

HIGHTSTOWN POLICE DEPARTMENT		
GENERAL ORDER		
SUBJECT: Motor Vehicle Accident Reports		
BY ORDER OF: Lt. Frank Gendron	EFFECTIVE DATE: 12/10/2013	GENERAL ORDER #: 2013-17

This General Order outlines when officers will complete written accident reports (NJTR-1), the time frame accident reports must be completed in and mandatory notification and time frame to the New Jersey State Police on all fatal accidents. This General Order also standardizes how members of this department are to handle motor vehicle accidents on private property and the handling of accidents not investigated at the scene.

The practices and requirements listed in this General Order were taken from the New Jersey Department of Transportation/Division of Highway and Traffic Safety "Police Guide for Preparing Reports of Motor Vehicle Crashes".

Requirements for drivers involved in motor vehicle crashes to file a report with the police.

- a) N.J.S.A. 39:4-130 requires that any driver of a vehicle or street car involved in an accident which results in injury or death of any person or damage to property of any one person in excess of \$500.00 shall by the quickest means of communication notify the local police department or nearest office of the county police or state police of the accident.
- b) The driver is further required to forward a written report of such accident within 10 days to Motor Vehicle Services on forms (SRI/SR21) furnished by it.
- c) A written report of an accident shall not be required by this section if a law enforcement officer submits a written report to Motor Vehicle Services pursuant to N.J.S.A. 39:4-131

Motor Vehicle Accident Reports (NJTR-1)

- 1) Officers shall complete a written accident report (NJTR-1) for all motor vehicle accidents involving one of the following:
 - a) Any motor vehicle accident that results in death or injury.
 - b) Damage to property or vehicle of any person in excess of \$500.00.
 - c) All Hit & Run accidents.

d) Any accident involving a pedestrian or pedalcyclist.

2) In incidents where officers respond to the scene of a motor vehicle accident and the driver's of the vehicle(s) involved and/or the property owner request that the responding officer not complete an accident report and the motor vehicle accident does not fall into one of the above listed criteria, the responding officer shall gather the names of the driver(s), occupants, vehicle and insurance information and enter it into the CAD report. If any of the drivers or property owner involved in a motor vehicle accident requests that a report be completed, but the other parties involved in the motor vehicle crash do not want an accident report filed, the responding officer shall complete an accident report (NJTR-1).

Accidents on Private Property:

1) Accidents that occur on private property are to be reported in the same manner as crashes that occur on public roadways. This includes any accident that occurs in any parking lot, on private streets and on any other location in the State.

Completing of Accident Reports

1) All accident reports shall be completed by the responding officer within 48 hrs. of the time the accident was reported to the police.

2) If the reporting officer needs additional information (i.e. insurance information, vehicle registration, etc.) from any of the parties to complete an accident report, the officer shall still complete the accident report with the information that is available at the within 48 hrs. of the time the accident was reported to the police.

3) It is the responding officer's responsibility to follow-up with the parties involved in the motor vehicle accident to gather all necessary information that is needed to complete a thorough and accurate motor vehicle accident report. If the necessary information is received after the initial accident is submitted, the responding officer shall submit the additional information on a NJTR-1 "Change" report form.

4) "Change" reports are to be used when new pertinent information needs to be added to the accident report. When submitting a "Change" report, the reporting officer is to write "Change" in black letters across area provided for the accident diagram.

5) The case number, date of accident, day of week, time, location, roadway, municipality and county are to listed on every "change" report, exactly as they are listed on the original report.

Fatal Crashes

- 1) All fatal motor vehicle accidents shall be reported to the New Jersey State Police via N.L.E.T.S. within 24 Hrs. of occurrence.
- 2) A photocopy of the initial investigation report shall be submitted to the Fatal Accident Review Board within 72 Hrs. (N.J. Statute 39:3-50)
- 3) Upon completion of the investigation, a photocopy of the completed report shall be mailed to:

Division of State Police
Fatal Accident Investigation Unit
PO Box 7068
West Trenton, New Jersey 08628-7068

Handling of Accidents Not Investigated at the Scene

- 1) The following procedure is to be followed for a late reported motor vehicle accident that the police were not called to the scene to investigate.
- 2) This procedures shall not apply of the following motor vehicle accidents.
 - a) Accidents involving a death or injury.
 - b) Hit & Run accidents.
 - c) Accidents involving pedestrian or pedalcyclist.
- 3) The responding officer shall list the name(s) and vehicle(s) information of anyone involved in the accident, any available insurance information, the date, time and location of the accident on the CAD entry report.
- 4) The responding officer should provide the reporting individual with an SRI/SR21 (State Report Form) or instruct the party to go to police headquarters to get a copy of the SRI/SR21 form. If requested the responding officer shall explain how to fill out and submit the SRI/SR21 form to Motor Vehicle Services.
- 5) The responding officer shall advise the reporting individual, that it is suggested that they provide the police department with a copy of the completed SRI/SR21 form.
- 6) The reporting individual shall mail a copy of the report to the agency indicated on the SRI/SR21 form.
- 7) The responding officer should emphasize to the reporting individual that he/she should indicate in box 20 on the report that the police did not investigate the crash.

