



MARK MUSELLA
Bergen County Prosecutor

Office of the County Prosecutor

DENNIS CALO
First Assistant Prosecutor

County of Bergen

THOMAS MCGUIRE
Executive Assistant Prosecutor

Two Bergen County Plaza
Hackensack, New Jersey 07601
(201) 646-2300

JASON LOVE
Chief of Detectives

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

FROM: PROSECUTOR MARK MUSELLA

DATE: AUGUST 29, 2022

**SUBJECT: BERGEN COUNTY PROSECUTOR'S OFFICE LAW ENFORCEMENT
DIRECTIVE NO. 2022- 4 CLARIFICATION ON REPORTING AND
INVESTIGATION OF VEHICULAR PURSUITS**

This Directive supersedes **Bergen County Prosecutor's Office Law Enforcement Directive 2017-2 Policy Regarding The Investigation Of All Police Pursuits**, to clarify the reporting and investigation requirements of police pursuits.

Initial Reports to the Attorney General's Office

All law enforcement officers who participate in vehicular pursuits must complete a report in the Attorney General's Use of Force Reporting Portal. The report should be completed by the officer within 24 hours of the pursuit, and preferably before the end of the officer's shift. If the officer involved in the pursuit is unable to complete the report within 24 hours, it should be completed as soon the officer is able to do so, or by a supervising officer within 48 hours, in accordance with a written policy to be established by your agency. A report to the Bergen County Prosecutor's Office ("BCPO") is not required unless the vehicular pursuit results in serious bodily injury or death.

Reporting to the BCPO

Vehicular pursuits resulting in death or serious bodily injury of anyone must be immediately reported to the Confidential Investigations Unit (CIU) of the BCPO. CIU shall in turn immediately notify the Director or Designee of the Attorney General's Office of Public Integrity and Accountability (OPIA).



A State Accredited Law Enforcement Agency

Investigations

All vehicular pursuits must undergo a complete command-level review in accordance with the Attorney General's Vehicular Pursuit Policy. A command-level review requires two supervisors to investigate the pursuit and make appropriate recommendations. In addition, the agency Chief or Law Enforcement Executive must review each investigation and approve or reject the recommendations. Separately, the Attorney General's Internal Affairs Policy & Procedures require an IA review of each pursuit to determine whether an IA investigation is necessary (See Section 4.1.2). To avoid redundancy and a possible conflict between two simultaneous investigations, we recommend that an officer who would conduct a review pursuant to the IA Policy also be part of the command-level pursuit review. In cases where a Chief of Police or law enforcement executive is involved in a pursuit, the matter should be referred to the BCPO CIU for the command level and IA reviews.

In addition to the requirements of the Attorney General's Vehicular Pursuit Policy, all agency reports must contain, at a minimum, the following information: (1) location, date and time of pursuit initiation; (2) location, date and time of pursuit termination; (3) highest speed achieved, weather conditions, road surface conditions and description of pursuit area; (4) reasons for initiating the and/or terminating pursuit; (5) consequences of pursuit, such as accidents, property damage, injuries and/or fatalities; (6) whether or not any violator was apprehended; (7) the offense(s) with which the violator was charged; and (8) a finding of whether or not the pursuing officer(s) acted in compliance with the Attorney General's Vehicular Pursuit Policy and agency policy.

If the command-level review determines that the pursuit was in compliance with the Attorney General's Vehicular Pursuit Policy and agency policy, that finding shall be documented, kept on file at the agency, and need not be reported to the BCPO.

Reporting of Non-Compliant Pursuits

All investigative materials, including Body Worn Camera and Motor Vehicle Recording videos, relevant to vehicular pursuits that are determined not to be in compliance with the Attorney General's Vehicular Pursuit Policy or agency policy, must be forwarded within **forty-five (45) days** of the pursuit to the Policy, Training, and Compliance Unit (PTCU) of the BCPO for review (PTCU@bcpo.net). Vehicular pursuits involving BCPO personnel, that are determined not to be in compliance with the Attorney General's Vehicular Pursuit Policy or BCPO policy, shall be forwarded for review within **forty-five (45) days** to the Director or Designee of the Office of Public Integrity and Accountability.

As always, I thank you for your cooperation.



MARK MUSELLA
BERGEN COUNTY PROSECUTOR