C. Temporary transitional duty status for administrative reasons will be reviewed monthly by the police officer's commanding officer. Recommendations for any change in status will be made in writing to the Chief of Police.

PARAMUS POLICE DEPARTMENT

VOLUME: 2	CHAPTER: 25	# OF PAGES: 5

SUBJECT: EARLY WARNING SYSTEM

ISSUED BY: Chief Kenneth R. Ehrenberg	EFFECTIVE DATE: June 21, 2019	ACCREDITATION STANDARDS:
SUPERSEDES ORDER #:		

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

PURPOSE: The purpose of this general order is to establish a personnel early warning system, which is consistent with Attorney Law Enforcement Directive 2018-3, regarding Early Warning Systems.

POLICY: It is the policy of this department to implement and utilize IA Pro software as an early warning System for tracking and reviewing incidents of risk and provide timely intervention, all consistent with Attorney General Law Enforcement Directive 2018-3, regarding Early Warning Systems.

PROCEDURE:

I. Early Warning System

A. The early warning (EW) system is designed to detect patterns and trends before the conduct escalates into more serious problems. As such, employees must understand that the early warning system may be related to, but is distinct from the disciplinary process. Although it is possible that disciplinary action may be taken as the result of evidence that rules and regulations were violated, this is not the sole or even the primary intent of the system. The primary intent of an early warning system is to address potential problems through the use of appropriate management and supervisory strategies before formal discipline is warranted

B. Many different measures of employee performance (actions or behavior) can be regularly examined for patterns or practices which indicate potentially escalating the risk of harm to the public, the agency, and/or the officer. These performance measures include, but are not limited to, the following documented indicators.

1. Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;
2. Civil actions filed against the officer
3. Criminal investigations of or criminal complaints against the officer;*
4. Any use of force by the other officer that is formally determined or adjudicated (for example, by internal affairs or a grand jury) to have been excessive, unjustified or unreasonable;
5. Domestic violence investigations in which the officer is an alleged subject;
6. An arrest of the officer, including on a driving under the influence charge;
7. Sexual harassment claims against the officer;
8. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
9. A positive drug test by the officer;
10. Cases or arrests by the officer that are rejected or dismissed by a court;
11. Cases in which evidence obtained by an officer us suppressed by a court;
12. Insubordination by the officer;
13. Neglect of duty by the officer;
14. Unexcused absences by the officer; and
15. Any other indicators, as determined by the agency's chief executive

NOTE: If EW system notification to the officer could jeopardize an ongoing criminal investigation, the County Prosecutor may in his or her discretion permit delayed notification to the officer or delayed initiation of the EW System review process.

C. It is imperative that the supervisor, or appropriate command level officer, make notification to the Internal Affairs unit and make a timely entry in the BCPO Early Warning System upon learning that one of the above triggers has been met.

D. Three separate instances of performance indicators (as listed in Section B, above) within any twelve-month period will trigger the EW System review process. If one incident triggers multiple performance indicators, that incident shall not be double- or triple-counted, but instead shall count as only one performance indicator. The chief of police may in his or her discretion determine that a lower number of performance indicators within a twelve-month period (i.e., one or two performance indicators) will trigger the EW System review process.

II. Administration of Early Warning System

A. The early warning system is primarily the responsibility of the Internal Affairs Officer; but any supervisor may initiate the early warning process upon their own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.

B. The Internal Affairs Officer shall be alerted by the BCPO Early Warning software if an employee has the emergence of a pattern, practices or trends inappropriate behavior or misconduct. In addition, the internal affairs officer shall query the IA Pro software and review an individual employee's history at any time a new complaint is received.

C. Using this information and their experience, the Internal Affairs officer may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the BCPO Warning software.

D. In a case where the supervisor, who is not from the Internal Affairs unit, makes an initial BCPO Warning entry and receives an EW alert for the involved officer(s), the supervisor shall print out and forward the alert to the Internal Affairs unit

E. If the BCPO Warning system indicates the emergence of a pattern, practices or trends of inappropriate behavior or misconduct, the Internal Affairs officer shall, when appropriate, consult with the employee's supervisor and/or division commander.

F. The Internal Affairs officer and, when appropriate, the employee's supervisor and/or Division or Squad Commander shall review the information provided by the internal affairs unit along with any other relevant information from department records for the purpose of initiating a course of intervention designed to correct/interrupt the emerging pattern, practice, or trend.

G. If the BCPO software has returned an incorrect identification or a "false positive," that conclusion must be documented.

H. If the BCPO software reveals that an employee has violated department rules and regulations or general orders, the supervisor in consultation with the Internal Affairs officer should proceed with an internal investigation and possible disciplinary action.

I. If the BCPO software reveals that the employee has engaged in conduct which indicates a lack of understanding or inability to comply with accepted procedures, the Internal Affairs unit shall consult with the supervisor to determine the appropriate course of remedial/corrective intervention.

J. At least every six months, personnel assigned to manage the EW System shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.

K. Upon the initiation of the EW System review process, the agency's chief executive or a designee shall make a confidential written notification to the County Prosecutor or his/her designee of the identity of the subject officer, the nature of the triggering performance indicators, and the planned remedial program.

L. Upon completion of the EW System review process, the agency's chief executive shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome of the EW System review, including any remedial measures taken on behalf of the subject officer.

III. Remedial/Corrective Action

A. When it has been determined that an officer has displayed the requisite number of performance indicators necessary to trigger the EW System review process (as set forth in Section II, above) assigned supervisory personnel shall initiate remedial action to address the officer's behavior.

B. When an EW System review process is initiated, personnel assigned to oversee the EW System should:

1. Formally notify the subject officer, in writing;
2. Conference with the subject officer and appropriate supervisory personnel;
3. Identify problems or potential problems
4. Determine short and long- term goals for improvement

5. Come to a consensus commitment on a plan for long-term improved performance
6. Advise of the monitoring process and the repercussions of future sustained transgressions
7. Develop and administer a remedial program including the appropriate remedial/corrective actions listed below;
8. Continue to monitor the subject officer for at least three months, or until the supervisor concludes that the officers behavior has been remediated (whichever is longer);
9. Document and report findings to the appropriate

NOTE: Any statement made by the subject officer in connection with the EW System review process may not be used against the subject officer in any disciplinary or any other proceeding.

C. Remedial/corrective action may include but is not limited to the following:

1. Training or re-training
2. Counseling
3. Intensive supervision
4. Fitness-for-duty examination
5. Employee Assistance Program (EAP) referral; and
6. Any other appropriate remedial or corrective action

D. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations ensure that such actions are not mutually exclusive and should be jointly pursued if and when appropriate.

E. When remedial/corrective intervention has been undertaken, the Chief of Police, or designee, shall ensure that such actions are documented in writing. No entry should be made in the employee's personal file, unless the action results in a sustained investigation. If the remedial/corrective intervention is a training program, attendance and successful completion of that program should be noted in the employee's training record

F. All reports shall be forwarded to the Chief of Police for review. These reports have the same confidential status as internal affairs documents and are subject to the same disclosure and retention regulations and guidelines.

G. This policy and EW Systems generally, are focused on corrective actions to remediate officer behavior and to provide assistance to the officer. This policy and EW systems generally, do not address disciplinary actions that might be warranted against an officer. Such disciplinary actions – to include the decision to suspend, terminate or, if applicable, charge an officer with criminal conduct – remain with the purview of the agency's internal affairs function, and may be imposed in accordance with existing internal affairs guidelines and applicable law, separate from and independent of the EW System.

IV. Supervisors

A. An employee's first line supervisor is usually the first member of the department to encounter and document specific incidents that affect an employee. It is essential for the supervisor to speak with the employee, document these incidents and report findings to their division commander

B. It is imperative that the supervisor, or appropriate command level officer, make notification to the Internal Affairs unit and make a timely entry in the BCPO Early Warning System upon learning that one of the above triggers in section I. B.. above has been met.

C. If a supervisor has initiated remedial/corrective intervention, the Internal Affairs unit shall be formally notified of such efforts. The incident entry and narrative placed in the BCPO software may serve as adequate documentation

D. The division commanders shall periodically review an individual employee's history. Using this information and their experience, the division commander may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the BCPO Software

V. Notification to Subsequent Law Enforcement Employer

A. Employment at a different law enforcement agency it is the responsibility of the Internal Affairs officer to notify the subsequent employing law enforcement agency to the officer's EW System review process history and outcomes.

B. Upon request, this agency shall share the officer's EW System review process files with the subsequent employment agency.

VI. Public Accessibility and Confidentiality

A. This EW System policy shall be made available to the public upon request and shall be posted on the agency's website

B. All written reports created or submitted pursuant to this policy that identify specific officers are confidential and not subject to public disclosure

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 1	# OF PAGES: 10

SUBJECT: RESPONSE GUIDELINES

ISSUED BY:	EFFECTIVE DATE:	ACCREDITATION STANDARDS:
Deputy Chief James J. Sheehan	November 1, 2010	41.2.1
SUPERSEDES ORDER #:		

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

PURPOSE The purpose of this directive is to provide personnel with clear guidelines for responding to calls for service.

POLICY It is the policy of the Paramus Police Department to evaluate the urgency requiring a response to any call for service and to respond accordingly in an effective, efficient, and expeditious manner. As a general rule, no matter how urgent the response, personnel are required to operate department vehicles in a safe and controlled manner at all times, while taking into consideration the characteristics of the roadway, weather conditions, and the potential actions of other citizens. The first priority of call response is to arrive safely at the scene with minimal disruption to the public.

PROCEDURES

I. General

A. Unless otherwise defined in this directive, the following terms are defined:

1. **Emergency vehicle** includes any Paramus Police vehicle equipped with emergency lights, siren, or other emergency warning devices required by law and used for emergency response situations. This term included marked and unmarked vehicles regardless of type.

2. **Emergency Warning Devices** includes devices placed in/on each agency emergency vehicle that emit audible or visual signals in order to warn others that law enforcement services are in the process of being delivered.

B. All vehicle operations must be in accordance with existing statutes, local ordinances, and departmental directives.

C. Personnel engaged in emergency vehicle operations shall utilize emergency warning devices while engaged in a pursuit, overtaking another vehicle, or when responding to calls for emergency assistance.

1. Department unmarked vehicles may be utilized in an emergency response mode only if equipped with emergency warning devices.

2. Department unmarked vehicles in pursuit incidents are subject to the restrictions placed upon them in Pursuit & Forcible Stopping Guidelines Volume 3 Chapter 16.

3. Department SUV type vehicles shall not be operated at high speeds due to their roll over potential.

D. Police vehicle operation shall not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provision protect the driver from the consequences of their reckless disregard for the safety of others. N.J.S.A. 39:4-91.

E. Personnel operating departmental vehicles shall exercise due regard for the safety of all persons. No assignment shall be of such importance and no task shall be expedited with such emphasis, that the principles of safety become secondary. There are no tasks in the department of such importance that they justify the reckless disregard of the safety of innocent persons.

F. Calls for service are generally classified into one of three categories:

1. Emergency

2. Urgent or Immediate

3. Routine

G. The type of response is determined by a number of different factors and many times is based upon the information obtained from the initial caller. None of these procedures will preclude the possibility of circumstances which may alter normal and expected reactions.

1. Supervisors may override the direction of communications personnel and order an officer to use a different response mode, if deemed necessary under the circumstances.

H. Response to any type of call requires personnel to utilize the shortest and safest route of travel.

I. These procedures are to provide guidelines for the evaluation of and the urgency of a response to a given situation. While these procedures are designed to guide personnel in the manner in which they will respond to a call, they also serve as a guide for communications personnel when assigning calls and assessing response priorities.

J. Personnel will be held strictly accountable for the consequences of their negligent disregard for the safety of others.

K. Upon arrival at the scene of any call for service, whether assigned or self initiated, personnel shall:

1. In non-emergency situations, lawfully park the vehicle when unattended.

2. In emergency and urgent situations, park in such a manner as to cause the least amount of obstruction to other traffic.

II. Emergency Response

A. These calls are critical in nature and usually involve situations where there is

1. Imminent danger of death or serious injury;

2. Any ongoing crime/offense that involves violence (including in-progress domestic violence calls) that may result in injury;

3. Any serious crime that has just occurred and there is reason to believe that the suspect is still in the area;

4. Any incident that involves exigent or unique circumstances that demands an immediate police response;

5. An officer in trouble call or any request from an officer for an emergency response.

B. Examples include, but are not limited to:

1. Shootings or stabbings;

2. Vehicle crashes involving serious personal injury;

3. Life threatening need for medical assistance;

4. Bank or armed robberies in progress, including robbery alarms;

5. Burglaries in progress, including burglar alarms;

6. Subject(s) with a gun or other deadly weapon;

7. Bombing, explosion, major fire, building collapse;

8. Assaults or domestic violence assaults in progress;

9. Hostage/barricades subject investigations.

C. Personnel responding to emergency calls will use both emergency lights and siren, except when doing so would diminish the element of surprise that is desired when responding to certain types of crimes in progress. Personnel have a responsibility to the public to ensure that their actions do not create a greater public hazard, than is represented by the nature of the situation to which they are responding.

1. Headlights of the emergency vehicle should be activated to augment the emergency vehicle's visibility.

2. Four-way flashers shall **not** be used when the emergency vehicle is in motion because they may interfere with other motorists' recognition of brake lights and turn signals.

3. Spotlights are primarily utilized to facilitate building and stationary vehicle checks and shall at no time be directed at the windshield or vision of oncoming traffic.

4. Emergency warning devices may be deactivated a reasonable distance from the scene (to be determined by the vehicle operator) so as to not alert subjects to law enforcement's proximity.

5. When emergency warning devices are deactivated, the operator of the emergency vehicle shall comply with posted speed limits, obey all traffic control devices and signals, and proceed in a manner consistent with normal traffic flow.

D. As soon as practicable, the first unit on the scene shall verify the existence of an emergency that would justify secondary units to continue, modify, or cancel their emergency response.

E. Once the scene of the initial emergency has been secured, ancillary and/or support units are no longer justified in an emergency response. In these cases, these supporting units shall drive to the scene as a routine response.

III. Urgent Response

A. These calls require a direct response, but are not so critical that they could be termed emergencies. Police presence is needed at the scene but the need does not warrant an emergency response.

1. An urgent response is accomplished by responding directly to an assignment without unnecessary delay, usually traveling at moderate speeds and proceeding with caution without emergency warning devices in operation.

2. Units responding to urgent calls should be attentive to their radios as the situation may quickly change to a more or less serious incident, thereby allowing personnel to adjust their response accordingly.

B. Conditions that will define an urgent response include, but are not limited to:

1. Any incident that does not represent a significant threat to life and property or a crime that has occurred without injury and the suspect has fled the area;

2. An in-progress incident that could be classified as a minor offense or civil dispute;

3. Any incident that represents a significant hazard to the flow of traffic;

4. Any incident that requires a prompt, non-emergency response;

5. Another officer's call for non-emergency assistance (i.e., request for a back-up unit; potential for, but not a present problem).

C. Examples of urgent calls include, but are not limited to:

1. Domestic / family problems, unless an assault is in progress;

2. Property damage vehicle crashes;

3. Non-life threatening medical aid; and

4. Any other call which requires an immediate response from the police.

D. Personnel must remain aware of the statutory limits placed on the operation of their vehicle when emergency lights and sirens are not in use.

E. As soon as practicable, the first unit on the scene shall verify the existence of an urgency that would justify secondary units to continue, modify, or cancel their urgent response.

F. Once the scene of the initial urgency has been secured, ancillary and/or support units are no longer justified in an urgent response. In these cases, these supporting units shall drive to the scene as a routine response.

IV. Alarm Responses

A. Communications Responsibilities

1. Communications must obtain the location of the alarm, including street address and the name of the business or resident.

2. They must ascertain the type of alarm (burglar, hold-up, panic, fire, medical, etc.).

3. They must obtain all applicable caller information including name or identification number, company and a call back number.

4. The communications operator will also ascertain whether an emergency contact listing is available and whether the alarm company or the police department will make this notification.

B. Burglar Alarms

1. Two patrol units will be dispatched to the location of the alarm. If only one unit is available, a request should be made by Communications for any available unit to assist.

2. Upon arrival, responding officers shall make a thorough check of the building. If the building is found to be unsecured or a suspicious situation is found, the officer shall advise Communications and then follow standard procedures.

3. Officers assigned to the alarm shall report the disposition of the incident as soon as possible.

C. Hold Up, Robbery and Panic Alarms

1. Three primary patrol units shall be dispatched to the location of the alarm.

2. Units from other divisions may be requested or offer assistance. Additional officers responding to the alarm shall notify Communications of their response. Plainclothes officers shall identify themselves and shall follow proper radio procedures. Communications will confirm the response of non-uniform personnel by transmitting a **Signal 61** (plainclothes officer) responding.

3. All officers must advise Communications of their specific location upon arrival at the incident.

4. Units shall cover all sides of the building where entry or exit can be made. The first arriving unit should try to locate at the front of the location. The second arriving unit should attempt to cover the rear of the location. The third unit should respond to whatever area requires coverage.

5. Upon arrival of the first unit, Communications will transmit a **Signal 1000** (emergency radio traffic only) and all non-emergency radio transmissions will be delayed.

6. After the location of the alarm is adequately covered by police units, the supervisor of senior officer at the scene will have Communications attempt to make telephonic contact with the occupants of the residence or business.

7. If Communication is able to make contact with the occupants they shall ascertain the name, physical description, and clothing description of that person and direct that person to exit the building to meet with the on scene police units.

8. If Communications is unable to make contact with an occupant of the building the police units on the scene will attempt to ascertain if the building or home is occupied utilizing safe and proper tactics. Officers on the scene will always to attempt to have an occupant of the location exit to them before the officers enter the building.

9. After the officers on the scene are confident that the alarm is unfounded, they should enter the building to make a security check utilizing safe and proper tactics.

10. If the alarm proves to be an actual holdup and or hostage situation, officers on the scene will take actions that comply with all procedures regarding those incidents.

D. Special Considerations

1. Alarms transmitted from a cash office, jewelry, or fur department located within a larger building shall be handled with special caution.

2. Communications shall notify store security if possible. Store security should then check the alarm area by surveillance camera or telephone. Stores should establish internal security codes to assist in the disposition. Security shall then relay this information to Communications.

3. If available, store security should meet police units at an entrance and escort them to the secondary security check.

E. Fire Alarms

1. One patrol unit should be dispatched with the required fire apparatus. Additional units may be dispatched as needed at the discretion of the police supervisor or communications operator.

2. Arriving police units shall transmit an update and disposition as soon as possible.

F. Medical Alarms

1. Two patrol units shall be dispatched with a basic life support ambulance to all medical alarms.

2. Officers shall give an update and disposition as soon as possible.

3. Alarms that are determined to be actual sick or injured persons should be handled according to its respective procedures.

G. Trouble Alarms

1. Except for fire alarms, all trouble alarms shall be handled as actual valid alarms and normal response shall be dispatched.

2. Trouble fire alarms shall be referred to the specified fire inspector. If no fire inspector is available, one police unit should be dispatched to the location and the proper fire response will be dispatched.

V. Routine Response

A. Routine calls are those that require police presence for the purpose of taking some form of action, but do not require immediate arrival since the situation will probably not deteriorate due to the time of arrival. The majority of calls for police service will be of this type and will usually require that one officer be initially assigned, unless advised otherwise.

B. A routine response involves no emergency lights or sirens. It is a normal traffic speed response where all traffic laws are obeyed. Routine responses include:

1. General police assistance;

2. To investigate an incident that has already occurred;

3. Other incidents of a minor nature;

4. Providing non-emergency assistance to other department personnel;

5. Providing non-emergency assistance to other agencies.

C. Examples of routine calls include, but are not limited to:

1. A report of a past break in and entry;

2. Loud groups or parties;

3. Animal complaints (unless there is imminent danger of serious injury to others);

4. Theft of vehicle reports;

5. Transport assistance (bank deposit);

6. Assisting a motor vehicle lockout; and

7. Any other call that can be termed routine in nature.

D. Traffic safety units or back up units responding to a crash investigation scene where the scene has already been secured by the initial arriving units shall be considered a routine response.

E. Criminal investigation units responding to a crime scene where the scene has already been secured by the initial arriving units shall be considered a routine response.

VI. Self Initiated Use of Emergency Warning Devices

A. Officers shall activate emergency warning devices when required to assist in handling any actual or perceived emergency situation. The officer shall advise communications of the nature of the emergency and any need for additional assistance.

B. In other than emergency situations, when expediency is required to effectively eliminate a potential hazard to the public or other personnel, officers should activate emergency warning devices to allow orderly and safe transit through heavily congested roadways. Examples of permissible uses of emergency warning devices during non-emergency response situations include, but are not limited to:

1. Using emergency lights as beacons to protect disabled motorists; or

2. Protecting roadway construction; or

3. Protecting utility workers; or

4. Using emergency lights when it is necessary to use agency vehicles as protective barriers (e.g. road closures, etc.).

5. Officers shall deactivate emergency warning devices as soon as practicable once the need is no longer necessary.

VII. Response to Officer Initiated Calls

A. When officers are involved in situations where assistance is needed, they must be aware that a non-specific request will probably result in an uncoordinated, insufficient, or overwhelming response. The subsequent response may be a greater hazard to life and property than that of the original incident.

B. Personnel must minimize this potential hazard by giving the following information:

1. Their unit number

2. Their exact location

3. The reason for the assistance

4. Specify the number of units required to handle situation

C. Officers making the request shall remain near their radio long enough to determine if the call has been received by communications. Additionally, the officer shall provide status reports, to coordinate the efforts of arriving units and to confirm that adequate assistance actually arrives.

1. Responding units shall identify and advise from where they are responding and shall proceed to the specified location in accordance with the response mode specified or warranted.

2. Responding units will closely monitor their radios in the event that the situation changes (such as when an officer in trouble call is upgraded and/or downgraded to a back-up request), so that their response can be modified accordingly.

3. Responding units shall immediately notify communications upon arrival at the scene and provide a status report as soon as possible.

4. Upon receipt of a termination notice, responding units shall discontinue emergency operation and return to their assigned area unless specifically requested to continue to the location under normal driving conditions.

D. Supervisory responsibilities include, but are not limited to:

1. Upon notification of a request for officer assistance, review the responses to determine if it is appropriate and reclassify the response if a different response mode is warranted.

2. Monitor the response until it has stabilized or terminated, assert control by directing specific units into or out of the response if necessary, and verify

that no more than the required or necessary units are involved in the response and that affected ancillary agencies are or have been notified.

E. The first unit to arrive at the scene will report the current situation so that other units may adjust their response accordingly.

   1. Any units called off by either the communications center and/or a supervisor will immediately discontinue any emergency or urgent response and resume normal patrol assignments.

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 2	# OF PAGES: 18

SUBJECT: USE OF FORCE

ISSUED BY:	EFFECTIVE DATE:	ACCREDITATION STANDARDS:
Chief Kenneth R. Ehrenberg	October 14, 2013	1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.8, 1.3.11b, 1.3.12
SUPERSEDES ORDER #: GO 1.17.00		

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

PURPOSE The purpose of this directive is to bring this department into compliance with guidelines and directives promulgated by the New Jersey Attorney General, the Bergen County Prosecutor, and existing statutory and case law.

POLICY Sworn law enforcement officers have been granted the extraordinary power to use force when necessary to accomplish lawful ends. That authority is grounded in the responsibility of every sworn law enforcement officer to comply with the laws of the State of New Jersey regarding the use of force and to comply with this policy. Equally important is law enforcement's obligation to prepare individual officers in the best way possible to exercise that authority. In situations where law enforcement officers are justified in using force, the utmost restraint should be exercised. The use of force should never be considered routine. In determining to use force, the law enforcement officer shall be guided by the principle that the degree of force employed in any situation should be only that reasonably necessary to accomplish lawful objectives.

This policy reinforces the responsibility of law enforcement officers to take those steps possible to prevent or stop the illegal or inappropriate use of force by other officers. Every law enforcement officer is expected and required to take appropriate action in any situation where that officer is clearly convinced that another officer is using force in violation of state law. Law enforcement officers are obligated to report all situations in which force is used illegally by anyone. This policy sends a clear message to law enforcement officers that they share an obligation beyond the requirements of the law. Officers are encouraged to do whatever they can to interrupt the flow of events before a fellow officer does something illegal and before any official action is necessary. Law enforcement officers can serve each other and the public by simply saying or doing the right thing to prevent a fellow officer from resorting to force illegally or inappropriately.

Deciding whether to use force when authorized in the conduct of official responsibilities is among the most critical decisions made by law enforcement officers. It is a decision that can be irrevocable. It is a decision that must be made quickly and under difficult, often unpredictable circumstances. Sound judgment and the appropriate exercise of discretion will always be the foundation of police officer decision making in the broad range of possible use of force situations. It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, this policy is intended to provide the best guidance and direction possible to police officers when called upon to confront and address the most difficult of situations. Law enforcement officers whose actions are consistent with state law and the provisions of this policy will be strongly supported by the law enforcement community in any subsequent review of their conduct regarding the use of force.

PROCEDURES

I. Definitions

A. **Constructive Authority** does not involve actual physical contact with a subject, but involves the use of officers' authority to exert control over a subject.

1. Examples include verbal commands, gestures, warnings, and un-holstering a weapon.

2. Pointing a firearm at a subject is an element of constructive authority to be used only in appropriate situations.

B. **Physical Contact** involves routine or procedural contact with a subject necessary to effectively accomplish a legitimate law enforcement objective.

1. Examples include, guiding a subject into an agency vehicle, holding the subject's arm while transporting, handcuffing a subject and maneuvering or securing a subject for a frisk.

C. **Physical Force** involves contact with a subject beyond that which is generally utilized to affect an arrest or other law enforcement objective. Physical force is employed when necessary to overcome a subject's physical resistance to the exertion of an officer's authority or to protect persons or property.

1. Examples include, wrestling a resisting subject to the ground, using wrist locks or arm locks, striking with the hands or feet, or other similar methods of hand-to-hand confrontation.

D. **Mechanical Force** involves the use of some device or substance, other than a firearm, to overcome a subject's resistance to the exertion of an officer's authority.

1. Examples include the use of a baton, impact weapon, or other object, canine physical contact with a subject, or chemical or natural agent spraying.

E. **Enhanced Mechanical Force** Is an intermediate force option between mechanical force and deadly force requiring a greater level of justification than that pertaining to physical or mechanical force, but a lower level of justification than that required for the use of deadly force. Enhanced mechanical force is applied using less-lethal ammunition and/or a conducted energy device.

F. **Deadly Force** is force which officers use with the purpose of causing, or which an officer knows to create a substantial risk of causing, death or serious bodily harm. Purposely firing a firearm in the direction of another person or at a vehicle, building or structure in which another person is believed to be constitutes deadly force.

1. A threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the purpose is limited to creating an apprehension that deadly force will be used, if necessary, does not constitute deadly force.

G. **Reasonable Belief** is an objective assessment based upon an evaluation of how reasonable officers with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronting and known by the officers at the scene.

H. **Law Enforcement Officer/Officer** is any employees sworn to enforce the criminal laws of the State of New Jersey, who is certified by the Police Training Commission, or is currently employed by the Paramus Police Department and is authorized to carry a firearm under N.J.S.A. 2C:39-6.

I. **Imminent Danger** describes threatened actions or outcomes that may occur during an encounter absent action by officers. The period of time involved is dependent on the circumstances and facts evident in each situation and is not the same in all situations. The threatened harm does not have to be instantaneous. For example, imminent danger may be present even if a subject is not at that instant pointing a weapon at officers, but is carrying a weapon and running for cover.

J. **Substantial Risk:** Any discharge of a firearm entails some risk of an unintended outcome. A substantial risk exists when officers disregard a foreseeable likelihood that innocent persons will be endangered. For example, firing a weapon into a confined space (room, vehicle, etc.) occupied by innocent persons exposes those persons to a substantial risk of harm.

K. **Serious Bodily Injury** means bodily injury, which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

L. **Employee** shall mean all employees of the Paramus Police Department regardless of sworn status, job title, or assignment.

M. **Conducted Energy Device** means any device approved by the Attorney General that is capable of firing darts/electrodes that transmit an electrical charge or current intended to temporarily disable a person.

N. **Fire** means to cause the darts/electrodes of a conducted energy device to be ejected from the main body of the device and to come into contact with a person for the purpose of transmitting an electrical charge or current against the person.

O. **Discharge** means to cause an electrical charge or current to be directed at a person in contact with the darts/electrodes of a conducted energy device.

P. **Drive Stun Mode** means to discharge a conducted energy device where the main body of the device is in direct contact with the person against whom the charge or current is transmitted.

Q. **Spark Display** means a non-contact demonstration of a conducted energy device's ability to discharge electricity that is done as an exercise of constructive authority to convince an individual to submit to custody.

R. **Stun Gun** means any weapon or other device, which emits an electrical charge or current intended to temporarily or permanently disable a person.

II. Authorization and Limitations

A. Use of Less Lethal Force

1. Officers may use physical force or mechanical force when they reasonably believe it is immediately necessary at the time:

    a. To overcome resistance directed at themselves or others; or

    b. To protect themselves, other officers or a third party from unlawful force; or

    c. To protect property; or

    d. To thwart the commission of a crime involving or threatening bodily harm; or

    e. To affect other lawful objectives, including, but not limited to: making an arrest, preventing an escape, preventing a suicide or preventing someone from harming themselves, etc.

2. Once all resistance or physical force being used to resist or prevent officers from carrying out their duties as ceased, use of further force on an officer's part shall cease.

3. Due to the potential for unintended serious injury or death, the use of sleeper holds or other similar neck restraint techniques are not authorized.

B. Use of Deadly Force

1. Officers may use deadly force when they reasonably believe such action is immediately necessary to protect themselves or another person from imminent danger of death or serious bodily harm.

2. Officers may use deadly force to prevent the escape of a fleeing suspect:

    a. Whom officers have probable cause to believe has committed an offense that the suspect caused or attempted to cause death or serious bodily harm; and

    b. Who will pose an imminent danger of death or serious bodily harm should the escape succeed; and

    c. When the use of deadly force presents no substantial risk of injury to innocent persons.

3. If feasible, officers should identify themselves and state their intention to shoot before using a firearm.

C. **Restrictions on the Use of Deadly Force**

1. Officers are under no obligation to retreat or desist when resistance is encountered or threatened. However, officers shall not resort to the use of deadly force if they reasonably believe that an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily harm and achieve the law enforcement purpose at no increased risk to themselves or another person.

2. Officers shall not use deadly force to subdue persons whose actions are only destructive to property.

3. Deadly force shall not be used against persons whose conduct is injurious only to them.

4. Under current state statutes, the discharge of any projectile from a firearm is considered to be deadly force, including less lethal means such as beanbag ammunition or rubber bullets. For that reason, these and similar less lethal means of deadly force can only be used when officers reasonably believe such action is immediately necessary to protect themselves or another person from imminent danger of death or serious bodily harm.

5. Officers shall not discharge a weapon as a signal for help or as a warning.

6. While any discharge of a firearm entails some risk, discharging a firearm at or from a moving vehicle entails an even greater risk of death or serious injury to innocent persons. The safety of innocent people is jeopardized when a fleeing suspect is disabled and loses control of their vehicle. There is also a substantial risk of harm to occupants of the suspect vehicle who may not be involved, or involved to a lesser extent, in the actions that necessitated the use of deadly force. Due to this greater risk, and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, officers shall not fire from a moving vehicle or at the driver or occupant of a moving vehicle unless they reasonably believe:

   a. There exists an imminent danger of death or serious bodily harm to themselves or another person; and

   b. No other means are available at that time to avert or eliminate the danger.

7. Officers shall not fire a weapon solely to disable moving vehicles.

8. Officers shall normally not fire a weapon into buildings, doors, windows, or other openings when the person being fired upon is not clearly visible.

9. Destroying an animal is justified only in the following circumstances:

a. Personnel may use a firearm to destroy an animal where the animal presents an immediate threat to human life; or may cause immediate serious bodily injury to a human.

III. Exhibiting a Firearm

A. Officers shall not unholster or exhibit a firearm except under any of the following circumstances:

1. For maintenance of the firearm;

2. To secure the firearm;

3. During training exercises, practice or qualification with the firearm;

4. When circumstances create a reasonable belief that it may be necessary for the officer to use the firearm;

5. When circumstances create a reasonable belief that the display of a firearm as an element of constructive authority helps establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure officer safety;

6. When ordered by a supervisor or other lawful authority.

IV. Conducted Energy Devices (CED)

A. All use of a conducted energy device (CED) must be in compliance with the **New Jersey Attorney General's Supplemental Policy on Conducted Energy Devices**.

B. Only the Taser X2 CED is authorized.

1. The Chief of Police shall determine the number of officers who are authorized to carry and use a CED.

2. Officers shall not carry or use a CED during an actual operation unless the officer has been expressly authorized in writing by the Chief of Police, considering the officer's experience and demonstrated judgment, and the officer has successfully completed a training course approved by the Police Training Commission in the proper use and deployment of CEDs.

3. Officers authorized to carry and use a CED pursuant to this SOP are exempt from criminal liability under NJSA 2C: 39-3(h) for knowing possession of a stun gun.

C. No officer shall be authorized to carry or use a CED during an actual operation until having completed a training course and qualification procedure approved by the PTC in the proper use and deployment of CEDs. The training program shall include a component on how to interact with an emotionally disturbed person, how to recognize mental illness, and techniques to de-escalate a psychiatric crisis to prevent injury or death.

D. One of the key distinctions between the standard for using deadly force and the standard for using enhanced mechanical force is that the threat of death or serious bodily injury does not have to be imminent or immediate in order to use enhanced mechanical force.

E. Officers authorized to use a CED may fire and/or discharge the device during an actual operation only where:

1. The officer believes such force is reasonably necessary to prevent the person against whom the device is targeted from causing death or serious bodily injury to him/herself, an officer, or any other person; or

2. The officer believes such force is reasonably necessary to prevent the immediate flight of an individual whom the officer has probable cause to believe has committed an offense in which the suspect caused or attempted to cause death or serious bodily injury; <u>and</u>

   a. The individual will not voluntarily submit to custody after having been given a reasonable opportunity to do so considering the exigency of the situation and the immediacy of the need to employ law enforcement force to prevent the individual from causing death or serious bodily injury to him/herself or any other person.

3. Officers shall not direct an electrical charge or current against a person who has already received an electrical charge from a CED unless the person, despite the initial discharge, continues to pose a threat of causing death or serious bodily injury to him/herself, an officer, or any other person. The person shall be given a reasonable opportunity to submit to law enforcement authority and to comply with law enforcement commands before being subjected to a second or subsequent discharge, unless the person's conduct after the initial discharge creates a risk of death or serious bodily injury that is so immediate that any delay in applying a second or subsequent discharge would likely result in death or serious bodily injury. In the event that a second or subsequent discharge is authorized and necessary, the officer shall, when feasible, point the main body of the device so that the focus of the device's internal video camera is centered on the person in order to record the circumstances justifying any such second or subsequent discharge.

4. Officers shall not direct an electrical charge or current against a person who is restrained by handcuffs unless:

   a. The officer reasonably believes based on the suspect's conduct while handcuffed that such force is immediately necessary to protect the officer, the suspect, or another person from imminent danger of death or serious bodily injury; <u>and</u>

   b. The use of physical or mechanical force *(e.g.,* a baton or pepper spray) is not immediately available to be employed, has been tried and failed to stop the imminent threat of death or serious bodily injury, reasonably appears to be unlikely to stop the imminent threat if tried, or would be too dangerous to the officer or an innocent person to employ.

5. In the event that a CED is discharged against a person who is restrained by handcuffs, the officer shall point the main body of the device so that the focus of the device's internal video camera is centered on the person in order to record the circumstances justifying the discharge.

6. Officers shall not use a CED in drive stun mode unless the officer reasonably believes based on the suspect's conduct that discharging the device in drive stun mode is immediately necessary to protect the officer, the suspect, or another person from imminent danger of death or serious bodily injury.

7. Officers shall not be required to exhaust the option of using a CED before using lethal ammunition in any circumstance where deadly force would be justified and authorized pursuant to this order.

F. The following uses are prohibited:

1. A CED shall not be used or threatened to retaliate for any past conduct or to impose punishment.

2. A CED shall not be fired or discharged against a person who is exhibiting only passive resistance to an officer's command to move from or to a place, to get onto the ground, or to exit a vehicle.

3. A CED shall not be fired or discharged to prevent a person from committing property damage.

4. A CED shall not be fired or discharged against the operator of a moving vehicle.

5. Two or more CEDs shall not be discharged upon a person at the same time.

G. When not in use, all CEDs shall be stored in the Front Desk Gun Locker.

1. The Patrol Supervisor will issue the CEDs to qualified officers at the beginning of each shift and place the CEDs back in the secured area at the end of each shift.

2. The Patrol Supervisor shall maintain a log book of those officers to whom CEDs are assigned during each tour of duty. The log shall include the serial number of each issued device.

3. Officers issued a CED shall ensure that the device, including the video recording function, is functional prior to taking the equipment on patrol.

4. The results of the inspection shall be noted on the log.

5. If the function check reveals that the device battery is below 60% charged, the officer will ensure that the device is fully charged prior to field deployment.

6. If the function check reveals the CED is not functioning properly, the CED

shall not be deployed. The road supervisor shall take the device out of service and forward the device to the Supervising Weapons Instructor for repair or replacement.

7. Officers shall ensure the cleanliness of their assigned CEDs.

8. A certified CED technician shall conduct periodic maintenance of the devices in accordance with manufacturer's recommendations.

9. All CEDs shall be worn on the officer's support side of his/her duty belt in a cross-draw holster.

H. When feasible, the officer should warn the person against whom the CED is directed that he/she intends to fire the weapon. If a second or subsequent discharge is authorized by this policy the officer, when feasible, should warn the person that the officer intends to discharge the device again. It shall not be necessary for an officer to warn the person of the impending firing/discharge of the device, or to provide the person with an opportunity to submit to law enforcement authority before firing/discharging the device, if the person's conduct is creating a risk of death or serious bodily injury that is so immediate that any delay in firing/ discharging the device would likely result in death or serious bodily injury *(e.g.,* where the person is actively engaged in committing an aggravated assault, or is actively engaged in an attempt to commit suicide or an act of self mutilation).

I. Officers shall not unholster a CED during an actual operation unless he/she reasonably believes that it may be necessary for him/her to use the CED. Officers shall not exhibit a conducted energy device to a person or conduct a spark display during an actual operation unless he/she reasonably believes that display of the device and/ or a demonstration of its ability to discharge electricity as an exercise of constructive authority would help to establish or maintain control in a potentially dangerous situation in an effort to discourage resistance and ensure officer safety. Officers may also unholster and/ or exhibit a conducted energy device or conduct a spark display if another officer on the scene has unholstered and/or exhibited a firearm in accordance with this policy.

J. Through verbal commands, officers may threaten to use a CED, so long as the officer's purpose is limited to creating an apprehension that the device will be used if necessary.

K. Officers should not fire a CED if there is a substantial risk that the electrode/darts will strike an innocent person unless firing the device in such circumstances is reasonably necessary to protect the innocent person(s) from being killed or seriously injured by the person against whom the CED is targeted.

L. To ensure officer safety, when feasible, at least one law enforcement officer other than the one deploying the CED should be present, and be armed with lethal ammunition, and be prepared to deploy deadly force in the event that the use of a CED for any reason fails to incapacitate the suspect and prevent him or her from causing death or serious bodily injury to the officer equipped with the device, or any other person.

M. During the deployment of a CED, the deploying officer shall, when feasible, continually evaluate the options selected against changing circumstances.

N. Officers trained and authorized to carry a CED should be aware of any targeting recommendations made by the manufacturer.

O. A CED may be used in conjunction with a distraction device, water-based chemical agent, or less-lethal ammunition. If the individual has already received an electrical charge from a CED, officers should, when feasible, provide the person a reasonable opportunity to submit to law enforcement authority and to comply with law enforcement commands, considering the physiological effects of the discharge, before deploying a distraction device, chemical agent, or less-lethal ammunition.

P. A CED shall not be directed against a person who is situated on an elevated surface *(e.g.,* a ledge, scaffold, near a precipice, etc.) unless reasonable efforts have been made to prevent or minimize a fall-related injury *(e.g.,* deploying a safety net).

Q. A CED shall not be used in, on, or immediately adjacent to a body of water in which the targeted person could fall during any stage of the application of the electrical current generated or transmitted by the device.

R. A CED shall not be used in any environment where an officer knows or has reason to believe that a potentially flammable, volatile, or explosive material is present that might be ignited by an open spark, including but not limited to pepper spray with a volatile propellant, gasoline, natural gas, or propane.

S. While officers must at all times respect the seriousness and potential lethality of a CED, officers should use particular care when considering whether to use a CED against a individual who is particularly vulnerable due to age (either elderly or young) or due to a known or reasonably apparent medical condition *(e.g.,* a pregnant female).

T. In all instances when a CED is fired at or discharged upon a person, the Patrol Supervisor shall take custody of the device and secure it.

1. The information stored on the device concerning the use of force incident (i.e. data concerning the time the weapon was fired, the time of all electrical discharges, and video recordings of the weapon and all electrical discharges) must be preserved as evidence.

2. The Patrol Supervisor shall safeguard the digital information in the device concerning the incident by downloading the data to the BCI workspace computer prior to placing the unit into evidence.

3. The Stationhouse Commander shall afford the officer the opportunity to review the stored video and firing data prior to completing his reports

4. An officer assigned by the Chief of Police to perform that function shall download all data from the device onto the department server and backup the data to digital preservation media-such as electronic, magnetic, or optical storage media (i.e. DVD or other optical discs, USB flash memory/drive, solid-state drives, memory sticks, or other reliable technology) to preserve a record of the event as evidence.

