



February 8, 2021

KT

Sent via email: opra+request-19956-6df3d6f0@requests.opramachine.com

Dear KT:

The Evesham Township Clerk's Office received your OPRA request on **January 28, 2021**. The Evesham Township Police Department Records Custodian received your OPRA request on **February 3, 2021**. Clarification was requested on **February 3, 2021** and received on **February 4, 2021**. The seven (7) business day deadline to respond to your request is **February 12, 2021**. This response to your request is being provided to you on the **3rd** business day after the custodian's receipt of your request.

The following records are responsive to your clarified OPRA request and are being provided to you via email per your request:

Clarified Requested Record	Notes
Written Directive V1C22 Modified Duty	Provided in full
Written Directive V1C48 PIP	Provided in full
Written Directive V4C23 Motor Vehicle Repossession	Provided in full
Written Directive V4C35 Evidence Procedures	Redacted for administrative security pursuant to N.J.S.A. 47:1A-1.1
Written Directive V4C37 Fugitive Procedures	Provided in full
Written Directive V4C39 Abuse/Neglect/Vulnerable Adults	Provided in full
Written Directive V6C12 Fingerprinting	Provided in full
Written Directive V6C20 Employee Injuries	Redacted for administrative security pursuant to N.J.S.A. 47:1A-1.1
Written Directive V6C41 ALPR	Provided as full
Written Directive V7C13 Emergency Vehicle Response Procedures	Provided in full
Written Directive V7C20 Patrol Rifles	Redacted for administrative security pursuant to N.J.S.A. 47:1A-1.1
Written Directive V9C1 Traffic Law Enforcement	Redacted for administrative security pursuant to N.J.S.A. 47:1A-1.1
Written Directive V9C19 Motor Vehicle Crash Investigation	Provided in full

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

Sincerely,

Katherine A. Corbett

Katherine Corbett
Risk Management Coordinator
Evesham Township Police Department
984 Tuckerton Road
Evesham NJ 08053
856-985-6022

21-62

due 2/12/21 marked
comp. on 2/13/21

Corbett, Katherine

From: Bergh, Mary Lou
Sent: Thursday, January 28, 2021 4:00 PM
To: Corbett, Katherine
Subject: Fwd: OPRA request - Police Standard Operating Procedures

Sent from my iPhone

Begin forwarded message:

From: kt <opra+request-19956-6df3d6f0@requests.opramachine.com>
Date: January 28, 2021 at 3:54:04 PM EST
To: "Bergh, Mary Lou" <berghm@evesham-nj.gov>
Subject: OPRA request - Police Standard Operating Procedures

Dear Evesham Township,

This is a request for public records made under OPRA and the common law right of access. I am not required to fill out an official form. Please acknowledge receipt of this message.

Records requested:

Current Police Standard Operating Procedures
Current Rules and Regulations

Yours faithfully,

k

Please use deliver records electronically via email to the below UNIQUE address for all replies to this request:

opra+request-19956-6df3d6f0@requests.opramachine.com

Is berghm@evesham-nj.gov the wrong address for OPRA requests to Evesham Township? If so, please contact us using this form:

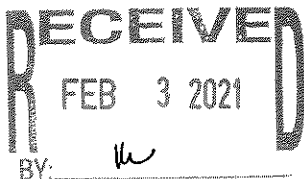
https://opramachine.com/change_request/new?body=evesham_township

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/police_standard_operating_proced



Approved: [signature]
Smy 47.1A.1.1

[signature]

2/8/21

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

EVESHAM POLICE DEPARTMENT MANUAL

VOLUME NUMBER: 1	CHAPTER NUMBER: 22
VOLUME TITLE: ADMINISTRATION	REFERENCE: V1C22
ISSUED BY: CHIEF CHRISTOPHER CHEW	# OF PAGES: 3
SUBJECT: MODIFIED DUTY	
EFFECTIVE DATE: NOVEMBER 26, 2001	GENERAL ORDER # 01-307
LAST REVISED: AUGUST 7, 2019	
APPLICABILITY: ALL EMPLOYEES	ANNUAL REVIEW:
ACCREDITATION STANDARDS:	
The Written Directives developed by the Evesham Township 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 the authority and procedures for granting temporary modified-duty assignments to eligible employees when such assignments advance a legitimate departmental goal.

POLICY: Temporary modified-duty assignments may be assigned to employees of this department who, because of injury, illness or disability, are temporarily unavailable to perform their regular assignments but who are capable of performing alternate duty assignments. Use of temporary modified duty can provide employees with an opportunity to remain productive while recovering which provides a work option for employees who may otherwise risk their health and safety or the safety of others by remaining on duty and provide the department with the opportunity to complete non-routine projects or tasks. Therefore, it is the policy of this agency that eligible personnel may be given a reasonable opportunity to work in temporary modified-duty assignments when such tasks or assignments are available and consistent with the provisions of this directive.

PROCEDURE:

I. Eligible Personnel

- A. For the purposes of this policy eligible personnel shall be any full time sworn or civilian officer of this law enforcement agency suffering from medically certified illness, injury or disability requiring treatment of a licensed health care provider and who, because of injury, illness or disability, is temporarily unable to perform the regular assignment but is capable of performing alternative assignments.

II. General Provisions

- A. Temporary modified-duty positions are limited in number and variety.
1. Personnel injured or otherwise disabled in the line of duty shall be given preference in initial assignment to modified-duty.
 2. In making such assignments, consideration may be given to seniority, abilities of the respective employees and the length of time employees have been in a modified duty assignment. There shall be no more than five members assigned to modified-duty at any one time. If there are more employees eligible for modified duty than there are eligible assignments available, the department may use a "first in – first out" rotation.
 3. Assignments may be changed at any time, upon the approval of the treating physician, if deemed in the best interest of the employee or the department.

EVESHAM POLICE DEPARTMENT MANUAL

- B. This directive in no way affects the privileges of employees under the provisions of the Family and Medical Leave Act (See *VIC23 - Leaves of Absence*), Fair Labor and Standards Act, Americans with Disabilities Act, or other federal or state law.
- C. Assignment to temporary modified-duty shall not affect an employee's pay classification, pay increases, promotions, retirement benefits or other employee benefits.
- D. No specific position within this department shall be established for use as a temporary modified-duty assignment, nor shall any existing position be designated or used exclusively for personnel on temporary modified-duty.
- E. Modified-duty assignments are strictly temporary in nature and will only be made when the assignment advances a legitimate departmental interest. Modified duty assignments will end when the particular assignment or task being performed is completed. Employees whose modified duty assignment ends may:
 - 1. Be given another modified duty assignment if one exists, or
 - 2. Pursue other options as provided by employment provisions of the township, or federal or state law.
- F. With the exception of a work related injury/illness, the maximum time that an employee is allowed to work on modified-duty will be six months (cumulative) in a twelve month period measured from the date that limited term duty is approved. After expiration of this time period the employee shall present a request for extension of modified-duty, with supporting documentation, to the chief of police or his designee, or they may be entitled to those benefits provided by the collective bargaining agreement, State and Federal Medical Leave Act.
- G. Employees assigned to temporary modified-duty shall be strictly prohibited from engaging in outside/secondary employment.
- H. Modified duty assignments shall not be made for disciplinary purposes.
- I. Employees may be assigned to modified duty when appropriate and may not refuse temporary modified-duty assignments that are supported by and consistent with the recommendations of an attending physician or certified health-care provider although employees may protest such assignments through established grievance procedures.
- J. An employee on temporary modified-duty is prohibited and restricted from wearing the departmental uniform, driving marked police vehicles, carrying his/her service weapon and is prohibited from working extra duty assignments.

III. Temporary Modified-Duty Assignments

- A. Temporary modified-duty assignments may be drawn from a range of technical and administrative areas that include but are not limited to the following:
 - 1. Administrative functions (research projects, planning)
 - 2. Clerical functions (file review projects, large scale data entry projects)
 - 3. While routine duties will not be used as primary modified duty assignments, officers on a modified duty assignment may be required to assist with certain routine duties, such as routine filing or taking walk-in complaints.
- B. Decisions on temporary modified-duty assignments shall be made based upon the availability of an appropriate assignment given the applicant's knowledge, skills and abilities; availability of modified-duty assignments that advance a legitimate departmental goal; and the physical limitations imposed on the officer.

- C. Every effort shall be made to assign officers to positions consistent with their rank and pay classification. However, when appropriate, personnel may be assigned to positions designated for personnel of lower rank or pay classification. Officers thus assigned shall:
 - 1. Retain the privileges of their rank but shall answer to the supervisory officer of the unit to which they are assigned with regard to work responsibilities and performance; and
 - 2. Retain the pay classification and related benefits of the position held prior to their assignment to temporary modified-duty.
- D. The Administrative Division Commander or his/her designee is responsible for overseeing, assigning and monitoring all temporary modified duty employees.
 - 1. The employee shall report directly to the Administrative Division Commander or his/her designee.
 - 2. The employee shall be assigned to temporary modified duty based on his/her knowledge, skills and abilities and the availability of assignments.
 - 3. If no available positions/assignments exist, modified duty shall not be assigned to the employee.

IV. Requests for and Assignment to Temporary Modified-Duty

- A. Members shall complete a detailed special report to their immediate supervisor requesting modified-duty. Requests must be accompanied by a statement of medical certification to support a requested reassignment, which must be signed by the treating physician. The certification must include an assessment of the nature and probable duration of the disability, prognosis for recovery, nature of work restrictions and an acknowledgement by the health-care provider of familiarity with the modified-duty assignment and the fact that the employee can physically assume the duties involved.
- B. The request for temporary modified-duty and the physician's statement may be forwarded to the department's police physician, who shall make a recommendation regarding the assignment to the Chief of Police or his designee.
- C. An employee who has not requested temporary modified-duty may be recommended for such assignment by submission of a request from the officers immediate supervisor or division commander if a reasonable belief exists that the employee can not safely and competently perform his or her duties due to illness, disability or injury. Such a request should be in the form of a Special Report from the appropriate supervisor requesting the re-assignment and an evaluation of the employee for medical and/or psychological reasons. The special report should articulate the supervisor's reasons for the request.
 - 1. Notice shall be provided to the employee of the proposed temporary modified-duty assignment together with the justification for the recommendation.
 - 2. The employee may challenge the proposed reassignment using established department grievance procedures.
 - 3. Pending the results of a grievance procedure, any employee may be reassigned if, in the opinion of the Chief of Police, failure to reassign may jeopardize the safety of the officer, other employees or the public.
- D. As a condition of continued assignment to temporary modified-duty, officers shall be required to submit to physical assessments of their condition as specific by the Chief of Police.

V. Pregnant Officers

- A. Pregnant officers are eligible for modified-duty assignments as available to any other officer and as appropriate to their physical capabilities.
- B. Pregnant officers shall be permitted to continue working on regular duty. Unless the officer's physician and/or the township physician have restricted the officer's duties, she will continue to function as she would absent the pregnancy. The department does not assume an employee is unable to continue her regular job function on the basis of her pregnancy related condition alone.
- C. If an officer's physician has restricted the officer's duties, the officer shall be required to provide a note that the officer is no longer qualified for full duty as a police officer. The pregnant officer shall provide a copy of the doctor's note to their bureau commander who shall then forward the note to the Chief of Police. The Chief of Police will then be given an option to transfer the officer to a modified duty assignment within the police department or, with the approval of the Township Manager, to another appropriate municipal function, for the remainder of the pregnancy or until maternity leave is required.

EVESHAM POLICE DEPARTMENT MANUAL

VOLUME NUMBER: 1

CHAPTER NUMBER: 48

VOLUME TITLE: ADMINISTRATION

REFERENCE: V1C48

ISSUED BY: CHIEF CHRISTOPHER CHEW

OF PAGES: 5

SUBJECT: PERFORMANCE IMPROVEMENT PLANS (PIP)

EFFECTIVE DATE: MAY 26, 2017

GENERAL ORDER #17-525

LAST REVISED: JULY 15, 2019

APPLICABILITY: ALL EMPLOYEES

ANNUAL REVIEW:

ACCREDITATION STANDARDS:

The Written Directives developed by the Evesham Township 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 written directive is to define the situations in which Performance Improvement Plans (PIP) shall be developed and implemented in performance-related personnel matters.

POLICY:

A Performance Improvement Plan is an economic investment in further job performance. Performance Improvement Plans focus on improving the competencies or attitudes of the employee responsible for needed performance improvement. The development of Performance Improvement Plan requires a collaborative effort between the supervisor and employee. A Performance Improvement Plan must contain input from the affected employee in order to prevent continuing issues and/or punitive discipline. It shall be the policy of the Department to utilize performance improvement plans when appropriate to improve employee performance.

PROCEDURE:

I. Performance Counseling

- A. Most performance issues can be resolved through effective communication between supervisors and their employees. An informal counseling session provides the opportunity to clarify expectations and discuss performance problems.
- B. If the preventative steps taken find that an employee's performance is not meeting expectations, the best approach is to meet with the employee to discuss the performance problem. Performance counseling has several objectives. It aims to:
 - 1. Advise an employee that performance is inadequate.
 - 2. Ascertain the reasons why performance is inadequate.
 - 3. Specify precisely what is unacceptable in the employee's performance.
 - 4. Specify precisely what the employee is expected to do in the future.
 - 5. Provide clear warning that a failure to correct performance deficiencies will result in adverse consequences.
- C. Supervisors shall document any performance-based counseling session conducted with an employee in the notes section of his or her performance evaluation (see *V1C07 – Performance Evaluations*).

II. Performance Improvement Plan Criteria and Tracking

- A. If performance counseling sessions fail to correct the employee behavior, the implementation of a Performance Improvement Plan (PIP), with the possibility for more severe consequences, may be necessary to resolve the issues.
- B. Performance Improvement Plans (PIP) may be implemented by supervisors, after a review of the circumstances with the Chief of Police, for minor performance based issues that were not corrected by the employee through documented counseling sessions.
 - 1. Performance Improvement Plans (PIP) implemented under these circumstances shall be attached to the employee's current annual performance evaluation and monitored by the issuing supervisor.
- C. Performance Improvement Plans (PIP) may be implemented as a result of any Required Improvement (RI) rating applied to a Task, Proficiency, or Policy in an employee's annual Performance Evaluation at the conclusion of the evaluation cycle.
 - 1. Performance Improvement Plans (PIP) implemented under these circumstances shall be attached to the employee's current annual performance evaluation and monitored by the issuing supervisor, or new supervisor if that employee is no longer under the supervision of the issuing supervisor (see *V1C07-Performance Evaluations*).
- D. Performance Improvement Plans (PIP) may be implemented as a result of a sustained finding in an internal affair investigation. The plan may be in addition to any discipline that is given to the employee (see *V1C13-Internal Affairs & Discipline*).
 - 1. Performance Improvement Plans implemented under these circumstances shall be retained with the internal affairs investigation report and monitored by the employee's supervisor.
- E. Performance Improvement Plans (PIP) may be implemented in accordance with *V1C43-Early Intervention Program (EIP)*.
 - 1.) Performance Improvement Plans (PIP) implemented under these circumstances shall be retained with the employees Early Intervention Program (EIP) file and monitored by the employee's supervisor.
- F. The Internal Affairs Bureau shall maintain a Performance Improvement Plan database. The database shall track each Performance Improvement Plan issue date, duration, reason (Supervisor Identified, Performance Evaluation, Internal Affairs Investigation or Early Intervention Program) and results.

III. Performance Improvement Plan Procedures

- A. The procedures for providing a formal performance improvement plan shall include:
 - 1. Determination of Unacceptable Performance: The employee's performance has been determined to be unacceptable in one or more critical elements during a specific time period.
 - 2. Performance Improvement Plan Notice Issued: The employee is informed in writing of the critical element(s) in which he or she is failing, what is needed to bring performance up to a minimally successful level, what assistance will be provided, and the consequences of failing to improve during the opportunity period.

3. Formal Performance Improvement Plan to Improve: Employee must bring performance up to a minimally successful level in failed critical element(s). The process for achieving this includes detailed input and involvement from the employee. Duration of opportunity may vary at the discretion of the Chief of Police, however the normal rule is 30, 60, or 90 days. To satisfy the three-month review of the Attorney General Guidelines Tier One (1) Early Intervention Program - V1C43, all Tier One (1) Performance Improvement Plans shall be a minimum of 3 months. All other Performance Improvement Plan durations are at the discretion of the Chief of Police. The employee's progress shall be documented and assistance shall be provided.
 - Upon completion of the Performance Improvement Plan (PIP), the Bureau Commander shall complete a Special Report to the Chief of Police detailing the progress over the PIP and recommend the PIP be closed, citing the plan has achieved the desired results or recommend the plan continue for another period of time, citing the plan needs additional time to achieve the desired results.
4. Determination of Performance Improvement: Employee's performance is determined to be acceptable or unacceptable in one or more critical elements.

IV. Performance Improvement Plan Format

- A. The agency has developed a standardized format to be utilized for all Performance Improvement Plans (see **Appendix A**).
- B. The standardized format for a Performance Improvement Plan contains formal language along with open text space for the supervisor for wording specific to the plan that addresses the following components:
 1. Statement of Unacceptable Performance: Identifies the critical elements under which the employee's performance is unsatisfactory along with specific examples and time frame of the deficiencies.
 2. Performance Improvement Timeframe: Identifies the specific period of time the employee is being given an opportunity to demonstrate acceptable performance.
 3. Description of Acceptable Level of Performance: State the improvements that are expected. Includes input from both the supervisor and employee on reaching goals.
 4. Statement of Assistance: States what the supervisor will do and what special training (if appropriate) will be given to assist the employee to improve.
 5. Consequences of failing to improve to an Acceptable Level: States that if the employee's performance does not improve to a minimally successful level, discipline may result.
 6. Signatures/Date: The issuing supervisor and employee shall sign and date the document.

V. Follow-Up

- A. In order for a Performance Improvement Plan (PIP) to be successful, the supervisor shall monitor the employee's performance and conduct counseling sessions to ensure the plan is being followed. This follow-up will be in accordance with the officers written Performance Improvement Plan (PIP) and may include weekly, bi-weekly monitoring of BWC video, report writing and field activities.
- B. The monitoring and status reviews of Performance Improvement Plans (PIP) shall be documented by the supervisor on a **Special Report** and in the notes section of the employee's annual performance evaluation and then forwarded via-email to PD-Internal Affairs. The report and notes shall contain the employee's status in achieving performance goals and any deficiencies by the employee in following the guidelines set forth in the plan.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- C. Once a Performance Improvement Plan (PIP) has been completed and successfully fulfilled, the supervisor shall note the same in the employee's annual performance evaluation and complete a **Special Report** recommending closure. This report shall be forwarded to the Chief of Police for review. The Internal Affairs Bureau Commander shall be notified and the plan shall be closed out accordingly in the database or extended if the employee has not met the desired goals.
- D. In the event the employee shows the inability to comply with the provisions of the plan, the Chief of Police shall be notified through the chain of command. The Chief will then make the determination on the next course of action, including the possibility of disciplinary action.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

Appendix A

Performance Improvement Plan

Employee _____
Issuing Date _____

Issuing Supervisor _____

From the period of time beginning _____ through _____ your performance is deficient in the following areas and examples:

You are being given an opportunity to complete a Performance Improvement Plan to correct your performance. This plan will be in effect for _____ days. In the event your plan fails to achieve its purpose, this form will be forwarded to the Chief of Police to serve as evidence that you were provided notice of your deficiency and a chance to improve it before other corrective action was taken, which may include discipline.

You have indicated your commitment to improvement and identified the following observable proofs that will be provided to demonstrate that you are making the necessary effort and advancement toward improvement _____. Accordingly, as a supervisor I have offered the following assistance _____ and you have provided any considerations or assistance you believe may be needed from management to help you improve, which include _____. Therefore, the following improvements and timeline are expected to restore you to an acceptable level of performance:

Employee: _____
Supervisor: _____

Date: _____
Date: _____

Chief of Police _____

Approved ☐ Denied ☐

Comments:

Internal Affairs Bureau

PIP Database Entry ☐

EIP Entry ☐

Tracking # _____

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

VOLUME NUMBER: 4

CHAPTER NUMBER: 23

VOLUME TITLE: OPERATIONS

REFERENCE: V4C23

ISSUED BY: CHIEF CHRISTOPHER CHEW

OF PAGES: 3

SUBJECT: MOTOR VEHICLE REPOSSESSIONS

EFFECTIVE DATE: APRIL 23, 2001

GENERAL ORDER # 01-250

LAST REVISED: JULY 16, 2019

APPLICABILITY: ALL SWORN EMPLOYEES

ANNUAL REVIEW:

ACCREDITATION STANDARDS:

The Written Directives developed by the Evesham Township 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 explain the automobile repossession process and provide guidance for members called upon to become involved in these incidents.

POLICY: Motor vehicle repossession is generally a civil matter and members shall only involve themselves in repossession as provided for in this written directive.

PROCEDURE:

I. Statement

- A. Repossession is a process that is often misunderstood even by members of the law enforcement community. Frequently questions arise concerning the appropriate level of police involvement in a repossession action. The following procedure explains the types of repossessions and defines the acceptable actions of members in response to these incidents.

II. Repossessions Defined

- A. A repossession occurs when a bank or finance company takes back a motor vehicle that it has financed because the owner has defaulted in his/her payments. The lender takes this action in hopes of selling the vehicle to recover the money that the debtor owes. There are two (2) types of repossessions:
1. Repossession under a court order.
 2. Self help repossession.
- B. A repossession under court order occurs when the lender appears before a judge to request a court order to seize an automobile after the owner has defaulted on payments.
1. Repossession under court order is rare, however, if a subject requests police assistance in executing the court order, members shall:
 - Consult with the duty prosecutor concerning the level of involvement recommended.
 - Depending on the language of the court order, an owner in default who refuses to relinquish the named automobile or otherwise attempts to prevent the seizure may be considered in contempt. No arrest or charge of contempt shall be filed without consulting with the duty prosecutor.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- C. The most common type of repossession is known as self-help repossession. This occurs when the lender does not obtain any judicial intervention before taking the named automobile. (NOTE: for the purposes of this written directive, the term vehicle shall include: automobile, motorcycle, trailer, moped, boat and snowmobile) Instead the lender relies on statutory authority and, in many cases, the loan agreement. These repossessions are generally conducted by independent contractors (repossession agents) hired by the lender solely to conduct the repossession.
- D. N.J.S. 12A:9-503 authorizes self-help repossessions, provided they can be accomplished without a breach of the peace. The loan agreement usually specifies that the borrower gives the lender the permission to repossess the vehicle if the borrower defaults on his payments. If a self-help repossession cannot be conducted without a breach of the peace, the lender must obtain a court order to authorize the action.
- E. When a vehicle repossession is conducted by a private entity, constitutional rights are not implicated because there is no state action. However, when the police become involved, the repossession may become a state action if a certain level of police involvement is reached. (Cf. Callen v. Sherman's Inc., 92 N.J. 114 (1983)) Because state action can activate due process rights, the police may be liable for damages if they become excessively involved in the repossession.
 - 1. The case law is unclear on what level of involvement is needed to convert a self-help repossession into a state action.

III. Response Guidelines

- A. The functions of members of this department in a repossession matter shall be as follows:
 - 1. Documentation of the incident including the collection of information relevant to the repossession and preservation of the peace.
 - In an effort to prevent unnecessary reporting of stolen or missing vehicles, members shall collect the specific information concerning the vehicle being repossessed and the individual and firm taking the repossession action.
 - 2. If a dispute or breach of the peace should occur at the site of the repossession, members shall respond to maintain the peace and enforce laws as applicable.
- B. All repossession agents should be instructed to meet with a member at police headquarters prior to attempting any motor vehicle repossession in the township.
 - 1. Members meeting with repossession agents shall:
 - Complete a Repossession Information Sheet, and
 - Obtain a photocopy of the document(s) purportedly authorizing the repossession.
 - Advise the repossession agent that:
 - The police department is not sanctioning or authorizing the repossession.
 - If the repossession agent violates any criminal statutes or local ordinances, he will be prosecuted.
 - The repossession agent shall not enter any structure, such as a garage, to effect the repossession.
 - If the repossession cannot be accomplished without a breach of the peace, the agent must obtain a court order for the repossession.
- C. If a repossession agent repossesses a motor vehicle without prior notification to the department and responds to headquarters with the motor vehicle, faxes paperwork or uses some other means to advise of the repossession, the member shall still complete a Repossession Information Sheet documenting the specific circumstances and as much of the other listed information on the sheet as possible.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- Supervisors shall list the repossession on the Daily Activity Report in the appropriate box.
- D. Members shall not accompany the repossession agent to the site of the repossession in any way that would give the appearance that the police department is authorizing or participating in the repossession. If the repossession agent is so concerned about potential problems, and believes that a police escort may be necessary, then it does not appear that the repossession can be conducted without a breach of the peace. If the repossession cannot be conducted without a breach of the peace, the lender or his agent loses the right to conduct a self-help repossession.
- E. Any altercation constitutes a breach of the peace. If the vehicle has not been taken, the repossession agent shall be required to leave without the vehicle. The lender must obtain a court order to seize the vehicle.
- F. If the vehicle owner denies being in default, the repossession agent should be required to leave without the vehicle.
- G. Members shall remain neutral throughout the incident and preserve the peace and good order. If necessary, enforcement of statutes and ordinances shall be done uniformly based on the conduct observed.
- H. If either the citizen or the repossession agent wishes to prosecute the other party as a result of actions occurring during the attempted repossession, they shall be advised of the procedure for citizen complaints. Members shall only sign complaints for offenses that were committed in their presence.

IV. Reporting Requirements

- A. Members shall file the following reports in response to repossession incidents:
 - 1. Incident Report
 - 2. Repossession Information Sheet (If repossession is successful)
 - Members are urged to have the repossession agent confirm a successful repossession through central communications to facilitate the filing of complete reports.
 - Completed Repossession Information Sheets shall be placed on the designated clipboard in the patrol supervisor's office for reference.
 - Completed Repossession Information Sheets shall be purged from the clipboard after thirty (30) days and then forwarded to the Patrol Bureau Commander(s) for filing.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

VOLUME NUMBER: 4	CHAPTER NUMBER: 35
VOLUME TITLE: OPERATIONS	REFERENCE: V4C35
ISSUED BY: CHIEF CHRISTOPHER CHEW	# OF PAGES: 40
SUBJECT: EVIDENCE PROCEDURES	
EFFECTIVE DATE: APRIL 23, 2001	GENERAL ORDER # 01-244
LAST REVISED: JANUARY 5, 2021	
APPLICABILITY: ALL EMPLOYEES	ANNUAL REVIEW:
ACCREDITATION STANDARDS: 83.2.1, 83.3.1, 83.3.2, 84.1.1, 84.1.2, 84.1.3, 84.1.5, 84.1.6, 84.1.7	
The Written Directives developed by the Evesham Township 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 enhance department operations and accountability by establishing procedures for the proper collection, packaging, preservation, security and disposition of all property that is collected, seized or received by members of this department.

POLICY: The utilization of proper and accepted methods for the collection, packaging and preservation of all evidence and seized property is of paramount importance in the successful investigation and prosecution of criminal and/or civil cases. The lawful and appropriate disposition of such property on regular intervals is necessary for the efficient management of the property and evidence function.

PROCEDURE:

I. Collection of Evidence

- A. The agency has access to qualified personnel capable of processing a crime scene and/or traffic crash scene on a 24-hour basis.
- B. The collection of physical evidence can be accomplished by any member of this department, however, certain members are designated as having primary responsibility for the collection of evidence in relation to specified incidents:
 1. Detectives are primarily responsible for the processing of crime scenes and the collection of evidence and shall be summoned in all situations where the shift supervisor determines the need for crime scene processing and the patrol crime scene technician is not appropriate or not available.
 2. Patrol Crime Scene Technicians are assigned to each patrol squad and are available to process crime scenes and recovered property in the following situations:
 - Recovered stolen motor vehicles other than those flagged in NCIC as "hold for prints" by the entering agency. Vehicles flagged as such shall be processed by the entering agency.
 - Thefts from a motor vehicle in which there is a likelihood of locating suitable latent prints.
 - Burglary or attempted burglary to a vehicle, residence or commercial property subject to the following restrictions:
 - The incident did not result in injury or death.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- The incident is not a result of a bias crime.
 - The incident is not part of a series of related burglaries believed to have been committed by the same person or group.
 - The supervisor determines that the duty Detective should process the scene.
 - Thefts or strong-arm robberies where no weapons are used and no injuries occur.
 - Criminal mischief where there exists a likelihood that physical evidence can be recovered and the victim is willing to initiate a criminal complaint should a suspect be identified.
 - 3. In cases involving major crimes, the Burlington County Prosecutor's office or other state or federal agencies may become involved in the collection of evidence and, in such situations, shall be responsible for the collection, packaging and retention of the collected evidence.
 - 4. While it is clearly recognized that members not specifically assigned to the collection of evidence will discover and collect evidence in the course of their duties, members operating at a secure crime scene that are not assigned to the collection of evidence shall not search for or otherwise handle any items of evidence unless so ordered by competent authority. (See *V4C40 – Crime Scene Procedures*)
- C. All evidence/property that is collected by members of this department shall have an explanation of how it came into the officer's/agency's possession clearly documented in the report narrative. The evidence/property must also be promptly secured at police headquarters or the Quonset Hut in the designated receptacle.
- 1. No property or evidence shall be held in a vehicle, desk, personal locker or other unauthorized location.
 - 2. The temporary storage of evidence shall be accomplished in a manner consistent with the provision established in this written directive.
 - 3. The secure storage of all property or evidence coming into the possession of any member of this department must be accomplished before the recovering member ends his or her tour of duty.
 - 4. If, for some unforeseen reason, the recovering officer is incapacitated or otherwise incapable of accomplishing this before his or her shift comes to an end, the duty supervisor shall designate another officer to complete this action. Full documentation for the transfer of custody of the evidence and the reason for such transfer must be included in the case file.
- D. All evidence that is recovered/ seized by any member of this department must be handled with extreme care in order to prevent contamination of the evidence and/or member.
- 1. The use of tongs or tweezers should be considered to prevent the recovering member from touching and/or contaminating the items.
 - 2. In all instances where items of evidence must be physically handled by the recovering member, extreme care shall be exercised to limited the degree of handling and a new pair of latex gloves should be worn to prevent contamination and/or cross-contamination.
- E. Perishable evidence shall be given priority and collected first. If destruction of evidence is not a concern, the recovering member shall work through the scene in a logical sequence designed to prevent the disruption and/or contamination of other items of evidence.
- F. In collecting evidence for comparative analysis, it must be remembered that the forensic laboratory can only compare a recovered item with known items showing similar characteristics. Sufficient specimens or controls must be submitted for comparisons of such items as hair, fibers, paint, glass, soil and tool marks. Refer to the Evidence Guide beginning on page 5 of this written directive for items of evidence that will require submission of a control sample.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

1. In all instances where a control sample is required the investigator shall endeavor to supply a sample in the amount set forth in the evidence guide.
- G. Prior to the officer conducting a search, it is recommended that the searching officer wear personal items of protection, latex gloves on their hands and masks to cover their nose and mouth, to prevent inhalation/absorption of harmful materials that maybe present in the area being searched.

