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TO: ALL BERGEN COUNTY CHIEFS OF POLICE, POLICE DIRECTORS, OFFICERS-IN-CHARGE, AND SHERIFF

FROM: PROSECUTOR MARK MUSELLA

DATE: MARCH 18, 2020

SUBJECT: BERGEN COUNTY PROSECUTOR'S OFFICE LAW ENFORCEMENT DIRECTIVE NO. 2020-3 LAW ENFORCEMENT PREPARATION AND RESPONSE TO COVID 19 – CORONAVIRUS

On March 16, 2020 the Bergen County Prosecutor's Office ("B.C.P.O.") issued **DIRECTIVE 2020-2 LAW ENFORCEMENT PREPARATION AND RESPONSE TO COVID 19 – CORONAVIRUS**. That Directive provided that,

All Bergen County law enforcement executives must therefore immediately implement procedures to assess the responsibilities and functions of their departments, identify essential functions, and reduce or eliminate non-essential functions. Law enforcement executives must also take all reasonable and necessary steps to avoid unnecessary personal interactions among all personnel, among divisions and units within departments, and to reduce the duty requirements of law enforcement and civilian staff, consistent with preserving the public safety.

In response to the Directive, there have been inquiries from agencies as to what constitutes "essential functions". Additionally, agencies have raised issues about specific procedures that may impact the health of their officers.

As you can understand, the myriad duties of our agencies and the individual circumstances of each agency make it impossible to answer all of the questions that may be raised in a general directive. However, certain concerns and questions can be addressed:

1. In the present emergency, departments may dispense with executing arrest warrants for traffic and non-violent, non-domestic violence, ordinance, petty disorderly,



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disorderly persons and fourth degree criminal offenses. Also, the Bergen County Assignment Judge has advised that departments may dispense with executing child support warrants.

2. Similarly, agencies may use discretion in the investigation and enforcement of traffic, ordinance, petty disorderly, disorderly persons and minor non-violent criminal offenses;
3. Agencies are encouraged to take complaints for non-indictable and minor indictable criminal offenses over the phone or the internet, informing complainants of the applicable statute of limitations for filing formal process;
4. Similarly, internal affairs complaints may be taken over the phone or internet;
5. Officers responding to medical aid calls must use caution to avoid unnecessary interpersonal contact, pending the response of emergency medical personnel.
6. Agencies participating in HART and other community programs should take measures to shield their own staff and outside support staff from unnecessary contact with program participants. Agencies should seek alternatives to personal contact, such as arranging segregated personal meetings with appropriate social distancing or phone or internet contact and support.

With respect to other issues that may arise, if agencies feel they need guidance, they may direct their inquiries to B.C.P.O. Chief of Detectives Robert Anzilotti at ranzilotti@bcpo.net, (201)226-5651 office.

These guidelines should help you reduce the duty requirements of the law enforcement and civilian personnel as provided in Directive 2020-2.

Also, because of the potential danger of COVID-19 spreading in our jail population, local agencies are required to contact the on-call Assistant Prosecutor prior to issuing any complaint warrant.

The Attorney General has requested that all charges relating to violations of the Governor's Executive Orders must be approved by a designated Assistant Prosecutor. Therefore, in all cases of a potential complaint for violation of the Governor's Executive Orders, agencies must contact the on-call Assistant Prosecutor who will then contact the designated Assistant Prosecutor for the final decision. Please note that it shall be the general policy of Bergen County to give a warning and an opportunity to abate violations prior to filing charges.

Please be advised that the New Jersey State Police Labs have suspended the initial intake of evidence, except in exigent circumstances.

Finally, the staff and scheduling efforts we all must employ to minimize personal contact in our agencies and with the public, as well as the spread of COVID-19, will reduce the manpower

available to perform essential law enforcement services. Therefore, law enforcement executives must strictly scrutinize requests for time off and quarantine and exercise the personal responsibility to make decisions in this area. Although not specifically targeted to law enforcement, attached to this Directive as Exhibit A is pertinent guidance from the New Jersey Department of Health on COVID-19 risk and risk management. As you will see, most law enforcement and civilian interactions will fall into the low risk category which does not require quarantine.

The requirements and guidelines in this Directive and Directive 2020-2 will expire with the end of New Jersey's State of Emergency or by a further Directive from the B.C.P.O.

As always, I thank you for your cooperation.

A handwritten signature in blue ink, appearing to be 'MM', with a long horizontal flourish extending to the right.

MARK MUSELLA
BERGEN COUNTY PROSECUTOR

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