James LeTellier

From: Police & Fire Promotion Professionals [jharris258@verizon.net]
Sent: Tuesday, January 21, 2014 1:59 PM
To: policedirector@hightstownborough.com
Subject: Line-Up Training - SNOW Issues



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January 21, 2014

Line-Up Training: SNOW RELATED ISSUES

Drive Safe...

When should you utilize the NJ State Crash Report NJTR-1 during a snow event?

- Should you complete an NJTR-1 if a snowmobile or ATV collides into a parked car?

A: Yes. "The operator of any snowmobile, all-terrain vehicle or dirt bike involved in a crash resulting in injuries, death of any person or property damage shall comply with the procedures in RS 39:4-129 and RS 39:4-130.(Ref. 39:3C-21. Report of accidents)

- Should an NJTR-1 be completed when a MV in transport being used as a snowplow strikes a parked vehicle, or a mailbox?

A: Yes.

- Should an NJTR-1 be completed when a snowplow hurls ice and snow that strikes another MV in transport?

A: Yes.

- When is a snowplow considered work equipment?

A: A snowplow is not considered work equipment. Commonly, pick-up trucks, dump trucks, garbage trucks etc. with plow attachments are mv's in transport and only defined as snowplows when the plow is down and the vehicle is actively being used to clear the roadway of snow or slush.

Snow Related Motor Vehicle Statutes:

- **39:4-77.1 - Snow/Ice dislodged from moving vehicle causing injury, property damage:**
 - An operator of a vehicle must remove snow/ice from all exposed surfaces of a vehicle. A fine of not less than \$25 or more than \$75 for each offense regardless of whether any snow or ice is dislodged from the motor vehicle. No motor vehicle points are assessed for this offense. No person shall be subject to more than one fine for a violation of this paragraph in a period of 24 consecutive hours.
- **4-207.9 - Snow & Ice must be removed from handicapped parking spaces within 48-hours.**

Fine for not doing so will be no less than \$500 and no more than \$1,000 for each space that is obstructed

- **39:4-77.3 "Anti-Snow Dumping Act"; violations, penalties.**

The commercial operator of any snowplow, or other snow removal equipment, clearing accumulated snow on private property shall not deposit, or cause to be deposited, such snow on any public road, street, or highway in this State or on public lands. A commercial operator of any snowplow or other snow removal equipment who fails to comply with the provisions of this section shall be liable to a fine of \$250 for the first offense, and for each subsequent offense, a fine of \$500.

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HIGHTSTOWN POLICE DEPARTMENT			
POLICY: 14-3	SECTION : Traffic & Parking Enforcement	# OF PAGES: 6	
SUBJECT: Pedestrian and Bicycle Enforcement			
EFFECTIVE DATE: February 8, 2013	ACCREDITATION STANDARDS:	REVISION DATE	
BY THE ORDER OF: JAMES K. LE TELLIER			
SUPERSEDES ORDER #:			
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PURPOSE: To reduce the incidents of accidents involving pedestrians and bicycles by establishing guidelines for standardized enforcement of traffic law relating to pedestrians and bicycles.

POLICY: Enforcement of traffic laws and regulations addressing the movements of pedestrians and bicycles is a necessary component of a comprehensive traffic law enforcement program. Members observing violations of pedestrian and traffic laws and regulations shall take enforcement action commensurate with the seriousness of the violation and prior incidents resulting in accidents as a result of such violations.

PROCEDURE:

I. Discussion

- A. A balanced transportation management system must provide for all modes of transportation, including pedestrians and bicycles and it must take steps to ensure their safety. The identification of the causes of pedestrian and bicycle accidents requires specific detail in order to establish a sound foundation for countermeasure development.
 1. The established countermeasures should:
 - Reduce or eliminate those human, vehicular or environmental factors leading to an accident;
 - Reduce or eliminate those behavioral actions, decisions, and events that lead directly to an accident; and
 - Reduce or eliminate an accident-type by counteracting precipitating factors.
- B. Traditionally, pedestrian and bicycle traffic law violations have been looked upon lightly by law enforcement officers for the dual reasons of not being a particularly "serious" violations, and not being one that is popular with the public to enforce. However, recent studies have indicated that the pedestrian and

bicycle problem is far more serious than was initially thought, with many deaths and injuries resulting from pedestrian and bicycle traffic law violations.