II. Marking and Packaging

- A. All items of evidence collected by department members shall be marked immediately after discovery. Whenever possible, the marking should consist of at least the officer's initials and preferably the officer's initials followed by a number assigned to the item, followed by the date and case number. Marking and packaging of evidence shall be consistent with the procedures outlined in the **New Jersey State Police Evidence Field Manual**.
 1. Evidence that is too large to be packaged in traditional evidence bags/containers shall be packaged in large paper or plastic bags, cartons or other suitable containers, if possible, and properly marked.
 2. Whenever possible, narcotic evidence shall be packaged in clear bags to facilitate proper identification by laboratory personnel.
 3. To avoid contamination, each type of evidence should be packaged separately.
- B. All items of evidence collected must be properly recorded on a **Property Description Report** and must have the following information printed on the tag or outermost bag/container:
 1. Department incident number
 2. Date of recovery/ seizure
 3. Location of recovery/ seizure
 4. Owner of property, if known
 5. Brief description of property
 6. Officer's name and badge number
- C. In some instances, the marking and labeling of evidence may represent a single process where the evidence, because of its size or nature, can accommodate the recording of complete identifying data directly on the item of evidence. In such instances, a tag displaying the incident number associated with the evidence is the only other identifier needed.
- D. In other instances, the small size or nature of the evidence collected will not permit the recording of complete identification information directly on the item. Members should attempt to record at least their initials and the date of recovery/ seizure. All other information shall then be recorded on the attached tag or outermost bag/ container.
 1. Information shall be recorded on the exterior of the bag prior to the insertion of evidence to prevent damage or contamination.
- E. It is important to select a bag/container or other method of packaging that is suitable for the intended evidence and that will provide the necessary degree of protection from damage, contamination and inadvertent opening.
- F. Members should develop the habit of marking similar items of evidence in the same location to prevent potential embarrassment on the witness stand when asked to identify their unique markings on the evidence.
- G. When marking valuable items, including televisions sets, stereos, musical instruments, radios, etc., the markings should be as inconspicuous as possible, such as on the bottom, back or inside of the item.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- H. The following are examples of instruments that are suitable for marking evidence:
 - 1. Permanent markers (felt tip pens).
 - 2. Scribes (diamond tip, awl, engraver)
 - 3. Ball point pen on affixed labels.
- I. Alcoholic beverages and containers, unless related to an indictable crime or investigation, shall be photographed and destroyed.
- J. Items such as shotguns, rifles, clubs, etc., shall be rendered safe and marked for identification, tagged and submitted without additional packaging. Ammunition taken from a firearm shall be separated with an indication where the ammunition was originally located within the firearm.
- K. Currency shall be packaged separately from other evidence and shall be verified by a least two members. Currency that is being seized for forfeiture shall be handled in accordance with *V7C14-Asset Forfeiture*.
- L. The collection and retention of fireworks and other explosives or flammable liquids for evidential purposes must be handled with extreme care to prevent an accidental explosion. Under no circumstances shall explosives such as dynamite, hand grenades, blasting caps, etc., devices be handled unless they have first been properly inspected by the appropriate authorities and rendered harmless.
 - 1. Explosives rendered safe, commercial grade fireworks, and flammable liquids shall not be placed in any temporary or permanent evidence vault at police headquarters. The items shall be stored at the Quonset Hut pending consultation with a certified bomb technician by the Property Officer to determine the prudence of retaining such property, and, if applicable, the proper manner for the packaging, handling and storage of same.
- M. All BIOHAZARD EVIDENCE must be labeled with biohazard stickers. If the evidence is known to be contaminated with HIV or Hepatitis B or other communicable/ contagious diseases, it should be so noted on the bags/ containers and a note should be attached to any evidence sent out for examination clearly indicating same.
 - 1. All clothing and other evidence containing dried blood should be packaged in separate paper bags and labeled with biohazard stickers.
 - 2. Specimens containing wet stains of blood or other biological fluids shall be placed in separate plastic bags at the scene and labeled with a biohazard sticker.
 - These specimens should be transported to a safe location as soon as possible thereafter and removed from the bags to allow them to air dry. NOTE – this should be done in an area of low humidity, out of direct sunlight and away from sources of direct heat.
 - Once completely dried, the specimens shall be placed in separate paper bags and labeled with biohazard stickers.
 - The original plastic bags shall be retained and submitted with the evidence.
 - 3. Sharps, such as needles, syringes, knives or broken glass that may be contaminated with blood or other biological fluids, shall be placed in a puncture resistant container and labeled with biohazard stickers.
 - Syringes that are not related to an indictable crime or investigation and do not contain any fluid requiring testing (i.e. drug paraphernalia offense) may be photographed and placed in the designated sharps container for destruction.
 - 4. Any liquid or wet biohazard specimen shall be packaged in a leak-proof container and packaging and labeled with a biohazard sticker.

CAUTION: All biohazard evidence should be considered potentially dangerous to your health and should be handled with the utmost caution. When handling or transporting this type of evidence, latex gloves shall be worn!

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- N. With the introduction and utilization of digital cameras by members of this department for investigative purposes, the need has arisen to establish a procedure to ensure integrity of the computer disks utilized to capture the photographic images. See *V4C40-Crime Scene Procedures* for information on the collection and preservation of photography and videotape evidence.
1. Any computer disk utilized to capture digital photographic images associated with an official police investigation shall be treated as evidence and placed in a white disk sleeve and secured by tape to prevent the disks from being mixed together. Disks shall be marked with the corresponding case number, date, and the member's name and badge number.
- O. For the purpose of this written directive, evidence shall be classified as "**evidence for safekeeping**" and "**evidence for laboratory examination**".
1. Evidence for safekeeping requires no further processing or examination but must be retained for future utilization.
 2. Evidence for laboratory examination requires either in-house or external laboratory examination (e.g., latent fingerprints, firearm operability, ballistics, narcotics identification, etc.). After examination the evidence will also be retained for future use.
 3. At no time shall the two types of evidence be submitted to the property officer in the same bag/container. If a single case involves both classifications of evidence, they shall be packaged in separate bags/containers.
- P. All items of evidence shall be handled, marked, stored and submitted to the laboratory in a manner consistent with the provisions contained in the **NJSP Evidence Field Manual** published by the New Jersey State Police Special and Technical Services Section. Copies of the Evidence Field Manual are maintained in the Patrol Bureau and Investigative Bureau for reference.

III. Submission and Storage

- A. A **Property Description Report**, as described in Section XI of this written directive, must be completed for each item of evidence or property being submitted for storage.
1. The **Property Description Report** and the packaged and labeled articles shall then be inspected by the submitting officer's supervisor.
- B. The reviewing supervisor shall ensure that all items are properly packaged and labeled, and that the **Property Description Report** is accurately completed. The supervisor shall initial the **Property Description Report** indicating that the evidence has been properly processed.
- C. The member submitting the evidence/ property shall then submit the **Property Description Report** and the evidence/ property to the Property Officer for storage/ safekeeping.
1. In the event that the Property Officer is not available to receive custody of the evidence/ property, the reviewing supervisor shall accompany the member submitting the evidence to one of the authorized temporary holding receptacles and observe the member secure the evidence/property.
 - The original white copy of the **Property Description Report** shall be placed in the Property Officer's incoming paperwork receptacle outside the door to Vault#1.
 - All entries on the **Property Description Report** shall be completed excluding No. 52 "RECEIVED BY" which will be completed by the Property Officer when the evidence/property is removed from the temporary holding receptacle.
 - A copy of the **Property Description Report**, bearing the Property Officer's signature, shall be forwarded to Police Records for inclusion in the case file and shall act as a receipt for the submitted property.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- D. If the evidence being submitted must be refrigerated and the Property Officer is available, the evidence shall be delivered directly to the Property Officer for immediate transfer to the refrigerator in Evidence Vault #2.
1. If the Property Officer is not available to receive the evidence, the reviewing supervisor shall permit the member submitting the evidence to place it in one of the three temporary holding refrigerators in Vault #1.
 2. All evidence stored in this manner shall be securely packaged with the member's initials on the taped closures to prevent the possibility of challenges to the integrity of the evidence. Once locked, the member shall secure the key in the mailbox for the Property Officer to transfer the evidence into the evidence vault.
 3. If there is already evidence stored in the three refrigerators, the Property Officer shall be contacted and be required to respond in order to store the item in Vault #2.
 4. The original white copy of the **Property Description Report** shall be placed in the Property Officer's incoming paperwork receptacle outside the door to Vault #1.
- E. If all the temporary receptacles are full or if items of are too large to be stored in any of the authorized temporary holding receptacles, the item(s) must be secured in the most effective manner possible.
1. The supervisor shall attempt to recall the Property Officer or alternate to facilitate immediate delivery for storage in one of the evidence vaults if deemed necessary.
 2. An alternative would be to store the item(s) in the Quonset Hut at Croft Farm.
 - The original white copy of the **Property Description Report** shall be placed in the Property Officer's incoming paperwork receptacle outside the door to Vault #1.
- F. If at anytime a situation arises when a supervisor needs to recall the Property Officer and alternate for the immediate storage of evidence and he/she is not available, the Investigative Bureau Commander shall be contacted.

IV. Property Officer Duties

- A. The Property Officer reports to the Investigative Bureau Commander, who oversees the evidence/property function. The Property Officer is responsible for the following:
1. Maintain a central filing system and a computerized database for administration of the property and evidence function of the police department, including a current inventory of all property held by the department.
 2. Documentation all movements of property/evidence to accurately reflect the chain of custody of the property/ evidence during the time it is held by this department.
 3. Transportation or mailing/ shipping of evidence to the designated laboratories or other agencies for the purpose of conducting analysis/ examination/testing.
 4. Maintaining a sufficient supply of materials used for the labeling, marking and packaging of evidence and property received/ seized by members of this department.
 5. Conducting an investigation in order to identify the rightful owner of any item of evidence stored by this department. Upon successful identification, the owner shall be notified of the property's status and the procedure for recover of the property.
 6. The temporary or final release of property and evidence shall be the responsibility of the Property Officer.
 7. All other activities associated with the evidence function as documented in this written directive.
- B. The Property Officer is also responsible for receiving all found/recovered property received by this department and facilitating:
1. An investigation to identify the rightful owner of the property, and notification to the owner concerning the status of the property, including the procedure for return of the property to the owner.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- ## V. Authorized Temporary Storage Receptacles

VOLUME 4 CHAPTER 35 – EVIDENCE PROCEDURES Page 7 of 40

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- [illegible]

- E. Department members shall not attempt to access any temporary evidence storage receptacle containing evidence awaiting transfer into the evidence vault unless specifically authorized by this directive.
- F. Property or evidence that is sensitive or exceptionally valuable, in terms of evidential or monetary value, shall merit extra precautions with regard to handling, packaging and storage. Special precautions for weapons and items of biohazard evidence shall be handled as directed in Subsection II of this directive.

VI. Permanent Storage - Evidence Vaults

- A. The Property Officer shall be directly responsible for the proper management of the evidence vaults maintained by the department for storage of evidence / property. Access authorization for evidence vaults shall be restricted to the Property Officer, alternate and the Investigative Bureau Commander.

1. [REDACTED]

4. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

VII. Laboratory Cases

- A. In cases where the evidence requires laboratory analysis or other handling by outside agencies, the Property Officer, alternate or designee is responsible for transporting the evidence to the designated laboratory, accredited laboratory, or other agency, returning the evidence from the laboratory or other agency and receiving the report concerning the analysis or other testing.
- B. A **Request for Examination of Evidence** must be prepared by the member conducting the investigation and should, whenever possible, be submitted with the **Property Description Report** in accordance with Section III above. The **Request for Examination of Evidence** must accompany the evidence to the designated laboratory.
- C. The New Jersey State Police and Burlington County Forensic Laboratory have produced their own **Request for Examination of Evidence** forms that are substantially similar. All requested information shall be provided, including:
1. The charges contained in the complaint, i.e., if it is possession, possession with intent to distribute and distribution, all three charges shall be listed on the form. Do not simply list possession of CDS since the nature of the charges determines the number of items that will be analyzed.
 2. The request shall indicate the individuals from whom the items were taken, i.e., Items # 1, 4 and 5 were taken from defendant Jones; Items # 2 and 3 taken from defendant Smith. This insures that at least one item from Jones and one item from Smith will be analyzed and prevents the need to have a reanalysis should one or the other plead out.
 3. The request shall indicate where a particular item or items were located, i.e., Items # 1 and 2 are from the living room, Item # 3 from the kitchen, Items # 4 and 5 from the bedroom. This will insure that in multiple defendant cases, all parties, or as many as possible, are covered.
 4. Any item which serves as the basis for probable cause for a search warrant or arrest warrant shall be so noted on the form, i.e., a controlled buy where a marquis test is performed and a search warrant obtained immediately thereafter, when that item is submitted to the lab for analysis, it should be noted as a probable cause item.
 5. Weight of CDS or number of pills.
- D. The Burlington County Forensic Laboratory shall be utilized for the examination of all controlled dangerous substances.
1. The process for the completion of a **Request for Examination of Evidence** for the Burlington County Forensic Laboratory is as follows:
 - Open the Case Report in the New World System.
 - Select the "More" tab in the bar highlighted in blue.
 - Select the "Print" selection in the "More" dropdown menu.
 - Select the "Lab Request" option in the Print Window.
 - Select the "Open" tab in the prompt that appears on the bottom of the scene.
 - The **Request for Examination of Evidence** form will appear, complete the Form by entering information in the boxes that are applicable to the request.
 - Print the **Request for Examination of Evidence** form in triplicate, White, Yellow and Pink. Submit the **Request for Examination of Evidence** form with the Case Tracking Slip.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- E. The New Jersey State Police Forensic Laboratory shall be utilized for all other evidence examination/analysis and will also be used as a backup laboratory for the above described examinations in cases where the Burlington County Forensics Laboratory cannot process the request.
 - 1. The State Police laboratory will not examine narcotic evidence in disorderly persons cases unless the defendant has entered a not guilty plea.
 - 2. The State Police laboratory will only examine urine evidence for narcotics in relation to DWI cases which there is the additional suspicion of the presence of alcohol or cases in which a Drug Recognition Expert (DRE) conducted an examination of the suspect providing the sample.
 - DRUGSCAN has been designated as the private laboratory that shall be utilized for the examination of blood/urine not meeting the criteria of the State Police laboratory.
- F. If evidence is being submitted to the Federal Bureau of Investigation Laboratory, the appropriate documentation required by the laboratory shall accompany the evidence (reference the **U.S. Department of Justice Handbook of Forensic Science**).
- G. The Property Officer or alternate shall package evidence in a manner that is deemed acceptable to the laboratory where the evidence will be submitted. As a general guideline, the **NJSP Evidence Field Manual** published by the New Jersey State Police Special and Technical Services Section shall be used as the model for packaging evidence unless the property officer has specific information from the laboratory to deviate from that model.
- H. The Property Officer, alternate or designee shall transport all items of evidence to the designated laboratory using a department vehicle. Items of evidence shall be transported in such a manner as to diminish, to the greatest extent possible, the opportunity for damage, alteration or destruction of the transported items.
- I. At the time of transfer of custody between the transporting officer and the receiving employee at the designated laboratory, an official receipt must be obtained by the transporting officer to ensure a proper accounting of the chain of custody.
- J. The Property Officer shall specifically request a timely copy of the written result of any examination conducted by a laboratory on evidence submitted for analysis.
 - 1. Upon receipt of the written results from the requested examination/ analysis, the Property Officer shall insert copies of the results in the corresponding case files.
 - 2. Verbal results can provide information upon which operational plans can be devised, but no enforcement, search or seizure shall be initiated without the official written results of the examining laboratory.

VIII. Request for Evidence Form

- A. If necessary for a member to obtain evidence for court proceedings, he or she must first submit a **Request for Evidence Form** to the property officer as soon as that member becomes aware of the need for such evidence.
- B. The evidence will not be released to the member making the request until the day of the scheduled court appearance.
 - 1. If the member is scheduled for court at a time when the Property Officer will not be on duty, the evidence and **Property Description Report** shall be secured in one of the approved locker style temporary evidence receptacles and will be retrieved by the requesting member's supervisor or the duty supervisor upon that member's arrival at police headquarters.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- When the original **Property Description Report** is placed in the temporary evidence receptacle for this purpose, the Property Officer must make a photocopy of the **Property Description Report** in case of loss or destruction of the original.
 - Upon return of the **Property Description Report** and evidence, the Property Officer is responsible for comparing the documents for accuracy and may discard the photocopy provided the original has not been altered.
- C. The supervisor retrieving the evidence from the temporary holding receptacle shall ensure that the chain of custody section is completed by the member receiving the evidence prior to turning any evidence over to him/ her.
- D. The member receiving evidence for courtroom testimony is required to return that evidence intact to the Property Officer, or in his/her absence, the supervisor at police headquarters immediately following the termination of the case for which the evidence was needed.
1. The Property Officer or supervisor receiving returned evidence shall be responsible for reviewing the **Property Description Report** to ensure that all released items have been returned intact.
 - If returned to the Property Officer, the chain of custody section of the **Property Description Report** must be completed and signed by both members.
 - If returned to the supervisor, the member returning the evidence shall complete the chain of custody section of the **Property Description Report** and will then be escorted to temporary evidence receptacle from which the property was retrieved and shall place the evidence and the completed Property Description Report in the receptacle.

IX. Stolen Property

- A. If a member of this department locates property that he/she suspects might be stolen, he/she shall direct Central Communications to check the NCIC computer files for any record of it being stolen. The member shall supply the following information:
1. Description of item. (TV, stereo, radar detector, etc.)
 2. Brand name of item.
 3. Model number or name.
 4. Serial number of item.
 5. Any owner applied numbers (O.A.N.)
- B. Any property identified as being stolen shall always be confirmed through the law enforcement agency that has entered the item into the NCIC computer files.

X. Stolen/Recovered Bicycles

- A. A copy of all **Property Description Reports** filed in conjunction with a reported stolen bicycle shall be forwarded to the Property Officer to facilitate a file entry in a computerized database of stolen bicycles.
- B. When any member of this department accepts custody of a bicycle and submits a **Property Description Report** documenting the recovery of such property, the property officer shall be responsible for querying the bicycle database in New World to determine if a previous record exists as a result of a theft report or if the bicycle had been registered with the department as part of the **Bicycle Registration Program**.
1. This shall be in addition to a check of NCIC.
- C. Recovered bicycles may be returned to the identified owner in accordance with the provisions of Section XIV of this written directive.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

XI. Property Description Report

- A. The **Property Description Report** (short or long form) shall be used to report the following:
1. Stolen property.
 2. Lost property.
 3. Found property.
 4. Seized property.
 5. Recovered property.
 6. Burned property.
 7. Damaged/ destroyed property.
 8. Property held by this department for safekeeping.
- B. The **Property Description Report** (short or long form) shall be prepared and submitted following the recovery or loss of any property or evidence. When a Property Description Report is submitted in conjunction with an investigation report, the department case number on both reports must coincide. The report must be submitted before the recovering officer ends his or her shift.
- C. All reports completed in connection with the recovery or collection of any property or evidence must be submitted before the recovering officer ends his or her shift, unless the recovering officer is incapacitated or otherwise incapable of accomplishing this before his or her shift comes to an end. In that case, the supervisor shall designate another officer to complete this action. Full documentation of the transfer of custody of the evidence and the reason for such transfer must be included on this report.
- D. Members must use a short form and as many additional long forms as necessary to accurately record the listed information for each item of property and each transfer of custody.
- E. This report shall be prepared in three copies and distributed as follows:
1. Copy 1 (original white copy) shall accompany the property/evidence to the Property Officer or, if the property officer is unavailable, shall be placed in the Property Officer's incoming paperwork receptacle outside the door to Vault#1.
 2. After the evidence/ property and the **Property Description Report** have been received by the Property Officer, and he/she has reviewed the paperwork and property/evidence submitted for completeness, the Property Officer must complete the chain of custody section on the report and forward copies of the report as follows:
 - Copy 1 will be retained by the Property Officer until the property/evidence is released or otherwise disposed of, and all transactions shall be completely documented on the report.
 - Copy 2 (pink) shall be forwarded to the Police Records for inclusion with the investigation report/file.
- F. This report shall be accurate and complete. If information requested is unknown, enter "UNK", if not available, enter a dash (-), if not applicable, enter "N/A".
1. The reviewing supervisors shall make certain that all reports are complete, legible and intelligible.
- G. The following are the instructions for completing the **Property Description Report** (short form):
1. **DEPARTMENT** – Evesham Township Police Department
 2. **ORI NO.** – 0313
 3. **DEPARTMENT CASE NO.** – Incident number from New World System.
 4. **COMPLAINT NO.** – CDR-I or CDR-II number. If multiple, list the CDR number for the most serious charge.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

5. **VICTIM NO. OF VICTIMS** – Enter the victim number and the total number of victims involved in the incident. (victim 2 of 3 victims would be written as "2/3".
6. **OWNERS NAME** – Enter the full name (last, first, middle) of the owner of the property, if known.
7. **PHONE NO.** – Enter the full phone number and area code of the victim, if known.
8. **OWNERS ADDRESS** – Enter the full address (premises number, street name, municipality, state and zip), if known.
9. **DATE OF LOSS** – Enter the date of loss in numerical format. (MM-DD-YY)
10. **LOCATION OF LOSS** – Enter the location of loss, if known (premises number, street name, municipality, state and zip).
11. **NCIC NO.** – Enter the National Crime Information Center (NCIC) or Teletype number if a message has been sent on related property.
12. **FINDER/ POSSESSOR NAME** – Enter the full name (last, first, middle) of the person who was in possession of the property, either a finder of property or a person who is encountered in possession of the property.
13. **PHONE NO.** – Enter the full phone number and area code of the person who was in possession of the property.
14. **DATE NCIC CANCEL** – Enter the date the NCIC message for the property was cancelled or cleared.
15. **FINDER/ POSSESSOR ADDRESS** – Enter the full address (street number, street name, municipality, state and zip), of the finder or person who was in possession of the property.
16. **TELETYPE NO.** – Enter the teletype or NCIC number that was sent that relates to the property indicated.
17. **LOCATION OF RECOVERY/ SEIZURE** – Enter the full address (street number, street name, municipality, state and zip) of the location where the property was recovered or seized.
18. **DATE/TIME OF RECOVERY/ SEIZURE** – Enter the appropriate date, month, day, year.

BLOCKS 19 THROUGH 25 ARE TO BE USED IF THE PROPERTY IS A VEHICLE

19. **YEAR** – Enter the year of the vehicle.
20. **MAKE** – Enter the make of the vehicle.
21. **MODEL** – Enter the model of the vehicle.
22. **BODY** – Enter the body type of the vehicle.
23. **COLOR** – Enter the color(s) of the vehicle.
24. **REGISTRATION NO./STATE** – Enter the registration/license plate number and the state of issue.
25. **VIN/OTHER IDENTIFYING NO.** – Enter the vehicle's full vehicle identification number. If the VIN is not available, enter any other known unique numbers.
26. **LOCATION OF IMPOUND/ STORAGE** – Enter the location where the evidence/property is stored.
27. **DATE/TIME OF STORAGE** – Enter the date/time the evidence/property was placed in storage in numerical format (MM-DD-YY).
28. **VEH. CONDITION** – Enter the condition of the vehicle when it was placed into storage.
29. **ITEM NO.** – Enter a sequential number for each piece of property.
30. **PROPERTY CODE** – Enter the property description code number from the property description code table located in the center of the report.
31. **PROPERTY STATUS** – Enter the property status code number from the property status code table located in the center right portion of the report.
32. **ESTIMATED QUANTITY** – Enter the exact quantity (if known) or the estimated quantity of this item. If the quantity is estimated, include "EST" in this block.
33. **UNIT OF MEASURE** – Enter the appropriate unit of measure code from the unit of measure code table located in the center portion of the report.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

34. **DESCRIPTION/ O.A.N.** – Enter a description of the property and any owner applied numbers that may have been applied to the property.
TE – The title of this box is short for Test Evidence. Enter "YES" in this box if the submitted item of evidence requires laboratory testing. Enter "NO" in this box if the submitted item of evidence does not require laboratory testing.
VALUE/COST – Enter the actual or estimated value of the submitted item of property/evidence. A numeric value must be entered into this box to establish the value of all items submitted into property/evidence.
35. **SERIAL NUMBER** – Enter the full serial number of the property.
36. **ESTIMATED VALUE** – Enter the estimated value of the property.
37. **DISPOSITION OF ITEM** – Enter the disposition of the property from the disposition code table located in the center right portion of the report.

BLOCKS 38 THROUGH 43 USED TO RECORD THE TOTAL VALUE OF STOLEN PROPERTY

38. **CURRENCY** – Enter the total value of all currency stolen.
39. **JEWELRY** – Enter the total value of all jewelry stolen.
40. **FURS** – Enter the total value of all furs stolen.
41. **CLOTHING** – Enter the total value of all clothing stolen.
42. **MOTOR VEHICLE** – Enter the total value of all motor vehicles stolen.
43. **MISCELLANEOUS** – Enter the total value of all other property stolen.
44. **SIGNATURE OF OFFICER** – The member preparing the report shall sign in this space and print his/ her name and rank underneath it.
45. **BADGE NO.** – Enter the badge number of the member preparing the report.
46. **REPORT DATE** – Enter the date the report was prepared, in numerical format (MM-DD-YY).
47. **PAGE NO.** – The page number of this page and the total number of pages of the report are to be entered in this box. (example 2 of 4)
48. **REVIEWED BY** – The supervisor responsible for checking the member's report shall enter his/ her initials and badge number.

BLOCKS 49 THROUGH 53 ARE TO BE USED FOR TRACKING THE CHAIN OF CUSTODY OF THE ITEMS RELATED TO THE CASE ON THE ORIGINAL COPY- COPY #1

49. **ITEM NO.** – enter the item number of the piece of property that is changing custody.
50. **DATE** – Enter the date the item changed custody, in numerical format (MM-DD-YY).
51. **RELINQUISHED BY** – PRINT the full name of the member/ person who is releasing the property. The member/ person must then sign below his/ her printed name.
52. **RECEIVED BY** – PRINT the full name of the member/ person who is receiving the property. The member/ person must then sign below his/ her printed name.
53. **PURPOSE FOR CHANGE OF CUSTODY** – Enter the purpose for which the property is changing custody. For example, property might change custody for one of the following reasons:
- Transportation to the lab or court**
 - Destruction**
 - Return to owner or auction**

- H. The Property Description Report (long form) shall be used as a continuation for the **Property Description Report** (short form). The entry numbers listed above for the short form coincide with those on the long form.