5. Once the data is secure on the department server and burned to digital

preservation media, the event shall be erased from the device and the unit shall be placed back in service.

V. After Action Requirements

A. Subjects against whom a CED has been directed shall be transported to a medical facility for examination if any of the following circumstances exist:

1. The subject requests medical attention;

2. The subject had been rendered unconscious or unresponsive;

3. The subject, after being subjected to a discharge, does not appear to have recovered normally, as described in CED training;

4. The subject has exhibited signs of excited delirium, as described in CED training, prior to, during, or after the discharge of the CED;

5. The subject has suffered bodily injury requiring medical attention as a result of a fall, or otherwise reasonably appears to be in need of medical attention;

6. The subject was exposed to three or more discharges from a CED during the encounter;

7. The subject has been exposed to a continuous discharge lasting 15 seconds or more;

8. No one present at the scene is qualified or authorized to remove the CED darts/electrodes from the subject's person;

9. An officer trained and authorized to remove darts/electrodes experiences difficulty in removing a dart/electrode; or

10. Any part of a CED dart/electrode has broken off and remains imbedded.

B. An officer is authorized to remove a CED dart/electrode from a subject only if the officer has received training on dart/electrode removal, provided, however, that an officer is not authorized to remove a CED dart/electrode from any part of the person's head or neck, or where the dart/electrode is located in the area of the subject's genitalia, or female breast. In the absence of exigent circumstances requiring immediate action, a CED dart/electrode may only be removed from these areas by an emergency medical technician (EMT) or by other qualified medical personnel.

VI. Notification and Investigation Requirements

A. The Internal Affairs Commander, Chief of Police and the Bergen County Prosecutor's Office shall be immediately notified when the use of physical, mechanical, enhanced mechanical, or deadly force results in death or serious bodily injury, or when an injury of any degree results from the use of a firearm by agency personnel. The Prosecutor's Office will normally conduct the subsequent investigation into the use of force. The Prosecutor's Office shall also be responsible for the necessary notifications to the Division of Criminal Justice. DCJ may supersede the investigation where there may be a conflict or if the matter is better handled at the State level.

VII. Reporting Requirements

A. In all instances when physical, mechanical, enhanced mechanical, or deadly force is used, whether on or off duty, each employees who had employed such force shall complete and submit

B. When an officer un-holsters and exhibits a CED and/or conducts a spark display, but does not fire or discharge a CED or otherwise employ actual force against a subject, a Use of Force Report is not required, but the action shall be documented in the Investigation or Supplemental Report made necessary by the nature of the underlying incident

C. A written report is also required:

1. In all instances whenever an employee discharges a firearm, for other than training or recreational purposes and in all cases of an accidental or unintentional discharge of a CED;

D. All instances when a CED has been fired or discharged against a subjectshall be subject to a Use of Force Review by the Bergen County Prosecutor's Office.

1. A report shall be submitted to the Chief of Police within two (2) business days providing all the relevant circumstances, deployment and outcome, including whether the deployment avoided injury to an officer and avoided the need to use deadly force.

2. The Chief of Police shall issue a finding on whether the firing and all discharges complied with the Attorney General's policy on CEDs and forward a copy of the report to the Bergen County Prosecutor within three (3) business days of the firing/discharge.

VIII. Post Use of Force Requirements

C. Following the use of force, employees shall immediately monitor and assess the need for medical attention or treatment for the person upon whom the force was used and provide first aid to the extent of their training and the number and extent of injuries except where the application of first aid will expose the officer to immediate danger.

D. Any person requesting and/or deemed in need of medical attention shall be transported to the nearest available emergency medical treatment center or hospital. Personnel shall contact a local ambulance to request such transportation assistance.

1. Personnel should not ordinarily transport the subject in a Paramus PD vehicle.

2. Injured subjects who are under arrest shall remain handcuffed unless otherwise directed by medical personnel. If transportation to a medical facility is required, the arrestee shall remain under constant guard.

3. The extent of the injury and the treatment offered/provided shall be documented in the body of the investigative report.

E. Under no circumstances shall agency employees sign or endorse any medical authorization for any person under arrest or in custody. Persons shall use their own medical insurance or the medical facility/hospital shall seek remuneration from the appropriate indigent care funds.

F. When the use of force by an employee of this department results in serious injury to any person or an employee employs deadly force to any degree, the patrol tour commander shall be immediately summoned to the scene of the incident. To the extent possible under the circumstances, crime scene security and precautions shall be considered.

1. Ensure that affected persons receive the necessary assistance, including medical attention;

2. Ensure that the need for medical treatment for any bystander or arrestee/prisoner is evaluated and provided where necessary;

3. When necessary, notify the appropriate support staff, e.g. Detective Bureau, and Bergen County Prosecutor's Office, who should respond to the scene and cause the appropriate level of investigative and support services including, but not limited to: photographs, measurements, diagrams, statements, etc. When an injury or complaint of pain exists, supervisors should obtain photographic documentation to the extent possible; and

4. All use of force incidents involving employees of this department shall be thoroughly documented and where necessary investigated in accordance with the provisions of this written directive.

G. Any use of force by any employee that results in actual or alleged minor injury to any person shall be reported to the patrol tour commander after the arrestee has been transported to police headquarters. If the person injured as a result of an application of force has not been arrested, the notification shall take place as soon as practicable.

H. Personnel are required to adequately control the situation to whatever degree possible until assistance arrives. This control includes, but is not limited to:

1. Emergency assistance to injured persons.

2. Search for additional suspects or weapons

3. Crowd control and crime scene preservation

4. Requesting immediate and ancillary assistance, as necessary.

I. When employees of this department are involved in an incident where their actions or use of force in an official capacity results in death or serious bodily harm to any person, supervisory personnel on scene shall be responsible to ensure that the following occurs:

1. If the employee received any injuries as a result of the incident, he/she shall be taken to the nearest appropriate medical facility for treatment.

2. Unless taken for medical treatment, the employee directly involved shall be removed from the incident location at the earliest possible opportunity and brought to police headquarters to facilitate the continuing investigation.

3. The employee shall be relieved of his/her regular line duty assignment and reassigned to police headquarters duty until such time as a thorough investigation and administrative review has been completed.

4. The administrative review shall determine whether policy, training, equipment or disciplinary issues should be addressed.

5. If an officer's firearm was involved, the firearm, holster, and all remaining ammunition shall be turned over to the Chief of Police or his designee.

6. Critical incident stress counseling shall be made available to the employee(s) involved and their families.

7. The employee shall remain on administrative reassignment until the Chief of Police approves his/her return to full duty.

IX. Notification and Investigation Requirements

B. The Chief of Police, Command Staff and the Bergen County Prosecutor's Office shall be immediately notified when the use of physical, mechanical, or deadly force results in death or serious bodily injury, or when an injury of any degree results from the use of a firearm by agency personnel.

1. Immediate notification means the notification must occur before any investigation of the incident is undertaken other than to secure the scene and to render medical assistance as required by the circumstances.

2. When a Prosecutor's detective or investigator, Assistant Prosecutor, or the Prosecutor is involved in the use of force incident, the Division of Criminal Justice (DCJ) will be the lead investigating agency.

3. If the DCJ becomes the lead investigating agency, a shooting response team consisting of DCJ investigators and members of the New Jersey State Police Major Crimes Unit shall normally conduct the investigation.

4. When a State investigator, Deputy Attorney General, or Assistant Attorney General, or any other law enforcement officer employed by a State or Federal agency is involved in a use of force incident, the Bergen County Prosecutor's Office will generally conduct the subsequent investigation unless otherwise directed by the Attorney General.

5. When a member of the New Jersey State Police or a member of any agency supervised by the new Jersey State Police is involved in a use of force incident, DCJ is normally the lead investigating agency, but DCJ may refer the case to the Prosecutor's Office.

C. The Division of Criminal Justice, Operations Bureau must be notified within twenty-four (24) hours of any force used by employees that involves death or serious bodily injury, or when an injury of any degree results from the use of a firearm by personnel.

X. Patrol Tour Commander's Responsibilities

A. Whenever a patrol tour commander is notified of a use of force incident involving an on or off duty officer of this department occurring in Borough of Paramus, it shall be the patrol tour commander's responsibility to promptly respond to the appropriate location to commence a preliminary investigation into the incident.

B. Incidents that have resulted in injury or alleged injury shall be documented by the patrol tour commander and forwarded through the chain of command.

1. The patrol tour commander shall ensure that the involved officer submits all required reports, including a completed Use of Force Report.

2. The patrol tour commander shall conduct an administrative review of the incident and complete a supplement report on his/her review of the officer's use of force.

a. The patrol tour commander shall review the Use of Force report and any supplemental reports for accuracy and completeness and shall promptly address any issues as they may pertain to policy changes, training, weapons or equipment, or discipline.

b. Recommendations to modify policy; apply remedial training beyond what can be performed by the patrol tour commander; change weapons, equipment, or tactics; or apply discipline shall be thoroughly documented and forwarded through the chain of command.

C. In addition to the above stated reporting requirements, whenever an incident results in serious injury (requiring hospitalization) or death, the following actions must be completed by the patrol tour commander:

1. Notification to the appropriate command staff members, including the Chief of Police.

2. Establishment of crime scene security and precautions.

3. Obtain assistance from the Criminal Bureau and Internal Affairs Unit.

4. Notification to the Bergen County Prosecutor's Office, see §V.

D. Incidents involving the use of force and/or firearms discharge by off duty officers that occur outside the boundaries of the Borough of Paramus shall require the following action on the part of the patrol tour commander:

1. Collection of preliminary data regarding the event and notification to the Chief of Police, through the chain of command.

2. Provide the officer with instructions regarding their obligations as defined in this directive.

3. Establish contact with the investigating law enforcement agency and determine what assistance the Paramus Police Department can provide.

XI. Reporting Requirements

E. In all instances when physical, mechanical or deadly force is used, whether on or off duty, each employees who had employed such force shall complete and submit

1. Any investigative document made necessary by the nature of the underlying incident (incident report, etc.); and

2. A Use of Force Report (Attachment A)

F. In all instances where constructive authority results in the pointing of a firearm at another person, the facts and circumstances shall be reported on the investigative document made necessary by the nature of the precipitating incident.

G. A written report is also required:

1. In all instances whenever an employee discharges a firearm, for other than training or recreational purposes;

   a. Regardless of whether the discharge was accidental or intentional, employees shall notify the duty patrol tour commander immediately if on duty or as soon as practicable if off duty.

   b. Employees shall complete and submit a report detailing the particular information concerning the location and circumstances of the discharge.

   c. Whether on or off duty this report shall be completed and submitted as soon as practicable after the incident.

   d. In the event that an employee is incapacitated or fatally wounded as a result of the incident, the Chief of Police or designee shall complete this report.

   e. Any firearm discharge by an employee that results in a fatality, regardless of their duty status, cause, or location of the incident, the employee shall immediately notify the department through the duty patrol tour commander.

2. In all instances where an employee takes an official action that results in, or is alleged to have resulted in death or injury to another person.

H. These reports shall be submitted by the end of the employee's tour of duty unless extenuating circumstances exist which prevent the employee from completing the report.

I. The officer's tour commander shall review the Use of Force report(s) for accuracy and completeness and shall promptly address any issues as they may pertain to policy changes, training, weapons or equipment, or discipline.

J. The Division Commander shall also review the Use of Force report(s) for accuracy and completeness and shall promptly address any issues as they may pertain to policy changes, training, weapons or equipment, or discipline.

K. The Internal Affairs Supervisor shall also review the Use of Force report(s) for accuracy and completeness and shall promptly address any issues as they may pertain to policy changes, training, weapons or equipment, or discipline.

L. This system of multi-layered review is intended to bring any problematic issues to light at the earliest opportunity.

M. Recommendations to modify policy; apply remedial training beyond what can be performed by the supervisor; change weapons, equipment, or tactics; or apply discipline shall be thoroughly documented and forwarded through the chain of command.

N. The Use of Force report shall be forwarded to Police Chief's office and Division Commander, where it shall be stored in a file separate from the incident.

O. Any injuries received by employees as a result of force utilized by an officer in a training situation, the incident must be reported in an Incident Report

P. The Internal Affairs Supervisor shall be responsible for completing the annual Use of Force Summary Report and submitting it to the Prosecutor's Office. A copy shall be forwarded to the Chief of Police.

XII. Training

A. All department personnel authorized to carry agency lethal and less lethal weapons shall have access to "Use of Force Directives", located on DMS, and be instructed in, this directive prior to being authorized to carry a weapon. The issuance and instruction shall be documented and forwarded to the training officer.

B. Weapons instructors are responsible for conducting use of force training concurrent with the biannual firearms training and qualification sessions. This training must reflect current standards established by statutory and case law, as well as State and County policy, directives, and guidelines. The training program will include the use of force in general, the use of physical and mechanical force, the use of deadly force, decision making skills; the limitations that govern the use of force and deadly force; and all applicable aspects of agency directives.

C. All use of force training shall be documented each time it is provided listing all personnel being trained. This documentation shall be forwarded to the training officer.

D. The Department Training Officer is responsible for ensuring that the training curriculum remains current. All use of force training shall be documented each time it is provided listing all personnel being trained. This documentation shall be forwarded to the training officer.

E. The Department Training Officer is responsible for ensuring that all firearm instructors comply with the mandates of this directive. The Senior Weapons Instructor is also responsible for completing the annual Bergen County Firearms Training Report when due.

1. Copies of all training records shall be forwarded to the training officer who shall update the agency's master training records.

2. The training officer shall also ensure that all personnel training records are updated as required.

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 3	# OF PAGES: 15
SUBJECT: AUTHORIZED WEAPONS & AMMUNITION		
ISSUED BY: Acting Chief Christopher J. Brock	**EFFECTIVE DATE:** February 1, 2011	**ACCREDITATION STANDARDS:** 1.3.9, 1.3.10, 1.3.11
SUPERSEDES ORDER #:		

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

PURPOSE The purpose of this directive is to establish and codify this department's philosophy and guidelines regarding its weapons, ammunition, and weapons training program.

POLICY It is the policy of the Paramus Police Department that only weapons and ammunition authorized by the Chief of Police can be used by department personnel in their responsibilities. The directive shall apply to weapons and ammunition carried both on and off duty. Only department personnel demonstrating proficiency in the use of department authorized weapons are permitted to carry and use such weapons.

It is also the policy of this department to provide ample training to its members in the safe handling and use of authorized weapons and ammunition. Minimally, this department will adhere to the tenets set forth in the New Jersey Attorney General's Guidelines regarding firearm qualification. This directive in no way will restrict this department from providing more training than what is provided for by the Attorney General.

It is further the policy of this department that officers opting to carry a handgun in an off-duty capacity must also be in possession of their police badge and identification while off-duty.

PROCEDURES

I. General

A. Personnel shall promptly notify a supervisor if they are on medication that can adversely affect their ability to handle or use a firearm or less lethal weapon. This includes while at the practice range.

B. A list of this department's authorized weapons and ammunition is contained in Appendix A.

C. Officers are authorized to carry back up sidearms while on duty subject to the restrictions set forth in this directive, see subsection VI.

D. Personnel are prohibited from modifying, altering, or enhancing any department or department approved weapon and/or ammunition without the express written permission of the Chief of Police and supervising weapons instructor.

1. This prohibition includes approved back up and off duty sidearms

2. This prohibition includes, but is not limited to grips, sights, magazines, trigger pull, barrel length or extension, etc.

3. This prohibition extends to any personnel considering purchasing a weapon that has already been modified from its original manufacturer's specifications.

E. Personnel are prohibited from displaying a firearm to any person except upon demand of supervisory personnel or in comportment with this department's use of force directive.

F. Surrendering a firearm to a criminal suspect is generally prohibited. Personnel should exhaust all means at their disposal. Surrender of a firearm rarely de-escalates a situation.

G. Damage, loss, or theft of any department authorized weapon or ammunition shall be immediately reported to an immediate supervisor and, in the case of loss or theft, to the law enforcement jurisdiction where the loss or theft had occurred

H. If an agency authorized weapon becomes defective or is in need of repair, personnel shall notify the tour commander.

1. The tour commander shall ensure that the weapon is removed from service, made safe, clearly tagged, and stored in the weapons cabinet in the supervisor's desk area.

2. If the weapon is an off duty or back up sidearm, the officer is responsible for getting the weapon repaired.

3. If the weapon is a duty sidearm, the tour commander shall place the officer on modified duty until the weapon can be repaired or replaced by the weapons instructor.

4. The tour commander shall ensure that the matter is documented and forwarded to the supervising weapons instructor. The documentation shall include:

a. Officer's name;

b. Description of the weapon turned in for maintenance, including serial number, if applicable;

c. Describe malfunction;

d. Location where the weapon was stored.

5. Damaged batons or damaged, expended, or expired OC shall be reported to the Training Unit by email.

   a. A replacement canister of OC is stored in the supervisor's office. Supervisors may issue a replacement OC canister.

   b. If a replacement is issued, notify the Training Unit by email.

   c. Damaged/defective batons shall be removed from service and stored in the weapons cabinet in the supervisor's desk area until repaired or replaced.

6. Following repair, personally owned back up and off duty firearms shall be reviewed, inspected and approved by the supervising weapons instructor prior to carrying.

7. Following repair, agency owned weapons shall be reviewed, inspected and approved by the supervising weapons instructor prior to carrying.

8. This review, inspection and approval shall be documented.

9. If a weapon becomes defective or in need of repair during proficiency training, a weapons instructor or armorer shall repair or reissue a replacement weapon until repairs can be made. All replacements shall be documented and forwarded to the supervising weapons instructor.

I. All sworn personnel are required to carry their authorized weapons while on duty with the following exceptions:

   1. When engaged in processing arrestees; or

   2. When the presence of a weapon might jeopardize the outcome of a covert operation or investigation; or

   3. When on convalescent, modified, transitional duty and carrying a weapon is impracticable; or

   4. When otherwise exempted by the Chief of Police or commanding officer.

J. All department approved weapons and ammunition must be maintained in a state of operational readiness.

   1. Personnel are responsible for maintaining their assigned/approved weapons, ammunition, holsters, duty belt, and related accessories.

a. Personnel are subject to periodic and unannounced weapons inspection at any time and may be subject to disciplinary action if weapons are not kept clean and operational.

b. At least annually, the supervising weapons instructor shall cause an inspection of department assigned/approved weapons. Defective or unsafe weapons shall be immediately removed from service and repaired or retired.

2. The supervising weapons instructor is responsible for maintaining weapons, ammunition, and related accessories stored in the department armory.

3. Bureau/Unit commanders are responsible for overseeing any weapons, ammunition, and related accessories assigned to their bureau and subsidiary units.

4. Duty ammunition shall be issued or replaced as necessary by the supervising weapons instructor.

a. Expended ammunition shall not be replaced unless a full accounting has been provided by the officer;

b. Upon separation from the department, personnel must surrender all department issued ammunition and account for any shortages;

5. When carried in an off-duty or back up sidearm, all ammunition shall be approved for use by the Chief of Police.

6. Ammunition cannot be altered or modified to enhance its lethality.

7. Off duty and back up ammunition must be new, commercially manufactured and intended to function in the sidearm used. Personnel shall choose ammunition recommended for law enforcement use. Personnel shall qualify with ammunition he / she intends to carry in off duty or back up sidearms. Additionally, the ammunition must be:

a. Between 98 grain and 230 grain

b. Ball, semi-jacketed hollow point, or fully jacketed hollow point;

c. Ammunition cannot be otherwise altered or modified to enhance its lethality;

d. Armor piercing rounds are prohibited

8. When the department issued duty handgun is used in an off duty capacity, only the department issued ammunition can be used in the sidearm.

K. Duty sidearm, off duty and back up sidearms must be carried in an approved holster.

1. When carrying an off duty or back up sidearm, personnel shall carry same in an approved holster.

2. Personnel shall carry only the issued reloading devices for the issued sidearm. Reloading devices shall be worn in approved carriers.

3. Personnel shall utilize reloading devices specifically designed for their off duty and back up sidearms.

4. All holsters must be approved by the supervising weapons instructor; and

   a. Be able to adequately conceal and secure the sidearm;

   b. Be utilized at each qualification session.

II. General Firearm Safety

A. Treat all firearms as if they are loaded at all times.

B. Never point a firearm at anyone or anything unless its use is indicated under the provisions of this department's use of force directive.

C. Keep your finger off of the trigger until you are ready to shoot.

D. Firearms shall never be left unsecured. This includes while at your usual place of abode or at work. Unattended firearms must be minimally secured with a trigger lock, barrel lock or similar device, or stored within a locked safe or similar receptacle when not being worn.

E. When handling a firearm, point it in a safe direction to check its loaded/unloaded status. Make it safe if loaded. While at the range and when unholstered, all firearms shall be pointed down range under the direction of the range instructor.

F. Unless being worn as a sidearm, firearms should be secured during transportation in a vehicle in a gun case or similar receptacle with ammunition stored separately.

G. Never holster a sidearm with the hammer cocked (when so equipped) unless the weapon is specifically meant to be carried in that condition.

H. Transferring a firearm to another person is governed by NJSA 2C:39-9 et seq. When handing a firearm to another person, follow the below prescribed procedures:

   1. Semi-Automatic handguns:

      a. Point muzzle in a safe direction;

      b. If weapon is so equipped, engage the manual safety device;

      c. Remove the magazine;

      d. Lock the slide to the rear;

      e. Visually and manually inspect the firing chamber to ensure that the weapon is empty;

      f. Hand weapon to the recipient butt first, magazine out, slide locked to the rear.

2. Revolvers:

a. Point muzzle in a safe direction;

b. Open cylinder and safely eject any live ammunition;

c. Place fingers through the cylinder window grasping by the top strap;

d. Hand weapon to the recipient butt first, cylinder open and empty.

3. Rifles/Carbines/Shotguns:

a. Point muzzle in a safe direction;

b. Engage safety device;

c. Remove magazine (semi-automatic), if applicable;

d. Remove shells from magazine tube (shotgun), if applicable;

e. Lock bolt to the rear (semi-automatic), if applicable;

f. Lock slide to the rear (shot-gun), if applicable;

g. Visually and physically inspect firing chamber/breech to ensure that the weapon is empty;

h. Hand weapon to the recipient muzzle up, bolt/slide open and empty.

III. Firearms Qualification / Requalification Courses

A. This department will utilize the **qualification/requalification courses** established for firearms by the New Jersey Attorney General:

B. All sworn personnel must be issued copies of and be instructed in the directives governing use of force and the use of authorized weapons before being authorized to carry such weapons. This issuance and instruction shall be documented and forwarded to the supervising weapons instructor.

C. All sworn personnel must demonstrate proficiency and successfully complete the required firearm qualification for the following weapons, where applicable by their assignment:

1. Duty sidearm

a. Biannual qualification both day and night

2. Police carbine

a. Biannual qualification

3. Automatic, Semi-Automatic Police Rifle

a. Biannual qualification

b. Four times per year live fire exercises with at least two months time between sessions. Two of these live fire exercises can be used for qualification purposes.

4. Submachine gun

a. Biannual qualification 2 times day, 2 times night.

b. Four times per 12 month period live fire exercises with at least 2 months between each session.

c. The live fire exercises may be used for qualification purposes, but must be at least 3 months apart.

5. Scoped rifle

a. Four times qualification per year with two months between each qualification

6. Off duty and back up sidearm(s)

a. Biannual qualification both day and night

D. Qualification and proficiency demonstration with an off duty and/or back up sidearm may be waived if the sidearm is substantially similar to the duty sidearm.

1. Any determination whether the off duty or back up sidearm(s) is/are substantially similar will be made by the supervising weapons instructor.

2. At a minimum and at each qualification, off-duty and back up sidearms must be inspected and function tested under the supervision of a weapons instructor to verify operability.

3. Holsters must still be inspected.

E. All sworn personnel must demonstrate proficiency in the department authorized less lethal weapons biennially.

F. Personnel must report for training at the location and time designated by the supervising weapons instructor and must abide by the safety rules and regulations pertaining to the facility.

G. Personnel engaged in weapons training, proficiency demonstration, and qualification shall be under the direct supervision of the weapons instructors while on the practice range.

H. The supervising weapons instructor will make the final determination if the clothing worn is acceptable.

I. Personnel must be equipped with their duty sidearm, agency authorized belt, holster, magazines, magazine pouches, flashlight, body armor, and any other equipment deemed necessary by the supervising firearm instructor or designee.

J. Off duty and back up sidearms must have an approved holster, magazines and magazine pouches (semi-automatic only) and sufficient ammunition for qualification and potential remedial training, if required. The supervising weapons instructor, or designee, shall inspect off duty and back up sidearms prior to qualification and will make these determinations.

K. Training in the use of force directive and this directive shall be conducted in conjunction with the biannual qualification and proficiency demonstration.

L. The Chief of Police, or designee, may designate additional topics for instruction to be conducted during the biannual qualification and proficiency demonstration.

M. The ranking or most senior weapons instructor on the scene shall adequately supervise all firearms and weapons training. All safety precautions and range rules shall be strictly enforced.

N. All low-light eye wear must be approved by the supervising firearm instructor, or designee.

O. Personnel who fail to achieve a qualifying score during the biannual firearms qualification course within 10% points of a passing score will receive instruction on firearms marksmanship. This training is to be determined by the firearms instructor(s), after observations of the deficient shooter.

1. Remedial instruction minimally includes, but is not limited to:

   a. Stance

   b. Grip

   c. Breath control

   d. Sight alignment

   e. Trigger control

   f. Follow through

2. After the block of instruction, which may include practice firing, the shooter will fire the prescribed course for requalification.

3. After remedial instruction and training have been completed, the supervising weapons instructor shall promptly notify the Chief of Police of any personnel who fail to achieve a passing score or demonstrate proficiency.

4. The Chief of Police will then determine what action is appropriate. Actions may include, but are not limited to:

   a. Disarming the officer;

   b. Removing the officer from a line duty assignment;

   c. Placing the officer on temporary transitional duty;

d. Permitting additional remedial training;

e. Disciplinary action for incapacity to perform an essential function.

5. The Chief of Police shall cause notification, in writing, to the Bergen County Prosecutor of participants who fail to qualify with the duty sidearm.

6. If a participant fails to qualify, all targets that participant used during initial and subsequent qualification attempts (those conducted following remedial training) are to be kept on file until the participant achieves a qualifying score. These targets are to be signed by both the non-qualifying participant and the weapons instructor.

P. Personnel who do not demonstrate proficiency with agency approved less lethal weapons will likewise receive remedial instruction and are subject to the same potential course of action in subsection IV.O.4 above

Q. Shooters shall take only the exact amount of ammunition required to complete the course of fire as issued by a weapons instructor.

R. Shooters shall only fire the specific amount of rounds they are told to fire. If additional rounds are fired, the shooter may be removed from the line.

S. Late shots or shots fired after the specified time has elapsed will be deducted from the final score.

T. Shooters must also demonstrate proficiency in the safe handling of their department issued or personally owned firearms.

U. Only weapons instructors will score the targets.

IV. Recordkeeping

A. All participants shall be included on a Weapons Qualification Report at each requalification. This report is the official record of weapons training.

1. Information for this report includes, but is not limited to:

a. Participant's name, the date and type of qualification course(s) completed and record of passing score achieved on each course.

b. The name of the supervising weapons instructor for each qualification session or course.

c. Identification of any weapon used (make, model, caliber and serial number).

d. Qualification score(s).

2. The original copy of the Weapons Qualification Report shall be maintained as a normal business record. All records will be reviewed by the Chief of Police or designee upon completion of each biannual requalification.

B. The supervising weapons instructor, or designee, shall prepare and submit written documentation to the Bergen County Prosecutor each calendar year certifying that this mandatory training has been conducted.

1. This report is typically due by January 15th of the subsequent year.

2. Copies must be forwarded to the Chief of Police.

3. This report shall contain the following information:

    a. A description of agency authorized weapons and ammunition;

    b. The agency training/qualification schedule, including the dates and types of qualification sessions conducted during the report year.

    c. The number of participants who satisfied qualification requirements and the number of non-qualifying participants during each qualification session for each type of course and weapon.

C. The supervising weapons instructor shall maintain records of all weapons training.

D. The supervising weapons instructor or designee shall maintain a record of all agency approved weapons (including approved off duty and back up sidearms) and ammunition. This record includes, but is not limited to:

1. An inventory of all department owned weapons and related accessories;

2. Identity of personnel to whom department weapons and related accessories have been assigned;

3. All weapons, ammunition, and related accessories assigned to operation units;

4. All repair records;

5. Copies of all purchasing records (purchase orders, vouchers, invoices, etc.)

6. A list of all approved off duty sidearms;

7. All inspection/approval records

V. Review, Inspection, and Approval Process for Weapons

A. Prior to authorizing any change of any department weapons, the Chief of Police may select a committee to review the feasibility of adopting a new weapon.

1. The Chief of Police will assign a chairperson whose responsibility will be to oversee the review process. All recommendations will be forwarded to the Chief of Police in writing by the committee chair, in the time frame specified, and will include all support documentation and reference materials.

2. The Chief of Police will make the final determination concerning the adoption of any new weapon. All weapons must be inspected, test fired (if applicable), and approved by a weapons instructor/armorer prior to issuance.

VI. Off Duty and Back Up Sidearms

A. All requests to carry a sidearm off-duty, other than the authorized duty sidearm, shall be submitted in writing to the supervising weapons instructor through the chain of command with a copy to the Chief of Police.

B. Prior to approving an off duty or back up handgun, a qualified weapons instructor or armorer shall inspect and function test the weapon(s) to ensure the weapon(s) is(are) in safe working condition and free from defect. Any handgun deemed not to be in safe working condition shall not be approved for off duty or back up carrying. Initial and subsequent inspections shall be documented.

C. Specifications for off duty and back up sidearms include:

1. Must be no less than .380 and no more than .45;

2. Must have a trigger guard;

3. Must have a minimum capacity of 5 rounds;

4. Must be a revolver or semi-automatic;

5. No single action only weapons.

6. Must have a minimum barrel length of two (2) inches;

7. Must be carried in an approved holster.

8. While on duty, spare ammunition for a back up firearms must be kept separate from the spare ammunition for the duty sidearm to minimize the opportunity to mix the ammunition.

D. Authority to carry off duty and/or back up sidearms may be revoked if

1. The weapon(s) are determined by the supervising weapons instructor to be no longer serviceable or in need of repair;

2. When personnel fail to achieve a passing qualification score;

3. When personnel can no longer demonstrate proficiency.

E. When worn, all off duty and back up sidearms shall be concealed in an approved holster. Personnel should make every effort to conceal the weapon from the public's view.

F. Personnel must exercise the utmost care when carrying, storing, or otherwise handling their off duty and/or back up sidearm.

G. Any incident involving an off duty or back up sidearm must be immediately reported to this agency and to the law enforcement agency having jurisdiction where the incident occurred. The Chief of Police may refer these incidents to Internal Affairs for further investigation.

H. Notwithstanding the provisions of the Law Enforcement Officers Safety Act of 2004 (HR 218), the duty sidearm **may not** be carried in an off duty capacity while out of this State. Additionally officers must be aware of the following:

1. HR 218 does not provide active duty police officers with law enforcement powers or immunities outside their jurisdictions.

2. While on personal business, police officers are ordinary citizens who happen to have the right to carry concealed weapons as a result of HR 218.

3. Officers are personally responsible for checking and understanding the laws of any jurisdictions that they visit while armed.

VII. Weapons Storage

A. Sworn personnel shall secure their issued and personal firearms within their home or usual place of abode. Personnel may use:

1. A locking container such as a gun safe or gun locker; or

2. A trigger lock; or

3. A barrel cable;

4. Any other device approved by the supervising weapons instructor.

B. NJSA 2C:58-15 makes it a crime to leave a loaded firearm within easy access of a juvenile.

C. When processing arrestees, personnel shall secure their weapons in a weapons locker or other agency approved and secured container.

D. When storing a firearm in a vehicle, the firearm must be placed in the trunk or locked container.

VIII. Animal Destruction

A. Destroying an animal is justified only in the following circumstance:

1. Officers may use a firearm to destroy an animal where the animal presents an immediate threat to human life.

a. Officers shall be mindful that some animals have insufficient body mass to prevent a bullet from passing completely through their bodies. Therefore, officers must be cognizant of surrounding conditions, such as the composition of the material behind or below the animal, and nearby persons or structures that could be affected by a ricochet or deflection.

b. When there is suspicion that the animal may be rabid, the point of aim should be the front shoulder area and not the head.

c. Personnel shall not touch an animal without first protecting themselves from blood borne pathogens.

d. Personnel shall protect any area contaminated with animal body fluids for cleansing by animal shelter personnel.

IX. Paramus Indoor Pistol Range

A. The pistol range at the Life Safety Complex can be used by agency personnel under the following conditions:

1. Officers utilizing the pistol range must first be familiarized with range equipment and operation by a department weapons instructor/range officer.

2. Other than department scheduled training sessions, anyone utilizing the range must report to the desk officer, who will make CAD entry listing the officers using the range. The key to the range will then be issued to the officers.

3. No one will be permitted use of the range alone. A minimum of two officers must be present at all times.

4. Pistol range must be left clean upon departure. Any defective/damaged equipment or fixture must be reported to the desk officer who shall notify the supervising weapons instructor.

5. All range safety rules to be reviewed before use of range.

B. Approved ear and eye protection shall be worn at all times during live fire. Ear and eye protection will be available at the range.

C. Generally, only handguns and handgun ammunition shall be used. No armor piercing, fragmentation, or impact exploding ammunition shall be used. Only lead or jacketed ammunition shall be used.

1. Only weapons instructors may conduct approved shotgun and rifle training.

D. Only paper or cardboard targets may be used.

1. Only weapons instructors may utilize targets other than paper or cardboard.

E. The air ventilation/filtration system shall be in operation when shooting.

F. All loading and unloading of weapons shall be done at the firing line.

G. Loaded handguns shall be holstered prior to moving from the firing point.

H. All firing of weapons shall be done at the 25 yard line within the shooting stalls. No firing shall be done from behind the shooting stalls at any time. No firing shall be done in front of the stalls without the presence of a firearms instructor.

1. Weapons instructors may conduct approved training forward of the shooting stalls; however, not forward of the RED safety line.

I. All weapons must be unloaded and safe prior to bringing them to the cleaning area or armory.

J. Safety glasses should be worn while utilizing weapon cleaning solvents and oils.

K. All officers shall be familiar with the location of first aid and emergency eye wash.

L. No one except weapons instructors are permitted behind bullet trap.

1. Weapons instructors are permitted behind bullet trap for inspection or maintenance only when range is not in use.

M. The supervising weapons instructor shall ensure that adequate first aid supplies are maintained for each qualification or practice session at the range facility.

N. Civilians are prohibited from the range facility during practice or live firing exercises unless specifically authorized by the Chief of Police.

X. Range Rules

A. Personnel shall not report to the range while on medication that can adversely affect the safety of the officer or others at the range.

B. All sidearms must be secured in a holster or carrying case. Personnel will be instructed when and how to load and unload weapons by a weapons instructor. Never leave a firearm unsecured.

C. Pay attention to the weapons instructors and obey all commands issued by a weapons instructor.

D. Do not hand a loaded firearm to another person unless specifically instructed by an instructor.

E. Firearms must be pointed downrange at all times when unholstered. Never permit the muzzle to cover any part of your body or of anyone else on or off the firing line, particularly when drawing, holstering or loading a firearm.

F. Personnel are prohibited from entering into and/or removing ammunition and equipment from storage areas unless specifically authorized by an instructor.

G. Upon loading, the firing line will be considered hot until completion of the course of fire and only when told otherwise by the firearm instructor supervising the line.

H. Know your target and what is behind it.

I. Keep your finger off of the trigger and out of the trigger guard when drawing or holstering a weapon.

J. Do not dry fire firearms at the range unless under a weapons instructor's supervision and direction.

K. Personnel are required to clear any malfunctions on their own and exhaust all clearing techniques prior to an instructor rendering assistance.

L. Do not anticipate commands while on the firing line.

M. No talking is permitted on the firing line unless with or to a weapons instructor.

N. The use of a cell phone, Blackberry®, PDA, iPod®, or similar electronic device is prohibited while engaged in weapons training, qualification, or proficiency demonstration.

O. Smoking while on the firing line or while cleaning a weapon is strictly prohibited.

P. Do not change firing positions, change hands, advance, or move from point to point with a cocked weapon unless under the direction of a weapons instructor.

Q. Never advance on or leave the firing line unless specifically told to by an instructor.

R. No bending over the firing line.

S. All weapons must be unloaded before leaving the firing line.

T. Personnel must field strip their sidearms and ensure that they have been adequately cleaned by the start of the next tour of duty.

U. All shooters shall assist in policing the range of spent shell casings, etc. prior to being dismissed.

PARAMUS POLICE DEPARTMENT

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SUBJECT: INTERVIEW, INTERROGATION & ACCESS TO COUNSEL

ISSUED BY:	EFFECTIVE DATE:	ACCREDITATION STANDARDS:
Chief Kenneth R. Ehrenberg	June 11, 2014	1.2.3
SUPERSEDES ORDER #:		

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

PURPOSE The purpose of this directive is to establish policies and procedures for assuring the constitutional rights of individuals subjected to field and custodial interviews or interrogations, their access to counsel, and their right to bail when appropriate.

POLICY It is the policy of the Paramus Police Department to respect the constitutional rights of individuals at all times in all law enforcement encounters. It is also the policy of this department to adhere to New Jersey Attorney General **Directives** and **Guidelines**, Bergen County Prosecutor's Office Directives, and **Court Rule 3:17** concerning the electronic recording of custodial statements.

It is also the policy of this department to conduct field interviews with due respect for the public and in accordance with applicable law, guidelines, and current criminal procedure.

PROCEDURES

I. General

A. Personnel shall remain familiar with current criminal procedure regarding interviews, interrogation, and access to counsel.

B. Personnel conducting interviews or interrogations shall not withhold food, water, or restroom privileges from anyone as an interview tactic. Individuals being interviewed will be permitted reasonable access to water and restrooms and will be fed when appropriate.

C. Interviews and/or interrogations may be conducted until such time as the interviewee invokes their right to counsel or their right to silence, further interviewing would be fruitless, or the purpose of the interview has been accomplished.

D. The release of any information to the media or the public regarding the results of any interview or interrogation will be in compliance with NJSA 47:1A-1, et seq., or other applicable Attorney General or Prosecutor Guideline or Directive, and other written directives of this agency.

II. Interviews – General

A. Personnel may conduct interviews to gain information for a legitimate law enforcement purpose. An interview takes place when personnel ask questions to obtain information from the interviewee.

B. Personnel may ask any questions of any person in furtherance of a legitimate law enforcement purpose except when the person being questioned is subjected to custodial interrogation.

C. Types interviews include, but are not limited to:

1. Field interviews;

2. Victim interviews;

3. Witness interviews;

4. Suspect interviews.

D. Personnel shall conduct all interviews with due respect for the person being interviewed.

III. Field Interviews

A. The field interview is a legitimate tool for preventing and investigating criminal activity. Even when conducted with respect and in strict conformance with the law, it can be perceived by some as a means of police harassment or intimidation against groups or individuals.

B. A field interview is the brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion of criminal/quasi-criminal activity for the purposes of determining the individual's identity and resolving officers' suspicions.

C. Personnel may stop individuals for the purpose of conducting a field interview only where reasonable suspicion is present. Reasonable suspicion must be more than a hunch or feeling, but, need not meet the test for probable cause sufficient to make an arrest. In justifying the stop, personnel must be able to point to specific and articulable facts that, when taken together with rational inferences, reasonably warrant the stop.

1. Facts that have previously been determined to support reasonable suspicion include, but are not limited to:

a. The actions of a person suggest that he/she is part of a criminal enterprise or is engaged in a criminal act;

b. The hour of day or night is inappropriate for the person's presence in the area;

c. The person's presence in a neighborhood or location is inappropriate;

d. The person is carrying a suspicious object that warrants attention;

e. The person's clothing bulges in a manner that suggests he/she is carrying a weapon;

f. The person is located in proximate time and place to the alleged crime;

g. The officer has knowledge of the person's prior criminal record or involvement in criminal activity.

D. Personnel have the authority to make an investigative detention in any place where they have a right to be including, but not limited to:

1. Any public place;

2. Any place or area that is open to the public;

3. Any private premises entered with a valid warrant, by consent, or under emergent circumstances.

E. Investigative detentions should be reasonably brief, generally no longer that the period of time necessary to verify the subject's identify and the reliability of their story, unless information is obtained that establishes probable cause to make an arrest.

F. A pat-down search (stop & frisk) is a frisk or external feeling of the outer garments of an individual for weapons only, see Search and Seizure Directive.

G. The following guidelines should be followed when conducting a field interview.

1. Notify communications of the stop.

2. When approaching the person, personnel should clearly identify themselves as police officers; if not in uniform, by announcing their identity and displaying agency badge and identification.

3. Personnel should announce the purpose of the inquiry and begin with exploratory questions regarding the subjects' identity.

a. To verify information obtained from the subject, it may be necessary to remove them from within earshot of any radio or telephone conversation.

b. Under some circumstances, the subject may be placed into the rear seat of a police vehicle, when applicable. (Examples: heavy traffic, extreme weather, hostile crowd gathering, etc.)

4. Personnel should be courteous at all times during the contact; but, must remain cognizant and alert to any suspicious movements that may indicate that the person being detained is attempting to gain access to a weapon, conceal or discard contraband, or other articulable suspicious actions.

5. Before approaching more than one person, personnel should determine whether the circumstances justify a request for backup assistance and

whether the contact can and should be delayed until such assistance arrives.

6. Personnel should confine their questions to those necessary to resolve their suspicions. However, personnel shall not detain persons longer than is reasonably necessary to make these limited inquiries.

7. Personnel are not required to give suspects Miranda warnings unless the person is in custody and about to be interrogated.

