

UNION COUNTY SHERIFF'S OFFICE STANDARD OPERATING PROCEDURES				
VOLUME: III		CHAPTER: 04	# OF PAGES: 41	
SUBJECT: ARRESTS AND COMMITMENTS				
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BY THE ORDER OF: SHERIFF PETER CORVELLI	DATE	PAGE #	SECTION	
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PURPOSE:

The Sheriff recognizes that depriving individuals of their liberty by arrest is probably the most intrusive act a law enforcement officer may perform. Accordingly, officers must scrupulously observe the constitutional rights of an accused person and ensure that all arrests are handled uniformly.

POLICY:

1. It shall be the policy of the Union County Sheriff's Office (UCSO) to conduct all arrests, searches, and seizures in compliance with all local, state, and federal statutes, case law, and the Constitution of the State of New Jersey and the United States of America.
 - a. The procedures outlined herein shall be used as a guide by all Sheriff's sworn personnel of the UCSO. To that end, the following guidelines are to be strictly followed.
2. It is the policy of the UCSO to enforce all state and local statutes and Union County ordinances. This may be accomplished through the issuance of a:
 - a. citation for violation of the ordinance;
 - b. complaint summons (eCDR-1) for disorderly person offenses (and some indictable violations); or
 - c. complaint warrant (eCDR-2) for serious indictable matters.
3. *It shall be the policy of the UCSO that complaints will be filed against any individual who resists arrest or assaults an officer during the performance of their duties.*
4. *It shall be the policy of the UCSO that upon arrest the defendant will be searched incident to arrest immediately by the arresting officer;*
 - a. *All suspects will be handcuffed behind their backs unless more or less restrictive restraints are authorized by the supervisor.*

- i. *This includes arrests, surrenders, and prisoner transports from other agencies.*
 - (a) *This search will be noted on the final report and /or the comments section of the agency's CAD system.*
- 5. *It shall be the policy of the UCSO that arresting/reporting officers shall not be relieved of duty until all reports are complete and submitted, complaints are complete, all necessary documents are successfully uploaded to the Info Share system (if the defendant is in custody and being committed to the Union County Jail), and prisoner is released on own recognizance, committed to the Union County Jail, or custody is transferred to another law enforcement agency. In accordance with the Union County Prosecutor's Directive 04-16 all documents must be uploaded in the Info Share system within 24 hours of a charge unless the defendant is in custody and being committed to the Union County Jail. If the defendant is being committed the upload must occur before the defendant is confined to the Union County Jail.*

DEFINITIONS:

1. Arrest. An arrest is the exercise of control or custody over a person by restricting that person's liberty of movement for a significant period of time. An arrest may be effected "actually" or "constructively."
 - a. An actual arrest occurs when an officer intentionally employs physical force or delivers a formal communication of his intention to make an arrest.
 - b. A constructive arrest occurs when a citizen believes that he is not free to leave.
 - c. In order to determine if an arrest has occurred, the relative inquiry will be whether, in view of the totality of the circumstances surrounding the police-citizen encounter, "a reasonable person would have believed that they were not free to leave."
2. Arrest Warrant. A written order, issued by the court or official having authority to issue an arrest warrant, directing the arrest of a person.
3. Committing Judge. A judge who has the authority to commit an individual to a holding facility, such as the Union County Correctional Facility.
4. Execution of an Arrest Warrant. Execution of a warrant includes the arrest of the individual named in the warrant.
5. Exigent Circumstances. A set of facts requiring immediate action on the part of a law enforcement officer in the interest of public safety.
6. Presence. Any situation that the officer can determine is occurring by use of their sense of touch, sight, sound, or smell. An example would be actually observing a crime take place.
7. Probable Cause. Probable cause describes the amount of evidence that would warrant an ordinary and prudent person to reasonably believe that a crime is occurring, or has occurred and that the accused was involved. This term implies a level of proof greater than "reasonable suspicion."
8. Protective Sweep. A quick and limited search of an immediate area of an arrest conducted for the purpose of protecting the safety of police officers and others.
9. Search Warrant. An order that certain premises or property may be searched for particular items which if found are to be seized as ordered in a restraining order, used as evidence in a criminal trial, or destroyed as contraband.
10. Enumerated Crimes: (listed under 2C:25-19)
 - a. Homicide N.J.S.2C:11-1 et seq.
 - b. Assault N.J.S.2C:12-1

- c. Terroristic threats N.J.S.2C:1
 - d. Kidnapping N.J.S.2C:13-1
 - e. Criminal restraint N.J.S.2C:13-2
 - f. False imprisonment N.J.S.2C:13-3
 - g. Sexual assault N.J.S.2C:14-2
 - h. Criminal sexual contact N.J.S.2C:14-3
 - i. Lewdness N.J.S.2C:14-4
 - j. Criminal mischief N.J.S.2C:17-3
 - k. Burglary N.J.S.2C:18-2
 - l. Criminal trespass N.J.S.2C:18-3
 - m. Harassment N.J.S.2C:33-4
 - n. Stalking P.L.1992, c.209 (C.2C:12-10)
 - o. Criminal coercion N.J.S.2C:13-5
 - p. Robbery N.J.S.2C:15-1
 - q. Contempt of a domestic violence order pursuant to subsection b. of N.J.S.2C:29-9 that constitutes a crime or disorderly person offense
 - r. Any other crime involving risk of death or serious bodily injury to a person protected under the "Prevention of Domestic Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.)
 - s. Cyber-harassment P.L.2013, c.272 (C.2C:33-4.1)
11. Follow-up investigation. Follow-up investigations are a continuation of the preliminary investigation and are usually but not always initiated by the emergence of solvability factors during the preliminary phase. The follow-up investigation is intended to identify suspects and produce evidence relating to the guilt or innocence of any suspect that can be used in a prosecution; and also, to facilitate the recovery of property.

PROCEDURE:

I. Prerequisites to Arrest

- A. An officer may effect an arrest under any one of the following circumstances.
 - 1. The officer has a valid, judicially authorized warrant for the suspect's arrest.
 - 2. The offense carries a punishment in excess of six (6) months imprisonment and the officer has probable cause to believe the suspect is the one who committed the crime or the crime occurred in the officer's presence. Such an offense constitutes a crime under the Constitution of the State of New Jersey and is designated in the Criminal Code as being of the first, second, third, or fourth degree.
 - a. The officer on scene will determine if there's probable cause for arrest.
 - 3. The offense is a disorderly person or petty disorderly person's offense. The officer can still make an arrest without a warrant *if the offense occurred in his presence*. An admission of guilt is considered the equivalent of "in the officer's presence" for these purposes.