XII. Axon Digital Evidence Form

- A. The **Axon Digital Evidence Form** was developed to streamline the digital evidence submission process in cases that involve the following digital mediums components that are stored on Evidence.com:

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

1. Axon Body Worn Camera (BWC) video
 2. Axon In-Car Fleet Camera (MVR) video
 3. Axon In-Station Interview Room video
- B. This form is to be used to replace the **Property Description Report** whenever evidence from a case **ONLY** involves one or more of the listed Axon digital medium components. If a case involves Axon digital evidence **AND** physical evidence (i.e. narcotics, weapons, surveillance video discs, etc.), all of the evidence shall be documented on a **Property Description Report** in accordance with Section XI.
- C. When securing digital Axon evidence, the member **MUST** ensure that the evidence is properly tagged in the Evidence.com system to ensure the video is retained by the system. The tagging of evidence must be consistent with the provisions detailed in *V4C57-Body Worn Cameras and V9C07-Digital Audio/Video Systems*.
- D. The member shall complete the **Axon Digital Evidence Form** by completing:
1. **CASE#:** Enter the case number the evidence is being preserved under.
 2. **ITEM NO:** Enter the item number of the piece of property that is changing custody.
 3. **OWNER NAME:** Enter the name of the member who is listed as recording the video in the evidence.com system
 4. **RECORDED DATE:** Enter the date the recording was made as listed in evidence.com
 5. **RECORDED TIME:** Enter the time the recording was made as listed in evidence.com
 6. **PROPERTY OFFICER INITIALS:** The property officer will enter their initial's in this box after they check the evidence.com system to ensure that the listed video evidence has been properly tagged to ensure it will be retained as evidence in connection with the case.
 7. **OFFICER SIGNATURE:** The submitting officer will sign their name.
 8. **DATE:** The calendar date the evidence is being submitted and the form is being completed will be entered in this box.
 9. **SUPERVISORS SIGNATURE:** The supervisor reviewing the document for completeness and accuracy will place their signature in this box as a means to document the form as having been completed correctly.
 10. **DATE:** The calendar date the form was reviewed by the supervisor will be entered into this box.
- E. The completed **Axon Digital Evidence Form** will be submitted to the Property Officer in the same manner as **Property Description Reports**. The Property Officer will login to the evidence.com system. The Property Officer will locate the listed item(s) of digital evidence and ensure that the digital evidence is properly tagged to ensure the evidence is preserved as evidence under this case. The Property Officer will correct improperly tagged evidence and will report the error found to the Investigative Bureau Commander. Once the Property Officer reviews the submitted evidence and they ensure the evidence is properly tagged, they will place their initials in the *Property Officer Initials* box on the **Axon Digital Evidence Form** or **Property Description Report** when applicable.

XIII. Quality Control

- A. The Investigative Bureau Commander as the supervisor responsible for the evidence/property control function, or his/her designee, is responsible for conducting semi-annual inspections of the evidence vaults to ensure adherence to the provisions of this written directive and all applicable laws governing property and evidence storage and control.
- B. A complete inventory of all property/evidence in the evidence vaults shall be conducted whenever there is a change of the Property Officer or Chief of Police.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

1. When a new Property Officer is assigned, the newly assigned Property Officer and a designee of the Chief of Police shall conduct a complete the inventory of the evidence vaults.
 2. Prior to the appointment of a new Chief of Police, the Property Officer and the Investigative Bureau Commander shall conduct a complete inventory of the evidence vaults.
 3. When a new Investigative Bureau Commander is assigned, the Property Officer and the Operations Division Commander shall conduct a complete inventory of all high risk property/evidence and representative sampling audit of general property/evidence.
 4. The supervising officer assigned to each inventory/audit may also assign additional personnel to assist if needed.
 5. The personnel conducting the inventories/audits shall ensure that all records are current and properly annotated. Any discrepancies shall be recorded prior to the assumption of responsibilities for the property and evidence function by the newly appointed Property Officer and Investigative Bureau Commander and prior to appointment as the new Chief of Police.
- C. A complete inventory and audit of all property/evidence shall be completed whenever there is any indication or suspicion of a breach of the property/evidence repository, vaults or process.
- D. An annual audit of evidence/property being held by this department shall be conducted by a supervisor designated by the Chief of Police who is not associated with the property and evidence function in any manner whatsoever. A report of the results of such audit shall be forwarded to the Chief of Police.
1. The purpose of the audit is to ensure the integrity of the property and evidence function, not to require the accounting of every single item of property.
 2. The audit shall be conducted in accordance with **Appendix K** of the **CALEA Law Enforcement Standards Manual**. The evidence/property shall be compared against the records maintained to ensure accuracy.
- E. The Chief of Police shall order unannounced inspections of all property and evidence storage area under the control of the department. Such inspections shall be undertaken at least once annually.

XIV. Security

- A. In order to establish security and accountability, any evidentiary item or in-custody property used by the agency for investigative or training purposes is required to meet the following criteria:
1. Written permission from the Chief of Police;
 2. Written documentation showing that the item of evidence is from a final adjudicated case with exceptions note, if any;
 3. Written documentation showing that any item of in-custody property has exceeded the required retention period and the owner notification requirement with exceptions noted, if any; and
 4. Written permission from the Burlington County Prosecutor's Office if utilizing contraband items.

XV. Disposition

- A. No property or evidence shall be destroyed until the **Evidence Purge Request Form** is reviewed and approved by the Investigative Bureau Commander and the Burlington County Prosecutors' Office, unless this policy details that a specific class of property or evidence does not require the Burlington County Prosecutors' Office approval. All property and evidence requires at minimum the approval the Investigative Bureau Commander.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- B. If property subject to forfeiture in an indictable or juvenile case, other than prima facie contraband, is seized by this department, the Investigative Bureau Supervisor must notify the Burlington County Prosecutor's Office, in writing, within one week of the seizure.
1. If forfeiture proceedings are approved, the property subject to forfeiture must be immediately turned over to the Burlington County Prosecutor's Office.
 2. If forfeiture is declined, the property shall be returned to its owner provided that the property has no evidential value.
 3. Property that has been forfeited shall be destroyed if it can serve no lawful purpose or it presents a danger to the public health, safety or welfare.
 4. See written directive *V7C14 – Forfeitures* for additional information.
- C. Disposition of Stolen Property and Documentary Evidence
1. When any article of stolen property comes into the custody of this department, the Property Officer shall enter in the computerized database a description of the article and shall attach a number to each article. A photographic record shall be made and retained for each article. Upon proper authentication, the photographic record may be introduced as evidence in any court in lieu of the property.
 2. If the legal owner of the property is unknown, the Property Officer shall conduct an investigation in order to identify and notify the legal owner of the recovery of the property. Upon receipt of satisfactory proof of ownership of the property, and upon presentation of personal identification, the Property Officer may release the property to the person presenting such proof.
 - If the evidence is associated with an indictable offense that may be prosecuted by the Burlington County Prosecutor's Office, permission must be received from the designated Assistant Prosecutor prior to release of the property.
 - Prior to the release of any firearm, the owner must present appropriate documentation (NJ Firearms ID Card, Permit to Purchase, etc.) and positive identification. Prior approval must be obtained from the Prosecutor's Office.
 3. The person receiving the property shall be asked to view the photograph taken pursuant to section 1 above to verify that it accurately depicts the property that is being released to his/ her custody. The person receiving the property shall sign a sworn declaration of ownership and the department shall retain the declaration and photograph.
 4. If, after 6 months of the final determination of the action, the person entitled to return of stolen property is unknown, and an investigation commenced to discover the owner's identity proves fruitless, the department shall make application to the court in which the case was tried for an order to release the property from the custody of the department. If granted, the property can be disposed of at public sale, with the proceeds going to the prosecuting entity.
 5. The disposition of stolen property and documentary exhibits shall be guided by N.J.S.2C:65-1 et. seq.
 6. Unclaimed property which is recovered from a crime and not transferred to a prosecuting agency as evidence for trial (no suspect identified or arrested) shall be disposed of in accordance with the provisions of section C.1 below.
- D. Tangible Personal Property – Recovered and Disposition
1. Where tangible personal property comes into the possession of this department, by finding and recovery, by a member of this department acting in the line of duty, and if the owner or his whereabouts is unknown and cannot be ascertained, or if the owner shall refuse to receive the property, then the property shall not be disposed of for 6 months.
 - The municipality, by resolution, may then provide for the sale, in whole or in part, of any such property, at public auction. Notice of the sale is required in a newspaper circulating within the municipality not less than 10 days prior to the sale.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- Monies received from the sale of such property shall be paid into the general municipal treasury.
 - All unclaimed monies coming into the possession of the police department shall be turned over within 48 hours to the municipal treasurer for retention in a trust account and, after 6 months, if unclaimed by any person entitled thereto, be paid into the general municipal treasury.
2. Whenever any money or tangible personal property other than a motor vehicle is found or discovered by any person other than a member of this department acting in the line of duty, and the finder shall have given or shall give custody of the found money or tangible personal property to the police department for the purpose of assisting the police to find the owner thereof, the police department shall retain custody of said money or tangible property for a period of 6 months.
 - If the money or tangible personal property is unclaimed during the 6-month period by the person entitled thereto, the police department shall return property to the finder, who shall be deemed the sole owner thereof.
 3. Any tangible personal property that is not sold or returned to the finding party after the required 6 month hold period shall be destroyed. An **Evidence Purge Request Form** shall be completed to document the destruction, the form shall be signed by the Investigative Bureau Commander authorizing the destruction. This destruction does not need to be approved by the Burlington County Prosecutor's Office since it is not evidence of a criminal offense.
- E. Disposition of Controlled Dangerous Substance with No Prosecution
1. If this department comes into possession of controlled dangerous substances (found), and a viable prosecution cannot be developed in relation to the drug, then it shall be retained for at least one year and one day in accordance with Appendix A.
 2. Thereafter, the controlled dangerous substance shall be destroyed in accordance with Section XVII (B) of this policy.
 3. The request for destruction must be made through an **Evidence Purge Request Form** and be approved by the Investigative Bureau Commander.
 4. This destruction does not need to be approved by the Prosecutor's Office since there was no criminal case handled in Superior Court.

XVI. Disposition of Evidence Decided in Municipal Court

- A. See "Scope of the Guidelines - Applicability to Municipal Court Cases" on Page 4 of Appendix A.

"Evidence from Municipal Court cases, other than DUI cases, may be destroyed one year after the disposition of the Municipal Court case. Evidence used in DUI cases shall be retained for ten years following the disposition of the case. It shall be the responsibility of the law enforcement agency holding the evidence to determine that the municipal court case has been disposed of, and the date of disposition. Once that determination has been made, the law enforcement agency shall not be required to obtain authorization from a County Prosecutor or Municipal Prosecutor prior to destroying the evidence."

1. The request for destruction must be made through an **Evidence Purge Request Form** and be approved by the Investigative Bureau Commander.
2. All aspects of the destruction shall be documented on the **Evidence Purge Request Form** and the destruction shall occur within one year of the receipt of written approval.
3. The destruction of controlled dangerous substances and firearms shall be destroyed in accordance with Section XVII (B & C) of this policy.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

XVII. Disposition of Evidence Decided in Superior Court / High Value Evidence

- A. All cases decided in Superior Court or that contain Homicide evidence, Sex Crimes evidence, Narcotic evidence, or Firearms evidence shall be disposed of in accordance with Appendix A, Appendix B, and Appendix C of this policy.
1. In an indictable case or for a juvenile offense where the Burlington County Prosecutor's Office is involved in the seizure of evidence, the evidence shall be immediately turned over to the Prosecutor's Office representative.
 2. In an indictable case or for a juvenile offense where our department seizes evidence, the Property Officer shall maintain custody of the evidence until the Assistant Prosecutor to whom the case is assigned directs that the evidence be turned over to the Prosecutor's Office.
 - After the evidence has been turned over to the Prosecutor's Office, that office is responsible for retention and destruction of the evidence.
 3. In an indictable case or for a juvenile offense where this department seizes evidence, but is not called upon to turn the evidence over to the Prosecutor's Office, the Property Officer shall maintain the evidence.
 - The evidence can be destroyed in accordance with Appendix A, Appendix B, and Appendix C if the case was decided in Superior Court.
 - If the case was sent back to the Municipal Court by the Prosecutor's Office, then the evidence can be destroyed in accordance with Section XVI of this policy.
 - Once the evidence is identified for destruction, the Property Officer shall request approval from the designated Assistant Prosecutor in the Burlington County Prosecutor's Office.
 - The request for destruction must be made through an **Evidence Purge Request Form** and be approved by the Investigative Bureau Commander.
 - All aspects of the destruction shall be documented on the **Evidence Purge Request Form** and the destruction shall occur within one year of the receipt of written approval.
- B. Controlled Dangerous Substance Destruction Process
1. Documentation of the destruction of controlled dangerous substances must be accomplished through the utilization of the **Evidence Purge Request Form**.
 2. When a request for destruction is made, the original shall be sent to the designated Assistant Prosecutor in the Burlington County Prosecutor's Office, if the case was decided in Superior Court.
 - If destruction is approved, the original will be returned to this department.
 3. It will be the responsibility of the Property Officer to ensure destruction of the evidence within one year.
 4. The Property Officer shall set up an appointment with the designated private evidence destruction company and transfer all the property requiring destruction by burning/melting to the designated company for destruction. The Property Officer shall also take a Sworn Officer with them as a witness of this destruction.
- C. Firearms Disposition
1. The destruction of firearms shall be handled in accordance with Appendix A. An **Evidence Purge Request Form** shall be completed and approved by the Investigative Bureau Commander. The **Evidence Purge Request Form** shall be filed with the Burlington County Prosecutor's Office and upon approval, the firearm shall be destroyed in the same manner as controlled dangerous substances (burning/melting) at the private evidence destruction company. The Property Officer shall also take a Sworn Officer with them as a witness of this destruction.
 2. In the event a firearm is seized for a non-criminal purpose (TRO or ERPO), the firearm shall be turned over to the Burlington County Prosecutor's Office in accordance with *V4C03 Domestic Violence* and *V7C24 Extreme Risk Protective Order Act*.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- In situations where firearms are seized for non-criminal purposes and the Prosecutor's Office does not take possession of the firearm, the Investigative Bureau Commander shall consult with the Burlington County Prosecutor's Office in order to determine a disposition of the firearm and to prevent the firearm from being retained for an unreasonable amount of time.
- The Investigative Bureau Commander shall use the form letters on the P: drive to notify the owner of the firearm of the 180 day-time restriction to legally obtain or arrange for alternate disposition of the firearm being held by the Evesham Police or the firearm will be destroyed in accordance with this policy. The letters are titled "Firearms Return Letter."
- Ammunition is not held to the same standards as firearms and can be destroyed as "tangible property" if turned in for destruction or in accordance with the statute of limitations if it is evidence of a crime.

D. Sudden Death Investigations

1. In accordance with the NJ Division of Archives and Records Management (Municipal Police Departments), all reports and evidence from sudden death investigations shall be **retained permanently**. Sudden death investigations can include, but are not limited to: suicides, fatal motor vehicle collisions, and drug overdose deaths.

E. Fatal and Serious Injury Crash Investigations

1. All blood and urine samples must be retained even after they have been analyzed by a laboratory to determine the presence of alcohol and/or drugs. It is the responsibility of the investigating agency to secure all blood and urine samples from any laboratory conducting an analysis of the specimen before it is destroyed. Most laboratories will destroy blood and urine samples within ninety (90) days of the date of the final report pertaining to analysis of the specimen. If an investigating agency has any questions regarding their responsibility to secure and preserve a blood or urine sample they must contact the C.A.R. Unit Supervisor. For additional information, see *V9C20 Fatal and Serious Injury Crash Investigation*

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

APPENDIX A



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lieutenant Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
PO BOX 085
TRENTON, NJ 08625-0085
TELEPHONE: (609) 984-6500

PAULA T. DOW
Attorney General

STEPHEN J. TAYLOR
Director

DIRECTIVE NO. 2011 - 1 REVISES AND REPLACES DIRECTIVE 2010 - 1

**TO: DIRECTOR, DIVISION OF CRIMINAL JUSTICE
ALL COUNTY PROSECUTORS
ALL POLICE CHIEFS
ALL LAW ENFORCEMENT CHIEF EXECUTIVES**

FROM: PAULA T. DOW, ATTORNEY GENERAL

DATE: January 6, 2011

**SUBJECT: ATTORNEY GENERAL GUIDELINES FOR THE RETENTION OF
EVIDENCE**

On March 9, 2010, I issued Law Enforcement Directive 2010-1, promulgating Guidelines for the Retention of Evidence. During the first year of the implementation of this program, questions have arisen concerning sections of the guidelines that require clarification. Therefore, I am reissuing the directive and guidelines, with necessary amendments to address the questions that have arisen regarding the original guidelines. This Directive and the Attached Guidelines supersede and replace Law Enforcement Directive 2010-1.

The primary duty of the Prosecutor is not to convict, but to ensure that justice is done. *State v. Ramseur*, 106 N.J. 123 (1987); *State v. Zola*, 112 N.J. 384 (1988). In keeping with this trust, the Attorney General and the County Prosecutors hereby intend to provide for the retention of evidence in criminal cases to protect public safety and the interests of crime victims and their families, and to afford to those who are serving a sentence for a crime the opportunity to challenge their convictions, in appropriate cases.

The attached *Attorney General Guidelines for the Retention of Evidence* in criminal cases have been jointly formulated by the Attorney General and the County Prosecutors and are promulgated pursuant to the *Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq.*, which recognizes the importance of public confidence in the administration of criminal justice and provides

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

Page 2

for the general supervision of the County Prosecutors by the Attorney General as chief law enforcement officer of the State.

THEREFORE, I, Paula Dow, Attorney General, pursuant to the authority granted to the Attorney General of the State of New Jersey by the Criminal Justice Act of 1970, *N.J.S.A. 52:17B-97 et seq.*, hereby issue the attached Guidelines to all County Prosecutors, Police Chiefs and Law Enforcement Chief Executives in the State of New Jersey, to be applied in accordance with the terms of this Directive:

1. Adoption of Guidelines

The "*Attorney General Guidelines for the Retention of Evidence*" attached to this Directive and incorporated by reference into this Directive are formally adopted, with the purpose of providing the basis for procedures to be established to govern the retention of evidence in criminal cases throughout the State of New Jersey by law enforcement agencies.

2. Implementation

Each County Prosecutor's Office shall develop and follow its own Evidence Destruction Authorization Policy and Procedures, in accordance with the attached Guidelines, which shall include procedures to be followed both for evidence held by the County Prosecutor's Office and for evidence being held by local law enforcement agencies within the jurisdiction.

3. Questions and Controversies

Questions regarding the content of this Directive or the interpretation, implementation or utilization of these Guidelines should be addressed to the Prosecutors Supervision and Coordination Bureau, Division of Criminal Justice, at (609) 984-2814.

Page 3

4. Effective Date

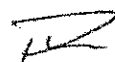
This Law Enforcement Directive shall take effect immediately and shall remain in force and effect, unless and until repealed, amended or superseded by order of the Attorney General.

Given under my hand and seal, this 6th day of January, in the year Two Thousand and Eleven, and of the Independence of the United States, the Two Hundred and Thirty-Fifth.



Paula T. Dow
Attorney General

Attest:



Phillip Kwon
First Assistant Attorney General

**ATTORNEY GENERAL GUIDELINES FOR THE
RETENTION OF EVIDENCE**



**PAULA T. DOW
ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
AND
THE NEW JERSEY COUNTY PROSECUTORS ASSOCIATION**

**REVISED JANUARY 2011
TRENTON, NEW JERSEY**

Attorney General Guidelines for the Retention of Evidence

Table of Contents

Attorney General Guidelines for the Retention of Evidence	3
Introduction	3
Amendments	3
Retention Schedule for Evidence	4
General Provisions	4
Scope of the Guidelines – Applicability to Municipal Court Cases	4
Development of Evidence Destruction Policy	4
Authorization Requirement	4
Completion of Sentence	4
Items Not Needed for Prosecution	4
Educational Use	5
Timeframes for Evidence Destruction	5
1. Homicide Evidence	5
2. Sex Crimes Evidence	5
3. Narcotic Evidence	6
4. Firearms Evidence	7
5. Other Evidence	8
6. Special Circumstances	8
Other Requirements Not Superseded by this Directive	9



Attorney General Guidelines for the Retention of Evidence

Introduction

Law enforcement agencies have schedules in place for the retention of criminal case files and other documentary records that are maintained by their agencies. These records retention schedules are promulgated by the Division of Archives and Records Management (hereinafter DARM) in the Department of State.¹ However, these records retention schedules govern only documentary records such as case files, logbooks, etc. These schedules do not govern the retention of criminal case evidence.

Until now, there has been little direction on the topic of retention of evidence and, as a result, most law enforcement agencies have used the documentary records retention schedules for evidence retention. As criminal forensic science has improved, the volume of evidence gathered at crime scenes has grown exponentially. For many law enforcement agencies, this has created a looming evidence storage crisis.

Although this problem exists in most types of cases, it is most severe for homicide cases, for which an entire room may be required to hold the evidence from just one case. The DARM documentary records retention schedules for law enforcement agencies such as police departments, county prosecutors and county sheriffs provide that homicide records are "permanent." This standard, which can be met for documents through the use of microfilming and destruction of the original documents, is wholly impractical when applied to physical evidence. Although DARM's documentary records retention schedule was not promulgated for application to evidence, agencies adopted it for evidence retention in the absence of other guidance. It is the intention of the Attorney General and the County Prosecutors to promulgate these standards in order to remedy this problem.

Amendments

As with any new policy, unanticipated questions have arisen since the issuance of these Guidelines. Therefore, I am reissuing the directive and guidelines, with necessary amendments to address the questions that have arisen regarding the original guidelines.

¹These records retention schedules can be found online at:

<http://www.njarchives.org/links/retention.html>



Retention Schedule for Evidence

General Provisions

Scope of the Guidelines – Applicability to Municipal Court Cases

These Guidelines apply to all indictable offenses handled in Superior Court. Evidence relating to cases disposed of in Municipal Court, where there is no companion Superior Court case, is not covered by these Guidelines. Evidence from Municipal Court cases, other than DUI cases, may be destroyed one year after the disposition of the Municipal Court case. Evidence used in DUI cases shall be retained for ten years following the disposition of the case. It shall be the responsibility of the law enforcement agency holding the evidence to determine that the municipal court case has been disposed of, and the date of disposition. Once that determination has been made, the law enforcement agency shall not be required to obtain authorization from a County Prosecutor or Municipal Prosecutor prior to destroying the evidence.

Development of Evidence Destruction Policy

The following timeframes for Evidence Destruction Authorization are suggested for statewide usage by all County Prosecutor's Offices. Each County Prosecutor's Office shall develop and follow its own Evidence Destruction Policy and Procedures. The County Prosecutor may impose additional requirements, if necessary.

Authorization Requirement

The mere fact that an item of evidence may satisfy the qualifications for being subject to destruction does not mean that it is automatically destroyed. The appropriate Prosecutor's Office must review and provide authorization pursuant to their respective Policy and Procedures, before any destruction is to take place. The reference to "Prosecutor" contained herein shall include and also refer to the Director of the Division of Criminal Justice for purposes of this document. A County Prosecutor or the Director of the Division of Criminal Justice may designate one or more Assistant Prosecutors or Deputy Attorneys General to authorize evidence destruction on their behalf.

Completion of Sentence

For the purposes of these Guidelines, the expiration of a sentence shall include any post-incarceration supervision or other supervision such as community supervision for life (CSL) or parole supervision for life (PSL).

Items Not Needed for Prosecution

Nothing in these Guidelines shall require the retention of items or portions of seized items that are not required for prosecution of a case. Furthermore, if the evidentiary portion of an object can be removed, the entire object need not be retained. Examples of such items are not limited to



but may include the hard drive of a computer, the "black box" in a vehicle or a bloodstained section of a carpet or a piece of furniture.

Educational Use

The County Prosecutor or the Director of the Division of Criminal Justice may authorize the use of property, otherwise meeting the criteria for destruction, for a bona fide law enforcement educational purpose or for preservation as a historical object.

Timeframes for Evidence Destruction

1. Homicide Evidence

a. In all cases where all defendants have been charged and all of the defendants in the case are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.

b. In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 5 years from the date of conviction or upon the defendants expiration of sentence, whichever is later, a request for destruction authorization may be submitted.

c. In cases where no suspects have been identified but a DNA profile has been obtained and submitted to CODIS, or fingerprint evidence that has been submitted to AFIS, or there is no statute of limitations, the evidence shall be retained indefinitely. Only the Prosecutor or their designee, may authorize the destruction of this evidence.

2. Sex Crimes Evidence

a. In all cases where all of the defendants have been charged and all of the defendants in the case are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.

b. In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 5 years from the date of conviction or upon the defendants expiration of sentence, whichever is later, a request for destruction authorization may be submitted.

c. In all cases where the defendants have been admitted into the Pre-Trial Intervention Program (PTI), have successfully completed PTI, and have been discharged, upon the court's signing an order dismissing the case as to all parties, and upon the expiration of the longest sentence of any co-defendants not admitted into PTI, a request for destruction authorization may be submitted.



d. In cases where no suspects have been identified but a DNA profile has been obtained and submitted to CODIS, or in the case of fingerprint evidence that has been submitted to AFIS, or in cases where there is no statute of limitations, the evidence shall be retained indefinitely. Only the Prosecutor or their designee, may authorize the destruction of this evidence.

e. In cases where the victim has signed a waiver of prosecution, has not contacted the police/prosecutor's office indicating a desire to pursue a prosecution, or has reported as a "Jane Doe" pursuant to the *Standards for Providing Services to Victims of Sexual Assault*, the evidence shall not be authorized for destruction for a minimum of 90 days from the date of the collection of said evidence.

f. In cases involving juvenile defendants who have been charged, except in Homicide cases, and where there is no referral of the case to another court, with or without the juvenile's consent, a request for destruction authorization may be submitted 4 years after the final adjudication or disposition of all juvenile defendants or upon release from custody, whichever is later. Evidence in juvenile cases which are referred (waived) to another court, or in which there are adult co-defendants, shall be subject to the retention periods for adult cases.

3. Narcotic Evidence

a. In all cases where all of the defendants in the case have been charged and all of the defendants are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.

b. In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 5 years from the date of conviction or upon the defendants' expiration of sentence, whichever is later, a request for destruction authorization may be submitted.

c. In all cases where the defendants have been admitted into the Pre-Trial Intervention Program (PTI), have successfully completed PTI, and have been discharged, upon the court's signing an order dismissing the case as to all parties, and upon the expiration of the longest sentence of any co-defendants not admitted into PTI, a request for destruction authorization may be submitted.

d. Where a controlled buy or an undercover buy has taken place and the investigation has been officially closed by the investigating agency with no prosecution having been instituted against anyone, after a period of one year and one day, a request for destruction authorization may be submitted.

e. In cases where a controlled dangerous substance has been submitted to a Forensic Laboratory for analysis and has not been connected to any suspect or defendant and has been submitted as Found Property, a request for destruction authorization may be submitted one year and one day after it has been submitted to the laboratory upon verification by the submitting agency that no prosecution has been instituted relating to the evidence.



f. In cases involving juvenile defendants who have been charged, except in Homicide cases, and where there is no referral of the case to another court, with or without the juvenile's consent, a request for destruction authorization may be submitted 4 years after the final adjudication or disposition of all juvenile defendants or upon release from custody, whichever is later. Evidence in juvenile cases which are referred (waived) to another court, or in which there are adult co-defendants, shall be subject to the retention periods for adult cases.

g. Notwithstanding the provisions above, the County Prosecutor or the Director of the Division of Criminal Justice may authorize the use of samples of controlled dangerous substances taken from evidence, for the purpose of training K-9s, provided such use will not compromise any pending criminal prosecution or appeal.

4. Firearms Evidence

a. In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 5 years from the date of the conviction or upon the defendants' expiration of sentence, whichever comes later, a destruction authorization may be submitted. If there is a legal owner of the firearm who is not a defendant in the case and is not otherwise legally disqualified from possessing the firearm, pursuant to any provision of Chapter 58 of the New Jersey Criminal Code, rather than destroying the weapon it should be returned to the owner, if said owner is in possession of necessary permits.

b. Prior to any destruction authorization being granted, no firearms evidence shall be considered for destruction until all necessary tracing tests and IBIS submissions have been completed.

c. In all cases where all defendants have been charged and all defendants in the case are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.

d. If the weapon is related to a Homicide case in addition to this section, see Section 1 above.

e. If the weapon is related to a Sex Crimes case, in addition to this section, see Section 2 above.

f. If the weapon is related to a Narcotics case, in addition to this section, see Section 3 above.

g. In cases involving juvenile defendants who have been charged, except in Homicide cases, and where there is no referral of the case to another court, with or without the juvenile's consent, a request for destruction authorization may be submitted 4 years after the final adjudication or disposition of all juvenile defendants or upon release from custody, whichever is later. Evidence in juvenile cases which are referred (waived) to another court, or in which there are adult co-defendants, shall be subject to the retention periods for adult cases.



h. For any firearm that has not been connected to any suspect or defendant and which has been submitted as found property, a request for destruction authorization may be submitted one year and one day after any necessary attempts to trace ownership of the weapon and upon verification that no prosecution has been instituted relating to the evidence.

5. Other Evidence

a. In all cases where all defendants have been charged and all of the defendants in the case are deceased, upon proof of death being submitted, a request for destruction authorization may be submitted.

b. In cases where the defendants were convicted and no appeals or post-conviction relief motions are pending, after a period of 5 years from the date of conviction or upon the defendants expiration of sentence, whichever comes later, a request for destruction authorization may be submitted. If there is a legal owner of said evidence who is not a defendant, no forfeiture proceedings are pending or have been concluded and there are no appeals of said forfeiture action pending and the ownership has not been granted to a law enforcement agency by court order, said property shall be returned to the legal owner of same, rather than being authorized for destruction.

g. In cases involving juvenile defendants who have been charged, except in Homicide cases, and where there is no referral of the case to another court, with or without the juvenile's consent, a request for destruction authorization may be submitted 4 years after the final adjudication or disposition of all juvenile defendants or upon release from custody, whichever is later. Evidence in juvenile cases which are referred (waived) to another court, or in which there are adult co-defendants, shall be subject to the retention periods for adult cases.

6. Special Circumstances

a. In cases where the only defendant has been determined by a Court to be Incompetent to stand trial, the evidence must be retained until the defendant has become competent to stand trial, has died, or the Prosecutor of that respective county has made a determination to not proceed with the prosecution of the defendant.

b. In cases where there is an acquittal of the only defendant or there is a finding of Not Guilty By Reason of Insanity of the only defendant, then the evidence may be authorized for destruction by the Prosecutor of that county, in a timeframe to be determined by the Prosecutor of that county.



