

BERGEN COUNTY PROSECUTOR'S OFFICE
DIRECTIVE 2010-1
DATED FEBRUARY 1, 2010

A DIRECTIVE TO ESTABLISH AND REQUIRE A UNIFORM SET OF S.W.A.T. TRAINING STANDARDS AND TO PROVIDE FOR THE CONTINUING ASSESSMENT AND MAINTENANCE THEREOF:

WHEREAS, under the Criminal Justice Act of 1970, the Bergen County Prosecutor, as Chief Law Enforcement Officer of the County of Bergen, may establish by **DIRECTIVE** rules and standards which are necessary to ensure a consistent application and adherence to Criminal Justice Practices and Policies throughout the County of Bergen; and

WHEREAS, under Executive Directive from the Office of the Governor of the State of New Jersey, specifically Number 92-1, an annual assessment must be made by the Law Enforcement Services Review Board so as to prevent redundancy and inconsistencies in the application of law enforcement services countywide; and

WHEREAS, it has come to the attention of the Bergen County Prosecutor's Office that there are several municipal police departments that are or have been engaging in special weapons and tactics (hereinafter S.W.A.T.) within their municipal departments and have expressed an interest in continuing such tactical services for its residents in the future; and

WHEREAS, the Bergen County Police Department has for many years provided S.W.A.T. services for the residents of Bergen County and has performed these exemplary services over the years for the benefit of the public; and

WHEREAS, it is within the discretion and authority of the Chief Executive Law

Enforcement Officer of each jurisdiction within the County of Bergen to provide for special tactical services for its residents if they so choose. However, it is incumbent upon that Chief Law Enforcement Executive to ensure that the standards, procedures and operations of this tactical service be the same as those services provided by other law enforcement agencies throughout Bergen County and under a similar set of circumstances; and

WHEREAS, the purpose of this **DIRECTIVE** is to ensure that all law enforcement agencies within the County of Bergen, inclusive of the Municipal Police Departments, the Bergen County Sheriff and Bergen County Police Department but excluding the New Jersey State Police and Port Authority Police of New York and New Jersey follow and adhere to an identical set of S.W.A.T. standards and conduct training on these standards in a manner in which, to the satisfaction of the Office of the County Prosecutor, all officers are being trained so that if it becomes necessary for two or more S.W.A.T. teams to interact with one another, confusion, hazards and dangers may be minimized which might otherwise be brought about as a result of a failure of law enforcement to train together.

NOW, THEREFORE IT IS HEREBY DIRECTED BY THE OFFICE OF THE COUNTY PROSECUTOR AS FOLLOWS:

1. Any **LAW ENFORCEMENT AGENCY** providing law enforcement services within the County of Bergen but excluding Port Authority Police and the New Jersey State Police and engaging in the delivery of tactical law enforcement services that rise to the level of a S.W.A.T. criteria incident, as defined by the National Tactical Officers Association (NTOA) shall do so only after having received prior approval to provide such services in writing from the Bergen County Prosecutor's Office.
2. The Bergen County Prosecutor's Office shall provide a written approval for a law enforcement agency to engage in the delivery of S.W.A.T. services only after the

agency has undergone a specific assessment and examination and has fulfilled the joint training and education components established from time to time, by the S.W.A.T. Standards Committee maintained by the Bergen County Police Chiefs Association (“S.W.A.T. Standards Committee”), whose standards and policies shall be adopted, from time to time, by that Committee under the authority of the Chiefs’ Association. As of the time of this DIRECTIVE, S.W.A.T. team standards have been assembled and published by the Committee and the Bergen County Police Chiefs Association, in conjunction with the Bergen County Police Department dated February 2009, which standards are on file with the Bergen County Police Chiefs’ Association and may be available for review and inspection by any law enforcement agency. Absent approval from the Bergen County Prosecutor’s Office, which shall be based upon the recommendation from the Chief Association’s S.W.A.T. Standards Committee, no law enforcement agency shall engage in a S.W.A.T. criteria incident as defined by the NTOA and under any circumstances.

- A. This DIRECTIVE shall not prohibit a law enforcement agency from training its officers to a higher tactical level in terms of tactical capabilities and weapons. However, before the particular law enforcement service and deployment may be defined as a S.W.A.T. Unit the provisions of this DIRECTIVE shall be adhered to without exception.
 - B. Any training conducted by any S.W.A.T. approved department shall adhere to the standards approved by the S.W.A.T. Standards Committee, which shall in a reasonable time approve or disapprove any request for review.
3. The S.W.A.T. Standards Committee of the Bergen County Police Chiefs’ Association shall maintain an accurate list of all approved agencies from time to time. Such list shall be provided to the Bergen County Prosecutor’s Office and to

the Bergen County Police Department and to any other interested law enforcement agency upon request. In the event of any change, alteration, deletion or addition to the list, said revised schedule of approved agencies shall automatically be provided to the Office of the Bergen County Prosecutor's Office to the attention of the Chief of Detectives.

