such as ticket quotas.

II. POLICY

It is the policy of this Department that all members adhere to the below guidelines on traffic related situations and enforcement procedures.

III. ACTION

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A.	Making a Physical Arrest	pp. 1-2
B.	Issuing a Citation (Notice to Appear)	p. 2
C.	Issuing a Verbal Warning	p. 2-3
D.	Citation Control	p. 3

ENFORCEMENT ACTION: Officers shall take appropriate enforcement action for each violation of law witnessed or reported to them. Enforcement action does not provide the officer the privilege to scold, lecture, belittle, berate, or otherwise verbally abuse the violator. The officer's actions should demonstrate a professional attitude and serve to improve the relationship between the public and the department. All enforcement actions shall be accomplished in a firm, fair, impartial, and courteous manner using one of the following methods:

A. MAKING A PHYSICAL ARREST

According to Title 39, Section 5-25 any law enforcement officer may, without a warrant,

arrest any person violating in his presence any provision of chapter 3, or any person, other than a bus driver running a route, violating chapter 4 of Title 39. A law enforcement officer may arrest without a warrant any person who the officer has probable cause to believe has operated a motor vehicle in violation of 39:4-50 or any person who has operated a commercial motor vehicle with an alcohol concentration of 0.04% or more, or while under the influence of a controlled dangerous substance (39:3-10.13), regardless of whether the suspected violation occurs in the officer's presence (see also 39:5C-1, Racing or Making Speed Records on Highway, a disorderly persons offense). The bus driver exemption is not extended to driving while intoxicated. Officers should effect the physical arrest of persons who are in violation of traffic laws pertaining to driving while under the influence of alcohol or drugs, commission of any traffic offense which is a crime or when required by the court. There may be other instances in which a violator should be physically arrested. The decision to affect a physical arrest should be based upon sound legal principles as opposed to superficial issues such as the violator's "attitude."

Officers will make a physical arrest in situations involving the following:

- 1) Violations of traffic laws pertaining to driving under the influence of alcohol or other intoxicants;
- 2) Whenever a crime (felony) has been committed involving a vehicle;

B. ISSUING A CITATION (NOTICE TO APPEAR)

Section 5-25 also allows that any law enforcement officer may, instead of arresting an offender, serve upon him a summons. The issuance of a traffic citation is applicable in the majority of cases involving all traffic violators. A traffic citation should be issued to all violators who jeopardize the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations, parking violations, and operating unsafe and/or improperly equipped vehicles.

A Mahwah Municipal Court Summons should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

When an Officer from another jurisdiction wishes to issue a summons for a violation within the Township of Mahwah, the traffic complaint is put on the Special Complaint Form and not a traffic summons. This is also done when a civilian wants to proceed with a traffic complaint against another. Likewise, if a Mahwah Officer wishes to issue a summons in another jurisdiction, it is to be done on their Special Complaint Form. If the circumstances exist that a summons must be mailed to a violator, the department from should be filled out and signed by a supervisor explaining the violation and the reason the summons must be mailed. That form will be submitted with the summons to the records bureau.

C. ISSUING A VERBAL WARNING

A written and/or verbal warning is a proper alternative used by officers in response to a minor traffic infraction committed in those areas where traffic crash potential is minimal. Warnings are also appropriate for those violations, which occur within tolerances generally allowed by the Mahwah Police Department, including speeds slightly in excess of the legal limit.

Similarly, a verbal warning is appropriate for minor equipment failure (such as license plates not illuminated) of which the driver was unaware. Verbal warnings should only be issued when circumstances require that to be the prudent course of action, and to do otherwise would present unnecessary risk of physical harm to persons or property.

A warning may be given to a violator wherever there is a minor traffic infraction committed in those areas where traffic accident experience are minimal, or when the act may be due to ignorance of a local ordinance which may be a unique violation or a

violation which the driver may not be aware of. An effective warning, properly given by an officer, can be more effective, while building positive rapport with the motoring public, than any other type of enforcement action.

Examples of acceptable conditions for verbal warnings would be:

- a. Vehicle stopped for a violation that is found to be transporting somebody to the hospital for emergency medical care;
- b. Issuing a verbal warning to respond to a high priority type call such as another officer in need of assistance, robbery or burglary in progress, etc.; and
- c. A doctor en route to a bona fide emergency.

See also SOP 005:10:35, "Officer Discretion".

D. CITATION CONTROL

Citation control is necessary to provide guidelines to ensure proper control and security of citation books.

1. Handwritten citation books are ordered, stored, and are ordinarily distributed one book at a time by the Records Bureau;
2. The Court Administrator will maintain a citation book control ledger:
 - a) Record series of control numbers for all citation books on hand;
 - b) Record date, receiving officers' signature and other appropriate data when citation books are issued to patrol officers;
 - c) The Court Administrator will maintain a citation control ledger to control the flow of each citation issued by individual officers;
 - d) Control copies of each citation will be forwarded to the Court administrators Office on the next working day following the issuance of the summons.
3. Electronic Citations – see SOP 150:05:11 E-Ticketing
4. Voidance of Summons:

Tickets may be voided only in situations where the officer makes a physical error in completing the summons, (i.e., writing information in the wrong space of the ticket itself or accidentally tearing or mutilating the summons in the course of completing it). Whenever a ticket is voided, a new corrected summons shall be made out in its place. When the officer files the corrected summons with the court, all copies of the voided summons along with a signed statement explaining the circumstances involving the voidance shall accompany it. A presiding judge must examine the signed statement, and he must approve the voidance of the summons. The judge may choose to void the summons in open court and make it a matter of the court record. A voided summons will not be docketed as an issued summons. The traffic summons control record is noted and the voided summons filed in a separate, specified file. A summons may not be voided where matters of defense, interpretation of the law, or mitigating circumstances are involved. Such summons are to be turned into the court, docketed and disposed of by the court on the record. A good basic rule of thumb is that a voided summons is never docketed and a ticket that is docketed is never voided.

5. Loss or theft of Summons:

- a) In the event a summons/summons book is lost or stolen, the officer to whom it was issued shall immediately notify his immediate supervisor and submit a written report through appropriate channels to the Tour Commander.
- b) Upon review and acceptance of the required report by the commanding officer, a copy will be forwarded no later than the next business day to the Court Clerks office in order that they may adjust their records accordingly.

6. Amendment:

In the event a summons that has already been issued and served is found to contain an error, an amendment form is to be completed by the officer. The form will describe the error and the requested correction. This will be signed by a supervisor and forwarded to the court.

Mahwah Police Department – Policies and Procedures		Number 150:05:15
Subject Special Violator Processing		
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Reviewed: 08/2018 D.Lt.GB		
Page 1 of 6.	Accreditation Number 61.1.3	

I. BACKGROUND

In some instances special processing is required when conducting a traffic stop where the violator is not from this state or has some type of immunity. The below listed guidelines should assist the arresting officer with how to complete a lawful motor vehicle stop under these conditions.

II. POLICY

It is the policy of this Department that all members adhere to the below guidelines on traffic related situations and enforcement procedures.

III. ACTION

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C.	State or Federal Legislators	p. 2
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SPECIAL TRAFFIC LAW VIOLATORS

A. NONRESIDENT VIOLATORS

According to Title 39, Section 5F-5, When issuing a citation for a traffic violation to a nonresident violator, a police officer shall issue the citation to a motorist who possesses a driver's license issued by a party jurisdiction and shall not, require the motorist to post collateral to secure appearance, if the officer receives the motorist's personal recognizance that he will comply with the terms of the citation. If the nonresident violator fails to comply with the terms of the citation the licensing authority in his home jurisdiction will notify the violation of the failure to comply and take action to suspend the motorist's driver's license.

B. JUVENILE VIOLATORS

A juvenile of any age who is alleged to have committed a violation of any section of NJSA 39:3, 4, 6 or 8 is not charged with delinquency, but must be charged with a motor vehicle violation and proceeded against as an adult in the municipal court. The municipal

court has jurisdiction regardless of whether the juvenile is licensed to operate a vehicle. Juveniles operating motor vehicles on the roads of this State, whether licensed or not, are subject to the implied consent provisions of the motor vehicle laws. Pursuant to NJSA 39:4-50.2(a), any person who operates a motor vehicle on any public road, street or highway or quasi-public area in this State shall be deemed to have given his consent to the taking of samples of his breath for the purpose of making chemical tests to determine the blood alcohol content.

If a juvenile is arrested for or charged with death by auto, assault by auto or eluding, a delinquency complaint is to be filed in Family Court.

Any juvenile who commits a motor vehicle violation may be issued a motor vehicle summons for violation of N.J. Motor Vehicle Traffic Laws (Title 39) as per N.J.S.A. 2A:4A-23. M.V. Operators Under The Legal Age To Purchase Alcoholic Beverages: Any person under the legal age to purchase alcoholic beverage who operates a motor vehicle with a BAC of 0.01% or more but less than 0.10% shall be issued a motor vehicle summons for violation of N.J.S.A. 39:4-50.14.

Any time a juvenile is taken into custody it becomes the officer's responsibility to notify the juvenile's parent or guardian of the circumstances immediately.

C. STATE OR FEDERAL LEGISLATORS

By statute, members of the United States Congress are, in all cases except treason, felony, and breach of the peace, immune from arrest during their attendance at the session of their respective House, and while traveling to and from sessions. They are also immune from arrest while traveling to and from any speech or debate in either House. Members of state legislatures, in some cases, have the same immunity as granted to members of Congress. The common law prevails and privileges them from arrest while attending or traveling to and from sessions of their respective Houses. Citations may be issued to such persons with the approval of the prosecutor.

D. FOREIGN DIPLOMATS, CONSULAR OFFICIALS, AND FOREIGN NATIONALS

Diplomatic and consular officers should be accorded their respective privileges, rights, and immunities as directed by law and federal statutes. They should be treated with the courtesy and respect that befit their distinguished positions. At the same time, it is a well-established principle of international law that it is the duty of all persons enjoying such rights and privileges to respect local laws and regulations. Diplomatic immunity, a principle of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families, official staff, and servants, who are not nationals or normally permanent residents in the receiving state. They are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense under current U.S. Law (22 U.S.C. 252). While the burden is upon the diplomat to claim immunity through the presentation of valid credentials, diplomatic status may also be verified through the U.S. Department of State as follows:

- a. To determine current status of federal diplomatic license tags, registration or other motor vehicle information: (202) 632-0291;
- b. Diplomatic agents and family members: (202) 632-0291;
- c. Administrative and technical, Service staff, and families: (202) 632-0705;
- d. Consular personnel and families: (202) 632-0706; and
- e. International organizations: (202) 632-1716.

a) Diplomatic Immunity:

Diplomatic immunity, a principle of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic officers, their families, and servants. Diplomatic officers should not be arrested or detained except for the commission of a grave crime. Family members of diplomatic officers, their servants, and employees of a diplomatic mission are entitled to the same immunities under current U.S. law (22 U.S.C. 252) if they are not nationals of or permanent resident in the receiving state.

Associated with this personal immunity is the inviolability enjoyed the premises of the mission of the sending state and the private residence of a diplomatic agent, his property, papers, and correspondence.

b) Diplomatic Officers:

Ambassadors and ministers are the highest-ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché. These officials are located either in Washington D.C., or in New York City. Diplomatic Officers, their families, official staff, and servants, who are not nationals of or permanent resident in the receiving state, are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense.

c) Consular Officers:

Consular Officers are Consuls-General, Deputy Consuls-General, Consuls, and Vice Consuls. They are also official representatives of foreign governments. Consular officers are required to be treated with due respect, and all appropriate steps are to be taken to prevent any attack on their person, freedom, or dignity. They are entitled to limited immunities as described below.

(1) Immunities:

Under prevailing international law and agreement, a foreign career Consular Officer is not liable to arrest or detention pending trial, except in the case of a grave crime (felony crime that would endanger the public safety) and pursuant to a decision by the competent judicial authority. His immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination.

(2) Identification:

Credentials issued by the State Department and by other locally issued official identification papers can identify career Consular Officers. The State Department credential bears its seal, the name of the officer, his title, and the signatures of State Department officials.

d) Honorary Consuls:

Often nationals or permanent residents of the receiving state are appointed and received as honorary Consular Officers to perform the functions generally performed by career Consular Officers. Such officers do not receive identification cards from the State Department of the type issued to career Consular Officers, though they may exhibit reduced-size copies of the exequatur or diplomatic note evidencing recognition by the United States Government. These individuals are not immune from arrest or detention; they are also not entitled to personal immunity from the civil and criminal jurisdiction of the receiving state, except as to official acts performed in the exercise of their consular functions. However, appropriate steps must be provided to accord to such officers the protection required by virtue of their official position. In addition, the consular archives and documents of a consular post headed by any honorary consul are inviolable at all times and wherever they may be, provided they are kept separate from other papers and documents of a private or commercial nature relating to the other activities of an honorary consul and persons working with him.

e) Families of Consular Officers:

Family members of Consular Officers do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdiction of the receiving state as do Consular Officers. However, they should be accorded appropriate courtesy and respect.

f) Consular Premises:

Consular premises used exclusively for the work of the consular post cannot be entered without explicit permission of the head of the consular post or his designee or by the head

of the diplomatic mission. This permission may be assumed in the case of fire or other disaster requiring prompt protective action.

g) Consular Archives, Documents, Records, and Correspondence:

The consular archives and documents are inviolable at all times and wherever they may be. The official correspondence of the consular posts, which means all correspondence relating to the consular post and its functions, is likewise inviolable.

The official should not be handcuffed, subjected to any sobriety test, or mistreated in any way.

At best, this is a sensitive situation. The official should be treated with respect and courtesy. It should be impressed upon him that the officer's primary responsibility is to care for his safety and the safety of others.

c) Offenses Involving Family Members of a Consular Officer:

Family members of a Consular Officer cannot claim immunity. However, consideration should be given to the special nature of this type of case. A violation should be handled, when possible, through the seeking of a complaint. The individual should be released once positive identification is made and relationship with the Consular Official is verified. If the relative is a juvenile, as in all juvenile cases, the subject should be released to the parent Consular Officer.

d) Reporting of Incidents to Office of the Governor:

In the event that a Consular Officer or member of his family or personal staff should become involved in any actions taken by members of the Department, the office of the Governor shall be immediately furnished with all pertinent information through the Office of the Chief of Police.

After regular business hours all inquiries should be made to the Command Center of the Office of Security, Department of State. The Command Center operates on a 24-hour per day business: (202) 632-6173, or (202) 632-2412. United Nations (New York) verification information is available from the Host country Section of the U.S. Mission to the UN in New York: (212) 826-4440. After regular business hours all inquiries should be made to the Communications Section of the U.S. Mission to the United Nations. The Communications Section operates on a 24-hour per day basis: (212) 826-4449.

Following any diplomatic incident or arrest, a copy of the report should be promptly sent to the Command Center, Office of Security, Department of State, Washington D.C., 20520. Serious incidents should be reported by telephone as soon as possible. When a United Nations diplomat is involved in such an incident, a copy of the report should be sent promptly to the host Country Section, U.S. Mission to the United Nations, 799 UN Plaza, New York, 10017. Serious incidents should be reported by telephone as soon as possible.

Ambassadors and ministers are the highest-ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché. Such diplomatic officers are generally located in Washington D.C., or New York City. Diplomatic officers, their families, official staff and servants are protected by unlimited immunity from arrest, detention or prosecution with respect to any civil or criminal offense. Credentials issued by the State Department can identify career consular officials. Such State Department credentials bears its seal, the name, and title of the consular officer, and the signature of State Department officials. Honorary consular officials do not receive State Department identification cards, but may exhibit reduced size copies of the diplomatic note evidencing recognition by the United States Government. These individuals are accorded

the protection and courtesy accorded by virtue of their position, however, they are not immune from arrest or detention.

E. MILITARY PERSONNEL

For purposes of this section, armed forces personnel will include regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, and reservists who are on active duty. As a general policy, officers of the Mahwah Police Department should not physically arrest any military personnel going to, remaining at, or returning from that person's duty station, except in exceptional cases. However, on occasion it will be necessary to issue a traffic citation, affect a physical arrest, or investigate a traffic crash involving a member of the armed forces. In such cases the officer should consult with the Patrol Watch Commander prior to taking enforcement action.

When a physical arrest of an armed forces member does occur who is at his duty station, or traveling to or from his duty station, the investigating officer's supervisor shall cause the liaison officer of the nearest armed forces investigative division to be notified (Defense Investigative Services, 732-532-1112, Fort Monmouth, New Jersey). This does not apply when the arrested subject is on extended leave at the time of arrest, nor when only a traffic citation is issued and no actual physical arrest has been made.

If a member of the armed forces is involved in a traffic crash resulting in that person's death or injury serious enough to require hospitalization, the investigating officer's supervisor shall cause the liaison officer of the nearest armed forces investigative division to be notified (732-532-1112). This requirement also applies to similar incidents involving armed forces civilian personnel. In the event a crash results in U.S. government equipment being seized, towed, or confiscated, the appropriate governmental unit shall be notified in accordance with this section.

F. PHYSICIANS ENROUTE TO AN EMERGENCY

In the event an officer observes a traffic violation committed by a physician enroute to an alleged emergency, the following procedures shall be taken:

- a. Upon determining that the driver is a physician, the officer will obtain the identity and intended destination of the physician;
- b. If the emergency is extreme or urgent, the physician will not be detained, but advised to proceed cautiously within the limits of the law. The officer, by whatever means available, is to verify the physician's claims. If the claims were false, the officer is to issue a citation as appropriate and take any other enforcement action necessary at a later time.

G. PERSONS WITH IMMUNITY FROM ARREST

When persons privileged from arrest are stopped for a moving violation, the officer on the scene, upon being advised by the driver of their status and ascertaining that they possess the proper credentials, should exercise discretion based on the nature of the violation. The officer should then release them with a warning of the danger of their actions, or proceed with the issuance of a citation. Mere issuance of a citation does not constitute arrest or detention in the sense referred to above.

When an officer has occasion to stop somebody with privilege or immunity from arrest and it is determined that the persons is under the influence of alcohol and/or drugs, or driving under suspension, the officer's primary responsibility is to care for the safety of the individual and the public. Under such circumstances the officer may:

- a. Take the subject to the police building, complete the necessary paperwork, and arrange for their immediate release to a responsible party;
- b. Take the subject to a telephone and allow them to contact a friend or relative to arrange for transportation;
- c. Take the subject home or to their destination, if either is within the Township limits; and
- d. The subject should not be handcuffed or subjected to any sobriety tests. They should be treated with respect and courtesy.

Mahwah Police Department – Policies and Procedures		Number 150:05:20
Subject Violator Information		
Issue Date 03272001		Effective Date 03272001
Revisions a. 01102012 LtSC, b. 02262015 Sgt MB, c. 08/2018 D.Lt.GB		
Page 1 of 2 .	Accreditation Number 61.1.4	

I. BACKGROUND

It is essential that officers fully explain the rights and requirements imposed on motorists upon arrest or issuance of a traffic citation. With this in mind, the below listed directives will assist the officer in explaining the procedure for obtaining a satisfactory outcome when issued a citation.

II. POLICY

It is the policy of this Department that all members adhere to the below guidelines on traffic related situations and enforcement procedures.

III. ACTION

VIOLATOR INFORMATION

When a motorist is charged with a traffic violation, the officer will provide the violator with a copy of the citation, which will specify the specific charge, and include the date, time, and location of the scheduled court appearance. All adult violators shall be cited into the Mahwah Municipal Court. The Mahwah Municipal Court convenes its session in Mahwah on nearly every Tuesday. To ensure adequate time for all reports to be completed and cases added to the court docket, adult violators issued citations shall be assigned the first available court date that occurs approximately three weeks after the violation date (with the exception of DWI cases, which will receive the next available court date). Holidays, vacations, and other court approved schedule modifications may require deviation from this directive and in those cases; officers shall follow the directions issued by the Court.

When a motorist is issued an electronic citation the court date will automatically assigned by the AOC and will be documented on the printed summons. If the violation mandates a court appearance it will automatically be documented on the summons.

Incidents that require a mandatory court appearance should be indicated on the ticket by marking the appropriate box. If appearance is not mandatory, the motorist shall be advised that they may waive their court appearance by paying the fine already established by mail or by going to the Municipal Court office or on-line. The officer may provide such information to the motorist verbally, or indicate to the operator where it is in writing on the back of the motorist's copy of the citation. The motorist shall be advised of any other information deemed necessary in a clear, concise, and professional manner. All violators shall be advised of the possible consequences of failing to appear as required or failing to make a plea prior to the scheduled court date.