II. Arrest with a Warrant

- A. Warrants are always preferred when making an arrest since an arrest without a warrant is considered to be an exception to the rule. When an arrest warrant is issued, it demonstrates that a detached and neutral magistrate determined that probable cause exists to believe that the subject of the warrant committed an offense. As such, the warrant necessarily serves to protect individuals from unreasonable seizures. An officer has the right to execute a warrant at any place in the State, including the defendant's residence.
 - 1. *Arrests at Address Listed on Warrant*
 - a. When an officer possesses a valid arrest warrant, he may enter the residence listed on the warrant to make the arrest if he has probable cause to believe the subject named in the warrant is within the residence.
 - b. Barring any exigent circumstances, the officer should knock on the door of the residence, identify himself and demand entry.
 - c. Upon gaining entry to the residence, the officers may search anywhere that the subject named in the warrant could be hiding.
 - (i) Forcible entry into the residence may be employed, provided the officer has probable cause to believe the subject named in the warrant is hiding within.

- (a) For example:
 - (1) Officers observe the subject peer out of a window.
 - (2) Officers observe the subject entering a residence.
- d. After gaining access to the dwelling and arresting the subject named in the warrant, the officer should do the following:
 - (i) Conduct a protective sweep of the immediate area of the arrest for anything that might pose a danger to the officers or others who may be present.
 - (ii) Conduct a protective sweep of areas not in the immediate vicinity of the arrest, if reasonable suspicion exists to believe the area may contain anything that might pose a danger to the officers or others who may be present.
 - (iii) *Protective sweeps*
 - (b) A quick and limited search of a premises, incident to an arrest, conducted for the purpose of protecting the safety of police officers and others.
 - (c) Sweep must be narrowly confined to a cursory visual inspection of those places in which a person might be hiding.
 - (d) Sweep should last no longer than is reasonably necessary to confirm or dispel your suspicions.
 - (1) *Up until the point of arrest:* you may search anywhere in the home for the subject.
 - (2) *In-room of arrest:* you may search anywhere a person could hide.
 - (3) *Outside room of arrest:* requires reasonable suspicion that the area harbors a person posing a danger to those on scene.
 - (e) In non-arrest setting, officers may employ technique of protective sweep when:
 - (1) they are lawfully within premises for a legitimate purpose, which may include consent to enter; and

- (2) they have reasonable articulable suspicion area to be swept harbors an individual posing a danger; and
- (3) sweep is performed quickly and restricted to places or areas where the person posing a danger could hide.

Note: In an arrest setting, officers may sweep spaces immediately adjoining the place of arrest. Any wider sweep must be justified by **reasonable articulable suspicion**.

III. Arrest Without a Warrant

- A. As a general rule, the constitution permits an officer to arrest a suspect in any public place without a warrant if there is probable cause to believe that the suspect committed, is presently committing, or is about to commit a criminal offense. The Fourth Amendment permits warrantless criminal arrests even if the officer has sufficient time to obtain a warrant. This rule applies to all indictable offenses, offenses identified within this chapter and any crime or offense which occurs in the officer's presence.

1. Procedures for Processing Suspects Arrested Without a Warrant

- a. An arrest may be made based upon probable cause in those instances where the Sheriff's officer witnesses an incident or there are signs of visible injury to a victim/complainant.
 - b. Sheriff's officers will not effectuate an arrest in those instances where no sworn personnel witnessed the event involving disorderly persons, non-indictable offenses, or ordinance violations.
 - (i) The officer's immediate supervisor will ensure that reports are taken from the involved parties and witnesses.
 - (ii) The parties will then be referred to the appropriate municipal court on the day of the incident or the following day.
2. In those instances where an arrest is made, the officer's immediate supervisor will ensure that all necessary reports are completed.
- a. The supervisor will also ensure that the evidence, if any, is properly marked.
 - (i) All evidence seized, including narcotics, will be logged into the BEAST Evidence Tracking System by Administration Division property and evidence personnel.
3. The arresting officer, or officer assigned by the supervisor, will be responsible for the proper completion of the following steps:

- a. ensure the safety and well-being of the arrestee, and deliver the arrestee to the booking/holding area without unnecessary delay;
- b. follow AG policy and procedures for Alternate Care for Arrestee's Dependents if necessary;
(<http://www.state.nj.us/lps/dcj/agguide/arrtdepn.htm>)
- c. Live Scan of arrestee / DNA cheek swab if necessary;
 - (i) Live Scan of the arrestee begins the complaint generation process.
- d. complaint and arrest package;
- e. ensure that evidence is properly marked and secured;
- f. ensure Miranda procedures have been followed before any defendant is questioned;
- g. conduct criminal history and NCIC/SCIC wanted checks;
- h. process all juvenile arrest forms;
- i. complete the Central Intake form;
- j. complete any additional forms; and
- k. make all notifications (Judge, Prosecutor, etc.).

B. Forced Entry Policy

1. *Purpose and Authority.* UCSO conducts investigations and inquiries that will lead to the arrest of violators of the law as well as execute warrants issued by the Superior Court.
2. Forced entry is defined as an entry without the owner/renter having given his permission to enter.
 - a. The “pushing away” of a person blocking a door is considered a forced entry.
3. Entry into a residence as the result of an invitation is considered voluntary; therefore, officers should make a diligent effort to gain entry by invitation.
4. Residence refers to a dwelling that is inhabited by a defendant. Multiple apartment structures where the defendant's specific apartment is unknown, commercial property, and businesses are not considered a residence for the purpose of this policy.