8. Persons are not required nor can they be compelled to answer any questions posed during field interviews. Failure to respond to an officer's inquiries is not, in and of itself, sufficient grounds to make an arrest although it may provide justification for additional observation and investigation.

9. Personnel should conduct the necessary warrant/records checks for stopped persons and act upon positive hits as appropriate.

H. Field interviews shall be logged into CAD or documented on the investigation report of the precipitating event/investigation, if applicable.

IV. Interrogations

A. Persons being subjected to custodial interrogation shall be advised of their constitutional rights (Miranda warnings). An individual is considered in custody for Miranda purposes when the circumstances convey to them that they are not free to leave. Whenever there is doubt about custody, the Miranda warnings should be given.

B. Unless impracticable, warnings should be given using the Miranda Waiver forms. Personnel should read the warning statements directly from the form to avoid confusion and/or omissions, affixing their initials to each point. The suspect, the advising personnel, and whenever possible, a witness should then sign the report where indicated. Further:

1. Miranda Waiver forms are available in both English and Spanish. Use the appropriate form where indicated.

2. When electronically recording statements, ensure that the Miranda Warnings are memorialized on the medium used.

C. Miranda waivers must be knowingly, intelligently, and voluntarily given. Investigators should clarify ambiguous responses when necessary to differentiate between the person's right to counsel and the right to silence.

D. The custodial interview or interrogation of a juvenile requires a specific level of advisement to guarantee the rights of the juvenile and the rights of the parent.

1. The State has the burden of establishing that the juvenile's will was not overborne and that the confession was the product of a free choice.

2. Whenever possible and especially in the case of juveniles under the age of 14, no juvenile should be interviewed except in the presence of his/her parents or guardian.

3. At no time may the police refuse to allow a parent or guardian the opportunity to speak to the juvenile while he/she is in police custody.

4. Police may interrogate a juvenile without the parents or guardians present only if the juvenile has withheld their names and addresses, a good faith effort to locate them is unsuccessful, or they simply refuse to attend the interrogation.

5. When a juvenile is under the age of 14, an adult's absence will render the statement inadmissible as a matter of law unless the parent or guardian is truly unavailable.

6. Officers will utilize the appropriate Miranda Rights form, i.e., (14 and over with parent, 14 and over without parent, 13 and under with parent or 13 and under without parent).

E. Once an individual has invoked their right to legal counsel, they are not to be questioned further unless authorized by counsel or unless further dialogue is initiated by the individual. Prior to resuming an interview so initiated, Miranda warnings should be restated and another Miranda Waiver form completed. The burden rests with the State to prove that Miranda warnings were voluntarily waived.

F. If personnel become aware at any point prior to commencing or during a custodial interview that an attorney has been retained on behalf of the individual being interviewed, and is present or otherwise readily available, and has expressed a desire to confer with the individual, the individual must be so advised before the interview can begin or continue. Failure to advise the interviewee will render the waiving of the right to counsel invalid. Further, if any department personnel are made aware of an attorney contacting this department on behalf of an individual in custody, they are to immediately notify the attending investigator.

1. When the individual being interviewed has been informed that an attorney:

a. Has been retained to represent him/her or:

b. Has asked to speak with the him/her or:
c. Is present in the building or:

d. Is readily available to assist him/her; and

e. The individual being interviewed requests to continue speaking with law enforcement and answer questions without meeting or consulting with his/her attorney, the individual being interviewed shall be read the ***REED WARNING*** form and the completed form shall be placed in the case file.

G. At no time will coercion, intimidation, or other unlawful means be used to obtain involuntary confessions from individuals suspected of criminal activity.

V. Electronic Recording

A. The requirements for electronically recording custodial interrogations in a place of detention shall apply to adults and juveniles alike.

B. When a defendant is given confidential private access to his / her attorney, without police presence, while located within the interview room, the electronic recording device will remain on; **however the audio mute button must be activated during this meeting.** At the completion of this meeting the audio mute button will be turned off.

C. This directive explicitly authorizes personnel to use any legitimate established interview/interrogation technique deemed appropriate in the context of a specific investigation.

D. Electronic recording includes both audio and/or video. Under most circumstances the digital recording system shall be the preferred method. If this system is not available or inoperable, audio recording will be acceptable.

E. Custodial interrogations must be electronically recorded when the person being interrogated is suspected of committing a 1st, 2nd, or 3rd degree crime.

   1. Personnel may electronically record custodial interrogations for any crime or offense not meeting the above criteria.

F. Electronically recorded statements are not required if/when:

   1. Not feasible (examples: malfunctioning equipment, at a hospital, etc.)

   2. A spontaneous statement/admission is made outside the course of the interrogation

   3. A statement/admission is made in response to questioning that is routinely asked during arrest processing

   4. A statement/admission is made during a custodial interrogation by a subject who indicated prior to making the statement, that he/she would participate in the interrogation only if it were not recorded; provided, however, that the subject's agreement to participate under that condition is recorded

   5. A statement/admission is made during a custodial interrogation that is conducted out of the State of New Jersey

   6. The statement is given at a time when the subject in not in custody

   7. At the time when the statement is made, the interrogators have no knowledge that a crime has been committed requiring electronic recording

G. When conducting interviews/interrogations in other jurisdictions, personnel shall adhere to the rules and regulations of that facility as they pertain to electronically recorded statements. Personnel should utilize a portable audio recorder from this department to supplement any recording made by that jurisdiction unless that agency is able to immediately provide a copy of their electronic recording.

H. Although not specifically required, victim/witness statements may be electronically recorded if the investigator feels that it may have probative value.

I. Interviewers' responsibilities include:

   1. Being familiar with the facts as they relate to the case at hand;

2. Determining if an interview/interrogation requires electronic recording;

3. Ensure that weapons and cell phones are secured prior to the interview process;

4. Ensure that the surrounding hallways/rooms are clear of distracting noise;

5. Ensure that the subject is never left alone in the interview room when the recording system is in the record mode;

6. Ensure that the subject is positioned correctly in the room so their image is captured on the camera;

7. Introduce all personnel present in the interrogation room to the subject at the outset of the interview/interrogation;

8. Ensure that the subject reads and signs the Miranda Waiver form prior to any questioning;

9. Complete a written summary documenting of the subject's statement;

10. Ensure that a transcription of any statement is completed.

J. Recording shall begin at the point Miranda warnings are required. The warnings and the subject's responses shall be included in the recording. If Miranda warnings were given prior to the recorded interview the subject should be asked during the recorded interview to confirm both the prior warnings and the prior responses.

K. The Miranda warning process must be captured on the recording. If a subject declines to speak with the interviewer after receiving Miranda warnings, all questioning shall cease.

1. Personnel have no obligation to affirmatively disclose to the subject that an interview/interrogation will be recorded. However, personnel shall not misrepresent whether the interview/interrogation is being recorded.

2. If the subject inquires at any time as to whether the interview/interrogation is recorded, personnel shall respond truthfully.

3. A subject need not articulate a clear or explicit request for counsel; if the subject's meaning is unclear, the interviewer shall seek clarification. Once the subject indicates that he/she wants to confer with counsel, all questioning must cease.

L. Subjects should not appear in restraints during the interview/interrogation except under the most extraordinary of circumstances. Any extraordinary circumstances must be memorialized at the beginning of the recording by having the defendant agree to the interview/interrogation process while being handcuffed.

M. Visible injuries should be photographed prior to the recorded statement process. Upon commencing the recorded interview, the subject should be asked to explain how the injuries occurred as part of the recording.

N. Once the interview begins, the **recording device shall not be turned off**. If the subject requests a break (i.e., restroom, beverage, cigarette) the equipment shall remain activated even if the empty room is being recorded. The nature of the break shall be discussed and recorded. If the subject makes any admission(s) or relevant statement (s) during the break, it shall be acknowledged and memorialized by the subject once the recorded interview continues.

O. Recording juvenile interrogations require the following additional procedures:

1. Juvenile subjects may wish to communicate privately with their parent or guardian, or the parents or guardian may wish to communicate privately with the juvenile.

   a. If the interrogation had already begun, the **recorder must be turned off,** personnel must leave the room and the room cannot be otherwise monitored.

   b. Once the interrogation reconvenes, the cause for the break shall be discussed and recorded. If the juvenile subject makes any admission(s) or relevant statement(s) during the parental consultation known to the interviewer, it shall be memorialized by the subject once the recorded interview continues.

2. A parent/guardian should be present whenever possible during an interrogation unless the parent/guardian is unwilling to be present or is truly unavailable.

   a. If personnel are unable to locate a parent/guardian and the decision is made to commence an interview/interrogation with a juvenile subject, continuing efforts to locate a responsible adult should be made by personnel not involved in the interview.

   b. All such efforts made to locate a parent/guardian shall be memorized when the recorded interview commences with the juvenile and recorded.

3. The interviewer shall ensure that all parties in the interview room including a juvenile's parent/guardian appear on the recording during the entire process.

   a. If a juvenile feels uncomfortable discussing certain aspects of a crime in front of a parent/guardian, the parent/guardian may choose to leave the interrogation room. The suggestion that the adult leave the interrogation room shall not originate by the interviewer.

   b. Even after a parent/guardian chooses to leave the interrogation room, he or she may intervene and stop the interrogation at any time. Parents must be provided access to the interview process in the event they choose to intervene or stop the interview.

P. At the conclusion or the interview/interrogation or at a reasonable time following the interview/interrogation, the session shall be transferred to a CD-R or DVD(s) and secured as evidence.

1. This transfer is necessary to protect the integrity of the interview/interrogation and minimize defense challenges on the grounds of

transfer of custody or tampering and to protect against catastrophic equipment failure.

2. A second CD-R/DVD may also be made and stored in the case file. This secondary media is considered the working copy to minimize access to the master recording. The second CD-R/DVD may also be forwarded to the Bergen County Prosecutor for screening purposes.

Q. DVD media along with its case must be marked with a black permanent marker with the following information:

1. Case or incident number

2. Any related case numbers

3. Date the recording was made

4. Subject's name

5. The interviewer's name

R. If an audio tape is used, the tabs on the tape housing are to be broken immediately to prevent the audio tape from being accidentally recorded over.

S. The primary DVD media shall be packaged in accordance with this department's Property & Evidence directive and shall be preserved and maintained in accordance with evidence retention schedules established by law.

T. **Original recordings shall not be released,** unless specifically authorized by the Prosecutor or Attorney General. If authorized for release, the normal chain of custody procedure applies.

1. Copies of media shall **not** be forwarded by mail or electronic mail except at the specific direction of the Prosecutor's Office.

U. Property officers' responsibilities include:

1. Ensure that the DVD media is properly stored away from magnetic fields (speakers, etc.) or other areas that may facilitate corruption in the property room.

2. Ensure that the ORIGINAL media is not released without the express consent of the Prosecutor's Office or Attorney General's Office.

PARAMUS POLICE DEPARTMENT

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SUBJECT: SEARCH & SEIZURE

ISSUED BY: Chief Kenneth R. Ehrenberg	EFFECTIVE DATE: January 21, 2015	ACCREDITATION STANDARDS: 1.2.4
SUPERSEDES ORDER #:		

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

PURPOSE The purpose of this directive is to provide guidance to personnel in conducting searches & seizures and is not intended to supplant more detailed publications of criminal procedure and case law. It is intended to serve as a brief guide to operational decision-making concerning searches and seizures in the field. Therefore, all applicable cases will not be represented.

POLICY It is the policy of the Paramus Police Department to respect and protect the constitutional rights of all persons and to adhere to all law, contemporary criminal procedure, Attorney General's Guidelines & Directives, Bergen County Prosecutor's Guidelines & Directives, and applicable court decisions when conducting searches and seizures.

It is also the policy of this department that, unless impracticable or an exception to the search warrant requirement applies, personnel should obtain a search warrant in advance of any search.

It is further the policy of this department that personnel should familiarize themselves and remain current on applicable criminal procedures and case law regarding constitutional issues.

Supervisors of all ranks are required to conduct training in these areas whenever possible.

PROCEDURES

I. General Provisions

A. Courts will generally view warrantless searches as unreasonable on their face. The State has the burden to prove that a warrantless search was, in fact, reasonable under the circumstances.

B. If seizures occur, established evidentiary procedures regarding collection, processing, packaging and recordkeeping apply.

C. When in doubt about any search or seizure issue, contact the Prosecutor's Legal Advisor for direction.

D. In order to provide protection for personnel and the department in general, all searches, whether or not they result in a seizure must be clearly documented on the report of the event that precipitated the search. The report must contain the reasonable suspicion, probable cause, exigency, and/or other facts and circumstances giving rise to the requisite level of belief supporting the decision to search.

E. For purposes of this directive:

1. **Search** refers to an examination of a person's house, building, premises, vehicle or separately secured portion thereof; or a person or their effects, including electronic devices and databases, for the discovery of contraband, illicit or stolen property, or some evidence of guilt for use in a criminal proceeding.

2. **Seizure** refers to the confiscation of any goods, effects, including electronic devices and databases, contraband, or other tangible property or things.

F. For purposes of this directive, warrantless searches include, but are not limited to:

1. Search by Consent
2. Terry Stops and Frisks
3. Crime Scene Searches
4. Search Incident to Arrest
5. Public Safety Considerations/Emergencies & Exigencies
6. Plain View / Plain Touch / Plain Smell
7. Open Fields
8. Protective Custody Searches
9. Abandonment
10. Canine Alerts

II. Searches Supported by a Warrant

A. Affidavit

1. An affidavit is a written sworn statement made under oath or on affirmation in support of a search warrant before an authorized judge and must establish the requisite probable cause to believe that a crime will be, is being, or has been committed and that a search would discover the fruits of the crime. **If the affiant is not sworn, the search warrant will be invalid and the search will be considered warrantless.**

2. The affiant must include as many facts as possible on the affidavit to support their belief as to the existence of probable cause. The affiant should describe his/her particular areas of training and expertise, such as criminal investigation, narcotics investigations or sexual assault investigations and how that training and expertise assisted in his/her evaluation of probable cause.

3. Affiants may use information learned from other sources if they can establish both the credibility of the source and the reliability of the source's information by a totality of the circumstances.

4. When additional information that detracts from a finding of probable cause comes to the attention of the affiant after the warrant application has been made, but before the search warrant has been executed, the affiant must present these additional facts to the Judge under oath.

5. When preparing the affidavit, the affiant must particularly describe the place to be searched, the items to be seized, the individual or entity possessing the items and the underlying crime/offense.

6. The description should not be general in nature. When listing a specific street address to search, describe the house/building/structure with sufficient specificity.

   a. Describe the color, type of siding, how many floors, house and/or apartment number, construction type, and any other identifying feature.
   b. If the place to be searched is partitioned, such as a multi-family dwelling, apartment building, office building, etc., specifically list and describe the intended target place.

   c. If known, identify the owner(s)/occupant(s)

B. Prosecutorial Review

1. Personnel applying for a search warrant from a New Jersey Judge must first obtain express authorization from the designated Assistant Prosecutor by first completing a **Search Warrant Approval Form**.

2. This rule shall apply to applications for a search warrant made in person pursuant to ***R.* 3:5-3a**, as well as to applications for a search warrant that are communicated to a Superior Court Judge by telephone, radio or other means of electronic communication pursuant to ***R.* 3:5-3b**.

3. The designated Assistant Prosecutor shall determine the appropriate Judge before whom the application for a search warrant should be made, and shall assist the affiant in contacting the Judge.

4. The Assistant Prosecutor may grant approval in writing, electronically (e-mail or facsimile transmission), or orally (by telephone or radio communication). The name, title, date and time of the granting authority must be documented in the officers report.

5. Unless impracticable, the affiant shall submit to the Assistant Prosecutor a written copy of the affidavit along with a completed and signed application form.

6. When impracticable for the affiant to submit a copy of a written affidavit and completed application form, the Assistant Prosecutor shall be responsible for making certain that all of the requirements of **Attorney General Directive 2002-2** have been satisfied by means of oral communication with the affiant.

C. Secrecy

1. The events and circumstances surrounding the issuance of a search warrant should proceed with all practicable secrecy, ***R.* 3:5-4**. This includes:

    a. The affidavit or testimony upon which the search warrant is based.

    b. Following execution, the warrant and accompanying supporting documents including electronic recording(s), duplicate original search warrant, return and inventory.

2. The only exception to this secrecy requirement is that the warrant and the accompanying papers are to be made available for inspection and copying by the defendant and by any person claiming to be aggrieved by an unlawful search and seizure upon notice to the Prosecutor's Office.

3. Unauthorized disclosure, prior to its execution, that a warrant has been applied for or issued, except as necessary for its execution may constitute contempt and may result in criminal, civil, and/or administrative sanctions.

D. Execution of a Warrant

1. When issued, warrants shall:

    a. Particularly identify the property to be seized; and

    b. Name or describe the person or place to be searched; and

    c. Specify the location

    d. Specify whether the warrant is a no-knock warrant

    e. Specify the hours when it may be executed.

    f. Specify whether the search warrant is a no-knock warrant.

2. Warrants must be executed within 10 days and within the hours fixed by the Judge and returned to the issuing Judge unless otherwise directed by the issuing Judge.

3. Warrants may be executed only once and personnel cannot remain on the premises longer than is reasonably necessary to conduct the search.

4. Executing personnel shall ordinarily knock and announce their presence before entry. However, an unannounced entry may be deemed proper if personnel have a reasonable suspicion that knocking and announcing would:

   a. Present a threat of physical violence (e.g., where the investigator's peril would be increased if knocking preceded the entry); or

   b. Be futile or a useless gesture (no one home at the target premises, etc.); or

   c. Result in the loss or destruction of evidence and immediate action is required to preserve the evidence.

5. The attending supervisor of any search warrant execution should staff the incident with sufficient personnel to minimize risk of injury to agency personnel, bystanders, or occupants of the place to be searched.

6. The attending supervisor of any search warrant execution may require the presence of an evidence technician if any large seizure of evidence is reasonably anticipated.

7. Proceeds of a crime/offense (stolen property, etc.), instrumentalities of a crime/offense (weapons, marks, tape, etc.), and contraband (CDS, etc.) may be seized.

8. Personnel shall seize any evidence of criminal conduct including contraband that is inadvertently discovered during a search with a warrant.

9. If property is seized under the warrant, the attending supervisor shall ensure that the person from whom or from whose premises the property is taken is provided with a copy of the warrant and a receipt for the property taken. The inventory of property taken will also be returned to the issuing Judge.

E. No Knock Warrants

   1. At the time of application, if there is credible information to infer that personnel safety will be endangered or evidence will be destroyed when a knock and announce warrant is executed, the applicant (affiant) shall seek judicial permission to make an unannounced entry (no-knock warrant).

   2. The information upon which this request is based shall be included in the affidavit.

   3. The applicant (affiant) shall request that the issuing Judge indicate on the search warrant itself or on an attached addendum, that he/she is permitting the Paramus Police Department to make an unannounced entry.

4. If after a search warrant is obtained, but before the execution is initiated, information is received that an announced entry will jeopardize personnel safety or lead to the destruction of evidence, the attending supervisor shall do one of the following:

   a. If time permits, revise the affidavit to include this request; or

   b. If time permits, obtain judicial authorization for a no-knock entry; or

   c. If time does not permit judicial authorization, make the decision for the no-knock entry and fully document the basis for the no-knock entry on a separate report, which will become part of the case file.

5. The Division Commander shall consider the use of tactical resources to assist in executing the warrant.

6. The attending supervisor shall ensure that all participating personnel are properly equipped with and wearing body armor on all pre-planned high risk entries.

III. Search by Consent

A. A search by consent may be conducted without a search warrant, probable cause or reasonable suspicion, EXCEPT that New Jersey Courts require reasonable suspicion before asking for consent to search a motor vehicle. To be considered valid, consent must be voluntarily, specific, freely and intelligently given with knowledge of the right to refuse or to revoke at any time prior to the completion of a search by consent.

B. To avoid the appearance of coercion, personnel should not: unnecessarily display weapons personnel or authority; advise the person that a search warrant has been obtained when one has not been or that a search warrant could be or will be obtained when there is not probable cause to obtain a search warrant; or by implying that the threat of arrest will be lifted as soon as consent is given. When more than one person has control over an area, such as joint residents of a house or apartment, and one person consents to a search of the area, but the other objects, a consent search cannot be conducted.

C. Permission to enter a structure, including permitted entry to conduct an interview is not to be a pretext to search or misconstrued as permission to search.

D. Personnel should complete and submit a ***Consent to Search*** form whenever such consent is sought and given. The form should be completed in its entirety and the investigator's and consenting individual's signatures should appear where applicable prior to commencing the search. The form must be submitted as part of the investigative file.

E. Because consent is a voluntary act, the consent-giver may condition his/her consent as he/she chooses, such as by agreeing to consent to a search only if he/she is allowed to be present during the search or only after speaking with an attorney. If the conditions required by the consent-giver are unacceptable, for example because they might jeopardize the safety of the personnel conducting the search, a search warrant should be obtained.

F. When the consent-giver is informed that the search will be for a specific item or items, the scope of the search is limited to places where those items can be found.

IV. Terry Stop and Frisk Encounters

A. Personnel have the authority to make a field inquiry or, assuming they have reasonable suspicion to believe that the person is armed or involved in criminal activity, an investigative detention, in any place where they have a right to be including, but not limited to:

1. Any public place;

2. Any place or area that is open to the public;

3. Any private premises entered with a valid warrant, by consent, or under emergent circumstances.

B. Investigative detentions should be reasonably brief, generally no longer than the period of time necessary to verify the subject's identify and the reliability of their information, unless information is obtained that establishes probable cause to make an arrest.

C. Personnel shall identify themselves as Paramus Police Department personnel as soon as it is safe and practical to do so and provide identification.

D. Personnel should announce the purpose of the inquiry and begin with exploratory questions regarding the subject's identity.

1. To verify information obtained from the subject, it may be necessary to remove them from within earshot of any radio or telephone conversation.

2. Under some circumstances, the subject may be placed into the rear seat of an agency vehicle, when applicable. (Examples: heavy traffic, extreme weather, hostile crowd gathering, etc.)

E. Stop and frisk encounters are generally referred to as investigative detentions. The courts have consistently ruled that there are three components to justify a warrantless search in these instances:

1. The investigative detention may only be conducted when personnel have an objective reasonable suspicion of criminal activity.

2. The protective frisk of a suspect's outer clothing may be conducted only when the investigator is in possession of *additional* specific and articulable facts from which he/she can reasonably infer that the person is armed and potentially dangerous.

3. The frisk must be strictly limited in scope; designed solely to uncover hidden weapons. The purpose of this limited search is not to discover evidence of a crime; but, to allow personnel to pursue their investigations without fear of violence.

F. Detainees of the opposite sex shall be frisked with the backside of the officer's hands unless personnel of the same sex are immediately available. Note:

personnel are not required to delay any frisk if the facts and circumstances reasonably infer that a subject is armed.

G. Personnel may conduct a protective frisk of the passenger compartment of a motor vehicle during an investigative detention when they have a reasonable suspicion based on specific, articulable facts and circumstances (heightened caution) that the person or persons detained may be armed or able to gain immediate control of a dangerous weapon. When personnel have this level of belief, they may search the passenger compartment, limited to those areas and closed containers in which a weapon may be placed or hidden.

H. The sole justification for these searches (frisks) is the protection of agency personnel and others nearby.

V. Search of Motor Vehicles

A. Warrantless searches of motor vehicles not based on valid consent (subsection III), search incidental to arrest (subsection VIII), or a plain view seizure (subsection IX) are generally not permitted. Officers should instead apply for a search warrant, see subsection II.

B. If a telephonic warrant is necessary, the telephonic application should be done on a three-way telephone call between the Judge, the affiant, and the designated Assistant Prosecutor.

1. Telephonic search warrants can only be approved by a Superior Court Judge;
2. The affiant must be placed under oath;
3. The Judge will record or take long hand notes of the affidavit;
4. The Judge shall direct the affiant to enter the warrant authorization verbatim on a duplicate original search warrant; and
5. The Judge shall promptly issue a written confirmatory search warrant.

C. Nothing in this section imposes any new limitations on an officer's ability to conduct probable cause searches or Terry frisks of operators/passengers when case-specific facts of a vehicle stop support such action.

VI. Crime Scene Searches

A. The fact that a crime has been committed does not in and of itself give personnel the right to conduct a warrantless search of the scene. While this does not preclude personnel who are legally present from seizing evidence that is in plain view, it does prohibit unlimited searches.

B. Generally, there is no impediment to search when the victim of a crime invites personnel to search and/or investigate the crime scene. An example could be a homicide investigation. These searches generally fall under the emergency aid and community caretaking function.

C. Personnel are permitted to conduct protective victim/suspect fan-out searches of a crime scene or potential crime scene to determine the presence of victims or suspects.

D. However, there may be exigent circumstances that would justify a warrantless search of a crime scene. In the absence of such circumstances, a search warrant or valid consent should be obtained prior to conducting a crime scene search.

E. General exceptions or circumstances that may justify such a search include, but are not limited to:

1. Degree of urgency involved and the amount of time necessary to obtain a search warrant

2. Reasonable belief that evidence/contraband is about to be removed or destroyed

3. Possibility of danger to personnel securing the scene while a search warrant is being sought

4. Information indicating that suspects in possession of evidence/contraband are aware of immediate or imminent police interdiction

5. Ready destructibility of the evidence/contraband and the knowledge that efforts to dispose of the evidence/contraband and to escape are characteristic behavior of suspects engaged in this type of criminal activity.

VII. Public Safety Considerations/Emergencies & Exigencies

A. Personnel are not required to delay the conducting of an entry or search if to do so would endanger their safety or the safety of others. Therefore, if personnel have reasonable grounds to believe that a firearm or other condition exists that poses a severe threat to public safety, that officer may take whatever action deemed appropriate to thwart that threat.

1. Personnel who have reasonable cause to believe a place contains substances imminently likely to burn, explode, or otherwise cause death, serious bodily injury, or substantial destruction of property may, without a warrant, enter and search the premises to the extent reasonably necessary for the prevention of such death, serious bodily injury, or destruction.

2. Personnel in hot pursuit of a fleeing dangerous criminal suspect wanted for a serious crime may enter into a structure without a warrant to affect the arrest.

3. A warrantless forcible entry into a dwelling for the arrest of a person for a minor offense (i.e. DWI offenses, minor drug offenses, DP & PDP offenses) is considered unreasonable.

B. Personnel who take such action must make every effort to immediately notify their supervisor of the condition and of the action to be taken and those actions subsequently carried out.

VIII. Search Incidental to Arrest

A. The search incident to arrest exception to the warrant requirement has two specific purposes – the protection of agency personnel and the preservation of evidence.

B. Upon making a lawful arrest, personnel shall conduct a contemporaneous (happening during the same period of time) search of the arrested person and the area within that person's immediate control. Immediate control means the area within reach (grapple area) from which the arrested person(s) might gain possession of weapons, destructible evidence, or implements of escape.

C. Personnel must ensure that the arrest is not a pretext to search.

D. A search will not be incidental to arrest if it takes place at a different time and place than the arrest.

E. The area within immediate control includes any packages in the arrested person's possession or control at time of arrest; but, once personnel have reduced the personal property not immediately associated with the person of the arrestee to their exclusive control, and there is no longer any danger that the arrestee might gain access to the property to seize a weapon or destroy evidence, a search of that property is no longer incident to the arrest.

F. A warrantless search of an automobile based solely on the arrest of a person unable to endanger police or destroy evidence cannot be justified under any exception to the warrant requirement and is unreasonable. Once the occupant of a vehicle has been arrested, removed and secured elsewhere, the considerations invoking the search incident to arrest exception are absent and the exception is inapplicable. If the occupant has been arrested, but not removed and secured, the court will have to determine on a case-by-case basis whether the suspect was in a position to compromise agency personnel safety or evidence to justify resort to the search incident to arrest exception. (State v. Eckel)

G. If the arrest is only for a motor vehicle violation, no search may be conducted incident to the arrest.

H. If the area within the arrested person's immediate control is a room, the entire room may be subject to search.

   1. There is no comparable justification for routinely searching any room other that in which an arrest occurs or for searching through all the desk drawers or other closed or concealed areas in that room itself.

   2. If there is reasonable belief that a person(s) who pose a threat to those present is in the home, a protective sweep of the home is permissible. A protective sweep is a quick and limited cursory visual inspection of places where a person may be hiding.

IX. Plain View / Plain Touch / Plain Smell

A. Officers may seize evidence of a crime or contraband that is in plain view without first obtaining a search warrant when the following conditions apply:

   1. The officer must lawfully make the initial intrusion or lawfully be in the viewing area

   2. The officer must have probable cause to believe that the items observed may be evidence of a crime, contraband, or otherwise subject to official seizure.

3. Plain view may be extended to the recognition of evidence/contraband by any of an officer's senses (sight, touch, smell, etc.)

4. When conducting a vehicle stop for any reason, officers are encouraged to visually scan the interior of the stopped vehicle. Use a flashlight if necessary. The initial scan must be conducted from outside of the vehicle.

B. Officers can lawfully enter a motor vehicle for the sole purpose of retrieving any contraband that is in plain view. Officers are not authorized to conduct a search for additional evidence, even if there is probable cause to believe that additional evidence is concealed within the vehicle, see subsection V Vehicle Searches.

1. Document the location when all seized items were found in the investigation report.

C. In instances where the odor of raw or burnt marijuana is detected, officers should continue their investigation to determine if the occupant(s) are under the influence. Officers may request consent to search the occupant(s) or the vehicle as warranted, see subsection III. If officers develop sufficient probable cause to arrest, the occupant(s) of the vehicle may be placed under arrest, searched incidental to arrest, and read their Miranda rights. If officers develop sufficient cause to search the vehicle, see subsection V for instructions.

D. Note: an admission by an occupant of a motor vehicle that marijuana was consumed within the vehicle or other contraband is contained within the vehicle will be used as part of the justification to request consent to search or be included in the affidavit in support of a search warrant application.

E. Upon making a DWI arrest, officers may seize open containers of alcoholic beverages that observed in plain view. Officers shall not conduct a search of the vehicle absent any further evidence of criminal activity unless the search falls within the other exceptions to the warrant requirement, e.g. consent to search, etc., see subsection I.F.

X. Open Fields

A. Personnel are permitted to enter and search an open field without a search warrant. The special and unique safeguards provided by the Fourth Amendment to people in their persons, houses, papers, and effects, is not extended to open fields. Open fields are not houses, nor can they be considered effects.

B. An open field is best described as a place that has no protected reasonable expectation of privacy. Examples include, but are not limited to:

1. Common woods/forests;

2. Marshlands;

3. Parklands and public playgrounds;

4. Rivers, brooks, other waterways and their banks.

C. Constitutional restrictions may apply in an area immediately surrounding a home, i.e. curtilage. Consult with a supervisor before making this type of search.

XI. Protective Custody Searches

A. Personnel may search a person taken into protective custody to look for weapons or implements that can be used to injure police personnel, the person in protective custody, or others. Reasons for protective custody include, but are not limited to:

1. A person with mental illness;
2. A person with emotional disorder;
3. A person who is a threat to him/herself or others;
4. A person who is semi-conscious or unconscious;
5. A person who is suicidal

B. The search may disclose medical identification tags, medallions, or bracelets to assist medical personnel in treating the person.

C. All items taken shall be inventoried and safeguarded for eventual return to the person (except for any contraband seized).

XII. Abandonment

A. An individual who abandons property relinquishes a reasonable expectation of privacy in that property. Therefore, there can be no Fourth Amendment seizure when personnel search the contents of such property after it has been so abandoned.

B. Note: the New Jersey Constitution recognizes that citizens have a reasonable expectation of privacy in their garbage when discarded in typical opaque bags. (The seizure of the bags is generally considered proper; but the search of the bag requires a warrant.)

C. Property is considered abandoned when the person who has control or dominion over the property knowingly and voluntarily relinquishes any possessory or ownership interest in the property and there are no other apparent or known owners of the property.

XIII. Canine Alerts

A. Positive canine alerts do not provide the basis for a search absent a signed consent to search or a search warrant. However, a positive alert does establish probable cause to support an application for a search warrant and the reasonable suspicion necessary to request consent.

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 6	# OF PAGES: 19

SUBJECT: ARREST & TRANSPORTATION

ISSUED BY: Chief Kenneth R. Ehrenberg	EFFECTIVE DATE: July 29, 2014	ACCREDITATION STANDARDS: 1.2.5, 70.1.1, 70.1.2, 70.2.1, 70.4.2
SUPERSEDES ORDER #: GO 1.07.0 (06/01/2009)		

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

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

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

PROCEDURES

I. **Definitions**

A. **Presence** sums up the requirement that officers knew of the event by the use of any of their senses. A defendant's admission brings the offense within the presence of the officer.

B. **Probable cause** refers to facts or evidence that would make a reasonable person believe that a crime or wrong doing has been, is being, or will be committed.

1. Vague hunches or suspicions are not enough.

2. The belief must be supported by the facts.

3. Experience as a police officer is a fact which can be relied upon to support probable cause, provided it can be documented.

4. The facts upon which the belief of guilt is based must have been known at the time of arrest.

5. Post-arrest actions by the accused are irrelevant to the lawfulness of the initial arrest.

6. It is not necessary to believe beyond a reasonable doubt that a person committed an offense in order to arrest.

7. There is no limit to the types of information that can be used to support probable cause, provided such information is not vague and can be documented. Among the types of information the officer can rely upon:

   a. Observed facts surrounding the incident (behavior, appearance and location of subject; subject's height and weight).

   b. Familiarity with the subject(s)' prior record, prior observation of subject and earlier contacts with subject.

   c. Reports from others (accounts given by victims or witnesses; reliable informants).

   d. Each of these sources of information can lead to a determination of probable cause, but some require corroboration by other facts if they are to be given weight.

II. General Provisions

A. An **arrest** is defined as a substantial physical interference with the liberty of a person, resulting in apprehension and custodial detention. It is generally used for the purpose of preventing a person from committing a criminal offense, or calling upon a person to answer or account for an alleged completed crime or offense.

B. An **actual arrest** occurs when a law enforcement officer intentionally employs physical touching of a person and delivers a formal communication of a present intention to arrest.

C. A **constructive arrest** occurs without an intentional use of physical contact and without a formal statement indicating an intention to take a person into custody. The courts generally consider whether there has been a submission to the assertion of authority.

D. Officer should identify themselves to the person(s) being arrested and indicate the crime or offense. The arrestee should be informed of the warrant and the charges.

E. Consular notification for non-US citizens is addressed in Volume 3, Chapter 25. Additionally, in order to comply with **AG Directive 2007-3**:

   1. When making an arrest for any indictable crime or for DWI, the arresting officer shall inquire about the arrestee's citizenship, nationality and immigration status.

   2. If the officer has reason to believe that the person may not be lawfully present in the United States:

      a. The officer shall notify the Immigration and Customs Enforcement (ICE) Law Enforcement Support Center via NLETS with an Immigration Alien Inquiry (IAQ) message key. ICE will generate an Immigrant Alien Response (IAR).

      b. If NLETS is inoperative or down, officers shall either make an inquiry or notification to ICE by calling (973) 776-3275 or they shall complete and fax a *Notice of Undocumented Immigration Status* to ICE at (973) 645-6124.

c. If an indictable offense has been committed, notify the Bergen County Prosecutor's Office. Copies of any NLETS IAQ, IAR, or fax shall also be forwarded.

d. If a DWI has been committed, the Municipal Court Administrator shall likewise be notified.

e. The arresting officer shall ensure that the Judge is advised that the person arrested is believed not to be in the United States lawfully when they are setting bail.

f. The original NLETS documentation or fax will be forwarded to the records bureau with the other reports made necessary by the arrest.

3. No employee of this department shall consider a person's race or ethnicity as a factor in drawing an inference or conclusion that the person may be an undocumented immigrant.

4. When warranted, contact the ICE Law Enforcement Support Center (LESC) at 1-866-DHS-2-ICE (1-866-347-2423) for assistance. LESC operates 24 hours a day, 365 days a year, to supply real-time assistance to officers who are investigating or have arrested foreign-born individuals involved in or suspect of criminal activity. The LESC Website is **http://www.ice.gov/pi/news/factsheets/081204lesc.htm**.

F. Diplomatic and consular immunity is addressed in Volume 3, Chapter 24.

III. Arrest with a Warrant

A. An arrest warrant has the purpose of interposing a probable cause determination by a neutral and detached judge between the law enforcement officer and the person to be arrested. Warrants include bench warrants, CDR warrants, ACS, ATS, and any other criminal process issued by a court.

B. Sworn police officers have the right to execute a warrant by arresting defendants at their homes or at any public place within the State.

C. When executing an arrest warrant outside of Paramus, officers should provide prior notice to the law enforcement agency in that jurisdiction prior to execution except under exigent circumstances where prior notice is impracticable.

D. To execute arrest warrants out of the State of New Jersey, contact the Bergen County Prosecutor's Office, Extradition Unit.

E. Officers should only use that amount of force necessary to affect the arrest. Unless impracticable, pre-planned warrant arrests shall be conducted by a minimum of two officers. More officers or tactical resources can be used depending upon the circumstances and anticipated flight risk.

F. A search warrant or an exigent circumstance is required to affect a warrant arrest in a third party's dwelling.

G. Officers shall not execute an arrest warrant without first confirming or taking reasonable measures to confirm the validity of the warrant.

1. The warrant should be verified and confirmed through ACS, ATS, NCIC, and/or NJWPS.

   a. An actual hard-copy of the warrant, facsimile, or teletype will also serve as confirmation.

   b. Verify the identity of the person to be arrested

   c. Understand the scope of the warrant so as not to exceed any limitations set by the warrant

   d. Warrants listed as active in the ACS/ATS system should be considered valid

2. Warrants issued by the Judge of the Paramus Municipal Court that are not listed in the ACS/ATS system are to be confirmed as valid with the Court Administrator prior to any action being taken.

3. Warrants issued by a judge of any other court not listed in the ACS/ATS system are to be confirmed as valid with the issuing authority prior to any action being taken.

4. Members of this department should not assist an outside law enforcement agency with the execution of a warrant until such time as it has been confirmed that the warrant is valid.

5. An NCIC/NJWPS hit is not probable cause to make an arrest. A confirmation request shall be sent to the agency that entered the person. A positive response by that agency will serve as confirmation of the warrant as per Part 7 of the National Crime Information Center Operating Manual.

6. A printed copy of the request and response shall be included in the report of the incident.

H. Requests from other jurisdictions to serve/execute their warrant(s) should be referred to the tour commander.

I. When serving a special request arrest warrant from another jurisdiction, record the warrant number, jurisdiction name, and results in the arrest report.

J. After completing the service of a warrant, the Supervising Officer will be responsible to ensure the warrant is executed in the ACS/ATS system.

1. In the case of Paramus issued warrants, ascertain if the subject can make bail and, if so, follow appropriate bail procedures.

2. Staffing permitting patrol officers should transport the subject to the Bergen County Jail with the commitment order from the court clerk.

3. If there is a lack of adequate staffing, hold the subject until sufficient staffing is available.

IV. Arrest without a Warrant

A. Officers may make a warrantless arrest of a person within the territorial limits of the State of New Jersey if there is probable cause to believe that the suspect has committed or is presently committing a crime punishable by more than one year in state prison (1^{st}, 2^{nd}, 3^{rd}, 4^{th} degree crime).

B. Within the territorial limits of Paramus, officers may make a warrantless arrest of someone who, in their presence, has committed a disorderly person offense or other minor offense that involves a breach of the peace. (NJSA 40A:14-152)

C. In certain circumstances, an officer may affect the warrantless arrest of a person whom the officer has probable cause to believe has committed a disorderly or petty disorderly persons offense, even though the offense did not take place in the officer's presence. These offenses are:

1. Operating While Intoxicated
2. Shoplifting
3. Theft of Library Materials
4. Domestic Violence Related Crimes and Offenses
5. Camcorder Piracy of Motion Pictures

D. Only in rare circumstances involving extremely serious offenses and exigent circumstances can an officer enter a residence to make a warrantless arrest.

1. Officers in fresh pursuit of a person suspected of motor vehicle infractions or a disorderly person or petty disorderly person offense may not make a warrantless entry into a home to affect an arrest.
2. Fresh pursuit alone is an insufficient justification for a warrantless entry into a person's home to affect an arrest absent exigent circumstances.

E. As a general rule, an arrest for a violation of NJSA 39 (except DWI) is improper if the underlying offense poses little or no threat to the public safety, and if there is no reason to believe that the offender would fail to respond to a summons.

V. Custody and Transportation

A. Personnel shall search the rear seat of vehicles used for prisoner transportation at the beginning of their shift and prior to occupation by a prisoner. Vehicles shall be searched again immediately after transportation to ensure that contraband or evidence had not been secreted by the prisoner.

1. Found property/evidence shall be collected and processed in accordance with existing procedures. The prisoner should be charged accordingly, when applicable. ***The officer shall note in their report that the vehicle had been checked prior to the transport.***

B. Immediately upon arrest all persons will be appropriately secured. At a minimum, they should be handcuffed unless handcuffing is not possible due to injury or disability. Unless impractical due to injury, disability or physical size, handcuffs should be placed behind the back. Only a supervisor may approve not handcuffing an individual for any other reason. Officers should remain aware of the dangers of positional asphyxia and continually monitor arrestees for symptoms.

1. Leg irons and a handcuffing belt may be utilized when deemed necessary to provide additional restraints for subjects who are combative or deemed a flight risk. No other types of restraints are authorized.

2. When the use of leg irons and/or handcuffing belt are necessary, officers shall ensure that the prisoner is seated upright and, whenever possible, secured in a seatbelt after the application of the additional restraints and prior to transportation.

3. Transportation of arrestees/prisoners in a lying or supine position is prohibited. Accordingly, the application of additional restraints must be made in such a manner as to allow for upright transportation of all prisoners.