Motorists indicating they will waive a court appearance shall be advised either verbally or in writing on the back of the citation that the waiver may be paid by mail or on-line, using a credit card, money order or personal check drawn on local banks, made payable to the Mahwah Municipal Court.

Juveniles receiving motor vehicle summons will follow the same procedures as adults in most cases other than DWI. Juveniles are permitted to waive court appearance but the citing officer may require a court appearance and subpoena the parent or guardian of the juvenile to appear also.

The issued summons whether electronic or handwritten will be printed with the necessary information regarding: 1) Plea of Not Guilty, 2) Court Appearance Required and 3) Plea of Guilty: Payment Through Violations Bureau. The hours of operation, address and telephone number of the Violations Bureau along with a summary of the penalties for commonly charged offenses is also listed. A notice is printed at the bottom of the summons that explains the possible outcome of failing to appear or pay the prescribed penalty. This information should be explained to the violator and will ultimately assist in the satisfactory completion of the requirements and penalties. QUESTIONS ABOUT FINES AND PENALTIES SHOULD BE REFERED TO THE COURT ADMINISTRATOR.

Any Police Officer from the Township of Mahwah who issues a summons to a motorist will provide the following information to the defendant:

- a. The date and time of the court appearance;
- b. Whether or not a court appearance is mandated;
- c. The defendant will be advised by the officer to call the court clerk if there are any questions concerning a plea or payment of fines, and the officer will provide the telephone number of the court clerk;
- d. The defendant will be provided with all pertinent information to the charges made against him/her and the issuing officer will answer any questions that the defendant has.

Mahwah Police Department – Policies and Procedures		Number 150:05:25
Subject Uniform Enforcement of Traffic Laws		
Issue Date 03272001		Effective Date 03272001
Reviewed: 08/2018 D.Lt.GB		
Page 1 of 8.	Accreditation Number 61.1.5	

I. BACKGROUND

Appropriate uniform enforcement action for traffic violations is important if motorists are to ensure traffic safety in the Township of Mahwah. Tolerances are to be followed whenever possible. However, it is recognized that special circumstances do occur which require officers to use good judgment, based on training, experience, and common sense, taking into consideration the circumstances and conditions at the time of the violation. Uniformed enforcement guidelines combined with properly used discretion will ensure appropriate actions and gain the public confidence in traffic enforcement.

The ultimate goal of traffic law enforcement is to achieve voluntary compliance with traffic laws and regulations from the motoring public. In order to achieve this goal, when probable cause exists, officers shall take enforcement action against anyone found to be violating one of these laws. These enforcement policies do not supplant officer judgment, for it is impossible to foresee every conceivable situation involving traffic violations. In unusual circumstances, the officer must decide what enforcement action is proper based on a combination of training, experience and common sense.

II. POLICY

It is the policy of this Department that all members adhere to the below guidelines on traffic related situations and enforcement procedures.

III. ACTION

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UNIFORM ENFORCEMENT OF TRAFFIC LAWS

A. DWI VIOLATIONS

It is the policy of the Mahwah Police Department to aggressively enforce the laws pertaining to driving under the influence of alcohol/drugs. When having probable cause, officers shall arrest any driver found to be in violation of these laws. Probable cause can be established by observation of vehicle operation, field sobriety tests, and other sensory observations of the officer, as well as involvement in single vehicle collisions and reports from other jurisdictions of a possible intoxicated driver. Warnings for DUI violations are inappropriate.

1) Anyone who is suspected of operating a motor vehicle under the influence of alcohol/drugs will be given a field sobriety test. If the officer determines that he has probable cause to believe the individual is under the influence of alcohol/drugs, then he/she will be arrested and taken to the station for a breath test. Regardless of the breath test reading, a summons shall be issued for 39:4-50.

A subject who obtains a reading of less than .10%BAC will be responsible for proving in court that he/she was not under the influence, despite the reading. The summons is issued based on the probable cause established at the time of arrest, not as a result of the breath test. Should the individual pass the breath test, and drugs are suspected to be involved, the individual will be transported to the hospital in order to obtain a blood sample for analysis. Again, a summons shall be issued at that time. Should the operator be under the legal age to purchase an alcoholic beverage, he will be issued a motor vehicle summons for violation of N.J.S.A. 39:4-50.14.

2) A person who refuses to take the breath test will be issued an additional summons for refusing to submit to a breath test, 39:4-50.2.

B. DRIVING UNDER SUSPENSION/REVOCATION VIOLATIONS

The patrol officer is frequently in the position of encountering drivers, following the detection of a traffic violation, random license plate check or other contact, who are unable to produce a valid driver's license. This could be the result of various actions not only of the driver, but also of the court and/or the Division of Motor Vehicles (DMV). The officer should check through the computer of Communications Desk by name, social security number, and date of birth for the current status of driving privileges. If the violator has a valid license, then the officer's actions should be dictated by the initial violation or contact.

a. If the driver does not have a valid driver's license through DMV on-line records, the officer should determine if the violator was ever issued a license through the state or their state of residency. If it can be determined no license was ever issued, the officer should cite for unlicensed driver, unless circumstances warrant a physical arrest; e.g., no supporting identification, out-of-state resident and probable cause to arrest through investigation.

b. If the violator was issued a license in this state or their state of residence and the violator's driving privileges have been revoked or suspended, the officer should cite for driving while suspended and/or unlicensed driver, unless circumstances warrant physical arrest (e.g., no supporting identification, out-of-state resident or ATS warrants active).

- c. In either case, the driver should not be allowed to drive from the location of the traffic stop, and other arrangements should be made; e.g., another licensed driver in the vehicle, or someone who can pick up the vehicle. Unless the driver is incarcerated, the vehicle need not be towed if it is legally parked or on private property;
- d. If there is a doubt about the correct status of a license suspension due to DMV computer problems or the like, the officer should release the driver until verification is gained. A citation can then be issued when confirmation of the license suspension is received via mail.
- e. Officers should always request verification by the Communications Desk of the violator's status, but need not wait for the reply unless the officer has doubt about the validity of the suspension/revocation.

C. SPEED VIOLATIONS

Enforcement of speed laws requires that officers of the Mahwah Police Department take numerous factors into consideration:

- Weather;
- Road conditions;
- Traffic volume, visibility;
- Type of area (business, residential, school, etc.);
- Crash frequency;
- Pedestrian volume; and
- Other conditions affecting the safe movement of traffic on the roadway.

Officers are reminded that there is a direct correlation between excessive speed and accidents, including extent of injury and death. Officers are to issue citations at those times when vehicle speeds are unsafe for conditions, and when speeds exceed posted limits, and the following criteria is met:

- a. Radar speed clocks are done with properly calibrated radar units, and calibration documentation is current and valid in the Records Bureau;
- b. Violators who are clocked by a "moving pace" for at least one quarter of a mile.

D. OTHER MOVING OR HAZARDOUS VIOLATIONS

Hazardous violations include any violation of laws, ordinances, or regulations, which affect the use or protection of streets or highways, and enacted primarily to regulate the safe movement of vehicles or pedestrians. Hazardous violations generally fall into one of two categories:

- a. Unsafe behavior, which would include an action or an omission in traffic that is hazardous even when vehicles, streets, or highways, and people involved are in legal conditions; and
- b. Unsafe conditions, which includes causing or permitting an illegal and possibly hazardous condition of:
 - A driver or pedestrian in traffic;
 - Streets or highways used by traffic, and
 - Vehicles used in traffic

Officers should issue citations or make physical arrests, when appropriate, for hazardous moving violations and operating unsafe vehicles.

E. OFF-ROAD VEHICLE VIOLATIONS

Officers investigating complaints involving the use of off road vehicles on private property shall make reasonable attempts to contact the property owner and ascertain

whether or not the operator(s) of such vehicles have permission to operate the off road vehicles on the property involved. If it is determined that the operator(s) of the off road vehicles did not have permission from the owner to be present, the officer shall, at the very least, ensure that the persons leave the property. Dependent on a variety of factors, officers may issue citations or make physical arrests for criminal trespassing, criminal mischief, or other applicable violations.

When it is determined that the operator(s) of off road vehicles do have permission from the property owner the officer should suggest to the operator(s) that they obtain written permission from the property owner, including the property owner's name and phone number, and carry the written authorization with them in the future during the times that they will be using the owner's property for such purposes.

The operator of any off road vehicle that is driven upon public roadways must comply with registration and driver's license laws the same as operators of any other motor vehicle driven upon public roadways. Additionally, various state and local laws prohibit the operation of off road vehicles on public roadways unless certain criteria are met. These laws shall be strictly enforced. Towing of off road vehicles may occasionally be necessary for a variety of reasons. When such situations do arise, off road vehicles are to be towed in accordance with General Order 61.4.3, Impounding of Motor Vehicles.

Juvenile offenders should be handled the same as adult offenders. Seriousness of a particular violation and/or collision will be taken into consideration when determining if a parent or custodian should be contacted regarding a juvenile who is involved in a violation or accident with an off road vehicle.

Title 39, Section 3C of the New Jersey Statutes Annotated covers enforcement of laws related to snowmobiles and all-terrain vehicles, including licensing, registration, insurance, equipment and reporting of collisions.

Officers should have a working knowledge of all laws applicable to off road vehicles, and become familiar with specific laws and ordinances relating to special locations and off road vehicles.

F. NON MOVING VIOLATIONS

When a vehicle is found to be in violation of a law, ordinance, or rule by virtue of an equipment violation, officers have a wide range of discretion. Officers are reminded that, in many cases, drivers are not aware of minor vehicle defects until they are informed of them by the officer, or that in many instances a defect may have occurred just moments before the officer observed it. A warning will suffice in most instances of an equipment violation. However, officers should issue citations for equipment violations under the following circumstances:

- Whenever a driver operates a vehicle with blatant disregard for a vehicle defect;
- When a vehicle defect effectively hampers the safe operation of a vehicle;
- When it is determined that an equipment violation was the proximate cause of accident;
- When multiple equipment violations are found on one vehicle at the same time, making the vehicle generally unsafe to be operated on the streets or highways; and
- When a driver has previously been issued a warning for an equipment violation and, after a reasonable time period, has failed to make necessary repairs or chose to ignore the previous warning.

G. PUBLIC CARRIER/COMMERCIAL VEHICLE VIOLATIONS

Operators of commercial vehicles are subject to the same treatment as other motorists. Uniform enforcement policies and procedures noted in this SOP are applicable to

commercial vehicles. Non-hazardous violations may be handled by warning when deemed appropriate by the investigating officer. Such violations may include registration laws, minor equipment defects, certificate of title violations, etc.

Enforcement of Commercial Drivers License (CDL) Act

1) While probable cause is a necessary prerequisite for performance of a stop of a commercial motor vehicle, the following are two (2) exceptions to the probable cause rule:

- a. Commercial Motor Vehicle checkpoint, weigh station or inspection.
- b. D.W.I. checkpoints

Note: Commercial Motor Vehicle stops should only be made for legitimate articulable reasons and not randomly.

2) When an officer comes in contact with a commercial motor vehicle operator who is not in possession of a valid CDL, the officer shall issue a summons to that operator for N.J.S.A. 39:3-10.18a (1).

3) When an officer comes in contact with a commercial motor vehicle operator who has had his commercial drivers license suspended or revoked, the officer shall issue a commercial motor vehicle summons to that operator for N.J.S.A. 39:3-10.18b.(1).

4) The officer shall not permit an unlicensed, suspended or revoked operator to continue driving the commercial motor vehicle. If a licensed commercial vehicle operator is not readily available, the vehicle is to be removed and impounded as provided by department towing and impounding policy.

Note: Under normal circumstances, the operator or person responsible for the vehicle, should be given the opportunity to select a wrecker of his choice or to have another qualified driver respond to remove the vehicle.

5) The officer shall permit the violator to remove any personal property, within reason, from the vehicle before it is moved.

6) Operation of a commercial motor vehicle with an alcohol concentration of 0.04% B.A.C. or more is a violation of N.J.S.A. 39-3-10.13.

7) After conducting an initial examination at the scene of the traffic contact, and upon determining that probable cause to arrest is present, officers will affect an arrest of the subject. Once the officer has determined that he is going to arrest the subject, he will read the Miranda rights to the subject.

8) Officers will not release a subject or arrange for alternate transportation in lieu of arrest.

9) Breath tests will be administered to the subject in compliance with N.J.S.A. 39:3-10.24 (implied consent to taking of samples of breath). If the subject has a mouth injury or has been taken to the hospital due to injuries or for medical reasons, the arresting officer shall inform the subject that a blood sample shall be drawn by qualified personnel for the purpose of determining the presence and quantity of alcohol and/or drugs in the subject's blood or urine.

10) Should the suspect refuse to submit to the chemical breath tests after having been read the CDL standard statement by the arresting officer, or fail to give satisfactory breath samples as determined by the breath test operator, the arresting officer shall issue a summons for refusal pursuant to N.J.S.A. 39:3-10.24.

11) Chemical breath tests and results.

- a. A minimum of two breath tests shall be administered and results, to be considered valid, must not differ by more than 0.01% BAC from each other. If needed, additional breath tests shall be administered.
- b. If the suspect performs the breath tests satisfactorily, and it is determined that the alcohol concentration is 0.04%BAC or more, the arresting officer shall issue a summons for N.J.S.A.39:3-10.13, a per se violation.
- c. If the suspect performs the breath tests satisfactorily, and it is determined that the alcohol concentration is 0.10%BAC or more, the officer shall issue a summons to the suspect for N.J.S.A. 39:3-10.13, a per se violation and shall also issue a summons to that suspect charging a violation of N.J.S.A. 39:4-50, operating a motor vehicle under the influence of alcohol. The N.J.S.A. 39:4-50

summons will be supported by the observations of the arresting officer as documented on the Drunk Driving Report and its narrative.

12) Release from custody - Once the necessary paperwork and the testing procedures have been completed, the suspect will be permitted to contact someone to pick him up from headquarters. The Police Department is not responsible for the transportation of the suspect after processing has been completed. Nor is the Agency responsible to arrange for independent tests or transportation for independent tests. Prior to the suspects release from custody, the arresting officer shall determine whether the suspect is wanted in any other jurisdiction.

H. OTHER NON-HAZARDOUS VIOLATIONS

Non-hazardous violations are defined as violations of laws or ordinances affecting the use or protection of streets or highways, but not enacted primarily to regulate safe movement of vehicles or pedestrians; e.g., registration violations. Non-hazardous violations (license law, certificate of title, registration laws, etc.) are to be enforced when an officer becomes aware of such violations.

Examples of this type of non-hazardous violation include Expired Registration and Failure to Inspect.

I. MULTIPLE VIOLATIONS

Enforcement action in incidents involving multiple violations may vary greatly, depending on the circumstances involved. Generally, officers should not file multiple charges against persons if both charges involved would be the result of one single event or act. Exceptions to the issuance of multiple summonses do exist, for example, where the two violations under consideration are similar to the extent that one law exists for the purpose of compliance with the other law. For example, this would apply to some right-of-way violations. When a driver has failed to stop as required and his actions result in a right-of-way violation, the stop sign citation would be issued and no action would be taken for failing to yield. On the other hand, if a motorist fails to stop where required and pursuit reveals a speeding violation, both charges should be considered appropriate action taken based on the established tolerance for each violation.

A second citation could be issued when the first citation is an all-inclusive charge and the specific violation for which a second citation is being considered is important evidence for the successful prosecution of the first charge. A motorist who has been charged with reckless operation could also be charged with speeding if it is an important factor in the case of reckless operation.

Generally, one citation will be issued in the case of related, multiple, non-hazardous violations stemming from the same operation. In cases such as this where the elements of one offense are closely related to the elements of the second offense, only one citation should be written.

In all instances, multiple violations found which can be classified separately as hazardous and non-hazardous will be dealt with independently. A motorist stopped for following too closely and subsequently found to be operating without a driver's license would be charged twice.

Incidents of multiple violations that are separate acts, or a sequence of events, should result in multiple citations. For example, a violator stopped for speeding, who is found to have a suspended driver's license should be charged with both violations. Likewise, the violator who flees after an officer attempts to stop him for a red light violation should be charged with eluding, in addition to other violations committed.

J. NEWLY ENACTED LAWS AND/OR REGULATIONS

It shall be policy of this Department to issue warnings, or educate the public, for a period of thirty days after the effective date of a new law or regulation. The Chief of Police, by Special Order, may establish leniency periods of different lengths for individual laws/regulations. This enforcement policy is not intended to supplant officer judgment, for it is impossible to foresee every conceivable situation involving traffic violations. In unusual circumstances, the officer must decide that enforcement action is proper based on a combination of training, experience and common sense.

Exceptions may also be granted to violators as a result of a notice from the Division of Motor Vehicles for a variety of offenses, the most common being extensions on expiration of registration due to temporal problems at Division Headquarters

K. VIOLATIONS RESULTING IN TRAFFIC CRASHES

When, during the course of a crash investigation, or upon the conclusion of an investigation, there is probable cause to believe that the crash was directly related to one or more violations of existing traffic laws, enforcement action shall be taken against the violator unless the investigating officer is directed to do otherwise by the Tour Commander, prosecutor, or policy. In those instances where probable cause exists that separate, clearly identifiable violations have occurred on the part of two or more drivers, appropriate enforcement action should be taken against those drivers responsible for the violations.

If an investigation results in probable cause that a violation of a non-moving traffic law has occurred, the officers should take the appropriate enforcement action against the person violating that law. Such violations include, but are not limited to:

- a. Registration and licensing violations;
- b. Child restraint violations;
- c. Mandatory seat belt violations;
- d. Major equipment violations;

When taking enforcement action the officer must establish all elements of the violation. Elements that the officer has not personally witnessed must be established through investigation. The decision to take enforcement action may be based on any of the following information:

- a. Statements or admissions made by drivers of vehicles involved;
- b. Statements made by witnesses or occupants of vehicles involved;
- c. Measurements and other physical evidence at the scene; and
- d. Other acceptable forms of evidence or proof.

Factors that should not be considered when deciding whether or not to take enforcement action include:

- a. The amount of damage resulting from the crash;
- b. The persons involved in the crash; and
- c. Whether or not the vehicles were moved prior to the officer's arrival on the scene.

After a complete and thorough investigation of a traffic crash, if an officer is unsure as to whether or not probable cause exists for the issuance of a citation or the arrest of a driver, he/she shall consult with his/her Tour Commander for guidance. This consultation should occur as soon as practical after the on-scene investigation has been completed, and all relevant facts have been gathered. The Tour Commander will advise the officer of the appropriate course of action after careful review of all the facts relating to the crash and a consultation with the Traffic Officer. This review will include, but is not limited to:

- a. All written statements;
- b. Physical evidence found at the scene;
- c. Photographs and;
- d. Any other information the Tour Commander believes to be relevant.

The Traffic Officer will make the final determination as to whether charges will be filed against the operator(s) of the vehicle(s) involved and will attempt a collision reconstruction to support his/her opinions in a court of law.

L. PEDESTRIAN VIOLATIONS

The enforcement of traffic laws pertaining to pedestrians necessitates broad discretion from individual officers. To provide guidance in this discretion the following procedures are established, which should result in more uniform and consistent application of the law:

1. Prior to any substantial increase in the enforcement effort directed toward pedestrian traffic, sufficient publicity and community awareness campaigns will be initiated;
2. Officers will concentrate their efforts on pedestrian violations in those areas where pedestrian accidents have been frequent and severe, or in areas where such violations are known to frequently interfere with traffic.

Title 39, Sections 4-32 through 4-37.1 covers enforcement of laws related to pedestrians.

M. BICYCLE VIOLATIONS

Because bicycles are used as a means of recreation and transportation on public roadways, they frequently become involved in crashes with motor vehicles. Due to the nature of such crashes and the vehicles involved, injuries tend to be more severe in this type of crash. It is inherent in the role of the police to enforce those laws relating to the safe operation of bicycles. **Title 39, Sections 4-10 through 4-14.9** regulates bicycles, roller skates and skateboards.

Mahwah Police Department – Policies and Procedures		Number 150:05:30
Subject Enforcement Practices		
Issue Date 03272001		Effective Date 03272001
Reviewed: 08/2018		
Page 1 of 2.	Accreditation Number 61.1.6	

I. BACKGROUND

Various practices should be utilized by police departments in an attempt to enforce traffic laws. Tactics such as visible patrol, stationary observations and roadside safety checks further this goal and serve to educate the motoring public at the same time.

II. POLICY

It is the policy of this Department that all members adhere to the below policy on traffic law enforcement practices.

