

HARRISON TOWNSHIP POLICE DEPARTMENT STANDARD OPERATING PROCEDURE



SUBJECT: ARREST AND TRANSPORTATION

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BY THE ORDER OF:
Chief of Police Thomas Mills

PURPOSE The purpose of this standard operating procedure is to maintain basic guidance to personnel and to codify standardized procedures regarding arrests and subsequent transportation.

POLICY It is the policy of the Harrison Township Police Department to be in compliance with all statutes, contemporary criminal procedure, Attorney General and Prosecutor [Directives](#) and [Guidelines](#) when arresting and subsequently transporting any person in order to protect any arrestee's or detainee's rights and to minimize risk to police personnel.

PROCEDURES

I. DEFINITIONS

- A. Arrest is defined as a substantial physical interference with the liberty of a person, resulting in apprehension and custodial detention. It is used for the purpose of preventing a person from committing a criminal offense or calling upon a person to answer or account for an alleged completed crime or offense.
1. An actual arrest occurs when a law enforcement officer intentionally employs physical touching of a person and delivers a formal communication of a present intention to arrest.
 2. A constructive arrest occurs without an intentional use of physical contact and without a formal statement indicating an intention to take a person into custody. The courts consider whether there has been a submission to the assertion of authority.
- B. Fresh pursuit (hot pursuit) is defined by N.J.S.A. 2A: 156-2 as not necessarily implying immediate or instant pursuit, but pursuit without unreasonable delay.
- C. Ontario Domestic Assault Risk Assessment (ODARA) is a tool that predicts how likely an abusive partner is to assault again. No clinical expertise is required to administer an ODARA assessment. Officers can obtain the necessary information for scoring the ODARA's 13 items during an interview with a victim, a review of the defendant's criminal history, and related records (e.g., prior investigations, CAD records, etc.).
1. Related definitions include:
 - a. Assault: is any act of violence that involved physical contact with the index victim or a credible threat of death made with a weapon displayed in the presence of the victim.
 - b. Defendant: the person being assessed.
 - c. Index assault: the most recent incident in which the defendant assaulted his/her current or former partner.
 - d. Partner: a person who currently is, or previously was, involved with the defendant in an intimate relationship. This includes current or former spouses, current or former intimate cohabitants, co-parents, and those currently or formerly in a dating relationship.
 - e. Victim: the person upon whom the index assault was committed.
 2. Instances of domestic violence that do not involve physical violence or threat of death with a weapon should not be assessed under ODARA.
 3. Officers shall complete the ODARA in those cases of domestic violence in which the following crimes/offenses are charges and the victim is a partner, as defined above:
 - a. Homicide (N.J.S.A. 2C: 11-1);

- b. Simple assault with contact or a weapon (N.J.S.A. 2C: 12-1a);
 - c. Aggravated assault (N.J.S.A. 2C: 12-1b);
 - d. Terroristic threats with contact or with a weapon (N.J.S.A. 2C: 12-3);
 - e. Kidnapping (N.J.S.A. 2C: 13-1);
 - f. False imprisonment with contact or with a weapon (N.J.S.A. 2C: 13-3);
 - g. Sexual assault (N.J.S.A. 2C: 14-2);
 - h. Criminal sexual contact (N.J.S.A. 2C: 14-3);
 - i. Robbery (N.J.S.A. 2C: 15-1);
 - j. Burglary, 2nd degree with contact or with a weapon (N.J.S.A. 2C: 18-2);
 - k. Any other crime involving risk of death or serious bodily injury (N.J.S.A. 2C: 25-19a(18)).
- D. Presence sums up the requirement that officers knew of the event by the use of any of their senses. A defendant's admission brings the offense within the presence of the officer.
- E. Probable cause refers to facts or evidence that would make a reasonable person believe that a crime or wrongdoing has been, is being, or will be committed.
- 1. Vague hunches or suspicions are not enough.
 - 2. The belief must be supported by the facts.
 - 3. Experience as a police officer is a fact, which can be relied upon to support probable cause, provided it is documented.
 - 4. The facts upon which the belief of guilt is based must have been known at the time of arrest.
 - 5. Post-arrest actions by the accused are irrelevant to the lawfulness of the initial arrest.
 - 6. It is not necessary to believe beyond a reasonable doubt that a person committed an offense in order to arrest.
 - 7. There is no limit to the types of information that can be used to support probable cause, provided such information is not vague and can be documented. Among the types of information that an officer can rely on:
 - a. Observed facts surrounding the incident (behavior, appearance and location of subject; subject's height and weight).

- b. Familiarity with the subject(s)' prior record, prior observation of subject and earlier contacts with subject.
 - c. Reports from others (accounts given by victims or witnesses; reliable informants).
 - d. Each of these sources of information can lead to a determination of probable cause, but some require corroboration by other facts if they are to be given weight.
- F. Statewide Veterans Diversion Program is established under N.J.S.A. 2C: 43-23 et seq. and establishes a process to divert eligible service members away from the criminal justice system and toward appropriate case management and mental health services as early as possible following an interaction with law enforcement in which the service member is alleged to have committed an eligible offense.
 - 1. Related definitions include:
 - a. Eligible crime/offense includes:
 - 1) Non-violent disorderly person or petty disorderly person offense:
 - 2) 3rd or 4th degree crimes.
 - 3) Presumptively Ineligible:
 - a) Crimes or offenses resulting in domestic violence, N.J.S.A. 2C: 25-19a(3);
 - b) If offense is committed while subject to a TRO or FRO N.J.S.A. 2C: 25-17
 - b. Veteran is defined as any enlisted person or officer who was discharged or otherwise released from active service in the U.S. Armed Forces, or any reserve component, or the organized militia of New Jersey under conditions other than dishonorable, or if otherwise qualified for federal Veterans Affairs benefits as determined by the U.S. Department of Veterans Affairs.

II. GENERAL PROVISIONS

- A. This SOP is intended to supplement and not supplant existing criminal procedure. It provides basic guidelines in arrest and transport situations. Therefore, the vast plethora of case law with all of its nuances will not be listed. Arrests are governed by the 4th Amendment to the United States Constitution and Article I.7 of the State of New Jersey Constitution.
- B. When a person has been arrested he/she will be processed for that arrest and the appropriate documentation presented to the court without unnecessary delay.
- C. Unless impracticable, officers should identify themselves to the person(s) being arrested and indicate the crime or offense. The arrestee should be informed of the warrant and the charges.

- D. Officers shall only use that amount of force necessary to safely effectuate the arrest.
- E. Consular notification for non-US citizens is addressed in this department's SOP on *Consular Notification and Access*.

III. ARREST WITH A WARRANT

- A. An arrest warrant has the purpose of interposing a probable cause determination by a neutral and detached judge between the law enforcement officer and the person to be arrested. Warrants include bench warrants, CDR warrants, ACS, ATS, and any other criminal process issued by a court.
- B. All pre-planned arrest warrants shall be de-conflicted in accordance with *New Jersey Attorney General Directive 2016-1*. Deconfliction is not required for warrant arrests that occur spontaneously.
- C. Sworn police officers have the right to execute a warrant by arresting defendants at their homes or at any public place within this State.
- D. When executing an arrest warrant outside of Harrison Township, officers should provide prior notice to the law enforcement agency in that jurisdiction prior to execution except under exigent circumstances where prior notice is impracticable.
- E. To execute arrest warrants out of the State of New Jersey, contact the Gloucester County Prosecutor's Office, Fugitive Unit.
- F. Unless impracticable, pre-planned warrant arrests shall be conducted by a minimum of two officers. More officers or tactical resources can be used depending upon the circumstances and anticipated flight risk.
- G. A search warrant, consent, or an exigent circumstance is required to effectuate a warrant arrest in a third party's dwelling.
- H. Officers shall not execute an arrest warrant without first confirming or taking reasonable measures to confirm the validity of the warrant.
 - 1. The warrant should be verified and confirmed through ACS, ATS, and/or NCIC.
 - a. Verify the identity of the person to be arrested
 - b. Understand the scope of the warrant so as not to exceed any limitations set by the warrant
 - c. Warrants listed as active in the ACS/ATS system should be considered valid
 - 2. Warrants issued by the judge of the Harrison Township Municipal Court that are not listed in the ACS/ATS system are to be confirmed with the municipal court administrator prior to any action being taken.
 - 3. Warrants issued by a judge of any other court, not listed in the ACS/ATS system, are to be confirmed with the issuing authority prior to any action being taken.