Other Requirements Not Superseded by this Directive

Nothing in this policy is intended to require that a law enforcement office retain evidence in circumstances where such evidence would ordinarily be destroyed, returned to its rightful owner, forfeited, or otherwise disposed of pursuant to existing statutes or policies.

Examples include, but are not limited to:

1. *N.J.S.A. 2C:65-1 et seq.* Disposition of Stolen Property and Documentary Exhibits
2. *N.J.S.A. 2C:64-1 et seq.* Seized or Forfeited Property
3. *N.J.S.A. 2C:35-21* Destruction of Bulk Seizures of Controlled Dangerous Substances
4. *N.J.S.A. 52:4B-36 (1.)* Crime Victims Bill of Rights, Prompt Return of Property When No Longer Needed as Evidence



EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

APPENDIX B

STATE OF NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF CRIMINAL JUSTICE

MEMORANDUM

TO: All County Prosecutor's

FROM: Assistant Attorney General Phillip S. Aronow 
Chief, Prosecutors Supervision & Training Bureau

DATE: June 11, 2014

SUBJECT: Revision to Attorney General Directive 2011-1
Drug Evidence Retention Policy

Attached is the signed version of the revision to AG Directive 2011-1. This includes only the drug evidence retention policy.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL



CHRIS CHRISTIE
Governor

KIM QUADAGNO
Lieutenant Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
PO BOX 910
TRENTON, NJ 08625-0910

JOHN J. HOFFMAN
Acting Attorney General

TO: Elie Honig, Director, Division of Criminal Justice
All County Prosecutors
Colonel Joseph R. Fuentes, Superintendent, New Jersey State Police
All County Sheriffs
All Law Enforcement Chief Executives

FROM: John J. Hoffman, Acting Attorney General

DATE: June 11, 2014

SUBJECT: Revisions to Attorney General Law Enforcement Directive 2011-1 and the "Attorney General Guidelines for the Retention of Evidence" to Authorize the Expedited Post-Conviction Destruction of Excess Quantities of Seized Controlled Dangerous Substances.

Attorney General Law Enforcement Directive No. 2011-1 promulgates the "Attorney General Guidelines for the Retention of Evidence" (hereinafter: Guidelines). The current Guidelines provide that following a conviction, controlled dangerous substances (CDS) that constitute evidence of the offense cannot be destroyed for a period of five years from the date of the conviction or the expiration of sentence, whichever is later. Consequently, prosecutors and police departments are required to store large quantities of CDS for an extended period of time, especially in cases involving very large seizures, which by their nature tend to result in lengthy terms of imprisonment.

This evidence retention policy has proven to be unduly restrictive. The inflexible retention period fails to take into account that the long-term storage of bulk quantities of controlled dangerous substances presents health and security concerns and associated logistical and fiscal burdens on police departments and prosecutors offices.

Prosecutors, of course, always must be mindful of the need to protect the rights of defendants

as well as to safeguard convictions from direct or collateral appellate challenges. Prosecutors nonetheless should be permitted on a case-by-case basis to balance those legal concerns against practical and fiscal considerations. It is therefore appropriate to supplement the Evidence Retention Guidelines to allow a prosecutor in the exercise of sound discretion to authorize the expedited destruction of CDS where the evidence to be destroyed no longer is needed for prosecution purposes and the prosecutor has determined that the post-conviction destruction of such evidence would not jeopardize the conviction(s) that already have been obtained.

Accordingly, notwithstanding the provisions of Section 3(b) of the Evidence Retention Guidelines, after a conviction, a County Prosecutor, or the Director of the Division of Criminal Justice in cases prosecuted by the Division, may authorize in writing the destruction of all or any portion of the excess quantity of controlled dangerous substances, as that term is defined herein, provided that:

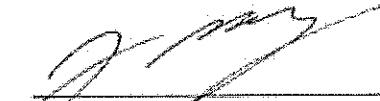
- a. All post-conviction direct appeals have been concluded, or, in the event that no direct appeal has been filed, one year has elapsed since the entry of the judgment of conviction;
- b. No motion for post-conviction relief is pending;
- c. the defense attorney(s) of record has/have been given written notice of the prosecutor's intention to destroy the evidence not less than 30 days before the evidence is to be destroyed, and no motion is pending before a court to enjoin or delay the destruction of the evidence;
- d. A photographic or video record of the entire quantity of controlled dangerous substance that was seized, and a photographic or video record of all controlled dangerous substances to be destroyed, has been made, and such photographic/video records are maintained in the prosecutor's case file, and
- e. A report documenting the date of destruction, quantity, and type of controlled dangerous substance destroyed, and place and method destruction, is prepared and maintained in the prosecutor's case file.

For purposes of this provision, the term "excess quantity of controlled dangerous substances" means that portion of the aggregate quantity of controlled dangerous substance seized that exceeds the statutory amount threshold set forth in N.J.S.A. 2C:35-5b for the highest degree of crime for which the defendant was convicted (e.g., any amount of seized cocaine in excess of five ounces in the case of a first-degree cocaine conviction), except that with respect to a first-degree conviction for manufacturing, distributing, or possession with intent to distribute marijuana in violation of N.J.S.A. 2C:35-b(10)(a), the term means any amount that exceeds five pounds, or 10 plants.

All remaining controlled dangerous substance (*i.e.*, CDS less than the excess quantity) shall be retained and shall be destroyed in accordance with the provisions of Section 3(b) of the Evidence Retention Guidelines. Furthermore, nothing herein or in those Guidelines shall be construed to preclude the County Prosecutor or Director from seeking a destruction order at any time pursuant to N.J.S.A. 2C:35-21.

The Director of the Division of Criminal Justice in consultation with the County Prosecutors shall on or about June 11, 2016 report to the Attorney General on any litigation or administrative or logistical problems arising from the implementation of the foregoing revision to the Evidence Retention Guidelines. The Director's report shall include recommendations on whether the Attorney General should maintain or further revise the foregoing policy authorizing expedited post-conviction destruction of excess quantities of CDS.

The foregoing revisions to Attorney General Law Enforcement Directive 2011-1 and the Evidence Retention Guidelines shall take effect immediately. Any questions concerning these revisions shall be addressed to the Director of the Division of Criminal Justice, or his designee.



John J. Hoffman
Acting Attorney General

DATED: June 11, 2014

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

APPENDIX C



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lieutenant Governor

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
PO Box 080
TRENTON, NJ 08625-0080

JOHN J. HOFFMAN
Acting Attorney General

TO: Elie Honig, Director, Division of Criminal Justice
All County Prosecutors
Colonel Joseph R. Fuentes, Superintendent, New Jersey State Police
All County Sheriffs
All Law Enforcement Chief Executives

FROM: John J. Hoffman, Acting Attorney General

DATE: July 10, 2014

SUBJECT: Directive Revising Procedures for Retaining Sexual Assault Forensic Evidence (SAFE) "Hold" Kits and Extending the Time for Victims to Decide Whether to Report the Crime and Release Collected Forensic Evidence to Law Enforcement Authorities

I. Introduction and Background.

The Attorney General Standards for Providing Services to Victims of Sexual Assault (hereinafter: "Standards") define and safeguard the rights of sexual assault victims, including the right to a timely medical examination to identify injuries and collect forensic evidence. The Standards also recognize a victim's right to decide whether to report the crime to law enforcement authorities and whether forensic evidence collected by healthcare professionals will be released to police and/or prosecutors.¹ This Directive applies only in the limited circumstances in which a victim has yet to decide whether or not to report the crime to law enforcement.

¹

The information provided by the victim to a sexual assault nurse examiner or other healthcare professional conducting the examination does not constitute a report to law enforcement, and nothing in this Directive shall be construed in any way to affect the confidentiality of information provided by the victim to the nurse examiner or other healthcare professional as part of the examination process.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

Pursuant to the Standards, physical evidence collected during the medical examination process is placed in sexual assault forensic evidence (SAFE) kits. These kits are referred to as "hold" kits when the physical evidence has not yet been provided to police and/or prosecutors pending the victim's decision to report the crime to law enforcement authorities. Standard No. 4 requires that such hold kits be kept for a minimum of 90 days to permit the victim to change her or his mind about reporting the crime and releasing the evidence to law enforcement. The Attorney General Guidelines for the Retention of Evidence² (hereinafter: Evidence Retention Guidelines) likewise require that SAFE hold kits be retained for a minimum of 90 days after collection.³

The Division of Criminal Justice recently conducted a survey of local evidence retention policies and practices across the State. The survey showed that at least seven county prosecutors require that SAFE hold kits be retained for longer than the 90-day minimum set forth in the current Standards and Evidence Retention Guidelines. Even in counties that have adopted a 90-day retention policy, the survey revealed that SAFE hold kits are not automatically destroyed at the expiration of the minimum retention period and often are kept for a longer period of time than the minimum retention period that had been explained to the victim at the time the evidence was collected.⁴

Retaining hold kits beyond the current 90-day minimum period is consistent with the best practices recommended by sexual assault victim advocates. For example, in a May 2013 report, "The Earthquake in Sexual Assault Response: Implementing VAWA Forensic Compliance," the End Violence Against Women International organization reasoned that, "...it would defeat the purpose of the forensic compliance provisions if it [evidence] were not held long enough to give victims time to make a decision regarding criminal justice participation."

The current statewide Standard acknowledges that sex crime victims may change their minds about whether to participate in a prosecution. Victims should be afforded more than 90 days to make

2

The Evidence Retention Guidelines were promulgated pursuant to Attorney General Law Enforcement Directive No. 2011-1.

3

Section 2(e) of the current Evidence Retention Guidelines provides that:

In cases where the victim has signed a waiver of prosecution, has not contacted the police/prosecutor's office indicating a desire to pursue a prosecution, or has reported as a "Jane Doe" pursuant to the *Standards for Providing Services to Victims of Sexual Assault*, the evidence shall not be authorized for destruction for a minimum of 90 days from the date of the collection of said evidence.

4

Standard No. 4 provides that, "[t]he victim will be apprised of county policy regarding time frames for the storage and possible destruction of evidence."

that difficult decision before forensic evidence may be destroyed. In the event that a victim subsequently decides to report the crime to law enforcement and assist in the prosecution, prosecutors should have the flexibility to decide on a case-by-case basis whether to initiate a prosecution, considering all relevant circumstances, including the likelihood of obtaining a conviction, the interests of justice and public protection, and the rights of both the victim and the defendant(s). The option to prosecute a sex offender should not be foreclosed because relevant inculpatory or exculpatory evidence was destroyed based on the victim's initial reticence to report the crime to law enforcement.

Accordingly, both the Attorney General Standards and Evidence Retention Guidelines should be amended to afford victims more time to decide whether to report the crime to law enforcement. Specifically, the minimum period for retaining SAFE hold kits will be increased to 5 years from the date the evidence was collected, or, in the case of a minor victim, 5 years from the date on which the victim turns 18 years of age.

2. Specific Revisions to the Attorney General Standards for Providing Services to Victims of Sexual Assaults.

a. *Minimum retention period.*

The Standards hereby are amended to provide that where the crime has not been reported to law enforcement or the collected evidence has not otherwise been released by the victim to law enforcement, except as provided pursuant to section (b) of this section, the SAFE collection kit shall be retained for not less than 5 years, and where the victim is a minor, for not less than 5 years after the victim reaches the age of 18. Where, after expiration of the 5-year period, the prosecutor determines to destroy the kit, the prosecutor shall notify the Director of the Division of Criminal Justice, or his designee, to provide the Division the opportunity to take custody of the kit and assume responsibility for its continued retention.

b. *Consent to contact victim about evidence destruction.*

The healthcare provider conducting the examination shall ask the victim whether the victim wants to be notified at or near the expiration of the 5-year minimum retention period, and/or at any other time(s), and if so, the preferred method of contact to ensure confidentiality (e.g., by phone, regular mail, text/email, etc., with explicit instructions on how to ensure that no one other than the victim is alerted to the communication). If the victim at any time notifies the provider that she/he does not wish to receive further communications, the victim's decision to avoid further contact shall be respected. If the victim indicates that she or he wants to be notified prior to the destruction of evidence, notwithstanding any other provision of this Directive, the kit shall not be destroyed unless reasonable efforts have been made to contact the victim to determine whether the victim has changed her or his mind with respect to participating in a prosecution.

3. Specific Revisions to the Evidence Retention Guidelines.

Section 2(e) of the Evidence Retention Guidelines is hereby deleted and replaced with the following paragraphs:

In cases where a prosecution for sexual assault has not been initiated because the victim has signed a waiver of prosecution, has not contacted the police/prosecutor's office indicating a desire to pursue a prosecution, or has reported as a "Jane Doe" pursuant to the *Standards for Providing Services to Victims of Sexual Assault*, the evidence shall not be authorized for destruction for a minimum of 5 years from the date of the collection of the evidence, except that if the victim was a minor at the time of collection, a SAFE collection kit shall be retained for not less than 5 years after the victim reaches the age of 18. In addition, where the victim had indicated that she or he wants to be notified prior to the destruction of the evidence, such evidence shall not be authorized for destruction unless reasonable efforts have been made to notify the victim to provide the victim an opportunity to re-affirm that she or he does not want to participate in the prosecution.

Only the County Prosecutor or the Director of the Division of Criminal Justice, or their designees, may authorize the destruction of this evidence. Where, after the expiration of the 5-year period, the prosecutor determines to destroy the kit, the prosecutor first shall notify the Director of the Division of Criminal Justice, or his designee, to provide the Division the opportunity to take custody of the kit and assume responsibility for its continued retention. If the Director, or his designee, elects to take custody of the kit, the prosecutor shall arrange for its transfer to the Division along with information concerning the identity and contact information of the nurse examiner or other person who had been in contact with the victim. In addition, the prosecutor shall notify the nurse examiner or other person that the hold kit has been transferred to and will be retained by the Division of Criminal Justice in the event that the victim changes her or his mind with respect to participating in a prosecution.

4. Scope of Directive.

This Directive applies only to SAFE "hold" kits where the victim has not reported the crime to law enforcement authorities or otherwise authorized the release of the SAFE kit to law enforcement authorities. In cases where the crime has been reported by the victim and the kit has been released to law enforcement authorities, the evidence therein shall be maintained in accordance with the rules and procedures governing the retention of evidence in a criminal investigation and prosecution. No provision of this Directive shall be construed in any way to amend Section 2(d) of the Evidence Retention Guidelines, which requires indefinite retention of evidence where a DNA profile has been obtained and submitted to CODIS.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

5. Prosecutors Authority to Extend the Evidence Retention Period.

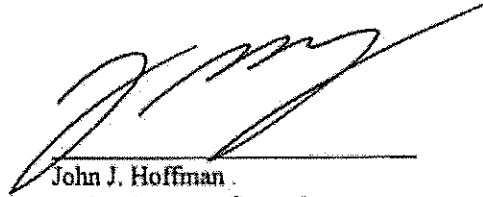
Nothing in this Directive shall be construed in any way to require or encourage a County Prosecutor to destroy a SAFE hold kit at the expiration of the minimum 5-year retention period. Nor shall this Directive be construed to limit the authority of a County Prosecutor to establish within his or her county a longer evidence retention period than that provided for SAFE hold kits under Section 3 of this Directive.

6. Effective Date and Retention of Evidence Collected Before Effective Date.

This Directive shall take effect immediately and remain in force and effect until revised or repealed by Order of the Attorney General. Any SAFE hold kit stored at the time this Directive takes effect shall not be authorized for destruction prior to the expiration of at least 5 years from the time the evidence was collected.

7. Questions.

Any questions concerning this Directive, the revisions to the Standards for Providing Services to Victims of Sexual Assault, and/or the revisions to Attorney General Law Enforcement Directive 2011-1 and the Evidence Retention Guidelines shall be addressed to the Director of the Division of Criminal Justice, or his designee.



John J. Hoffman
Acting Attorney General

DATED: July 10, 2014

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

VOLUME NUMBER: 4

CHAPTER NUMBER: 37

VOLUME TITLE: OPERATIONS

REFERENCE: V4C37

ISSUED BY: CHIEF CHRISTOPHER CHEW

OF PAGES: 2

SUBJECT: FUGITIVE PROCEDURES

EFFECTIVE DATE: JULY 6, 2001

GENERAL ORDER # 01-267

LAST REVISED: JUNE 3, 2019

APPLICABILITY: ALL SWORN EMPLOYEES

ANNUAL REVIEW:

The Written Directives developed by the Evesham Township 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 provide members with a clear set of guidelines concerning the actions and notifications required following the apprehension of any person deemed to be a fugitive from justice based upon his/her wanted status in another state.

POLICY: The apprehension of a person found to be a fugitive from justice requires certain procedural notifications and authorizations prior to the issuance of a complaint warrant charging the individual with that offense. This written directive reflects the necessary steps to be taken as established by the Burlington County Prosecutor's Office.

PROCEDURE:

I. Statutory Authority

- A. N.J.S.2A:160-21 establishes the conditions and procedures under which a person can be charged with being a fugitive from justice in another state.
 - 1. Persons charged with or convicted of crimes in other states who have fled from justice or have escaped from confinement or have broken the terms of his/ her bail, probation or parole can be charged on an arrest warrant with being a fugitive from justice under this statute.
- B. N.J.S.2A:160-22 provides that a member may, upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, arrest such person without a warrant.
 - 1. Upon arrest without warrant under this section, the accused must be taken before a judge with all practicable speed and a complaint must be made against him setting forth the grounds for arrest as indicated in N.J.S.2A:160-21.
- C. N.J.S.2A:160-10 establishes fugitives from justice found in this state; arrest and delivery to demanding state; person charged with murder in demanding state and imprisoned in this state for term less than life; warrant of governor subject to the provisions of this article, the provisions of the constitution of the United States controlling, and any and all acts of congress enacted in pursuance thereof, it is the duty of the governor of this state to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony or other crime, who has fled from justice and is found in this state; provided, if the executive authority of any other state or district requests the extradition of any person charged in that state with murder, and that person is imprisoned in a penal institution or

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

jail of this state for a term less than imprisonment for life, the governor of this state may deliver him or her up to the executive authority of the demanding state or district for the purpose of trial in said state or district; provided, however, that prior to the removal of the person from this state, the executive authority of the demanding state or district shall have agreed that the person so delivered up is to be returned immediately to this state, at the cost of the demanding state or district, to serve the balance of his or her term of imprisonment in the event of his or her acquittal in the demanding state, or in the event of his or her conviction in such state of manslaughter or any degree of murder the punishment for which is less than death or imprisonment for life.

The warrant of the governor of this state shall be sufficient authority to the keeper of the New Jersey state prison or officer of any other institution to surrender the person named therein and for whom extradition is sought.

II. Charging Protocol

- A. All complaints charging persons with being a fugitive from justice must be prepared on a complaint-warrant (CDR-2) with the probable cause being made by a **Municipal Court Judge**.
- B. Section II of written directive V7C6 – Preparation and Issuance of Criminal Complaints specifically describes the protocol for issuance of a complaint-warrant (CDR-2).
- C. The appropriate charging statute for Fugitive from Justice is 2A:160-10.
- D. Fugitive warrants are not part of Criminal Justice Reform and must be placed on a separate warrant and not be combined with any additional charges if applicable.
- E. The arrestee is to be fingerprinted and the fingerprints shall be linked to the complaint.
- F. Defendant must be transported to the Burlington County Jail and lodged. The defendant will have a first appearance before a Superior Court Judge who may set bail at that time.

III. Requests for Assistance

- A. Any member receiving a request to assist in the arrest of a fugitive from justice shall immediately notify his/her immediate supervisor of such request.
- B. Department supervisors are responsible for reviewing the paperwork and/or documentation justifying the arrest of the identified fugitive prior to assigning personnel to assist in the arrest.
- C. If the request is received from a bondsman or bounty hunter, the supervisor must document and confirm the identity of the requesting person and confirm the warrant through N.C.I.C. or the issuing agency.
 - 1. All fugitives arrested under these circumstances will be taken into custody by the member(s) of this department participating in the arrest and must be processed in accordance with all provisions of this written directive.

IV. Notification to Demanding Authority

- A. Upon successful apprehension of a fugitive from justice, the assigned member shall direct Burlington County Central Communications to transmit a teletype message to the out of state authority seeking the fugitive's arrest.
 - 1. The teletype message shall confirm the fugitive's arrest and current location, and shall direct that all future correspondence relating to extradition proceedings are sent to the Burlington County Prosecutor's Office.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

VOLUME NUMBER: 4

CHAPTER NUMBER: 39

VOLUME TITLE: OPERATIONS

REFERENCE: V4C39

ISSUED BY: CHIEF CHRISTOPHER CHEW

OF PAGES: 8

SUBJECT: ABUSE/NEGLECT OF ELDERLY/VULNERABLE ADULTS

EFFECTIVE DATE: JULY 12, 2001

GENERAL ORDER # 01-253

LAST REVISED: AUGUST 8, 2019

APPLICABILITY: ALL EMPLOYEES

ANNUAL REVIEW:

ACCREDITATION STANDARD: 3.5.7

The Written Directives developed by the Evesham Township 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 designed to enhance the recognition, investigation and redress of incidents involving elderly and/or vulnerable adults where abuse and/or neglect may be a factor.

POLICY: The abuse of older and vulnerable persons by their fiends, family members, caregivers or other trusted persons is not a new phenomenon. More recently, it has been recognized that domestic elder abuse is a very complex problem, requiring a multidisciplinary response tailored to specific circumstances and the individual needs of the elderly victim. In order for members to play an effective part in any comprehensive strategy to prevent, identify, and react to instances of elder abuse, they must fully understand their role and be trained to act in concert with other protective, investigative, regulatory enforcement and social service agencies.

PROCEDURE:

I. Definitions

- A. Abuse: willful infliction of physical pain, injury or mental anguish, unreasonable confinement, or the willful deprivation of services that are necessary to maintain a person's physical and mental health.
- B. Caretaker: a person who has assumed the responsibility for the care of a elderly/vulnerable adult as a result of a family relationship or who has assumed responsibility for the care of a elderly/vulnerable adult voluntarily, by contract, by order of a court of competent jurisdiction, whether or not they reside together.
- C. Community Setting: a private residence or any non-institutional setting in which a person may reside alone or with others, but shall not include residential health care facilities, rooming houses or boarding homes or any other facility or living arrangement subject to licensure by, operated by, or under contract with, a State department agency.
- D. County Adult Protective Services Provider: a county Board of Social services or other nonprofit agency with experience as a New Jersey provider of protective services for adults, designated by the county and approved by the commissioner. The county adult protective services provider

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

receives reports made pursuant to the Adult Protective Services Act (N.J.S. 52:27D-406), maintains pertinent records and provides, arranges, or recommends protective services.

- E. Exploitation: the act or process of illegally or improperly using a person or his/her resources for another person's profit or advantage.
- F. Neglect: an act or failure to act by a elderly/vulnerable adult or his caretaker which results in the inadequate provision of care or services necessary to maintain the physical and mental health of the elderly/vulnerable adult, and which places the elderly/vulnerable adult in a situation which can result in serious injury or which is life-threatening.
- G. Protective Services: voluntary or court-ordered social, legal, financial, medical or psychiatric services necessary to safeguard a elderly/vulnerable adult's right and resources, and to protect a elderly/vulnerable adult from abuse, neglect or exploitation. Protective services include, but are not limited to: evaluating the need for services, providing or arranging for appropriate services, obtaining financial benefits to which a person is entitled, and arranging for guardianship and other legal actions.
- H. Vulnerable Adult: a person 18 years of age or older who reside in a community setting and who, because of a physical or mental illness, disability or deficiency, lacks sufficient understanding or capacity to make, communicate, or carry out decisions concerning his/her well-being and is the subject of abuse, neglect or exploitation.
- I. Sexual Abuse: non-consensual sexual contact of any kind (e.g., forcing sexual contact or forcing sex with a third party).
- J. Emotional or Psychological Abuse: willful infliction of mental or emotional anguish by threat, humiliation, intimidation or other abusive conduct (e.g., name-calling, treating as a child, frightening, isolating).
- K. Passive Neglect: non-willful failure to fulfill caretaking obligations. Abandonment or denial of food or health-related services because of inadequate caregiver knowledge, infirmity or disputing the value of prescribed services (e.g., rashes and bedsores, malnutrition, dehydration, unsanitary or unsafe living conditions).
- L. Self-Neglect: the result of an older adult's inability, due to physical and/or mental impairments or diminished capacity, to perform essential self-care tasks (e.g., providing essential food, clothing, shelter and medical care; obtaining goods and services, etc.).

II. Adult Protective Services Act (N.J.S. 52:27D-406)

NOTE: If the Domestic Violence Law is applicable, the DV law must be enforced. However, provisions of the APS Act shall also be applied/adhered to.

- A. Reporting Person: A person who has reasonable cause to believe that a elderly/vulnerable adult is the subject of abuse, neglect or exploitation may report the information to the APS and/or the police. The reporting person is immune from civil and criminal liability arising from the report, information or testimony, unless the person acts in bad faith or with malicious purpose.
- B. Police Responsibility: The police often come into contact with individuals who are victims of abuse/neglect. It is imperative that officers take a proactive approach and immediately report/document suspected cases whenever there is reasonable cause to believe that abuse/neglect is taking place. Officers must also take immediate steps to protect the victim from further abuse/neglect in emergent situations.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- C. Adult Protective Services Provider Responsibility (APS): The APS shall initiate a prompt (within 72 hours) and thorough evaluation of any report of adult abuse, neglect or exploitation. This applies to adults who reside in a community setting. Response is made whenever its own staff initiates an investigation or referrals are made to any of the agencies within the Senior Network.
- D. Determination Of Need For Protective Services: If a determination is made by the APS that there is reasonable cause to believe that the elderly/vulnerable adult has been the subject of abuse, neglect or exploitation, the APS shall determine the need for protective services.
- E. Court Orders:
 - 1. Interference With APS: If the elderly/vulnerable adult's caretaker or any other person interferes with the provision of protective services, the APS shall petition the courts for an appropriate order barring said interference.
 - 2. Emergency Situation: If the APS determines that an emergency exists and the elderly/vulnerable adult refuses or is unable to consent to the protective services, the APS shall petition the courts for an appropriate order (i.e., a elderly/vulnerable adult will incur a substantial risk of physical harm or deterioration without protective services).
 - 3. Victim Refusal of APS: APS may pursue a court order requiring psychiatric or psychological assessment or examination to determine the elderly/vulnerable adult's understanding or capacity and the nature of or reason for the refusal.

III. Other Relevant Laws Pertaining to Elderly Abuse

- A. Theft (N.J.S. 2C:20-1 et seq.)
- B. Sexual Offenses (N.J.S. 2C:14-1 et seq.)
- C. Assault (N.J.S. 2C:12-1 et seq.)
- D. Endangering the Elderly and Disabled (N.J.S. 2C:24-8) This law cites a crime when a caregiver breaches his/her duties.
- E. Domestic Violence Act (N.J.S. 2C:25-17 et seq.)
- F. Mental Health Laws (N.J.S. 30:4-27.1 et seq.): Mental commitments and emergency mental commitments should be considered when the suspect or the victim exhibits certain behavior that constitutes a danger to self or others. APS personnel should be instrumental in these decisions when related to alleged elder abuse.

IV. General Information

- A. Information may be offered by persons who wish to remain anonymous. It is better to accept an anonymous report than to have a caller terminate the call because of a requirement to identify himself/herself.
- B. Non-emergency reports of elder abuse or calls to check on the welfare of an elderly person also warrant immediate, though not emergency, response. Reports of elder abuse should be given the same priority as other calls for service that justify prompt police response.
- C. Calls for service that involve elder abuse are not always easily identified as such when first received. Members dispatched to scenes should not overlook the signs of elder abused when investigating other allegations of violence.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- D. Persons calling to report non-emergency situations that may involve elder abuse are often directed to an agency specifically designated to investigate such cases. If that agency cannot respond immediately, the information should be acted upon by patrol personnel without delay.

V. Patrol Responsibilities

A. Initial Response

1. General: When calls are identified as in-progress emergencies, response should be consistent with other priority calls. The emotional distress often related even to non-emergency calls is so significant to the elderly victim that all calls should be handled without delay.
2. Forced Entry: Entry should be immediate when required to save a life or property or when authorized by a court order. Supervisors shall be advised of the need for forced entry and either approve or deny such entry.
3. APS Request for Police Presence: Police personnel should not assume that the presence of personnel from other social agencies negates the need for crime scene protection, evidence collection, interviewing witnesses, etc. In these instances the police personnel should, after consultation with APS, provide or make arrangements for evidence collection/handling. The assigned officer shall prepare a report documenting the details of the incident, the names of APS or other personnel on the scene and the action taken.

B. Provide Emergency Care

1. Render appropriate medical aid pending the arrival of EMS personnel.

C. Defuse & Stabilize the Immediate Situation

1. Officers must quickly assess the situation, ensure the immediate safety of all persons and reassure the victim that the situation will be resolved.
 - Identify Victim, Suspect(s), and Witness(es): Determine the relationships of the persons involved and, if it does not distress the victim, separate all parties prior to interviews.
 - Preserve the Crime Scene: All persons should be removed and the scene preserved until photographed and processed.
 - Obtain Preliminary Statements from the Victim and Witness(es): It is often wrongfully assumed that the elderly persons are incapable of supplying a statement, and they are denied the dignity of reporting the problem to the authorities. Allow elderly victims to provide information. Ask open-ended questions that encourage further discussion. A victim's complaint(s) of abuse should not be discounted solely on the basis of his/her apparent incompetence. Nor should a victim's inability or unwillingness to cooperate be the sole reason to discount a complaint. Such behavior may actually be an indicator of abuse.