III. ACTION

A. DEFINITIONS

Area Patrol- Moving or stationary observation in an area or sector that includes a number of streets, roads, or sections of highway.

Directed Patrol – Moving or stationary observation in an area or sector that includes a number of streets, roads, or sections of highway, which has been directed by higher authority.

Line Patrol – Moving patrol or stationary observation on a specified route between two points; usually on one city street or section of a highway.

B. VISIBLE TRAFFIC PATROL, WHETHER AREA, LINE, OR DIRECTED

The most effective deterrent to traffic law violations is visible patrol in a marked vehicle. In the interest of focusing on prevention as opposed to apprehension, it is the policy of this department that traffic law enforcement activities be conducted accordingly. Officers shall operate patrol vehicles in accordance with existing laws, and in such a manner as to demonstrate exemplary driving behavior to motorists within the Township. The assignment to a specific sector ensures that areas of responsibility in regards to traffic law enforcement are clearly delineated for patrol officers. Additionally, officers assigned to a specific sector are required to remain within that sector and work traffic related activities during non-committed patrol times, with limited exceptions.

C. STATIONARY OBSERVATION, COVERT AND OVERT

In those areas where stationary observation is necessary to maximize the effectiveness of a selective enforcement effort, officers shall park in a conspicuous location and in such a manner that traffic flow is not impeded. Officers are prohibited

from parking police vehicles on private property without the owner's permission, or totally hiding a police vehicle from public view in order to conduct speed checks by radar. This does not preclude officers from running radar on private property that is open to public use, such as:

- Shopping center parking lots;
- School parking lots; and
- Other business locations.

Covert traffic observation for the purposes of traffic enforcement may only be approved by the Tour Commander and should address a specific enforcement problem.

D. USE OF UNMARKED OR UNCONVENTIONAL VEHICLES.

The use of unmarked police vehicles for the sole purpose of traffic enforcement is generally discouraged because of the possibility of non-recognition by the motorist or violator. Unmarked police vehicles may cause confusion or even evasion on the part of the unsuspecting motorist that could result in unnecessary pursuits, collisions or other hazardous conditions. Use of unmarked police vehicle for this purpose will only be utilized with the approval of the Tour Commander.

Officers assigned to bicycle patrol may perform traffic enforcement and conduct traffic stops within the limits of the bicycle and officer's capabilities. Bicycles used for traffic enforcement will be equipped with appropriate lighting and audible signals to notify violators to stop.

E. USE OF ROADSIDE SAFETY CHECKS

The Mahwah Police Department utilizes "Roadside Safety Checks" in its operations. These checks can be initiated as manpower allows or when the Mobile Inspection Unit of the Division of Motor Vehicles requests assistance. Roadside safety checks could be conducted for equipment violations, inspection violations or similar readily observable violations. The checkpoint should be deployed in an area where visibility of the officers involved is at a maximum and where stopped vehicles can be directed off the roadway to a safe location.

Mahwah Police Department – Policies and Procedures		Number 150:05:45
Subject Speed Measuring Devices		
Issue Date 03272001	Effective Date 03272001	
Revisions a. Reviewed 2/2015 LtSC, b. 08/2018 D.Lt.GB		
Page 1 of 4.	Accreditation Number 61.1.8	

I. BACKGROUND

The police community and this Department have found that police traffic radar is an invaluable tool to aid in traffic law enforcement. More specifically, police traffic radar has been shown to be an effective device in carrying out the following departmental traffic enforcement objectives:

1. Reduce traffic accidents in high crash areas where speed is a factor;
2. Reduce speeding violations in response to citizen complaints; and
3. Reduce speeding where speed limit violations are prevalent.

As a general policy, electronic speed measuring devices will be utilized for speed law enforcement. Officers assigned to conduct traffic enforcement shall be trained in the use of electronic speed measuring devices.

II. POLICY

It is the policy of the Mahwah Police Department to ensure that speed-measuring devices are used properly by well trained, competent officers in order to meet traffic enforcement goals of the department. It is further the policy of the department that such equipment be maintained and calibrated on a regular schedule.

III. ACTION

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A. EQUIPMENT SPECIFICATIONS

The Mahwah Police Department utilizes a moving traffic Doppler Radar unit that is approved for such use by the National Highway Traffic Safety Administration. Radar (radio detecting and ranging) units shall consist of the following components:

1. Counting unit;
2. Antenna unit (front and/or rear); and

3. Hand held remote control

All officers should have a thorough understanding of the proper operation and calibration verification procedures for the radar unit, and adhere to the manufacturer's recommendations for the radar unit as outlined in the instruction manual at all times.

Each marked patrol vehicle, except police vehicles exempted from this assignment by the Chief of Police, will be equipped with a radar unit and required tuning forks. All radar units and tuning forks are marked with serial numbers by the manufacturer, and will be assigned to a particular cruiser by Departmental unit number. The Traffic Officer or designee, will maintain a list of radar units and tuning forks assigned by cruiser number and will update this list on an annual basis. Radar units and tuning forks are not to be removed from the assigned vehicle unless the radar unit or police vehicle is in need of repairs.

B. OPERATIONAL PROCEDURES

Each marked patrol vehicle assigned to the Patrol Division shall be equipped with a radar unit. The radar unit shall be mounted in the patrol vehicle in accordance with the manufacturer's specifications and shall not be removed unless either the radar unit or patrol vehicle is in need of repair. Each officer shall have a thorough understanding of the operation and proper calibration verification procedures for the radar units and adhere to the manufacturer's recommendations as outlined in the radar instruction manuals.

Prior to utilizing any departmental radar unit for the purpose of traffic enforcement, officers shall complete the required lamp, internal and tuning fork tests. Should the officer subsequently use the radar unit to issue a speeding citation, the tests should be completed after issuance of the summons.

Stationary radar traffic enforcement shall be overt, with the officer's patrol car positioned in a manner making it visible to persons using ordinary powers of observation, and in a conspicuous location so as not to impede the flow of traffic. Officers are prohibited from running stationary speed enforcement from private property without the permission of the property owner and the Tour Commander, but this does not prohibit officers from utilizing private property open to the public, such as shopping center parking lots.

Officers shall not strike tuning forks against any metallic surface, or against each other, for calibration purposes or any other reason. Dents or nicks can change the frequency of tuning forks. Tuning forks, ECM units, remote controls, and other operational components shall not be interchanged with any radar unit other than the assigned unit.

After each speeding violation in which radar is utilized to obtain a speed measurement, the radar operator shall again complete all tests. This may also be accomplished by checking the calibration at the beginning and end of the shift.

The effective range of the radar must be thoroughly understood by the operator so visual observations can support radar speed readings. All officers operating radar units must have an estimate of the violator's speed independent of the radar speed readings.

Each officer shall confirm that the radar is in proper working order at the time the violator is returning a reading on moving radar by ascertaining that the patrol readout on the radar unit and speedometer are at the same speed (+ or – one mile per hour). This

technique will ensure that no phenomena such as patrol speed shadowing, target speed bumping, batching, etc., are affecting the radar unit.

Any time a radar equipped patrol vehicle is parked during the tour of duty, the antenna is to be placed on standby. This is the preferred method rather than shutting the radar off since a calibration check must be performed each time the unit is switched back on. At the conclusion of the officer's tour of duty, the radar shall be switched off.

Prior to issuing a citation or testifying in any court proceedings involving a speeding violation, the officer must be able to establish the following elements:

1. The time, place and location of the radar device at the time the offense occurred.
2. The location of the offending vehicle at the time the offense occurred.
3. The identification of the offending person as the operator of the vehicle.
4. The qualifications and training of the officer.
5. The identification of the offending person's vehicle.
6. The visual observation of its apparent, excessive speed.

Any officer operating traffic radar shall be mindful of the safe operation of the patrol vehicle while checking violators and shall use due regard while pursuing vehicles.

C. TACTICS

The following traffic law enforcement tactics may include:

- Area - Moving or stationary observation in an area that includes a number of streets or sections of highway;
- Line - Moving or stationary observation on a specified street or highway between two points;
- Directed - Either area or line patrol that is specifically directed by supervisory personnel based upon traffic accidents, enforcement data, or citizen complaints.

Moving clocks may be used in which the patrol vehicle is used to maintain a constant speed for no less than one-quarter mile, while the violator, moving the same direction as the patrol vehicle, either overcomes or outdistances the patrol vehicle during the specified distance. The patrol vehicle's radar unit shall be used to compare the patrol speed on the unit to the speedometer to verify the accuracy of the patrol car speedometer.

D. PROPER CARE AND MAINTENANCE

If at any time a radar unit is malfunctioning, the officer shall immediately remove the unit from service and notify the Communications Desk of the malfunction. A memo shall be submitted to the Traffic Officer prior to the end of the officer's shift detailing the exact nature of the problem. If the patrol car speedometer does not indicate the same speed while moving as on the patrol readout window, the officer shall not utilize the radar unit on the moving radar mode. The radar operator shall submit a memo to the Traffic Officer prior to the end of the shift detailing the amount the speedometer deviates from the radar readout. The Traffic Officer, or his/her designee, shall be responsible for having the speedometer calibrated at a recognized repair facility.

E. PROGRAMMED MAINTENANCE

The Traffic Officer will ensure that every radar unit and its tuning forks have a certified calibration performed at least once annually, either by the manufacturer or the State

Bureau of Weights and Measures (in the case of tuning forks). The Traffic Officer shall maintain all service and repair records for each radar unit.

F. CALIBRATION RECORDS

The current calibrations for the radar units and tuning forks will be maintained in the Records Office in the normal course of business and made available upon a request for discovery.

G. OPERATOR TRAINING AND CERTIFICATION.

No police officer shall operate any radar unit utilized by this Department for enforcement purposes (except for training purposes under the supervision of an instructor), unless they have successfully completed the following training:

1. Successfully complete a basic operator program consisting of a minimum of four (4) hours of classroom training and certification by the Department's designated certified radar instructor, prior to utilization of such speed measuring devices;
2. Four hours of supervised field practice with the departmental radar training officer; and
3. Eighty (80) hours of non-enforcement operation of the radar prior to full certification.
4. The Department radar-training officer shall conduct re-certification of all officers prior to expiration of operator's certification (three years). The re-certification will consist of two hours of classroom training and two hours of practical training.

All electronic speed-measuring devices related training records shall be maintained under the direction of the Traffic Officer, and shall be available for any court proceedings. The Patrol Division Commander shall ensure that all officers are re-certified on an annual basis.

Mahwah Police Department – Policies and Procedures		Number 150:05:50
Subject: Impaired Driver Enforcement Program		
Issue Date 03272001		Effective Date 03272001
Revisions: 08/2018 D.Lt.GB		
Page 1 of 2.	Accreditation Number 61.1.9	

I. BACKGROUND

Drivers impaired by alcohol and/or drugs represent a serious threat to the lives and safety of persons using the streets of the Township of Mahwah. Consequently a comprehensive, coordinated and ongoing countermeasures program involving enforcement, education, adjudication, treatment and public support is essential if a program is to have long-term success in combating the DWI problem.

II. POLICY

It is the policy of this Department that all members adhere to the below practices on DWI enforcement countermeasures.

III. ACTION

A. ENFORCEMENT

It is the policy of the Mahwah Police Department to take aggressive enforcement action as it relates to persons operating vehicles under the influence of alcohol and/or drugs. The primary objective of the Mahwah Police Department DWI effort is to reduce the number of drug and/or alcohol related traffic accidents and their subsequent property damage, personal injuries, and deaths. Patrol Division officers have the primary responsibility for DWI enforcement. Because of this responsibility:

1. All officers should become familiar with those locations in their sectors that are frequently traveled by alcohol or drug impaired drivers, and those areas where alcohol or drug related accidents occur as established through common knowledge.
2. All officers must be alert for signs of alcohol and/or drug impairment in all contacts with motorists;
3. Officers must become familiar with visual cues that tend to indicate the possibility of an alcohol or drugs impaired driver, and remain alert for such visual cues to establish probable cause to stop possible violators;
4. Officers should become familiar with field sobriety tests and how to administer such tests in order to further determine a driver's state of impairment;

The Department recognizes the importance of DWI enforcement, and is committed to the efforts necessary to be effective in this area. As a result, the department will:

1. Provide in-service training from time to time on related issues, as determined necessary by the Chief of Police and Division Commanders;

2. Offer various opportunities annually for officers to attend in-service training sessions for breath testing equipment as required by the State.

Officers should be sufficiently proficient in observing visual cues as indicators of impaired driving, and at administering standardized field sobriety testing as to not have to rely on the results of chemical or breath testing results in order to establish that a driver was in fact under the influence.

B. OTHER DWI AND ALCOHOL ENFORCEMENT

Cops in Shops Program

This program is developed, sponsored, and supported by the Department of Law and Public Safety, Division of Alcoholic Beverage Control. This program provides for a partnership between the retail outlet and the Police Department to target underage persons who attempt to purchase or purchase alcoholic beverages illegally. This program places a police officer in the outlet posing as a store employee/customer who then targets underage youths attempting to purchase alcoholic beverages. This attacks the problem of underage drinkers at the point-of-sale, but instead of targeting the retail outlet, the Department partners with the retail outlet to target the underage persons attempting to purchase alcoholic beverages.

The Investigative Division has the functional responsibility of such special operations and with authorization of the Chief of Police may conduct such operations. The program coordinator must inform the Division of the location and times of the program assignments at least three (3) days prior to a detail and send completed "Summary of Arrests" and "Arrest/Citation Report" forms to the Division the week following the detail.

C. EDUCATIONAL PROGRAMS

Education is another element of the department's DWI countermeasures program. The Investigative Division Commander is designated as having the primary functional responsibility for alcohol and driver safety awareness programs for schools and other civic organizations. This may be accomplished by utilizing officers and/or employees of both the Patrol and Investigative Divisions of the Police Department. This may include, but is not limited to the Drug Awareness and Resistance (D.A.R.E.) program, Fatal Vision Goggles Program, and Operation Reality involving a simulated DWI related collision presented on the Mahwah High School football field.

Mahwah Police Department – Policies and Procedures		Number 150:05:55
Subject DWI Offenders		
Issue Date 03272001		Effective Date 03272001
Revisions: a. 01122012LtSC b. 022614Sgt MB c.09/2018 Lt.SC		
Page 1 of 3 .	Accreditation Number 61.1.10	

I. BACKGROUND

The detection and arrest of impaired drivers differs significantly from the handling of other traffic violators. There are specific legal limits of intoxication. There are also statutes and regulations governing driving under the influence of drugs and/or alcohol, implied consent, and the administration of chemical tests for blood alcohol content analysis. It is the policy of the Mahwah Police Department that officers process impaired drivers within the requirements of all applicable statutes.

II. POLICY

It is the policy of this Department that all members follow the below policies with respect to the detection, investigation and apprehension of DWI offenders.

III. ACTION

Detection is the first step in any D.W.I. enforcement action. It is in this stage of enforcement action that probable cause is established. Detection includes;

1. Recognizing, identifying, and noting specific driving behaviors that indicate a driver may be impaired by alcohol and/or drugs;
2. Recognizing, identifying, and noting specific behaviors, attitudes, and characteristics that occur during a traffic stop which would provide evidence supporting a suspicion that a driver may be impaired;
3. Interviewing drivers and passengers; and
4. Selecting and administering appropriate field sobriety tests to assess impairment.

Testing should include those standardized field sobriety tests, which have been established as reliable indicators of impairment, provided the officer has received training in administering such tests. These tests are:

1. One legged stand;
2. Walk and turn;
3. Horizontal gaze nystagmus;

Additional tests an officer may perform include:

4. Rhomberg Balance, and;
5. Finger to Nose

Tests should be conducted to the rear and the right of the violator vehicle, with the driver's back to the vehicle if possible. This will keep the officer and the driver out of traffic, and provide the officer with the opportunity to keep the suspect vehicle and other occupants of the vehicle in sight while administering such tests. Officer and the public safety should be the primary concern in selecting a location for administering standardized field sobriety tests. A secondary consideration is that the location does not present any hazards or conditions that would be detrimental to performing satisfactorily on the tests, such as an excessive slope, uneven surfaces, ice or gravel on the ground, etc. The location should be level, free of debris and well lit.

If all elements of a D.W.I. violation are present, as established in NJSA 39:4-50, officers shall effect a physical arrest of the subject. The subject should be handcuffed, searched, and secured in the rear of the police vehicle as specified in SOP 155:05:05 "Prisoner Transportation". If the officer intends to ask investigatory questions, the prisoner must first be informed of his rights according to the Miranda warning. If the officer is not going to ask investigatory questions, or make other statements with intent to cause the suspect to make incriminating statements, Miranda warnings do not have to be given at this time, provided they are given prior to such questioning.

Officers should scan the visible areas of the passenger compartment of the vehicle incident to the arrest, confiscating evidence or contraband. Closed containers should not be opened without probable cause, a search warrant or consent. Arrangements must be made to care for the prisoner's vehicle. If the prisoner owns the vehicle, and he/she wishes to do so, the vehicle may be released to any licensed passenger provided that the passenger is not impaired. If the above alternative does not apply, according to Title 39:4-50.23 the Mahwah Police shall impound the vehicle that the person was operating at the time of arrest for a period of 12 hours or until such later time as arrestee claiming the vehicle meets the conditions for release. Officers may impound the vehicle after completing a vehicle inventory in accordance with established procedures (See SOP 150:20:15, "Impounding of Motor Vehicles"). The officer is also responsible for the safety of any passengers in the vehicle. If the vehicle is being impounded, the passengers can make arrangements to be picked up or may be transported to police headquarters to do so. If the passengers are not being detained and are in a safe location, they are free to leave. If they are not in a safe location, they will be transported to the closest one.

The subject should then be transported for processing. Normally, this will be done at the police department, but when necessary, may be done at the hospital as in the case of a collision and injuries. Once at the police department, the suspect should be thoroughly searched before having handcuffs removed. Property should be removed from his/her person, and any evidence or contraband confiscated.

After the arrest, the officer must request that the offender submit to the taking of breath samples for the purpose of making chemical tests as required under NJSA 39:4-50.2(e)/ 39:4-50.4a. Under normal circumstances, the designated test is a breath test utilizing the department's breath testing instrument. The arresting officer will read the "nine points" of the New Jersey Attorney General's Standard Statement For Motor Vehicle Operators form to the violator and receive a verbal answer of yes or no regarding the taking of samples of the violator's breath.

If the suspect agrees to a breath test, a certified alcotest operator shall take the breath samples. If the offender refuses to submit to the test the officer must then read the second part of the New Jersey Motor Vehicle Commission Standard Statement For Operators of a Motor Vehicle form advising that a second summons will be issued for refusing to submit to the taking of samples of breath for the purpose of chemical testing.

Whenever a subject indicated that his/her last drink was at a location other than a private residence or public property, the officer must ask for the information requested on the "NJABC Driving While Impaired- Last Drink Report." The form is to be included in the arrest paperwork and will be forwarded by the records Bureau.

If an officer suspects that impairment may be due to drugs or narcotics, either alone or in combination with alcohol, the officer has the option of requesting blood and/or urine samples from the suspect, as well as a breath sample. The suspect does not have a choice, or alternative, as to which test is taken. The choice is at the officer's discretion, based on the circumstances and factors involved in a particular incident. Urine samples may be collected at the police department after written consent is signed, in accordance with crime laboratory requirements. Blood samples must be collected by a physician, registered nurse, or qualified technician, after written consent is signed. This will almost always require that prisoners be transported to the hospital for a blood sample.

It may become necessary to process prisoners at the hospital in circumstances where they are ill, injured, or narcotics are suspected as being the primary cause of impairment. Officers should proceed with their investigation according to the following:

1. Remember that treatment of an ill or injured patient has priority over the collection of evidence;
2. Advise the on-duty nurse or physician of any request you have for collection of blood and/or urine;
3. If the officer is requesting a blood sample be drawn from the suspect, consent will be requested in writing utilizing the Voluntary Consent To The Taking Of Physical Evidence form.
4. If the suspect refuses consent, there are two ways to proceed. If the hospital will be drawing and testing blood for drugs and alcohol, document the name of the medical professional drawing blood and the time it was collected. Contact our BCPO legal advisor for a subpoena. If the hospital is not drawing blood, the officer can contact the BCPO legal advisor. If probable cause and exigency are determined to be existing, a warrantless blood draw will be authorized. If probable cause exists and exigency does not, the officer will apply for a search warrant.
5. Once the specimens are completed, follow proper rules of evidence in regards to the blood/urine samples.
6. If consent for a blood draw is refused and the person will not be at the hospital for an extended period of time (minor injury, ect), the officer is to stay with the suspect for a reasonable amount of time- as directed by the tour commander. Once the suspect is discharged from the hospital, they are to be brought back to Mahwah Police Headquarters and reads the New Jersey Attorney General's Standard Statement For Motor Vehicle Operators form of breath testing. If that testing is refused, the suspect will be charged accordingly with 39:4-50.4/ 39:4-50.2.

