

Chief James N. Batelli

From: Chief James N. Batelli
Sent: Wednesday, July 19, 2017 2:49 PM
To: Quentin Wiest
Cc: William Laforet
Subject: Commodore Perry Park

Mr. Wiest,

Ordinance 1806 which was sent to me shows an effective date of July 27th, 2017. Unless I am mistaken and please advise me if I am, there is nothing existing which authorizes us from questioning a large group in our parks unless they are breaking a law and/or Ordinance and I'm not sure what is meant by a large group.

I have serious concerns which I am in the process of formalizing about enforcement of Ordinance #1806. We are going to be asked to start enforcing an Ordinance that bans individuals from out of state from using our parks and playgrounds. Typically Officers make an observation of a law and/or Ordinance being violated and then take the appropriate action to enforce the law based upon that observation and probable cause. If we are called to a park and/or playground there is no discernible observation that can be made that would have an Officer believe someone is not a State resident other than them exiting an out of state registered vehicle at which time we could take the appropriate action. In New Jersey bias based profiling is prohibited under New Jersey Attorney General Guidelines and Officers cannot take action, detain someone or otherwise single them out based on the race, religion or outward appearance. Individuals are not obligated to carry identification to use a public park nor do they have to display their identification in a park if they are not doing anything wrong. The Ordinance was also modified to state that employees of businesses can use Township parks and guests of residents can use Township parks which makes enforcement further complicated.

Before I place Officers in positions where bias based profiling complaints could be filed against them I am looking for guidance in enforcement of this Ordinance. I am looking to contact the Office of the Attorney General in enforcement of this type of Ordinance absent direction from the Township Attorney.

There are also enforcement questions I have previously submitted but have not been answered. Our agency stands ready to enforce any Ordinance passed by the Council in a fair and impartial manner and consistent with accepted guidelines.

Introduction 6/8/17
Public Hearing 6/29/17
Effective 7/27/17

Section 5:-- This Ordinance shall take effect twenty (20) days after final passage, adoption and publication according to law.

Jim Batelli

From: Quentin Wiest
Sent: Wednesday, July 19, 2017 2:11 PM
To: Chief James N. Batelli