- C. Forced Entry to a Residence. Notwithstanding the power conferred by statute and interpretations of court rules, it is the policy of the UCSO that forced entry to a residence will only be made when:
1. fresh pursuit indicates that a defendant entered a specific residence and will not respond to the officer's inquiry or
 2. it has been established that the defendant named on a warrant is *present* at his known residence (address on warrant) and/or
 3. documentation is available supporting the belief that the subject lives and is present at what is now considered his residence (family or friend states that subject now lives at a specific address and is there) and/or
 4. an officer acting in a responsible and reasonable manner, believes that the defendant is present in a residence (activity observed in residence and defendant previously secreted himself when warrant inquiries were made) and/or
 5. there is no response to an inquiry, but collateral information indicates the subject is present (e.g., neighbor indicates the subject was just seen going into residence, subject's vehicle is parked in driveway, noise or activity in residence).
- a. *Multiple articulable indicators are required for forced entry.*
- D. Notifications. As soon as practicable, officers forcing entry into a structure will notify their supervisor. The supervisor will notify the local police if additional personnel are necessary. Whenever possible, these notifications will be made in advance of the entry.
- E. Forced entry is not authorized in the following:
1. *civil warrant matters*, except by order of the court;
 2. disorderly person, petty disorderly person *offenses*;
 3. automated traffic system warrants.
- F. Emergent Circumstances. Nothing in this policy is to preclude an officer from lawfully entering a residence when he feels the safety of an individual would be immediately threatened by his / her inaction.
- G. Securing Entered Premises. Officers will ensure that any structure forcibly entered is properly secured before leaving the site.
- H. Reporting. UCSO personnel will prepare a written report any time forced entry is necessary. If the forced entry results in injury to any party, proper

medical attention will be immediately provided and the officer's supervisor will be immediately notified.

IV. Arrests at a Dwelling Not Named in the Warrant

- A. In situations where the subject named in the warrant is in the home of a third party and no exigent circumstances prompt the need for immediate police action, a search warrant or a valid consent to search the third party's residence must be secured if the officers wish to execute the arrest warrant.
 - 1. Search warrants shall be issued by a neutral detached magistrate based on probable cause that the subject is hiding in the dwelling.
 - 2. Consent to search for the subject should be obtained from a competent individual who exercises control over the premises to be searched. When possible, officers should have the individual who exercises control over the premises read and sign a Consent to Search form.
 - a. See appendices for consent to search form.
 - 3. Upon the arrest of the subject named in the warrant, a protective sweep shall be conducted as outlined in section II. Arrest with a Warrant of this chapter.

V. Citizen as Complainant

- A. An officer may be called upon to assist when a citizen initiates a complaint against an individual, and subsequently serve the complaint on the accused.
 - 1. If the alleged offense is an indictable offense or a violation of the enumerated crimes or offenses listed under the Prevention of Domestic Violence Act, NJSA 2C:25-19 et seq., and the **officer has probable cause** to believe that the incident did in fact occur, the officer shall effect the arrest.
 - a. The probable cause may be established at the scene or through investigation. Under these circumstances, the officer should initiate the warrant (eCDR-2).
 - 2. If the alleged offense is an indictable offense, a violation of the enumerated crimes, or offenses listed under the Prevention of Domestic Violence Act, NJSA 2C:25-19 et seq., and **there is insufficient probable cause** for the officer to initiate a warrant, the citizen may sign a warrant.
 - a. The warrant will be presented to a judge for a probable cause determination. If probable cause exists, the judge will issue the warrant. The execution of the warrant will be in compliance with the procedures outlined in section XVIII. Requirements for Arrest Warrant Based upon a Complaint of this chapter.

3. If the alleged offense is a disorderly person or petty disorderly person offense, the citizen may sign a summons.
4. If it is determined that the criteria for the issuance of a warrant in lieu of a summons exists, a warrant will be signed by the citizen and shall be executed in accordance with Section XI. Complaint Summons (eCDR-1) of this chapter.
5. Persons charged and arrested as a result of complaints initiated by citizens shall be processed as if they had been charged by an officer.

VI. Foreign Nationals

- A. The United States is a signatory of the Vienna Convention on Consular Relations which places the following requirements on officers when arresting or detaining foreign nationals (refer to Steps to Follow When a Foreign National Is Arrested or Detained in the U.S. <https://travel.state.gov/content/travel/en/consularnotification.html>).
 1. Determine the foreign national's country.
 2. If the foreign national's country is not on the mandatory notification countries list, offer without delay to notify the foreign national's consular officials of the arrest/detention.
 - a. (see Countries and Jurisdictions with Mandatory Notifications <https://travel.state.gov/content/travel/en/consularnotification/QuarantinedForeignNationals/countries-and-jurisdictions-with-mandatory-notifications.html>)
 3. If the foreign national requests that consular notification be given, notify the nearest consular official of the foreign national's country without delay.
 - a. (See Contact Info for Foreign Embassies & Consulates <https://travel.state.gov/content/travel/en/consularnotification/ConsularNotificationandAccess.html>).
 4. If the foreign national's country is on the mandatory notification countries list (see section VI. A. 2. a. above), the arresting officer must notify the country's nearest consular officials (see section VI. A. 3. a. above) without delay of the arrest/detention, regardless of the foreign national's wishes. The officer shall inform the foreign national that he / she is making this notification.
 5. The officer shall document the notification or declined notification in his / her report of the incident and attach all related documents.

VII. Undocumented Immigrants (*Refer to Volume III, Chapter I, Section H, ICE Notifications.*)

A. No officer shall:

1. Stop, question, arrest, search, or detain any individual based solely on:
 - a. actual or suspected citizenship or immigration status; or
 - b. actual or suspected violations of federal civil immigration law.
2. Inquire about the immigration status of any individual, unless doing so is:
 - a. necessary to the ongoing investigation of an indictable offense by that individual; and
 - b. relevant to the offense under investigation.

B. Exceptions and Exclusions. Nothing stated in VII. A. 1. shall be construed to restrict, prohibit, or in any way prevent an officer from:

1. Enforcing the criminal laws of this state.
2. Complying with all applicable federal, state, and local laws.
3. Complying with a valid judicial warrant or other court order, or responding to any request authorized by a valid judicial warrant or other court order.
4. Participating with federal authorities in a joint law enforcement task force the primary purpose of which is unrelated to federal civil immigration enforcement.
5. Requesting proof of identity from an individual during the course of an arrest or when legally justified during an investigative stop or detention.
6. Asking an arrested individual for information necessary to complete the required fields of the Live Scan database (or other law enforcement fingerprinting database), including information about the arrestee's place of birth and country of citizenship.
7. Inquiring about a person's place of birth on a correctional facility intake form and making risk-based classification assignments in such facilities.
8. Providing federal immigration authorities with information that is publicly available or readily available to the public in the method the public can obtain it.

9. When required by exigent circumstances, providing federal immigration authorities with aid or assistance, including access to non-public information, equipment, or resources.
 10. Sending to, maintaining, or receiving from federal immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of any individual. See 8 U.S.C. §§ 1373, 1644
- C. An officer or employee shall not consider a person's race or ethnicity as a factor in drawing an inference or conclusion that the person may be an undocumented immigrant.
- D. All officers should refer to Attorney General Law Enforcement Directive No. 2018-6 for additional information.