Persons arrested and charged with DWI. may be released to a responsible third party if the arrested person meets the requirements of being released on their own recognizance and the responsible third party reads, signs and agrees to follow the Potential Liability Warning- N.J.S.A. 39:4-50.22 Form ("John's Law). Persons charged with DWI and released on their own recognizance shall be issued the next court appearance date for their first appearance. Persons arrested for DWI shall be incarcerated for a period of time determined by the tour commander (except section 4) when:

1. No third party can be located to take responsibility for the prisoner;
2. When the third party is found to have been drinking, is intoxicated, or otherwise unable to take responsibility for the prisoner;
3. When the prisoner is behaving in a tumultuous or violent manner, and appears to be uncontrollable;
4. Requirements of the court, such as being held for a cash bond, require incarceration.

Juvenile DWI offenders, operating motor vehicles on the roads of this State, whether licensed or not; are subject to the implied consent provisions of the motor vehicle laws. Pursuant to NJSA 39:4-50.2(a), any person who operates a motor vehicle on any public road, street or highway or quasi-public area in this State shall be deemed to have given his consent to the taking of samples of his breath for the purpose of making chemical tests to determine the blood alcohol content.

Mahwah Police Department – Policies and Procedures		Number 150:05:60
Subject Driver Reexamination		
Issue Date 03272001	Effective Date 03272001	
Revisions a.122011 b.02262015 LtSC, c. 08/2018 D.Lt.GB		
Page 1 of 1.	Accreditation Number 61.1.11	

I. BACKGROUND

Officers occasionally deal with licensed drivers who no longer appear to be competent to operate a motor vehicle. Such discoveries are often made during accident investigations or other traffic enforcement activities. Incompetence could be the result of a physical disability, mental disability, disease, or other condition, which prevents the person from exercising reasonable and ordinary care over the operation of a motor vehicle. Incompetent drivers obviously create a risk to other drivers and pedestrians using the roadways.

II. POLICY

It is the policy of this Department that all members follow the below listed guidelines when requesting a driver reexamination.

III. ACTION

A request for driver reexamination and/or medical evaluation must be made on a Motor Vehicles Commission MR-5 form. For the most part, the MR-5 is self-explanatory, requiring officers to fill in the blanks.

Reexamination may be required of drivers if one of the following conditions is apparent:

1. The person has a mental or physical disorder, which may affect his/her ability to safely operate a motor vehicle.
2. The person is involved in a traffic collision resulting in a fatality where a violation of any of the provisions of NJSA 39:4-1 et seq. is established.
3. The person had accumulated 12 or more points as provided in NJAC 13:19-10.1.
4. The person was convicted of violation any of the provisions of NJSA 39:4-1 et seq. where it appears the offense was of such a careless, reckless or indifferent nature as to require reexamination.

In addition:

1. Any violations must be described in detail;
2. Whether or not an accident occurred.
3. Admissions of physical or mental problems.
4. Any previous contact with the driver.

Space is also provided on the form for a narrative that describes why the officer believes the driver should undergo a reexamination or medical evaluation.

Mahwah Police Department – Policies and Procedures		Number 150:05:65
Subject Parking Enforcement		
Issue Date 03272001		Effective Date 03272001
Revisions a. Reviewed 2/2015 LtSC, b.08/2018 D.Lt.GB		
Page 1 of 2 .	Accreditation Number 61.1.12	

I. BACKGROUND

Vehicles that are parked illegally often cause other more serious traffic problems, such as blocking fire lanes and access to streets. Parking problems can lead to confrontations between vehicle operators if the parking situation causes inconvenience to one of the vehicle owners.

II. POLICY

It is the policy of this Department that all members adhere to the below policy on enforcement of parking violations.

III. ACTION

When an officer locates a vehicle that is illegally parked, the officer shall take appropriate action. Such action will depend on a variety of factors, and requires that officers use discretion based on their experience and training. When enforcing parking violations, the officer should first attempt to correct a parking violation. Reasonable attempts will be made to contact or locate the vehicle's owner or operator to have the vehicle moved prior to taking formal enforcement action; i.e., parking citation.

In designated "No Parking" zones (fire lanes, handicapped, etc.), if the violator causes an immediate hazard, a parking citation may be issued. A concerted effort to contact the owner or operator of the vehicle should be attempted before the vehicle is towed. Vehicles parked illegally on private property will be handled through the appropriate legal requirements governing the reporting, citing and/or removal of said vehicles. Enforcement of parking violations may include any or all of the following:

1. Locating the owner/driver and having the vehicle moved;
2. Placing a parking ticket on the vehicle for the infraction being committed;
3. Issuing a traffic summons to the vehicle/registered owner;
4. Having the vehicle towed away.

In those circumstances where an illegally parked vehicle creates a hazard, such as blocking the roadway, the officer should take immediate steps to locate the driver or owner to have it removed. If a responsible party cannot be found within a reasonable period of time, the vehicle should be towed. Any time a vehicle is towed as the result of parking violation, a parking ticket or traffic citation should be issued.

Officers should concentrate parking enforcement efforts at locations and times where violations are known to occur frequently, and at locations and times where frequent complaints are received. When officers observe parking violations in areas posted as tow away zones, they should use discretion and consider the options listed above prior to having the vehicle towed, unless the vehicle is presenting an immediate hazard. Officers should become familiar with those areas in their sectors that have parking restrictions.

Generally speaking, officers will enforce parking restrictions and violations while patrolling and performing other duties. However, under some circumstances officers may be required to use foot patrol tactics in specific areas. The most common area for this type of enforcement are the train station commuter lots where residency requirements are in effect and a parking sticker must be displayed.

If a driver or vehicle owner wishes to contest a parking citation, he/she should be directed to contact the Court Administrator for a trial date. The Tour Commander may, at his discretion, review the circumstances of the violation with the violator and officer and attempt to clarify the Department's role in parking enforcement.

Mahwah Police Department – Policies and Procedures		Number 150:10:05
Subject Crash Scene Response, Reporting and Investigation		
Issue Date 04032001	Effective Date 04032001	
Revisions a. Reviewed 2/2015 LtSC, b. 08/2018 D.Lt.GB		
Page 1 of 5.	Accreditation Number 61.2.1	

I. BACKGROUND

The ultimate goal of the Mahwah Police Department for traffic enforcement is to reduce traffic crashes and increase voluntary compliance with traffic laws. This may be achieved through the analysis of traffic crash factors, application of such techniques as scientific/geographical/temporal assignment of personnel and equipment, the establishment of preventive patrols, and procedures to deal with specific categories of unlawful driving behavior. The techniques used should be based upon crash data, enforcement activity records, traffic volume, and traffic conditions.

II. POLICY

It is the policy of the Mahwah Police Department that any officer dispatched or assigned to the scene of any traffic crash on public streets, roadways, highways, or public or private property shall investigate and report the crash in a thorough and professional manner, except where relieved of such responsibilities as provided in this SOP.

III. ACTION

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A. DEFINITIONS:

For the purposes of this SOP and any other related SOP, policy or procedure, the following definitions are adopted:

Traffic Crash Investigation - Collection of factual information identifying and describing people, roads, and vehicles involved; describing the results of the crash in terms of damage to vehicles and roadside objects, injuries to people, marks and residue on the road, and final positions of vehicles and bodies; interpretation of these acts in terms of behavior of road users involved; and an attempt to specify the peculiar combination of factors required to produce that particular crash (to be completed on incident reports and associated forms).

Traffic Crash Reporting - Basic data collection to identify and classify a traffic crash and the persons, vehicles, time/location, and planned movements involved, and possible contributing factors such as traffic law violations (to be completed on NJTR-1 and associated forms.)

B. TRAFFIC CRASH INVESTIGATION

All reports of traffic crashes received by the Department receive a high priority for response and should not be delayed whenever manpower and facilities allow for an immediate response unless approved otherwise by the Tour Commander, due to unusual circumstances. The following guidelines govern crash reporting and investigation involving:

1. DEATHS AND INJURY

While all crashes require thorough reporting and investigations to whatever extent possible, this requirement is especially important in crashes involving death or injury. Crashes involving fatalities, life-threatening injuries, or disabling injuries will be fully and completely reported and investigated by an officer trained in crash investigation. A Crash Investigator shall be summoned to the scene of all fatal crashes and the Tour Commander will have the option of calling out a Crash Investigator when, in the supervisor's judgment, technical expertise will be necessary for the complete investigation of the crash. Crashes involving life-threatening injuries, disabling injuries, or serious personal injuries will be thoroughly and professionally reported and investigated by an officer trained in crash investigation. A Crash Investigator may be summoned to the scene of all such crashes and the Tour Commander will have the option of calling out a Crash Investigator when, in the supervisor's judgment, technical expertise will be necessary for the complete investigation of the crash.

The Crash Investigator will determine whether or not The Bergen County Prosecutor's Office, Fatal Accident Investigation Unit should be called out to investigate the collision. This becomes necessary when the collision meets the criteria established by the Prosecutor with respect to prosecution of any criminal charges in Superior Court. The decision to contact the FAIU will rest with one of the Department's Crash Investigators upon arrival at the collision scene and the circumstances involved in the collision. Criteria cards have been placed at the Communications Desk that defines the types of collisions that will generally require the presence of the FAIU.

The N.J. State Police Fatal Accident Unit will be notified via Teletype message of the details of the fatal accident. The standardized format shall be utilized to insure inclusion of all pertinent information.

2. PROPERTY DAMAGE

Crashes involving only property damage or less serious injuries are to be reported and investigated in a thorough and professional manner, dependent upon a case-by-case basis and whenever manpower and facilities allow for a comprehensive investigation. In some minor property damage crashes the focus may be on reporting in lieu of full investigation dependent upon the circumstances at the time.

All officers of the Mahwah Police Department should have received some type of training with regard to investigation of traffic crashes at a certified Police Academy during the Basic Police Course. As a result all patrol officers have the requisite training and experience to thoroughly investigate property damage and minor injury crashes under the general supervision of the Patrol Tour Commanders.

3. HIT AND RUN

Crashes involving only hit and run cases are to be reported and investigated in a thorough and professional manner by police officers. Upon determining that a crash is a hit and run, officers will attempt to obtain:

1. The best possible description of the hit and run vehicle, the driver and/or passengers;
2. The direction of travel; and
3. Will immediately relay this information to the Communications Center to be broadcast to other field units and law enforcement agencies.

If a license number is received in the description, the communications operator will check SCIC/NCIC for possible further description and wants/warrants checks on the vehicle/registered owner. If the hit and run is of a serious nature, the Tour Commander will coordinate efforts by the department to search the area for the vehicle.

Officers at the scene will attempt to locate, photograph, collect, and preserve all physical evidence which may be useful in identification of the missing vehicle, including, but not limited to, blood, hair, soil, fabric, automotive parts and accessories, and paint. Officers will record statements from witnesses at the scene and, in more serious crashes, may conduct an area canvass to locate and identify other witnesses who may have information relating to the hit and run crash. Officers may be assigned to canvass garages, service stations, and check public parking lots in an effort to locate the vehicle.

All information collected relative to the hit and run crash will be given to officers in briefings and to other agencies through Teletype Notification. Officers will, as appropriate, check the location where the crash occurred each day during the same general time frame, the same day of the week, and, if necessary, the same day of the month on which the crash occurred. The department may use news media resources to seek additional leads to solve the hit and run crash.

When a suspect vehicle is located, officers will establish positive identification utilizing physical evidence collected at the scene and, if necessary and possible, a search warrant. Officers will attempt to interview the owner of the vehicle and attempt to determine the identity of the driver at the time of the crash. Officers will take the appropriate enforcement action if the driver is identified.

In any event, Hit and Run collisions of a serious nature will be investigated by the Traffic Division in an attempt to satisfactorily close the case.

4. IMPAIRMENT DUE TO ALCOHOL AND/OR DRUGS

Crashes involving impairment due to alcohol and/or drugs are to be reported and investigated in a thorough and professional manner. Officers will continue to be aware of the fact that driver impairment due to alcohol and/or drugs is a factor in many crashes and will be alert to cues or evidence of such impairment when carrying out crash reporting or investigation duties. Officers will take appropriate enforcement action when sufficient evidence is obtained, following procedures established in SOP 150:05:25, 150:05:50, and 150:05:55.

In cases of traffic crashes involving impaired drivers, the dispatched officer, whenever possible, should attempt to handle both the investigation of the crash and the investigation into violation of D.W.I. laws. If time limits for test samples or other conditions make this impractical, the dispatched officer and another officer may mutually agree to divide the responsibility for the investigation of the crash and the investigation into violation of D.W.I. laws, until such time he/she leaves the scene with the impaired driver. At that point, the officer assuming responsibility for the crash investigation is also in charge of the scene.

5. HAZARDOUS MATERIALS

Crashes involving hazardous materials are to be reported and investigated in a thorough and professional manner. Crashes involving hazardous materials will be handled in accordance with SOP 150:10:01 and 150:10:15.

6. OCCURRENCES ON PRIVATE PROPERTY

Under normal circumstances, the Mahwah Police Department does report and/or investigate private property traffic crashes. Private property traffic crashes will be reported and investigated to the extent possible, especially when any of the following conditions are present:

1. The crash involved a fatality or personal injuries;
2. A hit and run crash;
3. Impairment of one of the drivers due to alcohol/or drugs;
4. Reckless operation;
5. An unlicensed driver was involved;
6. A Township owned vehicle was involved;
7. There are extenuating circumstances indicating an investigation should be conducted;
or
8. A Tour Commander or commanding officer determines an investigation should be conducted.

Should an accident occur on private property, only certain Title 39 Motor vehicle laws are enforceable. They are as follows:

- a) Driving While Suspended: 39:3-40;
- b) Operating/Using M.V. Without Owners Permission: 39:4-48;
- c) Tampering With a M.V.: 39:4-49;
- d) DWI: 39:4-50;
- e) Consumption of Alcoholic Beverage in M.V.: 39:4-51a;
- d) Abandoned M.V. on Private Property: 39:4-56.6
- e) Reckless Driving: 39:4-96;
- f) Leaving the Scene of an Accident: 39:4-129; and
- g) Failure to Report an Accident: 39:4-130.

Board of Education/Government Property: As per 39:4-1, ALL of Chapter 4 of the Motor Vehicle Laws of the State of New Jersey are enforceable on any Board of Education and Government property.

C. TRAFFIC CRASH REPORTING

Some crashes involve very limited information and/or no evidence with which to conduct an investigation. Under these circumstances officers will complete and file the appropriate report, which shall contain that information that is available. The investigation will be conducted to the extent possible with the limited information available.

The investigating officer is responsible to see that all traffic crash reports are properly completed, and submitted to the Tour Commander for approval in a timely manner. Reports that are partially completed but need additional investigation shall be submitted to Records with a note attached indicating that the crash is still under investigation. Such reports are not to be retained by the officer in his/her briefcase, mailbox, or any other area inaccessible to Records Personnel. When an officer is unable to complete a crash report prior to the end of his/her scheduled shift, the on-duty Tour Commander will determine whether the assigned officer shall remain on an overtime basis to complete the report or complete it on the next regularly scheduled workday. The Tour Commander shall make this determination based on factors such as:

1. The severity of the crash;
2. The amount of follow-up work necessary to complete the report;
3. When the assigned officer is scheduled to return to duty and;

4. Other pertinent factors, in accordance with the existing overtime policies of the Department.

Tour Commanders will review and approve all crash reports submitted by officers under their command. Tour Commanders are responsible for checking crash reports for accuracy and ensuring that the reports are submitted to Records in a timely manner. Tour Commanders will closely scrutinize crash reports submitted without enforcement action reported and when appropriate will require additional notations on the report as to the reasons for no enforcement action. Additionally, Tour Commanders and other supervisors may require an officer to issue a traffic citation or take other enforcement action when they determine in their discretion that such is warranted on a case-by-case basis.

The Tour Commander will also review completed and signed reports for accuracy and correctness and initial that the report is complete and ready for release. This does not relieve the investigating officer from ensuring that ALL information on the complete and typed report is correct and accurate. NO officer should sign a collision report without first determining that all information on that report is accurate and correct. By signing a completed report, the officer is certifying that all the information on that report is correct and accurate.

Mahwah Police Department – Policies and Procedures		Number 150:10:10
Subject Collision Response		
Issue Date 04032001	Effective Date 04032001	
Revisions Revised 2/2015 Lt. SC		
Page 1 of 3.	Accreditation Number 61.2.2	

I. BACKGROUND

Response to a serious or complex collision requires the provision of multiple services and investigative techniques. Accordingly, the Mahwah Police Department will strive to provide the most comprehensive and efficient service to the occupants of each vehicle involved in a collision where necessary. Investigation into the circumstances surrounding the collision will also receive the same high grade of service.

II. POLICY

It is the policy of the Mahwah Police Department that at least one officer will respond to the scene of all reported traffic crashes. Due to the serious nature of some types of traffic crashes it may be necessary to dispatch multiple officers.

III. ACTION

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A. RESPONSE

The Watch Commander has the authority to override the POLICE/CAD recommendations and assign, as many officers as he/she determines are needed to handle the situation. In many cases the individual circumstances involved will determine if more than one officer will respond to any given crash location.

Traffic crashes requiring officer response will include but are not limited to, the following:

1. Death or injury;
2. Hit and run;
3. Impairment of an operator due to alcohol or drugs;
4. Damage to public vehicles or property;
5. Hazardous materials;
6. Disturbances between principals;
7. Major traffic congestion as a result of the crash;
8. Damage to vehicles to the extent towing is required; or

9. Private property crashes

All of the above circumstances are considered serious or complex crashes that require the Department to respond immediately to the scene of the traffic crash and to provide the following services including, but not limited to the following:

1. Providing emergency services;
2. Investigating the crash;
3. Recording short-lived evidence; and
4. Restoring the normal flow of traffic.

B. RESPONDING TO AND DISCOVERING TRAFFIC CRASHES

When directed to respond to a traffic crash, the officer will be informed of the exact location, the severity of the crash, whether traffic is blocked and other units assigned (including ambulance and fire apparatus), to the extent that this information is available to the dispatcher. Officers directed to respond to a crash scene should choose the best possible approach route, considering traffic flow and congestion problems, based on their knowledge of conditions normally existing in the vicinity. Officers should drive safely to the scene, consistent with the need for prompt response. While en route to the scene, officers should be alert for vehicles, which give an indication of involvement in the crash. Information supplied will dictate the manner in which officers respond to a traffic crash scene, which must be in compliance with SOP 095:10:05, "Call Response—Emergency and Routine".

As soon as possible upon encountering an unreported traffic crash, officers will notify the dispatcher of the crash location, probable severity and any other pertinent circumstances.

C. APPROACH TO AND ARRIVAL AT TRAFFIC CRASH SCENES

While approaching traffic crash scenes officers will remain alert to actual and potential hazards that may present a danger to themselves, other emergency personnel, citizens, and those persons involved in the crash. Such hazards include power lines being down, fuel spills, hazardous chemical spills, road and weather conditions, fire or risk of fire, and traffic (especially on heavily traveled and high speed roadways). The first officer to arrive on the scene of a traffic crash will immediately check for injuries, fire hazards, hazardous materials, downed utility wires, and other hazards, as well as the jurisdiction of the crash scene. Dependent upon which hazards are present, the officer will initiate appropriate remedial and/or preventive actions in accordance with SOP 150:10:15. The officer shall request that proper assistance be dispatched to the scene, such as: fire, medical, utility, coroner, and additional police units. Such requests shall be made as soon as the need for a particular type of assistance is determined.

In addition, while approaching traffic crash scenes, officers should be alert for, and avoid obliterating or destroying evidence such as tire marks, debris, etc. During the approach to the scene, and upon arrival, officers should be alert for specific conditions or factors that may have contributed to the crash (such as visibility/view obstruction, inoperative traffic control device, hazards, etc.).

Upon arrival at the scene, officers should park police vehicles in such a way as to provide maximum protection to the scene, but without endangering the public. Officers should not jeopardize their patrol vehicles by placing them on the roadway or at other hazardous locations, unless the terrain makes this necessary. Officers should assess the scene to determine needs for assistance in protecting the scene and/or controlling traffic, and should summon appropriate assistance, subject to approval of the Tour Commander or officer-in-charge. Officers also will assess the scene to determine if additional

investigative skill requires Bergen County BCI, a CIRT Investigator, and/or other specialists.