II. Enforcement

A. Pedestrian Enforcement

1. The enforcement of traffic laws pertaining to pedestrians requires broad discretion from the members involved. In order to provide guidance with this discretion, the following procedures have been established:
 - Pedestrian traffic enforcement efforts shall be concentrated in any area where an increase in pedestrian accidents has been discovered.
 - When enforcing pedestrian traffic laws, the "spirit" of the law should guide enforcement actions rather than the "letter" of the law.

B. Bicycle Enforcement

1. The increase in the use of bicycles as a means of transportation has resulted in an increase in traffic accidents involving bicycles.
2. It is an inherent responsibility of members to enforce the applicable statutes contained in the motor vehicle code or borough ordinance that apply to safe operation of bicycles.
3. The following guidelines have been established regarding the application of discretion in the enforcement of motor vehicle code or borough ordinances applying to bicycles:
 - Strict enforcement is warranted in those areas where congestion is common and there are documented incidents of accidents involving bicycles.
 - On roadways having a substantial flow of vehicular traffic, hazardous moving violations shall be enforced.
 - On roadways where the flow of vehicular traffic is minimal, visibility is unobstructed, and accident frequency is low, members are authorized to exercise reasonable discretion in the enforcement of bicycle traffic laws.
 - On certain sidewalks where the riding of bicycles is banned by borough ordinance (3-9.7) the walking of bicycles on these certain sidewalks is permitted.
 - As a general guide, members shall be less tolerant with older offenders who should be aware of the hazards inherent in the unsafe operation of bicycles and more lenient with younger offenders who may not be fully aware of their responsibility regarding the safe operation of bicycles.
 - When confronted with a youthful offender, the member shall attempt to use the contact as an educational encounter, stressing the importance of proper and safe operation.

C. Skateboard, Scooter, Skates or Roller Blades Enforcement

1. It is an inherent responsibility of members to enforce the applicable statutes contained in the motor vehicle code or borough ordinance that apply to safe operation of skateboards, scooters, skates or roller blades.
2. The following guidelines have been established regarding the application of discretion in the enforcement of motor vehicle code or borough ordinances applying to skateboards, scooters, skates or roller blades.
 - Strict enforcement is warranted in those areas where congestion is common and there are documented incidents of accidents involving skateboards, scooters, skates or roller blades.
 - On roadways having a substantial flow of vehicular traffic, hazardous moving violations shall be enforced.
 - On roadways where the flow of vehicular traffic is minimal, visibility is unobstructed, and accident frequency is low, members are authorized to exercise reasonable discretion in the enforcement of traffic laws pertaining to skateboards, scooters, skates or roller blades.
 - On certain sidewalks where the riding of skateboards, scooters, skates or roller blades is banned by borough ordinance (3-9.7)
 - As a general guide, members shall be less tolerant with older offenders who should be aware of the hazards inherent in the unsafe operation of skateboards, scooters, skates or rollerblades and more lenient with younger offenders who may not be fully aware of their responsibility regarding the safe operation of skateboards, scooters, skates or roller blades.
 - When confronted with a youthful offender, the member shall attempt to use the contact as an educational encounter, stressing the importance of proper and safe operation.

III. Borough Ordinance 3-9.7 Riding Prohibited on Certain Sidewalks

In the following described areas, the riding of a bicycle, skateboard, scooter, skates or roller-blades shall be prohibited on the sidewalks. In those areas, bicycles shall be walked on the sidewalk.

- On Mercer Street from the intersection of Ward Street north to Main Street
- On South Main Street from the intersection of Ward Street north to Main Street.
- On Main Street from the intersection of Mercer Street and South Main Street north to the intersection of Franklin Street.
- On Stockton Street from the intersection of Academy Street to Main Street.
- On Franklin Street from the intersection of Broad Street to Main Street.

- On North Main Street from the intersection of Monmouth Street south to Main Street.

IV. Statutory Enforcement

Motor Vehicle Summon

- A. Adult offenders committing violations of Title 39 Chapter 4 or relative to actions as a bicyclist, moped operator, pedestrian, roller-skater, or skateboarder can be issued a motor vehicle summons citing the violation.
- B. Juvenile offenders meeting the following criteria can be charged on a motor vehicle summons:
 1. A juvenile, regardless of age, who commits a motor vehicle violation while operating a motor vehicle (including motorcycle) or moped;
 2. A juvenile, 14 years of age or older, who commits a violation of Title 39 while operating a bicycle or as a roller-skater, skateboarder or pedestrian.
- C. Members shall refer to the provisions of Title 39, Chapter 4, Article 3 (Bicycles and Roller Skates) and Article 6 (Pedestrians) for relevant enforcement statutes.
- D. In accordance with the definitions provided in N.J.S. 39:1-1, **pedestrian** means "a person afoot".
 1. In addition, the New Jersey Auto Reparation Reform Act (No Fault Act) N.J.S. 39:6A-2h, defines a **pedestrian** as "any person who is not occupying, entering into, or alighting from a vehicle propelled by other than muscular power and designed primarily for use on highways, rails and tracks".
- E. For the purpose of enforcement considerations, the above definition of pedestrian would include a roller-skater, skateboarder and dirt-bike rider.
- F. Operators of mopeds have been found not to be pedestrians since these vehicles are intended for use on highways.
- G. Members shall strictly enforce the provisions of the motor vehicle code concerning the use of approved helmets by skateboarders, roller skaters and bicyclists less than 14 years of age.
- H. When enforcing a violation of Borough Ordinance 3-9.7 (Riding Prohibited on Certain Sidewalks) members shall follow the enforcement action described below and outlined in Borough Ordinance 3-9.8 (violations and penalties)