D. Assess & Define the Nature of the Problem

1. The nature and extent of abuse cannot usually be fully determined by the preliminary investigation. Officers should assess the available information to determine the type(s) of abuse that may have taken place or the potential for abuse in the future that might be eliminated by immediate intervention or appropriate referral.

E. Types of Abuse to Look For

1. Abusive behavior takes many forms. This could include physical abuse, mental abuse, neglect and self-neglect. Clear distinction does not always exist, and they may overlap.
2. Officers should look around the dwelling. Is it clean? Is there food in the refrigerator? What is the overall condition of the elderly/vulnerable adult and his/her dwelling?

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

3. Officers should be familiar with the signs, symptoms, indicators and evidence of various forms of abuse and they should evaluate victims, suspects and possible crime scenes for their presence.
- F. Assess Impact of Potential Actions & Formulate an Action Plan
 1. Elder abuse investigations may be complex and lengthy. Whenever possible, they should be conducted in conjunction with APS agencies.
- G. Need For In-depth Investigation
 1. When officers suspect abuse and it is apparent that an in-depth investigation is appropriate, support personnel should be notified to respond, as follows:
 - Patrol – make on-scene arrests, when appropriate;
 - Patrol Supervisor - coordinate investigation;
 - Investigative Personnel - take statements, collect evidence, conduct follow-up investigation;
 - Protective Service Agencies - response should be requested whenever abuse is suspected or when removal of the elderly person is a consideration.
- H. Reporting Requirements
 1. Every allegation of elder and vulnerable adult abuse shall be documented as follows:
 - Uniform Investigation Report (UIR)
 - Incident Report
 - Assistance Profile for Elderly and Vulnerable Adults
- I. Report Channelization:
 1. Copies of the reports shall be forwarded as follows:
 - Immediately fax "Assistance Profile for Elderly and Vulnerable Adults" to the Burlington County Board of Social Services at (609) 265-0816.
 - A copy of the relevant police reports shall be forwarded to:
 - ✓ Police Records;
 - ✓ Investigative Bureau;
 - ✓ Burlington County Board of Social Services;
 - ✓ Burlington County Prosecutor's Office (as appropriate).
- J. Referrals
 1. The Burlington County Board of Social Services (609-518-4793) is the designated Adult Protective Services Provider for Burlington County and shall be immediately notified when a condition is of an emergent nature.
 - After hours, request notification through Burlington County Central Communications.
 2. In non-emergent situations requiring a referral for follow-up investigation, the notification shall occur without unnecessary delay but no later than the following business day.
- K. The patrol supervisor is responsible for evaluating the overall situation and shall make a determination concerning the need for emergency removal of the victim or abuser, immediate response of external resources, or referrals for follow-up assistance.

VI. Detective's Responsibilities

- A. The Detective is responsible for conducting an in-depth follow-up investigation, which is usually conducted jointly with APS. The Detective is also responsible for the following:
 1. Gathering physical evidence (photograph wounds, weapons, body fluids, personal papers belonging to the victim, etc.);
 2. Photographing evidence;
 3. Taking sworn statements (from victim, suspect(s), witnesses);

4. Preparing supplemental reports;
 5. Coordinating investigation with the Prosecutor's Office and APS, as appropriate;
 6. Referring the victim to the appropriate agency (i.e., APS, other human resource agency).
- B. Investigative personnel should always attempt to corroborate all information relating to allegations of wrongdoing. This could be done via examination of the details of victim, witness and suspect statements, physical evidence, APS records, etc.

VII. Determining the need for Emergency Removal of the Victim or Abuser

- A. Victims suffering from serious neglected illness, injury or intolerable conditions should receive immediate in-home care or be placed in the appropriate temporary care setting.
1. General Rule Regarding Emergency/Temporary Removal
 - An investigation to determine the propriety of removal of the victim or an abuser (particularly when the abuser is the primary or only caregiver) should be a joint effort between the police and APS. Removal of the abuser rather than the victim is preferred. However, the desires of the victim should be considered. Court action may be required to effect an involuntary removal. The decision to pursue a court order rests with APS personnel.
 2. Emergency/Temporary Removal Prior To APS Response
 - When circumstances require the police to effect an emergency, temporary removal (emergency hospitalization, arrest of caregiver, severe health or safety hazard) prior to APS response, APS and the victim's family or physician or other responsible interested person should be notified. Unless conditions dictate immediate removal, the following factors should be considered:
 - ✓ *Level of threat in current environment:* Consider the victim's present environment and the level of threat to the victim if he/she remains.
 - ✓ *The victim's ability to exercise self-determination:* The age of a person does not render that person incapable of making informed decisions related to care options, residency, desire to prosecute or not prosecute an abuser or any decision normally left to other individuals. When a competent older person prefers to exercise reasonable options, officers should comply, as the person has the right to refuse services and assistance.
 - ✓ If the decisional capacity of an elderly/vulnerable adult victim is in question, officers should consult with other family members/friends, the victim's physician/clergy, as well as APS personnel, to evaluate the victim's judgment & ability to make sound decisions.
 - ✓ Officers must remember that if a guardian has been appointed by a court, that guardian, not the older person, makes the decisions about finances, living situation, etc. If the guardian is the suspected abuser, temporary protective custody may be in order until court review of the guardianship.
 - ✓ *Impact of removing the victim or the abusive caregiver:* When it becomes necessary to safeguard an elderly/vulnerable adult victim from an abusive caregiver, alternative care options that are the least disruptive and do not require removal of the victim should be fully explored. Every effort should be made to refer the victim to services that can provide caregiving alternatives that supplant those that will be disrupted. When the victim is not capable of self-care and emergency in-home care is not an option or when the victim is afraid to be alone, the only other apparent option may be placement in a health care or nursing facility.

- ✓ *Effects of removal from familiar surroundings:* When there is little likelihood of danger to the victim, there are few advantages to involuntary changes in residency, as change is a stressor.
- ✓ *Disabilities, mental impairments, etc.:* Physical disabilities and mental impairments may limit the options for alternative care. Not all disabilities are visible and officers should inquire of victims or family, friends, physicians etc. as to the disabilities and medical or special needs of the victim. Information of this type will assist APS personnel in the development of an appropriate action plan.
- ✓ *Maintain sensitivity to victim's needs:* Officers should consider the victim's level of competency, assess any impairments and communicate appropriately. Officers should make every effort to preserve the dignity and self-respect of the elderly/vulnerable adult victim, recognizing the rights of competent elderly persons to make their own decisions about their living conditions provided they do not pose a danger to themselves or others.

IX. Indications of Elderly/Vulnerable Adult Abuse

- A. **Physical Abuse:** bruises, welts, burns, fractures, sprains, lacerations, abrasions, bites, old injuries in various stages of healing, etc.;
- B. **Sexual Abuse:** sexually transmitted diseases, bruising, pain in area of genitals/anus, etc.;
- C. **Emotional Abuse:** signs of deprivation of food or hygiene, inappropriate confinement or restraint;
- D. **Neglect:** poor hygiene, hunger, malnutrition, dehydration, neglected injuries/sores, inadequate food supply, unsanitary or unsafe living conditions, untreated medical conditions, etc.;
- E. **Fiduciary Abuse:** unusual volume or type of banking activity or activity inconsistent with victim's ability, excessive concern by another over cost of caring for the victim or reluctance to spend money or pay bills, inappropriate actions by caregiver in victim's financial affairs, caregiver isolates victim from friends and family, recent changes in ownership of victim's property, etc.

X. Interviews of Victims and Witnesses

- A. Every effort should be made by police and APS investigators to coordinate investigations thereby eliminating multiple stressful and embarrassing interviews.
- B. Victims must be reassured that legal remedies and removal procedures are not automatically invoked, but only when determined to be necessary as a result of a joint police and APS investigation, in which the victim's needs and desires are given priority.
- C. Interviews with victims, witnesses and suspects should also focus on the detection of yet unreported abuse and abusers. When victims are mentally or physically incapable of providing information, investigators may have to rely initially on statements of witnesses, the suspect or other evidence.
- D. Suspects must be advised of their constitutional rights before any questioning takes place. Explore all possible explanations for allegations, suspicious activity, evidence (e.g., restraints), injuries to victims, living conditions and behavior of the victim.
 - 1. Formal taped/written statements should be obtained whenever possible.

XI. Arrest Vs. Other Resolutions

- A. Criminal or non-criminal resolutions should be a joint decision of the competent victim, police, prosecutor's office and APS personnel.
- B. In instances where the abuse is the result of a correctable shortcoming of the caregiver, the preferred resolution may be education, counseling or supplemental support rather than arrest.
- C. However, in instances when the abuse involves serious intentional injury or harm, or when the victim wishes to prosecute or has other care options available, the preferred solution should be the arrest of the suspect.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

VOLUME NUMBER: 6

CHAPTER NUMBER: 12

VOLUME TITLE: GENERAL

REFERENCE: V6C12

ISSUED BY: CHIEF CHRISTOPHER CHEW

OF PAGES: 6

SUBJECT: FINGERPRINTING

EFFECTIVE DATE: JULY 6, 2001

GENERAL ORDER # 01-271

LAST REVISED: JANUARY 25, 2021

APPLICABILITY: ALL EMPLOYEES

ANNUAL REVIEW:

ACCREDITATION STANDARDS: 1.2.5

The Written Directives developed by the Evesham Township 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 enhance operations by providing employees with a comprehensive procedure addressing the fingerprinting of persons in situations associated with criminal and non-criminal investigations.

POLICY: Fingerprinting is a very diverse function. Today, people are fingerprinted for a variety of investigations both criminal and regulatory in nature. Since fingerprinting is an established method to develop positive identification, carefully taken identifiable fingerprints are of paramount importance to the identification process. All employees responsible for taking fingerprint impressions shall endeavor to produce fingerprint cards that will facilitate this process.

PROCEDURE:

I. General

- A. When an employee is taking fingerprint impression for any reason, the employee shall attempt to obtain clear impressions that are suitable for classification.
- B. The department has placed into use the Live Scan computerized fingerprinting system and it shall be used in place of manual fingerprinting in all instances where persons would normally be processed in the cellblock. All references to fingerprint cards shall include Live Scan where applicable. In the event that the Live Scan system is not operational at the time of the need to fingerprint, the use of ink and fingerprint cards shall be utilized. If Live Scan is operational, it shall be exclusively used for the purpose of fingerprinting.
- C. The agency has a Live Scan system in the booking area in the cell block. The system in the booking area is fully operational and delivers fingerprint records to the State and FBI electronically.
- D. All persons preparing to be fingerprinted shall be requested to wash and dry their hands prior to beginning the process.
- E. Persons being fingerprinted shall be instructed to relax their hands and not attempt to help the employee in rolling the fingers.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- F. If a fingerprint impression is not clear for any reason, the employee taking the impression may either utilize the reprint tab in Live Scan or complete a new card.
1. All employees taking fingerprint impressions are required to review the fingerprint cards or digital impression upon completion to determine if the impressions appear clear enough for classification purposes.
 2. While it is understood that all employees are not trained for fingerprint classification, impressions that are obviously not clear (i.e., smudged, double impression, incomplete impression, etc.) shall not be submitted.
 3. The Live Scan system will reject any impressions that are taken, that are not clear and classifiable. If an impression is rejected, the impression shall be retaken until the impression is accepted by the Live Scan system.
- G. In the event the Live Scan system is not operational and ink cards are required. Fingerprint cards must be thoroughly completed (front and back) with all known information captured. When using the Live Scan system, all required data fields must be completed to ensure that when the fingerprint card is printed the card will be thoroughly completed (front and back).
1. In arrest situations, when using the manual fingerprint cards, the arresting officer shall document all such information on the NJ Criminal Arrest Fingerprint Card and label it "file copy".
 - The record's clerks will transfer this information onto all other copies of the fingerprint cards prior to forwarding.
 2. In employment/regulatory fingerprinting situations this information is usually completed by the applicant, however, the employee must verify the identification of the person from whom the impressions were taken.
 3. In all situations where fingerprint impressions are taken, regardless of the reason, the fingerprint cards must be signed. When using the Live Scan system, the signature will be completed by having the individual who is being fingerprint sign the card digitally on the electronic signature pad attached to the Live Scan system.
 - The employee taking the impressions must legibly sign and record their assigned badge number in the appropriate space, and
 - The defendant or applicant must sign the fingerprint cards in the presence of the employee taking the impressions.
- H. Members called upon to fingerprint individuals that are not under arrest and/or not in the secure cellblock area of police headquarters are required to secure their duty weapons. Said weapon shall be secured in the designated firearm's locker in the fingerprint room prior to allowing the person to be fingerprinted to enter the room.
1. Members fingerprinting arrestees are required to comply with all written directives regarding firearms in the cellblock area.

II. Adults

- A. In accordance with N.J.S.A. 53:1-18.1, whenever any of the below listed circumstances shall apply, an adult defendant will be fingerprinted in accordance with this written directive:
1. Arrest for an indictable offense.
 2. Arrest for a violation of any state law relating to narcotics or dangerous drugs.
 - This includes anyone arrested for a violation of N.J.S.A. 2C:33-2.1 entitled "Wandering, remaining in or prowling public places with purpose of obtaining or selling controlled dangerous substances".
 - N.J.S.A. 53:1-18.1 does not require actual possession of a narcotic or dangerous drug as a prerequisite for mandatory fingerprinting.
 3. Arrest for shoplifting.
 4. Arrest for prostitution.
 5. Within a reasonable time after the filing of a CDR-1 complaint-summons by a law enforcement officer charging the defendant with an indictable offense.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

6. Arrest of defendant believed to be wanted for an indictable offense.
 7. Arrest of a defendant believed to be a habitual criminal.
 8. Upon conviction of a defendant for a non-indictable offense where the identity of the defendant is in question.
 9. Certain domestic violence offenses. (See section VI. of this written directive)
- B. Whenever an adult defendant is fingerprinted under any of the above stated conditions, the arresting officer shall complete the following fingerprint cards:
1. When taking manual fingerprint impressions with ink: Two (2) New Jersey Criminal Arrest Fingerprint Cards (SBI-15) and one (1) red FBI Fingerprint Card (FD-249).
 - One (1) of the NJ Criminal Arrest Fingerprint Cards shall be marked "file copy" and will be retained by this department. This card should be used by the arresting officer for completing all of the requested information on both sides of the card.
 - All three fingerprint cards shall be attached to the arrest report and forwarded through normal channels.
 - The records clerks are responsible for forwarding the appropriate fingerprint cards to the NJ State Police, Records and Identification Section.
 2. When using the Live Scan system: One fingerprint card shall be printed using the printer attached to the Live Scan system. This card will be submitted along with the report and will serve as the "File Copy." The State and FBI cards are not required since they are electronically delivered.
- C. The NJ Criminal Arrest Fingerprint Card has a block on the front of the card located below the "Charge and Statute" block that will indicate whether the arrest is related to a violation of a domestic violence law.
1. A member completing a fingerprint card for any arrest is required to check the appropriate block.
 2. The block is intended to advise the SBI that **at least one** of the listed charges is the result of a domestic violence arrest.
 3. When using the Live Scan system, this will be checked electronically.
- D. If a situation should arise where a defendant is arrested by this department on a complaint generated by another jurisdiction and the defendant is not turned over to that jurisdiction but rather processed and released by this department, the member processing the defendant shall fingerprint the defendant in accordance with section II.A .
1. In this situation, the municipal code of the issuing jurisdiction would be inserted on the fingerprint cards.
 2. If the defendant is going to be turned over to the issuing jurisdiction, no fingerprint cards from this department shall be forwarded to SBI.
 3. SBI should receive Criminal Fingerprint Cards from only one agency for a warrant arrest.
- E. *Court Rule 3:5A* sets forth the procedures governing investigative detentions of persons for the purpose of obtaining physical evidence. Prior to the filing of criminal charges, *Court Rule 3:5A* permits a member, upon application authorized in writing by the County Prosecutor or designated Assistant Prosecutor, to secure a Superior Court order authorizing a suspect's temporary detention and compelling him to submit to non-testimonial identification procedures for the purpose of obtaining evidence of his physical characteristics including fingerprints and palm prints. (See written directive *V7C4 – Field Interview and Investigative Detentions*)

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

III. Juveniles

- A. Under N.J.S.A. 2A:4A-61a(3) a juvenile fourteen (14) years of age or older may be fingerprinted and photographed upon his/her arrest if the charged offense would constitute a crime if it were committed by an adult.
1. The arresting officer shall complete three (3) NJ Criminal Arrest Fingerprint Cards and one (1) red FBI Fingerprint Card only when taking manual fingerprints.
 - One (1) NJ Criminal Arrest Fingerprint Card and one (1) red FBI fingerprint card must be forwarded to the NJ State Police, Records and Identification Section.
 - One (1) NJ Criminal Arrest Fingerprint Card must accompany the juvenile complaint when forward to Burlington County Family Court.
 - One (1) of the NJ Criminal Arrest Fingerprint Cards shall be marked "file copy" and will be retained by this department. This card should be used by the arresting officer for completing all of the requested information on both sides of the card.
 2. When using the Live Scan system: One fingerprint card shall be printed using the printer attached to the Live Scan system. This card will be submitted along with the report and will serve as the "File Copy." The State and FBI cards are not required since they are electronically delivered
- B. Juveniles who are under fourteen (14) years of age on the date an offense was committed CAN NOT be fingerprinted under N.J.S.A. 2A:4A-61a(3).
- C. In a situation where latent fingerprints are found during an investigation of an offense and a member has reason to believe that they are those of a juvenile, he may, with the consent of the court or the juvenile and a parent or guardian, fingerprint the juvenile for the purpose of comparison with the latent fingerprints.
1. Fingerprint records taken pursuant to this section may be retained by the department but shall be destroyed when the purpose of taking the fingerprints has been fulfilled.
 2. If the parent or guardian and juvenile do not consent to the taking of fingerprints for comparison purposes, then a court order must be obtained. The investigating officer shall prepare an affidavit stating the reasons for believing that the juvenile is involved. Assistance shall be sought from the Burlington County Prosecutor's Officer in seeking any such order.
- D. Juveniles whose cases are waived to adult court (municipal or superior), whether involuntarily or at their own election, should be fingerprinted for any offense that would require fingerprinting if it were committed by an adult. The fingerprinting should take place prior to trial, at the time of the waiver.

IV. Photographs

- A. **All persons** arrested and required to undergo post-arrest identification that includes fingerprinting shall also be photographed on the departmental computerized booking system.

V. Fingerprinting in Connection with Employment/ Regulatory Requirements

- A. The State Bureau of Identification maintains that individuals who need to be fingerprinted can expect this service to be provided by their local police department. Accordingly, employees are directed to fingerprint Evesham Township residents or non-Evesham residents who work at a business located in Evesham Township who require fingerprints in connection with employment and/ or regulatory requirements.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- B. Unless otherwise directed, employees shall utilize one Federal Applicant Fingerprint Card and/or one out-of-State Applicant Fingerprint Card, that are provided by the person being fingerprinted, when fingerprinting persons in connection with this section.
 - 1. Most residents who request fingerprinting services will report with the appropriate fingerprint card in their possession.
 - 2. The Live Scan system in Booking can be used in replacement of the manual process. The Live Scan system can allow fingerprints to be made electronically and printed on the Federal and State cards, thus allowing this process to be done electronically and have the same end product as the manual process that results in having two printed fingerprint cards.
- C. Employees are required to have the applicant sign the fingerprint card in their presence after the impressions have been taken. When using the Live Scan system, the signature can be captured digitally and printed on the card. It also can be captured by having the fingerprinted person physically sign the printed card.
 - 1. Employees shall request identification for each person fingerprinted.

VI. Domestic Violence

- A. In accordance N.J.S.A. 53:1-15, persons who meet the below criteria are to be fingerprinted, including certain disorderly persons offenses:
 - 1. Any person who is arrested for an offense defined in N.J.S.A. 2C:25-19, when:
 - The victim exhibits signs of injury caused by an act of domestic violence;
 - A warrant is in effect;
 - There is probable cause to believe that the defendant has violated the no-contact provisions of a domestic violence restraining order;
 - There is probable cause to believe that a weapon has been involved in the commission of an act of domestic violence; or
 - The defendant has been arrested for an indictable offense.
 - 2. In situations where the defendant was not fingerprinted for the arrest because the above criteria was not met, but he/she is subsequently **convicted** of domestic violence assault or harassment, the defendant must submit to the fingerprinting process.
 - Complete one (1) state criminal fingerprint card (SBI-15) and one (1) federal criminal fingerprint card (FD-249) and submit both to the state bureau of identification.
 - Enter the final disposition of the back of the state criminal fingerprint card to facilitate updates of the criminal history. (i.e., guilty on 2/8/2000 with a fine of \$250 and \$50 VCCB)
 - 3. Persons against whom a Final Restraining Order has been issued for a domestic violence situation.
 - This fingerprinting should occur at the time the defendant is served with the Final Order. In most situations this will occur at the county level.
 - In the event that the Final Order is served upon the defendant by a member of this department, the following procedure shall be followed:
 - Fingerprint the defendant on one (1) state "APPLICANT" fingerprint.
 - In "Applicant for" block, check the "other" box and enter "DV Final Order".
 - Any person who fails to submit to these identification procedures within a reasonable time may be charged with N.J.S.A. 2C:29-1.
 - When using the Live Scan system the fingerprints will be captured digitally after selecting the appropriate tab for Final Restraining Order.

VII. Criminal Street Gangs

- A. In accordance with N.J.S.A. 53.1-15, when any person is arrested for an offense for which fingerprinting is required, and the offense relates to a criminal street gang activity as defined herein, the gang relatedness must be reported to the State Bureau of Investigation (SBI).
- B. In accordance with N.J.S.A. 2C:44-3.h, "A crime is committed while the defendant was involved in criminal street gang related activity if the crime was committed for the benefit of, at the direction of, or in association with a criminal street gang.
- C. The definition of a criminal street gang is also found at N.J.S.A. 2C:44-3.h:

"Criminal street gang" means three or more persons associated in fact. Individuals are associated in fact if:

 - 1. they have common a group name or identifying sign, symbol, tattoo or other physical marking, style of dress or use of hand signs or other indicia of association or common leadership, and
 - 2. individually or in combination with other members of a criminal street gang, while engaging in gang related activity, have committed, conspired or attempted to commit, within the preceding three years, two or more offenses of robbery, carjacking, aggravated assault, assault, aggravated sexual assault, arson, burglary, kidnapping, extortion or a violation of chapter 11, section 3, 4, 5, 6 or 7 of chapter 25 or chapter 39 of Title 2C of the New Jersey Statutes regardless of whether the prior offenses have resulted in convictions.
- D. In order to facilitate notification to the SBI, a change has been made to the State Criminal Fingerprint Card (SBI-15) in both the manual and Live Scan versions. A "Gang-Related" checkbox has been added to the SBI-15 card adjacent to the existing "D.V. Arrest" checkbox.
 - 1. When using the Live Scan system, this will be checked electronically.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

VOLUME NUMBER: 6	CHAPTER NUMBER: 20
VOLUME TITLE: GENERAL	REFERENCE: V6C20
ISSUED BY: CHIEF CHRISTOPHER CHEW	# OF PAGES: 6
SUBJECT: EMPLOYEE INJURIES	
EFFECTIVE DATE: APRIL 2, 2001	GENERAL ORDER # 01-231
REVISED: JULY 22, 2019	
APPLICABILITY: ALL EMPLOYEES	ANNUAL REVIEW:
The Written Directives developed by the Evesham Township 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 ensure a timely notification to an employee's family members, department administrative staff and the Township's Human Resources office in the event of an injury or illness suffered by an employee as a result of the performance of his/her official duties. Additionally, to guarantee that the appropriate level of emergent and secondary medical care is afforded to the employee by defining the necessary reporting protocol and identifying the appropriate care providers.

POLICY: Recognizing the enhanced likelihood of injury and/or illness resulting from performance of duty in the law enforcement profession, the Township has established a reporting protocol to be employed whenever an employee of this department suffers an injury or contracts an illness as a result of the performance of duty. Strict compliance with the reporting protocol and accompanying procedure is essential to ensure that a timely notification is made to the township's insurance carrier and that the affected member receives the appropriate level of medical care at an authorized facility. The prompt and proper treatment of injuries and/or illnesses will likely result in a reduced recuperation period and facilitate a prompt return to full duty.

PROCEDURE:

I. Injury/illness Resulting from Performance of Official Duty

- A. The above terminology is intended to refer to any injury or illness an employee of this department suffers as a direct result of the performance of his/her assigned duties.
- B. It shall be an absolute requirement that every employee provide timely notification to his/her immediate supervisor upon reporting for duty if such employee has suffered an injury off duty that might diminish the employee's ability to perform assigned duties or if the injury is of such a character that the performance of duty would likely aggravate the injury.
- C. Likewise, an employee is required to provide notification to his/her immediate supervisor upon reporting for duty with an illness or disease that may likely diminish the employee's ability to perform assigned duties or if such illness/disease is likely to result in the infection of co-workers.
 1. Employee's are reminded that the Rules and Regulations of the Evesham Township Police Department also required a notification to an employee's immediate supervisor whenever such employee is required to take medication that might diminish one's alertness or impair one's senses. (See *VIC1 Rules and Regulations – Rule 3.4.2*)

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- D. The supervisor receiving notification of either of the conditions defined in B & C above shall be required to immediately consult with the respective bureau commander to arrive at a decision regarding the affected member's fitness for duty.

II. Injury/Illness Reporting Procedure

- A. In the event of **any** injury or illness suffered by any employee while on duty, the injured employee's immediate supervisor shall be immediately notified, if working. In his/her absence, the on duty supervisor shall be notified.
1. The use of the word "illness", as used in this written directive, is intended to include the potential for illness as a result of an exposure to any person known or suspected of being infected with a communicable disease.
 2. In the case of an exposure to an individual known or suspected of being infected with a communicable disease, the employee and respective supervisor shall be required to comply with all of the provisions contained in written directive *V6C2 – Communicable Diseases*.
- B. The supervisor receiving notification shall be required to conduct a preliminary investigation of any incident where an injury or illness occurs, to include a visual inspection of the incident location whenever possible.
1. The incident shall be reported immediately to the Evesham Township Human Resources Office in order to facilitate notification to the Township third party case management team (Qual-Lynx).
 - If an incident occurs on days or times when a Human Resources staff member is not present (evening/weekends), the supervisor shall contact Qual-Lynx directly at 1-877-822-9368. Qual-Lynx has someone available 24/7 to take the call and direct care of the employee.
 2. The investigating supervisor shall document the results of the investigation on the **Worker's Compensation Accident Investigation Report**. The investigating supervisor shall also complete a **Special Report** detailing the incident and investigation.
 3. When appropriate, witness statements and photographs of the scene shall be obtained and included in the investigation package.
- C. Whenever an injury or illness suffered by an employee while on duty is reported to a supervisor, that supervisor shall direct that a **Worker's Compensation Accident Investigation Report** (first section only) is promptly completed and signed by the employee suffering the injury or illness.
1. If the injured employee is incapacitated and/or incapable of completing the first section, the supervisor will complete the injured employee's section of the report to the best of his/her ability with the information gleaned from the accident/injury investigation. The fact that the report was completed by someone other than the injured employee shall be noted on the form.
 2. The supervisor shall complete and sign the second section of the report regardless of the injured employee's condition.
 3. Once completed, the form shall be immediately forwarded through the chain of command to the Administrative Division Commander.
 4. The Administrative Division Commander, or his/her designee, will forward the form and any other associated paperwork to the Evesham Township Human Resources Office.
- E. If the injuries are the result of a motor vehicle accident, the employee shall be required to complete the first section of the **Worker's Compensation Accident Investigation Report**. The investigating supervisor shall complete the applicable sections (both if the employee is incapacitated and/or incapable of completing the report) of the **Worker's Compensation Accident Investigation Report** and an **Automobile Loss Form**.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

1. Completed forms shall be immediately forwarded through the chain of command to the Administrative Division Commander.
 2. The Administrative Division Commander, or his/her designee, will forward the forms and any other associated paperwork to the Evesham Township Human Resources Office
- F. Whenever possible, the above referenced reporting forms shall be completed prior to end of the injured employee's scheduled duty shift. In extraordinary situations where this is not possible, the reports must be filed within twenty-four (24) hours of the incident that caused the injury.
1. The prompt and accurate documentation of any duty-related injury or illness is of paramount importance to the affected employee in terms of proper medical care, insurance coverage and temporary or permanent disability determinations. Timely and accurate reports should assist in the reduction of denied or challenged claims.
- G. The Administrative Division Commander shall complete a meaningful administrative review of all occupational injuries and illnesses on a **Special Report**. The purpose of the review is to prevent future occupational injuries and illnesses in order to minimize and mitigate future risk. The review is in addition to any criminal or quasi-criminal investigation that is conducted.
1. The review shall include any recommendations for policy changes, training, equipment, enhancements, and/or discipline. The administrative review should strive to determine if the injury or illnesses was preventable.
 2. Completed reviews shall be forwarded to the Chief of Police for review.
 3. Following the review by the Chief of Police, all the Injured on Duty paperwork, along with the meaningful Administrative Review completed by the Administrative Division Commander will be forwarded to the Internal Affairs Bureau. The Internal Affairs Bureau will file the IOD paperwork and will make entries into the Employee Injury Data Base and the Early Warning System.
- H. Any dispute concerning the status of an injury as it relates to whether or not it was received in the performance of official duty shall be decided by the township workman's compensation insurance carrier, or in a contested matter, by the Workers' Compensation Court. For the purposes of this written directive, the terms "in the course of employment" as defined in N.J.S.A. 34:15-1 and "in the performance of official duty" shall be considered identical.