C. The entire person of the individual taken into custody is to be searched for weapons, contraband, evidence and implements of escape, as is the area under that individual's immediate control. The search must be thorough enough to ensure the safety of the individual, the arresting officer, and other officers and persons the individual may come in contact with while in custody.

1. This search must be conducted contemporaneous to the arrest immediately after the person has been restrained.

2. The prisoner's personal property including cell phones shall not be returned to the actor until the prisoner is released.

3. In situations where a prisoner is accepted from another department, facility, store security or officer, the officer preparing to conduct the transportation must not assume that a competent search has already been conducted. Arrestees/prisoners that are coming from these various environments may have inadvertently been exposed to contraband or weapons after their initial search and this possibility warrants the need for a new pre-transportation search.

D. After being restrained and searched the arrestee should be placed in the rear of a police vehicle equipped with a partition between the front and rear passenger compartments with the rear doors and windows controls disabled or removed. When practical, the arrestee should be further secured with the vehicle's safety restraints. This further restraint will provide an additional level of security for the transporting officer(s).

1. Arrestees/prisoners shall never be handcuffed to or otherwise secured to any part of a vehicle, nor shall two or more prisoner be handcuffed or otherwise restrained to one another.

2. Whenever an arrestee/prisoner is placed into a police vehicle, the doors to the vehicle shall be locked to prevent unauthorized persons from opening the vehicle door.

3. Officers shall exercise due care and provide assistance to arrestees/prisoners who are entering or exiting a department vehicle during transportation procedures.

4. The following are situations when using a seatbelt may be inappropriate or unsafe:

   a. Aggressive/combative arrestee/prisoner making attempts to secure him/her impracticable;

   b. Injuries to the arrestee/prisoner that may be aggravated by the seat belt;

   c. The use of supplementary restraints on the arrestee/prisoner that make it difficult, impossible, or unsafe for the seat belt to be employed.

E. Arrestees shall not be left unattended after being placed into police cars awaiting transportation. Officers must be constantly aware that other persons may attempt to free or otherwise facilitate an escape.

F. Officers may transport the arrestee to police headquarters alone, but while being followed by another officer, whenever practicable.

G. If no such equipped vehicle is available or when confronted with a legitimate and unforeseen exigency that requires transportation of an arrestee/prisoner in a vehicle that is not equipped with a security partition, it shall be necessary to have two (2) officers present in the vehicle for the transportation, and no more than one (1) arrestee/prisoner may be transported per vehicle. In such situations, the arrestee/prisoner and the second officer shall ride in the rear of the vehicle with the officer's weak-hand side closest to the arrestee/prisoner.

H. Whenever possible, arrestees initially taken into custody as a result of the same incident shall be transported to police headquarters in separate vehicles in an attempt to minimize the opportunity for coordination of stories.

   1. Notwithstanding the above requirement, male and female arrestees should not be transported in the same vehicle unless the vehicle is equipped with a barrier capable of providing physical separation between such arrestees.

   2. Adult and juvenile arrestees/prisoners shall never be transported in the same vehicle.

I. Arrestees are not permitted to communicate with anyone except a police officer during transportation or while waiting to be transported.

   1. Persons approaching a police vehicle containing an arrestee shall be instructed to leave and advised that the failure to oblige may result in their arrest and/or prosecution.

J. Under no circumstance shall an officer travel to the home of a Borough of Paramus official/employee while an arrestee/prisoner is in the vehicle.

K. If any suspicious, threatening, dangerous, or alarming incident should occur during transportation, the officer should immediately notify communications and pull over in a safe location to further observe or correct the situation.

1. Particular attention shall be directed toward arrestees who are or might possibly be under the influence of alcohol or drugs or who have a propensity or history of being violent.

L. Arrestees shall ordinarily be transported directly to police headquarters, another law enforcement agency, or confinement facility as directed unless being taken to a medical facility for evaluation and/or treatment.

1. Unless the injury is serious or life threatening, the arrestee can refuse medical evaluation and/or treatment.

2. Officers shall employ the level of additional security at the treatment facility permitted by the nature of the injury, the regimen of treatment, and as allowed by the treating physician/nurse.

3. Any evidence or indication of injury or illness to an arrestee shall be documented on the officer's report.

4. Officers shall take universal precautions against bloodborne pathogens and infectious diseases.

5. If an arrestee must be admitted to the hospital, an officer shall be assigned to guard and remain with them.

    a. Police personnel shall not sign any documents at the hospital or medical facility indicating that the Borough of Paramus is the responsible billing party.

    b. The hospital or medical facility shall seek reimbursement from the arrestee's medical insurance or indigent care fund.

6. Visitors are prohibited. Only authorized medical staff shall be allowed into the room and have contact with the arrestee.

7. Officer(s) shall ensure that the room/area is secure so that the arrestee cannot escape.

8. Officer(s) shall remain at the arrestee's room or inside and ensure that no unauthorized personnel enter. The arrestee shall be continuously monitored to minimize the potential for escape.

9. If an escape occurs, see subsection V.O and contact hospital security.

10. If the hospital notifies the officer that the arrestee will be released, the officer shall notify the tour commander. The tour commander will determine if the arrestee is to be transported to police headquarters for further processing, to be interviewed by detectives, or to be transported to the Bergen County Jail.

11. If the hospital informs the officer that an arrestee who is to be committed to the Bergen County Jail has a medical condition that requires admission to the hospital, the officer shall notify the tour commander. The tour

commander shall arrange for the Bergen County Sheriff to take custody of the arrestee at the hospital. The officer at the hospital shall remain at the hospital guarding the arrestee until the Sheriff's Department arrives and custody is transferred.

M. Arrestee transportation should not be interrupted for any reason except in extreme cases when the arrestee is stricken with a medical condition requiring immediate aid or vehicle crash involving the transporting vehicle. In that event, the transporting officer shall stop safely and should not remove the arrestee from the vehicle to render aid unless another officer is present to assist.

N. Prior to commencing transportation, officers shall advise communications of the number of arrestees being transported, their gender, their classification (adult or juvenile), the starting location, their destination, and starting mileage to the nearest $1/10^{th}$ of a mile. Upon arrival at their destination officers are to give their ending mileage.

O. If an arrestee escapes while in custody prior to or during transportation:

1. The arresting/transporting officer(s) shall promptly notify communications.

    a. Communications shall immediately notify the tour commander or designee.

    b. The tour commander or designee will immediately verify that an escape has occurred.

    c. Extreme caution shall be exercised to minimize the potential of a hostage scenario.

2. A general radio broadcast to all duty personnel shall be broadcast as soon as practicable. Provide the following information at a minimum:

    a. Prisoner's name, if known;

    b. General description;

    c. Clothing description;

    d. Last known home address;

    e. Last direction of flight;

    f. Crime(s) originally arrested for;

    g. Weapons, if known; and

    h. Any other pertinent information known.

3. Additionally, broadcast the escape over SPEN to surrounding communities. Provide the same information listed above. Update any changes to this information as necessary.

4. The tour commander or designee shall take personal command of the incident and direct units accordingly.

a. If the escape is confined to police headquarters, the building and immediate surrounding areas shall be secured by patrols.

5. The tour commander shall cause notification to the Command Staff.

6. The tour commander or designee may assign additional staffing, as needed for assistance, to the scene or to provide patrol coverage while existing duty personnel are committed to the escape investigation/search.

   a. Activation of additional resources should be consistent with the offense for which the escapee had been taken into custody, the likelihood of injury to the escapee and/or other persons, the likelihood of apprehension, and the anticipated duration of the search.

7. Communications personnel shall ensure that telephone contact is made with any jurisdiction where the escapee may be likely to flee, provide the pertinent information, and request assistance from that jurisdiction in apprehension.

8. If and when the escapee is recaptured, the tour commander should direct a minimum of two (2) officers to reclaim the arrestee and transport him/her back to this facility for incarceration. Any alarm or broadcast to patrols or surrounding agencies should be promptly cancelled. Additional measures should be taken to prevent any further escape.

   a. Seek medical attention if the escapee requires it. Additional security measures shall be deployed to minimize any future escape attempt.

9. The incident must be fully documented, preferably in the investigative report of the precipitating event.

P. When transportation terminates at this department, officers will bring the individual(s) into the booking area. Officers shall secure their weapons in a weapons locker at their first opportunity, but before handcuffs are removed.

Q. If an officer suspects that an arrestee may have a communicable disease, personnel shall wear proper personal protective equipment (PPE) while searching, fingerprinting and processing the arrestee.

1. Handcuffs should be cleaned with an alcohol or disinfectant wipe after removal from an arrestee.

2. Personnel shall thoroughly wash their hands with disinfectant soap after completing the search.

3. If an officer has reason to believe his/her clothing has become contaminated as a result of contact with a party with a communicable disease, his/her clothing should be removed and handled as dictated by current blood-borne pathogen protocols.

4. If vehicles are contaminated, they should be taken out of service and cleaned as dictated by current blood-borne pathogen protocols. The Division Commander will be responsible for making sure the vehicle is properly cleaned and returned to service.

VI. Special Needs Custody and Transportation

A. There may be instances when normal custody and transportation procedures are impracticable. These reasons include, but are not limited to:

1. Arrestee(s) who exhibit signs of mental illness;
2. Arrestee(s) who may be emotionally disturbed;
3. Arrestee(s) who are physically disabled;
4. Arrestee(s) who are injured;
5. Arrestee(s) who are morbidly obese.

B. Transportation for arrestees who exhibit special needs may be accomplished by ambulance, if necessary and available. Restraints should be used, if available and practical. If the arrestee has a wheelchair, the wheelchair should be transported with him/her. Canes and crutches should also be taken; but shall be stored as prisoner property until needed.

C. The tour commander will determine whether the person being arrested should be taken to the booking room or to a medical facility for evaluation and/or treatment first.

D. For minor offenses, photographs and fingerprints can be obtained at the initial court appearance.

E. If an arrestee indicates that he/she has medication that they need to sustain their health, the arresting officer should take possession of the medication.

1. Personnel shall not dispense or permit arrestees to take medication (prescription or non-prescription) without authorization of a physician licensed to practice medicine in the State of New Jersey;
2. If the arrestee needs immediate medical attention, he/she shall be transported to the hospital via ambulance;
3. If the arrestee is going to be committed to the Bergen County Jail, bring the medication for determination by the Jail's medical staff.
4. Under no circumstances shall personnel sign or endorse any medical authorization for any person under arrest or in custody. Persons shall use their own medical insurance or the medical facility/hospital shall seek remuneration from the appropriate indigent care funds.

F. Arrestees have no right or privilege to attend funerals, religious services, visit in hospitals with critically ill family or friends, or attend probate proceedings while in the custody of this agency.

VII. Processing of Persons Arrested Without a Warrant (*R.3:3* and *R. 3:4*)

A. Notwithstanding the provisions in this directive concerning custodial arrests, officers are permitted by Court Rule 7:3 (*R.7:3*) to charge a person by use of a Special Form of Complaint and Summons at the scene of the arrest without taking the defendant into custody for municipal ordinance violations, disorderly person offenses, and petty disorderly person offenses.

1. All crimes/offenses listed in subsection VIII.A (pages 12-13) still require custody due to fingerprinting requirements.

2. The Special Form of Complaint and Summons shall not be used for:

    a. Any offense involving domestic violence; and

    b. Any offense with a companion indictable matter.

3. All petty disorderly person offense(s) charged in conjunction with an indictable matter and all domestic violence matters must be prepared on the appropriate CDR form.

B. A person arrested without a warrant for one or more of the below listed criminal offenses, conspiracy or attempt to commit one or more criminal offenses shall be taken to headquarters where the tour commander or designee shall:

1. Complete all post-arrest ID procedures required by law, see NJSA 53:1-15;

2. Immediately prepare a complaint-warrant CDR-2;

3. Contact the on-call Judge without delay to make a bail determination Bail shall be set no later than 12 hours after the arrest;

    a. Murder

    b. Aggravated Manslaughter

    c. Manslaughter

    d. Kidnapping

    e. Robbery

    f. Aggravated Assault

    g. Burglary

    h. Aggravated Arson

    i. Arson

    j. Aggravated Sexual Assault

    k. Sexual Assault

    l. Aggravated Criminal Sexual Contact

    m. Criminal Sexual Contact

    n. Any crime involving the possession or use of a firearm

o. Any 1st or 2nd Degree drug violation (2C:35)

C. A person arrested without a warrant for any other crime or offense not listed above, shall be taken to headquarters where a detective supervisor or designee shall:

1. Complete all post-arrest ID procedures required by law, see NJSA 53:1-15;

2. Immediately prepare a complaint-summons CDR-1;

3. Issue the CDR-1 to the arrested person; and

4. Release the person in lieu of continued detention.

D. If the detective supervisor determines that one of the following conditions exist:

1. The person has previously failed to respond to a summons;

2. There is reason to believe that the person is dangerous to him/herself, others, or to property;

3. There is one or more outstanding arrest warrants for the person;

4. The prosecution of the offense or offenses for which the person is arrested or the prosecution of any other offenses would be jeopardized by the immediate release of the person;

5. The person cannot be satisfactorily identified;

6. There is reason to believe that the person will not appear in response to a summons.

E. The detective supervisor or designee shall:

1. Immediately prepare a complaint-warrant CDR-2;

2. Take the person arrested without unnecessary delay before a municipal court judge to have bail set. Bail shall be set no later than 12 hours after the arrest;

VIII. Post Arrest Identification, Processing, Bail, and Release

A. Fingerprints and photographs (mug shots) shall be completed for all adult persons when:

1. Arrested for an indictable offense.

2. Arrested for a violation of any State law relating to narcotics or dangerous drugs, whether indictable or otherwise.

3. Within a reasonable time after the filing of a complaint-summons by an officer charging the defendant with an indictable offense.

4. Arrested for shoplifting.

5. Arrested for prostitution.

6. Convicted of a non-indictable offense and the identity of the convicted person is in question. The disposition shall be listed on the front of the State fingerprint card, the date of sentence and terms of sentence shall be listed on the back of the fingerprint card.

7. Charged in an indictment/accusation and had not already been arrested, fingerprinted/photographed for the charge(s). The indictment number shall be listed on the front of the State fingerprint card.

8. Arrested and believed to be wanted for an indictable offense.

9. Arrested for a domestic violence related crime/offense where any of the following four criteria are met:

   a. Victim exhibits signs of injury caused by an act of domestic violence;

   b. A warrant is in effect;

   c. There is probable cause to believe that the person has violated a judicial order in NJSA 2C:29-9 AND there is probable cause to believe that the person has be served with that order;

   d. There is probable cause to believe that a weapon as defined in NJSA 2C:39-1 has been involved in an act of domestic violence.

10. Arrested and believed to be a habitual criminal.

B. The arresting officer shall ensure that the following checks are made on the arrestee(s):

   1. NJWPS/NCIC

   2. ACS/ATS

C. The arresting officer shall ensure that all appropriate victim/witness notifications are made.

D. The arresting officer shall ensure that guidelines for alternate care for arrestee's dependents are followed and documented on the arrest or investigation report.

IX. Reporting Requirements

A. All arrest incidents shall minimally require the following documentation whether electronic or paper:

   1. Investigation report

   2. Arrest report

   3. Prisoner Property Report (When suspect is being transported to County or State facility)

   4. Evidence Report (if required)

5. Consent to Search (if required)

6. Use of Force report (if required)

7. Witness statements (if required)

8. Miranda Waiver (if required)

9. Victim Notification Form (if required)

10. Commitment Form (if subject to confinement)

X. Supplemental Prisoner Transportation

A. This section addresses instances where prisoners already in custody are transported to and from this agency.

B. Prior to beginning any transportation, personnel assigned shall ensure that the vehicle being used is sufficiently fueled. For transportation over long distances, officers should be prepared to purchase fuel if necessary, receipt required. Reimbursement shall be sought through the chain of command.

C. Officers should bring their official police identification with them during inter-agency transportations.

D. An E-ZPass transponder shall be taken, when required.

E. Interstate transportation will typically be performed by the Bergen County Sheriff's Office. If this agency is called upon to assist, officers(s) assigned shall be briefed on and adhere to the Sheriff's policies and procedures.

F. Prisoners being taken to or from County Jail, State Prison, or other facility should generally be handcuffed in the back unless circumstances require handcuffing in the front. The circumstances may include, but are not limited to:

1. Transporting to/from long distances (typically out of County)

2. Disability

3. Potential for positional asphyxia (morbid obesity, etc.)

4. Leg irons and a handcuffing belt may be utilized when deemed necessary to provide additional restraints for subjects who are combative or deemed a flight risk. No other types of restraints are authorized.

5. When the use of leg irons and/or handcuffing belt are necessary, officers shall ensure that the prisoner is seated upright and, whenever possible, secured in a seatbelt after the application of the additional restraints and prior to transportation.

6. Transportation of arrestees/prisoners in a lying or supine position is prohibited. Accordingly, the application of additional restraints must be made in such a manner as to allow for upright transportation of all prisoners.

G. Personnel shall search the rear seat of vehicles being used for prisoner transportation prior to occupation by the prisoner(s). Vehicles should be searched again following transportation.

H. Prisoners being taken to/from any facility should be searched prior to being placed in a vehicle. Do not assume that the prisoner is free of weapons, contraband, evidence, or implements of escape.

I. Each prisoner being transported to or from another detention facility should be positively identified as the person who is to be moved. Names, physical identifiers, photographs (if available), date of birth, fingerprints, etc. shall be verified beforehand. The proper documentation shall accompany the prisoner being moved to or from another facility. This documentation includes, but is not limited to:

1. Warrants;

2. Personal property;

3. Commitment papers;

4. Medical records of unusual illnesses (if applicable);

5. Information relating to the prisoner's escape or suicide potential or other personal traits of a security nature;

6. Victim Notification forms.

J. Follow intake/booking procedures when bringing prisoners to this facility.

K. Prisoners should be transported in a vehicle equipped with a safety partition with the rear doors and windows controls disabled or removed. A minimum of two officers shall perform the transportation. The second officer may sit in the front seat, but, that officer's attention should be focused on the prisoner. Prisoners should be secured with the vehicle's safety restraints. This further restraint will provide an additional level of security for the transporting officers.

L. Multiple prisoners can be transported within the same vehicle, but, the number of prisoners shall not exceed the capacity of the safety devices (lap and shoulder harnesses) in rear seat area.

M. If any suspicious, threatening, dangerous, or alarming incident should occur during transportation, the officer should immediately notify communications and pull over in a safe location to further observe or correct the situation.

1. Particular attention shall be directed toward prisoners who are or might possibly be under the influence of alcohol or drugs or who have a propensity or history of being violent.

N. Prisoners are not permitted to communicate with anyone except a police officer during transportation or while waiting to be transported.

1. Persons approaching a police vehicle containing a prisoner shall be instructed to leave and advised that the failure to oblige may result in their arrest and/or prosecution.

O. Prisoners shall be transported directly to the intended destination as directed unless being taken to a medical facility for treatment.

1. Under no circumstance shall an officer travel to the home of a Borough of Paramus official/employee while a prisoner is in the vehicle.

P. Prisoner transportation should not be interrupted for any reason except in extreme cases when the arrestee is stricken with a medical condition requiring immediate aid or vehicle crash involving the transporting vehicle. In that event, the transporting officer shall stop safely and should not remove the prisoner from the vehicle to render aid unless another officer is present to assist.

1. Immediately notify communications of the event and what type of assistance is needed. Communications personnel shall direct the appropriate type and level of assistance, if local;

2. If the transporting vehicle is in another jurisdiction, communications personnel shall immediately contact the law enforcement agency with jurisdictional responsibility for assistance.

Q. If long range transportation is necessary, the prisoner should be directed to use the restroom facilities prior to transportation. Personnel must remain aware that any request to stop may be a pretext for escape. If a restroom stop is required, personnel should use the facilities at a state, county or local law enforcement agency and not public restrooms at highway rest areas.

R. Personnel shall not stop to eat or take breaks while transporting prisoners.

S. Prior to commencing transportation, personnel shall advise communications of the number of prisoners being transported, their gender, the starting location, their destination, and starting mileage. Upon arrival at their destination, personnel are to give their ending mileage. If out of radio range, use a cellular telephone to relay this information and call a taped line.

1. The supervisor assigning long range transportation shall ensure the officer(s) have a cellular telephone to make certain constant communications capabilities are maintained between the officer(s) and communications.

T. If a prisoner is being transported to another law enforcement agency or confinement facility, personnel shall comply with all of that agency's rules and procedures concerning weapons storage.

U. If the prisoner's destination is other than this agency,

1. Restraints should not be removed until just prior to placing the prisoner in a cell or other secure holding facility

2. All necessary forms, documentation, and prisoner property, shall be turned over to the receiving agency

3. The receiving official should sign for the prisoner. If the signature is refused or unavailable, the name of the receiving official shall be documented in the transportation report/record

4. The receiving agency shall be advised of any potential medical or security hazards concerning the prisoner(s)

V. If a prisoner escapes during transportation, see section **V.O**.

W. If prisoners with special needs are being transported to a Bergen County facility, first notify the Bergen County Sheriff's Office to see if that agency can provide transportation.

X. Do not presume that restraining devices are unnecessary for disabled prisoners, but, exercise discretion in restraining a disabled or injured prisoner for transportation. Depending on the degree of disability or the body parts or functions that are disabled, simple handcuffing in the front through a belt may suffice. Prisoners who cannot ambulate without crutches or cane(s) may be permitted to do so without restraint depending on their security risk. A wheelchair may be preferred to transport non-ambulatory prisoners where high security is warranted and necessary. The prisoner should be secured in a practical manner. An ambulance may be used to transport a wheel chair bound prisoner if necessary.

Y. Prisoners being picked up at other locations and exhibiting signs of untreated injuries or illnesses should normally be refused before this agency accepts custody.

   1. If the prisoner is being picked up on a Paramus warrant:

      a. Take the prisoner to the nearest medical facility for emergency treatment, see subsection V.K of this directive;

      b. If the prisoner exhibits signs of mental illness, follow the protocols found in Volume 3 Chapter 21 Emotionally Disturbed Persons, specifically the subsections on mental health screening and commitment.

      c. Prisoners exhibiting signs of intoxication may be accepted, but should be transported to a medical facility for medical clearance.

      d. Promptly notify a supervisor and document the matter.

Z. The transportation of prisoners in non-arrest (previous custody) situations shall be conducted by two officers any time the following criteria exist:

   1. The prisoner involved poses a security/health/escape or suicide risk;

   2. The prisoner is charged with a serious offense and has a substantial bail;

   3. There are multiple prisoners requiring transportation;

   4. The transportation will require the officer to leave the Bergen County Limits.

AA. Operational or administrative problems encountered while transporting prisoners shall be documented. These problems include, but are not limited to:

   1. Prisoners who become sick or injured during transportation;

2. Agency vehicle crashes with prisoners on board during transportation;
3. Prisoner escapes (or attempts to escape);
4. Inoperative or damaged restraints or equipment;
5. Intake problems at other facilities, etc.

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 7	# OF PAGES: 3

SUBJECT: ALTERNATE CARE FOR ARRESTEE DEPENDENTS

ISSUED BY: Deputy Chief James J. Sheehan	EFFECTIVE DATE: October 11, 2010	ACCREDITATION STANDARDS:
SUPERSEDES ORDER #:		

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

PURPOSE The purpose of this directive is to bring this department into comportment with the N.J. Attorney General's model policy for Alternate Care for Arrestee's Dependents.

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

PROCEDURES

I. General

A. While the need for alternate care for an arrestee's dependents must be determined, the existence of arrestee dependents should not be the determining factor as to whether the arrestee is held in custody or released.

1. Where a summons in lieu of arrest is inappropriate or the taking into custody is required by law, public safety or safety of the arrestee, the individual should be held until released in accordance with law.

B. Appropriate adult shall mean a competent adult or competent emancipated minor to whom an arrestee is comfortable with entrusting their dependent.

II. Specific Procedures

A. Whenever a person is subjected to custodial arrest, or is likely to be detained for investigation for more than two (2) hours, and is accompanied by a child or other person dependent upon the person for care, sustenance or supervision, the following procedures must be followed:

1. If another appropriate adult is present with the person arrested or detained, the arrestee or detainee will be permitted to place the dependent in the care of that person.

2. If another appropriate adult refuses custody or is not present:

   a. The officer may remain at the scene with the arrestee for a reasonable time to arrange for an appropriate adult; or

   b. The dependent will be transported to headquarters.

      i. The dependent may be transported with the arrestee or in a separate vehicle as dictated by the circumstances of the arrest.

3. The arrestee/detainee shall be permitted a reasonable opportunity to make arrangements by telephone for alternate care for the dependent. If contact cannot be made by telephone, an officer should be assigned to make the necessary notification in person. If the appropriate adult resides outside of Paramus, the police department with jurisdiction should be contacted to make the notification.

4. If the arrestee/detainee is unable to arrange for alternate care for the dependent(s), the arresting officer shall cause notification to the appropriate municipal, county, or state agency of the arrest and the need for alternate care.

   a. State Central Registry (Child Abuse Hotline) 24 hour telephone number 1-800-792-8610 or 1-877-NJ ABUSE (1-877-652-2873).

   b. *Bergen County* Office of the Aging at *(201) 336-7400.*

   c. The arrestee/detainee must be informed of the agency that is taking charge of their dependents.

5. The agency assuming care of the dependent must be included in the investigative document. Minimally, the following information should be included:

   a. Name of the agency;

   b. Name of the contact person;

   c. Telephone number of the contact person.

6. The arresting officer shall record the name, address, and telephone number of the appropriate adult or agency taking custody of the dependent in the investigation report.

7. The arrestee/detainee must also be provided with this information and must be provided with information on how to reclaim custody of their dependent(s) upon release.

8. When setting bail, the on-call judge shall be notified that the arrestee has dependent(s) requiring the arrestee's care and what arrangements had been made for the care of the dependents.

B. Whenever a person is arrested or taken into custody and likely to be detained for more than two (2) hours, that person must be questioned as to whether or not there is any child or other person solely dependent upon the arrestee for care, sustenance or supervision. If the arrestee answers in the affirmative, the above procedures apply.

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 8	# OF PAGES: 10

SUBJECT: PRE-INCARCERATION SEARCHES

ISSUED BY:	EFFECTIVE DATE:	ACCREDITATION STANDARDS:
Chief Christopher J. Brock	October 25, 2010 *Revised:* February 20, 2012	1.2.4f, 1.2.8
SUPERSEDES ORDER #:		

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

PURPOSE The purpose of this directive is to establish this department's policy and procedures concerning pre-incarceration searches, including strip and body cavity searches and to codify the guidelines for the appropriate conduct of such searches.

POLICY Pre-incarceration searches are required to protect department personnel and other prisoners/detainees; to detect and secure evidence of criminal activity; and to safeguard the security, safety and related interests of this department's prisoner detention and holding facilities.

Under certain narrowly defined conditions, strip or and body cavity searches may be necessary. Recognizing the intrusiveness of these searches on individual privacy, it is the policy of this department to be in strict compliance with NJSA 2A: 161A-1, et seq., Department of Corrections Regulations NJAC 10A: 34-1, et seq., and the New Jersey Attorney General Guidelines, with due recognition and deference for the human dignity of those being searched.

PROCEDURES

I. Definitions

A. **Body cavity search** is defined as the visual inspection or manual search of a person's anal or vaginal cavity. (NJSA 2A:161A-3b)

B. **Contraband** includes any item, article, or material that is, in and of itself, unlawful to possess, found in the possession of or under the control of a person who has been detained or arrested. It shall also include any article that may be harmful or presents a threat to the security and orderly operation of a municipal detention facility. Items of contraband shall include, but are not limited to:

1. Firearms or ammunition of any type;
2. Explosives of any type;
3. Knives, tools or other implements;
4. Hazardous or poisonous chemicals, gases, or substances;
5. Unauthorized drugs and medications;
6. Prescription or over-the-counter medications, not specifically authorized by the Paramus Police physician;
7. Intoxicants, including, but not limited to liquor or alcoholic beverages;
8. Electronic communications devices;
9. Any article that can be fashioned as a weapon or implement of escape;
10. Currency, stamps, tobacco products, and matches/lighters.

C. **Crime** means an indictable offense of equivalent in another state.

D. **Electronic communication device** means a device or related equipment or peripheral that is capable of electronically receiving, transmitting or storing a message, image or data. Examples of such electronic devices include, but are not limited to, all types and sizes of a computer, telephone, cell telephone, Blackberry®, two-way radio, camera or video/audio player/recorder, fax machine, pager or beeper, personal data assistant, hand-held e-mail system, or any other device containing a means of internet access or receiving, transmitting or storing information electronically by means of audio, visual or recorded data.

E. **Exigent circumstances** means the probable cause to believe that the person is concealing a weapon, contraband or evidence of crime, and circumstances prevent obtaining a search warrant.

F. **Lawfully confined** means custodial confinement in a municipal detention facility, county correctional facility, or a New Jersey Department of Corrections facility.

G. **Licensed medical professional** means an appropriately licensed health care provider who is a physician, registered nurse, nurse practitioner, or physician assistant.

H. **Municipal detention facility** means a holding or lockup facility, usually located in and operated by a municipal police department, which receives and temporarily detains for no more than 24 hours, excluding holidays or weekends, persons who have been arrested who are awaiting release or transfer to other authorities.

I. **Offense other than a crime** means a non-indictable offense or equivalent in another state.

J. **Pat search** means a thorough search of a fully clothed detainee, including the clothing and personal property in the detainee's possession.

K. **Strip search** is defined as the removal or rearrangement of clothing for the purpose of visual inspection of the person's undergarments, buttocks, anus, genitals or breasts. The term does not include any removal or rearrangement of clothing reasonably required to render medical treatment or assistance, or the removal of articles of outer clothing such as coats, ties, belts or shoelaces. (NJSA 2A: 161A-3a) Strip search shall also include the direct observation by a police officer or matron of an arrestee defecating, urinating, or changing a sanitary napkin or tampon.

1. Under the provisions of NJAC 10A:34-2.17d, when a person charged with a **crime** is confined to a municipal detention facility, an authorized strip search shall also include a check for:

   a. Body vermin;

   b. Cuts or bruises;

   c. Needle scars or tracks;

   d. Other injuries, where appropriate.

II. Pre-Incarceration Searches

A. Prior to confining an arrestee in the holding/jail facility, arresting personnel shall conduct a pre-incarceration search and inventory of arrestees and their personal effects and document the property on an Property/Evidence Report. Items to be taken and inventoried include, but are not limited to:

1. Jewelry, all types
2. Watch
3. Cash
4. Wallet
5. Purse
6. Belt
7. Shoelaces
8. Pens, pencils

9. Personal papers

10. Cigarettes, cigars, etc

11. Matches, lighters

12. Outerwear

13. Hats, scarves, handkerchiefs, barrettes, hair clips, etc.

14. Eyeglasses (Frames and lenses can be potential weapons)

B. This search and inventory is performed to discover any weapons or implements arrestees could use to injure police personnel, themselves or others, aid in an escape attempt, safeguard arrestees' valuables, and protect the department against false claims of theft or loss of arrestees' belongings.

1. Pat searches shall be conducted while the detainee is fully clothed. A pat search includes both the touching of the detainee's body through clothing, including hair, dentures, etc., and a thorough examination into pockets, cuffs, seams, etc, and all personal property in the detainee's possession.

2. Pat searches of detainees may be conducted at any time where conditions indicate a need for such searches.

3. Pat searches may be conducted at any time when there is a reasonably clear indication that the detainee is carrying contraband.

4. Pat searches may be conducted by either male or female staff members regardless of the sex of the detainee.

C. The arresting officer must determine if prisoner's property is contraband, evidence, or legitimate property. Items adjudged as contraband and/or evidence must be separated and stored according to evidence procedures.

D. Use care in describing the property. Use general terms such as "gold colored chain", "gold colored watch", "silver colored medallion", etc. Police officers do not necessarily possess the expertise to determine the authenticity of precious metals and should not attest to such authenticity.

E. When possible, the prisoner should witness the inventory process.

F. Prisoner property shall be placed into a bag and securely stored until the prisoner is released or transported to another facility. Prisoner property shall accompany the prisoner upon transfer or returned to the prisoner upon release.

G. If the arrestee is to be detained at the County Jail or other penal facility, the detainee's personal property is to be turned over to the appropriate official from that facility along with a copy of the property/evidence report documenting the inventory previously undertaken.

1. If the County Jail or other penal facility does not accept the detainee's property, it shall be inventoried and secured in accordance with the Paramus Police Personal Property Guidelines.

2. A Paramus Police Department Personal Property Disposal Waiver form shall be completed whenever personal property is secured at headquarters.

III. Strip Searches

A. A person who has been detained or arrested for the commission of an offense other than a crime **and** who is confined in the municipal detention facility shall **not** be subject to a strip search unless:

1. The search is authorized by a warrant or valid documented consent;

2. A recognized exception to the warrant requirement exists and the search is based on probable cause that a weapon, controlled dangerous substance, contraband, or evidence of a crime will be found and the officer authorized to conduct the strip search has obtained the authorization of the tour commander;

3. The person is lawfully confined and the search is based on a reasonable suspicion that a weapon, controlled dangerous substance, contraband, or evidence of a crime will be found and the officer authorized to conduct the strip search has obtained the authorization of the tour commander; or

4. Exigent circumstances prevent obtaining a search warrant or authorization of the tour commander and such exigent circumstances require the officer to conduct a strip search In order to take immediate action for purposes of preventing bodily harm to the officer, person subjected to the search, or others.

B. A person lawfully confined for commission of a crime shall be strip searched when the tour commander authorizes confinement in the municipal detention facility or transfer to an adult county correctional facility, the officer authorized to conduct the strip search obtains the authorization of the tour commander and one of the following exists:

1. A search warrant or valid documented consent; or

2. A reasonable suspicion that the person is concealing a weapon, controlled dangerous substance, contraband, or evidence of a crime.

3. A strip search may be conducted in any of the following circumstances:

   a. When the tour commander authorizes the search,

   b. Before placement under psychological observation or suicide watch, or

   c. After a contact visit.

4. Under exigent circumstances, a strip search may be conducted by an officer of the opposite sex and/or in the presence of only those staff members deemed reasonably necessary for security of the opposite sex, as ordered by the tour commander.

C. All strip searches must be conducted:

1. By a person of the same sex; and

2. In private where the search cannot be observed by unauthorized persons; and

   a. The tour commander may authorize another officer of the same sex as the person being searched to be present, but not able to observe, if there are heightened security concerns.

2. Under sanitary conditions; and

3. In a professional and dignified manner.

D. Officers shall file a written report in accordance with Section VII.

IV. Body Cavity Searches of Persons Detained or Arrested for the Commission of an Offense Other Than a Crime

A. A person who has been detained or arrested for the commission of an offense other than a crime shall not be subject to a body cavity search unless:

1. The search is authorized by a warrant or valid documented consent, or

2. The tour commander authorizes the transfer of the person to an adult county correctional facility, the person is lawfully confined in an adult county correctional facility, the search is based on a reasonable suspicion that a weapon, controlled dangerous substance, contraband or evidence of a crime will be found, and the person authorized to conduct the body cavity search has obtained the authorization of the tour commander.

B. The person to be searched shall be escorted immediately to the medical unit or hospital used by the adult county facility where the body cavity search shall be conducted:

1. By a licensed medical professional who must be of the same sex as the person being searched;

2. Under sanitary conditions;

3. At a location where the search cannot be observed by unauthorized persons;

4. In the presence of only those agency personnel deemed reasonably necessary by the tour commander who are of the same sex as the person being searched; and

5. In a professional and dignified manner, with the maximum courtesy and respect for the person being searched.

C. The person subjected to the body cavity search may:

1. Remove the object in the presence of the licensed medical professional and a agency staff member of the same sex as the person; or

2. Be examined by the licensed medical professional, who may remove the object in a medically accepted manner and environment without the use of force

D. In the event it is determined that a foreign object that contains metal is present In the body cavity of the person being searched, such object may be removed only by the licensed medical professional in a medically accepted manner and environment with or without the use of force if the tour commander has authorized a body cavity search based on a duly authorized search warrant or a valid documented consent of the person Involved

E. In the event the tour commander or the licensed medical professional has determined that nonmetal contraband is being concealed in the body cavity of the person being searched, and police are not able to obtain a search warrant for the search, and that person refuses to permit contraband removal, the person may be placed in isolation.

1. During isolation, the person being searched shall be treated In a medically accepted manner and environment as deemed necessary by the licensed medical professional and may be kept under visual surveillance to detect removal or elimination of the of the contraband

V. Body Cavity Searches of Persons Lawfully Confined for the Commission of a Crime

A. Under no circumstances may a body cavity search be conducted on a person who is lawfully confined In the municipal detention facility unless

1. The search is authorized by a warrant or valid documented consent, or

2. The tour commander authorizes the transfer of the person to an adult county correctional facility, the person is lawfully confined in an adult county correctional facility, the search is based on a reasonable suspicion that a weapon, controlled dangerous substance, contraband or evidence of a crime will be found, and the person authorized to conduct the body cavity search has obtained the authorization of tour commander.

B. The person to be searched shall be escorted immediately to the medical unit or the hospital used this department where the body cavity search shall be conducted:

1. By a licensed medical professional of either sex;

2. Under sanitary conditions;

3. At a location where the search cannot be observed by unauthorized persons;

4. In the presence of only those agency personnel deemed reasonably necessary by the tour commander who are of the same sex as the person being searched; and

5. In a professional and dignified manner, with the maximum courtesy and respect for the person being searched.

C. The person subjected to the body cavity search may:

1. Remove any object in the presence of the licensed medical professional and an agency staff member of the same sex as the person; or

2. Be examined by the licensed medical professional, who may remove the object in a medically accepted manner and environment without the use of force.

D. In the event it is determined that a foreign object that contains metal is present In the body cavity of the person being searched, such object may be removed only by the licensed medical professional in a medically accepted manner and environment with or without the use of force.

E. In the event the tour commander or the licensed medical professional has determined that nonmetal contraband is being concealed In the body cavity of the person being searched, and police are not able to obtain a search warrant for the search, and that person refuses to permit contraband removal, the person may be placed in isolation.

1. During isolation, the person being searched shall be treated In a medically accepted manner and environment as deemed necessary by the licensed medical professional and may be kept under visual surveillance to detect removal or elimination of the of the contraband

VI. Responsibilities

A. The officer requesting to perform a strip or body cavity search must notify the tour commander and articulate the reasons for the request.

B. The tour commander must review the facts and circumstances and either approve or deny the request.

C. When applicable, the tour commander or designee shall assist the officer in obtaining the requisite search warrant or consent.

1. Applications for a search warrant must conform to current administrative and judicial requirements, including prosecutorial review, in accordance with this department's search & seizure directive.

2. Likewise, any consent to search must also adhere to the procedures outlined in the search & seizure directive.

a. All consents for strip and/or body cavity searches must be in writing. The consent must be voluntary and the subject must know their right to refuse.

D. tour commander are responsible to ensure that all strip and body cavity searches are conducted in strict accordance with this directive.

E. Unless authorized by search warrant or consent, a strip search shall not be conducted if the arrested person will be released without custodial confinement or will soon be released on bail or their own recognizance.

F. The tour commander shall ensure that all strip searches are conducted in private and that persons not physically conducting the search cannot observe these searches.

G. If officers of the same sex as the person designated for a strip or body cavity search are not on duty, the tour commander shall:

1. Contact a matron;

2. Contact a bordering law enforcement agency to see if they can supply an officer; or

3. Contact the Bergen County Sheriff's Office to see if they can supply an officer; or

4. Contact the nearest New Jersey State Police station to see if they can supply an officer.

5. Recall an off duty officer of the same sex.

H. When a body cavity search is conducted, the tour commander shall request a sworn written statement from the licensed physician or registered nurse who conducted the search stating that the body cavity search was conducted pursuant to statutory and medical requirements. A copy of NJSA 2A: 161A-1, et seq., should be provided to the physician and/or the registered nurse for them to base their statement unless they are already aware of its provisions.

VII. Reporting Requirements

A. The officer requesting to perform a strip search/body cavity search must clearly articulate the reasons for the search on a the record of arrest. The report must include:

1. A statement of facts indicating the probable cause or reasonable suspicion for the search;

2. A copy of the search warrant, if appropriate;

3. A copy of the consent form, if appropriate

4. The name of the tour commander who authorized the search;

5. The name(s) of the agency personnel present during the search and the reason for their presence;

6. The name(s) of the person(s) conducting the search;

7. An inventory of any item(s) found during the search;

8. The reason for use of force, if necessary; and

9. And for body cavity searches:

    a. A statement of facts indicating any reasonable suspicion for a body cavity search and that the search was conducted in a medically accepted manner;

    b. The name(s) of the licensed medical professional(s) conducting the search (body cavity searches);

10. An explanation of the exigent circumstances which required immediate action for the search to be conducted as an exception to the regulations including the reason(s) why a search warrant could not be obtained. This must be in the form of a To/From report submitted by the officer and reviewed by the tour commander prior to the end of the tour of duty.

B. If appropriate, the necessary analytical reports should accompany any contraband or evidence.

C. If appropriate, additional charges for the contraband or evidence must be proffered.

D. All reports pertaining to strip searches or body cavity searches are **not** considered public records. These reports shall be made available, upon request, only to:

1. The person subject to the search;

2. The Bergen County Prosecutor, or designee;

3. The Attorney General, or designee;

4. Commissioner of the Department of Corrections, or designee.

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 14	# OF PAGES: 13

SUBJECT: JUVENILE OFFENDERS

ISSUED BY:	EFFECTIVE DATE:	ACCREDITATION STANDARDS:
Deputy Chief James J. Sheehan	July, 23, 2010	44.2.2, 44.2.3
SUPERSEDES ORDER #:		

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

PURPOSE: The purpose of this policy is to establish procedures for the juvenile function, as well as to outline the responsibility of all agency personnel in relation to the juvenile function.