D. PERSONAL INJURIES

The Department will provide, and officers will participate in basic and refresher training in emergency medical techniques. In the event that injuries are present at the scene, officers shall check injured persons to identify those most seriously or mortally injured. In such cases officers shall render and/or summon appropriate medical aid consistent with Department policy and procedures.

E. RESPONSE TO REPORTED TRAFFIC CRASHES INVOLVING DEATH

In response to reported/actual fatal crashes, the following procedures will apply:

1. When it is evident that a fatality is involved, officers will notify their immediate supervisor who will in turn contact one or more of the Department's CIRT Investigators, and will request notification of all other personnel who have a responsibility at the scene, including notification to the County Coroner;
2. Officers will note the exact location and condition of the body (bodies) so details may be included in the investigative report and diagram;
3. Officers will attempt to identify the body (bodies);
4. If identification involves handling personal property or valuables, it shall be done in the presence of witnesses, which shall be documented in the written report;
5. Any property or valuable released to another person or agency will be properly receipted by the officer;
6. The identity of the body (bodies) will not be released until proper notification of next of kin;
7. Notification of next of kin should be accomplished as soon as possible;
8. Investigative duties directly related to the body (bodies) shall be conducted with priority to facilitate the prompt removal of the body (bodies) to the custody of the County Coroner; and
9. An investigative hold will be placed on any vehicle involved in the fatal crash, which will be properly impounded to permit a later, more thorough examination of the vehicle(s).

F. SNOW EMERGENCY AND/OR OTHER SEVERE WEATHER CONDITIONS

Under certain extreme conditions, the Chief of Police may suspend crash investigations for property damage crashes. When extreme weather conditions of other special circumstances exist, the Chief of Police, or his designate, may determine that it is necessary to temporarily suspend investigations of non-injury, minor, property damage crashes. When circumstances are present causing such a decision to be made, the Chief of Police will:

1. Notify the Communications Center of this decision;
2. Provide explicit instructions for people involved in such crashes to exchange information and come to the police department at a later time to file a report;

In the event a Watch Commander believes that conditions exist which necessitate such a suspension of property damage traffic crash investigations, he/she shall notify the Patrol Division Commander of the circumstances involved and request that the Commander take the steps outlined above.

Mahwah Police Department – Policies and Procedures		Number 150:10:15
Subject Collision/ Crash Scene Duties		
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Revisions a.122011RC b.02262015 LtSC, c. 08/201/ D.Lt.GB		
Page 1 of 10.	Accreditation Number 61.2.2	

I. BACKGROUND

The most important function for any officer handling any traffic crash investigation is to prevent the situation from deteriorating and becoming worse. In order to accomplish this task, officers must take specific actions in a logical sequence, dependent upon the circumstances involved.

II. POLICY

It is the policy of this Department that all members adhere to the below guidelines on the responsibilities of officers responding to traffic crashes.

III. ACTION

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A. OFFICER ACTION AT CRASH SCENES

Once at the scene of a crash, the first officer must take immediate action with respect to the individual circumstances of the crash. Such actions include, but are not limited to:

- Administering first aid;
- Summoning additional assistance as needed;
- Protecting the crash scene;
- Preserving evidence;
- Establishing a safe traffic pattern around the crash scene;
- Locating witnesses and recording information and;
- Expediting the removal of vehicles, persons, and debris from the roadway.

The first responding officer, as much as practical, shall identify the participants, as well as potential witnesses. Participants and witnesses should be separated to the extent possible in order to ensure that individual statements about the crash are not unduly influenced or biased.

Police officers are frequently first to arrive at the scene of traffic crashes involving injuries, fire hazards, or hazardous materials. As such, officers must provide basic life support, emergency medical care, and fire suppression services until properly relieved by fire or rescue personnel. In cases of hazardous materials, officers are responsible for preliminary hazard identification (spill, leak, fire), and identification of vehicle and container hazards. An important responsibility of officers responding to any crash scene is to prevent the situation from becoming worse. This responsibility may become more important and more difficult to achieve, when special hazards, such as injuries, potential or actual fires, or hazardous materials, exist at the scene of a crash. The Department will continue to be aware of the responsibilities, practices, and procedures of other agencies that respond to and/or provide technical assistance at crash scenes involving injuries, fire hazards, and hazardous materials. When appropriate, officers will provide assistance to rescue, fire, and other emergency personnel within the limits of their abilities, training, and equipment.

B. DETERMINING THE OFFICER OR INVESTIGATOR WHO IS IN CHARGE

The officer who is dispatched to the crash scene is responsible for the handling of the crash and its investigation. This officer will be in charge of the crash scene unless otherwise directed by the Tour Commander. This officer may request assistance and it is his responsibility to direct others as to his particular needs. If an Evidence Technician is requested, it is the Evidence Technician(s) who will be in charge of the collection of evidence and photographing; the associated field sketches; and, if necessary, will request others to assist with such collection.

C. IDENTIFYING AND DEALING WITH INJURED PERSONS

Officers will keep current their skills in emergency medical care. The Department will provide, and officers will participate in, basic and refresher training in emergency medical techniques. In the event that injuries are present at the scene, officers shall check injured persons to identify those most seriously injured and any fatalities. Officers shall administer appropriate emergency medical aid to injured persons. Officers will not permit unqualified volunteers to treat injured persons. Officers shall summon ambulance personnel, paramedics and/or EMTS to the scene and assist in getting persons seriously injured removed to medical facilities as soon as possible. At crash scenes where there is personal injury or the imminent threat of injury, actions to deal with the injury/threat will take precedence over investigative or reporting activities, until such time as personnel competent to adequately handle the threat or injuries relieve the officer. Officers will assist, when necessary, in getting persons seriously injured to medical facilities as soon as possible. However, injured persons shall not be transported in departmental vehicles unless authorized by the Tour Commander.

D. IDENTIFYING AND DEALING WITH FIRE HAZARDS

At crash scenes where there is an actual fire or potential for fire, officers will take appropriate actions to stabilize the conditions. Steps to be taken include providing adequate protection to the scene, isolating the immediate area, removing persons from the area of the hazard (if possible), suppressing the hazard to the extent possible, and summoning the appropriate technical resources from the fire department. Officers will attempt to eliminate all possible sources of ignition when potential for fire is present. Sources of ignition include such things as lighted cigars, cigarettes, pipes, flares, electricity, etc. In case of an actual fire, officers shall request that appropriate fire suppression equipment be dispatched (rescue persons, if necessary), and extinguish the fire if possible. Officers must be aware of the limitations of the fire extinguishers in

cruisers, and not attempt to utilize the fire extinguisher to try to control a fire that is already too large for it to handle effectively. When necessary, officers will evacuate and secure the surrounding area and maintain control and direction of the incident until the fire is suppressed with the coordination of responding fire personnel. Officers should carefully control movement of vehicles within the vicinity of a fire or potential fire hazard, detouring traffic when necessary.

E. IDENTIFYING AND DEALING WITH HAZARDOUS MATERIALS

Frequently, officers may respond to crash scenes that involve hazardous materials. Any crash involving commercial cargo vehicles may involve hazardous materials, and officers should approach cautiously. Upon arrival at the scene of a traffic crash involving any cargo vehicle, officers will attempt to make a preliminary identification of the cargo on the basis of placards visible from a safe distance. All of the cruisers are equipped with hazardous materials manuals for this purpose. Officers responding to crashes involving commercial cargo vehicles should be aware that such vehicles may be transporting hazardous materials, but are not required to display placards unless they are transporting one thousand (1,000) pounds or more of any single type of hazardous material. Absence of an identifying placard does not necessarily mean the absence of hazardous materials.

Proper procedures are critical for public and officer safety when hazardous materials incidents occur. Officers of the Mahwah Police Department assigned to such incidents shall take the necessary precautions for the protection of themselves and the public in general. A hazardous material is any element, compound, or combination thereof which is flammable, corrosive, explosive, toxic, radioactive, an oxidizer, or is highly reactive, and which, because of handling, storing, processing, and packaging may have detrimental effects upon operating and emergency personnel, the public, equipment, and/or the environment.

Radioactive materials are in current use in hospitals, research laboratories, and numerous industrial and military applications. Truck, rail, and air carriers throughout the state and local area commonly transport radioactive materials. Numerous hazardous materials are transported throughout the state every day. While many of these are in common use, crashes and/or spills present a serious threat to the health and safety of the general public, but especially to the officer who happens to be first on the scene. Many crashes and other emergencies involve more than one agency and require a cooperative emergency response. It is of extreme importance for all officers to be aware of what actions they should take during hazardous material emergencies.

The first and most important function of the responding officer is the identification of shipments considered hazardous. This may be accomplished directly or indirectly by descriptive data in shipping documents, on containers, package labels, and vehicle placards. The safety of officers and the general public is of paramount importance and will outweigh all other factors when dealing with hazardous materials incidents. Through observation of the collision scene and information, including copies of the U. S. Department of Transportation **Emergency Response Guidebook**, officers will maintain a posture of identifying the material(s) involved, relay this information to the local fire department, then isolate and protect the scene.

Upon being notified of or coming upon the scene of any crash or incident that may involve hazardous materials, the officer will attempt to identify, at a distance, the possible presence of hazardous materials. If an officer determines from a safe distance (three tenths of a mile or greater) that a hazardous material may be involved, the officer will not enter the area, but will immediately relay information about the incident and possible identification of the material(s) to the dispatcher. The dispatcher will

immediately contact the appropriate fire department and advise them of the potential contact with a hazardous material and the nature of the situation (fire, crash, spill, etc.).

If an officer is on the scene and comes in contact with suspected hazardous material, the officer should immediately retreat to a safe distance (approximately three tenths of a mile or greater) and immediately notify the dispatcher of the nature of the suspected material. Once an officer has determined that there is a possibility of hazardous materials being present, the officer shall take immediate measures, after ensuring the dispatcher has been given a preliminary identification of the material(s), to establish a perimeter of at least three tenths of a mile surrounding the incident. After establishing a perimeter, the officer shall begin preparations for evacuation of the area, to begin upon notification by the responding fire department.

The scene, which includes all the area inside the perimeter, shall be released to the control and authority of the fire department until such time as the fire department declares the emergency unfounded and/or under control. Supervisors should contact the Patrol Division Commander to keep the Commander updated as to the status of the hazardous material, advise the Commander of the location of the command post, and ascertain what additional manpower/ equipment may be needed to secure the perimeter and/or evacuate the area.

Crashes involving hazardous materials will be investigated, maintaining the primary objectives of officer safety, the safety of persons/property that may be affected by the hazardous material(s), and the containment of the area and the hazardous material(s). Investigation/reporting will only proceed once the proper agencies have secured the hazardous material(s) and declared the scene safe for police personnel to enter.

Officer safety is of primary importance in all situations, particularly when toxic chemicals and/or life hazards may exist; therefore, officers will consider their own safety before attempting to rescue victims and will only enter a hazardous environment under very unusual circumstances. Officers shall request fire department response to any scene during:

1. Any incident involving known hazardous materials under conditions that presents a possible risk of harm to persons, property, or the environment;
2. Any incident involving suspected or possible hazardous materials under conditions that would likely present a risk of harm to persons, property, or the environment.

The Chemical Transportation Emergency Center (CHEMTREC) provides technical expertise in handling hazardous materials emergencies. CHEMTREC can also provide additional phone numbers for such emergencies. Generally, the Fire Department will contact CHEMTREC during such emergencies, but such assistance is available to the police department by calling 1-800-424-9300. CHEMTREC will require the following basic information:

- Name of caller and a call-back number
- Location and nature of problem (fire, spill, etc.)
- Chemical name and/or number (both if known)
- Shipper or manufacturer
- Container type
- Rail car or truck number
- Carrier name
- Consignee
- Local conditions (terrain, weather, etc.)

In the case of hazardous material incidents, officers will isolate the hazard area, evacuate non-essential personnel, and make preliminary hazard identification (spill, leak,

fire, etc.) When an officer is involved in an incident involving hazardous materials, the officer will be required to receive medical attention under the following conditions:

1. When the officer has been exposed to substances at concentrations above permissible exposure limits without necessary protective equipment being used, or
2. When the officer has been injured due to overexposure during an emergency incident, or
3. When the employee shows signs or symptoms indicating exposure to a hazardous substance. Such symptoms may include dizziness, rashes, shortness of breath, burning of mucous membranes, etc.

Upon notifying a supervisor, the employee will go to the hospital emergency room for examination and treatment as soon as possible. The officer will prepare an Investigation Report describing the incident, and forward it to the Chief of Police through the chain of command.

It is the policy of the Mahwah Fire Department to establish an incident command center at hazardous material emergencies. When such emergencies do occur and police department personnel are involved, at least one officer will be assigned to the incident command center. The officer assigned to the incident command center will, in addition to other duties, communicate pertinent information to all other police personnel involved in the emergency in a timely manner. Such information may include change in wind direction, expansion or enlargement of an evacuation area, notification of changes in status of the hazard, etc. Assignment of police personnel to the incident command center will be made by the highest-ranking police officer on the scene (e.g. Tour commander, Division Commander, Chief of Police).

When there is any question whether spilled material at a crash scene may be hazardous, officers will avoid contacting or inhaling the material, and keep others from coming into contact with the material to the extent possible. Officers will follow procedures specified in the **Emergency Response Guidebook** to complete the identification of hazardous materials, take the appropriate action, and notify relevant agencies and personnel. All cruisers are equipped with a current copy of the **Emergency Response Guidebook**.

Following is a list of recommended procedures to be followed when responding to a traffic crash that potentially involves hazardous materials. These procedures are intended to limit or prevent exposure(s) to officers, the public and to the environment from hazardous materials, and to limit the impact of the release of oil or chemical spills by initiating activities to contain a spill.

Upon arrival at the scene of a traffic crash suspected of involving hazardous materials:

1. Determine if gas clouds or liquids are leaking from the vehicle. If yes, do not approach;
2. Determine if a "hazardous material" is being transported by the display of a placard;
3. If a placard is present, determine if chemicals or hydrocarbons are:
 - flammable;
 - toxic;
 - reactive; or
 - a threat to the environment
4. If the truck or vehicle is carrying less than 1000 pounds of hazardous materials, a placard may not be present. Speak to the vehicle driver, if possible, to determine the contents of the vehicle. If the driver is unable to respond, check the manifest or bill of

loading if the vehicle can be approached safely. The manifest will generally be found on the seat or in a pocket on the driver's door. DO NOT approach a vehicle if fumes or fire is present;

5. Limit access to the scene to essential personnel only;
6. Personnel should use proper safety clothing;
7. Protect the scene by positioning the cruiser to block the road, and placing traffic cones, barricade tape or requesting barricades from the Street Department;
8. Keep all personnel away from spillage or fumes to avoid exposure;
9. Report accurate name of spilled substances or UN number from the placard to the dispatcher. Spell the name of the substance using the phonetic alphabet. Many chemical names are similar or can be misidentified if not spelled properly (e.g.: hydrochloric acid – hydrofluoric acid).

If it is necessary to approach a vehicle leaking hazardous materials, do not approach if fumes are present without self-contained breathing apparatus unless it is absolutely necessary, then:

1. Approach from upwind and uphill;
2. Do not come into physical contact with any spillage; and
3. If you feel lightheaded or ill, leave the immediate area at once and report to your supervisor and request emergency medical assistance.

If a responding officer determines that a traffic crash involves a hazardous materials spill, the officer shall notify the dispatcher as soon as possible. The dispatcher should:

1. Notify the fire department in the event of a spill or leak;
2. Call Chemtrec (1-800-424-9300);
3. Dispatch the Mahwah Fire Department Hazardous Material Unit via zetron, if the material has been spilled or leaked;
4. The dispatcher may call the Department of Transportation to aid in traffic control (601) 588-6211; and
5. Call the Bergen County Health Department Hazardous Material Response Unit (201) 634-2780
6. Call New Jersey Department of Environmental Protection (877) 927-6337.
7. Contact the shipper to request assistance in containment, if such action can be safely done.

If the problem is a leaking drum or container inside the truck, the truck may be moved to a location that is more rural in nature, if such action can be done without causing more exposure. Officers should assist the driver in notifying the shipper of any incident, either through the dispatch center or telephone. Shipping companies may be called upon to provide cleanup or other response.

If anyone is or has been exposed, make first aid personnel aware of the name of the product and its manufacturer (make sure of spelling). Special first aid information may need to be relayed from the NJ Department of Environmental Protection, Chemtrec, the Health Department, or the manufacturer. Emergency medical personnel and hospitals should be briefed.

Record information accurately. It may not be possible to secure all relevant information, depending upon the severity of the incident. Do not approach vehicles where visible smoke, fumes, or liquids are present.

1. Record the name(s) of the chemical(s) involved;
2. Record the name, address, and phone number of the carrier;
3. Record the name, address, and phone number of the company shipping the product;
4. Record the license numbers and the numbers on the units involved;

5. Record the driver's name and other pertinent information.

If a hazardous materials spill involves a stream, additional information is needed:

1. Size and location of the nearest stream, and name, if known;
2. Name of town if there may be a water supply down stream;
3. It may be necessary to alert down stream water users (i.e., farmers using the stream to water livestock).

In some hazardous materials situations resulting from traffic crashes, it will become necessary to evacuate homes or close a road to ensure safety. In some cases with divided highways it may be possible to keep the other direction opened, based on the spill severity and toxicity. On divided highways traffic may be maintained on one side if spilled material does not require a large, secured area, or if there is no risk that vehicles in the opposite lanes will become contaminated by wind drift. Re-routing of traffic will be supported with help from the New Jersey Department of Transportation, Bergen County Diversion Route Plan and the New Jersey State Police. Traffic control may be needed for re-routed vehicles. A spill could affect traffic for 24 hours or more. Responding officers must avoid physical contact with spilled chemicals. Special consideration must be given to downwind, downhill, or downstream areas.

Homes may be evacuated in areas as a precaution to potential leaks or explosions. The determination for evacuations is made by the local Fire Department Chief, who may get assistance from the New Jersey DEP, the manufacturer, or other authorities having expertise in the chemical field. Evacuation of areas creates special problems that the department may need to address. These include:

1. Some residents may refuse to leave;
2. If homes are evacuated theft protection may become a problem;
3. After a period of time, residents may try to re-enter an evacuated area to return to their homes before proper authorization is received.

As the situation improves it may be determined that the area of evacuation may be reduced. All involved agencies should be briefed prior to any change in the area of evacuation. Evacuation termination is usually declared by the Fire Chief in consultation with other experts, such as the NJ DEP representative on the scene. The scene commander should announce the termination of the evacuation to the public.

The return to normal must be done in a controlled manner. In some cases, special decontamination of the truck or spill area will be needed. The NJ DEP will oversee this process. Site security may be needed until this is completed. If clothing, shoes, or other equipment have come into contact with chemical liquids, solids, or vapors, they may need to be washed, disposed of with other debris, or neutralized. Consult with a company official, the Fire Chief, and the NJ DEP official on the scene.

In some cases it will be desirable to allow the truck to move to a terminal or a restricted area to carry out decontamination. However, NJ DEP and other officials on the scene must be consulted first. If the soil or stream in a spill area has been contaminated, the NJ DEP and company officials will monitor the removal or decontamination. Removal will require special NJ DEP assistance.

Chemicals, soil, vegetation, contaminated tools, and clothing may need to be sent to an NJ DEP approved disposal site. The NJ DEP will aid with proper manifesting and placarding of vehicles that will transport materials sent to disposal.

Township of Mahwah Emergency Disaster Plan

The Township of Mahwah Emergency Disaster Plan can be invoked by proclamation of the Mayor upon recommendation of the Township Administrator. If hazardous materials at the scene of a crash are severe enough to warrant activation of the Emergency Disaster Plan, then responding officers shall forward all pertinent information through the chain of

command. The Chief of Police, or his designate, will have the sole discretion in determining whether or not to contact the Township Administrator and request that the Emergency Disaster Plan be activated.

F. COLLECTING INFORMATION

The officer assigned to a crash investigation must investigate the crash completely and accurately. When assigned to a crash, the officer will complete all necessary information on the NJ Police Accident Report (NJTR-1), as well as information necessary for departmental purposes (skid mark data, area of impact, other measurements, listing of all witnesses, occupants, etc.). (Refer to the **Police Guide for Preparing Reports of Motor Vehicle Crashes** for details concerning the NJTR-1). Additional information will be submitted on the Motor Vehicle Accident Description Form (NJTR-1A) and Motor Vehicle Accident Diagram Form (NJTR-1B).

