

Incident Report for **A310/2019-00308344**

Primary Trooper	Tpr. Joseph Aloï #7718	Created	May 2, 2023 2:20 pm
Unit	Bellmawr - Squad 2		

Stop Information (CAD)

Location	I-295 Nb Mp 35.4 Cherry Hill Twp-Cam A310		
Stop Start	April 4, 2019 11:22 pm	Duration (Minutes)	56
Stop End	April 5, 2019 12:18 am	Video Used	Yes
Reason for Stop	Moving Violation	State (Plate)	NJ
Stop Statute	39:4-88b Unsafe Lane Change		
Participating Troopers	Tpr. Steven Axner #7720 n/a Jaron Jackson #8013		

Driver Information

Race	White	Date of Birth	March 16, 2000
Gender	Male	Age	19

Outcome Information

Outcome	Statute	Statute Name	Action ID
SUMMONS - Moving Violation	39:4-88B	Unsafe Lane Change	

Post Stop Information (RMS)

Post Stop Activity	Driver	Passengers	Vehicle	
Exit	Yes	Yes	Frisk	No
Frisk	No	No	Search - Consent Requested	No
Search - Consent Requested	No	No	Search - Consent Granted	No
Search	Yes - No Find	Yes - No Find	Search - Probable Cause	Yes - Find
Arrest	Yes	Yes	Search - Other Legal Basis	No
Discretionary Charge	No	No	K9 Used	No
Arrest Charge Code				

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Video Review (Standard)

Date of Review	June 24, 2019	Creation Type	ICV - Incident Specific
Video Number (ICV)	A310/2019-DIVR-713A (Viewed)	Purpose	Regular
Video Number (BWC)	BELL 16 (Not Viewed)	Action Taken	Intervention
Reviewer	SFC John Burt #6024		
Questions Answered - No	Questions Answered - N/A	Questions Answered - Unknown	
Stopping and approach procedures used? Supervisor on scene?	Frisk properly documented? Consent Request protocols followed? Canine Request protocols followed? ICV malfunction? ICV pre-operational tests conducted? Right to submit a compliment/complaint?		

Narrative

SUMMARY:

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*****Trooper conducted MV Stop for a lawful reason and in a professional manner.

-DVR-713A captures full video / audio and Chronological Events:

-Tpr. J. Aloï #7718 called the MV Stop in properly prior to initiating contact. (23:21:42).

-Tpr. J. Aloï #7718 approached the passenger side of vehicle, identified himself as State Police, and requested the driver's license, registration, and insurance card (23:22:37).

-Tpr. J. Aloï #7718 advised the driver the reason for the stop: (39:4-88B / Failure to Maintain Lane) ""When I was behind you, you were having trouble maintaining your lane of travel"). (23:22:42)

-Tpr. J. Aloï #7718 asked "Are any of you guys Medical Marijuana Patients? (23:24:45). Negative.

-Tpr. J. Aloï #7718 advised both subjects: "I smell the odor of raw Marijuana coming from inside the car".(23:24:51).

- Tpr. J. Aloï #7718 walked around to the driver's side of the vehicle, the driver was instructed out of the vehicle, escorted to the front of the vehicle, arrested, handcuffed. (23:25:26).

-Tpr. J. Aloï #7718 escorted the driver to the rear passenger side of Troop Car. (23:26:22)

-Tpr. J. Aloï #7718 advised ODU via portable radio: "5COMM7718 I'm going to have the driver and passenger under ref. odor of raw / negative Medical Marijuana " (23:26:34)

-Tpr. J. Aloï #7718 requests via portable radio is there any Bellmawr Cars nearby? (23:27:02) Bellmawr Cars acknowledge and enroute from Station.

-Tpr. J. Aloï #7718 advised the driver his rights as per Miranda, to which he verbally acknowledged (23:27:36).

-Tpr. J. Aloï #7718 then searched the driver incidental to arrest (neg. results.) (23:28:07)

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-Tpr. J. Aloï #7718 secured (seat belted) driver in the rear of his Troop Car. (23:29:04).