VIII. Off-Duty Arrests

- A. Off-duty officers may be faced with situations involving criminal conduct that they are neither equipped nor prepared to handle in the same manner as if they were on duty. This may lead to injuries to off-duty officers and confusion for on-duty officers arriving at the scene trying to correctly assess the situation. (see *UCSO duty manual Vol. III Chapter 7*).
1. In order to promote safety, it is necessary to determine and regulate those situations and locations within which a sworn member is permitted to make an arrest while off duty.
 2. Minor offenses should not be directly enforced by off-duty Sheriff's officers.
- B. Liability Protection. Sworn officers of this Office have liability protection for the on- and off-duty performance of permitted official duties.
1. This protection does not extend to willful acts to cause injury or damage, or to those actions that the officer knew, or reasonably should have known, were in conflict with the law, or policies of this Office.
- C. Off-Duty Responsibilities within Union County
1. When off duty and within the jurisdiction of Union County, an officer may make an authorized arrest only when:
 - a. the arresting officer is not personally involved in the incident underlying the arrest; and
 - b. there is an immediate need for the prevention of a crime or apprehension of an actor suspected of committing a crime; and

- c. the arresting officer is in possession of appropriate law enforcement identification and is armed; and
 - d. The officer can effect an arrest without creating a greater risk of safety to himself, the victim, and/or innocent bystanders.
- 2. While an officer is not required to make an off-duty arrest in each instance, an officer does have a duty to notify on-duty personnel in an emergency. If any of the above criteria listed in this section are not met, then the officer must:
 - a. call 9-1-1 for assistance or advise another person to call 9-1-1;
 - b. note the physical description of the offender and/or vehicle;
 - c. aid the victim; and
 - d. assist responding on-duty units.
- 3. Within the jurisdiction of Union County, off-duty arrests for motor vehicle violations, petty disorderly person offenses, and disorderly person offenses are authorized as follows:
 - a. the arresting officer is in possession of appropriate law enforcement identification and is armed; and
 - b. the officer can effect an arrest without creating a greater risk to himself, the victim, and or innocent bystander.
- 4. If an arrest cannot be effectuated as outlined in this section, it is the responsibility of the officer to immediately report any suspected or observed criminal activities to on-duty authorities.
- 5. When an arrest is necessary for a crime committed in the officer's presence, the off-duty arresting officer shall follow all agency policies, procedures, rules, and regulations.

D. Off-Duty Responsibilities Outside of Union County

- 1. When off duty and outside the jurisdiction of Union County, an officer may make an authorized arrest only when:
 - a. the arresting officer is not personally involved in the incident underlying the arrest; and
 - b. there is an immediate need for the prevention of a crime or apprehension of an actor suspected of committing a crime; and
 - c. the arresting officer is in possession of an appropriate law enforcement identification card and is armed; and

- d. The officer can effect an arrest without creating a greater risk of safety to himself, the victim, and or innocent bystanders.
- 2. While an officer is not required to make an off-duty arrest in each instance, an officer does have a duty to notify on-duty personnel in an emergency. If any of the criteria listed in this section are not met, the officer must:
 - a. call 9-1-1 for assistance or advise another person to call 9-1-1;
 - b. note the physical description of the offender and/or vehicle;
 - c. aid the victim; and
 - d. assist responding on-duty units.
- 3. Enforcement or arrests for motor vehicle violations and arrests for petty disorderly offenses or disorderly offenses outside the territorial limits of Union County are strongly discouraged.
 - a. If the offense poses an ongoing threat to the public (e.g., Driving While Impaired), the officer shall immediately notify the law enforcement agency that has jurisdiction.
 - b. When engaged in off-duty employment, arrest is not authorized if the officer's actions are only in the furtherance of the interests of the private employer.

E. Court Appearances

- 1. The officer will immediately notify his immediate supervisor upon receipt of a subpoena for an off-duty arrest.
 - a. Subpoenas shall be forwarded to the Administrative Division upon receipt.
- 2. Officers shall be given time off to attend court hearings resulting from authorized off-duty arrests only.
- 3. If the court appearance, resulting from the permitted off-duty arrest, occurs during the officer's time off, then he shall be compensated as specified by contract.
- 4. Officers will not be given time off or monetarily compensated for court appearances resulting from unauthorized off-duty arrests.

F. Off-Duty Incident Contact. All officers shall complete an Investigation report and create a self-reported Guardian tracking entry when they are involved in

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any incident where they identify themselves as a member of the UCSO or participate at a scene of a police action or render emergency assistance.

1. Examples include but are not limited to:
 - a. assistance at motor vehicle accident;
 - b. intervention at domestic violence incident;
 - c. assistance at a fire; and
 - d. rendering first aid to an injured pedestrian.

G. Reporting

1. The officer will notify his immediate supervisor as soon as possible any time he is involved in an off-duty arrest or incident.
2. The officer will complete a report immediately upon his return to work any time he is involved in an off-duty arrest or incident.
3. The officer will make a self-reported incident entry in the office's Guardian Tracking system.
4. Reports will be completed and filed before the end of the work day.

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IX. Required Forms (to be completed at the time of arrest)

- A. Each of the following reports and forms must be completed by the arresting officer (all forms can be found in the agency's FBR system; forms not in FBR can be found in the appendices at the end of this policy or through your immediate supervisor). The arresting officer's immediate supervisor will ensure correctness before submission.
 1. Violations of Union County Ordinances
 - a. Incident Report;
 - b. Special Form of Complaint and Summons; and
 - c. Evidence Tag (if applicable);
 2. Disorderly Person Complaints
 - a. Incident Report;
 - b. Special Form of Complaint and Summons; used for the following:

- (i) local ordinance violations;
 - (ii) code enforcement actions;
 - (iii) penalty enforcement proceedings;
 - (iv) boating offenses; and
 - (v) parking and traffic offenses where a private citizen is a complaining witness.
 - c. Special Form of Complaint and Summons shall not be used for:
 - (i) a companion charge to an indictable offense;
 - (ii) any matter constituting domestic violence;
 - (iii) any matter that requires fingerprinting consistent with Title 53:1-1, et seq.; or
 - (iv) a private citizen complaint charging a disorderly person offense against a candidate or nominee for public office or a person holding public office as defined in N.J.S.A. 19:1-1;
 - (a) **Note:** Court Disposition Report (eCDR-1) shall be completed for above listed exceptions.
 - d. Arrest Report form;
 - e. Evidence Tag (if applicable);
 - f. Criminal History and NCIC/SCIC Wanted Checks; and
 - g. Identification pictures and fingerprints (if necessary).
3. Minor Indictable Offenses
- a. Incident Report;
 - b. Court Disposition Report (eCDR-1) (unless foundation for warrant exists);
 - c. Arrest Report form;
 - d. Union County Jail Commitment form (if applicable);
 - 1. **See appendices**
 - e. Notice to Defendant Charged with Indictable Offense (First appearance notice);