III. Treatment Facilities

- A. Whenever an employee is injured on duty and requires medical attention the following procedure shall be employed:
1. Emergencies – the employee shall be transported to the nearest available hospital emergency room for treatment.
 - The term emergencies shall be meant to include any life-threatening injury and other injuries that would normally require a patient to be transported to a hospital emergency room by ambulance.
 2. Non-Emergency – if the injury is of such a nature that is would not be consistent with the above description, the employee will be directed to the contracted medical facility.
 - The current contracted medical facility is Concentra Occupational Health facilities located at 817 East Gate Drive, Mount Laurel, NJ (856-778-1090) for treatment that is sought Monday – Friday between 8:00am–5:00pm (excluding holidays). If necessary transportation shall be provided by the department.
 3. If the treatment is sought at any other time, the employee shall report to Virtua Health System, Marlton hospital emergency room. After the initial examination at the hospital, the employee shall notify the on-duty supervisor, who shall then notify Human Resources to arrange for an appointment for a follow-up examination at a facility determined by the case manager.
 - If the injury is of such a character that an automobile cannot safely be operated by the injured employee, and the employee is unable to arrange private

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

transportation to the facility, the employee must notify the on-duty supervisor who shall arrange transportation. This notification shall occur as far in advance as is possible to provide the supervisor with an opportunity to facilitate the arrangements.

- B. All department supervisors are required to maintain a supply of printed notices concerning billing information that must be provided to the treating facility. These notices shall be produced at registration prior to treatment and will be required regardless of the facility selected.
1. A reserve supply of these notices shall be maintained in the Patrol Room.
 2. The proper billing information for work related injuries is as follows:

Claims Administrator:

Qual-Lynx
100 Decadon Drive
Egg Harbor Township, NJ 08234-3831

Employer:

Township of Evesham

Policy Number:

IV. Family Notification Protocol

- A. Whenever an employee is injured as a result of the performance of duty, the timely notification of the command staff and the employee's family shall be a priority.
- B. In instances where the employee's injuries are not life threatening and appear to be relatively minor in nature, the following notification procedure shall be employed:
1. The on duty supervisor shall notify the injured employee's respective bureau commander as soon as is practical after the incident. This notification should contain relevant information regarding the cause, nature and extent of the injury and a prognosis for the date of return to full duty if known.
 - It shall be the responsibility of the bureau commander to determine the extent of additional command staff notifications that shall be made.
 - Additional notifications deemed necessary shall be made by the bureau commander.
 2. The on duty supervisor shall consult with the injured employee to determine if a notification to his/her family is desired, and if the injured employee would prefer to make the notification personally or if he would like the department to handle it.
 - Personal notification by the employee will be made via telephone from the hospital or other medical facility.
 - If the department is requested to make the notification, the on duty shall determine the most appropriate method for completing this assignment.
 - ✓ If the injury is minor, the on duty supervisor shall make the notification by telephone.
 - ✓ If the injury is of a more serious nature and the injured employee's family resides locally, a personal notification by two (2) department members, one (1) of which should be a supervisor, shall be considered the most desirable option.
 - ✓ If the injury is of a more serious nature and the employee's family resides a considerable distance from the township, a telephonic notification shall be considered in the interest of timeliness. The on duty can also consider coordinating with the police department having jurisdiction where the employee's family resides so as to facilitate an in person notification. The in person notification, by the outside police

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

department, shall be immediately followed up with phone contact between the on duty supervisor and employee's family.

- In any situation where an injured employee's family requests assistance with transportation to the hospital or other medical facility, or circumstances suggest that would be the prudent decision, transportation shall be immediately arranged by the on duty supervisor.
 - On behalf of the Chief of Police, the on duty supervisor shall extend an offer of continuing assistance to the injured employee's family in respect to any matters deemed helpful for the employee's full and expedient recovery.
- C. In instances where an employee has suffered a substantial injury, whether or not the injury is deemed life threatening, the following notification procedure shall be employed:
1. The on duty supervisor shall notify the employee's respective bureau commander as soon as possible after becoming aware of the incident. All available information should be relayed to allow the bureau commander to make an informed notification to the other members of the command staff.
 - The bureau commander shall contact the Chief of Police by phone.
 - The bureau commander shall then make notification to the command staff via email.
 2. A prompt personal notification shall be made to the injured employee's family. The bureau commander shall be responsible to select the member's responsible for this assignment. The notification procedure explained in *V6C23 - Line of Duty Injury/Death* should be utilized to provide guidance for the notification team as many of the considerations are similar. Whenever possible, at least one (1) member of the notification team shall be a supervisor, and at least one (1) member shall be in uniform.
 3. Transportation to the hospital where the injured employee is being treated shall be supplied by the notification team and will be done in a marked police vehicle whenever possible.
 4. Additionally, the local police department having jurisdiction in the municipality where the injured employee is being treated shall be notified of the impending arrival of the injured employee as additional security and/or crowd control measures may be warranted.

V. Criminal Investigations

- A. In any situation where an offense is committed against an employee that results in an injury, the on duty supervisor shall also be responsible for the proper notification of investigative personnel, the number and extent of which shall be determined by the seriousness of the offense.
1. In any situation where the on duty supervisor does not feel the need to summon investigative personnel for assistance, it shall be that supervisor's responsibility to ensure that a comprehensive investigation report is prepared.
- B. All employees who are the victim of an offense are entitled to the same rights as any other citizen regarding victim/witness notification and assistance.

VI. Modified Duty

- A. Any employee who suffers an injury or illness the extent of which renders the employee incapable of returning to full duty may be eligible for a temporary modified duty assignment if said member is capable of performing an alternate assignment and such an assignment is available.
- B. Employees injured or suffering from an illness as a result of the performance of official duty shall be given preference in assignment to temporary modified duty.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- C. Modified duty assignments are strictly temporary in nature and normally shall not exceed six (6) months in duration. (See *V1C22 - Modified Duty Assignments* for more information)

VII. Disability Benefits

- A. Employees injured, as a result of official performance of duty, may be eligible for certain disability benefits. The extent of benefits is generally commensurate with the degree of injury and resulting disability.
 - 1. In certain situations, employees may be entitled to a disability retirement allowance. Affected employees should refer questions to the New Jersey Division of Pension and Benefits. The applicable pension board shall determine the amount of the disability retirement allowance.
 - 2. The injured employee may also be eligible to file a claim with the Worker's Compensation Board.
- B. The township's duty to supplement workers' compensation benefits is defined in the applicable collective bargaining agreements and, in the case of non-union employees, the Township Code.
- C. The department reserves the right to request that the township run an employee's Family and Medical Leave Act eligibility period concurrent with any period of lost time where the employee is collecting worker's compensation benefits or other disability benefits.
- D. Any employee who has been out of work due to an injury or illness for a substantial period of time may be required to submit to a medical examination performed by the township physician or his designee to determine the employee's fitness for duty.

VIII. OSHA/PEOSHA Requirements

- A. The United States Occupational Safety and Health Administration (OSHA) requires notification following any work-related accidental fatality.
 - 1. Occupational Safety & Health Administration
(856) 596-5200
- B. The New Jersey Department of Labor - Office of Public Employee Safety requires telephonic notification as soon as possible following any employee fatalities or in-patient hospitalizations resulting from work-related accidental injury or illness.
 - 1. Office of Public Employee Safety
1 (800) 624-1644
- C. The township third-party case management team is responsible for ensuring the above referenced telephonic notifications are made in a timely fashion.

IX. Annual Review of Employee Injuries

- A. In January of each year the Administrative Division Commander will conduct analysis of the employee injuries that occurred in the prior year. This analysis will look to identify trends, patterns, aimed at identifying root causes of employee injuries. The analysis will make recommendations that will assist in lowering employee injuries through risk management, training and safety equipment. The completed annual employee injury review will be forwarded to the Chief of Police.

EVESHAM POLICE DEPARTMENT MANUAL

VOLUME NUMBER: 6

CHAPTER NUMBER: 41

VOLUME TITLE: GENERAL

REFERENCE: V6C41

ISSUED BY: CHIEF CHRISTOPHER CHEW

OF PAGES: 12

SUBJECT: AUTOMATED LICENSE PLATE READERS (ALPR)

EFFECTIVE DATE: JANUARY 13, 2011

GENERAL ORDER # 11-490

LAST REVISED: JUNE 12, 2019

APPLICABILITY: ALL SWORN EMPLOYEES

ANNUAL REVIEW:

ACCREDITATION STANDARDS: 41.3.9

The Written Directives developed by the Evesham Township 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 a uniform policy and procedure for the use of automatic license plate readers (ALPR).

POLICY: It is the policy of Evesham Township Police Department to utilize ALPR technology to the extent possible in accordance with New Jersey Attorney General's Directive 2010-5.

PROCEDURE:

I. Definitions

- A. **Automated License Plate Reader (ALPR)** - means a system consisting of a camera(s) and related equipment that:
1. Automatically and without direct human control locates, focuses on, and photographs license plates and vehicles that come into range of the device;
 2. Automatically converts digital photographic images of scanned license plates into electronic text documents;
 3. Is capable of comparing scanned license plate text data with data files for vehicles on a BOLO list programmed into the device's electronic memory; and
 4. Notifies officers, whether by an audible alert or by other means, when a scanned license plate matches the license plate on the programmed BOLO list.
 5. 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.
- B. **Authorized User** - means a sworn or civilian employee of a law enforcement agency who has been authorized by the chief of police or his designee, to operate an ALPR or to access and use ALPR stored data, and who has successfully completed training provided by the agency on this directive and on *AG Directive 2010-5*.
- C. **BOLO (Be on the Lookout) 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.

EVESHAM POLICE DEPARTMENT MANUAL

- D. **BOLO List** - (also known 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.
1. **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.
 2. **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.
- E. **Chief** - shall mean the Chief of Police or the highest ranking sworn officer of a law enforcement agency.
- F. **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.
- G. **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.
- H. **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 page 9 of this directive.
- I. **Designated Supervisor(s)** - means one or more superior officers 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.
- J. **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.
- K. **Post-Scan BOLO Query** - refers to the process of comparing a post-scan BOLO list against stored ALPR data.

EVESHAM POLICE DEPARTMENT MANUAL

- L. **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.
- M. **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 (e.g. 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.
 - 1. **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.
 - 2. **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.
 - 3. **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).

II. General

- A. ALPR and the data that are collected by these devices stored for future use shall only be used in accordance with *Attorney General Directive 2010-5*, the manufacturer's use manual, and this directive.
 - 1. ALPRs and ALPR-generated data shall only be used for bona fide public safety purposes.
- B. These procedures apply to any ALPR data that is collected by another law enforcement agency and provided to this agency or collected by this agency and provided to another law enforcement agency.
- C. An ALPR and data generated by an ALPR shall only be used for official and legitimate law enforcement business and should be interpreted and applied to achieve the following objectives:
 - 1. To ensure that BOLO lists 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;
 - 2. 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;
 - 3. To permit a thorough analysis of stored ALPR data to detect crime and protect the homeland 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; and
 - 4. 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.

EVESHAM POLICE DEPARTMENT MANUAL

- D. ALPR shall be used in a consistent manner to assist department personnel in accomplishing its mission in homeland security, suspect interdiction, stolen property recovery, detection of crime, enforcement of State law and local ordinances, identification of stolen vehicles, stolen license plates, wanted and missing persons, AMBER Alert assistance, crime prevention and other traffic related matters.
- E. Information obtained through ALPR use shall only be released or disseminated in accordance with NJCJIS User Agreement protocols, applicable State Statutes, and applicable Court Rules. Unauthorized release of any information obtained through an ALPR is subject to criminal, civil, and administrative sanctions.
- F. ALPR is more than an enforcement tool. ALPR should be deployed to capture the license plates of vehicles in the area of a major crime or an area of repeated minor offenses. Captured data can be analyzed and utilized in criminal investigations or in the assignment of staffing based on empirical data.
- G. Designated supervisors shall:
 - 1. Provide or oversee the training of all officers and civilian employees who are authorized to operate an ALPR or to access or use ALPR stored data;
 - 2. Review and approve requests to access and use stored ALPR data to conduct crime trend analyses and/or to access personal identifying information based upon crime trend analyses; and
 - 3. Ensure compliance with this directive and *AG Directive 2010-5*.
- H. The Chief of Police shall designate all authorized users. No officer or civilian employee will be authorized to operate an ALPR, or access or use ALPR stored data, unless the officer or civilian employee has received training by the agency on the proper operation of these devices, and on the provisions of this directive and *AG Directive 2010-5*.
- I. Any sworn officer or civilian employee of the agency who knowingly violates this directive or *AG Directive 2010-5* shall be subject to discipline.
- J. All significant violations of this directive or *AG Directive 2010-5*, including but not limited to all instances involving the unauthorized access or use of ALPR stored data, must be reported to the Burlington County Prosecutor upon discovery of the violation. Unless the Burlington County Prosecutor elects to conduct or oversee the investigation of the violation, such notification of the violation shall be followed up with a report, approved by the Chief of Police, explaining to the Burlington County Prosecutor the circumstances of the violation, and the steps that are being taken to prevent future similar violations.
 - 1. Investigations into violations of this directive shall be conducted in accordance with the internal affairs process.
- K. The Chief of Police shall provide a copy of this directive to the Burlington County Prosecutor, at or before the time of promulgation and shall provide to the Burlington County Prosecutor copies of any amendments or revisions to this directive at or before the time that such amendments take effect.

III. Deployment of ALPR

- A. 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 which 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).

EVESHAM POLICE DEPARTMENT MANUAL

- B. An ALPR shall not be deployed in the field unless the deployment has been authorized by the Chief or a designated supervisor. Such authorization may be given for repeated or continuous deployment of an ALPR in which event the deployment authorization shall remain in force and effect unless and until rescinded or modified by the Chief or designated supervisor.
- C. Sworn officers or civilian employees of the agency 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 and has received training from the agency on the proper use and operation of ALPRs, the requirements of *Attorney General Law Enforcement Directive 2010-5*, and this directive.
- D. Personnel must ensure that the lenses are free from obstructions before operations. If safe to do so, personnel may remove obstructions such as snow, mud, paper, etc. Under no circumstances are the camera lenses to be wiped with anything other than a clean, soft cloth.
- E. Any damage to the ALPR systems or any problems with the operation of an ALPR system should be immediately reported to the on duty supervisor verbally and then documented on the motor vehicle inspection log. The on duty supervisor shall complete a **Special Report** outlining the damage to the equipment and then forward the report through the Chain of Command to Chief of Police for review.
- F. Personnel authorized to use ALPR shall ensure that the system is operating properly every time the vehicle is used for patrol. Officers shall sign on to the system in the following manner:
 - 1. Click on the PAGIS icon to open the ALPR.
 - Enter Login and password.
 - Location section should be left blank for general patrol duties. If a member is on a directive patrol assignment the location can be entered. If a member is patrolling a specific area for an investigation (i.e. a bank parking lot, an apartment complex, a development) then the location can be entered.
 - 2. Prior to exiting the sallyport lane, the member operating the ALPR needs to click the **Begin Shift** icon so that all new NCIC and DMV updates can be wirelessly downloaded into the system. This should take less than 5 minutes.
 - 3. Once the NCIC and DMV updates are downloaded, the ALPR system is ready for use. The member shall click on the **Cam Mode for Traffic** for normal patrol, The screen will read "Front Left" and "Front Right" above the camera image.
 - 4. In parking lots click on **Cam Mode for "Parking"**. You should see "front Right" and "Right Park" above the camera image screens. Ideally the ALPR will function best from a distance of 5 to 8 feet at 10 miles per hour or less in a parking lot.
 - 5. At the end of each shift, the vehicle must be parked in the sallyport lane. The member shall click on the **End Shift** icon to download all the stored information.

IV. Maintenance of Records

- A. The Support Services Bureau Commander shall maintain a written or electronic record that documents the following information:
 - 1. Date and time when the ALPR was deployed;
 - 2. Whether the ALPR was mobile, or was stationed at a fixed specified location;
 - 3. The identity of the operator(s);
 - 4. Whether ALPR data was transferred to any other database or data storage device or system.
- B. The Support Services Bureau Commander shall maintain a record of all access to stored ALPR data. The agency's ALPR data record keeping system, which may be automated, shall document the following information:

EVESHAM POLICE DEPARTMENT MANUAL

1. The date and time of access, and in the case of access to stored non-alert data, the type of access authorized (e.g., post-scan BOLO query, crime scene query, or crime trend analysis);
 2. The authorized user who accessed the stored data;
 3. Whether an automated software program was used to analyze stored data;
 4. The designated supervisor who reviewed and approved any disclosure of personal identifying information based upon crime trend analysis when such approval is required;
 5. The designated supervisor who approved any use of an automated crime trend analysis computer program that would automatically alert and disclose personal identifying information;
 6. Any other information required to be documented.
- C. All written or electronic records of ALPR activity and access to ALPR data shall be maintained by the agency for a period of five years and shall be kept in a manner that makes such records readily accessible to any person authorized by this directive to audit the agency's use of ALPRs and ALPR-generated data. If an automated system is used to record any information that is required to be documented pursuant to this directive, it shall not be necessary to maintain duplicate records of any events or transactions that are documented by the automated record-keeping system. The Evesham Police Department does not maintain any digital ALPR records, all ALPR records are retained through the BOSS System maintained by Burlington County.
- D. All stored data and required documentation and decisions shall be kept in a place and in a manner as to facilitate a review and audit of the agency's ALPR program by the Burlington County Prosecutor or by the Attorney General or designee(s).

V. Content and Approval of BOLO Lists

- A. 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.
- B. 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.
- C. Examples of legitimate and specific reasons include, but are not limited to:
1. Persons who are subject to an outstanding arrest warrant;
 2. Missing persons;
 3. Amber or Silver Alerts;
 4. Stolen vehicles;
 5. Vehicles that are reasonably believed to be involved in the commission of a crime or disorderly persons offense;
 6. Vehicles that are registered to or are reasonably believed to be operated by persons who do not have a valid operator's license or who are on the revoked or suspended list;
 7. Vehicles with expired registrations or other Title 39 violations;
 8. Persons who are subject to a restraining order or curfew issued by a court or by the Parole Board, or who are subject to any other duly issued order restricting their movements;
 9. Persons wanted by a law enforcement agency who are of interest in a specific investigation, whether or not such persons are themselves suspected of criminal activity; and
 10. Persons who are on any watch list issued by a State or federal agency responsible for homeland security.

EVESHAM POLICE DEPARTMENT MANUAL

- D. BOLO list information may be downloaded in batch form from other databases, including but not limited to the National Crime Information Center (NCIC), National Insurance Crime Bureau, United States Department of Homeland Security, and Motor Vehicle Commission database.
- E. An initial BOLO list may be revised at any time. In the event that an initial BOLO list is constructed, in whole or in part, with sets of data downloaded from another database, so as to account for any changes that may have been made in the data maintained in those other databases, updates to the initial BOLO list shall, in the case of a mobile unit attached to a police vehicle, be made at the start of each shift, and in the case of an ALPR positioned at a stationary location, be made as frequently as is practicable, and on not less than a daily basis. Information concerning any license plate that is referenced in an Amber or Silver Alert activated by the New Jersey State Police shall be added to the initial BOLO list as expeditiously as possible, and shall remain in the initial BOLO list until the Amber or Silver Alert expires or is withdrawn.
- F. When practicable, the reason for placing a vehicle on BOLO list shall be included with the BOLO and shall be disclosed to the officer who will react to an immediate alert. If for any reason an officer reacting to an immediate alert should not initiate an investigative detention (*e.g.*, where the license plate was included in the BOLO list because the department or any other agency wanted to be notified of the location of the subject vehicle without alerting the driver/occupants that they are the subject of law enforcement attention, such as in the case of Violent Gang or Terrorist Organization File (VGTOF) alert, to the extent feasible, the information attached to the license plate on the BOLO list shall be entered in such a way as to cause the ALPR to clearly designate an immediate alert as a non-encounter alert, and shall provide specific instructions to the officer as to who to notify of the alert.

VI. Actions in Response to an Immediate Alert

- A. When officers operating a vehicle equipped with ALPR receive an immediate alert, the officer shall take such action in response to the alert as is appropriate in the circumstances. Officer(s) alerted to the fact that an observed motor vehicle's license plate is on the BOLO list may be required to make a reasonable effort to confirm that a wanted person is actually in the vehicle before the officer would have a lawful basis to stop the vehicle. (*State v. Parks*, 288 N.J. Super. 407 App. Div. 1996). Police do not have reasonable suspicion to justify a stop based on a computer check that shows that the operator's license of the registered owner of the vehicle is suspended unless the driver generally matches the owner's physical description (*e.g.*, age and gender).
- B. Alerts are classified as Medium and High Alerts.
 - 1. A **Medium Alert** will show a code of "E" or "S". "E" represents expired tags and unregistered vehicles. "S" represent suspended registrations.
 - 2. A **High Alert** will represent an active warrant and NCIC hits. Some examples of High Alerts are: Amber and Silver Alerts, stolen vehicle, wanted and missing persons. High Alerts provided greater detail on the LPR screen.
- C. Upon receiving an alarm for DMV violation, the ALPR operator shall utilize whatever information is available to determine the accuracy of the "hit". The ALPR operator will visually verify the particular tag and the actual read on the ALPR to confirm they are the same. The operator will confirm the "hit" by checking the tag through CJIS or central communication to confirm the information is still active. Receipt of an ALPR alarm is NOT sufficient probable cause to warrant an arrest without additional verification. The information contained in the DMV database is not downloaded until Monday at 4:00 am of each of week. The information contained in the NCIC database is downloaded on a daily basis. It is extremely important to verify all information via MCT or through central communications before taking any enforcement action.

EVESHAM POLICE DEPARTMENT MANUAL

- D. An officer reacting to an immediate alert shall consult the database to determine the reason why the vehicle had been placed on the BOLO list and whether the alert has been designated as a non-encounter alert. In the event of a non-encounter alert, the officer shall follow any instructions included in the alert for notifying the law enforcement or homeland security agency that had put out the BOLO.

VII. Security of Stored ALPR Data

- A. All ALPR stored data shall be kept in a secure data storage system with access restricted to authorized persons. Access to this stored data shall be limited to the purposes described in Section IX.
- B. Stored ALPR data shall be maintained electronically in such a manner as to distinguish alert data from non-alert data so as to ensure that access to and use of non-alert data and any disclosure of personal identifying information resulting from the analysis of non-alert data occurs only as authorized pursuant to Section IX. Positive alert data may, as appropriate, be transferred to the appropriate active investigation file and if appropriate be placed into evidence in accordance with the agency's evidence or records management procedures.

VIII. Retention Period and Purging of Stored Data

- A. ALPR stored data shall be retained for a period of five years, after which, the data shall be purged from the agency's data storage device or system.
- B. ALPR data may be purged before the expiration of the five-year retention period only if the data has been transferred to the State Police Regional Operations Intelligence Center (R.O.I.C.) or any other system that aggregates and stores data collected by two or more law enforcement agencies in accordance with the provisions of *AG Directive 2010-5* and this directive.
- C. A law enforcement agency also may seek authorization from the Director of the Division of Criminal Justice to purge ALPR data before the expiration of the five-year retention period for good and sufficient cause (e.g., to reduce documented storage costs), provided that the data to be purged has been retained for a minimum of two years.
- D. Any ALPR data transferred to another agency shall indicate the date on which the data had been collected by the ALPR so that the receiving agency may comply with the five-year retention and purging schedule established in *AG Directive 2010-5* and this directive.

IX. Limitations on Access to and Use of Stored ALPR Data

- A. Authorized users may access and use stored ALPR Alert Data as part of an active investigation or for any other legitimate law enforcement purpose including, but not limited to a post-scan BOLO query, a crime scene query, or crime trend analysis.
 - 1. A record shall be made of all access to ALPR data, which may be an automated record that documents the date of access and the identity of the authorized user.
 - 2. An authorized user does not need to obtain approval from the chief or designated supervisor for each occasion on which he or she accesses and uses stored ALPR data. Once positive alert data has been accessed and transferred to an investigation file, it shall not be necessary thereafter to document further access or use of that data pursuant to this directive.
- B. Access to and use of stored Non-Alert ALPR Data is limited to the following three purposes:
 - 1. A post-scan BOLO query;
 - 2. A crime-scene query; and
 - 3. Crime trend analysis.

EVESHAM POLICE DEPARTMENT MANUAL

- C. An authorized user does not need to obtain approval from the chief or a designated supervisor for each occasion on which he or she accesses and uses stored non-alert data pursuant to this directive.
- D. Post-Scan BOLO Query
1. Authorized users are authorized to compare a post-scan BOLO list against stored ALPR data where the results of the query might reasonably lead to the discovery of evidence or information relevant to any active investigation or ongoing law enforcement operation, or where the subject vehicle might be placed on an active initial BOLO list.
 2. Example: an authorized user may review stored non-alert data to determine whether a specific vehicle was present at the time and place where the ALPR data was initially scanned for the purpose of confirming or dispelling an alibi defense, or to develop lead information for the purpose of locating a specified vehicle or person. Authorized users may also check stored data to determine whether a vehicle that was only recently added to an initial BOLO list had been previously observed in the jurisdiction before it had been placed on an initial BOLO list.
- E. Crime Scene Query
1. Authorized users are permitted to access and use stored non-alert data where such access might reasonably lead to the discovery of evidence or information relevant to the investigation of a specific criminal event.
 - If an investigator has reason to believe that a specific person or vehicle was at or near the location of the specific crime at the time of its commission, non-alert stored data might also be examined as part of post-scan BOLO query.
 2. A crime scene query may not be conducted to review stored non-alert data based on general crime patterns (*e.g.* to identify persons traveling in or around a high crime area), but rather is limited to situations involving specific criminal events.
 3. The crime scene query of non-alert stored data shall be limited in scope to stored non-alert data that is reasonably related to the specified criminal event, considering the date, time, location, and nature of the specified criminal event. Examples:
 - A crime that reasonably involves extensive planning and possible rehearsals, such as a terrorist attack, would justify examining stored non-alert data that had been scanned and collected days or even weeks or months before the criminal event, and that may have been scanned at a substantial distance from the site of the crime or intended crime (*e.g.*, at any point along a highway leading to the intended crime site).
 - A spontaneous crime, in contrast, might reasonably justify examination of stored non-alert data that was scanned and collected on or about the time of and in closer physical proximity to the criminal event.
 4. The authorized user shall document the specific crime or related crimes constituting the criminal event and the date(s) and location(s) of the specific crime(s).
- F. Crime Trend Analysis
1. An authorized user may access and use stored non-alert data for purposes of conducting crime trend analyses when such access and analyses are approved by a designated supervisor and where such analyses are undertaken to produce analytical products that are intended to assist the agency in the performance of its duties.
 - A designated supervisor may authorize one or more authorized users to conduct a method or methods of crime trend analysis on a repeated or continuous basis, in which event such authorization shall remain in force and effect unless and until modified or rescinded by the supervisor.
 - A designated supervisor may also approve the use of an automated software program to analyze stored data to look for potentially suspicious activity or other anomalies that might be consistent with criminal or terrorist activity.

2. Crime trend analyses of stored non-alert data, whether automated or done manually, shall not result in the disclosure of personal identifying information to an authorized user or any other person unless:
 - The agency can point to specific and articulable facts that warrant further investigation of possible criminal or terrorist activity by the driver or occupants of a specific vehicle (*e.g.* unusual behavior consistent with the *modus operandi* of terrorists or other criminals), and access to the personal identifying information based on those specific and articulable facts has been approved by a designated supervisor. Such approval may be given by a designated supervisor in advance when the crime trend analysis reveals the existence of specified suspicious circumstances that would warrant further investigation and that would justify disclosure of personal identifying information to the authorized user conducting the analysis under the specific and articulable facts that warrant further investigation standard of proof. The supervisor shall document any and all specified suspicious circumstances for which disclosure of personal identifying information is pre-approved if those suspicious circumstances are revealed by authorized crime trend analysis.
 - When an automated crime trend analysis computer program is used, specified suspicious circumstances that would warrant further investigation and that would justify disclosure of personal identifying information to an authorized user may also be pre-approved by a designated supervisor and built into the computer program so that if the program identifies the existence of the pre-determined suspicious circumstances, it will automatically alert the authorized user of the suspicious activity and provide to him/her the relevant personal identifying information in accordance with the specific and articulable facts that warrant further investigation standard of proof; or
 - Disclosure of personal identifying information concerning any vehicle plate scanned by the ALPR is authorized by a grand jury subpoena.
3. Nothing in this section shall be construed to prohibit a computer program from accessing and comparing personal identifying information of one or more individuals who are associated with a scanned vehicle as part of the process of analyzing stored non-alert data, provided that such personal identifying information is not disclosed to a person unless the specific and articulable facts that warrant further investigation standard is satisfied. The specific and articulable facts that warrant further investigation standard applies only to the crime trend analysis of non-alert data and nothing in this Section shall be construed to limit disclosure of personal identifying information of a person who is the registered owner of a vehicle that is on an initial or post-scan BOLO list.
4. For the purposes of this Section, the specific and articulable facts that warrant further investigation standard required for the disclosure of personal identifying based upon crime trend analysis of stored non-alert data is intended to be comparable to the specific and articulable facts that warrant heightened caution standard developed by the New Jersey Supreme Court in *State v. Smith*, 134 N.J. 599, 616-19 (1994) (establishing the level of individualized suspicion required before an officer may order a passenger to exit a motor vehicle stopped for a traffic violation).
5. The authorized user accessing stored non-alert ALPR data for purposes of conducting crime trend analysis shall document:
 - The nature and purpose of the crime trend analysis;
 - The persons who accessed stored non-alert ALPR data for use in conducting that analysis; and
 - The designated supervisor who approved access to ALPR non-alert data.
6. In any instance where personal identifying information is disclosed based upon crime trend analysis of stored non-alert data, the authorized user shall document the specific and articulable facts that warrant further investigation and the designated supervisor who reviewed those facts and approved the disclosure of personal identifying information, or who pre-approved disclosure of personal identifying information based

EVESHAM POLICE DEPARTMENT MANUAL

upon specified circumstances identified by an automated crime trend analysis computer program, or, where applicable, the fact that access to personal identifying information was authorized by a grand jury subpoena.