4. Employees of this department should not assist an outside law enforcement agency with the execution of a warrant until such time as it has been confirmed that the warrant is valid.
5. An NCIC hit is not probable cause to make an arrest. A confirmation request shall be sent to the agency that entered the person. A positive response by that agency will serve as confirmation of the warrant as per Part 7 of the *National Crime Information Center Operating Manual*.
6. A printed copy of the request and response shall be included in the report of the incident.
- I. Requests from other jurisdictions to serve/execute their warrant(s) should be referred to the shift supervisor.
- J. When serving a special request arrest warrant from another jurisdiction, record the warrant number, jurisdiction name, and results in the arrest report.
- K. After completing the service of a warrant, the arresting officer will be responsible to ensure the warrant is administratively executed in the ACS/ATS system(s).

IV. ARREST WITHOUT A WARRANT

- A. Officers may make a warrantless arrest of a person within the territorial limits of the State of New Jersey if there is probable cause to believe that the suspect has committed or is presently committing a crime punishable by more than one year in state prison (1st, 2nd, 3rd, 4th degree crime).
 1. N.J.S.A. 2A: 155-1 et seq., permits a New Jersey law enforcement officer, who is in fresh pursuit, to enter another state to effect an arrest for a 1st, 2nd, or 3rd degree crime.
 2. N.J.S.A. 2A: 156-1, et seq., authorizes a police officer, who is in fresh pursuit of a person and who is reasonably believed by him/her to have committed a 1st, 2nd or 3rd degree crime or has committed, or attempted to commit, any criminal offense in the presence of such officer, or for whom such officer holds a warrant of arrest may arrest and hold that person anywhere in the State.
 3. However, if the offense is a 4th degree crime, disorderly person, petty disorderly person offense, or DWI the authority to pursue under N.J.S.A. 2A: 156-1 only extends to offenses committed in the officer's presence or ones that he/she holds a warrant for the arrest of the person.
- B. Within the territorial limits of Harrison Township, officers may make a warrantless arrest of someone who, in their presence, has committed a disorderly person offense or other minor offense that involves a breach of the peace (N.J.S.A. 40A: 14-152).
- C. In certain circumstances, an officer may effectuate the warrantless arrest of a person whom the officer has probable cause to believe has committed an offense, even though the offense did not take place in the officer's presence. These offenses are:
 1. Operating while intoxicated;

2. Shoplifting;
 3. Theft of library materials;
 4. Domestic violence related offenses.
- D. Only in rare circumstances involving extremely serious offenses and exigent circumstances can an officer enter a residence to make a warrantless arrest.
1. Officers in fresh pursuit of a person suspected of motor vehicle infractions or a disorderly person or petty disorderly person offense cannot make a warrantless entry into a home to effectuate an arrest.
 2. Fresh pursuit alone is an insufficient justification for a warrantless entry into a person's home to effectuate an arrest absent exigent circumstances.
- E. As a general rule, an arrest for a violation of N.J.S.A. 39 (except *DWI, Possession of CDS in a Vehicle*, or *Leaving the Scene of an Accident with Serious Injuries*) is improper if the underlying offense poses little or no threat to the public safety, and if there is no reason to believe that the offender would fail to respond to a summons.
- F. If at any time during the arrest process the probable cause to make the arrest dissipates, the arresting officer shall immediately release the arrestee and return any property that had been taken as a result of the arrest. The incident shall be thoroughly documented in an investigation report.
- G. Representatives of the superior court, usually the pretrial services program manager or his/her designee, will be alerted if a previously released defendant violates any electronic monitoring conditions. Under certain circumstances, the pretrial services program representative will contact this department of the violation's circumstances.
1. Communications personnel shall obtain as much information as possible from the pretrial services program representative, including the identities of the defendant/violator, contact information for victims and witnesses, and pertinent addresses.
 2. Communications **must immediately** dispatch an officer to investigate the violation and to secure the safety of the victim.
 3. Officers shall promptly conduct a welfare check on any potentially impacted victims or witnesses, particularly when a no-contact condition may have been violated. Also, officers should consult available databases (e.g., CAD, RMS, domestic violence central registry, the automated statewide deconfliction database, etc.) to help with decisions as to any response and to ensure the safety of victims, witnesses, and responding officers.
 4. The pretrial services program representative may be able to provide communications with the GPS coordinates or a street address where the defendant could be located when such information is available through the defendant's electronic monitoring device.

5. The pretrial services program may apply for a bench warrant for contempt of court for violating the conditions of release. If the judge grants the request for a bench warrant, the pretrial services program representative will advise this agency to arrest the defendant on the bench warrant.
6. The pretrial services program representative should be able to provide communications with copies of the pretrial release orders. When the pretrial services program representative is unable to provide copies of pretrial release orders, officers should request complaint numbers or Promis/Gavel numbers, so they can view the orders in the case jacket of the eCDR system.
7. If there is evidence that any defendant has committed a new crime or offense, including a violation of a domestic violence temporary or final restraining order, officers should consult with an assistant prosecutor to file new criminal charges based on those violations.
- H. With respect to municipal ordinance violations, N.J.S.A. 40A: 14-152 provides: *"The officers of a police department, within the territorial limits of the municipality, shall have all the powers of peace officers and upon view may apprehend and arrest any disorderly person or any person committing a breach of the peace."*
1. Under this statute, there are three (3) prerequisites that must be met before an officer may arrest:
- a. The offense must occur in Harrison Township; and
 - b. The offense must have occurred upon view of the officer; and
 - c. The offender either must be a disorderly person or have committed a breach of the peace.

V. HANDCUFFING

- A. Officers shall maintain and carry on duty an operable set of handcuffs equipped with a double locking feature.
- B. Officers shall maintain a set of handcuffs free of dirt, lint or other conditions that may make them inoperative.
- C. To provide greater control of an arrestee/detainee, officers should:
- 1. Remain alert for any unexpected moves by the subject;
 - 2. Approach the subject from his/her rear or side;
 - 3. Maintain control of the subject and keep him/her off balance.
 - 4. Unless special circumstances exist, handcuff the subject behind their back, palms facing outwards with the handcuff keyhole away from the hands;
 - 5. Double lock the handcuffs;
 - 6. At the discretion of the officer and for greater control, loop the handcuffs through a belt (if the subject is wearing a belt) or a belt loop, if able;

7. Never handcuff a subject to yourself or another officer;
 8. Never handcuff a subject to the inside of a vehicle or a fixed object unless the object is designed for that purpose;
 9. Officers should obtain supervisory approval to deviate from these handcuffing requirements.
- D. Use of handcuffs during investigations and prior to an at-scene arrest:
1. Officers should not use handcuffs prior to arrest unless special circumstances exist to warrant their use. Special circumstances include:
 - a. The subject is uncooperative or takes an action at the scene that raises a reasonable probability of danger or flight.
 - b. Where officers have information that the suspect is currently armed;
 - c. Where the stop/detention is in close proximity (time and space) following a violent crime
 - d. Where officers have information that a crime involving violence is imminent;
 2. In the absence of a continuing threat to the officer or citizen safety, the handcuffs should be removed if the protective frisk discovers no weapons.
 3. Any incident where a suspect is handcuffed during an investigative detention should be documented.