Officers assigned to crash investigations are responsible for interviewing participants and witnesses, and when appropriate, obtaining statements from those persons in written form. Audio and/or video statements may be taken during investigation into more serious and/or complex traffic crashes, such as fatal crashes and hit and run crashes.

The investigating officer will examine and record any damage to vehicles involved in traffic crashes, as well as damage occurring to the roadway or to public or private property.

The investigating officer shall record applicable measurements at the scene of all traffic crashes occurring on public roadways. Additionally, investigations of crashes on private property that result in fatalities or serious injuries will also include detailed measurements. At a minimum, such measurements should include road width, area of impact, and final rest for the vehicle/units involved, whenever it is possible to make such determinations. Depending upon the severity of the crash and availability of evidence, such measurements may also include, but are not limited to skid mark data, yaw marks, debris, gouges in the roadway, etc. These measurements will normally be taken and recorded by one of the Department's Traffic Officers with the assistance of the investigating officer.

The investigating officer is responsible for ensuring that photographs are taken of all crash scenes involving:

1. Fatalities;
2. Personal injuries;
3. Police vehicles;
4. Township owned vehicles;
5. Extensive property damage; and
6. Other crash scenes when deemed necessary and prudent by the investigating officer, Tour Commander, or other supervisor.

Primary photographs will be taken with a digital camera or by the Bergen County Sheriff's Department BCI. The assigned officer, a detective, a Crash Investigator, or any other competent officer assisting at the scene may take photographs.

The investigating officer is responsible for preserving and collecting physical evidence at the scene. He/she is also responsible for submitting evidence into the Evidence and Property Room. Depending upon the nature or complications of the evidence to be collected, an Evidence Technician may be requested to assist in the collection and submission of evidence, however, the overall responsibility rests with the investigating officer.

G. PROTECTING THE CRASH SCENE

The assigned officer is responsible to protect the scene to include, but not be limited to, the following critical issues related to protecting the crash scene

1. Preservation of evidence;
2. Safety of crash victims;
3. Safety of witnesses, bystanders, and the officer's cruiser; and
4. Safety of other equipment, as well as, the personal property of others.

Officers will take appropriate action designed to assist the motoring public and others in safely and successfully moving through or around traffic crash scenes when such assistance is necessary. Officers with the responsibility of maintaining traffic control at crash scenes will take the following actions and precautions:

1. The officer shall park his/her cruiser in a manner to protect the scene (legally if at all possible) so as not to create an additional hazard. The officer is to use the cruiser's overhead lights, flares, cones, etc., to warn persons and motorists of any hazard. However, as the use of such items can create confusion, officers are cautioned in their indiscriminate use. The officer shall restore and maintain the flow of traffic as soon as possible, especially in instances when the crash is property damage only and no hazard exists;
2. Vehicular traffic is to be restored with the use of cones, flares, barricades, etc. when necessary;
3. Consistent with the need to preserve evidence, vehicles and debris are to be removed from the roadway as rapidly as possible. If a wrecker is needed, it shall be summoned in accordance with existing policy and procedure;
4. To prevent congestion, and to permit emergency vehicles to move freely and safely, officers will direct vehicles at the scene (emergency and otherwise) to be parked safely and removed from the roadway as soon as possible;
5. Officers shall direct bystanders (except witnesses) to leave the immediate scene;
6. In the event that traffic will be blocked for a considerable time, the investigating officer shall consult with the Tour Commander or officer-in-charge to determine if the local media (radio/T.V.) should be contacted and requested to broadcast the relevant information via the Public Information Officer;
7. Officers will conduct crash scene traffic direction and control activities, as necessary, to protect the scene, clear the roadway, promote the safe and efficient movement of traffic in the vicinity and prevent additional collisions. Crash scene direction and control activities carried out by officers will conform to all applicable departmental policies and procedures.

Whenever any traffic crash involves a utility pole, the investigating officer shall request a service technician from Orange and Rockland Electric be dispatched to the scene to inspect the pole for potential damage, whether or not there is any visible damage to the pole. Whenever any traffic crash results in damage to a utility pole or connecting wires, and the investigating officer is able to determine the owner of the pole (i.e. NJ Bell, CableVision, O&R, etc.), the officer shall request a service technician from the appropriate utility be dispatched to the scene.

Officers will take the appropriate actions to clear the roadway of such vehicles and debris as soon as practical at all crash scenes. Failure to expedite removal of vehicles and debris at crash sites may result in congestion and unnecessary confusion for other motorists, which could ultimately lead to additional serious crashes, especially on controlled access or heavily traveled roadways. When vehicles are to be driven from the scene (crash-involved vehicles, emergency vehicles or others), officers will assist the

drivers, as necessary, in entering the traffic stream safely. Debris/vehicle removal should be accomplished by the towing agent at the direction of the investigating officer.

Once the scene has been cleared of vehicles, debris, etc., officers will arrange for the prompt removal (and proper disposal, if applicable) of all flares and other warning devices that may have been employed to protect the scene. The removal and processing of disabled vehicles will be in conformance with Department policies and procedures on vehicle tow and impound, and evidence preservation and control.

H. CONTROLLING PROPERTY BELONGING TO CRASH VICTIMS

An officer at the scene of a traffic crash has the responsibility to ensure that property belonging to a crash victim is protected from theft and pilferage. If necessary, the officer should remove such property for safekeeping when the owner is unable to care for it.

Where practical, property found inside a vehicle at the scene of a crash should be secured with the vehicle and itemized on a vehicle inventory form, in accordance with SOP 150:20:15, prior to the vehicle being removed from the scene by a wrecker. Items of great value, items readily accessible to theft, money, and firearms shall not be left with the vehicle.

Such items shall be tagged and submitted to the Department's Property Control Room for safekeeping, or directly given to the owner or his designate. All found property for which ownership cannot be readily determined should be properly tagged and submitted to the Property Control Room. When the rightful owner is located and identified, the property shall be released unless it is considered contraband or is needed for evidence.

Mahwah Police Department – Policies and Procedures		Number 150:10:20
Subject Collision Investigation Follow-up Activities		
Issue Date 04052001	Effective Date 04052001	
Revisions a. Reviewed 2/2015 LtSC		
Page 1 of 3.	Accreditation Number 61.2.4	

I. BACKGROUND

Follow-up activities after a collision scene has been cleared and the victims/witnesses removed are an important aspect of the total crash investigation. Collecting off-scene data, obtaining formal statements from witnesses, reconstructing the collision and preparing formal reports for criminal prosecution all depend on follow-up activities.

II. POLICY

It is the policy of this Department that all members adhere to the below guidelines regarding follow-up activity/investigation involving traffic crashes.

III. ACTION

A. FOLLOW-UP ACTIVITY

All traffic crash investigations will be conducted to the fullest extent possible. Thorough and complete investigations, including follow-up activities that become necessary, are the responsibility of the assigned officer. It is the responsibility of the on-scene investigating officer to conduct all necessary follow-up investigations, including, but not limited to:

1. Collection of off-scene data;
2. Obtaining/recording formal statements from witnesses; and
3. Preparing formal reports to support any criminal charges arising from the crash.

When investigating some traffic crashes, it may be necessary or prudent to collect and preserve evidence relating to the crash. The investigating officer, when possible, should personally collect and preserve the evidence. If time or conditions do not permit, the officer may request assistance in the collection and preservation of evidence. It may be necessary for the investigating officer to collect, or have collected, data from sources other than the scene of the crash. Circumstances that may require off-scene collection include the following:

1. Injured persons may have been removed and the officer may have to go to wherever the person is in order to collect data;
2. Vehicles or other property may have been removed from the scene and may need to be examined in order to collect additional data;
3. It may be necessary to collect personal history data on persons involved in the crash, i.e., driving record, vehicle ownership information, medical history, etc.;
4. It may be necessary for an officer to obtain formal statements from witnesses away from the crash scene.

If a person or persons are to be formally charged with a law violation in relation to the traffic crash, the officer is to prepare the necessary reports concerning the investigation of the crash to support the criminal charge(s). The citation, crash report and

any associated investigative reports are to be prepared and placed in file with appropriate copies forwarded to the prosecutor or the court to support the charge(s).

This functional responsibility does not preclude the investigating officer from seeking the assistance of other officers who might be working different days, hours, or posts, to assist in matters such as:

1. Delivering messages;
2. Checking for suspect vehicles, or;
3. Requesting an evidence technician to assist in securing newly found evidence, etc.

However, no officer is to take it upon himself/herself to completely turn an investigation over to another officer without prior approval of the Tour Commanders of both officers. Generally, crashes involving serious/fatal injuries, Township emergency vehicles or serious commercial vehicle collisions will be followed-up by the Traffic Office. The Traffic Officer assigned will determine if a reconstruction is advisable and conduct any such investigation at the discretion of the Chief of Police.

Occasionally, certain types of crashes (fatal crashes, some hit and runs crashes, etc.) require that a particular investigation be turned over to an investigator. Such investigations must be formally assigned to an investigator by the Patrol Division Commander, or another command officer (Chief of Police or Investigative Division Commander) acting in his/her absence. Officers investigating crashes, which they feel require the assignment of an investigator, shall make this recommendation to their Tour Commander. If the Tour Commander is in agreement with the request, he/she will forward the request to the Patrol Division Commander for consideration. No officer is to take it upon himself/herself to turn such an investigation over to an investigator without the prior approval of the Patrol Division Commander. Officers investigating crashes requiring technical reconstruction will seek approval through the chain-of-command consistent with the requirements of this SOP.

The Mahwah Police Department will acquire expert and technical assistance for officers when such assistance is necessary to conduct a traffic crash investigation, or portions of a crash investigation. Such assistance will be at the direction of the collision Reconstructionist conducting the investigation and provided subject to the approval of the Chief of Police. It is the responsibility of the investigating officer to request any technical assistance needed to complete a crash investigation. Such requests shall be forwarded through the chain of command to the Chief of Police. Such technical assistance may include, but is not limited to;

- Surveyors;
- Mechanics;
- Engineers;
- Physicists;
- Physicians;
- Other specialists.

Certain types of technical assistance can result in high costs to the police department. Therefore, requests for technical assistance should specify the precise type of assistance needed, an adequate justification for such assistance, and the name and qualifications of the persons/business proposed to provide the assistance. The Chief of Police has sole authority to approve or deny requests for technical assistance.

As soon as a need for technical assistance is recognized, involved vehicles should be impounded in a secure area. When possible, the vehicle should be impounded at the same location where the desired technical assistance is available or will be performed. Officers assigned to crash investigations who, while still on the scene of the crash, anticipate the need for technical assistance shall discuss the matter with the Tour

Commander. If the Tour Commander concurs he/she may authorize impoundment of the vehicle(s).

When investigating a serious traffic crash involving a question about mechanical failure, the officer may order the vehicle impounded for an inspection by a certified mechanic. Care should be taken when ordering this inspection that the examination is pertinent to the crash investigation. Examples would be:

1. Fatalities;
2. Serious injury crashes where a strong possibility of civil litigation exists;
3. Township vehicle crashes with mechanical failure in question;
4. Anytime liability may possibly be attached to the Township.

When the vehicle is impounded, it should be towed directly to the Police Department garage of a secure impound lot and a request directed to the Patrol Division Commander for an inspection. A certified mechanic selected by the Traffic Officer will conduct the inspection. Anytime a police vehicle is involved in a crash involving possible equipment failure, the vehicle should be secured in the Police Department Garage for inspection prior to being placed back in service.

Mahwah Police Department – Policies and Procedures		Number 150:10:25
Subject Walk-In Collision Investigations		
Issue Date 02052001		Effective Date 02052001
Revisions a. Reviewed 2/2015 LtSC		
Page 1 of 1.	Accreditation Number None (61.2.5)	

I. BACKGROUND

There are occasions where citizens will respond to the police station in order to report a motor vehicle accident. To address this occurrence, specific guidelines have been instituted to assure consistent handling of such incidents.

II. POLICY

It shall be the policy of this Department to handle all walk-in accident reports in the following manner.

III. ACTION

A. WALK-IN ACCIDENT INVOLVING AN INJURY: A sworn Officer must investigate the accident and complete a standard State Motor Vehicle Accident Report. It is the Officers responsibility to investigate the accident as thoroughly as possible.

B. WALK-IN HIT & RUN ACCIDENT: A sworn Officer must investigate the accident and complete a standard State Motor Vehicle Accident Report. It is the Officers responsibility to investigate the accident as thoroughly as possible. This does not include accidents where a parked vehicle is struck, and the other driver leaves the scene. In these types of incidents the procedure cited below in Section C will be followed.

C. ALL OTHER WALK-IN ACCIDENTS:

1. A sworn Officer will speak to the complainant to verify that there were no injuries and/or the accident was not a hit and run.
2. Once verified, the Officer will direct the Communications Operator to make a computer entry regarding the incident.
3. The Officer will then supply the complainant with a "Motor Vehicle Accident Report - Long Form" (SR-1).
4. The Officer will assist the complainant in completing the form if the complainant has any questions.
5. The Officer will instruct the complainant to make himself/herself copies of the completed form.
6. The Officer will advise the complainant to forward the original completed form to the address listed on the form.
7. There is no need for the Police Department to retain any copies of this report.

Mahwah Police Department – Policies and Procedures		Number 150:15:05
Subject Traffic Engineering—Complaints and Enforcement		
Issue Date 04052001		Effective Date 04052001
Revisions a. Reviewed 2/2015 LtSC, b. 08/2018 D.Lt.GB		
Page 1 of 3 .	Accreditation Number 61.3.1	

I. BACKGROUND

One of the major goals of the Mahwah Police Department is to provide the motoring public with the safest streets possible for travel. In order to accomplish this goal it is imperative that the Mahwah Police Department work with the Mahwah Department of Public Works, Bergen County Road Department or the NJ State Department of Transportation. Traffic safety on the streets of Mahwah is of paramount importance to the Mahwah Police Department.

II. POLICY

It is the policy of this Department that all members adhere to the below listed guidelines regarding the reporting of complaints or deficiencies concerning roadway problems.

III. ACTION

A. HANDLING OR REFERRAL OF COMPLAINTS OR SUGGESTIONS CONCERNING TRAFFIC ENGINEERING DEFICIENCIES

The Mahwah Police Department will investigate complaints referred to the Department related to traffic engineering problems. Additionally, any such complaint outside the authority of the Police Department to investigate or correct will be referred to the Mahwah Department of Public Works, Bergen County Road Department or the NJ State Department of Transportation. Any officer that becomes aware of any hazardous roadway condition shall report it pursuant to SOP150:20:10. If the reported deficiency is non-hazardous in nature the notification will be completed and submitted through normal channels, by leaving the report for the Dayshift Tour Commander to notify the DPW, BCRD or NJ DOT of the complaint and then send the report to them via inter office mail. If the reported deficiency is hazardous, the investigating officer will immediately notify the Dispatch Center that will in turn notify, via public service, the proper Township department or on call individual for appropriate action.

The Department will record, investigate, and follow-up on all citizens' notifications of actual or potential traffic engineering problems and possible improvements. Investigation and follow-up of such complaints will be accomplished in the following manner:

1. Verifying the existence of the problem either by actual observation, gathering information from the complainant, or a combination of both;
2. When applicable, evaluating the caller's suggestions for improvements in regards to feasibility;
3. Initiating an appropriate remedial action when applicable and possible, such as sweeping debris from the roadway or calling for barricades to be placed into position;

4. Referring the complaint to another, appropriate agency for proper disposition when necessary; and
5. Whenever possible, officers should notify the caller of the actions taken to remedy the problem.

The Traffic Officer of the Mahwah Police Department will continue to use the "Manual on Uniform Traffic Control Devices" as a guide for its activities relating to traffic engineering. Traffic engineering problems may include such things as:

1. Defective roadway construction or roadway defects;
2. Malfunctioning traffic control devices;
3. Missing or lack of traffic control devices;
4. Poor, improper, lack of, or defective night lighting;
5. Barricades, guardrails, posts, etc. that are improperly placed, missing, or otherwise dangerous; and
6. View obstructions, poor roadway markings, reflectors, etc.

B. PROCEDURES FOR TRANSMITTING CRASH AND ENFORCEMENT DATA TO LOCAL OR REGIONAL TRAFFIC ENGINEERING AUTHORITIES.

When appropriate, the Police Department will supply specific data from the NJTR-1 form needed to analyze high traffic crash locations including, but not limited to:

1. Crash location;
2. Time of day;
3. Lighting conditions;
4. Street conditions;
5. Any other conditions pertinent to the causative factors involved in the crash.

When conditions exist that indicate possible engineering problems at high crash locations, the Police Department will notify the DPW, BCRD or NJ DOT and request that any appropriate studies of the location be initiated to eliminate the engineering problem. When high crash locations are identified, the Department will develop a selective enforcement program for such locations. As needed, the Chief of Police and Public Works Director or Township Engineer will meet to address high-crash locations and possible enforcement methods or engineering enhancements that could be utilized.

Police department personnel used for conducting traffic-engineering studies will receive training in areas dealing with the engineering function. Personnel assigned to conduct traffic-engineering studies shall be traffic crash investigators from the Traffic Office.

Handling/referral of complaints/suggestions concerning traffic-engineering deficiencies:

- a. All complaints received by this Department concerning engineering deficiencies will be forwarded to the Director of Public Works, the Township engineer, the Bergen County Engineers Office, and/or the State of N.J. Department of Transportation. One of these agencies, or a number of these agencies working together, will evaluate the deficiency, and take corrective action. The complainant will be advised of the action ultimately taken.
- b. At the request of any of the above-mentioned agencies, the Chief of Police will direct the Traffic Safety Section to prepare accident collision and condition diagrams and/or other requested reports or information to provide a factual base for traffic safety/engineering decisions. These reports include:
 - 1) All accident reports pertaining to the location requested;
 - 2) Sketch of the location;
 - 3) Sketch of intended movement of each vehicle, noting the severity by use of approved symbols;
 - 4) Show all non-involved vehicles or pedestrians that contributed to the accident;

- 5) Weather or pavement conditions;
 - 6) Light conditions;
 - 7) Number of injuries or fatalities;
 - 8) Note unusual conditions.
- c. Condition diagrams may also be prepared, as required, to indicate the following types of data:

- 1) Street name;
- 2) Functional classification of street (major, minor collector, local);
- 3) Intersection angle (to scale);
- 4) Width of the street;
- 5) Parking conditions;
- 6) Grade approaches;
- 7) Corner radii (to scale);
- 8) Sidewalk location (to scale);
- 9) Traffic regulations;
- 10) Speed limits on all approaches;
- 11) Fixed objects over 12 inches in diameter;
- 12) Driveway locations (to scale);
- 13) Road surface irregularities.

The Traffic Safety Section will compile a summary of high accident locations that will be forwarded to the Township of Mahwah Engineering Office for review. The Traffic Safety Section will assist in correcting the problem causing the incidence of high accidents.

Procedures for transmitting accident and enforcement data to local or regional traffic engineering authorities:

- a. At the end of each week, a copy of every reportable motor vehicle accident is forwarded to the N.J. Division of Motor Vehicles. The information on the motor vehicle accident report form is compiled by the Division for their use. The Records Bureau is responsible for mailing the accident report copies to the Division.
- b. Copies of accident data reports as well as recommendations on correcting hazardous roadway conditions and the Traffic Safety Section will forward conditions resulting in the incidence of high accidents to the Bergen County Department of Highway Engineers.
- c. All accident data as well as any information necessary to correct hazardous road conditions will be forwarded by the Traffic Safety Section to the Township of Mahwah Engineers Office.

A representative of the Traffic Safety Section will attend any local and regional traffic engineering and/or highway construction meetings. Attendance at such meetings will allow the Traffic Safety Section to gather information as well as to provide input in order to provide for the most expeditious and safe movement of traffic.

At least one member of the Traffic Safety Section will have completed an extensive traffic-engineering course sponsored by the N.J. Department of Transportation. The information and training provided in this course includes the following:

- a. Traffic survey methods and techniques;
- b. Traffic control measures;
- c. Traffic planning;
- d. Data analysis;
- e. Construction procedures and posting of signs.

Mahwah Police Department – Policies and Procedures		Number 150:15:10
Subject Traffic Direction and Control Procedures		
Issue Date 04052001	Effective Date 04052001	
Revisions Revised 2/2015 Lt. SC, b. 08/2018 D.Lt.GB		
Page 1 of 8.	Accreditation Number 61.3.2	

I. BACKGROUND

Officers of the Mahwah Police Department will provide traffic direction and control, where necessary, to ensure the safe and efficient movement of vehicles and pedestrians. Such duties will be carried out in a courteous and consistent manner so as to foster a positive public attitude and acceptance of such directions and control. It shall be the responsibility of all officers to identify locations and times requiring traffic direction and control services and for the Department to provide the resources of personnel and equipment to provide these services.