X. Shared Law Enforcement Access to Stored ALPR Data

- A. ALPR data obtained in conformance with this directive can be accessed and used by this agency and may be shared with and provided to any other law enforcement agencies.
- B. Stored ALPR data may be combined with ALPR data collected by two or more law enforcement agencies (*e.g.*, collection of stored data by the State Police Regional Operations Intelligence Center); provided that such aggregated data shall only be retained, accessed, and used in accordance with the provisions of *AG Directive 2010-5* and this directive.
- C. When ALPR data is made accessible to or otherwise shared with or transferred to another law enforcement agency, the member receiving the request shall document the identity of the other agency and the specific officer(s) or civilian employee(s) of that agency who were provided the information.
- D. When the transfer of stored ALPR data is performed periodically as part of a system for aggregating data collected by two or more law enforcement agencies (*e.g.*, the scheduled and routine transmittal of data to the State Police Regional Operations Intelligence Center), each agency contributing data to the combined database shall maintain a record of the data transfer, which may be an automated record, and shall have and keep on file a memorandum of understanding or agreement or other memorialization of the arrangement for maintaining and populating a database comprised of stored ALPR data collected by multiple law enforcement agencies. Any agency provided with access to or use of the ALPR data collected this agency shall comply with all applicable provisions of *AG Directive 2010-5* concerning stored ALPR data and disclosure of personal identifying information.

XI. Release of ALPR Data to Non-Law Enforcement Persons or Agencies

- A. Stored ALPR data shall be considered criminal investigatory records as defined in N.J.S.A. 47:1A-1 *et seq.*, and shall not be shared with or provided to any person, entity, or government agency, other than a law enforcement agency, unless such disclosure is authorized by a subpoena or court order, or unless such disclosure is required by the Rules of Court governing discovery in criminal matters. Any agency receiving a subpoena or court order for the disclosure of ALPR data shall, before complying with the subpoena or court order, provide notice to the County Prosecutor.

XII. Program Accountability

- A. All ALPR records documenting the use of an ALPR or access to or use of ALPR stored data, whether kept manually or by means of an automated record-keeping system, shall be subject to review and audit by the County Prosecutor, or by the Attorney General or designee.
- B. Any complaints about a department's ALPR program made by any citizen or entity shall be forwarded to the Burlington County Prosecutor for appropriate review and handling. The County Prosecutor may conduct an investigation, or may direct the agency that is the subject of the complaint to conduct an investigation and to report back to the Burlington County Prosecutor.
 - 1. Investigations into violations of this directive shall be conducted in accordance with the internal affairs process.

EVESHAM POLICE DEPARTMENT MANUAL

XIII. Sanctions for Non-Compliance

- A. If the Attorney General or designee has reason to believe that a law enforcement agency or officer or civilian employee is not complying with or adequately enforcing the provisions of *AG Directive 2010-5*, the Attorney General may temporarily or permanently suspend or revoke the authority of the department, or any officer or civilian employee, to operate an ALPR, or to gain access to or use ALPR stored data. The Attorney General or designee may initiate disciplinary proceedings and may take such other actions as the Attorney General in his or her sole discretion deems appropriate to ensure compliance with these Guidelines.

XIV. Authority of Attorney General to Grant Exemptions or Special Use Authorizations

- A. ALPRs and all ALPR stored data shall only be used and accessed for the purposes and in the manner authorized by *AG Directive 2010-5*. In recognition of the need to be able to address issues or circumstances that are not contemplated by *AG Directive 2010-5*, the Attorney General or designee may grant an exemption from any provision of *AG Directive 2010-5* and may authorize the specific use of an ALPR, or the data collected by or derived from an ALPR, that is not expressly authorized by *AG Directive 2010-5*. Any request by a department to use an ALPR or ALPR-generated data for a purpose or in a manner not authorized by *AG Directive 2010-5* shall be made to the Attorney General or designee through the Director of the Division of Criminal Justice or designee, who shall make recommendations on whether to grant the agency's specific request for an exemption or special authorization. Such requests shall be made in writing unless the circumstances are exigent, in which event the request by the agency and approval or denial by the Attorney General or designee may be given orally, in which event the circumstances of the request and the approval or denial shall be memorialized in writing as soon thereafter as is practicable.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

VOLUME NUMBER: 7	CHAPTER NUMBER: 13
VOLUME TITLE: AUTHORITY	REFERENCE: V7C13
ISSUED BY: CHIEF CHRISTOPHER CHEW	# OF PAGES: 7
SUBJECT: EMERGENCY VEHICLE RESPONSE PROCEDURES	
EFFECTIVE DATE: MARCH 27, 2000	GENERAL ORDER # 00-210
LAST REVISED: DECEMBER 18, 2015	
APPLICABILITY: ALL SWORN EMPLOYEES	ANNUAL REVIEW:
ACCREDITATION STANDARDS: 41.2.1, 81.2.4	
The Written Directives developed by the Evesham Township 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 use of emergency vehicle warning devices intended to minimize the risk involved in responding to emergencies as well as routine assignments.

POLICY: It is difficult, if not impossible, to describe exactly how a fleeing motorist can or should be apprehended, or the manner in which officers should respond to calls for emergency assistance, except to say that it must be done legally and safely. Likewise, one cannot set a "safe" maximum speed or in all cases specify the maximum number of police vehicles that can be involved in a pursuit. Each individual pursuit or call for emergency assistance has unique aspects. Pursuing/responding officers and field supervisors, in a short period of time, will have to use their best judgement, collect their total resources, including their training and experience, bearing in mind the provisions included in this and other applicable written directives, and apply them collectively to the existing circumstances. If the officers and field supervisors determine that the pursuit/response is justified according to established criteria and it can be performed in relative safety, they should continue with the intent to apprehend the suspected violator, while remaining constantly mindful of the risk involved to all concerned. Otherwise the pursuit should be terminated or the response method modified. The duty to avoid damage or injury to innocent third parties is superior to that of pursuit or emergency response.

PROCEDURE:

I. Definitions

- A. **Emergency:** a situation or sudden occurrence which poses an actual or potential threat of serious injury or loss of human life and which demands or requires prompt police response and/or intervention.
- B. **Emergency Vehicle:** an authorized law enforcement vehicle equipped with red emergency lights, siren, and other emergency warning devices required by law and used for emergency response situations.
- C. **Emergency Warning Devices:** devices placed in/on each emergency vehicle that emit audible or visual signals in order to warn others that law enforcement services are in the process of being delivered.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- D. **Pursuit Driving:** Pursuit driving is an active attempt by a law enforcement officer operating a motor vehicle and utilizing emergency warning lights and an audible device in an attempt to apprehend one or more occupants of another moving vehicle when the officer reasonably believes that the driver of the fleeing vehicle is aware of the officer's attempt to stop the vehicle and is resisting apprehension by increasing vehicle speed, ignoring the officer or otherwise attempting to elude the officer.

II. General Considerations

- A. Officers driving authorized emergency vehicles are granted an exemption from the speed regulations provided that they are engaged in the apprehension of violators of the law, or of persons charged with, or suspected of, a violation. (N.J.S. 39:4-103)
1. This shall not relieve the driver of an authorized 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 his reckless disregard for the safety of others. (N.J.S. 39:4-91)
- B. Emergency lights and sirens shall be activated and utilized in all situations where the patrol vehicle's speed exceeds the posted speed limit on a roadway by twenty (20) miles per hour or more. Once the lights and sirens are activated, the officer shall advise central communications and a supervisor via radio of the violation resulting in the increase in speed. The supervisor shall examine the factors to determine if the continued increase in speed is warranted and direct the officer accordingly.
- C. Moral, as well as policy considerations (See V712 – Vehicular Pursuit Procedures), requires that officers balance the necessity for pursuit or apprehension against the possibility and severity of damage or injury.
- D. The law permits necessary escalation of force directed against an offender to affect his or her apprehension so long as it is the minimum force reasonably necessary to overcome his or her efforts whether to evade apprehension or to cause harm to others.
1. Negligent or reckless actions committed by officers during their lawful efforts in pursuit of actual or suspected violators or in response to emergencies that damage or injure innocent persons are prohibited by law.
 - Liability exposing officers to criminal and/or civil action may result for the officer and the department.
 2. The use of emergency warning equipment should not be viewed as demanding the right of way but rather as requesting it.
- E. Four-wheel drive vehicles that are not pursuit rated are not considered appropriate for pursuit driving conditions due to handling limitations. Officers operating these four-wheel drive vehicles shall not become involved in a pursuit unless failure to pursue a vehicle would result in an immediate threat of death or serious bodily injury to an occupant of the vehicle other than the driver.
1. If, based upon these criteria, a decision to pursue is made; the operator of such a four-wheel drive vehicle shall relinquish his/her position in the pursuit as soon as a more suitable pursuing vehicle is in position to join the pursuit.
- F. Field supervisors and/or commanding officers are responsible for monitoring response modes and shall have the authority to upgrade or downgrade response modes as deemed appropriate.

III. Response Modes

- A. **Priority 3 (Non-Priority Response)** – The assigned officer shall respond without unnecessary delay and operate his/ her assigned vehicle with due regard for the safety of all persons.
1. The use of emergency warning devices is not authorized and officers are required to obey all motor vehicle laws.
 2. Officers may respond in a less expedient fashion but without unnecessary delay. This should not be construed so as to permit unnecessary stops, detours or idle conversations while responding, but the general nature of these assignments does not justify an emergent response.
 3. The initiation of motor vehicle stops while responding is not generally desirable unless the seriousness of the violation would reasonably justify a further delay in the officer's response to the assignment.
 4. If an officer is going to be delayed in responding to an assignment, the reason for the delay and the anticipated length of the delay shall be communicated to the field supervisor to determine if the call should be reassigned.
- B. **Priority 2 (Routine Response)** – The assigned officer shall immediately respond to the assignment, proceeding directly to the location while operating his/her assigned vehicle with due regard for the safety of all persons.
1. The use of emergency vehicle warning devices is not authorized and officers are required to obey all motor vehicle laws.
 2. Officers shall take the most direct route available, unless circumstances dictate otherwise, in an effort to reduce the overall response time. An expedient, controlled response is expected of all officers.
 3. Officers shall not initiate routine motor vehicle stops while in route to an assignment unless the suspect vehicle's character of operation is so egregious, or such other conditions are present, to warrant an immediate stop of the vehicle in the interest of public safety.
 4. If an officer is going to be delayed in responding to an assignment, the reason for the delay and the anticipated length of the delay shall be communicated to the field supervisor to determine if the call should be reassigned.
- C. **Priority 1 (Emergency Response)** – The assigned officer is to respond to the assignment immediately, proceeding directly to the location as quick as reasonably possible while operating his/her assigned vehicle with due regard for the safety of all persons.
1. During an emergency response, emergency lights and siren shall be simultaneously and continuously activated. The headlights of the vehicle shall also be activated to augment visibility.
 2. Four-way flashers shall not be utilized when the police vehicle is in motion to prevent the possibility that they might create confusion and interfere with the effective utilization of brake lights and turn signals.
 3. The spotlight is intended to provide the ability to illuminate buildings, vehicles and other areas for the purpose of conducting checks. At no time shall the spotlight be directed at the operator of a moving vehicle.
 4. Officers employing an emergency response shall give due consideration to the following conditions and modify the response accordingly:
 - Police vehicle condition and the officer's familiarity with the roads.
 - Roadway and weather conditions.
 - Type of area and volume of traffic.
 5. Emergency vehicle warning devices may be deactivated at a safe distance from the incident location if necessary to prevent warning suspects of the impending arrival of the police, or in situations where the siren and/or emergency lights might tend to jeopardize lives or inflame an irrational subject.

- When the decision to deactivate emergency vehicle warning devices has been made, it is incumbent upon the vehicle operator to slow down sufficiently to comply with the posted speed limit and otherwise obey all traffic laws.

IV. Determining Response Modes

- A. The information contained in this written directive is intended to guide the operators of emergency vehicles in selecting the appropriate response mode for the situation at hand. While it is expected that supervisors will monitor and amend response priorities as warranted, the individual emergency vehicle operator is vested with a significant degree of discretion in determining the appropriate response priority.
1. All operators of emergency vehicles are expected to evaluate the prevailing conditions known to the operator at the time the response priority decision is reached.
 2. When an officer verbally acknowledges a call for service/assistance, he or she is also required to verbally announce the response mode he or she intends to utilize.
Example: "2222 received, responding priority 3"
 3. If an officer is uncertain as to the response mode that should be utilized for a particular assignment, the officer shall request direction from a supervisor.
- B. **Non-Priority Response (Priority 3)** – this response mode shall be utilized for officers responding to non-priority incidents that do not require an expedient response by police.
1. Examples of such assignments include, but are not limited to:
 - Requests for information
 - Follow-up interviews/investigations
 - Past tense non-violent crime investigations
 - Requests for traffic assistance where a hazard is not present
 - Notifications
 - All other assignments where a protracted response would not expose any person to a foreseeable risk of injury or loss
- C. **Routine Response (Priority 2)** – this response mode shall be utilized by officers responding to non-life threatening assignments that generally substantiate a prompt response by police to assist or intervene in the underlying event.
1. Examples of such assignments include, but are not limited to:
 - Disputes and reports of disorderly behavior without violence
 - Motor vehicle accidents on or adjacent to a roadway without reported injuries
 - Non-life threatening fire and ambulance calls
 - Alarm calls (except for hold-up alarms)
 - Suspicious person / vehicle
 - Abandon/misdialed 911 calls, provided there is no particularized information suggesting a problem
 - Routine officer assist / back-up and property crimes in progress
 - All other service calls where a prompt response is considered necessary and prudent.
- D. **Emergency Response (Priority 1)** – this response mode shall be utilized by officers responding under emergent conditions, where life is in jeopardy, there is a potential for bodily harm, a crime is reported to be in progress, there may be significant loss of property, or an identifiable hazard exists which necessitates emergency response to lessen the potential for subsequent injury/damage.
1. Examples of such assignments include, but are not limited to:
 - Emergency medical calls where serious/life-threatening injury/illness is reported.
 - Reports of fires where death/injury is a possibility.
 - Crimes in progress (i.e., robbery, burglary, assault, etc.).

- Motor vehicle/industrial accidents with reported injuries, trapped occupants, or other attendant hazardous conditions.
- Pursuit driving.
- Any other call for service where a reasonable belief exists that an emergency response is warranted to immediately protect or save any person from death or bodily injury.

V. Special Considerations Involved in Emergency Response/Operation

- A. Upon approaching an intersection controlled by traffic signals or signs requiring the operator of an emergency vehicle stop (red light or stop sign), or any other location at which there is an increased likelihood of collision, the operator of any emergency vehicle participating in a Priority 1 response/pursuit shall, prior to entering the intersection, come to a complete stop and control the vehicle so as to avoid collision with another vehicle or a pedestrian. The operator of the vehicle shall then observe the entire area/intersection and ensure that the way is clear and all vehicles operating in the area/intersection have stopped and/or yielded to the operator's vehicle before cautiously proceeding through the intersection.
- B. The use of emergency warning devices is intended to alert other motorists of an emergency vehicle's approach and provide notice of their duty to yield. In situations where a vehicle operator employing a Priority 1 response approaches an intersection or other area of traffic gridlock where the vehicles already present cannot move and/or yield and thus create a lane for the emergency vehicle to safely pass, the operator of the emergency vehicle shall deactivate the vehicle's emergency warning devices.
 1. This shall be done to prevent the panic and confusion often demonstrated by drivers faced with the above-described dilemma and to minimize the degree of hazard to such other drivers who might otherwise attempt an unsafe maneuver in attempting to yield.
- C. All officers operating emergency vehicles under Priority 1 response/pursuit conditions shall remain constantly alert for the possibility of erratic and unsafe vehicular maneuvers by other drivers who may become panicked by an approaching emergency vehicle.
- D. All officers operating vehicles under Priority 1 response/ pursuit conditions shall remain in full control of their vehicles at all times and not engage in any erratic operation including, but not limited to:
 1. Frequent or unsafe lane changes;
 2. Vehicular operation on other than the travel portion of a roadway;
 3. Tailgating.

VI. Restrictions/Prohibitions

- A. No officer is permitted to engage in a Priority 1 response or pursuit when any person other than an on-duty law enforcement officer is an occupant in the officer's vehicle.
- B. Emergency responses and/or pursuits against the normal flow of traffic, the wrong way on any highway, or proceeding up exit ramps in the wrong direction are strictly prohibited in all situations.
- C. Officers engaged in **pursuit driving** are required to strictly comply with all of the provisions enumerated in written directive V7C12 – Vehicular Pursuit Procedures.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

VII. Motor Vehicle Stops and Discretionary Use of Emergency Vehicle Warning Devices

- A. The use of emergency vehicle warning lights is required in connection with motor vehicle stops to provide adequate notice of intent to stop the suspect vehicle and to provide a degree of safety for the officer, violator and public.
 - 1. The use of the siren is discretionary and shall be employed based upon need and/or safety considerations.
- B. In other situations, when expediency is required to effectively eliminate a potential hazard to the public or public safety officials, officers are authorized to activate emergency vehicle warning devices. Examples of permissible use include, but are not limited to:
 - 1. The shielding of disabled vehicles on the roadway.
 - 2. The practice of physically channeling vehicular and pedestrian traffic with a parked police vehicle for emergency reasons.
- C. Officers operating police vehicles shall deactivate emergency vehicle warning devices as soon as safely possible.

VIII. Responding to Calls for Assistance

- A. When an officer in the field is involved in a situation where help is needed, he or she must be aware that a non-specific request for assistance will often result in an uncoordinated response involving a greater number of backup units than is necessary. This may be a greater hazard to life and property than that of the originating incident. To minimize this potential, officers must provide the following information whenever possible:
 - 1. Radio identification number and exact location.
 - 2. Reason for the request for assistance.
 - 3. Specify "Priority 3", "Priority 2" or "Priority 1" assistance/backup.
 - 4. Indicate the number of additional units required.
 - If a situation should arise where an officer requests assistance or activates their emergency alarm and does not or is unable to communicate a response mode or other particularized information, the officer shall be contacted by a supervisor or other available officer to determine the urgency of the request.
 - If the officer requesting assistance does not respond, it shall be assumed that emergent assistance is needed and a Priority 1 response shall be employed.
- B. Whenever possible, the officer requesting assistance shall monitor the radio sufficiently to determine that the request was received and understood, and to provide updated status reports to responding units.
 - 1. Units responding to the call for assistance shall acknowledge with communications personnel and provide their current location.
 - 2. Assisting units shall utilize the proper response mode as requested unless otherwise modified by a supervisor.
 - 3. Upon arrival at the scene, all assisting units shall report their arrival to communications personnel and provide an updated status report, if warranted.
 - 4. When a broadcast is made indicating that the situation is under control and assisting units may respond in at "reduced speed" or the response mode is downgraded to "Priority 2" by an officer at the scene or a supervisor, all responding units shall deactivate emergency vehicle warning devices and resume normal vehicular operation.
 - 5. Whenever a broadcast is made indicating that no additional assistance is required at the scene, all responding officers shall immediately terminate their response by deactivating all emergency vehicular warning devices, resuming normal vehicular operations and returning to their assigned patrol zones.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- C. In situations when an officer in the field requests emergency assistance, field supervisors are responsible for monitoring the response and incident until it has been stabilized or terminated, and asserting control by directing specific assisting units in their response and/or termination of such response.
 - 1. The utilization of proper response modes shall be confirmed and the number of units responding to the call for assistance shall be regulated in respect to the magnitude of the incident.
 - 2. Notification shall be provided to bordering jurisdictions as necessary.
 - 3. Incidents that appear to be serious in nature shall require the immediate response of an available field supervisor whenever possible.

EVESHAM POLICE DEPARTMENT MANUAL

VOLUME NUMBER: 7

CHAPTER NUMBER: 20

VOLUME TITLE: AUTHORITY

REFERENCE: V7C20

ISSUED BY: CHIEF CHRISTOPHER CHEW

OF PAGES: 7

SUBJECT: PATROL RIFLES

EFFECTIVE DATE: DECEMBER 10, 2008

GENERAL ORDER # 08-475

LAST REVISED: JUNE 19, 2020

APPLICABILITY: ALL SWORN EMPLOYEES

ANNUAL REVIEW: PATROL LIEUTENANT

ACCREDITATION STANDARDS:

The Written Directives developed by the Evesham Township 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 enhance officer's capabilities in confronting criminal suspects who may be armed with high-powered and/or high-capacity semi-automatic and fully automatic weapons.

POLICY:

Patrol rifles will be carried in the Evesham Police Department's patrol vehicle and may be deployed by properly trained and qualified patrol officers. Patrol rifles are intended to augment officers' response capabilities in situations where officers may be confronted by superior firepower and/or capacity or suspects in possession of ballistic shielding.

PROCEDURE:

I. Definitions

- A. Patrol rifle, as used in this written directive, refers to the [REDACTED]
[REDACTED] These are the only rifles authorized for use in conjunction with the patrol rifle program.
- B. Patrol Rifle Ammunition – the only authorized ammunition for the above patrol rifle is department issued [REDACTED]
- C. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

II. Patrol Rifle Operators

- A. The Chief of Police has designated that all members at the ranks of Sergeant, Corporal and Patrolman/Detective will be certified as patrol rifle operators.
- B. The Chief of Police has the discretion to authorize that any member above the rank of Sergeant to be certified as a patrol rifle operator, based on the operational need of the individual member due to their assignment.

EVESHAM POLICE DEPARTMENT MANUAL

- C. The Professional Standards Bureau Commander will schedule all newly hired police officers for the patrol rifle operators training, within the first year of their employment within the Evesham Police Department.

[REDACTED]

- [illegible]

6. On June 1st of each year the Professional Standards Bureau Commander shall conduct an audit of the records to ensure that all members at or below the rank of Sergeant, as well as any at higher ranks deemed by the Chief of Police to be certified, are certified as patrol rifle operators.
- If there are any in need of the 24-hour training, the Professional Standards Bureau Commander shall schedule a Patrol Rifle Operator's Course and get those who require certification the training.

EVESHAM POLICE DEPARTMENT MANUAL

- By June 30th of the respective year, the training shall have occurred and all required to be certified as patrol rifle operators will be certified operators.
 - ✓ Professional Standards Bureau Commander shall document this audit on a Special Report to the Administrative Division Commander.

[REDACTED]

(S) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

(S) [REDACTED]
[REDACTED]

(S) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

(S) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

5. [REDACTED]

7. The Professional Standards Bureau Commander will conduct an audit of the agency's patrol rifle operators to ensure that all who are required to qualify with the patrol rifle in the Spring or Fall have qualified and the training records are inclusive and accurate. They shall document this audit on a Special Report to the Administrative Division Commander within two weeks of the last scheduled Spring and Fall qualification training.

[illegible]

EVESHAM POLICE DEPARTMENT MANUAL

- [REDACTED]
7. The Professional Standards Bureau Commander will conduct an audit of the agency's patrol rifle operators to ensure that all who are required to undergo the Re-familiarization training with the patrol rifle in the Winter or Summer have completed the training and the training records are inclusive and accurate. They shall document this audit on a Special Report to the Administrative Division Commander within in two weeks for the last Winter and Summer Re-familiarization training.

V. Scheduling Patrol Rifle Qualifications and Re-familiarization Training

- A. The Professional Standards Bureau Commander shall schedule the qualifications and re-familiarization four times per each calendar as required by the New Jersey Attorney General Guidelines.
- B. The Professional Standards Bureau Commander shall schedule the four required trainings based on the following guide, [REDACTED]
- [REDACTED]
- C. On December 1st of each year the Professional Standards Bureau Commander will review the patrol rifle training to ensure that all patrol rifle operators have completed all the required Qualifications and Re-familiarization trainings. They shall document this inspection on a Special Report to the Administrative Division Commander.

VI.

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[illegible]

VII. Deployment Criteria

- A. As previously stated, patrol rifles are intended to provide an enhanced level of tactical resources for deployment against heavily armed or violent offenders. The decision to deploy a patrol rifle rests with the designated supervisory and command personnel or the qualified Rifle Operator who remain accountable for their decision-making process.
- B. In addition to any other criteria established in this directive, all uses of the patrol rifle must be accomplished in a manner that is consistent with the Use of Force Guidelines promulgated by the Attorney General and applicable departmental directives.
- C. [REDACTED]
[REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

EVESHAM POLICE DEPARTMENT MANUAL

- [illegible]

VIII. Rifle Care & Maintenance

- A. The rangemaster is responsible to ensure that each patrol rifle is periodically inspected by a certified rifle instructor or armorer in accordance with a predetermined schedule.
- B. The rangemaster is also responsible for establishing a routine maintenance schedule for patrol rifles, including cleaning and lubrication as needed.
 - 1. Only a certified rifle armorer is authorized to perform service on a patrol rifle, other than routine cleaning and lubrication.
 - 2. After maintenance is performed on a patrol rifle, the rifle armorer shall ensure the weapon's operational capability by testing firing a minimum of one round through the rifle before it can be redeployed in a patrol vehicle.
 - 3. No alterations or modifications can be made to a patrol rifle without the expressed consent of the rangemaster, a rifle armorer and the chief of police.
- C. Any observed rifle damage or deficiency requires immediate notification to the rangemaster and the Support Services Bureau Commander, the identified rifle shall be removed from service pending inspection and repair by a certified rifle armorer. This included ensuring that the sighting system and flashlight mounted on the patrol rifle are operational before each shift that the patrol rifle will be deployed. The damage or deficiency shall be documents on a Special Report and forwarded to the Administrative Division Commander.
- D. A Special Report must be generated each time a patrol rifle is inspected. The rangemaster is responsible for the maintenance of inspection records.

EVESHAM POLICE DEPARTMENT MANUAL

IX. Reporting Requirements

- A. Any time a patrol rifle is deployed, the qualified Rifle Operator must complete a detailed report in the Records Management System, under the case number for the respective incident, documenting the circumstances of the incident. The report shall be forwarded to the Operations Division Commander for review. The supervisor of the member who deployed the rifle shall make notification, via email, of the rifle deployment to the Operations Division Commander.
- B. Any time a patrol rifle is discharged in the performance of duty, excluding training, qualifications and maintenance/testing activities, the officer discharging the weapon is subject to the reporting requirements of all other departmental weapons as set forth in agency directives.

C.

[REDACTED]

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

VOLUME NUMBER: 9	CHAPTER NUMBER: 1
VOLUME TITLE: TRAFFIC	REFERENCE: V9C1
ISSUED BY: CHIEF CHRISTOPHER CHEW	# OF PAGES: 6
SUBJECT: TRAFFIC LAW ENFORCEMENT	
EFFECTIVE DATE: APRIL 16, 2001	GENERAL ORDER # 01-239
LAST REVISED: JULY 30, 2018	
APPLICABILITY: ALL SWORN EMPLOYEES	ANNUAL REVIEW:
ACCREDITATION STANDARDS: 61.1.3, 61.1.6, 82.2.2	
The Written Directives developed by the Evesham Township 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 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 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.
 1. 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.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- 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 effect 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 **V9C2 – Traffic Enforcement Tolerances**.
- J. Supervisory personnel cannot assume responsibility for reviewing the judgement 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.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

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 township. (See **V9C19 – Motor Vehicle Crash Investigation**)

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, either concealed or visible, 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. Mass enforcement of traffic and/or parking violations (i.e. issuing all the vehicles parked facing the wrong direction on a certain street a summons) shall not be conducted without the approval of a supervisor. The supervisor shall weigh the need for the enforcement along with the impact on the department, community and public safety in allowing for the mass enforcement action. The supervisor is also required to make a command notification anytime a mass enforcement action is taken.
- E. 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.
- F. The use of unmarked police vehicles for **routine** traffic enforcement activities is prohibited.
 1. This does not preclude the enforcement of serious or hazardous traffic law violations by members operating unmarked police vehicles provided supervisory approval has been granted.
 2. For the purpose of this written directive, an unmarked police vehicle is defined as a vehicle that is not equipped with an in-car digital audio/video system and does not display the emergency lighting of normal patrol vehicles.
- G. The stationing of a police vehicle on any highway median strip for the purpose of monitoring traffic and/or observing traffic law violations is prohibited.

IV. Handling of Special Classifications of Violators

- A. For information on legislators and persons enjoying diplomatic immunity, see written directive V7C18 entitled "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

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

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 under 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
 - Driving after revocation or suspension of license.
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. (See **V4C42 – Juvenile Procedures**)

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 judgement, the violation was of a minor, non-hazardous nature, a verbal warning may suffice.

E. Non-resident drivers

1. The sole fact that a person lives outside the boundaries of this State 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, revoked, unlicensed, etc.) or a particularized reasonable belief that the accused will not appear in response to a summons, the accused shall not be arrested but rather issued a summons and released

V. Motor Vehicle Summons Procedures/Control

A.