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1. See appendices

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- f. Evidence Tag (if applicable);
- g. Criminal History and NCIC/SCIC Wanted Checks;
- h. Identification pictures and fingerprints, when warranted for prostitution, shoplifting, non-indictable drug offenses and domestic violence offenses;
- i. Victim/Witness forms; and
- j. Document upload receipt
 - 1. Obtained upon successful completion of upload to Union County Prosecutor's Office Info Share system

4. Other Indictable Offenses (Impact Cases)

- a. Incident Report;
- b. Court Disposition Report (eCDR-2);
- c. Arrest Report form;
- d. Union County Jail Commitment form

1. See appendices

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- e. Notice to Defendant Charged with Indictable Offense

1. See appendices

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- f. Evidence Tag (if applicable);
- g. Criminal History and NCIC/SCIC Wanted Checks;
- h. Identification pictures and fingerprints;
- i. Supplementary Domestic Violence Offense Report (*State Form*);
- j. Street Gang Contact/Offense Report (*State Form*);
- k. LEO Killed or Assaulted Supplementary Report (*State Form*);
- l. Offenses Involving Assault Firearm Report (*State Form*);
- m. Cargo Theft Report (*State Form*);
- n. Supplementary Bias Report (*State Form*);

- o. Use of Force Form;
 - p. Victim Notification Form (VINE) (State Form);
 - q. UCSO Voluntary Statement Form;
 - r. Document upload receipt
 - 1. Obtained upon successful completion of upload to Union County Prosecutor's Office Info Share system
5. Juvenile Arrests
- a. Incident Report;
 - b. Complaint;
 - c. Request for Temporary Juvenile Detention (State Form);
 - d. Acknowledgment and Promise to Assist;
 - e. Evidence Tag (if applicable);
 - f. Identification pictures and fingerprints, if the juvenile is 14 years of age or older;

X. Special Form of Complaint and Summons

A. Requirements

- 1. Issued for the following non-indictable offenses:
 - a. violations of Union County ordinances;
 - b. disorderly/petty disorderly persons offenses;
 - c. local ordinance violations;
 - d. code enforcement actions;
 - e. penalty enforcement proceedings;
 - f. boating offenses; and
 - g. parking and traffic offenses where a private citizen is a complaining witness.
- 2. The offender must be properly identified.
- 3. An incident report must be completed.

4. This Special Form shall not be used for:
 - a. any companion charges to an indictable offense;
 - b. any matter constituting domestic violence;
 - c. any matter that requires fingerprinting consistent with Title 53:1-1, et seq.; or
 - d. any disorderly persons private citizen complaint lodged against a candidate or nominee for public office or a person holding public office as defined in N.J.S.A. 19:1-1. Complaints involving any of the above are to be filed through eCDR.
5. All summonses will be generated through the UCSO's E-Ticket system.
 - a. If you do not have access to the E-Ticket system, summons should be handwritten.

B. Specific Instructions

1. At all times, be COURTEOUS, FAIR, and HONEST. Remember that public opinion of your actions is judged almost entirely by your conduct.
2. When issuing every Special Form
 - a. DO:
 - (i) Introduce yourself to the defendant by saying: "I am (give your rank, name, and the name of the enforcement agency you represent)."
 - (ii) Ask for the defendant's driver's license (if applicable).
 - (iii) Advise the defendant of the offense committed.
 - (iv) Advise the defendant that you are going to issue a Special Form for that offense.
 - (v) Ask for any additional information necessary to fill out this Special Form.
 - b. Following this, complete the Special Form and hand the yellow copy to the defendant.
 - c. Always check the box, "Court Appearance Required," if appropriate, pursuant to R. 7:12-4(d).
 - d. DO NOT:

- (i) Use this Special Form for any matter involving domestic violence, indictable offenses, or finger printable offenses.
- 3. Remember, only one offense may be charged per Special Form completed.
- 4. File the court's original blue copy of this Special Form with the court without delay.
- 5. File the agency's white copy with your reports. Scan and attach a copy to any reports in FBR. The white copy will be filed with the Administrative Division.
- 6. Keep the officer's pink copy, in the event testimony in court is required.
- 7. If you are the complaining witness and are issuing the complaint, provide the defendant with the yellow hard copy of this Special Form.
- 8. If you are electing not to issue the complaint, but are instead taking a private citizen complaint, you are to complete only the complaint portion of this Special Form.
 - a. Additionally, the Citizen Complaint Information Form and Certification in Support of Probable Cause forms must be completed and appended/affixed to each Special Form.
 - b. The Court's blue, Defendant's yellow and Agency's white copies are to be submitted to the court for filing so that an independent judicial probable cause determination can be made. You may retain the officer's pink copy for your records.
- 9. *Officer's Comments* (see back of officer's copy). It is very important to fill in the "OFFICER'S COMMENTS" section provided on the back of the officer's pink copy of this Special Form. Use this space to briefly describe the circumstances of the offense. There are always one or more relevant comments, which the officer should note.
- 10. If the E-Ticket system is inoperable, summons should be handwritten. Only one offense may be charged per Special Form completed.
 - a. In filling out the form, use a ballpoint pen (blue or black), applying steady pressure so all copies can be read.
 - b. Print all information so that it is legible.
 - c. The Complaint (blue) is submitted to the court for filing.
 - d. File the Agency Copy (white) with your reports. Scan and attach a copy to any reports in FBR. The white copy will be filed with the Administrative Division.

Commented [JG7]: I changed this from "agency white" to "Agency's white" to match how it's written for the other copies

- e. Keep the Officer's Copy (pink) in the event testimony in court is required.
- f. The Summons (yellow) is given to the defendant.
- g. The forms are taken to the municipal court of the town the ordinance violation occurred in for a docket number.
- h. If you are taking a private citizen complaint, you are to complete only the Complaint portion of this Special Form.
 - (i) Additionally, the Citizen Complaint Information Form and Certification in Support of Probable Cause forms must be completed and appended/affixed to each Special Form.
 - (ii) The Court's blue, Defendant's yellow and Agency's white copies are to be submitted to the court for filing so that an independent judicial probable cause determination can be made.
- i. If a defendant is not present, a copy may be mailed to the defendant's last known address.

