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

FROM: PROSECUTOR MARK MUSELLA

DATE: MARCH 23, 2020

SUBJECT: BERGEN COUNTY PROSECUTOR'S OFFICE LAW ENFORCEMENT DIRECTIVE NO. 2020-5 - EMPLOYMENT OF BERGEN COUNTY LAW ENFORCEMENT OFFICERS WHILE ON DUTY FOR PRIVATE ENTITIES AND REDUCING PERSONAL INTERACTIONS AMONG LAW ENFORCEMENT OFFICERS.

On March 16, 2020, I issued **Bergen County Prosecutor's Law Enforcement Directive 2020-2 Law Enforcement Preparation and Response to Covid 19 – Coronavirus**. That Directive provided that Bergen County law enforcement executives must assess their agencies and reduce or eliminate non-essential functions during this state of emergency. I followed that Directive with Directive 2020-3 of the same title, and provided specific guidelines on the reduction of non-essential police functions within the context of the present state of emergency. The intent of both directives was to conserve law enforcement manpower and prevent unnecessary personal interaction between law enforcement officers themselves and with the general public, so as to prevent our officers from contracting Covid 19 and reducing the quarantines and availability of officers to meet essential police functions.

As expected, Covid 19 has spread within Bergen County and affected law enforcement agencies through officers contracting Covid 19 and the quarantine of other officers. We anticipate that this will continue and will have substantial impact on all our police agencies, both from the standpoint of depleting an agency's ability to police its jurisdiction and the demand on other agencies to provide mutual aid, thereby reducing those agencies' manpower to police their own jurisdictions.

While most agencies have complied with the directive to "take all responsible and necessary steps to avoid unnecessary personal interactions among all personnel and among



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divisions and units within the departments,” (Directive 2020-2) the compliance has not been uniform and, in some cases, has been inadequate. Therefore, I am directing that every Bergen County law enforcement executive implement a written plan to allocate their law enforcement and civilian personnel so as to ensure minimal contact among personnel. Your minimal contact plans must include provisions such as:

- 1) Personnel may not visit your departments while off duty, except on explicit order or permission;
- 2) Personnel that can practically work remotely from home are permitted to do so;
- 3) Personnel who are exposed to someone who has tested positive for Covid-19 or who has been ordered to be tested himself/herself, or ordered to quarantine must notify you through their chain of command in order to be compliant with Directive 2020-2 and reporting requirements to the Prosecutor;
- 4) That there be no overlapping of shifts or contact between shifts;
- 5) That personnel who are sick remain home and notify their supervisors; and
- 6) That personnel should, at a minimum, wipe down their workstations, equipment and vehicle interiors with disinfectant wipes at the beginning and end of their shifts and follow the published hygiene guidelines of the Bergen County Department of Health Services.

These types of provisions will help to prevent the spread of Covid-19 within your departments and, if one of your personnel should test positive, limit the number of personnel that would need to be quarantined because of contact with the positive test individual.

Additionally, in light of the present state of emergency and the need to conserve police manpower and prevent interpersonal contact, I have considered whether it is appropriate for law enforcement officers to work details providing traffic control and security for private utility and construction companies. In considering this issue, I have concluded that the employment of law enforcement officers on such utility and construction details directly contradicts and undermines the intent of Directives 2020-2 and 2020-3 and is impermissible during the state of emergency. Further, because of the general reduction of police services across Bergen County, the appearance of officers in uniform using department vehicles to provide services for private entities has the capacity to substantially undermine the public’s confidence in and perception of law enforcement.

Therefore as the Chief Law Enforcement Officer of Bergen County, I must direct that effective Friday, March 27, 2020 at 5:00 p.m., all law enforcement employment for private entities arranged through Bergen County police agencies, such as providing traffic and security control for utilities and construction companies, must generally cease during the present state of emergency. Police agencies and utility and construction companies must continue to cooperate to provide safety to the public, but in present circumstances, these private entities can use flaggers or other traffic control measures to create a safe work zone for their employees and the public. Also, in the spirit of cooperation and public safety, I will permit law enforcement executives to approve police employment for traffic control and security in limited circumstances, only for essential repairs on major traffic arteries.

Law enforcement agencies who have officers scheduled to work non-essential details should contact the affected private entities so they can make other suitable arrangements for traffic and security control.

I am well aware of the impact the directives I have issued during this state of emergency have had on Bergen County law enforcement and the management of your departments; but this is a critical time which requires strong measures for the welfare of Bergen County law enforcement and the general Bergen County community.

This Directive will remain in force until the end of the New Jersey state of emergency or by further directive.

As always, I thank you for your cooperation.



MARK MUSELLA
PROSECUTOR