VI. CUSTODY AND TRANSPORTATION

- A. Officers shall search the rear seat of vehicles used for arrestee transportation at the beginning of their shift and conduct an inspection prior to occupation by an arrestee. Vehicles shall be searched again immediately after transportation to ensure that contraband or evidence had not been secreted by the arrestee.
1. Found property/evidence shall be collected and processed in accordance with existing procedures.
 2. The arrestee should be charged accordingly, when applicable.
- B. Immediately upon arrest all persons will be secured. At a minimum, they should be handcuffed unless handcuffing is not possible due to injury or disability. Unless impractical due to injury, disability or physical size, handcuffs should be placed behind the back. Only a supervisor may approve not handcuffing an individual for any other reason. Officers should remain aware of the dangers of positional asphyxia and continually monitor arrestees for symptoms.
1. Leg irons and/or disposable handcuffs (e.g., nylon flex cuffs, nylon zip ties, etc.) are authorized for incidents where the number of arrestees exceeds the number of available handcuffs, when the arrestee is combative, or when the arrestee's injury, disability or physical size prohibits the use of standard handcuffs. When such nylon devices are used, officers shall ensure that

they have immediate access to a cutting tool if the arrestee suffers a medical emergency (e.g., respiratory distress due to positional asphyxia, etc.).

2. Transportation of arrestees in a lying or supine position (facing up) is prohibited. Accordingly, the application of additional restraints must be made in such a manner as to allow for upright transportation of all arrestee.
- C. The entire person of the individual taken into custody is to be searched (not simply frisked) for weapons, contraband, evidence and implements of escape, as is the area under that individual's immediate control. The search must be thorough enough to ensure the safety of the individual, the arresting officer, other officers, and persons the individual may come in contact with while in custody.
1. This search must be conducted contemporaneous to the arrest immediately after the person has been restrained.
 2. In situations where an arrestee is accepted from another department, facility, store security or officer, the officer preparing to conduct the transportation must not assume that a competent search has already been conducted. Arrestees that are coming from these various environments may have inadvertently been exposed to contraband or weapons after their initial search and this possibility warrants the need for a new pre-transportation search.
- D. After being restrained and searched the arrestee should be placed in the rear of a police vehicle equipped with a partition between the front and rear passenger compartments with the rear doors and windows controls disabled or removed. The arrestee should be further secured with the vehicle's safety restraints. This further restraint will provide an additional level of security for the transporting officer(s).
1. Arrestees shall not be handcuffed to or otherwise secured to any part of a vehicle, nor shall two or more prisoner be handcuffed or otherwise restrained to one another.
 2. Whenever an arrestee is placed into a police vehicle, the doors to the vehicle shall be locked to prevent unauthorized persons from opening the vehicle door.
 3. Officers shall exercise due care and assist arrestees who are entering or exiting a department vehicle during transportation procedures.
 4. The following are situations when using a seatbelt may be inappropriate or unsafe:
 - a. Aggressive/combative arrestee making attempts to secure him/her impracticable;
 - b. Injuries to the arrestee that may be aggravated by the seat belt;
 - c. The use of supplementary restraints on the arrestee that make it difficult, impossible, or unsafe for the seat belt to be used.

- E. Arrestees shall not be left unattended after being placed into police vehicles awaiting transportation. Officers must be constantly aware that other persons may attempt to free or otherwise facilitate an escape.
- F. Officers can transport the arrestee to police headquarters alone but, while being followed by another officer, whenever practicable.
- G. If no such equipped vehicle is available or when confronted with a legitimate and unforeseen exigency that requires transportation of an arrestee in a vehicle that is not equipped with a security partition, it shall be necessary to have two (2) officers present in the vehicle for the transportation, and no more than one (1) arrestee/prisoner may be transported per vehicle. The second officer may sit in the front seat but, his/her attention shall be focused on the arrestee. If the second officer rides in the rear seat with the arrestee, the officer's weapon shall be away from the arrestee.
- H. Whenever possible, arrestees initially taken into custody as a result of the same incident shall be transported to police headquarters in separate vehicles in an attempt to minimize the opportunity for coordination of stories.
 - 1. If, due to the number of arrestees, it becomes necessary to transport multiple prisoners in a single vehicle, communications must be notified prior to such activity.
 - 2. Notwithstanding the above requirement, male and female arrestees should not be transported in the same vehicle unless the vehicle is equipped with a barrier capable of providing physical separation between such arrestees.
 - 3. Adult and juvenile arrestees shall not be transported in the same vehicle.
- I. Arrestees are not permitted to communicate with anyone except a police officer during transportation or while waiting to be transported. Persons approaching a police vehicle containing an arrestee shall be instructed to leave and advised that the failure to oblige may result in their arrest and/or prosecution.
- J. Under no circumstance shall an officer travel to the home of a Harrison Township official/employee while an arrestee is in the vehicle.
- K. If any suspicious, threatening, dangerous, or alarming incident occurs during transportation, the officer should immediately notify communications and pull over in a safe location to further observe or correct the situation. Particular attention shall be directed toward arrestees who are or might be under the influence of alcohol or drugs or who have a propensity or history of being violent.
- L. Ordinarily, arrestees shall be transported directly to police headquarters, another law enforcement agency, or confinement facility as directed unless being taken to a medical facility for evaluation and/or treatment.
 - 1. Unless the injury is serious or life threatening, the arrestee can refuse medical evaluation and/or treatment.
 - 2. Officers shall employ the level of additional security at the treatment facility permitted by the nature of the injury, the regimen of treatment, and as allowed by the treating physician/nurse.

3. Any evidence or indication of injury or illness to an arrestee shall be documented on the investigation report.
 4. Officers shall take universal precautions against bloodborne pathogens and infectious diseases.
 5. If an arrestee must be admitted to the hospital, an officer shall be assigned to guard and remain with them.
 - a. Police personnel shall not sign any documents at the hospital or medical facility indicating that Harrison Township is the responsible billing party.
 - b. The hospital or medical facility shall seek reimbursement from the arrestee's medical insurance or indigent care fund.
 6. Visitors are prohibited. Only authorized medical staff shall be allowed into the room and have contact with the arrestee.
 7. Officer(s) shall ensure that the room/area is secure so that the arrestee cannot escape.
 8. Officer(s) shall remain at the arrestee's room or inside and ensure that no unauthorized personnel enter. The arrestee shall be continuously monitored to minimize the potential for escape.
 9. If an escape occurs, see subsection VI.O of this SOP and contact hospital security.
 10. If the hospital notifies the officer that the arrestee will be released, the officer shall notify the shift supervisor. The shift supervisor will determine if the arrestee is to be transported to police headquarters for further processing, to be interviewed by detectives, or to be transported to the Salem County Correctional Institution.
 11. If the hospital informs the officer that an arrestee who is to be committed to the Salem County Correctional Institution has a medical condition that requires admission to the hospital, the officer shall notify the shift supervisor. The shift supervisor shall arrange for the county sheriff's office to take custody of the arrestee at the hospital. The officer at the hospital shall remain at the hospital guarding the arrestee until the sheriff's office arrives and custody is transferred.
- M. Arrestee transportation should not be interrupted for any reason except in extreme cases when the arrestee is stricken with a medical condition requiring immediate aid or vehicle crash involving the transporting vehicle. In that event, the transporting officer shall stop safely and should not remove the arrestee from the vehicle to render aid unless another officer is present to assist.
- N. Prior to commencing transportation, officers shall advise communications of the number of arrestees being transported, their gender, their classification (adult or juvenile), the starting location, their destination, and starting mileage to the nearest 1/10th of a mile. Upon arrival at their destination officers are to give their ending mileage.

