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

FROM: PROSECUTOR MARK MUSELLA

DATE: MAY 8, 2020

**SUBJECT: BERGEN COUNTY PROSECUTOR'S OFFICE LAW ENFORCEMENT
DIRECTIVE NO. 2020-7 - LAW ENFORCEMENT PREPARATION AND
RESPONSE TO COVID-19 – CORONAVIRUS**

This Directive amends and supersedes Bergen County Prosecutor's Office Law Enforcement Directives 2020-2, 2020-3, and 2020-5, which addressed Bergen County Law Enforcement's preparation and response to Covid-19. Directive 2020-2 was issued to protect the health and safety of Bergen County law enforcement officers and the general public by prescribing measures to prevent officers from contracting and spreading Covid-19. With this goal in mind, law enforcement executives were directed to assess their departments and reduce the duty requirements of law enforcement and civilian staff, consistent with preserving public safety. Directive 2020-3 was issued in response to inquiries from law enforcement agencies on the application of Directive 2020-2. It identified general non-essential functions that could be suspended during the health emergency. Directive 2020-5 provided additional guidelines for containing and minimizing the spread of Covid-19 among law enforcement and, in an additional effort to conserve law enforcement resources, temporarily suspended law enforcement officers from employment on private utility and construction details, except for essential repairs on major traffic arteries.

These three Directives were issued in March of this year as Covid-19 was spreading at an accelerating rate. Presently there appears to be a consensus among health officials that Covid-19 cases peaked in New Jersey in mid-April. Recently, Governor Murphy issued Executive Order No. 133 which noted that "New Jersey is no longer seeing an increase in the number of new cases of Covid-19 that are being reported on a daily basis, and the State is experiencing a decrease in the number of individuals visiting emergency departments and being admitted for Covid-19." The specific situation of Bergen County with respect to Covid-19 is similar to that noted by the Governor. The declining number of reported Covid-19 cases has prompted the Governor and our County Executive to reopen some recreation areas for a broad range of activities, consistent with the tenets of required social distancing.

These encouraging circumstances and the further lifting of business and social restrictions that will most likely follow, mandate that law enforcement prepare for increased business and social activity and the demands that this increased activity will make on our agencies. Indeed, the Bergen County Prosecutor's Office and reports from some of your agencies have noted recent increases in criminal activity to which we must respond. Therefore, effective May 18, 2020, your agencies may begin to resume most of the normal functions that predated Directives 2020-2, 2020-3 and 2020-5, except for the restriction on law enforcement employment on private utility and construction details. The pace of resumption of normal activities must be determined by each agency, with careful attention to its individual circumstances and available personnel. We suggest that your agencies should expand their activities incrementally, in accord with the increase of business and social activities within your jurisdictions. Particularly during this health crisis, agencies must continue to exercise their discretion to concentrate their resources on the more significant threats to public safety and may, at their discretion, choose not to direct resources at non-essential functions, such as those identified in Directive 2020-3.

We expect that most agencies will have adjusted many of their operations so that by June 1, 2020, law enforcement officers may accept employment on more private utility and construction details than permitted in Directive 2020-5. Here, law enforcement executives must exercise sound judgement to permit the employment of their officers on these details only when they pose significant issues of public safety, and not on a routine basis.

Although this Directive permits Bergen County law enforcement agencies to begin to resume normal operations, we encourage agencies to continue to enforce rules on appropriate social distancing, personal hygiene, sanitizing of work stations and vehicles and other measures designed to prevent the spread of Covid-19. Departments should also consider periodic testing of personnel for Covid-19 and must follow all proper quarantine procedures for those who test positive and those who may have been in close contact with positive individuals.

Please note that this Directive does not supersede the provision of Directive 2020-2 that requires all agencies to report confirmed Covid-19 diagnoses of their personnel to the Bergen County Prosecutor's Office Intelligence Unit. Also, it does not supersede the provisions of Directive 2020-3 which require agencies to contact the on-call Assistant Prosecutor prior to issuing any complaint warrants and prior to bringing any charges relating to violations of the Governor's Executive Orders, so that the designated Covid-19 Assistant Prosecutor may approve the charges. Those three requirements remain fully in effect.

Lastly, I would like to take this opportunity to thank all of you for your dedication and cooperation and for the dedication and cooperation of your personnel, law enforcement and civilian alike, in continuing to serve the residents of our county during this trying time.



MARK MUSELLA
BERGEN COUNTY PROSECUTOR

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