-Tpr. J. Aloï #7718 re-approached the passenger side of the stopped vehicle. The passenger was instructed out of the vehicle (23:30:00), arrested, handcuffed,(23:30:07) and read rights as per Miranda to the passenger, to which he acknowledges (23:30:38).

-Tpr. J. Aloï #7718 conducted search incidental to arrest (neg. results.). (23:30:55).

-Tpr. Axner #7720 and Tpr. Jackson #8013 arrived on scene to assist. (CAD Abstract Tpr. Jackson 8013 (23:27:54) / Tpr. Axner 7720 (23:33:30). Tpr. Jackson #8013 keeps an eye on the secured driver in Troop Car 713A as Tpr. Aloï #7718 conducts PC Search.

-Tpr. Axner #7720 seat belted passenger was secured (seat belted) in the rear of Troop Car #826A (23:34:12). Tpr. Axner #7720 watches Passenger in the rear of his Troop Car.

-CAD Abstract revealed Update noted by Tpr. Axner #7720 "OKAY ON STOP" (23:35:48).

-Tpr. J. Aloï #7718 advised 5COMM via radio: 5COMM7718.. search of the driver and passenger were negative, starting PC Search of the Vehicle (23:37:36).

-"Probable Cause Search" transaction noted in CAD Abstract (23:38:03).

-Tpr. J. Aloï #7718 re-approached stopped vehicle on passenger side and starts PC Search of the vehicle.(23:37: 46). Tpr. J. Jackson #8013 also assisted Tpr. J. Aloï #7718 with search of vehicle as well. Both take turns watching prisoners. A warrantless search of the vehicle, based upon the motor vehicle exception, was conducted and yielded negative results. Tpr. J. Aloï #7718 searched trunk / hatch back area of vehicle (23:42:35).

-Tpr. J. Aloï #7718 Searched continued (23:57:24).

-Tpr. J. Aloï #7718 concluded search (neg. results). (23:59:55)

-Tpr. J. Aloï #7718 then unsecured seat belted driver (00:00:01.)

-Tpr. J. Aloï #7718 released the driver from custody (00:01:12) , escorted to the front of his vehicle (000:01:27). where Standard Field Sobriety Test's were given to the driver to ensure he was okay to drive. The driver completed Standard Field Sobriety Test's in a satisfactory manner, and was placed back in the vehicle (00:10:37).

-The occupant was unsecured (seat belt removed)(00:11:17). The occupant was released from custody , and directed back to the vehicle (00:13:29).

-Passenger admitted to smoking Marijuana in his current clothes about a couple days ago. (00:12:03).

-Tpr. J. Aloï #7718 re-approached the passenger side of the motor vehicle to issue the driver a summons for (39:4-88B Unsafe Lane Change) for the reason for the stop (00:16:30).

-The driver was issued Summons #0412-E19-004475 (39:4-88B / Unsafe Lane Change) for the initial reason for the stop

-Review of CAD Abstract reflected : Driver out ref. balance test (00:14:49).

-Review of CAD Abstract reflected : STANDARD FIELD SOBRIETY TESTS" CAD transaction captured (04:14:54).

-Tpr. Aloï #7718 advised 5COMM via radio "5COMM7718 clear Report"(00:18:00)

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Deficiencies Noted:

1.) Did the trooper exercise caution while employing proper and safe tactics throughout the contact? S.O.P. F-3

Trooper Safety -

*Tpr. Aloï #7718 would have been best served to wait for backup prior to initiating arrest of 2 individuals. Tpr. Aloï #7718 was reminded in the future to request back up and wait for assistance, if practical, prior to initiating arrest of more

than 1 person in a vehicle.

*Tpr. Aloï #7718 stood on the passenger side of the vehicle, while he asked the driver and passenger about CUMMA. Once he received a negative reply, Tpr. Aloï #7718 indicated "I'm going to come over then and take you out of the car".

Especially because he had just been asked the CUMMA questions, the driver may well have been aware that he was going to be placed under arrest and should not have advised him of his next step, but rather approached the driver's side

rather than the passenger side of the vehicle due to the possibility he could have fled in the vehicle or fled on foot. Basically, Tpr. Aloï #7718 was have been better served to wait for back up. Tpr. Aloï #7718 should have reported to the driver's side of

the vehicle prior to advising of his intentions to both driver and occupant that he was going to walk around and get the driver out so that he could keep a close proximity to the driver in order to observe him and as least deter him from fleeing or accessing

a weapon.