- O. If an arrestee escapes while in custody prior to or during transportation:
1. The arresting/transporting officer(s) shall promptly notify communications.
 - a. Communications shall immediately notify the shift supervisor or designee.
 - b. The shift supervisor or designee will immediately verify that an escape has occurred.
 - c. Extreme caution shall be exercised to minimize the potential of a hostage scenario.
 2. A general radio broadcast to all duty personnel shall be broadcast as soon as practicable. Provide the following information at a minimum:
 - a. Arrestee's name, if known;
 - b. General description;
 - c. Clothing description;
 - d. Last known home address;
 - e. Last direction of flight;
 - f. Crime(s) originally arrested for;
 - g. Weapons, if known; and
 - h. Any other pertinent information known.
 3. Additionally, broadcast the escape over SPEN to surrounding communities. Provide the same information listed above. Update any changes to this information as necessary.
 4. The shift supervisor or his/her designee shall take personal command of the incident and direct units accordingly. If the escape is confined to police headquarters, the building and immediate surrounding areas shall be secured by patrols.
 5. The shift supervisor shall cause notification to the operations commander.
 6. The shift supervisor shall ensure that telephone contact is made with any jurisdiction where the escapee may be likely to flee, provide the pertinent information, and request assistance from that jurisdiction in apprehension.
 7. The shift supervisor or his/her designee may assign additional staffing, as needed for assistance, to the scene or to provide patrol coverage while existing duty personnel are committed to the escape investigation/search. Activation of additional resources should be consistent with the offense for which the escapee had been taken into custody, the likelihood of injury to the escapee and/or other persons, the likelihood of apprehension, and the anticipated duration of the search.

8. If and when the escapee is recaptured, the shift supervisor should direct a minimum of two (2) officers to reclaim the arrestee and transport him/her back to this facility for incarceration. Any alarm or broadcast to patrols or surrounding agencies should be promptly cancelled. Additional measures should be taken to prevent any further escape.
 9. Seek medical attention if the escapee requires it. Additional security measures shall be deployed to minimize any future escape attempt.
 10. The incident must be fully documented in the investigation report of the precipitating event.
- P. When transportation terminates at this department, officers will bring the individual(s) into the booking area. Officers shall secure their handguns and CEDs in a weapons locker at their first opportunity but, before handcuffs are removed.
- Q. If an officer suspects that an arrestee may have a communicable disease, officers shall wear protective surgical type gloves and surgical type masks while searching, fingerprinting and processing the arrestee.
1. Clean the handcuffs with an alcohol or disinfectant wipe after removal from an arrestee.
 2. Personnel shall thoroughly wash their hands with disinfectant soap after completing the search.
 3. If an officer has reason to believe his/her clothing has become contaminated as a result of contact with a party with a communicable disease, his/her clothing should be removed and placed in a plastic bag and cleaned as soon as practicable. After placing clothing in a plastic bag, personnel should wash their hands thoroughly with disinfectant soap.
 4. The interior of the police vehicles is to be cleaned with a disinfectant spray before being used again.
 5. Paper towels used to clean up are to be discarded in a plastic bag and placed in an outside trash receptacle.

VII. SPECIAL NEEDS CUSTODY AND TRANSPORTATION

- A. There may be instances when normal custody and transportation procedures are impracticable. These reasons include, but are not limited to:
1. Arrestee(s) who exhibit signs of mental illness;
 2. Arrestee(s) who may be emotionally disturbed;
 3. Arrestee(s) who are physically disabled;
 4. Arrestee(s) who are injured;
 5. Arrestee(s) who are morbidly obese.

- B. Transportation for arrestees who exhibit special needs may be accomplished by ambulance, if available. Restraints should be used, if available and practicable. If the arrestee has a wheelchair, the wheelchair should be transported with him/her. Canes and crutches should also be taken; but shall be stored as arrestee property until needed.
- C. The shift supervisor will determine whether the person being arrested should be taken to the booking room or to a medical facility for evaluation and/or treatment first.
- D. For minor offenses, photographs and fingerprints can be obtained at the initial court appearance.
- E. If an arrestee indicates that he/she has medication that they need to sustain his/her health, the arresting officer should take possession of the medication.
 - 1. Officers shall not dispense or permit arrestees to take medication (prescription or non-prescription) without authorization of a physician licensed to practice medicine in the State of New Jersey;
 - 2. If the arrestee needs immediate medical attention, he/she shall be transported to the hospital via ambulance;
 - 3. If the arrestee is going to be committed to the Salem County Correctional Institution, bring the medication for determination by the jail's medical staff.
 - 4. Under no circumstances shall personnel sign or endorse any medical authorization for any person under arrest or in custody indicating that Harrison Township is the responsible billing party.
- F. Arrestees have no right or privilege to attend funerals, religious services, visit in hospitals with critically ill family or friends, or attend probate proceedings while in the custody of this agency.

VIII. POST ARREST IDENTIFICATION

- A. Fingerprints and photographs (mug shots) shall be completed for all adult arrestees. Such mug shots must be:
 - 1. Face straight on (e.g., not tilted side-to-side, not tilted front-to-back, no open mouth, etc.) and profile.
 - 2. Properly lighted (e.g., no shadows, no uneven light, etc.).
 - 3. Properly composed with no facial obstructions (e.g., hair hanging in front of the face, eyeglasses, facial piercings, dirt, blood, excessive make-up, etc.).
 - 4. When possible, long hair should be tied back or tucked behind the ears.
 - 5. Head coverings should be removed unless they serve a religious or medical purpose. Such head coverings include, but are not limited to:

- a. Hijab is a piece of fabric used as a headscarf and fastened under the chin, in traditional Islamic dress is a veil traditionally worn by Muslim women in the presence of adult males outside of their immediate family, which usually covers the head and chest. The term can further refer to any head, face, or body covering worn by Muslim women that conform to a certain standard of modesty. The hijab should not cover the face on the mug shot.
 - b. Snood is a type of female headgear designed to hold the hair in a cloth or yarn bag. In the most common form the headgear resembles a close-fitting hood worn over the back of the head. It is similar to a hairnet, but snoods typically have a looser fit, a much coarser mesh, and noticeably thicker yarn. Snoods are permitted if they do not cover the face.
 - c. Yarmulke (also known as a kippah, kippa, or kipah) is a brimless cap, usually made of cloth, worn by followers of Judaism to fulfill the customary requirement held by Orthodox authorities that the head be covered. Yarmulkes are permitted.
 - d. Bandages and other medically necessary appliances are permitted. If a bandage or other medical appliance interferes with the mug shot, such photograph can be taken at a later time.
- B. The arresting officer shall ensure that the following checks are made on the arrestee(s) prior to release or transfer:
 1. NCIC;
 2. ACS/ATS
 - C. The arresting officer shall ensure that all appropriate victim/witness notifications are made.
 - D. The arresting officer shall ensure that guidelines for alternate care for arrestee's dependents are followed and documented on the arrest or investigation report.
 - E. The arresting officer shall ensure that a DNA sample is taken from arrestees with qualifying charges.

IX. COMPLAINT PROCESS

- A. In accordance with the *Statewide Veterans Diversion Program* (see subsection I.F of this SOP), when a person is taken into custody for an eligible crime or offense, the officer shall inquire whether the person is an active service member or has ever served in the military services of the United States.
 1. The results of this mandated inquiry, including any negative response, must be included in the PLEIR and note such in the appropriate box on the eCDR.
 2. In certain circumstances, N.J.S.A. 2C: 43-25 permits a municipal police officer to divert a veteran in lieu of signing a criminal complaint. An assistant prosecutor **MUST** expressly approve any pre-complaint diversion of an individual pursuant to N.J.S.A. 2C: 43-25.