[REDACTED]

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

B.

[REDACTED]

C. Four-part, paper motor vehicle summons books are also available to members of this department by the staff of the Evesham Township Municipal Court Violations Bureau.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

1. Members requiring summons books shall report to the Violations Bureau during normal business hours to request the needed number of summons books or request the books via email from a court clerk for delivery to the member's departmental mailbox when on night shift.
 2. Each member is required to sign the ledger book maintained by the Court Administrator acknowledging receipt of the specified summons books. Books delivered to an officer on night shift will be signed for by the issuing court clerk.
 3. It is the responsibility of each member to obtain/maintain an adequate supply of motor vehicle summonses to ensure availability when needed, especially in the event there is an outage with the electronic system.
 4. Members shall fill in all the applicable boxes on the form and sign the completed summons legibly.
 5. The white, hard-stock copy shall be served to the operator of the vehicle subject to the motor vehicle stop or affixed to the windshield under the wiper of a vehicle subject of a parking violation.
 6. The completed white and blue copies of the four-part, paper motor vehicle summonses shall be forwarded to the Court Administrator on the first business day following the issuance of the summons. The summonses will be stored in a secured area by the court administrator.
 7. The yellow copy shall be retained by the issuing member for his or her own records.
- D. Any member requiring the appearance of a witness to participate in the prosecution of a defendant in a motor vehicle case shall complete a subpoena list to assist court personnel in providing notice to the identified witness.
- E. 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.

VI. Mobile Computer Terminals

A.

[REDACTED]

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

VOLUME NUMBER: 9

CHAPTER NUMBER: 19

VOLUME TITLE: TRAFFIC

REFERENCE: V9C19

ISSUED BY: CHIEF CHRISTOPHER CHEW

OF PAGES: 7

SUBJECT: MOTOR VEHICLE CRASH INVESTIGATION

EFFECTIVE DATE: MAY 31, 2002

GENERAL ORDER # 02-345

LAST REVISED: MAY 8, 2019

APPLICABILITY: ALL SWORN EMPLOYEES

ANNUAL REVIEW:

ACCREDITATION STANDARDS: 61.2.1, 61.2.2, 61.2.3, 61.2.4, 61.4.1

The Written Directives developed by the Evesham Township 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 an investigate protocol for motor vehicle crashes that will clearly delineate the investigative and enforcement responsibilities; and identify the desired methodology.

POLICY: The investigation of motor vehicle crashes is an important function whose primary responsibility rests with the Patrol Bureau. More people are killed or injured each year in motor vehicle crashes than by the combined total of all other crimes and incidents. In an effort to address this serious problem, officers assigned to investigate motor vehicle crashes involving injury or significant property damage are required to conduct a comprehensive investigation and shall issue the appropriate motor vehicle summons to persons whose pre-collision vehicular actions are believed to have contributed to the crash.

PROCEDURE:

I. Reportable Crashes

- A. For the purpose of this directive a "reportable motor vehicle crash" is defined as any contact between a vehicle and another vehicle, person, animal or object that results in injury/death to any person or damage to the property of any one person in excess of \$500.00.
- B. Every officer who investigates a motor vehicle crash meeting or exceeding the threshold outlined above must forward a report to the Division of Motor Vehicles, through usual department channels, on the appropriate form.
- C. Under New Jersey statutes only crashes meeting or exceeding the criteria set forth in Subsection A. above are **REQUIRED** to be reported to the police and the Division of Motor Vehicles.
 1. Notwithstanding the above, officers called to the scene of a motor vehicle crash that does not meet or exceed the minimum mandatory reporting threshold shall complete an NJTR-1 form if so requested by either of the involved drivers.
 2. While an officer shall complete a report when so requested in situations where **NJTR-1** reports are not otherwise required, it is permissible for an officer to merely facilitate the exchange of pertinent information between the parties involved in the crash and document such involvement on an incident report.
 3. Officers are cautioned that this is not an invitation to underestimate the damage to property or discount the report of an injury in an effort to evade the reporting requirements set forth in this directive.

II. Investigative Responsibility

- A. The responsibility for investigating motor vehicle crashes occurring within Evesham Township generally shall rest with officers from the Patrol Bureau unless one or more of the following conditions exists:
 - 1. The collision results in death or serious injury as determined by the officer in charge;
 - 2. The collision involves a police vehicle and one or more parties are injured;
 - 3. The collision results from a police pursuit;
 - 4. The on-scene supervisor determines there is clear and reasonable evidence that a conflict of interest exists that would preclude this department from conducting the investigation.
- B. In the case of a motor vehicle crash involving any of the criteria set forth in Subsection A., the duty supervisor shall be responsible for assigning and/or summoning investigative personnel consistent with the provisions of written directive **V9C20 - Fatal and Serious Injury Crash Investigation**.
- C. The investigation of motor vehicle crashes under any of the circumstances set forth below shall be investigated by an on-duty supervisor from the Patrol Bureau provided that none of the criteria established Subsection A. exists.
 - 1. The crash involves a vehicle owned or leased by the Township of Evesham.
 - 2. The crash involves an employee of Evesham Township who is working for the township at the time of the crash.
 - 3. The crash involves a school bus with children on-board.
 - 4. The crash involves any off-duty employee of the police department.
 - Crashes involving off-duty employees shall not be investigated by a member of the same rank. A member of the next rank level shall be contacted, and recalled to duty if after hours, to investigate the crash. An off-duty crash involving the Chief of Police shall be investigated by the Internal Affairs Bureau Commander, or one of the Captains in his or her absence.

IV. Patrol Officer Responsibilities

- A. The first officer arriving at the scene shall position his patrol vehicle so as to provide the maximum degree of protection to the collision scene and all persons present.
 - 1. Officers traveling to the scene should remain alert for the possibility of vehicles exhibiting damage that may be fleeing the scene.
- B. An initial evaluation of the scene must be promptly made and communications personnel shall be advised of the following:
 - 1. Number and extent of injuries;
 - 2. Need for other emergency services personnel (i.e., fire department, basic EMS, advanced EMS, etc.);
 - 3. Need for additional police officers at scene;
 - 4. Need for other support services (i.e., towing, highway department, Department of Transportation, etc.)
- C. The first priority at the scene will be to render aid to injured parties consistent with the officer's level of training until properly relieved by EMS personnel.
- D. Stabilize the scene to prevent additional injuries/ crashes.
 - 1. Protect victims and warn others of roadway obstructions that cannot be moved;
 - Officers are cautioned not to rely on the presence of a patrol vehicle to divert traffic around crash scenes.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- Other warning measures should be employed as well and vehicles should be removed from the roadway once the need to protect victims and warn other motorists no longer exists.
 - Police and other emergency vehicles tend to draw attention of driver's away from the roadway and should be limited to those necessary to handle the incident;
 - 2. Coordinate traffic control;
 - 3. Move bystanders to a position of safety and prevent re-entry of such persons into the crash scene.
 - 4. Handle any crash involving disturbances between principals.
- E. Initiate a comprehensive investigation.
1. Check for witnesses and record all information. i.e., name, address, age, location at time of crash, observations, etc. (Request positive identification from witnesses)
 2. Interview and take statements from the drivers and identified witnesses as required, recorded on BWC. Record spontaneous utterances offered by crash participants.
 - Both drivers involved in the crash shall be interviewed by the investigating officer and the interview preserved on BWC.
 - If a statement cannot be taken from either driver, note the reason in the investigation narrative.
 - The investigating officer shall document the statement of all involved drivers and witnesses in the narrative they detail on the NJTR1 or their case report narrative. The documentation shall provide a summary of the statement provided. The narrative shall be written, "Driver 1 stated..." and they shall provide a combination of a summation of the driver's statement as well as quotes of key material facts stated by the driver or witness.
 3. Take measurements of the crash scene as needed. Note obvious roadway or traffic sign/signal defects.
 4. Preserve and collect physical evidence at the scene if necessary. Request the presence of an evidence technician or specialized crash investigator to photograph the scene as deemed necessary.
 5. Check involved vehicles for defects, mechanical or otherwise, which may have contributed to the crash.
 - If a defect is discovered (pre or post crash) that would render the vehicle unsafe for operation, the vehicle shall be towed from the scene.
 6. Obtain the necessary information for completion of the **NJTR-1** accident report form and any other unique information that may be required for the completion of supplementary reports associated with crashes involving vehicles other than passenger vehicles/light trucks.
 7. Assist the tow truck operators in the removal of vehicles as required.
 - In accordance with N.J.S. 39:4-56.8, the duty towing service utilized by the township is responsible for removal of any motor vehicle debris or material from the highway in the area surrounding the vehicle if the material or debris is likely to cause injury to a person operating a motor vehicle or substantial damage to another motor vehicle.
 - The towing service is not required to remove any debris or material which may be hazardous such as gasoline, oil, kerosene, other petroleum or chemical products, or debris or material which the service is not equipped to remove.
 8. Secure all valuables left at the scene by injured/disabled vehicle operators and others.
 - Refer to written directive **V7C17 – Towing, Impound and Inventory of Motor Vehicles** regarding the procedures for inventorying automobiles.
 - Other items of obvious significant value shall be handled in accordance with the provisions of written directive **V4C34 – Recovered Property**.
 9. Establish the normal flow of vehicular traffic as soon as safely possible.

10. Make notification to appropriate agencies to report factors that may have contributed to the accident or items damaged as a result of the accident.
 - NOTE: If the deficiency noted would render the area unsafe for normal vehicular traffic flow, the officer shall notify a supervisor who must respond to evaluate the situation prior to the re-establishment of normal traffic flow.
 - (See written directive **V3C4 – Requesting Assistance for Hazardous, Nuisance or Unusual Conditions.**)
11. Provide necessary information to the operators of the vehicles involved in the crash.
 - Officers shall encourage crash participants to exchange information required to allow the drivers to initiate dealings with their respective insurance carriers.
12. Complete the **NJTR-1** accident report form, accident diagram and supplementary reports as required.
 - Officers shall refer to the state reporting guide for the completion of all reports.
 - Officers shall enter the latitude and longitude coordinates in the report for the exact location where the crash occurred.
 - All reports shall be completed by the end of the investigating officer's current shift unless permission to deviate has been obtained from a supervisor.
 - Crash investigations involving hit and run crashes resulting in major property damage or serious injury **MUST** be completed and submitted by the end of the shift without exception.
13. Make notification to the owners of private/public property that may have been damaged as a result of the crash.

V. Hit and Run Investigation

- A. In determining whether additional investigative effort is warranted in the investigation of hit and run crashes supervisors shall consider whether or not any of the following information factors are available:
 1. Has a reliable witness been located?
 2. Is the suspect known or can he or she be identified?
 3. Has an identifiable description of the suspect vehicle been obtained?
 4. Was any physical evidence recovered?
 5. Will the recovered evidence tie the suspect vehicle to the incident under investigation?
- B. If a negative response is obtained for each of the preceding questions, further investigative effort will not, in all likelihood, be successful.
 1. The victim should be advised that the investigation has been concluded and information leading to identification of the offender has not been developed.
 2. Further investigative effort is not likely to be productive and the case will be closed.
 3. If further information becomes available, the case will be reopened.
- C. The investigation of hit and run crashes may require the collection of debris at the scene to be used as evidence in identifying the suspect vehicle.
 1. Debris collected as evidence should be of such nature that it can be used to create a match with the suspect vehicle. Articles such as dirt, fluids, etc. shall not be collected.
 2. Debris collected as evidence shall be handled in the same manner as all other items of evidence.

VI. Crashes Involving Trucks or Buses

- A. The federal government requires preparation of a **Supplemental Accident Report** form following certain crashes involving commercial trucks and buses.

- B. The supplemental report must be completed if a crash meets both of the following criteria:
 - 1. The crash involves a truck with at least two axles and six tires, a vehicle displaying a hazardous materials placard, or a bus designed to carry more than fifteen (15) passengers (including the driver); AND
 - 2. The crash resulted in one or more of the following:
 - A fatality,
 - A personal injury requiring the person to be taken from the scene for immediate medical attention, OR
 - Damage requiring a vehicle to be towed from the scene.
- C. If a crash involves multiple commercial vehicles, a supplemental report must be completed for each commercial truck or bus involved.
- D. The supplemental report form must be completed and attached to the regular **NJTR-1 Accident Report** form and processed in the same manner as the NJTR-1.

VII. Crashes Involving Hazardous Materials

- A. Collisions in which hazardous materials are present or suspected of being present will be handled in the following way:
 - 1. The first officer on scene will evaluate and determine if hazardous materials are or could be present.
 - 2. If the first officer determines the possibility hazardous materials are present Evesham Fire Department shall be requested for evaluation and determination of materials.
 - 3. A Supervisor shall respond to the scene to take command and coordinate resolution with the Fire Department. The Supervisor shall also coordinate traffic control and evacuations if necessary. (See **V4C20 - Hazardous Materials**)
 - 4. The on duty supervisor shall be notified if the scene will require additional personnel.

VIII. Crashes Involving DWI

- A. Officers are to carefully observe all parties involved in a traffic crash paying particular attention to the behavior, attitude, speech, physical condition, balance and other characteristics that may indicate impairment on the part of any driver.
- B. When an officer develops probable cause to believe that a driver has been operating a vehicle in violation of NJSA 39:4-50 (DWI), the driver shall be arrested (if possible) and taken to police headquarters for the purpose of conducting breath testing. Drivers requiring medical treatment shall be handled in accordance with the provisions of written directive **V9C4 –DWI Enforcement**.

IX. Towing

- A. All vehicles towed from the scene of an accident by the township's duty towing contractor shall be deemed to be towed at the order of the police.
- B. Officers shall advise towing contractors of a staging area for them to respond into and await the order to proceed to the scene. Contractors shall not be ordered to respond into the scene until all investigative efforts connected to the vehicle being towed have been accomplished.
- C. If a vehicle is to be towed from a crash scene (by order of the police), officers shall not permit any non-essential personnel from entering the vehicle, or any portion thereof, until a complete inventory of the vehicle has been completed.

EVESHAM TOWNSHIP POLICE DEPARTMENT MANUAL

- D. When an officer determines that there is a need for a specialized tow service (i.e., fatal crash investigation, specialized garage report, etc.) not involving the township's duty tow contractor (i.e., Helmrich's Towing) the on duty supervisor shall contact and seek approval from a member of the Burlington County Prosecutors Office. The on duty supervisor shall personally speak to the member representing the Burlington County Prosecutors in order to receive permission to have the vehicle removed to an outside towing facility for processing. All contact information shall be documented in case report.

X. Non-Scene Reports

- A. When a citizen desires to file a late report of a crash (most often by reporting to police headquarters) the following procedure shall be utilized:
1. The employee handling the incident shall complete an incident report taking care to note the date and time the incident is reported to police. The incident location shall be listed as the location of the crash.
 2. The citizen shall be issued **Accident Report Form SR-1** and given the following instructions:
 - Complete the form to the best of your ability following the instructions printed on the form;
 - Ensure that box number 20 indicates that the police DID NOT investigate the crash;
 - Mail a copy of the completed form to the address listed on the form.
 3. Employees shall provide reasonable assistance to the citizen in completing the form when so requested.

XI. Enforcement

- A. When the investigation of a motor vehicle crash establishes probable cause that one or more driver's involved in the collision or contributing to the cause of the collision have violated a township ordinance or state statute governing motor vehicle operation, the applicable driver shall be issued a summons for violating such ordinance/statute.
- B. A summons shall not be issued at the time of the crash if:
1. There is a possibility of criminal charges resulting from the operation of the vehicle,
 2. The driver is an on-duty employee of the police department (the Internal Affairs Bureau will investigate and issue a summons if appropriate).
 3. The driver is admitted to the hospital (issue upon the driver's release if warranted).
 4. More investigation is needed.

XII. Juveniles

- A. In situations where a juvenile is injured or taken ill and no parent or guardian is present, the assigned officer shall attempt to promptly gather pertinent information from the juvenile in order to make a notification to a parent or guardian to facilitate treatment authorization.
- B. Whenever an unsupervised juvenile is involved in a motor vehicle accident and refuses treatment from EMS personnel, the assigned officer shall consult with EMS personnel to determine their opinion regarding his/her need for treatment.
1. If necessary to secure needed treatment, a supervisor shall be summoned to the scene to attempt telephonic contact with the juvenile's parent or guardian.
 2. If the officer and EMS personnel concur on the juvenile's need for medical treatment, and a parent or guardian cannot be contacted, N.J.S. 2A:4A-31 authorizes a law enforcement officer to take a juvenile into custody where ***"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 protection"***.

3. Juvenile custody in this situation shall not occur without the expressed authorization of the investigating officer's immediate supervisor.
4. Any such juvenile custody applied under this condition shall require the officer to satisfy all of the procedural requirements provided for by statute and written directive **V4C42 – Juvenile Procedures**.
5. If the juvenile does not appear to be injured, and he/she refuses medical treatment, the juvenile will not be required to submit to medical treatment and/or transportation to the hospital. The investigating officer shall contact the juvenile's parents or guardian at his/her earliest convenience to report the incident.
6. These provisions shall be applicable regardless of the juveniles' involvement in the accident. (i.e., driver, passenger, pedestrian, pedacyclist)

XIII. Miscellaneous

- A. All photographs, audio/videotapes, reports, and any other materials generated or obtained during the course of any crash investigation may not be sold, disposed of, disseminated or otherwise released except in accordance with applicable department written directives.
- B. Officers are absolutely prohibited from selling or releasing photographs, audio/videotapes, or other material made in conjunction with the performance of their official duties.
- C. Officers are not permitted while on or off duty to investigate or reconstruct a motor vehicle crash that has previously been investigated by another officer of this department or any other law enforcement agency unless specifically authorized to do so by the Chief of Police or his designee.

Corbett, Katherine

From: Corbett, Katherine
Sent: Wednesday, February 3, 2021 11:10 AM
To: Primo Cruz; 'Robert Wright'
Cc: Miller, Walter; Bergh, Mary Lou
Subject: ETPD OPRA Directives
Attachments: 2021 Directive Listing.xlsx

Tracking:	Recipient	Delivery
	Primo Cruz	
	'Robert Wright'	
	Miller, Walter	Delivered: 2/3/2021 11:10 AM
	Bergh, Mary Lou	Delivered: 2/3/2021 11:10 AM

Primo/Bob:

We received an OPRA, via the Clerk's office from an OPRA machine requestor for all department operating procedures and Rules & Regs. While these are public records, we currently have 315 directives, along with the Coronavirus SOP, totaling over 2000 pages of material. Attached is the listing of our directives.

I would like to request clarification from the requestor, indicating the size/number of files and asking to narrow down the subject matter. I can provide the attached listing to help them choose which directives they want. Any directives sent would need to be reviewed/redacted for administrative security. Depending upon the clarification, I would seek an extension.

Is this an ok plan of action? Should I include the listing or just make them respond on their own?

Kate

Katherine Corbett

Risk Management Coordinator
Evesham Township Police Department
984 Tuckerton Road
Marlton, NJ 08053
(856) 985-6022
corbettk@eveshampd.org



*TZ w/RW 2/8/21 - AcPR / Enigma
ok in full - not testing for
red the rest of the redactions*

Corbett, Katherine

From: Corbett, Katherine
Sent: Wednesday, February 3, 2021 2:44 PM
To: 'opra+request-19956-6df3d6f0@requests.opramachine.com'
Subject: Request for Clarification
Attachments: 2021 Directive Listing.pdf

k:

The Evesham Township Clerk's Office received your OPRA request on January 28, 2021. The Evesham Township Police Department Records Custodian received your OPRA request on February 3, 2021. The seven (7) business day deadline to respond to your request is February 12, 2021. This response to your request is being provided to you on the 1st business day after the custodian's receipt of your request.

Your OPRA request sought access to the following: *"...Current Police Standard Operating Procedures Current Rules and Regulations ..."* At this time, we request clarification of your OPRA request.

The ETPD currently has 316 directives including Rules & Regulations totaling over 2000 pages. Attached is a listing of these policies. Please review the listing and clarify the specific directives you are seeking. Please note that if you are seeking every directive, a significant extension of time will be required for review and redaction of individual policies.

Failure to provide written clarification of your request by February 3, 2021 will result in the closure of this OPRA request. If this occurs, you may submit another OPRA request at that time.

Katherine Corbett

Risk Management Coordinator
Evesham Township Police Department
984 Tuckerton Road
Marlton, NJ 08053
(856) 985-6022
corbettk@eveshampd.org



Corbett, Katherine

From: Mail Delivery System <MAILER-DAEMON@requests.opramachine.com>
To: opra+request-19956-6df3d6f0@requests.opramachine.com
Sent: Wednesday, February 3, 2021 2:44 PM
Subject: Relayed: Request for Clarification

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

opra+request-19956-6df3d6f0@requests.opramachine.com

Subject: Request for Clarification

Corbett, Katherine

From: kt <opra+request-19956-6df3d6f0@requests.opramachine.com>
Sent: Wednesday, February 3, 2021 3:40 PM
To: Corbett, Katherine
Subject: Re: Request for Clarification

Dear Corbett, Katherine,

V1C22 ✓

V1C48 ✓

V9C19

V6C12 ✓

V4C37 ✓

V6C20 ✓

V6C41 ✓

V4C23 ✓

V4C39 ✓

V4C35 ✓

V9C01

V7C13 ✓

V7C20 ✓

Please

Yours sincerely,

kt

-----Original Message-----

R:R 26 VIC1
V1 320
V2 116
V3 94
V4 444
V5 113
V6 278
V7 198
V8 192
V9 108
V10 105
* Community
* SOP
1968 pgs

k:

The Evesham Township Clerk's Office received your OPRA request on January 28, 2021. The Evesham Township Police Department Records Custodian received your OPRA request on February 3, 2021. The seven (7) business day deadline to respond to your request is February 12, 2021. This response to your request is being provided to you on the 1st business day after the custodian's receipt of your request.

Your OPRA request sought access to the following: "...Current Police Standard Operating Procedures Current Rules and Regulations ..." At this time, we request clarification of your OPRA request.

The ETPD currently has 316 directives including Rules & Regulations totaling over 2000 pages. Attached is a listing of these policies. Please review the listing and clarify the specific directives you are seeking. Please note that if you are seeking every directive, a significant extension of time will be required for review and redaction of individual policies.

Failure to provide written clarification of your request by February 3, 2021 will result in the closure of this OPRA request. If this occurs, you may submit another OPRA request at that time.

Katherine Corbett

Risk Management Coordinator

Evesham Township Police Department

[1]984 Tuckerton Road

[2]Marlton, NJ 08053

[3](856) 985-6022

[4][email address]

[5]cid:image001.png@01D5AA84.CEFF4AE0

References

Visible links

1. <file:///tmp/x-apple-data-detectors:/1/>
2. <file:///tmp/x-apple-data-detectors:/2/0>
3. [file:///tmp/tel:\(856\)%20985-4348](file:///tmp/tel:(856)%20985-4348)
4. [mailto:\[email address\]](mailto:[email address])

Please use this UNIQUE email address for all replies to this request and no other:

opra+request-19956-6df3d6f0@requests.opramachine.com

Disclaimer: This message and any reply that you make will be published on the internet. Our privacy and copyright policies:

<https://opramachine.com/help/officers>

View this OPRA request & responses online:

https://opramachine.com/request/police_standard_operating_proced

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an OPRA custodian, please ask your web manager to link to us from your organisation's website.

Corbett, Katherine

From: Corbett, Katherine
Sent: Friday, February 5, 2021 8:48 AM
To: Primo Cruz; 'Robert Wright'
Cc: Chew, Chris; Miller, Walter; Bergh, Mary Lou
Subject: ETPD OPRA - OPRAMachine request for policies
Attachments: OPRAMachine Request.pdf; V1C22.pdf; V1C48.pdf; V4C23.pdf; V4C35 with proposed redactions.pdf; V6C12.pdf; V6C20 with proposed redactions.pdf; V4C37.pdf; V4C39.pdf; V7C13.pdf; V7C20 with proposed redactions.pdf; V6C41.pdf; V9C16.pdf; V9C01 with proposed redactions.pdf

Tracking:	Recipient	Delivery
	Primo Cruz	
	'Robert Wright'	
	Chew, Chris	Delivered: 2/5/2021 8:48 AM
	Miller, Walter	Delivered: 2/5/2021 8:48 AM
	Bergh, Mary Lou	Delivered: 2/5/2021 8:48 AM

Primo/Bob:

We received an OPRAMachine request for Rules & Regulations and SOPs. After requesting clarification, the requestor seeks 13 directives. Attached is the OPRA, my draft response letter, and all associated directives.

Most will be provided in full; there are 6 directives that contain language that I am suggesting we redact for administrative security under N.J.S.A. 47:1A-1.1. The sections are indicated in my cover letter and highlighted in the attached directives.

Please review and advise if the redactions are approved. The due date for this OPRA is Friday 2/12/21.

Thanks.

Kate

Katherine Corbett

Risk Management Coordinator
Evesham Township Police Department
984 Tuckerton Road
Marlton, NJ 08053
(856) 985-6022
corbettk@eveshampd.org



Corbett, Katherine

From: postmaster@malamutlaw.com
To: Primo Cruz
Sent: Friday, February 5, 2021 8:48 AM
Subject: Delivered: ETPD OPRA - OPRAmachine request for policies

Your message has been delivered to the following recipients:

Primo Cruz

Subject: ETPD OPRA - OPRAmachine request for policies

Corbett, Katherine

From: postmaster@malamutlaw.com
To: Robert Wright
Sent: Friday, February 5, 2021 8:48 AM
Subject: Delivered: ETPD OPRA - OPRAmachine request for policies

Your message has been delivered to the following recipients:

Robert Wright

Subject: ETPD OPRA - OPRAmachine request for policies

Corbett, Katherine

From: Microsoft Outlook
To: Bergh, Mary Lou; Miller, Walter; Chew, Chris
Sent: Friday, February 5, 2021 8:48 AM
Subject: Delivered: ETPD OPRA - OPRAmachine request for policies

Your message has been delivered to the following recipients:

[Bergh, Mary Lou \(berghm@evesham-nj.gov\)](mailto:berghm@evesham-nj.gov)

[Miller, Walter \(millerw@eveshampd.org\)](mailto:millerw@eveshampd.org)

[Chew, Chris \(chewc@eveshampd.org\)](mailto:chewc@eveshampd.org)

Subject: ETPD OPRA - OPRAmachine request for policies

Corbett, Katherine

From: Corbett, Katherine
Sent: Monday, February 8, 2021 8:31 AM
To: 'Robert Wright'
Subject: RE: ETPD OPRA - OPRAMachine request for policies
Attachments: Email Granting Access.doc

Bob:

The remaining policies were going to be provided in full, unless you thought otherwise. Attached is the cover letter with areas of concern. I am going to state that the redactions fall under administrative security 47:1A-1.1.

Thanks

Kate

Katherine Corbett
Risk Management Coordinator
Evesham Township Police Department
984 Tuckerton Road
Marlton, NJ 08053
(856) 985-6022
corbettk@eveshampd.org



From: Robert Wright [mailto:rwright@malamutlaw.com]
Sent: Sunday, February 7, 2021 7:32 AM
To: Corbett, Katherine <CorbettK@eveshampd.org>
Subject: FW: ETPD OPRA - OPRAMachine request for policies

Kate,

I only see 4 policies with redactions and the proposed letter wasn't attached. For Policy V6C20, the address of Qual Lynx does not need to be redacted. The other redactions are acceptable.

Bob

Robert N. Wright, Jr.
Attorney at Law
E: RWright@MalamutLaw.com
O: 856-424-1808
F: 856-424-2032
W: www.MalamutLaw.com



**Malamut
& Associates LLC**
ATTORNEYS AT LAW

Cherry Hill Office

1571 Haddonfield Road, Suite 500
Cherry Hill, New Jersey 08002
ph 856-424-1808

Princeton Office

100 Overland, Corner 2nd Floor
Princeton, New Jersey 08540
ph 877-567-5293

Hoboken Office

721 River Street, 9th Floor
Hoboken, New Jersey 07030
ph 877-567-5293



**** The information contained in this e-mail message and any attachments transmitted with it are private, are intended solely for the use of the individual or entity to whom it is addressed and may contain confidential and/or privileged material. If you have received this e-mail message in error, please immediately notify the sender by reply e-mail and delete the message. You should not print, copy, transmit, or otherwise disseminate the information contained in this e-mail message. Any use of this information other than by the intended recipient is prohibited. ****

From: Corbett, Katherine <CorbettK@eveshampd.org>

Sent: Friday, February 5, 2021 8:48 AM

To: Primo Cruz <primo@malamutlaw.com>; Robert Wright <rwright@malamutlaw.com>

Cc: Chew, Chris <chewc@eveshampd.org>; Miller, Walter <millerw@eveshampd.org>; Bergh, Mary Lou <berghm@evesham-nj.gov>

Subject: ETPD OPRA - OPRAMachine request for policies

Primo/Bob:

We received an OPRAMachine request for Rules & Regulations and SOPs. After requesting clarification, the requestor seeks 13 directives. Attached is the OPRA, my draft response letter, and all associated directives.

Most will be provided in full; there are 6 directives that contain language that I am suggesting we redact for administrative security under N.J.S.A. 47:1A-1.1. The sections are indicated in my cover letter and highlighted in the attached directives.

Please review and advise if the redactions are approved. The due date for this OPRA is Friday 2/12/21.

Thanks.

Kate

Katherine Corbett

Risk Management Coordinator
Evesham Township Police Department
984 Tuckerton Road
Marlton, NJ 08053
(856) 985-6022
corbettk@eveshampd.org