* Tpr. Aloï #7718 placed driver in custody in front of the stopped vehicle. Tpr. Aloï #7718 then was observed to walk back to the troop car with the driver in custody, turned his back to the occupied vehicle with passenger. Tpr. Aloï #7718's failure to

observe the vehicle and passenger at all times during this period provided that remaining occupant with ample opportunity to easily escape or launch an ambush on the Trooper.

* Tpr. Aloï #7718 advised 5COMM both the driver and passenger were both under via portable radio as he was walking the driver back to his Troop Car to be Mirandized, Searched and secured, before he even got the passenger out of the vehicle

to even place him in custody. During this time, the occupant was not under arrest nor handcuffed, so he could have fled on foot or launched an ambush on the Trooper.

I spoke with Tpr. J. Aloï #7718 in reference to the aforementioned safety concerns, and in order to document the conversation I had with Tpr. J. Aloï #7718, this Intervention is entered into MAPPS reference these safety discrepancies.

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Bellmawr - Squad 2

Video Review (Management)

There is currently no information available in this section of the report

Video Review (QARAU)

There is currently no information available in this section of the report

Commendation PN

There is currently no information available in this section of the report

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Counseling PN

Subject	Tpr. Joseph Aloï #7718	Date Submitted	June 24, 2019
Author	SFC John Burt #6024	OPS Case #	
Type	Internal	Traffic Stop	Yes
Reason	Related to MV Stop Review		
Narrative			

While conducting an Incident Specific MVR Review of MV Stop A310/2019-00308344, the following safety issues were uncovered:

Trooper Safety -

*Tpr. Aloï #7718 would have been best served to wait for backup prior to initiating the arrest of 2 individuals. Tpr. Aloï #7718 was reminded in the future to request back up and wait for assistance, if practical, prior to initiating arrest

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car". Especially because he had just been asked the CUMMA questions, the driver may well have been aware that he was going to be placed under arrest and should not have advised of Tpr. Aloï's next step, but rather approached the

driver's side rather than the passenger side of the vehicle due to the possibility he could have fled in the vehicle or fled on foot. Tpr. Aloï #7718 would have been better served to wait for back up. Tpr. Aloï #7718 should have

reported to the driver's side of the vehicle prior to advising of his intentions to both driver and occupant that he was going to walk around and get the driver out so that he could keep a close proximity to the driver in order to observe

him and as least to deter him from fleeing or accessing a weapon.

* After Tpr. Aloï #7718 placed the driver in custody in front of the stopped vehicle, Tpr. Aloï #7718 was then observed to walk back to the Troop car with the driver in custody, and was unable to keep a close observation on

the occupied vehicle with passenger. Tpr. Aloï#7718's failure to observe the vehicle and passenger, at all times, during this period provided that remaining occupant with ample opportunity to easily escape or launch an ambush on the

Trooper.

* Tpr. Aloï #7718 advised 5COMM both the driver and passenger were both under via portable radio as he was walking the driver back to his Troop Car to be Mirandized, Searched and secured, before he even got the passenger out of

the vehicle to even place him in custody. During this time, the occupant was not under arrest nor handcuffed, so he could have fled on foot or launched an ambush on the Trooper. This transmission was incorrect and this

transmission should have only included the driver being placed under at this time.

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discrepancies.

PIDR

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Compliment

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Intervention

Subject	Tpr. Joseph Aloï #7718	Date Entered	June 24, 2019
Author	SFC John Burt #6024	OPS Case #	
Reason	MV Stop Related	Source	MVR
Related to	Safety		
Type of Intervention	Performance Notice, Counseling		
Training Category			
Task Recipient		Completed	Completed By
n/a		No	n/a
Narrative			

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Misconduct

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Journal

There is currently no information available in this section of the report

UOF History

There is currently no information available in this section of the report

UOF Review

There is currently no information available in this section of the report