POLICY: It is the policy of this department to be fully committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. It is also the policy of this department that the responsibility for participating in or supporting the department's juvenile operations function is to be shared by all agency components and personnel.

PROCEDURES

I. **Definitions.**

A. "Juvenile" means an individual who is under the age of 18 years (see N.J.S.A. 2A:4A-22).

B. "Delinquency" means the commission of an act by a juvenile which, if committed by an adult, would constitute:

1. A crime;

2. A disorderly persons offense; or

3. A violation of any other penal statute, ordinance or regulation (see N.J.S.A. 2A:4A-23 - exceptions to this definition are identified).

C. "Juvenile-Family Crisis" means behavior, conduct or a condition of a juvenile, parent or guardian, or other family member which presents or results in:

1. A serious threat to the well-being and physical safety of a juvenile;

2. A serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian;

3. Unauthorized absence by a juvenile for more than 24 hours from his/her home; or

4. A pattern of unauthorized absences from school by a juvenile subject to compulsory education provision of Title 18A of the New Jersey State Statutes (See N.J.S.A. 2A:4A- 22g).

D. Curbside warning: The offense or incident is of such a minor nature that it does not warrant custodial detention and a verbal warning and advisement of the consequences of such action would suffice. No further action required aside from documentation.

1. Example: Juvenile throwing stones but not causing damage.

E. Stationhouse adjustment: The offense is still minor in nature; however, custodial detention is justified. Parent or legal guardian must be contacted.

1. Example: Juvenile throws rocks that causes damage to property or person but is still relatively minor in nature.

II. **Taking Juveniles into Custody.**

A. Pursuant to N.J.S.A. 2A:4A-31, a juvenile may be taken into custody:

1. Pursuant to an order or warrant of any court having jurisdiction; or

2. For delinquency, by a law enforcement officer, pursuant to the laws of arrest and Rules of Court.

B. Except where delinquent conduct is alleged, a juvenile may be taken into short-term custody by a law enforcement officer without order from the court when:

1. The officer has reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and taking into immediate custody is necessary for his/her protection; or

2. The officer has reasonable grounds to believe the juvenile has left the home and care of his/her parents or guardian without consent of such persons; or

3. An agency legally charged with the supervision of a child has notified that the child has run away from out of home placement, provided, however, that in any case where the law enforcement officer believes that the child is an "abused or neglected child" as defined in section 1 of P. L. 1974, c119 (C 9:6-8.21), the officer shall handle the case pursuant to the procedure set forth in that act.

C. The taking of a juvenile into custody shall be deemed a measure to protect the health, morals and well being of the juvenile.

D. The following offenses should result in the filing of a juvenile delinquency complaint. Station house adjustments are not appropriate for the below listed offenses:

1. Offenses involving the use or possession of a controlled dangerous substance or drug paraphernalia as defined under Chapters 35 or 36 of the Criminal Code shall not be adjusted without permission from the County Prosecutor's Office.

2. Bias offenses shall not be adjusted without the permission of the County Prosecutor's Office.

3. Sexual Offenses shall not be adjusted without the permission of the County Prosecutor's Office.

4. Offenses resulting in serious and/or significant bodily injuries shall not be adjusted without permission of the County Prosecutor's Office.

5. Third degree offenses shall not be adjusted without the permission of the County Prosecutor's Office.

6. Offenses shall not be adjusted if the law enforcement agency is aware that the juvenile has other charges already pending before the court.

7. Offenses shall not be adjusted when the juvenile is currently on probation, parole, home detention or other court ordered disposition.

E. Offenses that may result in the taking of the juvenile into custody but may result in either the signing of a juvenile complaint or a stationhouse adjustment. The officer should consider these types of offenses to be first addressed by the use of a stationhouse adjustment.

1. Ordinance violations

a. Including offenses that if committed by an adult would not be a violation (status offenses).

2. Petty disorderly persons offense

a. Including offenses that if committed by an adult would not be a violation (status offenses).

3. Disorderly persons offense

a. Including offenses that if committed by an adult would not be a violation.

4. 4th degree offenses

a. May be considered for stationhouse adjustment if the juvenile has no prior record that is known to the law enforcement agency.

F. Advisement of Constitutional Rights

1. Juveniles taken into custody are to be immediately advised of the reason for custody and their constitutional rights.

G. Juveniles taken into custody are to be transported directly from the scene to the police department or other juvenile facility as directed. The only exception being when directed to do otherwise by an appropriate authority or circumstances require that the juvenile be transported to a medical facility for treatment.

H. Notification of Parents.

1. A parent or legal guardian must be contacted as soon as possible once a juvenile in custody has been positively identified. They are to be advised of the reason for custody, the custody status and estimated time and conditions of release. They are also to be advised of any additional investigative procedures that may be taken.

III. Juvenile Officers.

A. The Chief of Police will designate one or more officers as Juvenile Officers.

B. Juvenile Officers will be responsible for reviewing all cases where a juvenile is taken into custody by this agency.

C. The Juvenile Officer who reviews the arrest of a juvenile shall, using this policy as a guide, determine which enforcement option is most appropriate.

D. The Juvenile Officer shall ensure that all aspects of this policy are followed.

IV. Notification of the Juvenile Officer.

A. If a Juvenile Officer is on duty when a juvenile is taken into custody, the Juvenile Officer will be notified as soon as possible.

B. If there is no Juvenile Officer on duty when a juvenile is taken into custody, the officer will forward a copy of the report to the Juvenile Officer.

C. Any juvenile investigation regarding a 1st or 2nd degree crime requires the immediate notification of the Juvenile Officer (on-duty or off-duty) by the investigating officer.

V. Assessing the Juvenile for Signs of Harm.

A. Officers shall visually observe the juvenile looking for any visual cues, both physiological and psychological, to determine whether the juvenile has been harmed. Officers will also interview the juvenile in order to determine if the juvenile is alleged to have been harmed or in danger of harm. Any emergent medical conditions shall be treated immediately at an appropriate medical facility. Officers will assist the hospital staff, as needed, in locating and contacting the juvenile's parents and/or guardians for authorization of treatment.

B. Emergent Protective Custody: Protective custody is a device to be used in crisis situations. It does not apply to a juvenile taken into custody on delinquency matters. An officer who determines there is an emergent need to take a juvenile into protective custody in order to protect the child shall immediately inform his/her supervisor prior to taking any such action (absent exigent circumstances). Once taken into custody, the Division of Youth and Family Services must be notified immediately. DYFS will direct where the juvenile is to be taken by the officer.

C. The Division of Youth and Family Services (DYFS) shall be immediately notified when any of the following is suspected:

1. Abuse or neglect by a parent, guardian or other person having custody or control.

2. The child has been exposed to any indecent, immoral or unlawful act that may tend to debauch, endanger or degrade the morals of the child, or is suspected of having been subjected to an act of sexual abuse.

3. The child has been employed in an occupation which would be injurious to his/her health, dangerous to his/her life, contrary to the law of this State or in such a manner to be dangerous to the morals of the child.

VI. Enforcement Options.

A. In keeping with the doctrine of parens patriae, i.e., that the state plays the role of parent to the child rather than adversary, it is the policy of this department to use the least forceful alternative when disposing of cases involving juveniles, provided that the course of action will effectively deal with the youthful offender. The following options are available when dealing with juvenile offenders:

1. Curbside Warning.

a. Juvenile is detained but is not taken to the police department or any other custodial or law enforcement facility because the offense does not rise to the level of an arrest situation. While detained, juvenile is counseled as to the consequences of his/her actions.

b. Upon completion of counseling, officer may elect to either transport the juvenile home or direct him/her to return home on his/her own. Such action should only be taken when the officer reasonably believes the juvenile will return home and will be able to do so in a safe manner.

c. In instances where curbside warnings are deemed appropriate, the investigating officer will complete or verify completion of a CAD entry ensuring that the name of the juvenile is entered. No other action will take place. The officer handling this type of incident will forward a copy of the CAD entry to the Juvenile Officer.

2. Stationhouse Adjustment.

a. The juvenile is taken into custody and transported to the police department.

1. Custody at the police department shall be maintained in a non-secure detention location.

2. A police officer shall, at all times, remain with the juvenile until released from custody.

b. A parent or legal guardian/caregiver will be contacted and advised as to why the juvenile is in custody. The parent, guardian/caregiver or their designee shall be required to respond to the police department.

1. The parent, guardian/caregiver or their designee is required to respond to the police department if the officer is considering conducting a stationhouse adjustment.

c. When considering the appropriateness of conducting a stationhouse adjustment, the following factors shall be considered:

1. The age of the offender. Younger offenders, particularly those who may be less able to understand the consequences of their actions, may be more appropriate for stationhouse adjustment. However, no juvenile offender is automatically excluded due to age.

2. Officers shall consider any record of prior juvenile complaints or stationhouse adjustments. Juveniles with a prior serious offense, or more than two minor offenses, should ordinarily not receive a stationhouse adjustment.

3. Officers shall consider the cooperation and attitude of all parties (juvenile, parents, guardians/caregivers, or designee and victim).

d. The Juvenile shall be advised of the consequences of future delinquent activity. They shall be read the information contained within the contents of the Stationhouse Adjustment Warning (Appendix A). The parent, guardian/caregiver or their designee shall also be provided with a copy of the warning.

e. If there is a known victim of the alleged offense, the victim must be notified and agree to the process. Where appropriate, victims should be informed that this process is a more efficient and expeditious process that enables a matter to be resolved locally.

1. A stationhouse adjustment may proceed without the active participation of a victim, but is not permitted when the victim objects.

2. A victim who objects to a stationhouse adjustment should be permitted to sign a juvenile delinquency complaint, unless the complaint is clearly frivolous or lacking probable cause, in which case the officer has the discretion pursuant to N.J.S.A. 2B:12-21(b) to refuse to accept the complaint.

f. The juvenile shall agree not to offend again and the juvenile and his or her parent, guardian/caregiver or designee shall be informed that a subsequent offense or failure to comply with the terms of the stationhouse adjustment agreement may result in the filing of a juvenile delinquency complaint for the offense.

g. The officer shall complete a stationhouse adjustment form, which must be signed by the juvenile and a parent, guardian/caregiver or designee (Appendix B).

1. Examples of stationhouse adjustment techniques:

a. Letter of apology.

b. Essays on a criminal justice topic.

c. Requesting parent or guardian/caregiver to require juvenile to perform additional household jobs.

d. Juvenile agreement to make restitution in appropriate cases - this option requires officer follow-up. The restitution should be simple and short term to avoid long term involvement by the Police department.

e. Copies of the agreement shall be maintained in the case file and provided to the juvenile and to the parent, guardian/caregiver or designee.

h. Any time that a Stationhouse adjustment is utilized by officers, there shall be a clear record of the action. Listed below are some, but not all documents required.

1. CAD entry. This shall include all information required for an accurate record of the incident-names of juvenile(s), victim(s), parent(s) or guardian(s). Description of incident as well as a description of the agreed upon stationhouse adjustment techniques.

2. Stationhouse adjustment contract (Appendix B).

3. Stationhouse warning (Appendix A).

4. Statements.

i. The police department shall maintain the records of all stationhouse adjustments. The Juvenile Officer will submit a quarterly report to the Chief of Police detailing incidents during that quarter. This report will also be forwarded to the County Prosecutor's Office.

1. Information reported shall be recorded on the Stationhouse Adjustment Quarterly Report. There shall not be any names of juvenile offenders on this report. The only information identified shall be as listed below:

a. Age at time of offense.

b. Race (as reported by the juvenile).

c. Gender.

d. Alleged offense.

e. Outcome.

f. If no stationhouse is conducted, identify the reason why.

2. Quarterly Reports are to be submitted no later than the dates indicated below:

a. April 15 (first quarter).

b. July 15 (second quarter).

c. October 15 (third quarter).

d. January 15 (fourth quarter).

3. Quarterly Reports will be completed by the Juvenile Officer and forwarded to the Chief of Police via the chain of command and the County Prosecutors Office. Quarterly reports will be maintained by this police department for five years.

3. Juvenile Complaints with Custody.

a. The juvenile is taken into custody and transported to the police department.

1. Custody at the police department shall be maintained in a non-secure detention location.

2. A police officer shall at all times remain with the juvenile until released from custody.

b. A parent or legal guardian/caregiver will be contacted and advised as to why the juvenile is in custody. The parent, guardian/caregiver or their designee shall be required to respond to the police department.

c. Under no circumstances will any juvenile taken into short-term custody for a juvenile family crisis be held more than six hours, and a juvenile taken into short-term custody will not be detained in a detention facility or jail.

d. A juvenile that has been taken into custody may be released to a responsible person or agency except in the following circumstances. If one of these circumstances exists, contact must then be made with the on-call Juvenile Intake Unit and they will determine if the juvenile will be further detained at the Youth Detention Center:

   1. The release of the juvenile will adversely affect the health, safety or welfare of the juvenile.

   2. The juvenile was charged with an offense of the first or second degree.

   3. Detention is necessary to secure the presence of the juvenile at the next hearing or likelihood exists that the juvenile will not appear at the next court hearing.

e. When a Juvenile Complaint has been initiated and continued detention is not warranted, the juvenile may be released to a parent, guardian/caretaker or a designee.

   1. The parents will be advised of the pending complaint.

   2. All related reports and the original juvenile complaint shall be forwarded by the Records Bureau to the appropriate juvenile court once the case has been reviewed by the Juvenile Officer.

f. The investigating officer will prepare the Juvenile complaint and the original complaint will be forwarded to the Juvenile Officer. The Juvenile Officer will review the original juvenile complaint before it is forwarded to juvenile court.

4. Juvenile Complaints without Custody.

   a. The investigating officer will prepare the Juvenile Complaint and the original complaint will be forwarded to the Juvenile Officer. The Juvenile Officer will review the original juvenile complaint before it is forwarded to juvenile court.

   b. Notice to the parent(s) or guardian/caregiver must be made explaining the pending complaints within (72) hours of complaint initiation and that they will receive these complaints from the Superior Court-Family Part once they have been processed.

5. Issuance of Written Traffic Citations.

a. There are only a few exceptions which allow an officer to issue a citation or summons in lieu of taking a juvenile into custody. Most of these exceptions pertain to motor vehicle laws. N.J.S.A. 2A:4A-23 specifically excludes violations of chapters 3, 4, 6, and 8 of Title 39 as delinquent conduct. Therefore, any such motor vehicle violation alleged against a juvenile of any age can be heard in Municipal Court. All officers may issue a motor vehicle summons to the juvenile for a violation. Officers may arrest a juvenile for those violations which would warrant the arrest of an adult.

b. Notification to Parent/Guardian: Where a motor vehicle summons has been issued to a juvenile under the age to lawfully obtain a permit, the issuing officer shall ensure that the juvenile's parent or guardian is notified. For minor offenses, this notification can be made by telephone.

VII. Referral to the Juvenile Justice System.

A. In those cases where an alleged juvenile offender has been involved in serious criminal conduct or repeated violations, officers should, as a matter of course, refer the case to the juvenile justice system (sign a Complaint of Juvenile Delinquency), unless there are specific mitigating circumstance to recommend otherwise. In general, delinquent acts requiring referral to the juvenile justice system would include:

1. All delinquent acts that if committed by an adult, would be an indictable offense (first through fourth degree crimes).

2. All delinquent acts involving weapons.

3. All serious gang-related delinquent acts.

4. All delinquent acts committed by juveniles on probation, parole, home detention or suspended sentence.

5. Acts committed by juveniles who have been identified as an Impact Offender, or who have charges pending or have a history of repeated delinquent acts.

6. Juveniles, who have been selected to participate in a diversion program, but refuse to participate.

7. In those cases where it has been determined that parental supervision is not effective.

8. In those cases where it has been determined that the juvenile offender represents a threat to him/herself or the community if released.

9. Any act that is committed by a juvenile where there is sufficient probable cause to believe that the juvenile has committed an act of delinquency that would constitute a violation of any offense defined in Chapter 35 or 36 of Title 2C ("The Comprehensive Drug Reform Act"), as required by Directive 5.7 of the Statewide Action Plan for Narcotics Enforcement. Where a juvenile is taken into custody for an act of delinquency involving a violation

of any offense defined in Chapter 35 or 36 of Title 2C, a complaint alleging delinquency shall be filed.

10. Violations of underage possession and/or consumption of alcoholic beverages.

VIII. Considering Alternative Options.

A. Officers are in the best position to evaluate the circumstances surrounding the commission of a delinquent act by a juvenile. The stability of the home, peer pressure, the nature of the offense, the age of the offender, their prior record, the availability of community based rehabilitation programs, the likelihood that the juvenile will commit further acts and the victim's recommendations, are all factors that the officer must consider when referring alleged juvenile offenders to formal legal proceedings. The following criteria should be utilized in determining which would be the best approach in terms of handling a juvenile offender. Depending upon the seriousness of the offense and the actual threat that the juvenile represents to him/herself or the community, these factors may include:

1. The nature of the alleged offense. The officer shall determine whether the juvenile is alleged to have engaged in noncriminal misbehavior (a status offense). The more serious the offense, the greater the need to have the juvenile referred for more formal action, while relatively minor infractions may simply be referred to the juvenile's parents or guardians for appropriate action.

2. The age and circumstances of the alleged offender have a bearing on just how effective less coercive remedies may have on future conduct of the juvenile offender. Often an officer is able to determine if his/her intervention is sufficient to ensure that there is a reluctance of the juvenile to become involved at a future time.

3. The alleged offender's record, if any. Despite the seriousness of the offense committed, patterns of aberrant behavior may signify that more formal action may be necessary, even though the offense itself was relatively minor.

4. The availability of community based rehabilitation programs. Depending upon what social services are available and how they are accessed by this department should be part of the officer's consideration when making recommendations concerning the disposition of juvenile cases.

5. When considering diversion, other factors to consider may also include the following:

   a. The juvenile is cooperative and admits to the offense.

   b. The juvenile has an attitude conducive to rehabilitation.

   c. The extent of the juveniles' involvement in the offense.

   d. The attitude of the parents or legal guardian is positive and supportive.

   e. The wishes of the victim and/or complainant in the case.

IX. Fingerprinting and Photographing.

A. When a juvenile who is fourteen or older is charged with an offense that would be a crime if committed by an adult, all reasonable steps shall be taken to photograph and fingerprint the Juvenile. This includes those times when a delinquency complaint is signed by a private citizen.

1. "Fourteen or older" means that the juvenile was fourteen or older at the time the charged offense was committed.

2. "All reasonable steps" shall include taking the juvenile into custody pursuant to law, or having the juvenile voluntarily respond to headquarters.

B. Photographs will only be taken on juveniles fourteen years of age or older who have committed an indictable offense.

C. Juveniles charged with delinquency who are under the age of fourteen at the time of the crime may not be fingerprinted. These juveniles may only have their fingerprints taken at the time they are adjudicated delinquent for an act which, if committed by an adult, would constitute a crime. Juveniles who are charged with disorderly person's offenses or petty disorderly person's offenses may not be fingerprinted or photographed at all.

D. Fingerprints and photographs may be taken of juveniles of any age for criminal identification purposes, with the consent of the court, or of the juvenile and parent or guardian. Such prints, when taken, shall be destroyed when the purpose for the taking of the fingerprints is fulfilled.

X. Custodial Interviews of Juveniles.

A. Juveniles have the right to counsel at every stage of the juvenile process. Prior to interviewing a juvenile concerning a criminal investigation, officers must first contact the parents or guardians of the juvenile and request that they respond to police headquarters. The investigating officer shall then give Miranda Rights to the juvenile in the presence of his/her parents. The officer shall not question or take statements from juveniles without the parent's permission. If the parents cannot be reached after a reasonable amount of time, then another responsible adult family member may take their place.

B. Although the parent or legal guardian may elect not to be present for the interview, they and the juvenile must be advised of their right to confer privately prior to questioning and the parent's right to be readmitted to the interview or to stop the interview at anytime.

C. Should a parent or legal guardian choose not to be present, they are to complete and sign the bottom portion of the Rights form. The advising officer and a witness will also sign the form.

D. If a parent or legal guardian chooses not to be present and refuses or is unable to respond to the location of the interview, the rights form may be faxed to them as long as prior to faxing the advising officer reads the form to them via telephone and reasonably believes that they understand its contents. The interview is not to be conducted until the signed form is returned. If necessary, the form may also be hand carried to the parent or legal guardian if authorized by the supervisor in charge of the investigation. If a parent or legal guardian refuses to sign the form, no interview is to be conducted unless authorized by a supervisor.

E. Prior to any questioning, the officer conducting the interview must clearly explain to the juvenile and parent or legal guardian, if they choose to be present, the department's interview procedures and policies regarding juvenile offenders. They shall also be advised of any possible action that may be taken within the juvenile justice system and procedures within the system.

F. No more than two officers may be involved in the interviewing of a juvenile at any one time. Although there may be instances where other officers become involved in the interview, only two officers may actively conduct the interview. Other officers may be present as witnesses only, if approved by the officers conducting the interview and their supervisor.

G. No juvenile shall be interviewed in excess of one continuous hour without a break of at least (10) minutes. After each break, the interview may be resumed for another hour until such a time as the juvenile or parent invokes the right to counsel or silence, or further interviewing would be fruitless, or the purpose of the interview has been accomplished. Juveniles should not be questioned longer than four (4) hours unless authorized by the County Prosecutor's Office.

H. Juveniles shall have reasonable access to toilets and water or other beverages while being interviewed. Juveniles will be given an opportunity to eat if an interview extends through a normal meal period.

I. Situations involving school interviews or other third party interviews, where a school official or other non law enforcement officer conducts the interview and the officer stands by in silence, are prohibited. This type of interrogation should only be conducted after the juvenile and his/her parents have been notified of their rights and where the parents or guardians are present.

J. A spontaneous confession by the juvenile is acceptable. However, the officer is not to further question the juvenile until he/she has given the juvenile his/her Miranda Rights in the presence of the parents/guardians.

K. When juvenile complaint is initiated and a judicially approved arrest warrant is obtained the juvenile may only waive their Miranda Rights in the presence of and after consultation with their attorney. This requirement applies to adults as well if they were a juvenile at the time of the offense or when the arrest warrant was obtained (reference State of New Jersey In the Interest of P.M.P. A-63-08).

XI. Police Operations on School Property.

A. All police operations conducted near or on any school grounds will be conducted in accordance with the "Uniform State Memorandum of Agreement between Education and Law Enforcement Officials." A copy of this document is filed with this policy. It will be the responsibility of the juvenile officer to make sure the most recent copy of this agreement is on file with this policy.

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 15	# OF PAGES: 9

SUBJECT: CRIMINAL INTELLIGENCE AND SURVEILLANCE

ISSUED BY: Chief Kenneth R. Ehrenberg	EFFECTIVE DATE: June 4, 2014	ACCREDITATION STANDARDS: 43.1.1, 43.1.5
SUPERSEDES ORDER #:		

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

PURPOSE: To establish guidelines for the basic collection, processing, and storing of criminal intelligence including vice, drug, and organized crime activities and investigations. This policy also establishes guidelines for agency personnel participating in or conducting surveillance, undercover, decoy, and raid operations.

POLICY: One of this department's primary missions is to deter criminal acts, apprehend criminals involved in criminal acts, and to collect intelligence to achieve the two aforementioned goals. It is every employee's duty to report any information that is related to a criminal act, potential criminal act, or situation that could cause potential harm to anyone. This policy also outlines how surveillance operations may be conducted to achieve this.

PROCEDURES

I. Procedures for Investigation.

A. All personnel will report, in writing, any information coming to their attention concerning organized crime, drug, or vice crime activities directly to the supervisor of the detective bureau. At the discretion of the supervisor of the detective bureau, this information will be turned over to the appropriate investigator. Such reports will be kept completely confidential. The Detective Division Commander or their delegate will serve as the department's focal point for the investigative coordination of vice, drug, organized crime, and intelligence activity, and will determine whether the report or information:

1. Relates to an ongoing investigation and, if so, ensure the new information report is incorporated;

2. Is new information of significant worth which should be followed up with a preliminary investigation? If so, the case is assigned to an investigator;

3. Should be coordinated with other investigative agencies (county, state, or federal) due to the jurisdiction(s) or activity(s) involved;

4. Is limited to criminal conduct and related to activities that present a threat to the community;

5. Is perceived as accurate and valid, and the investigative techniques needed to address these crimes, and any operational problems, unavailability of departmental resources, etc.

B. The Detective Division Commander or their delegate will maintain a confidential and secure record of complaints received;

C. The Detective Division Commander or their delegate will maintain a file of all information conveyed to and received from outside agencies in relation to vice and organized crime activities. Information is stored in the files chronologically and separated by "Internal" (law enforcement generated) and "External" (outside law enforcement). The files are purged every January.

D. The Chief of Police will be briefed at least monthly by the supervisor of the detective bureau regarding the status of the following:

1. New complaints received and processed.

2. The investigative status of any ongoing cases.

3. The closure of any cases.

II. Introduction to Conducting Surveillance, Undercover, Decoy, and Raid Operations.

A. This policy and subsequent procedures are provided to agency personnel to guide them in participating in or conducting in surveillance, undercover, decoy, and raid operations involving investigations including vice, drug, and organized crimes.

B. The detective assigned to a case through their chain of command shall determine the appropriate investigative methods to be employed during an investigation including, but not limited to, conventional investigative methods, surveillance, undercover, decoy or raid operations. All methods will follow applicable criminal procedures.

C. Based on the type of investigation and with approval through their chain of command, a detective may use outside resources to assist this agency in conducting covert operations. These may include, but are not limited to:

1. Other municipal, county and state law enforcement agencies;

2. Our county or other county prosecutor's offices;

3. New Jersey State Attorney General's Office;

4. New Jersey State Police Specialized Units;

5. New Jersey State Police Forensics Laboratory;

6. Federal Bureau of Investigation Specialized Units and Forensics Laboratory;

7. United States Secret Service;

8. Drug Enforcement Administration.

III. Surveillance Operations.

A. Surveillance can be generally defined as the covert observation of places, persons and vehicles for the purpose of obtaining information concerning the identities or activities of subjects.

1. Surveillance can be done loosely, i.e., a few hours a day on an occasional basis or at a fixed location (usually referred to as a "stakeout") and any variation in between.

2. Surveillance can be accomplished from any location.

B. The objectives of surveillance involving a person or place include, but are not limited to the following:

1. To detect criminal activity;

2. To discover the identity of persons who frequent an establishment and to determine their relationships;

3. To discern the habits of a person who lives in or frequents a particular location;

4. To obtain evidence of a crime or to prevent the commission of a crime;

5. To provide information that will form the basis for obtaining a search warrant;

6. To protect and support undercover detectives; and

7. Locate and record the possession of assets.

C. When surveillance fails or is compromised it often carries a double misfortune. The investment of time has been wasted, and the situation is often immeasurably worse than before because the subject of the surveillance may be alerted to the investigative activity and will probably increase his precautions considerably. Therefore, careful planning and strict adherence to the operational plan is of paramount importance. To plan a safe and effective surveillance, the following must be considered and/or accomplished:

1. The type of operation are you conducting;

2. The goal of the surveillance;

3. The location of the target of the surveillance;

4. Obtain criminal histories on all involved targets;

5. Identify co-conspirators and relatives in the area;

6. Check for counter-surveillance;

7. Attempt to obtain surveillance vehicles that blend into the neighborhood;

8. Identify and procure the technical equipment needed by the team;

9. Obtain descriptions and pictures of all involved, if possible;

10. Dedicate sufficient resources to the surveillance;

11. Determine the threat level of those under surveillance;

12. Obtain background information on all persons likely to be encountered during the surveillance;

13. Design and implement a comprehensive operational plan.

D. The selection of detectives for the surveillance is a critical stage in planning the operation. Among other qualities, the surveillance detectives should:

1. Have demonstrated an ability to rapidly retain and record information. In many cases the detectives assigned to surveillance will be required to record a quantity of information in a few seconds while trying to remain inconspicuous;

2. Have the patience for remaining on a stationary assignment for long periods of time in varying conditions with limited personal necessities;

3. Be capable of remaining alert and focused on the target. Inattentiveness can result in a missed opportunity to obtain valuable information or worse, a dangerous situation for the surveillance detectives in the event that their surveillance operation is discovered by the target;

4. Have the training and experience necessary to properly operate all of the equipment that may be utilized during the operation. Many times there will only be a small window of opportunity for capturing photographs or videotaping the targets;

5. Have demonstrated the ability to create an accurate, orderly and legible record of all events associated with the surveillance.

E. [redacted]

F. [redacted]

G. A supervisor must be designated as detective or supervisor in charge of the operation and will have the responsibility for reviewing all operational plans and maintaining close supervision over the operation. Finalized plans for surveillance operations must be approved by the ranking detective supervisor. The detective supervisor will be responsible for making notification to the command staff as deemed necessary.

H. The technical equipment and vehicles necessary for the surveillance shall be coordinated through the designated detective or supervisor in charge.

1. Specialized surveillance equipment (cameras, recording devices, etc.) are available for use. No prior authorization is needed to utilize this equipment.

2. Specialized surveillance equipment utilized for an operation must be signed out.

3. Only detectives who have received training and demonstrated a working knowledge of the specialized surveillance equipment shall be issued such equipment for use in an operation.

4. Specialized surveillance equipment shall only be utilized in the manner prescribed in the operational plan approved for the surveillance/undercover operation. Any deviation from the original plan shall require supervisory approval.

5. Specialized surveillance equipment shall not be misused, mistreated or used in any unlawful manner, nor shall it be loaned to any other agency without the expressed approval of a member of the command staff.

I. A communications channel shall be selected for the primary frequency for the operation. It is imperative that all units at the surveillance location have the ability to communicate on the frequency.

1. When the surveillance is multi-jurisdictional, this may require the loaning of portable communications equipment to participating agencies.

2. When the surveillance involves a sensitive investigation and the need for confidentiality is present, the primary operational frequency shall be cleared for the operation and shall not be disclosed to anyone not involved in the operation.

J. If the purpose of the surveillance is to locate and arrest an individual or group of individuals, a component of the operational plan must address the arrest procedures that are planned. Individual assignments shall be given to members of the surveillance team relative to the contact/arrest of individuals.

1. If there is a likelihood that the suspects will be armed or may violently resist arrest, an Emergency Service Unit (ESU) or a Special Weapons and Tactics (SWAT) team will be utilized for the operation and the ESU or SWAT team leader shall be responsible for planning the contact/arrest component of the operational plan.

K. If it becomes necessary to suspend regular law enforcement activities in an area where a surveillance operation is being conducted, the detective or supervisor in charge of the surveillance will liaison with the patrol supervisor.

L. Prior to deployment the detective or supervisor in charge of the surveillance operation shall assemble all detectives assigned to the surveillance for a briefing on the operational plan, to include:

1. The type of operation and stated goals;

2. All available intelligence associated with the targets (suspects), the composition of the neighborhood, the probable occupants of the target location, armament present and potential for violence, probable escape routes, anticipated activities, vehicles known to frequent the location, etc;

3. Individual and team assignments and responsibilities for all personnel as well as manpower rotation and relief procedures;

4. Review of contingency plans in cases relating to the use of force, injury of detectives or civilians, taking of hostages, barricaded suspects, threatened use of explosives or other unexpected events and potential logistical problems such as communications, equipment or vehicle failure;

5. The identity of the detective or supervisor in charge of the operation and additional supervisory personnel assigned to the operation.

M. As a general rule, the on-duty patrol supervisor should attend the briefing in order to become acquainted with the parameters of the operation.

1. On the rare occasion of a highly sensitive investigation, only the Chief of Police will be provided with information concerning the existence of the surveillance operation.

N. The detective or supervisor in charge shall remind all personnel assigned to the surveillance operation to bring enough supplies to sustain themselves throughout the scheduled operation.

O. All equipment shall be tested prior to the commencement of the operation.

P. All vehicles to be used in the operation shall be inspected to ensure proper functioning.

Q. Any detective conducting a planned surveillance of a location/subject must complete and submit a Surveillance Activity Report detailing all activities at the location under surveillance.

1. The report shall document all activities including, but not limited to:

a. Arrival and departure time of all individuals;

b. A description of all arriving and departing individuals;

c. Complete description of any vehicle arriving at or departing from the location;

d. Note photographs taken. Document time of photo and subject matter;

e. Miscellaneous activity at the location under surveillance;

f. Miscellaneous relevant observations in the area; and

g. Detective contacts with any individuals at the surveillance location.

2. Completed surveillance reports will be reviewed by the unit supervisor and retained in the applicable case or intelligence file. Background data on all identified individuals and vehicle owner/operators shall be compiled and reviewed for investigative leads.

IV. Undercover and Decoy Operations.

A. All normal undercover and decoy operations will be conducted by agency personnel in accordance with agency policy and the individual detective's training. No detective shall operate in an undercover or decoy capacity unless it is authorized and there is at least a second detective monitoring to act as backup for officer safety.

B. All operations utilizing agency personnel in an undercover and decoy capacity being high-risk in nature must be approved by a supervisor. Supervisory personnel involved in the undercover or decoy operation will ensure that all means operationally feasible have been taken to assure the safety of the detective and any uninvolved third parties. Prior to any operation, a detailed operational plan will be submitted to the supervisor in charge for approval. The operational plan should at a minimum include the following:

1. The briefing location, date and time.

2. A brief description of the circumstances involved in the investigation.

3. A detailed physical description of the target location as outlined in the affidavit.

4. A description of the suspects associated with the location/investigation.

5. All units and personnel involved with contact numbers.

6. Emergency information (i.e., nearest hospital, trauma center, etc.).

7. Methods and manner of communication to be utilized.

8. Any miscellaneous information such as suspected weapons or history of violence for targets and/or individuals associated with the location.

C. While conducting undercover and decoy operations, all personnel will adhere to all existing agency policies, procedures, and orders as they apply to circumstances which may arise as a result of the operation.

V. Raid Operations Involving Search and/or Arrest Warrants.

A. To ensure the target location detailed in the search warrant is correct, the affiant for the search warrant will conduct all logistical checks prior to the court's authorization. The affiant and/or a supervisor will provide detailed information to the team conducting the operation regarding target(s) and target locations(s) to ensure the de-escalation process is completed and tactical analysis is shared.

B. A tactical unit may be deployed to assist with the tactical entry. The case detective or any other sworn law enforcement personnel with knowledge of the target and/or the target location will schedule and personally conduct an exploratory examination of the target location with the tactical unit that will be conducting the entry prior to the date of execution of the search warrant. When operationally feasible, the surveillance will include detailed photographs of the target location which will be made available to the tactical entry unit and the search and arrest teams prior to the execution of the warrant.

C. A detailed operational plan will be completed which will include, but not be limited to the following:

1. The briefing location, date and time;
2. A brief description of the circumstances involved in the investigation;
3. A detailed physical description of the target location.
4. A description of the suspects associated with the location/investigation;
5. Photographs of target location and / or suspect(s)
6. All units and personnel involved with contact numbers;
7. Emergency information (i.e., nearest hospital, trauma center, etc.);
8. Methods and manner of communication to be utilized;
9. Any miscellaneous information such as suspected weapons or history of violence for targets and/or individuals associated with the location.
10. Prior to the execution of a search and/or arrest warrant, agency personnel shall attempt to ensure that no other law enforcement agency, be it federal, state, county or municipal, is actively engaged in an investigation concerning the target and/or the target location. Agency personnel shall utilize any and all available intelligence data bases to accomplish said objective.

D. Prior to the execution date for the search warrant, the affiant will ensure the operational plan and search warrant or arrest warrant are reviewed and approved by a supervisor.

E. The following will outline procedures to be taken in executing search and or arrest warrants on structures.

1. At the briefing for the search warrant operation, the affiant and/or the area supervisor or lead detective will provide a detailed physical description and photographs (if available) of the target location to the tactical unit responsible for entry and the investigatory team.
2. A copy of the search warrant will be provided to the "on scene" supervisor who will have the warrant in their possession at the time of entry.
3. The affiant or other designated unit member who has conducted prior surveillance and/or is familiar with the target location will accompany and

direct the tactical unit to the specific target location to execute the warrant.

4. The detective who confirmed the location on prior surveillance will be on the scene at the target location to confirm the location is correct and is, in fact, the one detailed in the affidavit.

5. Once the target location has been confirmed, the tactical unit will make entry to the location. Once entry has been completed, investigative personnel will enter and conduct investigative related duties (i.e., search of residence, interviews of suspects, evidence processing, etc.). At the conclusion of the execution of the warrant, a receipt containing any items that were removed, as well as a copy of the warrant, will be left at the residence either in plain view or with any persons present.

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 16	# OF PAGES: 17

SUBJECT: PURSUIT & FORCIBLE STOPPING GUIDELINES

ISSUED BY: Chief Kenneth R. Ehrenberg	EFFECTIVE DATE: March 27, 2017	ACCREDITATION STANDARDS: 41.2.2. 41.2.3
SUPERSEDES ORDER #: GO 1.12.00 (10-26-09) Updated 03-27-2017		

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

PURPOSE The purpose of this directive is to establish this department's policy and procedures concerning vehicle pursuits.

POLICY It is the policy of the Paramus Police Department to utilize procedures that are consistent with those provided by in New Jersey Attorney General's Guidelines and those provided by the Bergen County Prosecutor. Citizen and officer safety is the paramount consideration.

Because it is impossible for this directive to anticipate every possible circumstance, this directive is intended to serve as a guide for police officers in the use of discretion regarding matters relating to vehicular pursuit.

Rigorous compliance with this directive should help to mitigate life-threatening situations for members of this department and the citizenry at large, and should help sustain the general health, safety and welfare of the community. It will further help promote public confidence in the police department.

Deciding whether or not to pursue a motor vehicle is one of the most critical decisions made by law enforcement officers. It is a decision that must be made quickly and under difficult and often unpredictable circumstances. In recognition of the potential risk to the public safety created by vehicular pursuits, no officer or supervisor shall be criticized or disciplined for a decision not to engage in a vehicle pursuit or to terminate an ongoing vehicle pursuit based on the risk involved, even in circumstances where this directive would permit the commencement or continuation of the pursuit.

The Patrol Division Commander and Chief of Police shall be immediately notified if a collision resulting in any injury occurs during the course of a police pursuit. Additionally, the Bergen County Prosecutor's Office Collision Analysis & Reconstruction Unit shall be immediately notified for pursuit related collisions involving serious bodily injury.

PROCEDURES

I. General

A. Officers participating in any pursuit must consider road conditions, weather conditions, and the nature of the offense, the safety of the officer and the safety of the general public.

B. A police officer has the authority, at all times, to attempt the stop of any person suspected of having committed any criminal offense or traffic violation. It is clear that while it is the officer who initiates the stop, it is the violator who initiates the pursuit. The officer's decision to pursue should always be undertaken with an awareness of the degree of risk to which the law enforcement officer exposes himself and others. The officer must weigh the need for immediate apprehension against the risk created by the pursuit.

C. It is impossible to describe exactly how a law enforcement officer should pursue a fleeing violator of the law except to state that it must be in accordance with existing law and with due regard for the safety of all persons. Each pursuit has certain different and unique aspects. Accordingly, the provisions set forth in these guidelines are intended to assist personnel when operating an authorized emergency vehicle to determine what standard of care is reasonable, commensurate with the various circumstances under which the officer has a duty to inform and enforce the law.

II. Definitions

A. **Attempt to Stop** is an action by officers to close the distance gap between the police vehicle and the violator vehicle. The use of audio and visual emergency equipment may or may not yet be employed at this phase.

B. **Authorized Tire Deflation Device** is a device designed and intended to produce a controlled deflation of one or more tires of a pursued vehicle.

C. **Avenue(s) of Escape** is a gap in a roadblock that requires the violator to decrease the vehicle's speed to permit them to bypass the roadblock.

D. **Baiting** is a willful attempt to entice or lure a police officer to engage in a pursuit.

E. **Blocking Vehicle** is a motor vehicle, often a law enforcement vehicle, which is placed perpendicular to a roadway or angled in such a way as to create a roadblock.

F. **Boxing In** is the surrounding of a violator's *moving* vehicle with *moving pursuit vehicles* that are then slowed to a stop along with the violator's vehicle.

G. **CAD** refers to this department's Computer Aided Dispatch system.

H. **Dispatcher** includes public safety telecommunicators and police officers assigned to the communications center.

I. **Divided Highway** is a road that includes a physical median between traffic traveling in opposite directions.

J. **Heading Off** is an attempt to terminate a pursuit by pulling ahead of or towards a violator's moving vehicle to force it to the side of the road or to otherwise come to a stop.

K. **Street Paralleling** is driving a police vehicle on a street parallel to a street on which the pursuit is occurring.

L. **Vehicle Paralleling** is a deliberate offensive tactic by one or more patrol vehicles to drive alongside the pursued vehicle while it is in motion.

M. **Pursuit Driving** is an active attempt by law enforcement officers, operating a motor vehicle and utilizing simultaneously all emergency equipment, to apprehend one or more occupants of another moving vehicle when the driver of the fleeing vehicle is aware, or should be aware of that attempt, and is purposely, knowingly or recklessly resisting apprehension by maintaining or increasing their speed, ignoring the officer, or attempting to elude the officer, while driving at speeds in excess of the legal speed limit.

N. **Primary Unit** is the police vehicle that initiates a pursuit or any unit that assumes control of the pursuit as the lead vehicle (the first police vehicle immediately behind the fleeing suspect).

O. **Secondary Unit** is any police vehicle that becomes involved as a backup to the primary unit and follows the primary unit at a safe distance.

P. **Roadblock** is a restriction or obstruction used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to affect the apprehension of a violator.

Q. **Specialty Vehicle(s)** includes Segway®, bicycle, truck, and other truck chassis vehicles. The term also includes any police vehicle actively towing a trailer.