Bicycles – Juveniles

Any person under the age of eighteen (18) who violates any of the provisions of this section relating to vehicle and traffic laws or the bicycle safe-riding rules and regulations and the official police instructions for the safe operation of a bicycle shall be reprimanded for the first offense, in writing, by the Borough Police Department, addressed to the offender's parent or guardian, stating the nature

of the violation and a warning that a repetition of the violation or any other violation shall be prevented or the violator shall be penalized by removal and detention of the license decal from his bicycle for a period not to exceed thirty (30) days or by impounding his bicycle for a period of time not to exceed thirty (30) days; and during that period of time, the offender shall not ride any bicycle on the streets. On the second complaint, the offender shall be summoned to appear at police headquarters with his bicycle, accompanied by his parent or guardian, and, after a hearing on the violation, may be punished by removal and detention of the license decal from his bicycle for a period not to exceed thirty (30) days or by impounding of the bicycle for a period not to exceed thirty (30) days by the hearing officer with the approval, if possible, of the parent or guardian, but the decision of the hearing officer shall prevail.

Bicycle - Adult

Any person over the age of eighteen (18) who violates any of the provisions of this section relating to vehicle and traffic laws or the bicycle safe-riding rules and regulations and the official police instructions for the safe operation of a bicycle shall be subject to penalties as set forth in Section 1-5, "General Penalty," of the Revised General Ordinances of the Borough of Hightstown.

Skateboards, Scooters, Skates and Roller Blades - Juveniles

Any person under the age of eighteen (18) who violates any of the provisions of this section relating to skateboards, scooters, skates or roller blades shall be reprimanded for the first offense, in writing, by the Borough Police Department, addressed to the offender's parent or guardian, stating the nature of the violation and a warning that a repetition of the violation or any other violation shall be prevented or the violator shall be penalized by impounding his skateboard, scooter, skates or roller blades for a period of time not to exceed thirty (30) days; and during that period of time, the offender shall not ride any such vehicle on the streets. On the second complaint, the offender shall be summoned to appear at police headquarters with his skateboard, scooter, skates or roller blades, accompanied by his parent or guardian, and, after a hearing on the violation, may be punished by impounding of the skateboard, scooter, skates or roller blades for a period not to exceed thirty (30) days by the hearing officer with the approval, if possible, of the parent or guardian, but the decision of the hearing officer shall prevail.

Skateboards, Scooters, Skates and Roller Blades – Adults

Any person over the age of eighteen (18) who violates any of the provisions of this section relating to skateboards, scooters, skates or roller blades shall be subject to penalties as set forth in Section 1-5, "General Penalty," of the Revised General Ordinances of the Borough of Hightstown. (Ord. 2001-05, Amended, 06/04/2001)

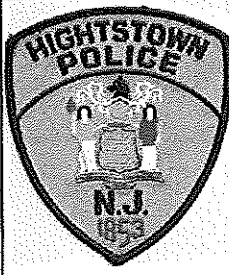
IV. Intoxicated Pedestrians

- A. Members responding to calls of intoxicated pedestrians in traffic must first make a determination as to whether the person is *intoxicated* or *incapacitated* as defined by law.

- a. An Intoxicated Person is one whose mental or physical functioning is substantially impaired as a result of the use of alcoholic beverages.
 - b. An Incapacitated Person is one who is:
 - As a result of alcohol, unconscious or has his judgment so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment;
 - In need of substantial medical attention; and
 - Likely to suffer substantial physical harm.
- B. Any person deemed intoxicated shall be removed from the roadway or other area of hazard and, if desired, the member may issue a summons for the appropriate statutory violation concerning pedestrian laws.
1. N.J.S. 26:2B-26 and N.J.S. 26:2B-29 repealed all laws and ordinances creating an offense of public intoxication or any equivalent offense. These statutes have no impact on the enforcement of statutes regulating pedestrians.
 2. Members may also, with the intoxicated person's consent:
 - Transport the person home;
 - Transport the person to an intoxication treatment facility;
 - Transport the person to a medical facility.
- C. Any person who is so intoxicated that he appears to be incapacitated by alcohol and obviously cannot consent or decide for himself if he needs treatment **shall** be taken into protective custody and transported to an emergency medical facility.
1. Any person who is unconscious or injured shall be immediately taken directly to the nearest available emergency facility.