3. *If approval is not or cannot be obtained, regular complaint procedures shall be followed.*
- B. Prior to charging a defendant with any indictable crime and **before** contacting the shift supervisor, the officer must:
1. Prior to initiating the Live Scan process, the officer shall consult with the shift supervisor to confirm the correct charge (statute number) that will be entered into Live Scan.
 2. The shift supervisor must authorize any contact to an assistant prosecutor for advice on charging decisions.
 3. Take and submit fingerprints and a digital photograph of the defendant using Live Scan. Use the highest degree charge first. The charges entered into Live Scan must match the charges that are placed on the complaint (CDR).
 - a. Initiate the automated pretrial risk assessment process and receive a preliminary public safety assessment (PSA).
 - b. The PSA relies on data stored in law enforcement and judiciary databases, to include adult criminal history and court appearance history (e.g., failure to appear).
 - c. If the PSA indicates that the defendant has an out-of-state criminal record, the appropriate out-of-state criminal history check (III) must be run.
 - d. Because the automated PSA does not incorporate all background information on a defendant, the arresting officer **MUST** check the following databases:
 - 1) CCH;
 - 2) Out of state criminal history (III);
 - 3) Juvenile central registry;
 - 4) Sexual assault registry;
 - 5) Expunged records (if available to officer).
 - e. The PSA does not account for the threat of future harm to the victim or witness, defendant's involvement or affiliation with gang or organized crime, alcohol and drug dependence or mental illness. The shift supervisor **MUST** alert the assistant prosecutor to additional known relevant facts and circumstances in filing in the blanks that will not be known based upon the PSA.
 - f. In cases involving domestic violence:
 - 1) Check the Domestic Violence Central Registry to determine whether the defendant is subject to a domestic violence restraining order.

- 2) In cases involving qualifying domestic violence offenses, conduct an ODARA (see subsection IX.B.3 for qualifying domestic violence related crimes/offenses);
 - 3) NOTE: Use an *ODARA Scoring Form* regardless of the gender of the person committing the index assault or the gender of the victim, but officers shall only use the ODARA scores to frame decision-making in cases in which a male or a person who self identifies as a male has assaulted a female or a person who self identifies as a female partner.
4. Live Scan fingerprinting must be completed before beginning eCDR complaint entry.
 5. After a Live Scan confirmation is received, proceed to the eCDR system and begin generating a complaint.
 6. The shift supervisor must review the complaint to ensure that the charge, subsection, and degree of crime are correct and that all pertinent information is contained in the complaint.
- C. In consultation with the shift supervisor, the officer must determine whether application for a complaint-warrant is either mandated or presumed:
1. MANDATORY COMPLAINT-WARRANT – Crimes/conditions requiring a mandatory application for a complaint-warrant where probable cause exists to believe that defendant committed or attempted to commit:
 - a. Murder (N.J.S.A. 2C: 11-3);
 - b. Aggravated manslaughter (N.J.S.A. 2C: 11-4(a));
 - c. Manslaughter (N.J.S.A. 2C: 11-4(b));
 - d. Aggravated sexual assault (N.J.S.A. 2C: 14-2(a));
 - e. Sexual assault (N.J.S.A. 2C: 14-2(b) or (c));
 - f. Robbery (N.J.S.A. 2C: 15-1);
 - g. Carjacking (N.J.S.A. 2C: 15-2);
 - h. Escape (N.J.S.A. 2C: 29-5(a));
 - i. The defendant was extradited from another state for the current charge (the officer must notify the court of the extradition);
 - j. A lawful detainer has been lodged against the defendant by another law enforcement agency (the officer must notify the court of the detainer(s)).

- k. Note: If a defendant is arrested for an offense committed under the laws of another state, or the United States, and is not charged with an offense under New Jersey law, the *Bail Reform Act* does not apply, and the agency making the arrest or having custody of the defendant shall proceed in accordance with the laws, practices, and procedures currently in place.
2. PRESUMED COMPLAINT-WARRANT: The officer SHALL apply for a complaint-warrant unless such application would not serve the interests of public or victim safety, or the interest of justice:
- a. Automated risk assessment (PSA) indicates an elevated risk of flight (i.e. FTA score of 3, 4, 5 or 6);
 - b. Automated risk assessment (PSA) indicates an elevated risk of new criminal activity (i.e. NCA score of 3, 4, 5 or 6);
 - c. Automated risk assessment (PSA) indicates that there is a risk of new violence (i.e. the new violent criminal activity (NVCA) flag is indicated);
 - d. When 'unclassifiable charges' appear on a preliminary PSA unless otherwise directed by an assistant prosecutor;
 - e. The defendant has violated a domestic violence restraining order or condition of release as part of present offense;
 - f. The defendant has violated a sexual assault survivor protection order or condition of release as part of present offense;
 - g. There is probable cause to believe that the defendant committed or attempted to commit any of the below offenses:
 - 1) A 1st or 2nd degree crime set forth in Chapter 35 of Title 2C;
 - 2) A crime involving the possession/use of a firearm;
 - 3) Vehicular homicide (N.J.S.A. 2C: 11-5);
 - 4) A second-degree aggravated assault (N.J.S.A. 2C: 12-1(b));
 - 5) Assault on public officials or employees 3rd degree (N.J.S.A. 2C: 12-1(b)(5));
 - 6) Disarming a law enforcement officer (N.J.S.A. 2C: 12-11);
 - 7) Kidnapping (N.J.S.A. 2C: 13-1);
 - 8) Aggravated arson (N.J.S.A. 2C: 17-1(a));
 - 9) Second-degree burglary (N.J.S.A. 2C: 18-2);
 - 10) Extortion (N.J.S.A. 2C: 20-5);

- 11) Causing or permitting a child to engage in a prohibited sexual act (N.J.S.A. 2C: 24-4b(3));
 - 12) Photographing, filming, sexual exploitation, or abuse of a child (N.J.S.A. 2C: 24-4(b)(3), (b)(4), or (b)(5));
 - 13) Eluding 2nd degree (N.J.S.A. 2C: 29-2(b));
 - 14) Booby traps in manufacturing/distribution facilities (N.J.S.A. 2C: 35-4.1(b));
 - 15) Strict liability for drug induced death (N.J.S.A. 2C: 35-9);
 - 16) Terrorism (N.J.S.A. 2C: 38-2);
 - 17) Producing or possessing chemical weapons, biological agents or radiological devices (N.J.S.A. 2C: 38-3);
 - 18) Firearms trafficking (N.J.S.A. 2C: 39-9(i));
 - 19) Racketeering (N.J.S.A. 2C: 41-2).
- h. The present offense was committed while on release for another offense (including release for any indictable crime or disorderly persons offense whether that previous offense had been charged by complaint-warrant or complaint-summons);
 - i. The present offense was committed while on probation, special probation, intensive supervision program (ISP), parole or pretrial intervention (PTI), community supervision for life (CSL), or parole supervision for life (PSL) where the defendant pleaded guilty as required by N.J.S.A. 2C: 43-12g(3);
 - j. The present offense was committed while the defendant was on release pending sentence or appeal;
 - k. Within the last 10 years, the defendant as a juvenile was adjudicated delinquent for a crime involving a firearm or a crime that if committed by an adult would be subject to N.J.S.A. 2C: 43-7.2;
 - l. It reasonably appears that the defendant has an out-of-state pending charge or conviction involving actual or threatened violence or unlawful possession or use of a firearm;
 - m. The ODARA score is 3 or greater regardless of the PSA scores;
 - n. The PSA results are not available because either the Live Scan system or the judiciary's automated PSA system is not operational, or the results from the PSA otherwise are not or will not be available within a reasonable period of time (e.g. within two hours of fingerprinting the defendant);

- o. If any one of these above criteria exists, a complaint-warrant **must** be sought, **unless** there is a determination made that neither the interests of public or victim safety nor the interests of justice would be served by applying for a complaint-warrant.