R. **Standard of Care**: N.J.S.A. 39:4-91 sets forth the standards of right of way for emergency vehicles that reads in part:

"...This section shall not relieve the driver of any authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall it protect the driver from the consequences of his reckless disregard for the safety of others."

S. **Vehicle Contact Action (Ramming)** is any action undertaken by the pursuing officer intended to result in contact between the moving police vehicle and the pursued vehicle.

T. **Violator** is any person who a law enforcement officer reasonably believes:

1. Has committed a crime of the first or second degree or a crime enumerated in subsection III.A.2 of this directive, or

2. Poses an immediate threat to the safety of the public or other police officers.

III. Authorization to Pursue

A. A police officer may only pursue:

1. When the officer reasonably believes that the violator has committed an offense of the first or second degree; or

2. Has committed any crime/offense listed below:

a.	Death by Auto	2C: 11-5
b.	Aggravated Assault	2C: 12-1b
c.	Criminal Restraint	2C: 13-2
d.	Aggravated Criminal Sexual Contact	2C: 14-3a
e.	Arson	2C: 17-1b
f.	Burglary	2C: 18-2
g.	Vehicle Theft	2C: 20-2
h.	Theft by Extortion	2C: 20-5
i.	Escape	2C: 29-5
j.	Manufacturing, Distributing or Dispensing CDS	2C: 35-5b; or

3. When a police officer reasonably believes that the violator poses an immediate threat to the safety of the public or other police officers.

    a. Eluding the police where the actor creates a risk of death or injury to another generally constitutes a 2nd degree crime; but, the fact that an actor is eluding the police does not provide personnel with the automatic authority to pursue. Therefore, a 2nd degree eluding, without any other authorizing criteria should not be undertaken.

    b. Pursuit for motor vehicle offenses is not authorized under the above criteria unless the violator's vehicle is being operated so as to pose an immediate threat to the safety of another person.

4. Whenever a pursuit occurs, communications shall ensure that an incident number is generated so that each pursuit is traceable through the CAD system.

5. Unmarked police vehicles and motorcycles shall not participate in a motor vehicle pursuit unless equipped with emergency lights and an audible device other than the standard horn. Unmarked vehicles and motorcycles shall immediately relinquish primary unit status upon participation of a marked vehicle.

6. Due to its high rollover potential, Sport Utility Vehicles (SUV) may participate in a pursuit, but shall exercise extreme care when cornering or when reacting to the pursued vehicle's evasive maneuvers. SUV's shall immediately relinquish primary unit status upon participation of a marked patrol vehicle.

7. Due to their limitations, specialty vehicles (see definition) are prohibited from engaging in a vehicle pursuit. Personnel operating specialty vehicles shall instead request assistance from a marked patrol vehicle.

B. Just because one of the authorization requirements is satisfied, a pursuit should not be automatically undertaken. Officers and supervisors must still consider the following factors:

1. Likelihood of successful apprehension.

2. Whether the identity of the violator is known to the point where later apprehension is possible.

3. Degree of risk created by the pursuit in relation to:

   a. Volume, type, speed and direction of vehicular traffic; or

   b. Nature of the area: residential, commercial, school zone, open highway, etc.; or

   c. Population density and volume of pedestrian traffic; or

   d. Environmental factors such as weather and darkness; or

   e. Road conditions: construction, poor repair, extreme curves, snow, ice, etc.

4. Police officer characteristics relative to:

   a. Driving Skills;

   b. Familiarity with roads;

   c. Condition of the police vehicle.

IV. Terminating a Pursuit

A. Pursuing officers shall terminate the pursuit when:

1. Instructed to do so by a supervisor; or

2. The officer believes that the danger to the pursuing officer or general public outweighs the necessity for immediate apprehension of the violator; or

3. The violator's identity has been, or can be, established to the point where later apprehension may be accomplished, and where there is no serious immediate threat to the safety of the public or other police officers; or

4. The pursued vehicle's location is no longer known or the distance between the pursuing vehicles and the violator's vehicle becomes so great that further pursuit is futile; or

5. There is any person injured during the pursuit requiring medical care and there are no police or medical personnel able to render immediate assistance; or

6. There is a clear, present and unreasonable danger to the police officer or the public. ***(A clear, present and unreasonable danger exists when the pursuit requires that the vehicle be driven at excessive speeds, against the flow of traffic for a sustained period, or in a manner that exceeds the performance capabilities of the pursuing vehicle or the capabilities of the police officers involved in the pursuit.)***

7. Advised of any unanticipated condition, event or circumstance that substantially increases the risk to public safety inherent in the pursuit, or

8. Pursuing officers lose the ability to communicate via two-way radio.

B. Upon termination of a pursuit, officers shall immediately notify communications of such, giving the location of the termination.

V. Role and Tactics of the Pursuing Officer(s)

A. To diminish the likelihood of a pursuit, police officers intending to stop a vehicle for any violation of the law shall, when possible and without creating a substantial threat to the public safety, close the distance between the two vehicles prior to activating the emergency lights and audible device.

1. Personnel shall recognize that while attempting to close the distance and prior to the initiation of a pursuit and the activation of emergency lighting/audible equipment, they are subject to all motor vehicle laws governing the right of way (e.g. NJSA 39:4-91 and 92).

B. Upon commencement of a pursuit and regardless of the time of day, the pursuing officer shall immediately activate emergency lights, audible device, and headlights.

C. If equipped, auxiliary takedown lamps should not normally be used while the pursuing vehicle is in motion as they tend to washout the overhead emergency lights to other traffic.

D. Pursuing officers shall maintain a safe distance from the violator's vehicle in order to have adequate time to facilitate evasive maneuvers and reduce the potential of a rear end collision that could possibly disable their police vehicle or deploy their air bag.

E. Once the pursuit has begun, the primary unit must notify communications, identify themselves, and provide as much of the following information as is known:

1. Reason for the pursuit; ***and***

2. Direction of travel, designation and location of roadway; ***and***

3. Identification of the violator's vehicle; ***and***

4. Year, make, model, color, registration and other identifying characteristics of the violator's vehicle; ***and***

5. Number and description of occupants; ***and***

6. The speed of the violator's vehicle; ***and***

7. Other information that may be helpful in resolving or terminating the pursuit. Examples include road conditions, traffic density, weather conditions, etc.

F. Failing to adequately provide any of the above information shall cause the supervisor monitoring the pursuit to consider ordering the termination of the pursuit.

G. The primary unit shall be responsible for the immediate radio transmission at the initiation of the pursuit and the decision to abandon or terminate the pursuit until relieved of this responsibility by the supervisor.

H. The secondary unit shall report by radio as soon as possible that it has joined the pursuit. This provides the supervisor with the information that the pursuit team is complete.

1. Additional units are generally prohibited from joining the pursuit without the express permission of the controlling supervisor, but these units shall remain alert to the progress and location of the pursuit.

2. Secondary units must exercise maximum radio discipline and refrain from making unnecessary transmissions.

3. Any decision to permit additional units to participate in a pursuit should be based upon the number of persons in the pursued vehicle, the crime for which the vehicle is wanted, or whether the actor(s) are armed or considered dangerous.

4. Police vehicles other than the primary and secondary units should not travel in line together (caravanning) unless specifically authorized by a superior officer supervising the pursuing units.

5. All other units should stay clear of the pursuit but remain alert to its progress and location through the continual use of communication by radio by the pursuing units.

I. In the event that the primary unit is unable to proceed with the pursuit or provide radio communications to the supervisor, the secondary unit may assume the role of primary unit and request that another secondary unit is assigned to the pursuit.

1. If the fleeing vehicle is lost to the pursuing unit, then the primary pursuit unit shall cause the pursuit to be terminated and shall be responsible for providing all available information through radio communication that would assist in locating the target vehicle.

2. Broadcasts to other patrols and surrounding police agencies and the coordination of any other search for the vehicle shall initially be the responsibility of the primary pursuit unit until relieved of that duty by a supervisor.

J. If it becomes necessary for pursuit officer(s) to leave their patrol vehicles to continue the pursuit on foot, they shall:

1. Immediately notify communications of their location and announce that a foot pursuit has commenced, including the general direction of flight;

2. Consider taking a flashlight, even during daylight hours;

3. Turn off the patrol unit, remove the keys and, if possible, lock the car.

4. Keep communications current on their status and location during the dismounted pursuit;

5. Be wary of the possibility that you may be lured into a trap or ambush;

6. Approach all darkened areas and blind corners with utmost caution;

7. If radio contact is lost or the portable radio unit becomes disabled, return to your police vehicle.

K. Seat belts must be utilized at all times while the police vehicle is in pursuit.

VI. Vehicle Pursuit Restrictions

A. No pursuit shall be conducted:

1. In a direction opposite to the flow of traffic on a divided highway.

2. When an individual is present in the police vehicle who is not a law enforcement officer.

B. Throughout the course of a vehicular pursuit, pursuing officers shall not attempt to overtake or pass the violator's moving vehicle.

C. Upon approaching an intersection controlled by traffic signals or signs, or at any other location where there may be a substantial increased likelihood of a collision, the operator of any pursuing vehicle shall, prior to entering the intersection, reduce their speed and control the vehicle so as to avoid collision with another vehicle, pedestrian or fixed object. Officers shall observe that the way is clear before cautiously proceeding through the intersection.

1. At all other times including an attempt to close the distance prior to the initiation of the pursuit, personnel shall observe the applicable laws governing the right of way at intersections and other locations.

D. Officers involved in a pursuit shall not engage in vehicle paralleling.

E. There shall be no street paralleling along the route unless the pursuit passes through an officer's assigned area. A patrol unit that is parallel street following shall not join or interfere with a pursuit and shall stop all pursuit related activity at the boundary of its assigned area.

F. Officers involved in a pursuit shall not fire any weapon from or at a moving vehicle, nor engage in any vehicle contact action except as a last resort to prevent imminent death or serious bodily injury to any person where deadly force would otherwise be justified.

G. Officers shall not halt or attempt to halt a suspect vehicle in a pursuit by ramming or striking the suspect's vehicle with a police vehicle.

H. Under no circumstances shall an officer involved in a vehicle pursuit be allowed to commandeer or utilize any civilian vehicle during the course of that pursuit.

VII. Forcible Stopping, Roadblocks, and Tire Deflation Devices

A. Boxing in and/or heading off a violator's moving vehicle is permitted only under extraordinary circumstances. These tactics substantially increase the risk inherent in the pursuit and shall only be employed:

1. At low speeds; and

2. With the approval of a supervisor; or

3. In response to an imminent serious threat to the safety of the public or a police officer.

B. Prior to boxing in or heading off a pursued vehicle, the officer wishing to initiate such action shall notify all other units involved in the pursuit.

C. Involved officers shall maneuver their vehicles in such a manner as to minimize vehicle contact action and danger to other vehicles or pedestrians.

D. Upon coming to a halt, officers shall be guided by this department's procedures regarding high-risk vehicle stops.

E. Roadblocks may only be employed as a last resort in circumstances where deadly force would otherwise be justified and/or there is definite knowledge that a person or persons in the fleeing vehicle is or are suspected of being wanted for a first or second degree crime. A supervisor must specifically authorize the use of a roadblock. At no time will a roadblock be established until all pursuing police vehicles are made aware of the roadblock, its location, and have acknowledged this awareness. Once a roadblock has been established and a vehicle or barricade has been positioned in the roadway, the following must apply:

1. Roadblocks should be established on streets or highways most likely to be used as an avenue of escape; and

2. There must be adequate distance to see the roadblock; and

3. There must be an avenue of escape; and

4. At least two officers must be present at the roadblock location; and

5. All available emergency warning lights must be utilized; and

6. All personnel must not remain in or near the vehicles used for the roadblock.

7. Roadblocks shall not be established on curves or on bridges.

8. Neither the frustration of the pursuit nor any motor vehicle violations committed by the suspect during the pursuit are relevant factors in determining whether to employ a roadblock.

9. The safety of others must remain a paramount consideration.

F. When deploying a roadblock, the supervisor shall ensure that EMS and the applicable fire company are notified as soon as practicable. Have them stage off road nearby to render assistance when the scene is deemed secure. When practicable, further considerations include, but are not limited to:

1. Detour routine traffic and pedestrians from the area;

2. Avoid standing between the roadblock vehicles and any fixed objects;

3. Avoid standing in any other officers line of fire;

G. After the suspect vehicle has been or has stopped, follow the guidelines regarding high-risk vehicle stops.

H. The use of speed spikes or similar tire deflation devices to stop a fleeing vehicle are currently not used or authorized by this department.

I. Supervisors are responsible for minimizing hazards to police and other emergency personnel in any forcible stopping or roadblock scenario in addition to ensuring the safety of citizens to the extent possible.

J. Supervisors must submit a written report separate from the pursuit report justifying the need for any forcible stopping or roadblocks. All forcible stopping and roadblock incidents are subject to the administrative review requirement in § XIII.

VIII. Role of the Supervisor

A. Upon being notified or becoming aware of a vehicular pursuit, the supervisor shall take immediate control and provide directions to the field units. The primary consideration of the supervisor is to acknowledge and authorize a pursuit to continue. The supervisor shall decide as quickly as possible whether or not the pursuit should continue.

B. The supervisor shall permit a pursuit to continue only if:

1. There is reasonable belief that the violator has committed an offense of the first or second degree, or a crime/offense listed in subsection III.A2 of this directive; or

2. There is reasonable belief that the violator poses an immediate serious threat to the safety of any person.

C. The supervisor shall order a pursuit terminated at any time they conclude:

1. That the danger to the pursuing officers or the public outweighs the necessity for the immediate apprehension of the violator.

2. The violation precipitating the pursuit is minor in nature (examples include a motor vehicle violation or stolen vehicle only), **and** the pursuit leaves Paramus and crosses into another jurisdiction, **and** the violator seems to be baiting patrols to follow them, **and** the risk of injury or property damage is not justified.

3. The actor's identity is established to the point where later apprehension may be accomplished, **and** there is no immediate continuing threat to public safety.

4. That a pursuit is of a protracted duration, recognizing the overall population density and volume of vehicular traffic and the increased risk attached to prolonged vehicular pursuits, unless the supervisor determines that a furtherance of the pursuit is justified to respond to an immediate continuing threat to the public safety. No precise formula can be used to determine when a pursuit has become of a protracted duration. This decision must be left to the common sense and sound judgment of the supervisor in light of all of the attendant circumstances.

D. All pursuing units are required to acknowledge that they have received the order to terminate the pursuit. Continuing a pursuit after acknowledging an order of termination is considered a gross deviation from this directive.

E. Supervisors are responsible for ensuring that all personnel adhere to this directive at all times. Additionally, supervisors:

1. Shall verify that the registration number of the vehicle being pursued, when provided, is immediately checked through NCIC for any wants or holds.

2. Shall ensure that the jurisdiction where the vehicle is registered is contacted to determine if the vehicle had recently been reported stolen or has any wants or holds.

a. Communications personnel shall assume these responsibilities upon direction by the road supervisor or if the road supervisor is unable to direct these tasks.

IX. Role of Communications

A. During the course of a pursuit, tactical and operational considerations mandate continuous timely and coherent communications. Accordingly, the tour commander is responsible for ensuring that relevant information is exchanged and broadcast throughout the pursuit.

B. Upon notification that a pursuit is in progress, communications personnel shall immediately advise a field supervisor of essential information regarding the pursuit if a supervisor has not already been otherwise notified.

1. Communications personnel will keep the supervisor apprised of the duration and progress of the pursuit.

C. Supervisors shall determine whether there is a need to assume control over and coordinate pursuit related communications.

D. All radio channels shall remain open for pursuit related transmissions and all necessary information shall be made available to officers involved in the pursuit. Non-pursuit radio traffic shall be directed to an alternate channel.

E. The operational protocol for dispatchers at Central Communication establishes the following responsibilities for dispatchers during a pursuit:

1. Initiate a "Signal 1000" (clear the air; emergency radio traffic only);

2. Rebroadcast radio transmissions for clarity to other officers; giving location and nature;

3. Notify the patrol and communications supervisor;

4. Alert any and all surrounding municipalities or applicable law enforcement jurisdictions;

5. Advise of any hazards or roadblocks that may be in place;

6. Keep the patrol supervisor and communications supervisor aware of the situation.

7. Take subsequent instructions from the patrol or communications supervisor concerning notification to additional personnel;

8. Receive and record all incoming information on the pursuit and the pursued vehicle;

9. Control all radio communications and clear the radio channels of all non-emergency calls;

10. Obtain criminal record and vehicle checks of the pursued vehicle and any suspects;

11. Coordinate and dispatch backup assistance and air support units under the direction of the field supervisor;

12. Ensure that the necessary data entries are made;

13. Acknowledge all radio transmissions from field units;

14. Perform other duties as directed or required.

F. Other police units not participating in the pursuit shall:

1. Maintain radio discipline at all times, keeping their transmissions to the barest minimum;

2. Switch to an alternate channel when contacting the communications center so as not to interfere with the pursuit;

3. Not involve themselves in the pursuit, but remain reasonably close to the pursuit route to be in a position to render assistance when necessary;

G. If pursuing officers and/or communications personnel appear deficient in their communications responsibilities, the tour commander shall intercede and direct further communications to ensure that the above referenced responsibilities are met.

H. If either party continues to be deficient in their communications responsibilities, the tour commander shall consider terminating the pursuit.

X. Reinstating Pursuits

A. Reinstating a previously terminated pursuit shall only be undertaken consistent with the authorization criteria for <u>originally</u> initiating a pursuit. An order by a supervisor to terminate a pursuit is normally considered final. However, a pursuit may be reinstated if the situation changes drastically. Examples include, but are not limited to shots fired, serious injury sustained, etc.

B. A unit wanting to reinstate a pursuit must request and receive specific authorization from the road supervisor to reinstate the pursuit based on any acceptable changes.

XI. Inter/Intra Jurisdictional Pursuits

A. This department shall provide timely notification of a pursuit to any other jurisdiction, into which the pursuit enters or may soon enter. Communications personnel must make the determination based upon the information provided by the pursuing units or the road supervisor.

B. At a minimum, a description of the violator's vehicle, number of units involved in the pursuit, location and direction of the pursuit and the reason for the pursuit must be provided.

C. ***Notifying the other jurisdiction that a pursuit is in progress is not a request for them to join the pursuit.*** A request for assistance from that other agency must be specifically made. Whenever the pursuing officers are unfamiliar with the roadways and terrain of the other jurisdiction into which the pursuit has entered, the pursuing officers must be prepared to seek the assistance of and be prepared to relinquish the pursuit to the other agency.

D. Upon approaching any jurisdictional boundaries, the primary unit shall notify their supervisor. The supervisor shall determine whether the pursuit will continue or be terminated, and shall cause an immediate notification to each and every jurisdiction the pursuit enters or may enter. Where a pursuit is initiated so near to the border of another jurisdiction that it crosses into that jurisdiction before the supervisor has a chance to make the decision whether or not to pursue, the determination shall be made at the earliest possible time after being notified.

E. The supervisor shall maintain control of any pursuing units following their entry into another jurisdiction and shall not relinquish control of our units to the other agency.

F. Supervisors should be aware that other jurisdictions may have a stricter pursuit policy than our own. Backup support may not be authorized by another agency. Backup support may not be available from another agency due to their workload. The supervisor must consider these factors in deciding whether to continue or terminate the pursuit.

G. If an outside agency announces that they intend to deploy a tire deflation device along the pursuit route, the supervisor should reassess this department's role in the pursuit as tire deflation devices increase the risk of collisions. The supervisor may:

1. Permit the continuation of the pursuit; or

2. Relinquish control of the pursuit to the other agency; or

3. Order termination of the pursuit.

H. Pursuits initiated by another law enforcement agency may enter into the corporate borders of this borough. Being notified by that other agency that a pursuit is entering this borough is not a request to join the pursuit. Communications personnel shall broadcast this information to patrol units and shall coordinate all communications between the outside agency and our patrol units. The road supervisor shall direct patrol units to position themselves close by the pursuit route in order to be quickly available to render assistance, when needed.

I. The outside agency may opt to relinquish control of the pursuit to this department. The road supervisor shall determine if the pursuit falls within the parameters set forth in this directive and order a continuation of the pursuit or a termination of the pursuit.

J. Assisting another agency in a foot pursuit following any crash or abandonment by the violator(s) is authorized at the discretion of the supervisor.

K. Pursuits into the State of New York require specific authorization from the supervisor or tour commander.

XII. Pursuit Reporting

A. All officers who operate agency vehicles in vehicular pursuit situations are required to file a Pursuit Incident Report. These reports are required in all cases when a pursuit takes place, regardless of the duration or whether it results in an apprehension or not. The report form is self explanatory and is mandated by the Attorney General.

B. Additionally, in all cases, an investigation report is also required. This is especially helpful in instances when a pursuit is not already a part of an existing investigation. The Attorney General's Pursuit Incident Report lacks the necessary information to conduct follow-up investigations into what may be a 2^{nd} degree crime and to provide intelligence for other agency members.

C. The supervisor shall ensure that these reports are completed prior to the pursuing officer(s) reporting off duty.

D. The Chief of Police or designee will prepare an annual agency Vehicular Pursuit Summary Report for submission to the county prosecutor. The annual report shall contain the following information.

1. Total number of pursuits
2. Number of pursuits resulting in accident, injury, death and arrest.
3. The number and type of vehicles involved in accidents (police, violator, and third party).
4. A description of individuals injured or killed (police, violator, third party).
5. The number of violators involved and arrested in pursuit incidents, including passengers.

XIII. Pursuit Review

A. All pursuits, roadblocks, and forcible stopping incidents are subject to an administrative command review. The Chief of Police or designee shall conduct the command review. The administrative review shall ordinarily involve a review of all documents, available evidence and an interview of any available persons who may have information regarding the incident.

B. The purpose of the administrative command review is to determine if the actions taken during the pursuit comply with statutory law, current criminal procedure, Attorney General's Guidelines, Prosecutor's Guidelines and this directive regardless of the outcome. Further purposes are to identify equipment needs, training needs, and to determine if modifications to this directive are necessary.

C. The designee (if assigned) shall submit a written report detailing the circumstances surrounding the pursuit. This report will contain at a minimum, the following information: (1) location, date and time of the pursuit initiation; (2) location, date and time of pursuit termination; (3) highest speed achieved, weather conditions, road surface conditions and description of pursuit area; (4) reasons for initiating the and terminating the pursuit; (5) consequences of the pursuit, such as accidents, property damage, in juries and/or fatalities; (6) whether or not the violator was apprehended; (7) the offense(s) with which the violator was charged; (8) a finding of whether or not the pursuing officer(s) acted in compliance with the Pursuit Policy and any applicable internal operating procedures of the Paramus Police Department. This review and subsequent recommendations will be forwarded to the Chief of Police for final review.

D. The administrative review shall be completed and submitted within two weeks following the pursuit.

E. The Chief of Police may cause further review of the incident.

F. If the investigating supervisor or Chief of Police finds that a violation of the Pursuit Policy and/or internal operating procedures has occurred, the written report must include the punitive or remedial actions taken against the violating officer(s), if any. If a violation of the Pursuit Policy or this agencies internal operating procedure is found, the Chief of Police will forward the results of this investigation, including the Designated Supervisory Officer and Chief of Police reports to the Confidential Investigations Unit of the Bergen County Prosecutors Office using the Intranet reporting function concerning police vehicle pursuits.

G. If an agency vehicle collides with another vehicle or any other object during the course of a pursuit, the Chief of Police or designee shall conduct or cause an administrative investigation.

   1. The investigation shall determine whether the collision could have been prevented.

   2. A copy of the investigation shall be forwarded to the Chief of Police.

   3. In every case where the collision could have been prevented, the investigation shall set forth the actions taken by the agency to address the cause or causes of the collision including, but not limited to:

      a. Revision of agency policy or directives;

      b. Remedial training;

      c. Equipment needs;

      d. Discipline.

H. In the case where serious bodily injury results to anyone involved in the pursuit or any bystander, operator, or occupant of any vehicle not involved in the pursuit, or in the event of a death occurring as a proximate result of the police pursuit incident, the Bergen County Prosecutor's Office must be notified immediately so that a review may be conducted on the county level. This agency shall provide all reasonable assistance to the Prosecutor's Office, as required.

I. The Chief of Police or designee shall prepare an annual documented analysis of all pursuit incidents in the prior calendar year.

1. This analysis is a structured process for dissecting pursuit events into their basic parts to identify any patterns or trends that could be predictive or could indicate program effectiveness, training needs, equipment upgrade needs, and/or policy modification needs. Examples of some summary categories to analyze include, but are not limited to:

a. Pursuits by time of day

b. Pursuits by shift

c. Pursuits by officer(s) involved

d. Pursuits by reason

e. Location of pursuit initiation (business, residential, or industrial)

f. Location of pursuit termination

g. Pursuits resulting in injury to police personnel

h. Pursuits resulting in crashes

i. Pursuits resulting in crashes to police vehicles

j. Pursuits from other jurisdictions

2. Unless otherwise authorized by the Chief of Police, this analysis is due by February 15th of the prevailing year.

XIV. Training

A. Training in the application of this directive shall be conducted biannually. This training may be held concurrent with the biannual use of force training and weapons qualification.

B. At a minimum, pursuit training shall consist of the following:

1. A review of applicable statutes;

2. An familiarization with Attorney General and Prosecutor Guidelines;

3. A review of this directive;

4. Forcible stopping techniques;

5. Decision making skills (if available)

C. All police personnel, prior to operating any police vehicles on patrol or participating in any forcible stopping or roadblocks, must be provided with this mandatory training.

D. Nothing contained within this directive shall preclude supervisors from conducting additional training in the responsibilities and procedures set forth in this directive. Supervisors are encouraged to openly discuss the provisions of this directive with their staffs to gain their commitment.

E. The Chief of Police or designee shall file an annual report with the Bergen County Prosecutor confirming in-service pursuit training of all police officers in conjunction with semi-annual firearm requalification and the use of force training. This report is typically due by January 15th of the subsequent year.

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 19	# OF PAGES: 8

SUBJECT: TRAFFIC ENFORCEMENT AND CONTROL

ISSUED BY: Deputy Chief James J. Sheehan	EFFECTIVE DATE: July 26, 2010	ACCREDITATION STANDARDS: 61.1.2, 61.1.3, 61.1.5, 61.1.7, 61.3.2
SUPERSEDES ORDER #:		

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

PURPOSE: To establish guidelines for stopping and contacting traffic law violators that ensures the safety of both the violator and the police officer. The purpose of this policy is to establish uniform guidelines for officers to follow regarding traffic direction, control, and enforcement action(s) incidental to a violation.

POLICY: It is the policy of this department that officers conduct traffic related matters in the safest possible manner. Other public services, such as traffic direction and control, should also be conducted in the safest manner possible. This department strives to achieve voluntary compliance with traffic laws by observation, education, detection, prevention, and by taking appropriate action(s) when traffic violations are observed.

PROCEDURES

I. Procedures for Traffic Enforcement

A. The role of the officer is to observe and prevent violations of traffic laws and to take appropriate enforcement action when violations are observed. Enforcement policies cannot and should not supplant the officer's discretion, based on professional judgment, training, and experience. Remember that both qualitative and quantitative emphasis is integral to the success of the Traffic enforcement program. All officers shall take appropriate enforcement action for each violation witnessed or reported to them. All enforcement actions will be accomplished in a firm, fair, impartial and courteous manner, and may encompass the following: a verbal warning, a traffic citation, or actual physical arrest. Officers have the discretionary authority as to which form of enforcement is to be taken by them. These include but are not limited to the following:

1. **Verbal warning** - used by the officer when it is obvious that the violation was unintentional and that the violator will now comply with the law due to the officer's warning.

2. **Written warning** – used by the officer when it is obvious that the violation was unintentional however the officer believes that the offense requires written documentation to ensure that the violator will now comply with the law due to the warning. Written warnings should also be documented in the "Info-Cop Computer System.

3. **Traffic summons** - used in the case of hazardous traffic violations, flagrant violations, and serious equipment violations. A summons can also be used for a minor traffic violation where the officer believes the violation was intentional or where the officer believes that no amount of verbal warning will ensure the violator's compliance with the law.

4. **Physical arrest** - this form of enforcement action is to be used in the case of only the most serious of motor vehicle violations. These violations include but are not limited to the following:

   a. Driving while intoxicated.

   b. Possession of CDS in a motor vehicle.

   c. Leaving the scene of a motor vehicle collision involving injury.

II. Traffic Law Violations

A. **Non-Residents and Residents** – Residents and non-residents will be treated the same regardless of their residency status in regards to traffic enforcement. Officers may consider use of warnings for residents and non-residents who commit a minor non-hazardous violation. Officers should consider the issuance of a summons for serious or hazardous violations, depending on the circumstances. If an arrest has to be made for a serious offense the procedures outlined in "section I" will be followed.

B. **Juveniles** - Officers may consider use of warnings for juveniles who commit a minor, non-hazardous violation. Warnings may include advice to parents. Officers should consider the issuance of a summons for serious or hazardous violations, depending on the circumstances.

C. **Legislators** - Members of the United States Congress going to, coming from, or while attending sessions, are immune from arrest, except for crimes of the first, second, or third degree (U.S. Constitution, Article I, Section VI). Members of the State Senate and Assembly going to, coming from, or while attending sessions, are immune from arrest, except for crimes of the first, second, or third degree (N.J. Constitution, Article IV, Section IV, Paragraph 9). For enforcement purposes, members of the U.S. Congress and the State Senate and Assembly will be treated in the same manner, and with the same courtesies, that would be extended to other persons claiming immunity.

D. **Foreign Diplomats and Consular Officials** - Diplomatic immunity is granted by the United States government under provisions of the Vienna Convention on diplomatic relations. Generally, these provisions apply to two (2) classes of immunity: Foreign Diplomats and Consular Officials. Any of the following contacts with a Foreign Diplomat and Consular Official will require notification to the United States Department of State at 202-647-4000.

   1. **Traffic summons** – Foreign Diplomats and Consular Officials may be given a verbal warning or issued a traffic summons for motor vehicle violations. For enforcement purposes, Foreign Diplomats and Consular Officials will be treated in the same manner, and with the same courtesies, that would be extended to other persons claiming immunity.

   2. **Physical arrest** – Foreign Diplomats (Diplomatic agents and members of administrative and technical staff) may not be arrested or detained. Reasonable restraints, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts. Career Consular Officers may be arrested and detained only for an indictable offence pursuant to a warrant. Honorary Consular Officer and Consular Employees may be detained and arrested.

E. **Military Personnel** – Military Personnel who are passing through our service area may be treated as non-residents or if from our service area, as residents. However, if an active duty soldier commits a serious offense necessitating an arrest, the appropriate Provost Marshal's Office will be notified by the Chief of Police or his designee. Military personnel, who are passing through our service area, while operating military vehicles, are exempt from certain moving violations in accordance with N.J.S.A. Title 39:4-103.

III. Uniform Enforcement Policies

A. **Driving While Intoxicated** - Driving While Intoxicated (DWI) is a serious offense. Each year more than half a million people are injured and over 13, 000 are killed in DWI related crashes. Officers of this agency will patrol diligently to apprehend any driver suspected of driving while under the influence of alcohol or drugs. Any driver found to be operating their vehicle in violation of the state's DWI laws should be arrested and prosecuted under the fullest extent of the law.

B. **Driving Privilege Suspended or Revoked** - A traffic summons may be issued when an officer has stopped a vehicle and identified the driver as operating with a revoked or suspended license.

C. **Speed Violations** - Excessive speed is the second greatest cause of death and injury on the American highways. Uniform methods of enforcement of speed laws should be applied by all officers and range from a warning for minor violation to a traffic summons for serious violations. Procedures for the enforcement of laws applying to speed will vary in accordance with the type of equipment used.

1. Pacing - The officer should follow the vehicle being paced at a constant interval for an adequate distance to obtain a reading on the speedometer indicating a speed exceeding that posted. All speedometers must be calibrated annually in accordance with Division of Criminal Justice recommendations.

2. Radar - Radar may be utilized by certified officers whenever possible for speed enforcement with concentration on specific known problem areas.

3. Laser - Laser may be utilized by certified officers whenever possible for speed enforcement with concentration on known specific problem areas.

D. **Hazardous Violations** - When handling a situation involving other hazardous violations, officers should consider the degree of the hazard, place, previous accident history of location, and the current directed patrol emphasis when making an enforcement decision.

E. **Off Road Vehicle Violations** - Any officer observing an unlicensed off-road vehicle that cannot be legally operated on the public highways, being operated on the highway, shall order the vehicle to be removed and take appropriate enforcement action. Officers should take appropriate enforcement action to insure compliance with vehicle registration and insurance laws as they pertain to off road vehicles. Officers should enforce traffic laws concerning the operation of off the road vehicles on any public-owned property.

F. **Equipment Violations** - Officers should consider issuance of summons for essential equipment defects and warnings for non-essential equipment defects.

G. **Public Carrier / Commercial Vehicle Violations** – Officers should use their discretion in enforcing any public carrier or commercial motor vehicle violations. If the violation is serious, a traffic summons should be issued. If the violation or violations are non-serious but of a repetitive nature, a summons should be issued. In all other cases a warning should be considered.

H. **Non-Hazardous Violations** - Officers should consider issuing a warning unless repetitive or flagrant.

I. **Multiple Violations** - Officers may issue a traffic summons on all of the violations if deemed necessary. An officer may issue a traffic summons for the most serious violation and a warning on all others.

J. **Newly Enacted Laws or Regulations** - Normally, a grace period is established by the Attorney General during which only warnings will be given. Thereafter, officer should use discretion.

K. **Violations Resulting in Traffic Collisions** - Officers should issue a traffic summons, when appropriate, for all motor vehicle collisions that involve personal injury, property damage, leaving the scene of the collision, and other related serious violations. All other collisions an officer should use their discretion in deciding to issue a summons to the driver of the vehicle deemed to have caused the collision due to the violation of a traffic law.

L. **Pedestrian and Bicycle Violations** – Discretionary enforcement of pedestrian and bicycle traffic laws will help to:

1. Reduce or eliminate human or environmental factors leading to collisions.

2. Reduce or eliminate the behavioral actions, decisions, and events that lead to the collisions.

3. Reduce or eliminate collisions by counteracting precipitating factors.

IV. Procedures for Motor Vehicle Stops

A. In preparing to stop a motorist, officers will consider the existing conditions, including, but not limited to, the roadway design, the road conditions, weather, lighting, and the current traffic flow, in order to create the safest possible environment for the traffic stop.

B. Once a violator has been selected to be stopped, officers will use the patrol car's emergency lights and other necessary equipment to make the stop. Upon stopping, the patrol vehicle will be positioned in a way to afford maximal protection to the officer and to the violator's vehicle during the stop. At all times, officer safety will be considered.

C. In most instances, the violator will be directed to pull to the far right side of the roadway to stop. However, officers will be prepared to deal with the driver who stops elsewhere, possibly creating a hazard.

D. Upon initiating the traffic stop, officers will notify the dispatch center of their location, number of occupants in the vehicle and a description of the vehicle being stopped, including its registration state and number. The dispatcher will acknowledge the message prior to the officer's approaching the violator's vehicle.

E. When walking to the violator's vehicle, officers will approach with caution and position themselves in a safe location to communicate effectively with the driver and still view any other occupants of the car. Officers will be aware that any traffic stop can elevate to a high-risk situation at any time.

F. In greeting the violator, officers will present a professional image and treat the motorist with respect and courtesy. This will include giving a greeting, identifying them-selves by rank and name, providing the reason(s) for the stop, and requesting the motorist's papers. During the course of the contact, officers will remain cognizant that criminal activity unrelated to the traffic stop may be present and as a result may warrant additional enforcement action.

G. The contact will be closed once appropriate law enforcement action has been undertaken and there is no articulable reasonable suspicion that the occupants have committed, are committing, or are about to commit a further crime or offense.

H. If a consent search is requested, the motorist will be informed of his/her right to re-fuse to permit the search. Such a request will occur after the violator's driver's license and registration card have been returned in order to ensure that if the motorist consents to the search, there is no question as to its voluntariness.

I. Upon closure of the contact, officers will thank the motorist for his/her cooperation; if appropriate, will provide the violator with information as to how to respond to the chosen enforcement action(s); and will assist the violator in pulling safely back into traffic.

J. In the event the violator encounter is an unknown or high risk motor vehicle stop, officers will take additional pre-cautions by keeping the dispatch center informed, by utilizing the public address system to instruct the occupant(s) of the vehicle, by requesting backup officers, by having firearm and other law enforcement tools at the ready, by affording protection to nearby innocent citizens, and by keeping themselves in a safe position while accomplishing the stop.

1. **Unknown Risk** - Unknown risk vehicle stops involve the action of an officer contacting a vehicle during the normal course of duties under circumstances, which do not immediately indicate an immediate threat to the officer. All vehicle stops should be considered to have some type of risk. Officers should use heightened awareness when approaching all vehicles and should also keep in mind the dangers that are posed by other vehicles in the area.

2. **High Risk** - The following procedures may be employed when an officer initiating a vehicle stop has reason to believe that the occupants may be armed and dangerous:

a. When planning to stop the suspect vehicle, the officer shall notify the communications center; describe the nature or reason for the stop; provide information on the vehicle, license plate number and number of occupants; and request appropriate assistance to make the stop.

b. An officer should not individually initiate high-risk vehicle stops unless back-up units will not be available in an appropriate amount of time or the urgency of the situation demands immediate action.

c. After selecting an appropriate location and with adequate support units in position, the officer should signal the suspect to stop.

d. Officers should place their vehicles in a position that will maximize opportunities for safety, cover and in a manner that will maximize opportunities for cover and in a manner that will illuminate the interior of the vehicle to the occupants' disadvantage.

e. The officer initiating the stop, or the officer with the best observation point, should issue verbal commands to vehicle occupants through the vehicle's public address system, if available. Only one officer shall issue commands.

f. Once the suspect vehicle has stopped, officers should exit their vehicles quickly and assume positions of cover.

g. The officer in charge shall first identify himself and then notify the occupants that all instructions are to be followed without hesitation or suspicious movements.

h. The operator of the suspect vehicle should be ordered in separate commands to do the following: lower his window, remove the ignition keys with his left hand, drop them on the ground, open the door from the outside, step out of the vehicle, turn completely around, face away from the officers, walk backward until commanded to stop and lie face down on the ground with hands stretched far to the sides. Subsequent occupants should be similarly commanded until all are in position to be handcuffed and searched.

i. With appropriate cover, officers should then approach the suspect vehicle to inspect the passenger compartment and trunk.

V. Procedures for Traffic Direction

A. **Scenes of Traffic Collisions** - Officers directing traffic at scene of an accident will route traffic safely around wrecked vehicles and debris. Wearing high visibility vests or rain coats, officers will maintain an orderly flow of traffic until wreckage is cleared. Maximum use of emergency lights and flares/cones is strongly encouraged at accident scene.

B. **Manual Traffic Direction and Control** - Posture serves to communicate the fact that the officer is in command of the situation. The officer must therefore assume a military bearing, with his/her weight evenly distributed on both feet. When not engaged in signaling motorists, the officer must stand at ease facing the traffic and with hands at their side. When directing traffic, the officer's shoulders must be in line with the flow of traffic and their attention must be directed to the vehicular movements.

1. **Hand Signals** - Prompt compliance to hand signals are dependent upon the officer's ability to use uniform, clearly defined and understandable gestures.

a. **Stopping Traffic** - Two clearly defined motions are required to stop traffic. First, the officer selects the vehicle to be stopped. Looking directly at the driver, the officer points at the driver with the arm fully extended. The position is retained until the officer is observed by the driver. The officer then raises their hand so that the palm is toward the driver and the arm is slightly bent at the elbow. The officer maintains this position until the oncoming traffic has stopped. With the one arm still raised, the officer turns their head and repeats the with the other arm.

C. **Scenes of Critical Incidents** - Officers responding to the scene of a critical incident all will ensure observance of the following rules in regards to traffic control:

1. No vehicles, including those of volunteer fireman, will be allowed to drive into the block where fire apparatus is parked and operating. No vehicles will be allowed to cross fire hoses without the approval of the Fire Chief.

2. The police supervisor or his/her designee will work with the on scene incident commander or fire chief to establish traffic control that ensures scene safety and the proper and orderly flow of traffic around the scene.

3. Vehicles which interfere with fire operations may be towed as needed.

D. **Adverse Road and Weather Conditions** - The shift supervisor will notify the appropriate public works of adverse road conditions that will affect the motoring public. The shift supervisor may close a street if, in his opinion, the surface conditions and terrain creates an unusually hazardous condition. The supervisor should request assistance from the appropriate public works in alleviating the problem. The shift supervisor shall request dispatchers to notify the proper utility company and assign officers to direct traffic and safeguard movement at the scene of all downed power lines, broken gas or water mains when the situation endangers the movement of traffic through the area.

E. **Manual Operation of Traffic Control Devices** - On occasion, officers must manually operate traffic control signal lights, normally to either attempt to recycle a signal light or to place the signal lights on flash or blink. Officers shall manually control traffic control devices only in the following situations:

1. When traffic light malfunctions;

2. To facilitate movement at traffic accidents or other emergencies;

3. To provide a thoroughfare for a motorcade, funeral procession, etc;

4. To alleviate congestion particularly during planned special events, roadway construction or utility repair.

F. **Temporary Traffic Control Devices** - Normally, temporary traffic control devices will only be used with the approval of the shift supervisor or Traffic Unit Supervisor or control of traffic during peak rush hours, special events or in the event a key signal light malfunctions. Signs, cones and barricades may be requested from the Traffic Maintenance Department. Shift supervisors will ensure return of all signs as soon as no longer required. Use of temporary stop signs will be limited to those key intersections at which a traffic signal has failed completely. If the traffic signal can be placed on four-way blink or flash, this is preferred over use of the temporary stop sign.