Commented [JG8]: Changed to Agency's from "agency"

11. *Heading of Summons*

- a. municipal court of the town the ordinance violation occurred in;
- b. docket number (will be auto generated by E-Ticket/eCDR system or given by court administrator);
- c. the State of New Jersey vs. (name of defendant).

12. *Body of the Complaint*

- a. name (indicate defendant's full name);
- b. street (include apartment number or floor);
- c. violation (indicate ordinance number);
- d. offense (give a brief narrative of the incident);
- e. signature and title of officer;
- f. oath (if not committed in the officer's presence);
- g. court appearance will always be required;
- h. schedule for court five (5) to fifteen (15) days after the incident.

13. *Responsibilities*

- a. The Special Form of Complaint and Summons is a court process **that may not be altered or voided by anyone except a judge.**
- b. If the officer determines that an error has been made in writing this Special Form, the officer should immediately stop writing. The officer may not cross out or erase any erroneous information.
 - (i) The officer should then write a new Special Form and file both with the court.
 - (a) In these instances, the officer is to follow the procedures outlined in the Court's Administrative Directive #2-08, entitled "Procedures for the Dismissal of Municipal Court Complaints and Voiding Uniform Traffic Tickets and Special Forms of Complaints."
 - (b) With the exception of superseded tickets, the officer's request to void or dismiss these Special Forms will require completion of the "Request to Dismiss or Void Complaint" form.
 - (c) Officers may obtain a copy of the Directive and/or form from their local municipal court.
 - (ii) The officer should then write a new Special Form and file both with the court.
 - (a) Both complaints should be submitted to the court together, along with the "Request to Dismiss or Void Complaint" form explaining why the original complaint should be voided or dismissed by the court.
 - (b) Therefore, no person may make any changes whatsoever in any part of the Special Form of Complaint after the officer has started to fill it out.
 - (c) Amendments to complaints are within the sole province of the judge acting, in open court.

XI. Complaint Summons (eCDR-1)

- A. Used for a disorderly person or minor indictable offenses; not to be used for impact cases.
- B. Immediate supervisor shall approve the charge.
- C. The defendant must be Live Scanned.
 - 1. Live Scan shall begin the complaint process.

- D. A criminal history and wanted check must be made.
- E. Preparation and Completion of the Complaint Summons (eCDR-1) Form via NJcourts website (<https://portal.njcourts.gov/web3/sso>).
1. This is what brings the matter to court.
 2. Generally, some disorderly and most indictable charges will use this form.
 3. The officer will use the eCDR-1 form if:
 - a. the offense is not an impact case (e.g., murder, kidnapping, manslaughter, aggravated manslaughter, aggravated sexual assault, sexual assault, aggravated criminal sexual contact, robbery, aggravated assault, any firearms violations, fugitives); and
 - b. The actor is to be released on his own recognizance (ROR).
 4. Use a separate set of forms for each defendant.
 5. All charges shall be on one complaint.
 6. *Date to Appear* (see CJP Schedule)
 - a. All defendants charged via complaint-summons with an **indictable** charge must be given a First Appearance date.
 - (i) Law Enforcement personnel are to determine the date by referencing the provided First Appearance Summons Calendar.
Personnel shall not randomly pick a date!
 - b. A First Appearance notice form **Must** be used for all indictable complaint-summonses.
 - (i) The form must bear the defendant's signature acknowledging receipt of the notice.
 - (ii) If the defendant refuses to sign the form, the "Refused to Acknowledge" section must be checked off.
 - (iii) First Appearance court date, determined by referencing the calendar, must be entered on the eCDR and on the First Appearance Notice form.
 - (iv) The First Appearance Notice form and the entire complaint – summons must be uploaded into Infoshare within 48hrs of complaint issuance/service.
 - (v) First Appearance Notice forms are to be used only with indictable complaint-summonses.

- (vi) They are not necessary when issuing complaint warrants.
- (vii) Schedule may be obtained from the municipal court where the offense occurred.
- 7. *Time.* (Enter time of scheduled appearance, usually 9:00 a.m.).
- 8. *Bail Information.* The Summons form will only be used when the defendant is to be released ROR.
- 9. *Processing Defendants.* The defendant will be processed by arresting officer.
- 10. Defendant will be personally served with a copy of the Complaint Summons.

XII. Complaint Warrant (eCDR-2)

- A. Used for impact cases or if the defendant cannot be released on own recognizance (ROR).
- B. The defendant must be Live Scanned.
 - 1. Live Scan shall begin the complaint process.
- C. An indictable offense must have an affidavit of probable cause and a foundation for the warrant.
- D. Criminal history and wanted checks must be included in the package.
- E. Preparation and Completion of the Complaint Warrant (eCDR-2) Form via NJcourts website (<https://portal.njcourts.gov/webe3/sso>).
 - 1. Use a separate form for each defendant.
 - a. All charges and complaints for crimes of the 1st, 2nd, and 3rd degree must be approved by the area assistant prosecutor.
 - b. Complaint Warrant for a fourth-degree crime committed in the presence of the officer does not require the approval of an assistant prosecutor.
 - (i) Immediate supervisor shall approve the charge.
- F. Specific Instructions
 - 1. Follow the steps provided on the eCDR Training Site:

<https://portalmacs-tngcloud.aocnp.njcourts.gov/prweb/PRAuth/MACSSAMLAuth?AppName=MACS>

User ID: pdtestct
Password: Police@2

Since the training site data will be seen by all users, please note the following when generating complaints on the eCDR training site:

- Use false names
 - Do not enter any confidential data
 - Court Code: Use any of the court codes available
 - Agency Code: Enter the court code used to generate the complaint as the agency code
 - Officer ID: Enter 1111 as the officer ID
 - Livescan: Sample Livescan records available for court codes 1204 and 0805
2. Follow Bail Reform Procedures. *See AG2016-6 UC Criminal Justice Reform Directive*
 3. If the defendant is released in the custody of a person, enter the person's name and address. Get identification.
 4. Be sure all complaints, reports, and associated paperwork are uploaded to the Union County Prosecutor's Office via the Info Share System, which can be accessed through designated UCSO workstations.
 - a. ***Successful completion of upload will provide document upload receipt needed for commitment to UCJ.***

G. Commitment to the Union County Jail

1. A document upload receipt.
2. A copy of the Complaint is also given to the Jail.
3. Victim/Witness form (*State form*) is sent to Jail if appropriate.
 - a. A Victim/Witness form shall be completed for all offenses against persons.
4. Union County Jail Commitment Form.