3. DOMESTIC VIOLENCE RELATED CASES:

- a. Officers shall complete an ODARA in those cases of domestic violence in which the following crimes/offenses are charges and the victim is a partner, as defined in subsection I.C.1 of this SOP:
 - 1) Homicide (N.J.S.A. 2C: 11-1);
 - 2) Simple assault with contact or a weapon (N.J.S.A. 2C: 12-1a);
 - 3) Aggravated assault (N.J.S.A. 2C: 12-1b);
 - 4) Terroristic threats with contact or with a weapon (N.J.S.A. 2C: 12-3);
 - 5) Kidnapping (N.J.S.A. 2C: 13-1);
 - 6) False imprisonment with contact or with a weapon (N.J.S.A. 2C: 13-3);
 - 7) Sexual assault (N.J.S.A. 2C: 14-2);
 - 8) Criminal sexual contact (N.J.S.A. 2C: 14-3);
 - 9) Robbery (N.J.S.A. 2C: 15-1);
 - 10) Burglary, 2nd degree with contact or with a weapon (N.J.S.A. 2C: 18-2);
 - 11) Any other crime involving risk of death or serious bodily injury (N.J.S.A. 2C: 25-19a(18)).
- b. Prior to administering an ODARA, officers shall inform the victim about the use of the information being obtained and resultant score as well as the person(s) or agencies that will have access to the results and permit the victim to decline participation if the victim believes that participation will compromise her safety.
 - 1) If the victim declines to participate in the ODARA interview, the officer shall complete the ODARA without the victim's participation.
 - 2) In such instances, the information to complete the ODARA can be obtained from others knowledgeable about the circumstances of the victim and the defendant, law enforcement reports, law enforcement databases, etc.

- 3) (NOTE: such information gathering can also be employed in those instances in which a victim is incapable of participating in an interview (e.g., hospitalized, etc.)).
- c. When considering the totality of circumstances, the following special considerations and factors must be assessed:
- 1) In consultation with the shift supervisor, the officer must consider whether the mandatory detention that would result from the issuance of a complaint-warrant might exacerbate the domestic violence situation or might discourage a victim from pursuing the charge or cooperating with the prosecution, or otherwise would not serve the interest of justice.
 - 2) Given the repetitive nature of domestic violence offenses, the officer or shift supervisor may consider whether it is appropriate to apply for a complaint-warrant in recognition that if the defendant is charged on a complaint-summons and thereafter commits a new crime while on pretrial release, the prosecutor cannot move to revoke release.
 - 3) In determining whether to apply for a complaint-summons or a complaint-warrant in domestic violence cases, the shift supervisor shall give special consideration to the following circumstances relevant to the risks that would be posed if the defendant were to be released on a complaint-summons:
 - a) Whether the victim exhibited sign of injury caused by an act of domestic violence, and if so, the extent of injury;
 - b) Whether any weapon was used or threatened to be used against the victim;
 - c) Whether there is reason to believe that the defendant possesses one or more firearms that for practical or other reasons cannot be seized or surrendered pursuant to the *Prevention of Domestic Violence Act* before the defendant can be released on a complaint-summons.
 - d) Whether the defendant has at any time previously violated a domestic violence restraining order and the nature and seriousness of such violation(s);
 - e) Whether the defendant exhibited suicidal behavior such as excessive sadness, moodiness or is threatening self-injury;
 - f) Whether the defendant attempted to or did strangle the victim during an assault or at any point prior thereto; and

- g) Whether the defendant threatened to or did harm a household pet.
 - 4) In any application for a complaint-warrant, the presence of any of the above circumstances shall be included in the *Affidavit of Probable Cause*.
 - 5) When the officer or shift supervisor has reason to believe, considering the totality of the circumstances including, but not limited to the special factors listed above, that issuance of a no-contact condition or other restraint, a requirement to surrender weapons, or any other special condition of pretrial release expressly authorized by N.J.S.A. 2C: 25-26(a) is necessary to reasonably assure the immediate safety of the victim, the officer shall apply for a complaint-warrant and seek imposition of the condition(s) needed to reasonably assure the immediate safety of the victim. Nothing in this subsection shall be construed to preempt or in any way alter the authority of the victim to apply for a temporary or final restraining order, and the special conditions of pretrial release in the criminal prosecution sought pursuant to this subsection shall be in addition to, not in lieu of, any such civil temporary or final restraining order.
 - 6) If the decision is made to apply for a complaint-warrant, the application shall clearly read that the offense involves domestic violence and shall include any relevant information contained in the *Domestic Violence Central Registry* and/or ODARA, if applicable. Whether the offense is charged by complaint-warrant or complaint-summons, the victim shall be informed how to apply for a restraining order under the *Prevention of Domestic Violence Act*.
 - 7) This requirement to inform the victim shall not be construed to preclude the officer or shift supervisor from seeking imposition of a no contact or other appropriate restraint as a condition of release on a complaint-warrant as may be required.
4. PRESUMED COMPLAINT-SUMMONS – If the case is not a mandatory or presumed warrant application, the officer **SHALL** issue a complaint-summons, unless the application for a complaint-warrant is reasonably necessary to protect the safety of a victim or community, to reasonably assure the defendant's appearance in court when required, or to prevent the defendant from obstructing or attempting to obstruct the criminal justice process, **AND** there is a lawful basis to apply for a complaint-warrant:
- a. The defendant has been served with a complaint-summons and has failed to appear;
 - b. There is reason to believe that the defendant is dangerous to him/herself if released on a summons;

- c. There is reason to believe that the defendant will pose a danger to the safety of any other person or the community if released on a summons;
 - d. There is an outstanding warrant for the defendant;
 - e. The defendant's identity or address is unknown, and a warrant is necessary to subject the defendant to the jurisdiction of the court;
 - f. There is reason to believe that the defendant will obstruct or attempt to obstruct the criminal justice process if released;
 - g. There is reason to believe that the defendant will not appear in response to a summons; or
 - h. There is reason to believe that the monitoring of pretrial release conditions by the pretrial services agency is necessary to protect any victim, witness, other specified person, or the community.
- D. In all cases when the arresting officer seeks a complaint-warrant, the officer will email the assistant prosecutor at gcbailreformpd@co.gloucester.nj.us to advise of the court's decision granting or denying the application so that the AP may take whatever follow-up action is appropriate.
- 1. During normal working hours (0830hrs – 1600hrs), officers should contact the Gloucester County Prosecutor's Office at **856-384-5500** and ask for the charging assistant prosecutor.
 - 2. After hours calls should be made to Gloucester County Communications Center, who will notify the duty assistant prosecutor to return the call.
- E. Officers must complete an *Affidavit of Probable Cause* and the *Preliminary Law Enforcement Incident Report*.
- 1. In accordance with *New Jersey Attorney General's Directive 2017-1*, do not include a victim and/or witness's identifying information in the *Affidavit of Probable Cause*, such as names and addresses.
 - 2. DO NOT use initials! Instead, use anonymous pseudonyms (e.g., John/Jane Doe #1, John/Jane Doe #2, etc.) and reference such pseudonyms to the correct person in the investigation report.
 - 3. The affidavit SHALL include a concise description of relevant facts and circumstances. It should also include a concise statement as to the officer's basis for believing the defendant committed the offense. It shall also indicate whether a victim was injured and, if so, to what extent. The amount of information should be more than what is required in the complaint narrative section but, need not be a full recitation of the facts.
 - 4. In domestic violence related cases, officers should include a concise description of all ODARA items found to be present in the *Affidavit of Probable Cause*.