G. **Reflective Traffic Vests** - All officers are issued an ANSI approved reflective vest. This vest will be utilized when assigned to directing motor vehicle traffic or when in a roadway controlling motor vehicle traffic.

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 21	# OF PAGES: 10
SUBJECT: EMOTIONALLY DISTURBED PERSONS		
ISSUED BY: Deputy Chief James J. Sheehan	**EFFECTIVE DATE:** June 22, 2010	**ACCREDITATION STANDARDS:** 41.2.7
SUPERSEDES ORDER #:		

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

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

POLICY It is the policy of this department to treat emotionally disturbed persons and persons with mental illness with dignity and respect and divert them from the criminal justice system whenever possible.

It is further the policy of this department that the procedures necessary to involuntarily commit emotionally disturbed persons and persons with mental illness conform to NJSA 30:4-27-1 et seq. in order to provide for the public good while maintaining the rights and dignity of the persons being committed.

PROCEDURES

I. Definitions

A. **Dangerous to self** means that by reason of mental illness the person has threatened to harm him/herself, or has behaved in such a manner as to indicate that the person is unable to satisfy their need for nourishment, essential medical care or shelter, so that it is probable that substantial bodily injury, serious physical debilitation or death will result within the reasonable foreseeable future; however, no person shall be deemed to be unable to satisfy their need for nourishment, essential medical care or shelter if they are able to satisfy such needs with the supervision and assistance of others who are willing and available. (NJSA 30:4-27.2h)

B. **Dangerous to others or property** means that by reason of mental illness there is a substantial likelihood that the person will inflict serious bodily harm upon another person or cause serious property damage within the reasonably foreseeable future. This determination shall take into account a person's history, recent behavior and any recent act or threat. (NJSA 30:4-27i)

C. **In need of involuntary commitment** means that an adult who is mentally ill, whose mental illness causes the person to be dangerous to self or dangerous to others or property and who is unwilling to be admitted to a facility voluntarily for care, and who needs care at a short term care facility or special psychiatric hospital because other services are not appropriate or available to meet the person's mental health care needs. (NJSA 30:4-27.2m)

D. **Mental illness** means a current, substantial disturbance of thought, mood, perception or orientation which significantly impairs judgment, capacity to control behavior or capacity to recognize reality, but does not include simple alcohol intoxication, transitory reaction to drug ingestion, organic brain syndrome or developmental disability unless it results in the severity of impairment described herein. The term mental illness is not limited to psychosis or active psychosis, but shall include all conditions that result in the severity of impairment described within. (NJSA 30:4-27.2r)

E. **Screening** means the process by which it is ascertained that the patient being considered for commitment meets the standards for both mental illness and dangerous to self, others, or property and that all stabilization options have been explored or exhausted.

F. **Screening outreach visit** means an evaluation provided by a mental health screener wherever the person may be when clinically relevant information indicates the person may need involuntary commitment and is unable or unwilling to come to a screening service and the police are unable or unwilling to transport without an evaluation. (NJSA 30:4-27.2aa)

II. General

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

B. Symptoms vary and each person with mental illness is different; but, all people with mental illness have some of the thoughts, feelings, or behavioral characteristics listed below. While a single symptom or isolated event is not necessarily a sign of mental illness, multiple or severe symptoms may indicate a need for a medical evaluation. These symptoms should not be construed as an all inclusive list.

1. Changes in thinking or perceiving, such as:

   a. Hallucinations;

   b. Delusions ;

   c. Excessive fears or suspiciousness;

   d. Inability to concentrate.

2. Changes in mood :

   a. Sadness coming out of nowhere; unrelated to events or circumstances;

   b. Extreme excitement or euphoria;

   c. Pessimism, perceiving the world as gray and lifeless;

   d. Expressions of hopelessness;

   e. Loss of interest in once pleasurable activities;

   f. Thinking or talking about suicide.

3. Changes in behavior:

   a. Sitting and doing nothing;

   b. Friendlessness; abnormal self-involvement;

   c. Dropping out of activities; decline in academic or athletic performance;

   d. Hostility, from one formerly pleasant and friendly;

   e. Indifference, even in highly important situations;

   f. Inability to express joy;

   g. Inappropriate laughter;

   h. Inability to concentrate or cope with minor problems;

   i. Irrational statements;

   j. Peculiar use of words or language structure;

   k. Excessive fears or suspiciousness;

l. Involvement in automobile accidents;

m. Drug or alcohol abuse;

n. Forgetfulness and loss of valuable possessions;

o. Attempts to escape through geographic change; frequent moves or hitchhiking trips;

p. Bizarre behavior (skipping, staring, strange posturing);

q. Unusual sensitivity to noises, light, clothing.

4. Physical changes:

a. Hyperactivity or inactivity or alternations of these;

b. Deterioration in hygiene or personal care;

c. Unexplained weight gain or loss;

d. Sleeping too much or being unable to sleep.

C. Often the symptoms of mental illness are cyclic, varying in severity from time to time. The duration of an episode also varies; some people are affected for a few weeks or months while for others the illness may last many years or for a lifetime. There is no reliable way to predict what the course of the illness may be. Symptoms may change from year to year. Also, one person's symptoms may be very different from those of another although the diagnosis may be the same.

D. In many cases of apparent mental illness, other diseases or maladies are found to be the cause including, but not limited to: Alzheimer's, epilepsy, Parkinson's, diabetes, etc. Be alert for and note behaviors to relay to mental health professionals for their diagnosis. A thorough examination by a health professional should be the first step when mental illness is suspected.

E. The Police Training Commission currently requires entry level training in this topic for new law enforcement officers. Entry level personnel shall receive documented training in this directive prior to assuming operational duties.

F. Refresher training in this directive shall be conducted at least once every three years.

III. Encounters with Emotionally Disturbed Persons

A. Personnel may encounter a person with mental illness or emotional problems as a result of field encounters or when otherwise notified by a mental health professional.

B. When encountering an emotionally distressed/disturbed person or a person with suspected mental illness:

1. Approach the person with extreme caution; be alert and maintain a calm and casual demeanor.

2. If possible, identify a friend or relative that can provide assistance in dealing with the person or who may be able to explain the behavior.

3. Speak to the person by name, if known; your tone of voice should be soothing, but firm and businesslike.

4. Avoid exciting the person; do not say or do anything that may threaten or intimidate the person.

5. Ask questions slowly, one at a time, and be patient in waiting for a response; be prepared that the person may not understand questions and/or instructions or be able to answer in an understandable manner.

6. Avoid arguing with or scolding the person; do not allow anyone else to do so.

7. Avoid deceiving the person (although sometimes it may be necessary)

8. Ignore verbal abuse directed at you or others.

9. Make use of friends or relatives who know how to talk to, and deal with, the person unless there is friction between them.

10. Whenever possible, try and stall until a back-up arrives at the scene.

11. Show kindness and understanding; maintain professionalism.

12. Be aware that the person may respond the way he/she thinks you want him/her to.

13. If the person exhibits dangerous or violent behavior or has a history of dangerous or violent behavior, consider the use of force or the use of tactical resources when warranted; activate this agency's all hazard plan if the encounter is of such magnitude as to warrant activation

C. If it is necessary to restrain or take the person into custody, do so carefully; use physical restraint sparingly as it may cause more aggressive behavior. Keep sidearms and other weapons out of the person's reach. Contact EMS for restraints and/or transportation.

1. Any use of force to control an emotionally disturbed person must be reported on a Use of Force Report.

D. In addition to the requirements set forth in this department's directive on Interviews, Interrogations, & Access to Counsel and depending on the circumstances, personnel need to establish that any confession made by someone with mental illness is knowingly and intelligently given, see State v. Flower 224 NJ Super (App. Div. 1988). Consult with the Bergen County Prosecutor for guidance in these situations.

IV. Steps Short of Taking the Person into Custody

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

B. In most situations, no extraordinary steps are required other than to be patient, calm and attempt to convince the person to seek professional assistance. Officers should tactfully inform the person that the psychiatric department at Bergen Regional Medical Center is equipped to handle their problems and that, if the person wishes, conveyance can be arranged to the hospital.

1. The psychiatric staff is available 24/7 in the hospital and the staff will be summoned whenever the police bring an EDP to the emergency room.

C. If the person refuses to cooperate and responsible adult members of the person's family or the person's guardian are known, the officer may want to contact them and suggest that they try to influence the person to seek care.

V. Involuntary / Voluntary Commitment

A. The State of New Jersey is responsible for providing care, treatment and rehabilitation services to mentally ill persons who are disabled and cannot provide basic care to themselves or who are dangerous to themselves, to others, or to property. Because involuntary commitment entails certain deprivations of liberty, it is necessary that State law balance the basic value of liberty with the need for safety and treatment, a balance that is difficult to affect because of the limited ability to predict behavior.

B. The procedures set forth in this section are a result of rules promulgated by the New Jersey Department of Human Services, Division of Mental Health and Services Screening Outreach, specifically Rules, 10:31-8.1 through 10:31-8.3.

C. There are generally four situations in which a mentally ill person or EDP may be taken into custody.

1. If he/she committed a crime for which, under normal circumstances, he/she would be arrested; or

2. Where from acts observed by the officer or other reliable persons, the officer believes the person poses a substantial risk of physical harm to other persons as manifested by evidence that others are placed in reasonable fear of violent behavior and serious physical harm to them.

3. From acts observed by the officer or other reliable persons, the officer believes the person poses a substantial risk of physical impairment or injury to himself/herself as manifested by evidence that his/her judgment is so affected that he/she is unable to protect himself/herself in the community and that reasonable provision for his/her protection is not available in the community.

4. Where from acts observed by the officer or other reliable persons, the person demonstrates a substantial risk of physical harm to himself as manifested by evidence of threats of, or attempts at, suicide or serious bodily harm.

D. Where one of the situations outlined above has concluded that the person must be taken into custody, seek to convince the person to come voluntarily and peacefully. If these measures fail or are impracticable, restrain the person.

1. In restraining the person, use only as much force as is absolutely necessary.

2. Avoid choke holds and be continually aware of the potential for positional asphyxia.

E. Upon determining that a person is in need of involuntary commitment or further evaluation, the supervisor shall cause notification to the primary mental health screener in Bergen County. The current mental health screener for Bergen County is:

Psychiatric Emergency Screening
Care Plus NJ @ Bergen Regional Medical Center
230 East Ridgewood Avenue
Paramus, NJ 07652
HOTLINE: 201-262-4357 (201-262-HELP)
Office Contact: 201-262-7108

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

1. Name, if known;

2. Age, if known;

3. Physical condition (obvious injuries or illnesses);

4. Whether ambulatory or not;

5. A brief summary of the observations leading to the need for involuntary commitment;

6. Criminal charges, if applicable.

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

H. In situations where there is overt and extreme danger or believed to be such, personnel shall contact Care Plus NJ and request screening outreach as soon as practicable.

1. Personnel should attempt to stabilize the situation to the extent of their training and experience, if and when possible.

a. Certain situations may require prompt intervention prior to the arrival of screening personnel. (Examples: person threatening to jump from a bridge, building or other structure; person threatening him/herself with a firearm or other weapon.)

b. Screening personnel should verbally engage the subject only with the approval of this department's personnel.

c. Department personnel shall not permit screening personnel to place themselves in harms way to engage a subject.

I. If a screening outreach visit is unavailable or impracticable, personnel shall arrange for transportation to Bergen Regional Medical Center (BRMC).

1. Transportation should ordinarily be accomplished by ambulance whenever possible.

J. Unless impracticable due to staffing levels or workload, two officers should be used to affect transportation to BRMC.

1. The second officer should ride behind the transporting vehicle in a radio car to render immediate aid, if necessary.

2. Since this is an involuntary commitment the patient may have to be placed in restraints. Common sense and sound judgment will dictate whether restraints are necessary and if so, what level of restraints should be employed.

3. Consider using personnel from other units, squads, or mutual aid from surrounding municipalities if multiple escorts are warranted to bring the person to BRMC.

4. Consider the use of restraints on the person to minimize the potential of the EDP gaining access to the officer's weapon(s) during transport.

5. The officer accompanying the EDP to the hospital facility should consider disarming him/herself and turn the weapon(s) over to the assisting officer if the person being transported is considered a risk of obtaining control of the officer's weapon(s).

K. Ordinarily, personnel shall remain at the screening facility until the patient is assessed, the situation is stabilized and the screening facility's security takes over. Once the patient has been secured in the screening facility, it is normally not necessary for agency personnel to remain.

1. On occasion, BRMC personnel may request officers to remain in extraordinary situations. The tour commander shall render this determination.

VI. Referrals for Minors

A. Care Plus NJ also provides counseling and referral services for minors. Care Plus will:

1. Conduct assessments for minors when authorized by the parent or guardian;

2. Collaborate with all adults involved in the minor's wellbeing;

3. Provide resource information and psychological education;

4. Recommend the most clinically appropriate recovery plan;

5. Provide short term supportive counseling when appropriate;

6. Outreach with the police when necessary;

7. Coordinate care with Family Guidance (201-336-7360) when the parent or guardian is not available;

8. Assist the family with case management as needed.

B. Since Care Plus does not have legal authority over minors, staff can only make recommendations in terms of treatment in the community vs. hospitalization.

C. When an assessment is conducted at a school, the school will be billed for the services. Care Plus is unable to provide school clearance and therefore the minor will be referred back to the respective school district's resources.

D. There is a fee for services; however, it is often covered by health insurance plans. No minor will ever be denied services from Care Plus due to an inability to pay

VII. Incidents Involving Arrests

A. If the person is going to be incarcerated, ensure that the person is screened for suicide potential.

1. The tour commander may order close observation of the subject while in custody.

B. When the mental status of an arrested person requires evaluation by a screener, the tour commander shall cause notification to Care Plus NJ.

1. Personnel may transport to subject to BRMC for evaluation; or

2. Personnel may request that Care Plus NJ respond to this agency for an outreach screening.

a. If the screener determines that the subject does not meet the criteria for involuntary commitment, personnel shall continue with the arrest process.

b. If the subject is determined to meet criteria for involuntary commitment, the tour commander shall cause transportation to BRMC.

c. If the subject remains in custody, this agency is responsible for the person.

d. If the subject is released ROR, the screening center is responsible for the person.

C. If the subject is admitted or committed to a State psychiatric facility, personnel shall complete a *Uniform Detainer Form* (Appendix A). The detainer shall be forwarded to the psychiatric facility.

1. Copies of the *Uniform Detainer Form* must be retained by this department, filed with all case reports and filed with any criminal complaints that are forwarded to the courts.

D. Under the provisions of NJSA 30:4-27.22c, law enforcement agencies may be required to take custody of a person being released from involuntary commitment by the psychiatric facility and who was being held on bail resulting from criminal/disorderly person charges.

1. If the subject is to appear in a municipal court, this department may be required to affect the transportation.

2. If the subject is to appear in Superior Court or is to be incarcerated at the County Jail, contact the Bergen County Sheriff's Office for transportation.

E. For the protection of all concerned parties, all incidents involving involuntary commitment must be thoroughly documented.

VIII. Laws Concerning Involuntary Commitment

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

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

1. On the basis of personal observation, the law enforcement officer has probable cause to believe that the person is in need of involuntary commitment; or

2. A mental health screener has certified on a form prescribed by the division that based on a screening outreach visit the person is in need of involuntary commitment and has requested the person be taken to the screening service for a complete assessment; or

3. The court orders that a person subject to an order of conditional discharge issued pursuant to NJSA 30:4-27.15c who has failed to follow the conditions of the discharge be taken to a screening service for assessment.

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

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

1. A law enforcement officer, screening service or short term facility designated staff person or their respective employers, acting in good faith pursuant to NJSA 30:4-27 et seq. who takes reasonable steps to assess, take custody of, detain or transport an individual for the purposes of mental health assessment or treatment is immune from civil and criminal liability.

2. An emergency services or medical transport person or their respective employers, acting in good faith pursuant to this act and pursuant to the direction of a person designated in subsection 1 (above), who takes reasonable steps to take custody of, detain or transport an individual for the purpose of mental health assessment or treatment is immune from civil and criminal liability

3. Emergency services or medical transport person means a member of a first aid, ambulance, rescue squad or fire department whether paid or volunteer, auxiliary police officer or paramedic.

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

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

2. *The division shall prepare the form with the approval of the Administrative Office of the Courts.*

3. *When the person is administratively or judicially discharged and is still under the authority of the law enforcement authority, that authority shall within 48 hours of receiving notification of the discharge, take custody of the person.*

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 22	# OF PAGES: 24

SUBJECT: MISSING & UNIDENTIFIED PERSON INVESTIGATIONS

ISSUED BY: Deputy Chief James Sheehan	EFFECTIVE DATE: October 4, 2010	ACCREDITATION STANDARDS: 41.2.5, 41.2.6
SUPERSEDES ORDER #:		

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

PURPOSE The purpose of this directive is to codify this department's policy and procedures concerning missing/unidentified person investigations.

POLICY It is the policy of this department that all missing person incidents be given full consideration and attention. It is further the policy of this department to investigate these instances in compliance with **New Jersey State Statues** and guidelines established by the **New Jersey Attorney General** and the Bergen County Prosecutor.

Missing/unidentified person investigations pose particularly difficult problems for law enforcement agencies. Missing/unidentified children investigations pose even greater dangers to the child and require a swifter, more coordinated response by the law enforcement community, including media outlets. It is imperative that these investigations be given the appropriate degree of priority treatment. The investigation and all ancillary public safety activities must be timely and comprehensive.

All available support service shall be made available to the family of the victim. The victim's family will be kept informed of the progress of the investigation.

PROCEDURES

I. General

A. This directive applies to all investigations of missing and unidentified adults and children, including abducted, abandoned, runaway, or other missing children.

1. This directive cannot anticipate every potential scenario and establish special procedures for what may be a temporarily overdue person.

2. Officers must be guided by common sense and an evaluation of the facts and circumstances of each instance when undertaking a missing person investigation.

B. To initiate a successful investigation, the first responding personnel must focus on quickly gathering as much factual information as possible and safeguard potential evidence.

C. The accurate and comprehensive collection of information and personal descriptors entered in a timely manner into the NCIC database generally facilitates a successful resolution to the missing and unidentified person investigation.

D. Questions concerning parental custody occasionally arise in relation to missing children/adolescent incidents. Even under circumstances where custody issues have not been formally established or resolved, this department will accept and investigate all reports of missing children/adolescents, including cases where it can be shown that the child/children/adolescent(s) have (has) been removed, without explanation, from where they had last been seen.

1. Reporting persons shall be encouraged to obtain clarification of legal custody as soon as possible to assist in the investigation.

II. Definitions

A. **AMBER Abducted Child Alert System** is a cooperative effort between law enforcement and the broadcast media in the event of child abduction. Activation of the system provides immediate emergency broadcasts of descriptive information to the public through a multitude of media outlets.

B. **Alzheimer's Disease** is a progressive, degenerative disease of the brain in which brain cells die and are not replaced. It results in impaired memory, thinking, and behavior.

C. **Family Reference Sample Collection Kit** is a standardized collection kit that provides a safe and effective, noninvasive means for obtaining DNA reference samples from appropriate family members of a missing person. Family reference samples are entered into the FBI's Missing Persons DNA Database Program for comparative purposes. Kits are available from the NJSP Missing Persons Unit.

D. **High Risk Missing Person** is a person whose whereabouts are not currently known and the circumstances of the person's disappearance suggest that the person may be at imminent or likely risk of injury or death. The circumstances that indicate a person is a high risk missing person include, but are not be limited to:

1. The person is missing as a result of a confirmed abduction or under circumstances that indicate the person's disappearance was not voluntary

2. The person is missing under known dangerous circumstances

3. The person is missing for more than 30 days

4. There is evidence that the person is at risk because:

   a. The person is in need of medical attention or prescription medication such that it will have a serious adverse effect on the person's health if he or she does not receive the needed care or medication

   b. The person does not have a pattern of running away or disappearing

   c. The person missing may have been abducted by a non-custodial parent, guardian, family member, or other relative.

   d. The person missing is mentally impaired

   e. The person missing is over the age of 13 and under the age of 21 years and any other risk factor is known

   f. The person missing has been the subject of past threats or violence

5. Any other factor that may indicate, in the judgment of the department that the missing person may be at risk.

E. **Lead Law Enforcement Agency** is the law enforcement agency with primary responsibility for investigating a missing or unidentified person case.

F. **Long Term Missing Person** is any person that has remained the subject of a missing person investigation for over thirty (30) days.

G. **Long Term Unidentified Person** is any person, living or deceased that has not been identified through investigation for over thirty (30) days. All human remains that have been recovered and not identified are included in this definition.

H. **Missing Adult** includes a person who is 18 years of age or older and whose absence is contrary to their normal patterns of behavior.

I. **Missing Child** is any person under the age of 18 who is missing.

J. **Missing Child Alert System (MCAS)** is commonly referred to as MCAS or TRAK (Technology for the Recovery of Abducted Kids) and is a statewide computer system that enables the rapid production and dissemination of photographic informational bulletins to all law enforcement agencies in the State of New Jersey.

K. **Missing Persons and Child Exploitation Unit** is the Missing Persons & Child Exploitation Unit in the New Jersey State Police and provides analytical and investigative support related to missing persons and unidentified persons investigations.

   1. Main telephone 609-882-2000, extension 2893.

2. During other than normal business hours, contact the Regional Operations and Intelligence Center (ROIC) at 609-963-6900.

L. **National Center for Missing and Exploited Children – NCMEC** is located in Alexandria, Virginia and provides technical assistance to investigators; provides a 24-hour hotline to receive reports and sightings of missing children; a worldwide CyberTipline for on-line reporting of the sexual exploitation of children; nationwide distribution of photographs and descriptions of missing children; preparation of age-enhanced photographs of long-term missing children; and analysis of case information and leads. **(1-800-THE-LOST)**

M. **National Center for Missing Adults – NCMA** is a division of National Missing Children Organization, Inc. (NMCO) - a non-profit organization working in cooperation with the U.S. Department of Justice's Bureau of Justice Assistance, Office of Justice Programs. NCMA operates as the national clearinghouse for missing adults, providing services and coordination between various government agencies, law enforcement, media, and most importantly, the families of missing adults. NCMA also maintains a national database of missing adults determined to be endangered or otherwise at-risk. **(1-800-690-FIND)**

N. **Personal/Direct Reference Sample Evidence Registration Form** is an evidence submission form to be utilized when sending personal samples from the missing person to the National Missing Persons Program for DNA profile analysis and subsequent upload into the FBI's Missing Persons DNA Database Program. The registration form is located within the Family Reference Sample Kit, which is supplied by the NJSP.

O. **Project Lifesaver International** locates and rescues missing persons through proven radio technology and a specially trained search and rescue team. Administered by the **Bergen County Sheriff**, Project Lifesaver program clients wear a personalized wristband that emits a tracking signal.

P. **Safe Return Program** is a nationwide identification, support, and enrollment program working at the community level which assists in the safe return of individuals with Alzheimer's or a related dementia who wander and become lost.

Q. **Unidentified Deceased Persons Remains** are human remains that have been discovered while conducting a death investigation in which the identity of the human remains are currently unknown.

R. **VICAP** is the Violent Crimes Apprehension Program database established by the FBI as a nationwide data information center designed to collect, collate, and analyze a variety of violent crime information. VICAP provides all law enforcement agencies reporting similar patters of violent crimes with information necessary to initiate and coordinate multi-agency investigations.

S. **Zone of Safety** represents an area in which a missing person is known to frequent; feels a sense of comfort, and is not believed to be exposed to any unusual risk.

1. Each person's zone of safety is specific to that individual, based upon his/her normal lifestyle and areas where the person feels a sense of belonging/comfort.

2. While department personnel (first responders and investigators) will ultimately determine the zone of safety and base their response on it, they shall seek and take into consideration input from the people who are familiar with the missing person's habits/lifestyle to assist in making a determination as to what an appropriate zone of safety is for the missing person in the particular case at hand.

T. In order to be classified as a missing person, an individual must meet one of the following criteria:

1. Disability (EMD): A person of any age who is missing and under proven physical/mental disability or is senile, thereby subjecting himself/herself or others to personal and immediate danger.

2. Endangered (EME): A person of any age who is missing under circumstances indicating that his/her physical safety may be in danger. NOTE: Child Abduction (CA) or an AMBER Alert (AA) flag as appropriate.

3. Involuntary (EMI): A person of any age who is missing under circumstances indicating that the disappearance may not have been voluntary, i.e., abduction or kidnapping. NOTE: Child Abduction (CA) or an AMBER Alert (AA) flag as appropriate.

4. Juvenile (EMJ): A person under the age of 18 who is missing and does not meet any of the entry criteria set forth in subsections 1, 2, 3, or 5 of this section.

5. Catastrophe Victim (EMV): A person of any age who is missing after a catastrophe.

6. Other (EMO): A person aged 18 and older not meeting the criteria for entry into any other category who is missing and for whom there is a reasonable concern for his/her safety.

U. In order to be classified as an unidentified person, an individual must meet one of the following criteria:

1. Deceased (EUD): a person who is no longer living for whom the identity cannot be ascertained. This category also includes recovered body parts when a body has been dismembered.

2. Living (EUL): a person who is living and unable to ascertain his/her identity, e.g., amnesia victim, infant, etc. The information on unidentified living persons should only be included if the person gives his/her consent or if they are physically or mentally unable to give consent.

3. Catastrophe Victim (EUV): a person who is a victim of a catastrophe for whom the identity cannot be ascertained or body parts when a body has been dismembered as the result of a catastrophe.

III. General Investigative Standards

A. Due to the potential complexity and diverse nature of missing and unidentified person investigations, swift and effective action by this department is required.

1. The key to success is the rapid development of information to disclose the circumstances under which the person is missing or unidentified to determine whether foul play or suspicions are in evidence. This facilitates an efficient, logical approach to the investigation.

2. The potential for tragedy demands that supervisors continually monitor the progress of these investigations and be ever vigilant to take command of the situation if the need arises.

B. Immediately upon receiving a report of a missing person or unidentified person, a patrol unit shall be assigned and a preliminary investigation shall be conducted.

1. There is no requirement that the reporting person wait for any period of time to report the missing/unidentified person.

C. No missing person report will be denied on the basis that:

1. The missing person is an adult;

2. The circumstances do not indicate foul play;

3. The circumstances suggest that the disappearance may be voluntary;

4. The person reporting the missing person does not have personal knowledge of the facts;

5. The missing person is a visitor to Paramus or to a contiguous community;

6. The reporting person cannot provide all of the information requested;

7. The reporting person lacks a familial or other relationship with the missing person; or

8. For any other reason, except where there is direct knowledge that the person is in fact not missing and the exact whereabouts and welfare of the missing person are known at the time the report is being made.

D. Communications personnel (call takers) shall ensure that the following minimum steps are taken:

1. Obtain basic facts, details, and a brief description of the missing person/child and abductor, if applicable;

2. Dispatch a patrol unit to conduct a preliminary investigation;

3. Search past history logs for previous incidents related to activity in the area, paying special attention to reports of prowlers, lewdness, attempted abduction, etc. Make responding units aware of this information;

4. Broadcast all known detail to patrol units. Expand the notification to surrounding communities, counties, or states as the need arises;

5. Determine if the missing person is enrolled in Project Lifesaver. If so, make the necessary notification to the Bergen County Sheriff's Office and request that a search team be sent to the scene.

6. Make the necessary, timely notifications;

7. Update computer and database entries as needed;

8. Depending on the circumstances of the investigation and with permission of the supervisor or Chief of Police, consider notification to the media;

9. Depending on the circumstances of the investigation, activate the New Jersey Missing Child Alert System (MCAS/TRAK).

E. This department will remain the lead law enforcement agency in charge of the investigation unless another law enforcement agency assumes primary responsibility over the investigation.

F. A supervisor shall normally be assigned to a preliminary missing person investigation, unless existing workload or other circumstances make their response impossible. Missing person investigations shall be given high priority and shall not be considered routine. Depending on the circumstances, notification to the Chief of Police may be warranted.

G. Initial responding officer's responsibilities include:

1. Interview the reporting person.

   a. If more than one reporting person is present, interviews should be conducted separately.

   b. Verify that the person is, in fact, missing.

   c. Determine if this may be a high risk missing person and if there is a potential crime scene area and or potential witnesses.

2. Obtain the following information:

   a. Name, including aliases;

   b. Date of birth;

   c. Identifying marks, such as birthmarks, moles, tattoos and scars;

   d. Height and weight;

   e. Gender;

   f. Race;

   g. Current hair color and true or natural hair color;

   h. Eye color;

   i. Prosthetics, surgical implants, or cosmetic implants;

   j. Physical anomalies;

   k. Blood type, if known;

l. Any medications the missing person is taking or needs to take;

m. Driver's license number, if known;

n. Social security number, if known;

o. ATM and/or credit card account numbers, if known;

p. A recent photograph of the missing person, if available;

q. A description of the clothing the missing person was believed to be wearing at the time of disappearance;

r. A description of notable items that the missing person may be carrying or wearing;

s. Information regarding the missing person's electronic communications devices, such as cell phone number or e-mail addresses and carrier or Internet Service Provider;

t. The reasons why the reporting person believes that the person is missing;

u. The name and location of the missing person's school or employer, if known;

v. The name and location of the missing person's dentist and primary care physician, if known;

w. Any circumstances that may indicate that the disappearance was not voluntary;

x. Any circumstances that indicate that the missing person may be at risk of injury or death;

y. A description of the possible means of transportation of the missing person, such as make, model, color, registration, and VIN number of a motor vehicle;

z. Any identifying information about a known or possible adductor or the person last seen with the missing person including:

    i. Name;

    ii. Physical description;

    iii. Date of birth;

    iv. Identifying marks;

    v. Description of possible means of transportation;

    vi. Known associates.

    vii. Any other information that can aid in locating the missing person; and

viii. Date of last contact.

aa. If the missing person is a juvenile the following information may prove useful:

i. Custody status; examine court orders regarding current custody matters, if applicable. If criteria are met for AMBER Alert activation, immediately contact communications and request notification to the NJ State Police.

ii. Friends names and addresses;

iii. On-line screen names;

iv. Access to credit card information;

v. Access to vehicles;

vi. Wireless telephone number(s) and carrier;

vii. Access to bankbooks, bank account(s);

3. Ensure that everyone at the scene is identified and interviewed separately and properly record the information. Note name, address, and phone numbers of each person. Determine relationship to the missing person and ask where they believe the missing person may be. Obtain information of potential associates to aid in future investigation.

4. Identify the circumstances of the disappearance. Determine when, where, and by whom the missing person was last seen. Interview the individual(s) who had last contact with the missing person. Develop a list of known family members, friends, classmates, co-workers, and associates for interviews.

5. If a child is involved, identify a zone of safety commensurate with their age and developmental stage. If the child was out of this safety zone, ascertain potential reasons.

6. If known acquaintances, potential abductors, vehicles, or persons of interest are involved, obtain detailed descriptions as necessary.

7. Relay detailed descriptive information necessary for the investigation to communications for broadcast to all patrols and applicable law enforcement entities.

8. Ensure available photo(s) are relayed for the creation of a MCAS/TRAK bulletin.

9. Request additional personnel and resources if circumstances require.

10. Consideration should be given to immediately requesting detectives and additional personnel to the scene and implementing the Incident Command System. The NJSP Missing Persons and Child Exploitation Unit may be contacted to provide investigative guidance and resources.

11. Depending on the age of the missing person and other factors that are learned during the preliminary investigation, a course of action may include a targeted area search, if warranted. These circumstances may include a juvenile missing from a home, a juvenile late in arriving at or from a school, social, religious, shopping, or other activity.

    a. Thoroughly search the home, building, shopping center(s) and their immediate and surrounding area(s) in a logical and systematic manner, taking consideration of the particulars related to the missing person or missing child, including the last known location of the missing person and likely locations where the person may have gone. Include areas that may be attractive hiding places for children. Canvass the area for potential witnesses and individuals with knowledge of the missing person. Interview as necessary. Review any video footage that may be available.

    b. An adult who is missing, under circumstances that are not criminal or potentially life threatening may not necessarily require an area search. An adult who has been diagnosed with Alzheimer's disease, dementia, or who requires medication may require an area search.

    c. Determine (or verify) if the missing person is enrolled in the Project Lifesaver Program. When applicable, request the presence of trained personnel to conduct the search with the Project Lifesaver equipment. Contact the Bergen County Sheriff's Office for access to trained personnel.

    d. Supervisors shall evaluate the investigation and undertake any other reasonable actions to increase or narrow the scope of any search that may be undertaken.

12. Treat the area as a potential crime scene.

13. Utilize a crime scene entry/exit log, when necessary.

14. Request voluntary assistance from the family or reporting party in obtaining items of investigatory value belonging to the missing person.

    a. Obtain consent to search, when applicable.

    b. Consider obtaining personal items that contain the missing person's scent for utilization of search dogs. Place scent articles in a clean, paper bag.

    c. Attempt to obtain personal electronic devices (cell phones or cell phone numbers for tracking purposes, computers for online resources such as screen names or email sources, digital cameras, electronic storage devices, etc.).

    d. Gather as many documents as possible to assist with follow-up investigation. Banking records, mail, cell phone records, etc. should be collected, when possible. Utilize consent forms or court orders, as necessary.

15. When applicable, obtain items that would likely contain the missing person's DNA; such as a toothbrush, hairbrush, or clothing. Seal and protect the scene, when necessary, for potential subsequent search efforts by qualified crime scene technicians.

16. Determine if any of the missing person's personal items are known to be missing from the area/scene.

17. Maintain scene integrity until relieved by investigative or supervisory personnel. Thoroughly brief relieving personnel, advising of all investigative steps taken to point and noted documentation.

18. Complete all reports and forms prior to reporting off duty.

H. Detective responsibilities include:

1. When applicable, obtain briefing from first responding officer and other on-scene personnel.

2. Verify the accuracy of all descriptive information and other details developed during the preliminary investigation. Ensure that the missing person had been entered into all appropriate databases (NCIC, NJLETS, MCAS / TRAK).

3. Obtain a brief, recent history of family dynamics or relationship dynamics which apply to the missing person.

4. Correct and investigate the reasons for conflicting information offered by witnesses and other involved individuals.

5. Review and evaluate all available information and evidence requested.

6. Cause a criminal history check on any principal suspects and participants in the investigation, where applicable.

7. If the missing person is a visitor, contact the law enforcement agency where they reside for additional information and intelligence.

8. Develop an investigational plan.

9. Determine what additional resources and specialized services are required.

10. Contact the Bergen County Prosecutor's Office, or applicable Prosecutor's Office (visitors & vacationers) for required court ordered information to aid in investigation, when necessary.

11. Contact the NJSP Missing Persons and Child Exploitation Unit for assistance and resources, when necessary.

I. Supervisor responsibilities include:

1. Conduct a debriefing of the first responding officer, investigators, and other agency personnel at the scene. Obtain and review pertinent written reports.

2. Determine if additional personnel are needed to assist in the investigation or search.

3. Ensure that all required resources, equipment, and assistance necessary to conduct an efficient investigation have been requested and expedite their availability.

4. Determine whether the person reported missing is to be designated a high risk missing person.

   a. If the initial determination of a person reported missing does not warrant designation of that person as high risk, it shall not preclude a later determination, based on further investigation or the discovery of additional information, that the missing person is high risk.

   b. Upon a determination that a missing person investigation involves a high risk missing person or a missing child, the State Police Missing Persons and Child Exploitation Unit should be contacted to determine whether the circumstances warrant a cooperative effort.

   c. Ensure that Project Lifesaver protocols had been initiated, when applicable.

   d. If it is determined that a cooperative effort is warranted, the NJSP Missing Persons and Child Exploitation Unit shall coordinate the deployment of additional State Police resources in support of the investigation.

   e. The supervisor shall ensure that during an investigation involving a high risk missing person all law enforcement agencies in the State, and if necessary, law enforcement agencies in adjacent states that may aid in the prompt location and safe return of the high risk missing person are promptly notified and provided with as much descriptive information as possible.

5. Establish a command post, when necessary.

6. Ensure coordination and cooperation among all involved law enforcement agencies in the investigation and search effort.

7. Ensure that all required notifications are made.

8. Ensure that all policies and procedures are in compliance.

9. Be available to make any decisions or determinations as they develop.

10. Utilize media outlets to assist in search efforts, when necessary, throughout the duration of the case.

11. Contact the NJSP Missing Persons and Child Exploitation Unit for assistance and resources, when necessary.

J. If a person is developmentally disabled or emotionally disturbed, they may have difficulty communicating with others about their needs, their identity, or their address. The disability may place the person in danger of harm.

1. Mentally impaired may also include adults suffering from Alzheimer's.

2. When a child is developmentally disabled or emotionally disturbed, they may also have difficulty communicating with others about their needs, their identity, or their address. A mentally impaired child may be in danger of exploitation or other harm.

3. If the missing person is not located during the current shift all available information shall be given to the relieving shift until the person is found.

4. Personnel shall be guided by the **Attorney General's Law Enforcement Directive 2005-3** and training material, which establishes a statewide policy on the Safe Return Program to recover lost individuals with Alzheimer's disease and related disorders.

   a. It is particularly important to find a person with Alzheimer's disease within the first 24 hours to ensure safety and survival.

   b. The Safe Return Program has been designed to assist both the care giver of persons with Alzheimer's disease or a related dementia disorder, and law enforcement officials with the safe return of these persons.

   c. The program includes a nationwide participant registry that contains the full name of the registrant, a photograph, identifying characteristics, medical information, and emergency contact information which enables personnel to easily identify a person with Alzheimer's disease.

   d. Safe Return identification provides the first name of a person bearing this ID, indicates that they have memory impairment, and gives the 24-hour toll-free number for the Alzheimer's Safe Return Program.

   e. The Safe Return Program can also be used to send an alert to area agencies such as shelters or hospitals that a person with Alzheimer's disease is missing. This may help recover a person with Alzheimer's disease faster.

   f. Personnel receiving a report of a missing person who is believed to have Alzheimer's disease or a related disorder, shall immediately contact the Safe Return Hotline at **800-883-1180** and a photograph and/or description, if available, should be disseminated to all officers working the current shift.

   g. When approaching a person believed to have Alzheimer's disease, ask for identifying information. Persons who are registered with the Safe Return Program shall have a bracelet, necklace, lapel pin, key chain, or label inside their clothing collar.

IV. Ancillary Procedures – Missing Persons

A. All obtained information shall be forwarded to communications and/or detectives who shall ensure its entry into all appropriate databases. Under no circumstances shall the entry of this information be delayed. These databases include:

1. NJLETS/NCIC - The NJLETS entry (File 08) will automatically generate a report to the State Missing Persons Clearinghouse located within the Missing Persons and Child Exploitation Unit via CJIS. This record is automatically sent to NCIC and entered into the NCIC Missing Person File, creating a NIC Number for the case.

2. MCAS/TRAK - Generate a TRAK bulletin with a photo of the missing person and particulars of the case. If the MCAS/TRAK system is inoperative or disabled, contact the NJSP Missing Persons and Child Exploitation Unit for assistance.

3. **NJSP Website** – Depending on the circumstances, the shift supervisor or detective may at any time, contact the NJSP Missing Persons and Child Exploitation Unit and request that the case be listed on the New Jersey State Police Missing Persons website/web page.

4. NCMEC/NCMA – Depending on the circumstances, the shift supervisor or detective should give consideration in contacting and listing their case with the National Center for Missing and Exploited Children or the National Center for Missing Adults, when deemed appropriate.

B. The person making the report, a family member, or any other person in a position to assist in the investigation shall be provided with the following:

1. General information about the handling of the investigation or about intended efforts to the extent determined that disclosure would not adversely affect the ability to locate or protect the missing person or to apprehend or prosecute any person criminally involved in the disappearance;

2. Information advising the person that if the person remains missing they should contact this department with additional information and materials that will aid in locating the missing person, such as credit or debit card and banking transactions and cell phone use;

3. In those cases where DNA samples are requested, they are to be submitted on a voluntary basis and shall be used solely to help locate or identify the missing person and shall not be used for any other purpose; and

4. If the person reported missing is a juvenile (age 17 or under), the person filing the report shall be provided with contact information for the National Center for Missing and Exploited Children. If the person reported missing is an adult (age 18 or older), the person filing the report shall be provided with contact information for the National Center for Missing Adults.

C. If the missing person remains missing for 30 days, and the additional information and material mentioned below has not been received, the detective shall attempt to obtain:

1. DNA samples from biological family members and, if possible, from the missing person along with any needed documentation, including any consent forms, required for the use of State or Federal DNA databases;

a. Mechanics for submission of DNA samples:

i. Once the article(s) has been properly documented, personnel shall utilize the **Personal / Direct Reference Sample Evidence Registration Form**.

ii. Contact appropriate biological family member(s) to ascertain if they are willing to provide a reference DNA sample for comparison purposes in the National Missing Persons Program federal database (CODIS MP) maintained by the Federal Bureau of Investigation. Such DNA samples are provided on a voluntary basis and shall be used solely to help locate or identify the missing person and shall not be used for any other purpose.

iii. Personnel shall utilize the **Family Reference Sample Collection Kit** (supplied by the NJSP) to obtain DNA samples. Personnel shall strictly adhere to the instructions as put forth in the collection kit. Kits may be obtained by contacting the NJSP Missing Persons and Child Exploitation Unit.

iv. Upon obtaining the DNA sample(s), personnel shall forward the kit to the National Missing Persons Program, University of North Texas Health Science Center, as directed in the kit instruction form. Strict attention shall be adhered to in the transmittal of the **Fax Back Sample Tracking Form** prior to the mailing of the kit.

v. In addition to faxing the form to the National Missing Persons Program, officers shall fax the form to the Missing Persons & Child Exploitation Unit, Division Headquarters (609-882-2719) for case tracking purposes.

vi. Upon completion of the DNA sample submission process, the assigned investigator shall modify the existing NCIC missing person/ unidentified person entry to include that a DNA sample pertaining to the investigation is available for comparison. Location of the sample and corresponding CODIS MP identification number should be included in this modified entry.

vii. **Reference Sample Priority Sequence:**

Personal Item(s) from missing person

(Direct Reference Sample Evidence Registration Form)

(1) Toothbrush
(2) Clothing
(3) Hairbrush
(4) Any item capable of furnishing a DNA profile

Nuclear Family Members of Missing Person

<u>(Family Reference Sample Collection Kit)</u>

(1) Biological Brother or Sister of Missing Person
(2) Biological Parents of Missing Person
(3) Biological Children of Missing Person

<u>Maternal</u> Biological Relatives of Missing Person

<u>(Family Reference Sample Collection Kit)</u>

(1) Aunts / Uncles of Missing Person **(Maternal Side Only)**
(2) Cousins **(Maternal Side Only)**
(3) Half-Sisters / Half-Brothers **(Maternal Side Only)**

2. Dental information and x-rays, and an authorization to release dental or skeletal x-rays of the missing person;

   a. The resulting profile shall be coded and entered into NCIC by modification of the existing record.