XIII. Union County Jail Commitment

- A. Persons charged with impact offenses must be committed to the Union County Jail.
- B. Follow Bail Reform procedures.
- C. See eCDR/CJP user guide.
- D. See UCSO Division of Corrections Commitment Package requirements.

Commented [JG9]: Changed from UC Dept of Corrections to UCSO Division of Corrections

XIV. Jail Commitment on Outside Agency Wants

- A. Out of County Superior Court Warrants/NCIC wanted persons
 - 1. Officers will contact the Sheriff's Field Services Division Communications Desk (1200).
 - 2. The Field Services Division Communications Desk (1200) will follow warrant confirmation protocols. Desk personnel shall:
 - a. verify the accuracy and current status of the warrant;
 - b. obtain a copy of the warrant;
 - c. determine the estimated time of arrival for the issuing agency to take custody of the wanted person;
 - (i) If multiple Superior Court/NCIC warrants exist, determine which agency has the ability to respond quickest.
 - d. obtain the name and phone number of a contact person.
 - 3. Commitment to UCJ
 - a. Arresting officers shall complete a Union County Jail Commitment Form using the information on the warrant, i.e.:
 - (i) county of issuance
 - (ii) judge that issued
 - (iii) date of issue
 - b. Corrections Division personnel shall be notified and provided with:
 - (i) copy of the warrant;
 - (ii) photo (if available);

- (iii) estimated time of arrival for the issuing agency to take custody of the wanted person; and
- (iv) issuing agency contact person name and phone number.
- (a) Should Corrections Division personnel refuse to commit the wanted person, the arresting officer shall:
 - (1) request the name and rank of Corrections Division officer, as well as the reason for refusal;
 - (2) notify immediate supervisor.

c. (Reserved).

XV. Municipal Court Warrants/ATS ACS Wanted Persons

- A. Officers will contact the Sheriff's Field Services Division Communications Desk (1200).
- B. The Field Services Division Communications Desk (1200) will follow warrant confirmation protocols. Desk personnel shall:
 - 1. verify the accuracy and current status of the warrant;
 - 2. contact the issuing agency and confirm warrant status;
 - 3. obtain a faxed and/or printed copy of the warrant copy;
 - 4. determine the estimated time of arrival for the issuing agency to take custody of the wanted person;
 - a. If multiple warrants exist the municipality with the highest aggregate bail amount shall take precedence.
 - b. Officers may encounter individuals with **bail amounts of \$500 or less**. Such individuals **shall not be arrested but shall be released at the scene**, on their own recognizance. Before releasing an individual on their own recognizance on a warrant, **officers shall obtain a copy of the ROR from the municipality**, and valid identification from the individual or otherwise take reasonable steps to verify their identity and current address
 - i. If an individual is encountered with multiple warrants with bail amounts of \$500 or less, so long as each warrant individually qualifies, then the procedures of Section b. apply. Bail amounts should be considered individually not added together.

- ii. The procedures of Section b. do not apply where the underlying offense involves domestic violence. Officers shall continue to arrest individuals encountered with outstanding domestic violence warrants.

5. obtain the name and phone number of a contact person.

C. Commitment to UCJ

1. Arresting officers shall complete a Union County Sheriff's Office Division of Corrections Jail Commitment Form using the information on the warrant, i.e.:

- a. municipality of issuance
- b. judge that issued
- c. date of issue

2. Correction Division personnel shall be notified and provided with:

- a. copy of the warrant;
- b. photo (if available);
- c. completed Jail Commitment Form
- d. estimated time of arrival for the issuing agency to take custody of the wanted person; and
- e. issuing agency contact person name and phone number.
 - (i) Should Corrections Division personnel refuse to commit the wanted person the arresting officer shall:
 - (a) request the name and rank of the Corrections Division officer, as well as the reason for refusal;
 - (b) notify immediate supervisor.

3. Supervisor of the committing unit shall:

- a. review any outside agency jail commitments at the start of shift;
- b. check the jail list to determine if the defendant is still being held in UCJ;
- c. contact the issuing agency to determine ETA;

- d. provide the jail with an updated ETA.
- (i) If issuing agency cannot complete transport by 2130 hours on the date of the arrest, the division supervisor shall:
 - (a) Arrange for transport of the defendant from the Union County Jail to the issuing agency.

XVI. Juvenile Matters

- A. Definitions. In accordance with N.J.A.C. 10:34-3.1, the following words and terms, when used in this policy, shall have the following meanings, unless the context clearly indicates otherwise.
 - 1. *Delinquency*: the commission of an act by a juvenile which, if committed by an adult, would constitute:
 - a. a crime;
 - b. a disorderly person offense or petty disorderly person offense;
 - c. a violation of any other penal statute, ordinance, or regulation (see N.J.S.A. 2A:4A-23).
 - 2. *Detention*: the temporary care of juveniles in physically restricted facilities pending court disposition (see N.J.S.A. 2A:4A-22c).
 - 3. *Juvenile*: an individual who is under the age of 18 years (see N.J.S.A. 2A:4A-22a).
 - 4. *Juvenile-Family Crisis*: behavior, conduct, or a condition of a juvenile, parent or guardian, or another family member which presents or results in:
 - a. a serious threat to the wellbeing and physical safety of a juvenile;
 - b. a serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by a repeated disregard for lawful parental authority by the juvenile or by a parent or guardian;
 - c. unauthorized absence by a juvenile for more than 24 hours from his home;
 - d. a pattern of repeated unauthorized absences from school by a juvenile subject to the compulsory education provision of Title 18A of the New Jersey Statutes (see N.J.S.A. 2A:4A-22g).
- B. Short-Term Custody of Juvenile-Family Crisis Cases