5. The affidavit will include a checkbox allowing the officer to certify that the statements in the affidavit are true.
- F. Complete the *Preliminary Law Enforcement Incident Report* (PLEIR) in eCDR. If the incident involves an ODARA) see subsection IX.C.3.a of this SOP for qualifying domestic violence related crimes/offenses), officers must include the following in the PLEIR:
1. That an ODARA had been completed;
 - a. Whether the victim was confined at the index assault;
 - b. Whether there was a threat to harm or kill anyone at the index assault;
 - c. Victim's concern about future assaults;
 - d. Victim and/or defendant have more than 1 child altogether;
 - e. Victim has a biological child with someone other than the defendant;
 - f. Assault on the victim while she was pregnant (at index assault or prior assault);
 - g. Two or more indicators of substance abuse;
 - h. Victim faces at least 1 barrier to support;
 - i. Prior violent incident against a non-domestic victim;
 - j. Prior domestic incident of assault in a police report or criminal record (against current or former partner or partner's child);
 - k. Prior non-domestic incident of assault in a police report or criminal record (against any person other than a partner or a partner's child);
 - l. Prior custodial sentence of 30 days or more;
 - m. Failure on current or prior conditional release (including bail, parole, probation, or pretrial release order) or conditions of a restraining order (TRO, FRO, DORO, SORO, SASPA, stalking).
 2. NOTE: Factors scored a '1' on the *ODARA Scoring Form* should be checked off on the PLEIR. Officers should not convey to the court factors scored with a '?' or '0'.
 3. Also note:
 - a. Whether the defendant has access to firearms;
 - b. Whether the defendant attempted to or did strangle the victim during this incident or at any time prior;
 - c. Defendant's characteristics:

- 1) Defendant has history of mental illness (may include PTSD, depression, etc.)
- 2) Defendant exhibited suicidal behavior (such as excessive sadness or moodiness) or threatened self-injury during this incident or at any time prior thereto
- 3) Defendant has a history of stalking, harassment or terroristic threats (towards any victim);
- 4) Defendant threatened to or did harm a household pet during this incident or at any time prior;
- 5) Defendant is unemployed or has a history of chronic unemployment.

d. Relationship changes:

- 1) Victim recently left defendant or informed defendant that he/she was ending the relationship;
- 2) Victim is with a new intimate partner;
- 3) There have been changes in custody of the children

G. Charging decisions when live scan is unavailable; results are delayed; or defendant is not yet arrested:

1. If the Live Scan system or the judiciary's automated PSA is not operational; or
2. If the PSA result is not available within 2 hours of fingerprinting the defendant; or
3. If probable cause exists to issue a complaint for a defendant not yet arrested:
 - a. The shift supervisor SHALL make a complaint-warrant versus complaint-summons determination by applying the provisions and presumptions set forth in this section that do not depend on the results of the automated PSA tool.
 - b. In making this decision, the shift supervisor SHALL give special consideration to the interests of public protections served by providing the pretrial services program with an opportunity to conduct an objective assessment and to make recommendations as to any conditions that may be needed to manage the risks that would be posed by defendant's release.

H. In the event that this agency or an officer has reason to believe that a defendant has violated a condition of pre-trial release, the agency and/or officer shall promptly notify the Gloucester County Prosecutor's Office Grand Jury Unit between 0830hrs – 1600hrs, and the duty assistant prosecutor after hours.

I. *ODARA Scoring Forms:*

1. Officers shall transmit a copy of the completed *ODARA Scoring Form* to the Division of Criminal Justice as soon as practicable following completion at ODARA@njdcj.org.
 2. When sending the *ODARA Scoring Form* to DCJ, copy the Gloucester County Prosecutor's Office at gcbailreformpd@co.gloucester.nj.us
 3. The original *ODARA Scoring Form* shall be maintained in the applicable case file.
 4. ODARA scores shall not be communicated or disseminated to members of the judiciary (i.e., judicial officers, including judges and court administrators, and pretrial service program personnel), and completed *ODARA Scoring Forms* shall not be offered in evidence. This prohibition applies to every stage of a criminal prosecution (e.g., applications for complaint-warrants, requests for conditions of release, hearings for pretrial detention, and trials). However, officers should utilize any information learned from the ODARA to frame critical decisions during criminal prosecutions, including whether to seek a complaint-warrant and whether to seek detention.
 5. *ODARA Scoring Forms* are subject to discovery.
- J. Questions related to the Administrative Office of the Courts' (AOC) eCDR on-line criminal complaint application and the public safety assessment (PSA) tool can be directed to the AOC help desk at **(800) 343-7002**.
- K. NJ CCH charge modifications and manual linking/flagging of arrests to complaints can be directed to the NJSP Data Reduction Unit (DRU) at lppDRU@gw.njsp.org.
- L. Fingerprint processing and related inquiries can be directed to the NJSP Biometric Identification Unit (BIU) at AFIS@gw.njsp.org. Please include the Live Scan process control number (PCN) with all inquiries.
- M. Requests to re-acquire CJIS printers to receive CJIS arrest notifications can be directed to the NJOIT Help Desk at **(800) NCC-HELP**.

X. **REPORTING REQUIREMENTS**

- A. All arrest incidents shall minimally require the following documentation whether electronic or on paper forms:
1. *Investigation Report*; except:
 - a. In cases where the arrest is for warrant service or criminal warrant from another jurisdiction, officers are permitted to submit the case narrative in the notes section of the arrest report;
 - b. Officers are not required to complete a separate police report regarding the arrest unless special circumstances warrant additional documentation of the incident (e.g., companion charge, etc.)

2. *Arrest Report*;
3. *Preliminary Law Enforcement Incident Report* (when required);
4. *Affidavit of Probable Cause* (when required);
5. *ODARA Scoring Form* (when required);
6. Driving while intoxicated/alcohol influence reports (if required);
7. *Prisoner Property Report* (unless the arrestee is being immediately turned over to another agency);
8. *Evidence Report* (if required);
9. *Consent to Search* (if required);
10. *Use of Force report* (if required);
11. Witness statements (if required);
12. Miranda Waiver (if required);
13. *Victim Notification Form* (if required);
14. Suicide evaluation (if subject to confinement);
15. *CJP Transmittal Form* (indictable crimes only);
16. *Notice to Appear for CJP Court Form* (when applicable).

XI. CENTRAL JUDICIAL PROCESSING

A. For purposes of this section, the following terms are defined:

1. *CJP Transmittal Form* – This document is the cover page for all documents that are part of the CJP package and is required only when lodging a defendant on indictable charges.
2. *Gloucester County Preliminary Investigation Report* – This document provides a synopsis of the defendant and the offense that resulted in the indictable charge. Additionally, the report provides essential information to the prosecutor's office in order to efficiently process the complaint(s) and prepare for appearances in superior court.
3. *Notice to Appear for CJP Court Form* – This document notifies the defendant when to appear in superior court. The defendant is required to sign this document as verification that he/she has received the court date. The Criminal Case Management Office will provide a calendar with upcoming CJP court dates.

B. When preparing CJP packets for subjects arrested for new indictable offenses:

1. **NEW COMPLAINT WARRANT – DEFENDANT IN CUSTODY**

- a. A central judicial processing (CJP) packet must be completed and submitted via email or fax to the Salem County Correctional Facility (SCCF) when lodging a defendant on a new eCDR-2 warrant for an indictable offense. The CJP packet must contain the following items:
 - 1) *CJP Transmittal Form*;
 - 2) Copy of signed eCDR warrant;
 - 3) *Gloucester County Preliminary Investigation Report*;
 - 4) Copy of the fingerprint card;
 - 5) Copy of any uniform traffic tickets (if applicable).
- b. Prior to physically transporting a defendant to the SCCF, a copy of the CJP packet must be emailed or faxed to the SCCF so that SCCF booking personnel can confirm the packet is complete:
 - 1) Email: SCCF.Booking@salemcountynj.gov;
 - 2) Fax: (856) 769-9567
- c. Once the SCCF confirms that the CJP packet is complete, contact the Gloucester County Sheriff's Office for transport.
- d. Provide a copy of the CJP packet to the transporting officer so that it can accompany the defendant to the SCCF.
- e. Prior to the completion of the arresting officer's shift, the CJP packet shall be scanned and e-mailed to records. Records personnel will upload the documents to Infoshare in order to provide timely notice of the arrest to the prosecutor's office.

2. **NEW COMPLAINT - INDICTABLE SUMMONS**

- a. All defendants are required to be provided with and sign the *Notice to Appear for CJP Court Form* whenever an eCDR summons is issued against them for an indictable offense.
 - 1) The original shall be forwarded to the criminal case management office.
 - 2) A copy of the notice shall be forwarded to the records division and maintained with the case file.
- b. The remainder of the CJP packet DOES NOT need to be completed for an eCDR complaint – summons (CDR-1).