4. In accordance with this DIRECTIVE, as well as the existing Bergen County Law Enforcement Services Review Board Plan, the Bergen County Police Department is hereby designated as the primary Tactical Unit for the providing of S.W.A.T. law enforcement services within the jurisdiction of Bergen County. In the event that an INCIDENT COMMANDER (as defined by then existing Incident Command Standards) finds it necessary to utilize the services of a S.W.A.T. Team, it shall contact the Bergen County Police Department and request same in accordance with existing guidelines and standards in the event that such INCIDENT COMMANDER does not have, at his or her disposal a S.W.A.T. Team within his or her police department. If, after the deployment of the Bergen County Police Department S.W.A.T. Team, the INCIDENT COMMANDER deems it necessary to call upon a S.W.A.T. Team from an approved municipal police department, the INCIDENT COMMANDER is free to request the dispatch of an additional S.W.A.T. Team but only after consulting with the Bergen County Police Department and having allowed the Bergen County Police Department to offer its advice to the INCIDENT COMMANDER as to the appropriateness of a second team. The decision of whether or not to call upon a second team shall, however, remain with the INCIDENT COMMANDER.

5. If the INCIDENT COMMANDER had, at his or her disposal, a S.W.A.T. Team within its jurisdiction and finds it necessary to deploy that S.W.A.T. Team, it shall be free to do so under any circumstances so long as its S.W.A.T. Team has complied with the S.W.A.T. Team standards as promulgated hereunder and

otherwise complies with the terms of this DIRECTIVE. The INCIDENT COMMANDER shall notify the Bergen County Police Department upon deploying its own S.W.A.T. Team and may, but is not required to, call upon the S.W.A.T. Team maintained by the Bergen County Police Department as a backup. With joint training and the assimilation of a collaborative set of standards, the utilization of joint S.W.A.T. Teams is encouraged as an appropriate and economical use of combined law enforcement services. However, the INCIDENT COMMANDER shall continue to be the primary authority in terms of when and under what circumstances to request the deployment of a S.W.A.T. Team and from which department.

6. Under no circumstances shall any S.W.A.T. Unit in Bergen County, approved or otherwise, self-dispatch its S.W.A.T. Team to any location within the county.
7. Any disputes arising between municipal, county or other departments and arising out of the interpretation or adherence to this DIRECTIVE shall be resolved by the County Prosecutor, unless same deal with the interpretation or application of a S.W.A.T. Team standard when, under those circumstances, the Prosecutor shall refer the matter to the S.W.A.T. Standards Committee, who shall resolve the dispute along with the County Prosecutor or a representative thereof.
8. Each year, the S.W.A.T. Standards Committee shall conduct an annual assessment as to those number of instances when a S.W.A.T. Unit was deployed and will provide, to the Office of the County Prosecutor, a brief statement of the circumstances under which it was deployed, the INCIDENT COMMANDER and whether or not there were occasions where two or more S.W.A.T. Teams were deployed at the same time. The report should indicate the level of collaboration between the agencies so that the Prosecutor may assess, from time to time, the need for supplementing this DIRECTIVE should there be a reason there to.

9. The Prosecutor's Office recognizes that as an intricate part of the deployment of joint S.W.A.T. Units in the years to come, the issue of communication will remain a primary problem. History has indicated several examples where communications between S.W.A.T.'s, emergency response teams, SRT and emergency services units (E.S.U.) were rendered problematic as a result of inefficient communication equipment, frequencies and standards. While it is understood and acknowledged that the County of Bergen is currently in the process of constructing a county-wide trunk radio system it nevertheless is the position of the Office of the County Prosecutor that a certain fund be created to permit the Bergen County Police Chiefs Association, specifically its S.W.A.T. Standards Committee members to utilize this fund to explore ways in which tactical communications may be provided between all S.W.A.T. Units so that if they are required to respond to a critical incident they may utilize joint communication services. The S.W.A.T. Standards Committee shall advise the Prosecutor's Office of the proposed spending plan which shall be reviewed and approved by the BCPO.

Date Signed: February 1, 2010



JOHN L. MOLINELLI
BERGEN COUNTY PROSECUTOR