3. Any additional photographs of the missing person that may aid the investigation or identification. It is not required to obtain written authorization before releasing publicly any photograph that would aid in the investigation or identification of the missing person; and

4. Fingerprints;

   a. The resulting profile shall be coded and entered into NCIC by modification of the existing record.

D. Information relevant to the Federal Bureau of Investigation's Violent Criminal Apprehension Program (VICAP) shall be entered as soon as possible.

E. When kidnapping, abduction or interstate flight is suspected, the Federal Bureau of Investigation shall be notified and be kept informed of all developments.

F. Where a crime or other unlawful act is suspected, the Bergen County Prosecutor's Office shall be notified and be kept informed of all developments.

G. The New Jersey State Police implements the Amber Alert Plan. Amber Alerts are intended for serious cases of child abduction where the child's life is in imminent danger of serious bodily harm or death. Amber Alerts are not intended for all missing child incidents, runaways, or child custody situations. The following criteria are necessary to activate an Amber Alert:

   1. The child must be under the age of 18;

   2. There must be some indication that the child is in imminent danger of serious bodily harm or death;

   3. There must be a short enough delay between the time the child was last seen and the time the child is reported missing to believe that an Amber Alert will help locate the child;

4. There must be enough descriptive information to believe that an Amber Alert will help locate the child.

5. Upon belief that an abducted child may fit the criteria for activating an Amber Alert, the local agency shall notify the New Jersey State Police Missing Persons & Child Exploitation Unit to authenticate and broadcast the alert.

    a. Main number 609-882-2000, extension 2893

    b. During other than normal business hours, contact the Regional Operations and Intelligence Center (ROIC) at 609-963-6900.

6. NJSP Missing Persons & Child Exploitation Unit personnel will ordinarily respond to assist with the investigation until deactivation of the AMBER Alert.

H. Under the provisions of **Attorney General Directive 2010-3**, when deciding whether to activate or request activation of an Amber Alert in cases involving family abductions, investigators should consider whether the reported abduction was done by a family member or someone acting on behalf of a family member. An Amber Alert should not be activated unless the Amber Alert criteria have been met.

I. In the case of a family abduction, investigators must consider the complexity of the circumstances of the reported abduction *(e.g., the* manner in which it was committed and whether violence, threat of violence, a deadly weapon, or other dangerous behavior or circumstance was involved), as well as any available background information about the abductor and his/her relationship to the child and any history of prior abductions, custody disputes, domestic violence or child abuse. Furthermore, when assessing the totality of the known circumstances, law enforcement officials responding to a report of a family abduction may need to consider the possibility that the person reporting the abduction has a motive to overstate the risk of physical harm posed to the child in order, for example, to gain an advantage in ongoing or contemplated matrimonial or custody rights litigation.

J. In family abduction cases, investigators should consider the following specific circumstances, when information about these circumstances is available:

1. Whether any threats of harm to the child were made by the abductor at any time before the abduction, or during the course of the abduction (including implied threats such as "if I can't have custody, then no one will");

2. Any past history of violence by the abductor directed against the child, or abuse or neglect of the child, or any other child;

3. Whether violence or threat of violence was used in committing the abduction, and whether force was used or directed against the child *(e.g.,* the child resisted or tried to escape), or put the child at immediate risk of harm, even if the force was directed against another *(e.g.,* the use or threatened use of a firearm or other weapon; assault by auto, motor vehicle eluding or reckless driving, etc.);

4. Whether there is a family history of domestic violence or child abuse, or a history of custody disputes or past abductions;

5. Whether the abductor has a past history of violence or weapons offenses;

6. Whether the abductor is believed to be armed;

7. Whether the abductor is believed to be under the influence of alcohol or drugs;

8. Whether the abductor has a history of alcohol or other substance abuse;

9. Whether the abductor has a history of mental illness;

10. Whether the abductor was acting irrationally *(e.g.,* uncontrolled rage, desperation, or panic);

11. Whether the child and/or abductor have pre-existing medical and/or health conditions, which, if unmonitored and/or untreated, could impact on the welfare of the child;

12. Any other facts or circumstances that suggest that the abductor might intentionally or unintentionally harm the child, or expose the child to a dangerous situation.

K. The New Jersey State Police have developed an Amber Alert Activation Worksheet to help identify and document the facts used to determine whether it is appropriate to activate an Amber Alert.

L. Officers may subscribe to **Wireless Amber Alerts** in order to receive a text message when an Amber Alert has been issued.

M. The New Jersey State Police also implement the Silver Alert Plan. Much like Amber Alerts for missing children, Silver Alerts are intended to enlist the assistance of the media to broadcast descriptive information to the public to help locate people believed to be suffering from dementia or other cognitive impairment. Specific health information about the missing person shall not be made public through the alert or otherwise.

1. Each of the following criteria shall be met before a Silver Alert may be issued:

   a. The person believed to be missing is believed to be suffering from dementia or other cognitive impairment regardless of age;

   b. A missing person investigation has been initiated;

   c. The person believed to be missing may be in danger of death or serious bodily injury;

   d. There is sufficient information available to indicate that a Silver Alert would assist in locating the missing person; and

   e. Sufficient information is available to disseminate to the public that could assist in locating the person.

2. Upon belief that a person may fit the criteria for activating a Silver Alert, notify the New Jersey State Police ROIC to authenticate and broadcast the alert.

a. Main number 609-882-2000, extension 6941 (24/7)

b. Relay missing person information to the NJSP

c. The NJSP will complete a checklist based upon the information provided;

d. ROIC personnel will fax the checklist to the NJSP Missing Persons Unit;

e. The NJSP Missing Persons Unit will determine whether a Silver Alert will be broadcast.

3. The Missing Persons and Child Exploitation Unit in the Division of State Police, upon request, shall assist the lead law enforcement agency in the investigation of any Silver Alert investigation.

V. Child Abduction Response Team

A. For purposes of this subsection <u>only</u>, the term missing child means a person 13 years of age or younger whose whereabouts are not currently known. (NJSA 52:17B-212)

B. Upon receipt of a report of a missing child, the shift supervisor shall cause notification to the Bergen County Prosecutor's Office, Child Abduction Response Team (CART) Leader.

1. This department will remain the lead investigating agency until the Bergen County Prosecutor determines otherwise.

2. CART leaders shall oversee all missing child investigations.

C. When investigating a missing child, the Bergen County Prosecutor or the CART leader(s) may request law enforcement resources from this department to assist in the missing child investigation from any other law enforcement agency.

1. Any reasonable request for such assistance shall not be denied. Reasonable assistance includes, but is not limited to:

a. Search teams;

b. Use of Paramus Borough facilities for staging, command post, etc.

c. Mutual aid;

d. Investigative resources.

VI. Procedures – Returned/Located Missing Person

A. Communications personnel must be continually aware of incoming NLETS/NJLETS messages, including but not limited to all $Messages, M-Match, N-No Match, Locate, Hit Confirmations, TRAK Alerts, etc. Communications personnel shall ensure that every teletype message is scanned for these messages and that action is taken on all pertinent messages.

B. Reported Missing in Paramus -Returned/Located in Paramus:

1. Upon the return of a person reported missing by this department, a patrol unit shall be assigned, unless impracticable, to verify the return and to obtain any supplemental information that may be helpful.

   a. If practicable, verify the identity of the person.

   b. Medical assistance shall be offered if necessary.

   c. The supplemental information includes, but is not limited to: physical appearance, reported physical condition, where they were, why they were missing, etc.

   d. The return, with supplemental information, must be documented on an investigation/supplemental report.

2. Ensure that the NCIC database entry is cleared or canceled with the appropriate code, depending upon the circumstances.

3. An NJLETS Cancel Missing Persons Message noting the returned missing person must be broadcast immediately following the NCIC transaction.

4. All teletypes and supplemental files/documents must be filed with the investigation report.

C. Reported Missing by Outside Agency-Located in Paramus:

1. Upon locating a missing person reported missing from another jurisdiction, a patrol unit must be assigned or may likely be already involved in the investigation. The locate incident, along with any other supplemental information must be documented on an investigation report.

2. Ensure that the appropriate Hit Confirmation Request and Locate Message are sent to the originating agency. (The originating agency is responsible for clearing the NCIC database record and sending the File 9 Message.) A supplemental telephone call to the originating agency may speed the process.

3. All teletypes and supplemental files/documents must be filed with the investigation report.

4. The originating agency is responsible for advising this agency as to the ultimate disposition of the located missing person. The shift supervisor shall make the determination whether to provide additional assistance to that agency which could include detaining the person, transporting the person to their residence, hospital, or to the originating agency.

5. Depending upon the circumstances, it may be necessary to take the returned missing person into protective custody. This is essentially the case involving runaway juveniles.

   a. Personnel should be assigned to stay with a located runaway juvenile while in custody, when practicable.

   b. A detective may need to be notified or recalled.

c. It may be necessary to notify DYFS in the event that the juvenile's return to their home or normal place of abode is delayed or impractical. Examples include:

i. Runaways from out-of-state;

ii. Inability to contact family;

iii. Juvenile claims to have been sexually assaulted by a family member;

iv. Juvenile claims to have run away from abusive parent/family, etc.

D. Reported Missing in Paramus - Located by Outside Agency:

1. An outside agency that locates a person reported missing by this department will normally send a Hit Confirmation Request and a Locate Message to this agency.

2. Upon receiving a Hit Confirmation Request and/or the Locate Message, ensure that the missing person record is verified and a Hit Confirmation Response File 14 is generated within the stipulated time mandated by NJLETS.

3. A telephone call to the locating agency is permitted to supplement the Hit Confirmation Response, but shall not be placed instead of the required NJLETS response. The telephone call can be used to obtain or provide supplemental information to assist in the investigation.

4. Once confirmed, ensure that the NCIC database record is cleared with the appropriate NCIC code. Also ensure that an NJLETS Cancel Missing Persons Message is broadcast immediately after the NCIC transaction.

5. This agency is responsible for determining the ultimate disposition of the former missing person. In almost all cases, the family member who had originally reported the person missing will make the decision.

a. Ensure that a family member is immediately notified of the returned person and given all pertinent information necessary for them to make a decision regarding the future status of the former missing person.

b. This agency will offer all reasonable assistance to the family in reclaiming the person. This directive could not possibly provide detailed guidance to address every possible scenario. Common sense and good judgment will guide this department's action.

6. Depending on the circumstances of the original disappearance and subsequent finding of the missing person, it may be necessary to recall the detective to assist in the investigation.

7. Ensure that an incident/supplemental report detailing the located missing person including any supplemental information is completed. All supplemental files and teletypes shall be attached to the investigation report.

E. If an Amber Alert or Silver Alert has been initiated, make immediate notification to the New Jersey State Police advising them to cancel the Amber/Silver Alert. NJLETS messages generated as a result of the located missing child must also contain a request to cancel the Amber/Silver Alert, where applicable.

F. Notify and/or update all other investigative resources and have them modify their databases, i.e. MCAS/TRAK, NCMEC/NCMA, etc.

VII. Missing Person Investigation – Parental Abduction out of the United States

A. The potential for a parent to take a child out of the United States poses unusual and perplexing problems for law enforcement that may invoke international treaties.

1. Reporting persons shall be encouraged to obtain clarification of legal custody as soon as possible to assist in the investigation.

2. The international Hague Abduction Convention (see definitions under U.S. Department of State) only deals with abducted children who are age 15 or younger.

B. If the parent removing the child/children from the United States is recognized as a bona fide custodial parent, there will ordinarily be no underlying criminal act and the reporting person will need to seek civil and/or diplomatic remedies through the appropriate court and/or foreign embassy or consulate.

1. Reporting persons should be referred to the appropriate family court with jurisdiction and the United States Department of State.

C. Non custodial parent(s) who remove their children from the United States may be charged with a criminal act if the facts result in probable cause, specifically NJSA 2C:13-4 Interference with Custody in N.J. There are several Federal laws that can be applied, see **http://www.state.gov/documents/organization/86818.pdf** (page 12).

1. If Federal laws have been violated, the investigator shall notify the US Attorney's Office.

D. If a non custodial parent abducts a child (children) and there is evidence to suggest that the abductor intends to leave the country, investigators should consider:

1. Contact to area airports, train stations, bus depots, and other potential areas of departure to determine if the non custodial parent is on any passenger manifests.

2. Contact to the NJSP to see if an Amber Alert can be broadcast. (Parental abduction normally does not qualify for an Amber Alert broadcast.)

3. Cause notification to the appropriate law enforcement agencies such as Port Authority of NY/NJ Police Department, New Jersey Transit Police Department, Amtrak Police Department, NJSP Missing Persons & Child Exploitation Unit, Federal Bureau of Investigation, etc.

4. Contact to the National Center for Missing & Exploited Children for assistance.

E. If a non custodial parent abducts a child (children) and it is determined that they have left the Unites States:

1. Cause notification to the appropriate governmental agencies such as the NJSP Missing Persons & Child Exploitation Unit, Federal Bureau of Investigation, United States Department of State, etc.

2. Contact to the National Center for Missing & Exploited Children for international assistance.

3. Because of treaty obligations, US Department of State actions or remedies may supersede any local criminal investigation.

4. Because of Federal and international laws, the FBI may supersede any local criminal investigation.

VIII. Procedures-Unidentified Persons

A. These procedures are not intended to replace prudent investigative techniques employed to identify an unidentified living person. Instead, these procedures will supplement existing investigative processes.

B. Unidentified persons may be living or dead, adult or juvenile. The investigating officer should obtain as much individual identifying characteristics as possible concerning the unidentified person.

C. Ensure that the individual identifying characteristics are entered into the NCIC Unidentified Persons File as soon as they become available. Communications personnel must be continually aware of any $Messages.

D. Ensure that a NJLETS Unidentified Persons Message is broadcast immediately following the NCIC database entry. This message will be broadcast on a statewide basis and expanded or narrowed as the need exists.

E. Unidentified Deceased Investigative Guidelines:

1. After performing any death scene investigation, the human remains shall be delivered to the appropriate state or county medical examiner.

2. Personnel shall not dispose of or engage in actions that will materially affect the unidentified human remains before the appropriate medical examiner obtains:

a. Samples suitable for DNA identification archiving

b. Photographs of the unidentified human remains

c. All other appropriate steps for identification have been exhausted

3. Unidentified human remains shall not be cremated.

4. Data relevant for the NCIC Unidentified Deceased/NJLETS Unidentified Deceased (File 11) entries will be entered by this department as the lead law enforcement agency.

5. DNA profiles and information shall be entered into the National DNA Index System (NDIS/CODIS/CODIS MP) within five business days after the completion of the DNA analysis.

6. Information sought by the Violent Criminal Apprehension Program (VICAP) database as soon as practicable

F. Once a previously unidentified person is identified, the NCIC database must be cleared using the appropriate code. A NJLETS Cancel Unidentified Persons Message must be broadcast immediately following the NCIC database transaction noting the identification.

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 24	# OF PAGES: 5

SUBJECT: DIPLOMATIC & CONSULAR IMMUNITY

ISSUED BY: Deputy Chief James J. Sheehan	EFFECTIVE DATE: July 26, 2010	ACCREDITATION STANDARDS: 1.2.5, 61.1.3d
SUPERSEDES ORDER #:		

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

PURPOSE The purpose of this directive is to codify this department's policy and procedures concerning diplomatic and consular immunity.

POLICY It is the policy of this agency to comply with the U.S. Department of State obligations with regard to diplomats and consular officials and applicable law.

PROCEDURES

I. General

A. Incidents involving foreign diplomats and/or consular officials and their families must be carefully handled to minimize the risk of an international incident.

B. When personnel come into contact with persons who fall within these categories, they must notify their supervisor as soon as practicable prior to taking any enforcement action.

C. Supervisors should respond to all situations involving individuals who are identified as foreign diplomats, consular officials, or their families.

II. Diplomatic Immunity

A. Diplomatic Immunity is a principle of international law that is broadly defined as the freedom from local jurisdiction that is accorded to duly accredited diplomatic agents and members of their immediate household.

B. The Vienna Convention on Diplomatic Relations (1961) contains the current law on the subject of diplomatic privileges and immunities and is incorporated into federal law by the Diplomatic Relations Act of 1978 (22 CFR § 254).

C. Ambassadors and Ministers are the highest ranking diplomatic representatives of foreign governments. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché. These officials are typically headquartered in either Washington, D.C. or in New York City.

D. The Vienna Convention applies to members of the staff of a foreign diplomatic mission that includes the diplomatic, administrative, technical, and service staffs of foreign embassies in the United States. <u>It does not include consular personnel</u>, whose privileges and immunities are governed by the Vienna Convention on Consular Relations.

E. Foreign diplomatic agents and members of their families have full immunity from arrest, detention, or prosecution for any criminal violation unless such immunity is expressly waived by the sending state. The above individuals also enjoy immunity from civil process except in certain actions involving private activities outside their official function.

F. The administrative and technical staff of a foreign mission and members of their families who are not U.S. nationals or permanent residents of the United States have full immunity from arrest, detention or prosecution for any criminal offense. Such employees enjoy immunity from civil process only for those actions carried out in their official capacity. Family members of these employees are not immune from civil jurisdiction.

G. Members of the service staff of a foreign diplomatic mission, including drivers, messengers, and security guards, enjoy immunity only for actions carried out in the course of their official duties. Family members of such individuals have no immunity. Private servants of embassy personnel have no immunity.

H. Associated with this personal diplomatic immunity is the inviolability enjoyed by the premises of the mission of the sending state and the private residence of a diplomatic agent or member of the administrative or technical staff. Such inviolability extends to his or her property, papers and correspondence. Inviolability means secure from violation; impregnable to assault or trespass.

I. Under the provisions of NJSA 39:5-54, whenever a person with diplomatic immunity is stopped by a law enforcement officer who has probable cause to believe that the person has violated NJSA 2C:11-5, NJSA 2C:12-1c, NJSA 39:4-50, NJSA 39:4-50.4a or NJSA 39:6B-2, or has committed a motor vehicle moving violation, the official shall:

1. As soon as practicable, contact the United States Department of State office to verify the person's status and immunity;

    a. Contact the Diplomatic Security Command Center, Department of State, 24/7 at 1-866-217-2089 or 1-571-345-3146.

    b. A listing of alternate telephone numbers concerning immunity can be found at **http://www.state.gov/m/ds/immunities/c9125.htm**

2. Record all relevant information from the person's driver's license or identification card, including a driver's license or identification card issued by the United States Department of State;

    a. Fax copies of all incident reports and citations to the Diplomatic Security Service, Protective Liaison Division at 1-202-895-3613.

3. Within five working days after the date of the stop, forward to the N.J. Motor Vehicle Commission the following information:

    a. A copy of any citation or other charging document that was issued, if any; and

    b. A written report describing the incident if no citation or charging document was issued.

4. Personnel who have detained persons with diplomatic immunity after being stopped on a suspicion of NJSA 39:4-50 are still subject to the provisions of John's Law NJSA 4-50.22 & NJSA 39:4-50.23, and **Attorney General's Directive 2004-1** regarding their release and the impound and subsequent release of their vehicle.

III. Consular Immunity

A. Consular Officials are Consuls General, Vice Consuls, Deputy Consuls and Consular Agents. 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.

B. Foreign career consular officials are not liable to arrest or detention pending trial except in the case of a grave crime (indictable arrest that would endanger the public safety), and pursuant to a decision by judicial authority. Their immunity from criminal jurisdiction is limited to acts performed in the exercise of consular functions and is subject to court determination.

C. Career consular officials can be identified by credentials issued by the U.S. State Department and by other locally issued identification papers. The U.S. State Department credential bears its seal, the name of the officer, title, and the signatures of the Department of State Officials.

D. 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, although they may exhibit reduced sized copies of the 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.

E. Appropriate steps must be provided to afford such officers the protection required by virtue of their official position. In addition, the consular archives and documents of a consular post headed by an 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 honorary consuls and persons working with them.

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

G. Consular premises used exclusively for the work of the consular post cannot be entered without explicit permission of the head of the consular post, 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.

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

I. Unless consular officers are considered a serious danger to themselves or others, they should not be physically restrained or subjected to a sobriety test. It should be impressed upon them that the law enforcement official's primary responsibility is to care for their safety and the safety of others.

    1. Personnel who have detained consular officials after being stopped on a suspicion of NJSA 39:4-50 are still subject to the provisions of John's Law NJSA 4-50.22 & NJSA 39:4-50.23, and **Attorney General's Directive 2004-1** regarding their release and the impound and subsequent release of their vehicle.

J. Family members of a consular officer are not entitled to immunity. However, consideration should be given to the special nature of this type of case. A violation should be handled, whenever possible, through the seeking of a complaint. The individual should be released once positive identification is made and the relationship with the consular officer is verified. If the relative is a juvenile, the subject should be released to the parent.

IV. Supplemental

A. In the event that a consular officer, employee of, members of their families, or personal staff should become involved in a serious incident, the duty supervisor or designee should notify the Office of Protocol, Department of State, Washington, D.C. (Consular Officers 1-202-632-0706, Consular Employees 1-202-632-0605, Off Hours 1-202-632-2412).

   1. The Diplomatic Security Command Center, Department of State, is available 24/7 at 1-866-217-2089 or 1-571-345-3146 to assist with any investigation or to make notifications.

B. The duty supervisor shall also notify the Chief of Police and advise him/her of the incident.

C. All incidents, no matter how minor, involving foreign diplomats or consular officials or their families must be documented in an incident report.

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 25	# OF PAGES: 6

SUBJECT: CONSULAR NOTIFICATION & ACCESS

ISSUED BY:	EFFECTIVE DATE:	ACCREDITATION STANDARDS:
Deputy Chief James J. Sheehan	July 26, 2010	1.1.4
SUPERSEDES ORDER #:		

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

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

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

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

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

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

PROCEDURES

I. Definitions

A. Arrest shall refer to any detention or other commitment to custody which results in a foreign national being incarcerated for more than a few hours triggers the consular notification requirements under this procedure.

1. A brief traffic stop or an arrest which results in a citation and release at the scene for an infraction or misdemeanor would not require that consular notification is provided.

2. Requiring a foreign national to accompany a law enforcement officer to a place of detention may trigger the consular notification requirements, particularly if the detention lasts for a number of hours or overnight.

3. The longer a detention continues, the more likely it is that a reasonable person would conclude that the consular notification obligation is triggered

B. Consular Assistance is defined as the right to visit, correspond with, and arrange for legal representation of a foreign national detained or in detention.

C. Consular Officer or Consul is a citizen of a foreign country employed by a foreign government and authorized to provide assistance on behalf of that government to that government's citizens in a foreign country. The term consul should not be confused with Counsel, which means an attorney authorized to provide legal counsel and advice.

D. Detention/Detained shall refer to the temporary seizure of a person not amounting to a custodial arrest, but more than the brief stopping of a person to answer questions in a street or motor vehicle investigative encounter. The detention is greater then that which occurs during a simple Terry stop or a field interview.

E. Foreign National is any person who is not a United States citizen. The term foreign national and alien are used interchangeably. Resident aliens who have a resident alien registration card, commonly known as a green card, are considered foreign nationals for the purposes of consular notification, as are undocumented (or illegal) aliens.

F. Without Delay is a term contained in the Vienna Convention on Consular Relations generally understood to mean that there should be no deliberate delay, and that notification should occur as soon as reasonably possible under the circumstances. Nevertheless, notification to consular officials should have been made within the first 24 hours of the detention, and certainly within 72 hours.

II. General Provisions

A. When foreign nationals are arrested or detained, they must be advised of the right to have their consular officials notified.

B. Some countries require that the nearest consular official must be notified of the arrest or detention of a foreign national, regardless of the foreign national's wishes.

C. Consular officials are entitled to access to their foreign national in detention and are entitled to provide consular assistance.

D. A listing of countries that require mandatory notification is contained in Attachment A to this directive. (Note: Although the U.S.S.R., Yugoslavia and Czechoslovakia no longer exist, some nationals of its successor states may still be traveling on its passports. Mandatory notification must be given to consular officials for all nationals of these states, including those traveling on old U.S.S.R., Yugoslavia or Czechoslovakia passports. The successor states are listed separately).

E. A formatted fax sheet for notifying consular officials of arrests or detentions is contained in Attachment B.

F. A formatted fax sheet for notifying consular officials of death/serious injuries is contained in Attachment C.

G. A compendium of translated statements in multiple languages is contained in Attachment D to this directive. (For purposes of this directive only 13 languages are listed. It is impossible to list all possible languages. Only those languages common to this region are listed.)

H. A listing of foreign embassies and consulates in the United States are contained in Attachment E to this directive.

I. The Vienna Convention on Consular Relations, articles 5, 36, 37, is contained in Attachment F to this directive.

J. These are mutual obligations that also pertain to American citizens in foreign countries. In general, treat a foreign national as you would want any American citizen to be treated in a similar situation in a foreign country. This means prompt, courteous notification to the foreign national of the possibility of consular assistance, and prompt, courteous notification to the foreign national's nearest consular officials so that they can provide whatever services they deem appropriate.

K. Under no circumstances should any information indicating that a foreign national may have applied for asylum or refugee status in the United States or elsewhere be disclosed to that person's government.

    1. If a consular officer insists that they are entitled to information about a detainee that the detainee does not want disclosed, please contact the shift commander/supervisor or the State Department for guidance.

L. When a foreign aircraft crashes, consular officials **must** be notified. In all probability, a state or federal agency having overall jurisdiction for the crash will make this notification.

III. Notification Procedures

A. When a foreign national is arrested or detained, determine their country of nationality. Normally, this is the country on whose passport or other travel document the foreign national travels.

B. If the foreign national's country is not on the mandatory notification list in Addendum A:

    1. Without delay, offer to notify the foreign national's consular officials of the arrest/detention. See Statement #1 listed in subsection V.

a. If the foreign national understands English, then the statement can be given in English. If the foreign national does not understand English, a listing of statements in 13 foreign languages is contained in Attachment D.

b. If the language is not listed, notify the appropriate consulate by telephone to obtain a copy of the notification in their language or access the US State Department Website at http://travel.state.gov/law/consular/consular_737.html.

2. If the foreign national asks that a consular notification be given, notify the nearest consular official of the foreign national's country without delay.

a. For phone and fax numbers, this contact information can be found on the US State Department Website at: http://travel.state.gov/law/consular/consular_745.html.

C. If the foreign national's country <u>is</u> on the list of mandatory notification countries:

1. Notify that country's nearest consular officials of the arrest/detention, without delay via fax. Notification should occur as soon as is reasonably possible under the circumstances. Notification must be made regardless of whether the foreign national desires notification. Phone and fax numbers can be found on the State Department web site at http://travel.state.gov/law/consular/consular_745.html.

2. Inform the foreign national of the mandatory notification of their arrest/detention. See Statement #2, listed in subsection VI.

b. If the foreign national understands English, then the statement can be given in English. If the foreign national does not understand English, a listing of statements in 13 foreign languages is contained in Attachment D.

c. If the language is not listed, notify the appropriate consulate by telephone to obtain a copy of the notification in their language or access.

d. If the language is not listed, notify the appropriate consulate by telephone to obtain a copy of the notification in their language or access the US State Department Website at http://travel.state.gov/law/consular/consular_737.html.

D. Document the notification or the declined notification on the investigative report noting the following:

1. Name of Consulate notified;

2. How notified, voice, fax, etc;

3. Name of the official notified;

4. Time notification was made;

5. If notification was made by fax, a copy of the fax sheet and the transmission verification report must be appended to the report.

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

7. The Tour Commander will be responsible for ensuring the proper notations are made.

IV. Access & Visitation Privileges

A. Consular officers and diplomats will be afforded the same access and visitation privileges as Attorneys. Consular officers and diplomats will be required to adhere to the same visitation guidelines as Attorneys.

B. Consular officers or diplomats must have proper identification to gain facility access. Diplomats and consular officers have identification cards issued by the Department of State. If the authenticity of the identification card is in question, call the State Department's Office of Protocol (phone 202-647-1985 during business hours; 202-647-7277 outside business hours). Examples of these identifying documents can be found in Attachment H.

V. Statement #1 (Non-Mandatory Notification – Basic Rule)

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

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

VI. Statement #2 (Mandatory Notification – Special Rule)

A. To be read to or viewed by a foreign national in a mandatory notification setting (Special Rule):

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

VII. Death or Serious Injury of a Foreign National

A. Notification of the death or life-threatening injury of a foreign national must be made immediately to the nearest consulate of the national's country. The notification will be documented in the incident report documenting the death or serious injury.

B. Whenever possible, notification must be made by fax. The fax sheet found on the State Department's consular notification web site (Attachment C or http://www.travel.state.gov/docs/notification_faxsheet_injury.doc) can be used to document and transmit the notification of death or serious injury.

C. Such notice will help to ensure that passports and other legal documentation issued by that country are cancelled and not reissued to fraudulent claimants. Additionally, it may help ensure that the foreign national's family and legal heirs, if any, in the foreign country are aware of the death and that the death is known for estate purposes in that country.

PARAMUS POLICE DEPARTMENT

VOLUME: 3	CHAPTER: 26	# OF PAGES: 12

SUBJECT: Automatic License Plate Reader (ALPR)

ISSUED BY: Chief Christopher J. Brock	EFFECTIVE DATE: November 1, 2011	ACCREDITATION STANDARDS:
SUPERSEDES ORDER #:		

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

PURPOSE: The purpose of these Guidelines is to provide direction to the members of the Paramus Police Department on the appropriate use of Automated License Plate Readers (ALPRs) and the data that are collected by these devices and stored for future law enforcement use. These Guidelines are not intended to serve as a comprehensive operational manual. Rather, they are meant to ensure that ALPRs and ALPR-generated data are used in an appropriate manner and only for *bona fide* public safety purposes.

POLICY The following Guidelines were developed pursuant to the **Attorney General Law Enforcement Directive 2010-5.** They should be interpreted and applied so as to meet the following objectives. The first is to ensure that "BOLO lists" (the compilation of targeted license plates that an ALPR is "on the lookout" for) that are programmed into the internal memory of an ALPR or that are compared against stored ALPR data are comprised only of license plates that are associated with specific vehicles or persons for which or whom there is a legitimate and documented law enforcement reason to identify and locate, or for which there is a legitimate and documented law enforcement reason to determine the subject vehicle's past location(s), through the analysis of stored ALPR data. The second objective is to ensure that data that is captured by an ALPR can only be accessed by appropriate law enforcement personnel and can only be used for legitimate, specified, and documented law enforcement purposes.

The third objective is to permit a thorough analysis of stored ALPR data to detect crime and protect the jurisdiction from terrorist attack while safeguarding the personal privacy rights of motorists by ensuring that the analysis of stored ALPR data is not used as a means to disclose personal identifying information about an individual unless there is a legitimate and documented law enforcement reason for disclosing such personal information to a law enforcement officer or civilian crime analyst. The fourth objective is to ensure that stored ALPR data are purged after a reasonable period of time so as to minimize the potential for misuse or accidental disclosure.

These Guidelines impose limitations on the exercise of law enforcement discretion and the use of and access to ALPR-related data that may extend beyond the requirements of the United States and New Jersey Constitutions, and federal and state statutory law. Nothing in these Guidelines should be construed in any way to create any rights beyond those established under the Constitutions, statutes, and regulations of the United States and the State of New Jersey. The provisions of these Guidelines are intended to be implemented and enforced by the Paramus Police Department, the New Jersey Office of Homeland Security and Preparedness, the Bergen County Prosecutor's Office, and the Department of Law and Public Safety, and these provisions do not create any rights that may be enforced by any other persons or entities.

PROCEDURE

I. Definitions

"Automated License Plate Reader" or "ALPR" is a system consisting of a camera or cameras, and related equipment that automatically and without direct human control locates, focuses on, and photographs license plates and vehicles that come into range of the device. This device automatically converts digital photographic images of scanned license plates into electronic text documents and is capable of comparing scanned license plate text data with data files for vehicles on a BOLO (be on the lookout) list programmed into the device's electronic memory. The device notifies police, whether by an audible alert or by other means, when a scanned license plate matches the license plate on the programmed BOLO list. The term includes both devices that are placed at a stationary location (whether permanently mounted or portable devices positioned at a stationary location) and mobile devices affixed to a police vehicle and capable of operating while the vehicle is in motion. "BOLO or "BOLO situation" refers to a determination by a law enforcement agency that there is a legitimate and specific law enforcement reason to identify or locate a particular vehicle, or, in the case of a post-scan BOLO, there is a legitimate and specific reason to ascertain the past location(s) of a particular vehicle.

"BOLO list" sometimes referred to as a "hot list," is a compilation of one or more license plates, or partial license plates, of a vehicle or vehicles for which a BOLO situation exists that is programmed into an ALPR so that the device will alert if it captures the image of a license plate that matches a license plate included on the BOLO list. The term also includes a compilation of one or more license plates, or partial license plates that is compared against stored license plate data that had previously been scanned and collected by an ALPR, including scanned license plate data that is stored in a separate data storage device or system.

"Initial BOLO list" refers to the BOLO list that was programmed into an ALPR at the time that the device was being used to scan license plates in the field.

"Post-Scan BOLO list" refers to a BOLO list that is compared against stored data collected by an ALPR, including scanned license plate data that has been transmitted to another device or data storage system.

"Stored data" refers to all information captured by an ALPR and stored in the device's memory or in a separate data storage device or system. The term includes the recorded image of a scanned license plate and optical character recognition data, a contextual photo (i.e. a photo of the scanned vehicle and/or occupants), global positioning system ("GPS") data (when the ALPR is equipped with a GPS receiver) or other location information, and the date and time of the scan. The term applies to both alert data and non-alert data that has been captured and stored by an ALPR or in a separate data storage device or system.

"Alert data" means information captured by an ALPR relating to a license plate that matches the license plate on an initial BOLO list or a post-scan BOLO list.

"Immediate alert" refers to an alert that occurs when a scanned license plate matches the license plate on an initial BOLO list and that is reported to the officer operating the ALPR, by means of an audible alarm or by any other means, at or about the time that the subject vehicle was encountered by the ALPR and its license plate was scanned by the ALPR.

"Non-encounter alert" refers to an immediate alert where the officer operating the ALPR is instructed to notify the agency that put out the BOLO without initiating an investigative detention of the subject vehicle or otherwise revealing to the occupant(s) of that vehicle that its location has been detected or that it is the subject of law enforcement attention (*e.g.,* a Violent Gang or Terrorist Organization File (VGTOF) alert).

"Personal identifying information" means information that identifies one or more specific individuals, including an individual's name, address, social security number, vehicle operator's license number, or biometric records. The term includes personal identifying information that is included within the data comprising a BOLO list, as well as personal identifying information that is learned by checking a license plate scanned by an ALPR against the Motor Vehicle Commission database or any other data system that contains personal identifying information.

"Scan" refers to the process by which an ALPR automatically focuses on, photographs, and converts to digital text the license plate of a vehicle that comes within range of the ALPR. "Authorized user" means a sworn or civilian employee of a law enforcement agency who has been authorized by the chief of the agency, or by the Attorney General or a county prosecutor or his or her designee, to operate an ALPR, or to access and use ALPR stored data, and who has successfully completed training provided by the agency on the agency's ALPR policy and on these Guidelines.

"Designated supervisor" means a supervisory officer assigned by the Chief of Police to oversee and administer, or to assist in overseeing and administering, the agency's use of ALPRs and stored ALPR data. A law enforcement agency may have more than one designated supervisor.

"Post-Scan BOLO query" refers to the process of comparing a post-scan BOLO list against stored ALPR data.

"Crime scene query" refers to the process of accessing and reviewing stored ALPR data that had been originally scanned at or about the time and in the vicinity of a reported criminal event for the purpose of identifying vehicles or persons that might be associated with that specific criminal event as suspects, witnesses, or victims.

"Criminal event" means a specific incident, or series of related specific incidents, that would constitute an indictable crime under the laws of the State of New Jersey, whether or not the incident(s) have occurred or will occur within the State of New Jersey. The term includes an attempt or conspiracy to commit a crime, or actions taken in preparation for the commission of the crime, such as conducting a surveillance of the location to identify and evade or thwart security measures, or conducting a rehearsal of a planned crime. The term includes two or more separate criminal acts or episodes that are linked by common participants or that are reasonably believed to have been undertaken by a criminal organization or as part of an ongoing conspiracy.

"Crime trend analysis" refers to the analytical process by which stored ALPR data is used, whether alone or in conjunction with other sources of information, to detect crime patterns by studying and linking common elements of recurring crimes; to predict when and where future crimes may occur; and to link specific vehicles to potential criminal or terrorist activity. The term includes an automated process in which a computer program analyzes stored data to identify potentially suspicious activity or other anomalies involving one or more scanned vehicles and where such automated analysis is done without disclosing personal identifying information about any individual to an authorized user or any other person except as may be authorized pursuant to **Section VIII. E** of these Guidelines.

II. Operations

A. Restricted Uses

An ALPR and data generated by an ALPR shall only be used for official and legitimate law enforcement business.

B. ALPR Scanning Limited to Vehicles Exposed to Public View

An ALPR shall only be used to scan license plates of vehicles that are exposed to public view *(e.g.,* vehicles on a public road or street, or that are on private property but whose license plate(s) are visible from a public road, street, or a place to which members of the public have access, such as the parking lot of a shopping mall or other business establishment).

C. Supervisory Approval of All ALPR Deployments

An ALPR shall not be deployed in the field unless the deployment has been authorized by the Chief of Police or his designee. Such authorization may be given for repeated or continuous deployment of an ALPR *(e.g.,* mounting the device on a particular police vehicle, or positioning the ALPR at a specific stationary location), in which event the deployment authorization shall remain in force and effect unless and until rescinded or modified by the Chief of Police or his designee.

D. Trained Operators and Analysts

A sworn officer or civilian employee of the department may operate an ALPR or access or use ALPR stored data only if the person has been designated as an authorized user by the Chief of Police or his designee, and has received training from the department on the proper use and operation of ALPRs, and procedures governing the use of ALPRs and ALPR data issued by the department pursuant to this General Order.

E. Access and Use Authorization

Each individual authorized by this department to operate an ALPR and/or access ALPR stored data will receive a secure, person-specific, log-on user identification and password. As all operation of ALPR equipment and access of ALPR data is logged and recorded, this secure, person-specific, log-on user identification and password shall only be used by the assigned user and shall not be shared, transferred, or used by any other individual(s).

III. MAINTENANCE OF RECORDS

A. Records Documenting the Deployment of ALPRs

The Bergen County Prosecutor's Office shall maintain a written or electronic record that documents the following information:

- Date and time when the ALPR was deployed;
- Whether the ALPR was mobile, or was stationed at a fixed specified location;

- The identity of the operator, as identified by the operator's log-on user identification and password;

- Whether ALPR data was transferred to any other database or data storage device or system.

B. **Records Documenting the Use of Stored ALPR Data**

The Bergen County Prosecutor's Office shall maintain a record of all access to stored ALPR data, which may be automated, and shall document the following information:

- The date and time of access, and, in the case of access to stored non-alert data, the type of access authorized by **Section VIII.** of these Guidelines (i.e., post-scan BOLO query, crime scene query, or crime trend analysis);

- The authorized user who accessed the stored data as identified by the operator's log-on user identification and password; whether an automated software program was used to analyze stored data;

- The designated supervisor who reviewed and approved any disclosure of personal identifying information based upon crime trend analysis when such approval is required by **Section VIII** of these Guidelines, as identified by the operator's log-on user identification and password;

- The designated supervisor who approved any use of an automated crime trend analysis computer program that would automatically alert and disclose personal identifying information in accordance with **Section VIII.** as identified by the operator's log-on user identification and password;

- Any other information required to be documented pursuant to **Section VIII** or any other provision of these Guidelines.

C. **Maintenance of Records**

All written or electronic records of ALPR activity and access to ALPR data shall be maintained by the Bergen County Prosecutor's Office for a period of five years, and shall be kept in a manner that makes such records readily accessible to any person authorized to audit the department's use of ALPRs and ALPR-generated data.

IV. CONTENT AND APPROVAL OF BOLO LISTS

A. **Criteria for and Examples of Legitimate BOLO Situations**

A license plate number or partial license plate number shall not be included in an ALPR initial BOLO list unless there is a legitimate and specific law enforcement reason to identify or locate that particular vehicle, or any person or persons who are reasonably believed to be associated with that vehicle. A license plate or partial license plate number shall not be included in a Post-Scan BOLO list unless there is a legitimate and specific law enforcement reason to ascertain the past locations(s) of that particular vehicle or of any person or persons who are reasonably believed to be associated with that vehicle. Examples of legitimate and specific reasons include, but are not limited to: persons who are subject to an outstanding arrest warrant; missing persons; AMBER Alerts; stolen vehicles; vehicles that are reasonably believed to be involved in the commission of a crime or disorderly persons offense; vehicles that are registered to or are reasonably