- C. When preparing a new eCDR complaint-warrant (CDR-2) for a defendant who is not in custody:
 - 1. The investigating officer must complete the *Gloucester County Preliminary Investigation Report* and retain it until the defendant is arrested.
 - 2. If the defendant is arrested by another agency, the *Gloucester County Preliminary Investigation Report* must be readily available and provided to that agency.
 - 3. The *Gloucester County Preliminary Investigation Report* will then be included in the CJP packet and submitted to SCCF by the arresting agency.

XII. SUPPLEMENTAL PRISONER TRANSPORTATION

- A. This section addresses instances where prisoners already in custody are transported to and from this agency. Ordinarily, the Gloucester County Sheriff's Office shall perform these supplemental transportations but, these procedures shall be followed if this department conducts the transportation.
- B. Prior to beginning any transportation, personnel assigned shall ensure that the vehicle being used is sufficiently fueled. For transportation over long distances, officers should be prepared to purchase fuel if necessary, receipt required. Reimbursement shall be sought through the chain of command.
- C. Take an E-ZPass transponder, when required.
- D. Typically, interstate transportation will be performed by the Gloucester County Sheriff's Office. If this agency is called upon to assist, officers(s) assigned shall be briefed on and adhere to the sheriff's policies and procedures.
- E. Prisoners being taken to or from county jail, state prison, or other facility should be handcuffed in the back unless circumstances require handcuffing in the front. The circumstances may include but, are not limited to:
 - 1. Transporting to/from long distances (typically out-of-county);
 - 2. Disability;
 - 3. Potential for positional asphyxia (morbid obesity, etc.);
 - 4. Leg irons and/or disposable handcuffs (e.g., nylon flex cuffs, nylon zip ties, etc.) are authorized for incidents when the arrestee is combative, or when the arrestee's injury, disability or physical size prohibits the use of standard handcuffs. When such nylon devices are used, officers shall ensure that they have immediate access to a cutting tool if the arrestee suffers a medical emergency (e.g., respiratory distress due to positional asphyxia, etc.).
 - 5. Transportation of arrestees/prisoners in a lying or supine position is prohibited. Accordingly, the application of additional restraints must be made in such a manner as to allow for upright transportation of all prisoners.

- F. Officers shall search the rear seat of vehicles being used for prisoner transportation prior to occupation by the prisoner(s). Vehicles should be searched again following transportation.
- G. Prisoners being taken to/from any facility should be searched prior to being placed in a vehicle. Do not assume that the prisoner is free of weapons, contraband, evidence, or implements of escape.
- H. Each prisoner being transported to or from another detention facility should be positively identified as the person who is to be moved. Names, physical identifiers, photographs (if available), date of birth, fingerprints, etc. shall be verified beforehand.
- I. The proper documentation shall accompany the prisoner being moved to or from another facility. This documentation includes but, is not limited to:
 - 1. Warrants;
 - 2. Personal property;
 - 3. Commitment papers;
 - 4. Medical records of unusual illnesses (if applicable);
 - 5. Information relating to the prisoner's escape or suicide potential or other personal traits of a security nature;
 - 6. Victim notification forms.
- J. Follow intake/booking procedures when bringing prisoners to this facility.
- K. Prisoners should be transported in a vehicle equipped with a safety partition with the rear doors and windows controls disabled or removed. A minimum of two officers shall perform the transportation. The second officer may sit in the front seat, but that officer's attention should be focused on the prisoner. Prisoners should be secured with the vehicle's safety restraints. This further restraint will provide an additional level of security for the transporting officers.
- L. Multiple prisoners can be transported within the same vehicle but, the number of prisoners shall not exceed the capacity of the safety devices (lap and shoulder harnesses) in rear seat area.
- M. If any suspicious, threatening, dangerous, or alarming incident should occur during transportation, the officer should immediately notify communications and pull over in a safe location to further observe or correct the situation. Particular attention shall be directed toward prisoners who are or might be under the influence of alcohol or drugs or who have a propensity or history of being violent.
- N. Prisoners are not permitted to communicate with anyone except a police officer during transportation or while waiting to be transported. Persons approaching a police vehicle containing a prisoner shall be instructed to leave and advised that the failure to oblige may result in their arrest and prosecution.

- O. Prisoners shall be transported directly to the intended destination as directed unless being taken to a medical facility for treatment. Under no circumstance shall an officer travel to the home of a Harrison Township official/employee while a prisoner is in the vehicle.
- P. Prisoner transportation should not be interrupted for any reason except in extreme cases when the arrestee is stricken with a medical condition requiring immediate aid or vehicle crash involving the transporting vehicle. In that event, the transporting officer shall stop safely and should not remove the prisoner from the vehicle to render aid unless another officer is present to assist.
 - 1. Immediately notify communications of the event and what type of assistance is needed. Communications personnel shall direct the appropriate type and level of assistance, if local;
 - 2. If the transporting vehicle is in another jurisdiction, communications personnel shall immediately contact the law enforcement agency with jurisdictional responsibility for assistance.
- Q. If long-range transportation is necessary, the prisoner should be directed to use the restroom facilities prior to transportation. Personnel must remain aware that any request to stop may be a pretext for escape. If a restroom stop is required, personnel should use the facilities at a state, county or local law enforcement agency and not public restrooms at highway rest areas.
- R. Officers shall not stop to eat or take breaks while transporting prisoners.
- S. Prior to commencing transportation, personnel shall advise communications of the number of prisoners being transported, their gender, the starting location, their destination, and starting mileage. Upon arrival at their destination, personnel are to give their ending mileage.
 - 1. If out of radio range, use a wireless telephone to relay this information and call a taped line.
 - 2. The supervisor assigning long-range transportation shall ensure the officer(s) have a wireless telephone to make certain constant communications capabilities are maintained between the officer(s) and communications.
- T. If a prisoner is being transported to another law enforcement agency or confinement facility, personnel shall comply with all of that agency's rules and procedures concerning weapons storage.
- U. If the prisoner's destination is other than this agency,
 - 1. Restraints should not be removed until just prior to placing the prisoner in a cell or other secure holding facility;
 - 2. All necessary forms, documentation, and prisoner property shall be turned over to the receiving agency;
 - 3. The name of the receiving official shall be documented in the transportation report/record;

4. The receiving agency shall be advised of any potential medical or security hazards concerning the prisoner(s).
- V. If a prisoner escapes during transportation, see section VI.O.
- W. If prisoners with special needs are being transported to a Gloucester County facility or the Salem County Correctional Institution, first notify the Gloucester County Sheriff's Office to see if that agency can provide transportation.
 1. Do not presume that restraining devices are unnecessary for disabled prisoners, but exercise discretion in restraining a disabled or injured prisoner for transportation.
 2. Depending on the degree of disability or the body parts or functions that are disabled, simple handcuffing in the front through a belt may suffice. Prisoners who cannot ambulate without crutches or cane(s) may be permitted to do so without restraint depending on their security risk.
 3. A wheelchair may be preferred to transport non-ambulatory prisoners where high security is warranted. The prisoner should be secured to the wheelchair.
- X. Prisoners being picked up at other locations and exhibiting signs of untreated injuries should normally be refused before this agency accepts custody.
 1. If the prisoner is being picked up on a Harrison Township warrant:
 - a. Take the prisoner to the nearest medical facility for emergency treatment, see subsection VI.K of this SOP;
 - b. If the prisoner exhibits signs of mental illness, follow the protocols found in this department's SOP on *Emotionally Disturbed Persons*, specifically the subsections on mental health screening and commitment.
 - c. Prisoners exhibiting signs of intoxication can be accepted but, should be transported to a medical facility for medical clearance.
 - d. Promptly notify a supervisor and document the matter.
- Y. Operational or administrative problems encountered while transporting prisoners shall be documented. These problems include but, are not limited to:
 1. Prisoners who become sick or injured during transportation;
 2. Agency vehicle crashes with prisoners on board during transportation;
 3. Prisoner escapes (or attempts to escape);
 4. Inoperative or damaged restraints or equipment;
 5. Intake problems at other facilities, etc.