II. POLICY

It is the policy of this Department that in providing resources for identified traffic direction and control needs, the Department will strive to maximize the cost efficiency and effectiveness of resources used. Unmanned control devices, signals, and other apparatus (signs, barricade, cones, etc.) will be used whenever possible to satisfy the service needs. Such devices, when used, will conform to the Manual of Uniform Traffic Control Devices for Streets and Highways.

III. ACTION

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A. PROCEDURES APPLICABLE AT THE SCENES OF TRAFFIC CRASH

Officers may be required to provide traffic direction and control at the scene of traffic crashes. Officers will conduct traffic direction and control activities as needed to reduce

hazards and prevent additional crashes, in order to promote the safe and efficient flow of traffic in and around the scene. Such direction and control activities include:

1. Assisting other motorists;
2. Assisting other emergency vehicles in arriving and leaving the scene;
3. Assisting wrecker drivers while attempting to clear the roadway;
4. Assisting pedestrians;
5. Temporarily closing the street on either side of the crash scene as necessary; and
6. Detouring traffic onto other streets to bypass the crash scene

The officer shall park his/her cruiser in such a manner that the scene is protected, and avoid creating additional hazards that may be unnecessary. The cruiser should be parked legally whenever possible and overhead lights should be activated when the cruiser is on the roadway to warn other persons and motorists of hazards in the area as a result of the crash and investigation. When necessary, additional warning devices such as flares, traffic wands, or traffic cones may be used to warn other persons of hazards. However, the use of such items can create confusion, and officers are cautioned in their indiscriminate use. Officers shall restore and maintain the flow of traffic as soon as practical, especially in instances when the nature of the crash is limited to property damage only, and no hazard exists. Consistent with the need to preserve evidence, vehicles and debris are to be removed from the roadway as rapidly as possible. If a wrecker is needed it shall be summoned in accordance with existing policy and procedure as established in SOP 150:20:15.

B. UNIFORM HAND SIGNALS AND GESTURES FOR MANUAL TRAFFIC DIRECTION AND CONTROL

The decision of whether or not to use manual traffic direction services will be made in cooperation with traffic engineering authorities, where appropriate (as in the case of a State or Interstate roadway maintained by the NJ DOT). Prior to deciding to implement manual traffic control an officer shall consider the following variables:

1. Traffic volume and speed;
2. Number of pedestrians present;
3. Duration of congestion period, and;
4. Presence or absence of traffic control devices.

Officers or civilian personnel should not perform manual traffic direction when use of a traffic signal will alleviate the existing problem.

Manual traffic direction and control is the responsibility of all departmental personnel capable of performing traffic direction and control. At some point in time, situations will arise which will cause an officer to decide to manually direct traffic. Such situations will include, but are not limited to:

1. Malfunctioning or non-existent traffic control devices;
2. Traffic crashes or other emergency scenes;
3. Roadway construction areas until a flagman can take control of the situation;
4. Special and/or athletic events where heavy traffic flow occurs;
5. Adverse weather conditions; and,
6. Special/Overtime details.

Officers engaged in traffic direction and control should utilize uniform signals and gestures to enhance driver and pedestrian recognition of, and response to, their directions. The major objective of any officer carrying out manual traffic direction and control is to maintain/restore the safe and efficient movement of vehicular and pedestrian traffic. In doing so, the officer is responsible for:

1. Regulating traffic flow;

2. Controlling turning movements;
3. Coordinating vehicle movements with the flow;
4. Detouring traffic, as necessary;
5. Controlling pedestrian movements;
6. Arranging for the removal of traffic obstructions;
7. Facilitating emergency vehicle movements; and,
8. Rendering aid and assistance to motorists and pedestrians.

Personnel should utilize uniform procedures (signals, gestures, etc.) to enhance driver and pedestrian recognition and response. Personnel carrying out manual traffic direction and control duties must utilize department issued safety equipment (traffic vests and wands/flashlights) and assume and maintain a position that provides for:

1. The safety of the officer while conducting such duties; and
2. The officer to be clearly visible to motorists and pedestrians in the immediate area, generally in the center of the intersection or roadway.

To stop traffic the officer should first extend his/her arm and index finger toward, and look directly at the person to be stopped until that person is aware, or it can be reasonably assumed that he/she is aware, of the officer's gesture. Second, the pointing hand is raised at the wrist so that its palm is toward the person to be stopped, and the palm is held in that position until the person is observed to stop. To stop traffic from both directions on a two-way street the procedure is then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic previously stopped.

To start traffic the officer should first stand with shoulders and side toward the traffic to be started, extend his/her arm and index finger toward, and look directly at the person to be started until that person is aware or it can be reasonably assumed that he is aware of the officer's gesture. Secondly, with palm up, the pointing arm is swung from the elbow, only, through a vertical semi-circle until the hand is adjacent to the chin. If necessary, this gesture is repeated until traffic begins to move. To start traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction. If necessary, this gesture should be repeated to keep traffic moving. Officers must be careful not to start any traffic moving until all other traffic comes to a complete stop.

Right and left turning drivers usually effect their turns without the necessity of being directed by the officer. When directing a right or left turn becomes necessary, the officer should extend one arm and point to the person being directed to make the right or left turn while looking directly at that person. When it appears obvious that the person is aware of the officer's gesture, the officer should then swing his/her fully extended arm in the direction the person is expected to turn. When there is traffic in an adjacent lane of travel it may be necessary for officers to extend their other arm, with the palm facing traffic in the adjacent lane, in order to keep traffic in that lane from moving with turning traffic.

Officers should **use a whistle** to get the attention of drivers and pedestrians. It should be used in the following manner:

1. One long blast in conjunction with a STOP signal;
2. Two short blasts in conjunction with a GO signal; and
3. Several short blasts to get the attention of a driver or pedestrian who has not responded to a given signal.

Whistles should be used judiciously. They should be used at a volume sufficient to be heard by those persons whose attention is required. Therefore, whistle blasts

directed at pedestrians should be moderate in volume. The whistle should be used only to indicate stop, go, or to gain attention, and when its purpose has been achieved the officer should cease sounding the whistle. If the whistle is used continuously it ceases to hold meaning for drivers and pedestrians. As a general rule, officers should not use voice commands when assigned to traffic direction and control duties. Verbal commands are not easy to give or understand under such circumstances, and can often lead to misrepresentations that could be dangerous. Verbal orders, which are shouted, can antagonize motorists. However, occasionally a driver or pedestrian will not understand an officer's directions. When this happens, the officer should move reasonably close to the person and briefly, but politely, explain his/her directions. Officers shall not exhibit loss of temper by shouting or otherwise directing antagonism toward those who do not understand the officer's directions. Signals and directions given with the aid of a baton are prohibited.

During dark, low light level periods, or inclement weather, officers may use flashlights and/or flashing traffic wands to aid in directing and controlling traffic. To stop traffic, swing the beam of light slowly across the path of oncoming traffic. The flashlight beam should strike the pavement as an elongated spot of light. After the vehicle has been stopped, arm signals may be given in the usual manner for other directions, using the stopped vehicle headlights as a source of illumination. Officers should avoid shining a flashlight beam directly into the windshield of vehicles due to the high intensity of the light. A driver suffering temporary blindness because of such actions on the part of an officer cannot be expected to obey any subsequent directions given by an officer.

Flares may be used in low light conditions for the purpose of marking lanes or illuminating objects. Flares are not to be used when potentially flammable or explosive conditions are present. Flares are not to be used as "traffic wands" or in the place of a flashlight. They are not to be swung or thrust about in any manner that flings phosphorous or hot debris. Personnel are to exercise caution in the use of flares so as not to cause injury or damage to themselves or nearby persons or property. Personnel using flares are required to properly dispose of the debris, especially spikes (nails), resulting from the use of flares.

When manual traffic direction and control becomes necessary, personnel are to remain at their traffic post until:

1. They are properly relieved by other personnel; or
2. They are ordered to leave their post by a supervisor; or
3. Such time as the problem (crash scene, congestion, etc.) is resolved.

C. PROCEDURES APPLICABLE AT THE SCENES OF FIRES

Fire scenes frequently require assistance from the Police Department. At the fire scene, police officers shall assist and support fire-rescue operations, to include traffic direction and control. The primary responsibilities of this Department's personnel engaged in traffic direction and control at fire scenes are:

1. To maintain entrance and exit from the scene of the fire for fire and other emergency vehicles; and
2. To deny access to the scene to those persons not authorized.

Police vehicles shall not be parked at the fire scene in such a manner that would:

1. Prevent the police vehicle's mobility by hoses, equipment, or other vehicles at the scene;
2. Endanger the cruiser as a result of fire, heat, or debris at the scene; and
3. Prevent other emergency vehicles from entering or leaving the scene.

D. PROCEDURES APPLICABLE DURING PERIODS OF ADVERSE ROAD AND WEATHER CONDITIONS

Officers with knowledge of adverse road and/or weather conditions will take appropriate action to remedy any immediate hazards caused by the road and/or weather condition. Appropriate action may include monitoring the hazard for improvement, notifying other agencies to effectively deal with the hazard, and/or directing and controlling traffic until the hazard is eliminated. Unfavorable road and weather conditions may include, but are not limited to:

1. Acts of nature such as fog, ice, snow, or high water, on the roadway, etc.;
2. Accidental hazards such as downed power lines, large tree limbs on the roadway, debris that has fallen or spilled onto the roadway from a vehicle, etc.;
3. Engineering hazards such as an exposed guardrail ends or other objects that could cause needless additional damage or injury should a vehicle collide with the hazard; and
4. Other minor hazards.

Minor hazards would include objects in the roadway, which the officer is capable of removing without the assistance of other departments, wrecker services, etc. Such hazards might include mufflers from vehicles, trashcans blown into the roadway, etc. Officers encountering or becoming aware of minor road hazards such as those listed above will take the necessary steps to remove the hazard and, when appropriate, dispose of it.

Hazardous road conditions such as those listed above, other than minor hazards, shall be reported to the Tour Commander. The Tour Commander has the responsibility of determining what action, if any will be taken in regards to the situation. The Tour Commander may determine that the situation requires action such as those listed below, or any other action deemed appropriate:

1. Immediate attention (such as calling out the Road Department due to ice on the roadway, or a downed power line needing the attention of Orange and Rockland Electric);
2. Periodic monitoring to determine if the condition is improving or deteriorating (such as ice or snow that is likely to melt with rising temperatures and increasing traffic);
3. The hazard is noted for attention at a later time (such as an engineering defect that does not present an immediate hazard); and
4. The assignment of an officer until the hazard is corrected.

If hazardous conditions cause or contribute to the occurrence of a traffic crash, or if an officer witnesses a near crash due to a hazardous conditions, the supervisor shall request immediate notification of other agencies/persons as is necessary to correct the hazard.

E. MAHWAH TOWNSHIP SCHOOLS NOTIFICATIONS

During the school year, the Department shall assist the Mahwah Township School Superintendent in monitoring adverse weather and road conditions in the early morning between the hours of Midnight and 5:00 A.M., on the morning prior to school days. The Tour Commander has the responsibility to monitor the weather and road conditions and to make a determination to notify the Mahwah Township School Superintendent or not. When adverse weather or road conditions may affect the ability to safely transport children to their schools, the Tour Commander will advise the Dispatch Center to contact the Mahwah Township School Superintendent. The notification should be made no later than 5 A.M.

F. CIRCUMSTANCES WARRANTING MANUAL OPERATION OF TRAFFIC CONTROL DEVICES

In order to provide for the safe and efficient movement of traffic at times when special circumstances are present, officers may manually operate traffic control signals. Manual operation of traffic signals is permissible under the following conditions:

1. Periods of major traffic congestion;
2. Traffic signal malfunction - the traffic signal may be placed on "flash" if a hazardous condition is present;
3. A crash affecting movement of traffic at intersections with traffic signals;
4. Providing uninterrupted flow of a motorcade through intersections with traffic signals;
5. Poor road conditions as a result of snow or ice; and
6. Special events, as needed.

No officer shall manually operate any traffic signal unless he/she has previously received instruction on how to do so.

Any officer discovering an apparent malfunctioning traffic signal, or receiving a report of a malfunctioning traffic signal, either from a citizen or dispatch, will respond to the location of the traffic signal involved or determine, if possible:

1. Whether or not the traffic signal is in fact malfunctioning; and,
2. The reason for the malfunction.

If the Township of Mahwah governs the traffic signal, then the officer shall request the dispatcher contact the appropriate person/agency to make the necessary repairs (normally via the DPW). System malfunctions and burned out lights are repaired by the Traffic Signalization and Maintenance personnel in the Bergen County Road Department. Rockland Electric is responsible for restoring power in the event of an outage. When possible, traffic lights should be placed on flash until they are repaired. Otherwise, officers will remain at the intersection and direct traffic, when necessary, until the signal has been repaired, or unless otherwise instructed by the Tour Commander to take other action.

If the malfunction is due to a power outage and all lights are out the officer shall request, through dispatch, that the Road Department respond and place temporary stop signs at all major intersections facing all directions of travel. If there are insufficient stop signs available for all major intersections effected by the outage, the Tour Commander will determine the placement of the signs, giving consideration to manpower, the volume of traffic, and the time of day. These signs are located at the Police Department and can be picked up there by the DPW.

If the malfunction is due to a problem in the signal system, then it will be the responsibility of the repair personnel to return the signal to normal cycle. If an officer, due to congestion, foul weather, or similar reasons, placed the signal on flash, then it becomes that officer's responsibility to return the signal to normal cycle. If temporary stop signs were erected due to a power outage and power has been restored, once it is determined the signals are functioning properly, the Tour Commander will request the Road Department remove the temporary stop signs. In the interim, when time permits, officers should turn the signs in such a manner that they are no longer facing traffic approaching the signal.

G. USE OF TEMPORARY TRAFFIC CONTROL DEVICES

Temporary traffic control devices will be utilized only when determined to be necessary by the Tour Commander. Such devices shall be removed as soon as practical after the need for the device has ended. Temporary traffic control devices include:

1. Moveable barriers,
2. Portable signs,
3. Traffic cones, and
4. Other equipment used for the temporary control of vehicles and/or pedestrian traffic.

Temporary traffic control devices may be utilized when such use would facilitate the flow of traffic, to warn approaching motorists and pedestrians of hazards, or as an aid to personnel directing traffic. A Tour Commander must approve the placement of traffic control devices to aid traffic direction. The Tour Commander is responsible to ensure the removal of temporary traffic control devices from the roadway as soon as practical after the need for the device has ended. The Road Department may be contacted for the placement and removal of large devices and portable stop signs. A supply of traffic cones shall be kept in the garage and may be carried in the trunk of each marked police cruiser called to the problem area. Traffic barricades, additional cones, temporary signs, etc. may be obtained by contacting the Road Department. It is the responsibility of the officer initially identifying the need for placement of temporary traffic control devices to properly place the devices in the best possible manner so as to avoid confusion, yet obtain the desired results.

H. REFLECTIVE CLOTHING REQUIREMENT AT ALL TIMES

In order to provide optimum safety for officers while manually directing traffic, officers assigned to provide manual traffic direction and control will wear reflective vests during the performance of such duties in order to enhance officer safety and driver recognition and response. All officers will be issued reflective vests and/or reflective uniform shirts. Officers have the responsibility at the beginning of their shift to check the equipment in their cruisers, including reflective vests, and of taking corrective action when appropriate. Personnel will wear such reflective vests whenever manually directing traffic, regardless of time of day. During inclement weather, whenever personnel wear the department issued raincoat, such raincoat shall be worn with the fluorescent orange side out when manually directing traffic. The reflective vest need not be worn when a high visibility reflective raincoat is utilized.

I. SPECIAL EVENTS

The Mahwah Police Department will provide only that degree of traffic direction and control service in support of special events as is absolutely necessary. Special events are those at which a large volume of vehicular or pedestrian traffic is anticipated and hostile crowds are not anticipated. Special events may include:

1. Parades,
2. Sporting events,
3. Highway construction and maintenance activities,
4. Picketing, and
5. Special holiday activities (e.g. Independence Day, Mahwah Day), etc.

The primary task of departmental personnel conducting traffic direction and control activities in support of a special event is to assist motorists and/or pedestrians in the vicinity of the event. When there is prior departmental knowledge of a special event that is likely to require traffic direction and control the time, location, and anticipated attendance shall be determined. A command level officer will be assigned to participate in the planning for the event. If the event is a parade or motorcade, the route will be determined and coordinated with other public service and transportation agencies.

The perimeter streets of the special event should be used to maximum advantage by eliminating or increasing parking space, making temporary one-way streets, and

assigning personnel to key intersections for control. Adequate emergency service access will be provided to the scene of the event, including fire and ambulance services. The Department will provide for adequate crowd control. If necessary, ropes or other appropriate barriers may be used to contain the crowd. The Police Department will ensure adequate publicity for any changes or alterations in street utilization, parking availability, public transportation services, and the location of the event or parade route via the Public Information Officer. Provisions will be made for identifying those persons working directly with the event to assist them in crossing police lines. Such persons include promoters of the event, vendors, press personnel, etc.

If traffic direction and control services are to be provided by private sources in support of the event, the Department will review those services and their duty assignments prior to the event to ensure their adequacy. As necessary to provide adequate traffic control and direction, temporary traffic control devices may be utilized, and officers may be assigned to manually operate traffic signals or otherwise manually direct traffic. Officers assigned to point control are to remain at their assignment until properly relieved, or the situation no longer requires traffic control and direction. The commanding officer (Tour Commander, Division Commander, or Chief of Police) shall ensure that personnel assigned to point traffic control are provided relief as needed.

J. GENERAL REQUIREMENTS

Any officer assigned to traffic direction and control duties has the responsibility of procuring compliance from motorists and pedestrians. In order to do this, the assigned officer must be recognizable to the public. In an effort to enhance motorist/pedestrian recognition and compliance under such circumstances uniforms worn by sworn officers shall be as specified in General Order 095:15:20.

Mahwah Police Department – Policies and Procedures		Number 150:15:15
Subject Police Escorts—Emergency and Non-Emergency		
Issue Date 04052001		Effective Date 01012003
Revisions a. 01012003, b. 08/2018 D.Lt.GB		
Page 1 of 4 .	Accreditation Number 61.3.3	

I. BACKGROUND

The department recognizes that there are legitimate requests for police escort and relay services to ensure the safe, orderly, and efficient movement of special traffic, or to expedite the delivery of special items. The department will honor such requests to the extent practical, consistent with the need to ensure that the act of escorting or emergency relay itself does not create an unacceptable risk to the public, or create an unnecessary strain on limited resources to effectively perform other duties and responsibilities. There are times when, in the interest of public safety, the department should provide routine and emergency escort services in a manner that does not endanger innocent lives. Such requests must be carefully evaluated to ensure the proper use of limited departmental resources and to ensure that basic law enforcement goals and objectives are not jeopardized.

II. POLICY

It is the policy of this Department that all members adhere to the below listed guidelines regarding emergency and non-emergency escorts.

III. ACTION

A. NON-EMERGENCY LAW ENFORCEMENT ESCORT SERVICES

All requests for scheduled escorts and/or relays shall be forwarded to the Patrol Division Commander for review, approval, and planning. In the absence of the Patrol Division

to the person being escorted that once the money is placed in their vehicle they roll up all windows and lock the doors. The Officer shall instruct the driver of the escorted vehicle that the officer will follow as close as practical in the police vehicle, but will not violate any traffic laws to keep up with the escorted vehicle (traffic lights, speed limits, etc.), that in the event they become separated from the police vehicle due to traffic control devices, heavy traffic, or other reasons, they should continue to the intended destination and wait inside their locked vehicle until the officer arrives. In the event that the officer and the persons being escorted get separated but are in visual contact with one another, the driver should pull over and wait for the officer. Officers should advise the person being escorted that in the event of an emergency requiring immediate response by the officer, the escort service will be terminated.

When on money escort calls, officers will park the police vehicle in close proximity to the escorted vehicle, and in such a position that it will provide the best protection for life and property if needed. Officers on escort calls will alight from the police vehicle when the escorting person is loading or unloading money.