V. Intoxicated Bicyclists

- A. Members encountering any bicyclist who is intoxicated shall remove the bicyclist from the roadway or other area of hazard. Thereafter, the member shall attempt to have the person consent to transportation to his/her home, to an intoxicated treatment center or to an emergency medical facility, as deemed appropriate.
1. If necessary, the member shall take the steps necessary to insure security for the person's bicycle.
- B. Persons operating a pedal bicycle may not be arrested for, charged with, or convicted of N.J.S. 39:4-50 for operating such pedal bicycle under the influence of an intoxicating liquor or drug.

HIGHTSTOWN POLICE DEPARTMENT			
POLICY: 14-2	SECTION : Traffic and Parking Enforcement	# OF PAGES: 6	
SUBJECT: TRAFFIC ENFORCEMENT			
EFFECTIVE DATE: February 8, 2013	ACCREDITATION STANDARDS:	REVISION DATE	
BY THE ORDER OF: JAMES K. LE TELLIER			PAGE
SUPERSEDES ORDER #:			

PURPOSE: To provide a safer community environment by reducing the incidents of traffic collisions, fatalities and injuries through the fair and consistent application of a comprehensive traffic law enforcement program.

POLICY: The goal of traffic law enforcement is to reduce motor vehicle collisions, fatalities and injuries while facilitating the expeditious and safe movement of vehicular and pedestrian traffic. This is best achieved through voluntary compliance with traffic regulations. To that end, a comprehensive traffic law enforcement program must strive to educate the public in addition to representing a deterrent to improper vehicle operation.

PROCEDURE:

I. General Principles

- A. The department's efforts will be directed toward assigning officers to those areas where there is the highest likelihood that crashes will be reduced, to address traffic safety concerns and/or crimes prevented through proactive patrol.
- B. Members will receive initial and continuing training in proactive enforcement tactics, including training in officer safety, courtesy, cultural diversity, the laws governing search and seizure, and interpersonal communications skills. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable government intrusion or police action.
- C. Traffic regulations are an important tool in achieving the goal of reducing accidents and congestion. They set the boundaries of acceptable motor vehicle usage, and they should be enforced at a level sufficient to deter drivers from committing offenses.

- D. The constitutional rights and privileges of all people, regardless of age, race, creed or sex shall be faithfully observed and respected by all members conducting enforcement activities of traffic laws, ordinances and regulations.
- E. The department is definitely and unequivocally opposed to preferential treatment pertaining to adjudication of traffic cases in any manner whatsoever by any agency, official or person.
- F. Public understanding and support are essential to the effectiveness of all law enforcement programs. The department shall strive to initiate and promote programs to inform and educate the public with regard to the conditions that adversely affect the safe movement of traffic and the corresponding enforcement programs designed to combat such conditions.
- G. Strategies and tactics for traffic enforcement must be consistent with the nature of the violation and its potential for interfering with the free and safe flow of traffic. The department will utilize all legal and reliable technological and scientific methods reasonably available.
- H. Members conducting investigations of motor vehicle collisions that result in personal injury or substantial property damage shall issue a summons (es) to any driver(s) whose actions are believed to have a causative factor in the collision.
- I. Traffic enforcement action will be taken without regard for such factors as attitude, intent, or frivolous excuse. Where legal and practical, members of this department shall issue summonses to identified offenders of traffic laws/regulations.
 - 1. This is not intended to supplant the discretion afforded to all members but should be viewed as the departmental philosophy of education and enforcement creating compliance.
 - 2. There clearly will be situations where a warning is the more prudent and reasonable means of achieving compliance and such action is completely permissible in the appropriate circumstances.
 - 3. The use of discretion and application of tolerances shall be guided by the information contained in written directive governing Traffic Enforcement Tolerances.
- J. Supervisory personnel cannot assume responsibility for reviewing the judgment of members in all cases involving the issuance of a motor vehicle summons. Occasionally there will be differences of opinion concerning the existence of a violation and the court should decide those matters when necessary. However, supervisory personnel shall make proper inquiry and take appropriate corrective measures in those situations where summons are not being issued for specific violations where there is clear indication that such level of enforcement is justified.
- K. Traffic enforcement will be accompanied by consistent, ongoing supervisory oversight to ensure that officers do not go beyond the parameters of reasonableness in conducting such activities.