In the event more than one trip is made from the escorted vehicle to the premises, the officer shall remain with the escorted vehicle if there is any portion of money in the escorted vehicle. Officers shall not personally handle or carry money when handling escorts. Officers are to keep their hands free of any other unnecessary objects when on escort calls.

Escorts of Parades

Requests for a police escort of a general parade must have prior approval of the Chief of Police and an approved parade permit. The Patrol Division Commander has the responsibility to evaluate the request and to determine what department resources are necessary. The Patrol Division Commander will coordinate the deployment of police personnel with the parade organizers and the Public Works Department.

The parade escort shall utilize a marked cruiser in front of the parade and in the rear with the overhead light bar activated. Where resources permit, intersection control along the parade route will be provided. The lead vehicle shall proceed at a safe speed and operate with all due regard for safety to ensure that all parade participants arrive at the destination safely.

Escorts of Public Officials and Dignitaries

Requests for a police escort for public officials or dignitaries, scheduled in advance, must have prior approval of the Chief of Police. The Patrol Division Commander has the responsibility to evaluate the request and to determine what department resources are necessary. The Patrol Division Commander will coordinate the deployment of police personnel with the organizers and the Public Works Department, if appropriate. Requests for public official escorts where prior planning and approval were not possible must have the approval of the Chief of Police or in his absence, the Patrol Division Commander. The Chief of Police or his designee shall determine the appropriate route to be taken by the parade, the units that may participate, and any other factors related to the safety and implementation of the escort.

Escorts of Oversize or Hazardous Material Loads

Escorts of oversized loads and/or hazardous cargoes are governed by ICC and DOT regulations. Any request for police assistance with this type of escort must be approved in advance by the Chief of Police, or in his absence, the Patrol Division Commander. Normally, such escorts shall be handled by the commercial carrier under a permit issued

by the DOT. Escorts of this nature handled by the Mahwah Police Department shall be in strict compliance with the appropriate permit.

B. EMERGENCY ESCORTS

Escorts of Civilian Vehicles in Medical Emergencies

An emergency escort is one of the most dangerous acts in which an officer can be called upon to participate. As a result of many serious accidents resulting from such escorts, this practice is prohibited.

When an officer is requested to escort a private vehicle, which is carrying an ill or injured person, the officer will determine the severity of the illness or injury. In order to maintain optimum safety for all persons involved, officers are not to escort civilian vehicles in medical emergencies. Officers must carefully evaluate the circumstances, considering whether the better alternative is to:

1. Allow the driver to continue transporting the injured person, or
2. Provide whatever aid is necessary to stabilize the patient, and have an ambulance dispatched to the scene to continue the transport.

When trying to determine which alternative is better, officers should consider the following:

1. Is the medical emergency stabilized?
2. How close is the nearest medical facility?
3. Is the driver's condition such that he/she can continue to safely drive the injured person for treatment?
4. Is the emergency life threatening and immediate on-scene aid and stabilization necessary?

Officers should always offer to have an ambulance dispatched to transport the injured person. If an escort is necessary, the patient should be transferred to an ambulance. Otherwise, the driver of the civilian vehicle should be directed to proceed to the emergency medical facility at normal speed, and in compliance with all traffic laws and regulations, and, if it is appropriate, suggest the quickest and safest route to the hospital. The officer may furnish a non-emergency escort to a local treatment facility, if requested, with the approval of the Tour Commander.

The officer will administer what proper aid he is trained and able to perform and request appropriate assistance. The officer will inform the dispatcher of the nature of the problem as best he can with the information available. The dispatcher will then send the appropriate assistance. In no case will the injured subject be transported for treatment in a police vehicle, if the situation is of a life-threatening nature.

When the situation is of a non-life threatening nature, officers may transport ill or injured persons to a medical facility under emergency conditions with the approval of the Tour Commander. Such transports should only be made when the transport will not aggravate the medical condition or when the condition could suddenly worsen, requiring that the officer stop to assist the victim.

Emergency Escorts of Fire Trucks and Ambulances

Officers may provide emergency escorts for other emergency vehicles (ambulances, fire apparatus, police vehicles) when assigned to such duties. Officers are required to drive with due regard to the safety of other motorists and pedestrians as required by law and applicable general orders, and use extreme caution when providing such service. Officers providing police escorts and relays operating under emergency conditions shall confine

their activities to those emergencies within the intent and meaning of the state vehicle code.

Emergency Relays of Blood/Organs

Requests for emergency relays (blood/organ runs, etc.) must have the prior approval of the Tour Commander. Before authorizing an emergency relay, the Tour Commander must verify that the request is valid and indeed an emergency. Emergency relays should be coordinated in such a manner that transporting officers do not have extremely long distances to travel. Whenever practical, officers involved in emergency relays should not be required to transport beyond their jurisdiction. It is possible that some blood runs may require that the transport officer respond to a hospital outside the Township of Mahwah. Such transport conditions shall be made known to the Tour Commander prior to initiating the relay.

Mahwah Police Department – Policies and Procedures		Number 150:15:25
Subject School-Crossing Guards		
Issue Date 11052001		Effective Date 11052001
Revisions: 10202015 Ofc. KS		
Page 1 of 3.	Accreditation Number 61.3.5	

I. BACKGROUND

Due to the ever-increasing volume of vehicular traffic, it is important to have well trained knowledgeable School Crossing Guards to cover and maintain key intersections and vulnerable areas. Children of school age need assistance and guidance crossing the streets while walking to and from school. It is also a known fact that children trust, depend and rely upon Crossing Guards for guidance. The primary responsibility of each Crossing Guard is to the children they cross each school day.

II. POLICY

It is the policy of this department that all officers be familiar with the below listed guidelines regarding school crossing guards.

III. ACTION

A. AUTHORITY AND RESPONSIBILITY

All Crossing Guards shall be under the supervision and direction of the Chief of Police of the municipality wherein they are appointed, or his designee, and shall perform their duties only in such Municipality. Before the appointment of the position of School Crossing Guard, the Police Chief shall ascertain the eligibility of the applicant, and make a report to the appropriate authority.

The Police Chief shall have the authority to position such guards on any street or highway within the municipality; provided, however, they be stationed only when it is necessary to control or direct pedestrian traffic. This will encompass those times of a school day, or during any special event or program involving pedestrian crossing when it is deemed to be in the best interests of public safety. As representative's of the Police Department, Crossing Guards shall comply with the rules and regulations applicable to the conduct and decorum of the regular municipal police or as the appointing authority may determine.

The following major responsibilities, functions, and duties are imposed upon all Crossing Guards while assigned to any location:

1. Protection of all school children and other persons while assigned to any location as directed by the Police Chief or his designate.
2. To provide for adequate regulation of pedestrian traffic while assigned to a location.
3. Crossing Guards shall seek adequate gaps in vehicular traffic, which would assure the safe crossing of pedestrians attempting to cross. In the absence of any such safe crossing gaps, or whenever pedestrians may be

crossing, and approaching vehicular traffic may interfere with safe crossing. Crossing Guards shall stop the vehicular traffic in order to safely cross the pedestrians.

4. Crossing Guards shall not direct or control vehicular traffic unless it becomes necessary as prescribed above. Whenever it becomes necessary to control or direct vehicular traffic, the Crossing Guard shall utilize the uniform signals and gestures that are used by the regular police force.

B. SELECTION CRITERIA

- When a crossing guard position needs to be filled, the Police Chief shall direct his Administrative assistant to place a public announcement or classified advertisement in local newspapers. This advertisement shall state that the Township of Mahwah is an "Equal Opportunity Employer".
- Applications shall be handed out at the Police department during normal business hours.
- All applications shall be forwarded to the Chief of Police for consideration.
- Upon appointment to the position School Crossing Guard, he/she will be given a copy of this policy.

C. UNIFORMS

Crossing Guards shall wear the uniform or parts of uniform as may be prescribed by the appointing authority at all times while on duty. Such uniform will be distinct from the uniform worn by the regular police force, and shall include the following: safety vest, stop sign.

- a) The safety vest shall be worn at all times unless orange colored winter coat is worn.
- b) The stop sign will be used whenever School Guard enters roadway.

D. LOCATIONS

The locations of assigned crossing guards will be determined through collaboration between the Police Department Traffic Office and the Mahwah Board of Education Transportation Office. Variables that should be considered when determining the locations where school crossing guards are needed include: traffic volume/speed, number of turning movements, width of an intersection, physical terrain, existence or absence of traffic control devices, local legislative policy and the number and age of children utilizing the crossing.

E. GENERAL INFORMATION

- When on duty, all Crossing Guards must be neat in their personal appearance and their dress conforming to prescribed uniform of the day.
- While on duty, Crossing Guards shall not be permitted to allow another to sit in their vehicle, or accompany them on an assigned post, without permission from the Patrol Supervisor.
- When unable to report for duty assignment, i.e., illness or another just cause, the Crossing Guard must notify the Tour Commander at the Police Department at their earliest convenience. As much information as possible must be forwarded to the Tour Commander, including expected date of return.

- Any injury received while on assigned duty shall be reported to the police department Tour Commander by the quickest means available, and all applicable accident forms forwarded upon request.
- No personal business is permitted while attired in any part of the official Crossing Guard uniform, unless expressly authorized by the Chief of Police.
- All requests for time off leave or other advanced absences shall be submitted well in advance to the Police Chief or his designate for approval.
- Any Crossing Guard that resigns the position or is dismissed shall immediately surrender to the Police Department the departmental equipment in their possession.

F. TRAINING

All Guards shall be properly trained to perform their duties.

Following appointment, all Crossing Guards shall receive initial training to include four hours of classroom instruction, which shall include methods of crossing pedestrians and duties and responsibilities of crossing guards. The guard shall then receive a minimum of six hours of field training in which the trainee shall be supervised or monitored by a police officer or experienced crossing guard. The scheduling of training for guards will be coordinated through the administrative assistant of the Chief of Police. Annual in-service training, for guards that have received initial training, is comprised of four hours of classroom instruction, and shall be required of each guard.

G. DISCIPLINARY ACTION

Any violation of any orders or directives governing this job description by any crossing guard may make the guard subject of disciplinary charges.

Any Crossing Guard may be subjected to reprimand, loss of pay, suspension from duty, or dismissal, depending upon the seriousness of the infraction. The police executive will make the final determination, where guards are formally charged for violation of any rule, regulation, or special order issued to the guard.

Ignorance of any part of this job description shall not be considered a valid excuse for any violation thereof.

As hereto set forth, the following cited violations might subject the Crossing Guard to disciplinary action:

- b) Willful disobedience of an order
- c) Disrespect to a superior officer
- d) Under the influence of intoxicants while on duty
- e) Indecent, profane, or harsh language in public
- f) Absent from duty without permission
- g) Sleeping while on duty
- h) Feigned illness to avoid duty
- i) Violation of any Criminal Law
- j) Refusal, evasion, or neglect of duty
- k) Failure to maintain or display proper uniform

H. IDENTIFICATION OF LOCATIONS

Each year the Traffic Office will contact the Board of Education in order to conduct an analysis for identification of the locations requiring school crossing guards. If necessary, the analysis will be used to identify new locations and modify existing locations.

Mahwah Police Department – Policies and Procedures		Number 150:20:05
Subject Roadway Assistance		
Issue Date 04052001	Effective Date 04052001	
Revisions a. Reviewed 2/2015 LtSC, b. 08/2018 D.Lt.GB		
Page 1 of 3.	Accreditation Number 61.4.1	

I. BACKGROUND

The highway user encountering mechanical or other difficulties necessitating assistance or towing generally must rely upon the police to obtain needed services. Our agency has the responsibility to provide a communication link to obtain needed services for motorists and provide protection for highway users stranded or disabled in hazardous locations or environments.

II. POLICY

It is the policy of this Department that all members adhere to the below listed guidelines when assisting motorists.

III. ACTION

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D.	Emergency Assistance	p. 3

A. GENERAL ASSISTANCE

Officers will offer reasonable assistance at all times to any motorist who appears to be in need of aid. While this requirement applies at all hours of the day, officers shall remain particularly vigilant in this duty during nighttime hours and adverse weather, when hazards are increased. Reasonable assistance may include:

1. Providing information or directions to lost persons, or persons from out of the area;
2. Escorting lost persons to their destination;
3. Assisting stranded persons in obtaining fuel or other services for their vehicles;
4. Assisting stranded persons in changing flat tires, or obtaining repair services;
5. Assisting in making minor repairs;
6. Transporting persons to their residences, lodging, etc.
7. Assisting stranded persons in obtaining lodging, etc. and
8. Other miscellaneous types of aid.

B. MECHANICAL ASSISTANCE AND TOWING SERVICE

All officers shall be constantly alert for highway users who appear to be stranded, disabled, or otherwise in need of assistance. Officers shall freely and cheerfully provide information, directions, and assistance to such persons. This requires that officers

become thoroughly familiar with the area in and around the Township, including streets, highways, services, facilities, and attractions. Such assistance shall be rendered consistent with the prevailing necessity to affect apprehensions of actual or suspected violators, and to answer calls for service or fulfill other assignments. An officer unable to assist a stranded motorist due to another assignment shall request that dispatch send the first available unit to provide assistance. When assisting stranded motorists officers shall remain alert to the following possibilities:

1. The vehicle in possession of the motorist is stolen, or he/she is otherwise unauthorized to have the vehicle;
2. The vehicle is in an unsafe condition;
3. The motorist is unlicensed;
4. The motorist is incapable of safely operating the vehicle;
5. The vehicle occupants have engaged in criminal activity.

Disabled vehicles occasionally present hazardous conditions that require officers to take action to immediately cause the removal of the vehicle in order to alleviate the hazard. Under such conditions officers shall not use police vehicles to push or pull any disabled vehicle. Police vehicles shall not be used to jump-start any vehicle unless the Township of Mahwah owns the vehicle, or the vehicle is operated by one of its employees. Officers may accomplish removal of the vehicle by:

1. Physically pushing the vehicle by hand to a nearby safe location at the officer's discretion when sufficient help is present to safely remove the vehicle in this manner;
2. Calling for a local wrecker per the guidelines as established in section 150:20:15 of this SOP, giving consideration to the vehicle owner's/operator's preference when the owner/operator is present;
3. Requesting the next available wrecker from the dispatcher in accordance with the provisions of this SOP when the owner/operator either has no preference, or is not present on the scene.

Officers must use their discretion in assisting motorists with minor repairs. Officers will not attempt a repair that is not within their capability to perform.

C. PROTECTION TO STRANDED PERSONS

Mahwah Police Department officers will offer reasonable assistance to stranded motorists. Disabled motorists shall not be abandoned under conditions that will expose them to hazardous conditions, taking into consideration traffic hazards, location, time of day, weather conditions, and priority calls for service. This does not preclude the placement of devices to warn oncoming traffic and clearing the scene if conditions are such that this can be done safely. Officers should periodically check to ensure that the condition does not deteriorate. Officers are to provide assistance to motorists in obtaining tow services if needed. Such assistance shall be in accordance with the provisions of section 150:20:15 of this SOP.

Stranded motorists occasionally require transportation to some other location. Under such circumstances, assistance should be given under one of the following methods:

Officers may, at their discretion,

1. Transport stranded motorists to:
 - Their residence or other destination;
 - A location where necessary assistance can be obtained; or,
 - A location where the motorist may make phone calls to solicit necessary help, or wait on other transportation.

2. Request the dispatcher to make a reasonable number of phone calls to obtain transportation for the stranded motorist. Long distance phone calls should be made collect whenever possible; and
3. When transportation outside the city limits is necessary, advise the motorist of the public transportation available, including how to obtain it.

Officers electing to transport stranded motorists to some other location shall take necessary precautions as dictated by the circumstances involved. Additionally, when transporting members of the opposite sex, the officer shall provide the starting mileage, intended destination, and ending mileage to the dispatcher.

D. EMERGENCY ASSISTANCE.

Officers of the Mahwah Police Department will take appropriate action, in a timely manner, upon the discovery of a vehicle fire, or motorist in need of emergency medical assistance. Upon discovery of a vehicle fire, officers shall immediately notify the dispatcher. The location, type of vehicle involved, and cargo, if known, shall be given to the dispatcher. The dispatcher will immediately notify the Fire Department of the situation so an appropriate response can be made. Officers shall secure the scene to safeguard lives and property. Officers may attempt to put out the fire with the extinguisher provided in all vehicles, but only within the limitations of its effectiveness. Upon arrival of the Fire Department, the officer shall assist the Fire Department until the emergency has been resolved, and the hazards no longer exist.

Upon discovery of a medical emergency, officers shall request an ambulance be dispatched. When requesting an ambulance the following information will be given to the dispatcher:

1. Type of emergency,
2. Location,
3. Condition of patient, and
4. Any other information available to the officer regarding the emergency.

After notifying the dispatcher of the nature of the emergency, the officer shall render as much assistance as reasonably possible. The officer must keep in mind his limitations due to his/her training, experience, and available equipment, and must operate within these limits.

Mahwah Police Department – Policies and Procedures		Number 150:20:10
Subject Hazardous Roadway Conditions		
Issue Date 04052001		Effective Date 04052001
Revisions a. Reviewed 2/2015 LtSC, b. 08/2018 D.Lt.GB		
Page 1 of 2.	Accreditation Number 61.4.2	

I. BACKGROUND

Roadway and roadside hazards are contributing factors in many traffic crashes. In an effort to minimize such factors, officers of this department will take appropriate and necessary action to eliminate such hazards.

II. POLICY

It is the policy of this Department that members adhere to the below listed guidelines when identifying and correcting hazardous roadway conditions.

III. ACTION

A. HAZARDOUS CONDITIONS

Hazardous highway and/or environmental conditions are described as:

1. Defects in the actual roadway (holes, ruts, or dangerous shoulders);
2. A lack of, or defects in, highway safety features (e.g., center and side-of-the-road striping reflectors, impact attenuation devices, etc.);
3. A lack of, improper, damaged, destroyed, or visually obstructed traffic control and information signs (e.g., curve ahead warnings, stop and yield signs, speed limit signs, street and highway identification signs, etc.);
4. A lack of, improperly located, or malfunctioning mechanical traffic control devices;
5. A lack of, or defective, roadway lighting system;
6. Any natural or man-caused obstructions (fallen trees and rocks, litter, parts of vehicles, broken water mains, downed electrical wires, etc);
7. Debris in the roadway;
8. Ice or heavy snow accumulations on roadway surfaces;
9. Fire and its attendant smoke in areas adjacent to the highway; and,
10. Vehicles parked or abandoned on or near the roadway.

The term "roadside hazard" will refer to all physical features of the roadside environment which are such that a vehicle leaving the road surface for any reason, even momentarily, can impact with them, resulting in unnecessary or excessive damage to property or injury to persons. Roadside hazards would include:

1. Defective guardrails that fail to guide vehicles in a safe direction on impact.
2. Defective bridge railings, bridge abutments, and other fixed objects built off the roadway that might be struck by a vehicle, and with a high injury probability.
3. Utility poles, trees, ditches, inappropriately steep banks, culverts, etc. that present extreme hazards.

Officers detecting any roadway or roadside hazard, which presents a threat that they have the capability to correct, shall take appropriate action, such as removing a

discarded muffler from the roadway. Any roadway or roadside hazard detected by an officer that presents a threat that is not imminent, and can be temporarily negated by the officer requires the officer to take appropriate action. The officer should notify dispatch of the problem, and any additional actions necessary to permanently correct the hazard, such as; sweeping glass off the traveled portion of the roadway, and having the dispatcher notify the Road Department to remove the glass.

Officers detecting any hazard that presents an imminent threat shall notify dispatch of the problem, and request the dispatcher notify whatever additional assistance is necessary to remedy the problem. Examples of such notifications are contacting Orange and Rockland Electric to remove an electrical wire from the roadway, or notifying the fire department for a "wash down" of a fuel spill. Under such circumstances, officers have the additional responsibility of securing the area and protecting bystanders others using the roadway from the hazard.

In order to efficiently report traffic control device malfunctions to the DPW or BCRD, a notation shall be made in the CAD system by the Dispatcher for any and all traffic control devices (burned out street lights, missing stop signs, or other potentially undesirable related conditions) found to be either malfunctioning or not functional within the Township of Mahwah by police personnel.

If an officer in the field observes a malfunction or non-functional traffic light or missing/damaged stop sign, he/she shall inform the dispatcher of the particular problem and location. The Dispatcher shall note all pertinent information in the CAD system. If determined to be an emergency, Dispatch will immediately contact the DPW or BCRD to take corrective action.

All reports of burned out streetlights shall be reported to Orange and Rockland, Street Light Repair Division for repair. The officer observing such shall note the exact location on a street light repair sheet and turn it in at the end of shift.