II. Enforcement Responsibilities

- A. Traffic law enforcement is one of the primary responsibilities of this department and has as its basic objectives:
 - 1. Identifying and removing from the roadways those drivers whose behavior indicates they are an imminent danger to the public. (e.g., DWI)
 - 2. Improving driving behavior that differs from the accepted or legal requirements through direct enforcement actions and driver observation of police enforcement activities.
 - 3. Developing and encouraging voluntary compliance with traffic laws and ordinances through a continuing enforcement program.
- B. The primary responsibility for the enforcement of traffic laws and regulations rests with the patrol bureau. All uniformed on-duty members of the patrol bureau shall take all reasonable and appropriate enforcement action for observed violations of traffic laws and regulations.
 - 1. This primary responsibility is assigned in recognition of the fact that police manpower is limited and increased specialization in traffic and other areas results in a diminished level of general patrol activities.
 - 2. This holds true with the primary responsibility for accident investigation as well. The patrol bureau shall investigate the vast majority of motor vehicle accidents occurring within the Borough of Hightstown.

III. Traffic Law Enforcement Methodology

- A. Normal traffic law enforcement involves visible patrol by members who observe and handle traffic violations during the performance of their normal duties. It is imperative that all members assigned to uniformed activities in the field recognize the importance of traffic law enforcement and actively embrace the organizational goal identified in the policy statement of this written directive.
- B. Directed patrol involves the concentration of enforcement activities in an identified area, on a specific roadway or at a particular location as determined by the nature of the hazard/violations being targeted.
- C. Stationary observation of traffic is a common practice for observing the nature and flow of traffic at a given location. All members are encouraged to conspicuously park their patrol vehicles at high traffic or problematic locations during periods of inactivity. (e.g., report writing, etc.) This is intended to act as a deterrent to unsafe/unlawful operation.
- D. The use of concealment in traffic enforcement activities is generally not very well accepted by the public but is sometimes necessary to address specific problems.
- E. The use of unmarked police vehicles for **routine** traffic enforcement activities is prohibited, unless approved by a supervisor.

1. This does not preclude the enforcement of serious or hazardous traffic law violations by members operating unmarked police vehicles.
2. For the purpose of this written directive, an unmarked police vehicle is defined as a vehicle that does not display the decals and auxiliary markings of normal patrol vehicles.

III. Handling of Special Classifications of Violators

- A. For information on legislators and persons enjoying diplomatic immunity, see the written directive governing "Diplomatic and Legislative Immunity".

B. Military Personnel

1. Discussion

Generally, no person belonging to the organized militia shall be arrested on any process such as may be issued by military authority while going to, remaining at, or returning from any place at which he may be required to attend for military duty. However, on occasion, it will be necessary to issue a traffic summons, affect a physical arrest or investigate a traffic collision involving a member of the armed forces. Armed forces personnel, for these purposes, shall include regular members of the Army, Navy, Air Force, Marine Corps, and Coast Guard, and reservists who are on active duty.

2. Traffic Arrest

When a physical arrest is made, the investigating officer's supervisor shall cause the liaison officer of the nearest armed forces investigative headquarters division to be notified. This does not apply to the issuance of a traffic summons when an actual physical arrest is not made.

3. Traffic Accident

The same shall apply when armed forces personnel are involved in a traffic accident, and are either killed or injured to the extent that they require hospitalization. In this latter case, it will also apply to civilian employees of the armed forces while acting within the scope of their employment.

C. Juveniles

1. Generally, juveniles 17 or over who have committed a traffic violation will not be placed in custody but will be issued a traffic summons with the following exceptions:
 - Driving while impaired by alcohol or drugs
 - Manslaughter by automobile
 - Possession and consumption of alcohol in a motor vehicle.
2. In all cases where a juvenile is taken into custody, the officer is responsible for notifying the juvenile's parents as soon as possible as to the circumstances.
3. If the officer deems that further custody is required pending a hearing, he must contact the juvenile intake section for authorization.

D. Physicians En Route to an Emergency

1. In the event an officer observes a traffic violation committed by a physician EN ROUTE to an alleged emergency, the following procedures shall be taken:
2. Upon determining that the driver is a physician, the officer will obtain the identity and intended destination of the physician.
3. If the emergency is extreme, the physician will be asked to secure his vehicle and shall be transported to his destination by the patrol officer provided the action is approved by the field supervisor and the physician's destination is local.
4. In the event the emergency is not extreme, but is urgent; the physician will not be detained.
5. In the event the traffic violation committed was of a serious and dangerous nature, the officer will verify the nature of the emergency and the physician's identity. At the officer's discretion, he may take appropriate enforcement action, or release the physician and take enforcement action at a later time.
6. If, in the officer's judgment, the violation was of a minor, non-hazardous nature, a verbal warning may suffice.

Non-resident drivers - The sole fact that a person lives outside the boundaries of the Borough of Hightstown or even the State of New Jersey does not warrant the arrest of driver for a violation of a traffic law. The pertinent statute, court rules and case law clearly express that, absent a continuing serious violation, (i.e., driving while intoxicated) the accused shall not be arrested but rather issued a summons and released.

IV. Motor Vehicle Summons Procedures/Control

- A. Motor vehicle summonses are provided to members of this department by the members of the Hightstown Municipal Court.
 1. Members requiring summons books shall make the request for additional summons books to the court during normal business hours.
 2. Each officer is required to sign the ledger book maintained by the Court Administrator acknowledging receipt of the specified summons books.
 3. It is the responsibility of each member to obtain/maintain an adequate supply of motor vehicle summonses to ensure availability when needed.
- B. Completed copies of motor vehicle summonses shall be forwarded to the court on the first business day following the issuance of the summons.
 1. Any member requiring the appearance of a witness to participate in the prosecution of a defendant in a motor vehicle case shall attach a completed subpoena list to the court's copy of the motor vehicle summons to assist court personnel in providing notice to the identified witness.
 2. Officers are responsible to forward all summons issued during their shift to the communications officer on duty for entry into the Lawsoft system, prior to the end of their shift.

- C. Motor vehicle summonses may be voided in situations where a member makes a mistake in completing the actual summons form or the summons is accidentally torn, mutilated or otherwise rendered unfit for issuance.
1. In all situations where a summons is voided, a corrected summons must be issued as a replacement for the voided summons.
 2. The actual summons can only be voided by the Municipal Court Judge. To accomplish this, members are required to file a request with the Municipal Court Judge explaining the reason for the request to have the summons voided.
 - This request form must be completed by the member who prepared the summons and shall fully disclose the reason and circumstances of the request.
 - The request form must be signed by the member making the request and forwarded to his/her immediate supervisor for review and approval. Once approved, the request form shall be attached to the summons (es) being voided and forwarded to the Court Administrator.
 - No summons can be voided if the issue involves a matter of defense, interpretation of the law, some other mitigating circumstance. These summonses are to be turned in to the court, docketed and disposed of by the court on the record.

V. Mobile Computer Terminals

- A. The use of Mobile Computer Terminals (MCTs) in traffic enforcement activities has increased the ability of members to quickly obtain information in the field relative to vehicle's registration and the driver's license status of the registered owner of that vehicle. Due to recent legal precedent, members must comply with the provisions of the written directive governing NJCJIS Policy as it specifically related to the access and protection of CJIS information.

HIGHTSTOWN POLICE DEPARTMENT WRITTEN DIRECTIVE SYSTEM			
VOLUME: 2-11	CHAPTER: Administration	# OF PAGES: 4	
SUBJECT: Officer Discretion and Alternatives			
BY THE ORDER OF: Chief Frank Gendron		ACCREDITATION STANDARDS:	
Effective Date: January 1, 2019		SUPERSEDES ORDER #:	

I. Purpose

The purpose of this Policy is to establish guidelines for members of the department in the use of discretion and alternatives to arrest / filing complaints to resolve situations, serve the community, and fulfill the department's mission.

II. Policy

It will be the policy of the department to enforce the law impartially and use discretion and alternatives to arrest without regard to race, color, creed, sex, or national origin, in a fair and equitable manner. Discretion will be permitted when its use does not outweigh the public interest in a prosecution or does not violate this or any other department policy. Members of the department will enforce all violations of law coming to their attention, and will use their discretionary powers based on the department's goals and objectives, department policy, supervisory direction, the efficient use of department resources, and most importantly sound judgment and reason.

III. Procedure

A. Use of Discretion for Criminal Offenses

1. Indictable Offenses

- a. The use of discretion is not authorized for any indictable offense. Officers have a duty to enforce all indictable criminal laws. However, it is also recognized that there may be a situation where the filing of charges or arrest of a suspect may not be in the best interest of the State. For example, a suspect may not have the mental ability to understand what he did was wrong. Another example may be a sexual assault where the victim is adamant that no complaint is signed. These are just examples and every situation will be treated as unique and specific to the facts of the case. If an officer

feels that an alternative to arrest or prosecution is warranted, then the following approvals must be obtained.

- Prior to contacting the Mercer County Prosecutors Office, the non filing of a complaint must be approved at each of the following levels within the department:
 - First line supervisor who is most familiar with incident, investigation.
 - Administrative Sergeant
 - Chief of Police
- The Mercer County Prosecutors Office will then be contacted and will also advise what, if any, alternatives to arrest / filing of complaints is authorized.

2. Disorderly Persons Offenses

- a. Officers are normally authorized to use their individual discretionary powers and alternatives to arrest / filing complaints for these offenses. However, they are to notify their immediate supervisor of the circumstances, as soon as is practicable. Such notification must be made as soon as reasonably possible. The Shift Commander must make notification to a command level officer, via the chain of command to ensure that an impartial review of the situation is being conducted.

3. Conditions under which use of discretion is not authorized for criminal offenses

- a. The use of discretion will not be authorized for any indictable or disorderly persons offense when any of the following conditions apply:
 - The offense is or is associated with an act of domestic violence where mandatory arrest provisions apply. No alternative to arrest is authorized for these offenses.
 - The offense is committed in the officer's presence and results in injury, property damage, or other loss.
 - There is a complainant who wishes to prosecute and they or the officer have probable cause to issue a complaint. If probable cause is not established, the officer will complete the appropriate report for consideration for further investigation.

B. Use of Discretion for Motor Vehicle Violations

1. Officers are normally authorized to use their individual discretionary powers for these offenses. Officers may warn a violator instead of issuing a summons, even for multiple violations, when in the officer's judgment such action is reasonable and appropriate in achieving voluntary compliance with traffic law and regulations. The officer's decision should be based on a combination of training, experience, and common sense.
2. When warranted, officers will issue motor vehicle summonses in accordance with law and on forms approved and provided by the NJ Administrator of Courts. When issuing summonses, officers are to keep in mind that enforcement activity should not be based

solely on quantity, but on that delicate, and sometimes difficult balance between quantitative and qualitative enforcement. Officers are granted wide discretionary powers for these types of offenses in an effort to achieve that balance. However, discretion does not mean that an officer has the freedom to ignore motor vehicle violations. Part of a patrol officer's job is to enforce motor vehicle laws.

3. Situations where warnings for motor vehicle violations would be reasonable may or may not include the following:
 - a. Severity of the violation.
 - excessive speed but not so as to endanger life or property
 - careless operation of a vehicle but at a time did not result in the damage to property or any type of injury to a person.
 - b. Violation was inadvertent or of a newly enacted law or regulation, or violator provided reasonable explanation for violation
 - c. Equipment or other non-hazardous violations that do not cause the vehicle or the operator to be a hazard to other motor vehicle or pedestrian traffic
 - d. Violations committed by pedestrians or bicyclists
 - e. Violations committed by commercial vehicles which do not endanger life or property
 - f. Violations committed by public transportation vehicles which do not endanger life or property
 - officers are to make every effort not to delay public transportation any longer than is absolutely necessary
4. Officers must obtain immediate supervisory level approval to use individual discretion under the following conditions:
 - a. The violation was the cause, or a causative factor, in a motor vehicle accident which resulted in injury or property damage in excess of \$500.00.
 - b. The violation was for one of the following:
 - Operating While Under the Influence (39:4-50)
 - Refusal to Submit to a Breathalyzer Test (39:4-50.4(a))
 - Operating While Suspended (39:3-40)
 - Leaving the Scene of an Accident (39:4-129)
5. In cases where there is a complainant who wishes to have a motor vehicle summons issued to an identifiable individual for a violation they witnessed they shall be referred to the Hightstown Municipal Court for the issuance of the summons. It is not necessary that the complainant name a specific statute. The officer should be able to determine the appropriate statute based on the information supplied and provide the statute to the complainant.

C. Use of Discretion for Violation of Borough Ordinances

1. Officers are authorized to use their individual discretionary powers and alternatives to arrest / filing complaints for these offenses. An exception is if there is a complainant who wishes to have a summons issued to an identifiable individual and they have or the officer can readily obtain sufficient information to issue the summons, it is not necessary that the complainant name a specific ordinance. The officer should be able to determine the appropriate ordinance based on the information supplied.
 - a. In instances where complainant provides enough information for the officer to establish probable cause, the officer shall issue the complaint and the officer shall list this person as a witness for court.
 - b. In instances where an officer could not establish probable cause, then the complainant shall be referred to the Hightstown Municipal Court to sign the complaint.
 - c. Officers may only arrest a person for a violation of borough ordinance if such violation consists of a breach of the peace.
2. In addition, officers must remember that the use of discretion is not paramount to the freedom to ignore ordinance violations. Therefore, when an officer is investigating a violation of an ordinance where an individual has been warned about a similar violation in the past, the officer shall issue a summons as appropriate for the current violation.

E. Alternatives to Arrest / Filing Complaints

1. When justified and reasonable, and in accordance with the provisions of this order and other department directives, officers may take the following action in lieu of physical arrest and/or filing a complaint:
 - a. Referral to mediation via Hightstown Municipal Court
 - b. Referral to community or social services agencies or organizations
 - c. Informal resolution through discussion and negotiation resulting in compromise or mutual agreement
 - d. Warning

Generally, no other alternatives to arrest / filing complaints are authorized. However, an individual situation may call for some other action that is not included above. In a situation like this, Officers who feel such other action should be taken are to obtain approval from their immediate supervisor prior to doing so. The immediate supervisor must obtain command level authorization prior to taking any other course of action. Action taken will be documented accordingly in an investigative report.

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