1. Pursuant to N.J.S.A. 2A:4A-32(a), under no circumstances shall any juvenile taken into short-term custody for a juvenile-family crisis be held more than six (6) hours; and a “juvenile taken into short-term custody shall not be retained in a detention facility or jail.”
2. Juveniles taken into short-term custody by a law enforcement agency for a juvenile family crisis shall be held and processed in an unlocked area of the department.
3. Under State law, the holding of a juvenile-family crisis case in a locked facility is prohibited by N.J.S.A. 2A:4A-32(a).
4. Under federal law, (Juvenile Justice and Delinquency Prevention Act [JJDP] of 1974, as amended) the secure holding of status offenders in lockups is prohibited. A status offender is a juvenile who has been charged with or adjudicated for conduct that would not be a crime if committed by an adult, such as truancy, runaway, incorrigibility, or possession of alcohol by a minor.
5. For custody purposes, when a juvenile has been charged with both a delinquent and status offense, he/she may be processed as a delinquent.
 - a. Likewise, if the juvenile is charged with a status offense and that offense constitutes a violation of probation for a delinquent offense, he/she may be processed as a delinquent.
6. Pursuant to N.J.S.A. 2A:4A-32(b), “an officer taking a juvenile into short-term custody shall:
 - a. inform the juvenile of the reason for custody;
 - b. where possible, transport, or arrange to have the juvenile transported, to his/her home;
 - c. the officer releasing a juvenile from such custody shall inform the juvenile’s parents or guardian and the juvenile-family crisis intervention unit of the reason for taking the juvenile into custody;
 - d. if the officer believes further services are needed, inform the juvenile and his/her parents of the nature and location of appropriate services.
7. Pursuant to N.J.S.A. 2A:4A-32(c), “a law enforcement officer taking a juvenile into short-term custody may:
 - a. transport the juvenile to the home of a relative of the juvenile or to the home of another responsible adult or make arrangements for such transportation where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of the adult until such time as the juvenile-

family crisis intervention unit can bring about the child's return home or an alternative living arrangement or out of home placement.

1. A law enforcement officer placing a juvenile with a relative or responsible adult shall immediately:
 - i. Notify the juvenile-family crisis intervention unit of this fact and the reason for taking the juvenile into custody.

C. Length of Time to Process Juvenile Delinquents

1. Under State law, a juvenile may be held in a law enforcement office only "...for a brief period if such holding is necessary to allow the release to his parent, guardian, another suitable person, or approved facility." (N.J.S.A. 2A:4A-37c)
2. Pursuant to federal regulations, juveniles alleged to have committed an act that would be a crime if committed by an adult (criminal-type offenders) may be held in a lockup for a maximum of six (6) hours.
 - a. This six (6) hour period would be limited to the temporary holding in a lockup by law enforcement for the specific purpose of identification, processing, and transfer to juvenile court officials or to juvenile shelter or detention facilities.
 - b. Any such holding of a juvenile criminal-type offender must be limited to the absolute minimum time necessary to complete this action, not to exceed six (6) hours, and in no case overnight. (Federal Register, Vol. 50, No. 119, June 20, 1985, page 25554).
 - c. The six (6) hour limit imposed by the federal government begins to run when the juvenile enters a secure detention status.

Commented [JG10]: If we are including an ellipsis, we should probably have this portion in quotation marks so it doesn't appear as though we are omitting words from our own policy

D. Secure Detention Defined by Federal Regulations

1. Pursuant to federal regulations, "a secure detention or confinement status has occurred within a jail or lockup facility when a juvenile is physically detained or confined in a locked up room, set of rooms, or a cell that is designated, set aside or used for the specific purpose of securely detaining persons who are in law enforcement custody.
2. Secure detention or confinement may result either from being placed in such a room or enclosure and/or from being physically secured to a cuffing rail or other stationary object." (Federal Register, Vol. 53, No. 212, November 2, 1988, page 44366).

E. Separation from Adult Prisoners

1. Under State law, a juvenile detained in a police station may be held "...in a place other than one designed for the detention of prisoners and apart from any adult charged with or convicted of crime..." (N.J.S.A. 2A:4A-37c).
 2. Under federal law, "...juveniles alleged to be or found to be delinquent...shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges" (Section 223(a)(13) of the JJDPa).
 - a. The term regular contact is defined as sight and sound contact with incarcerated adults, including inmate trustees. This prohibition seeks to complete a separation as possible and permits no more than haphazard or accidental contact between juveniles and incarcerated adults." (Federal Register, Vol. 50, No. 119, June 10, 1985, page 25557).
- F. Parents/guardians are to be notified immediately if a juvenile is taken to our facility for any reason or upon arrest;
1. A juvenile must be taken directly to the Cherry Street Courthouse Cell Block at 2 Cherry St., Elizabeth, N.J. for processing.
 2. When a juvenile is alleged to have engaged in non-criminal misbehavior such as a status offense, (fighting, curfew violation, etc.) an incident report must be filed to memorialize the action taken.
 3. After it is determined if a juvenile has been harmed or is in danger of being harmed.
 - a. See section R. Complaint Warrant for Detention (Juvenile Delinquency Form) of this chapter for instructions on the preparation of reports in juvenile matters.
 4. Complete the juvenile release form if the youth is released ROR or into the custody of another party.
- G. Copies of all reports must be included in the arrest package.
- H. All complaints must be notarized at the time of the arrest.
- I. Juvenile Complaint form (CP0011) must be completed via the NJcourts website (<https://portal.njcourts.gov/web3/sso>) before the juvenile can be released.
- J. No juvenile can be placed in detention without the approval of the Juvenile Court Intake Officer.

Commented [JG11]: Change this to Cherry Street Courthouse since apparently the Family Justice Center only applies to the rear portion.

Commented [JG12]: Could this all be combined into one bullet point to make it more succinct since it doesn't branch off?

- K. If a juvenile is approved to be placed in the juvenile detention facility he/she will be taken without delay to the facility unless emergency medical treatment is necessary.
- L. If a juvenile is to be placed in detention, a Request for Temporary Juvenile Detention via the NJcourts website (<https://portal.njcourts.gov/webe3/sso>) will be completed.
- M. No juvenile is to be released until positive identification is obtained.
- N. Preparation of Reports for Juvenile Matters
 - 1. Incident Report
 - 2. Juvenile Arrest Report
 - a. Taking a juvenile into custody shall not be considered an arrest, but rather a measure to protect the health, morals, and wellbeing of the youth.
 - 3. Complaints
 - a. The complaint charging delinquency will be completed via the NJcourts website (<https://portal.njcourts.gov/webe3/sso>) by the officer taking the juvenile into custody.
 - b. The form will be taken to Juvenile Court for docketing and processing.
 - c. A “2C” equivalent is to be included in the body of the complaint.
 - d. No juvenile is to be questioned without Miranda procedures followed.
 - (i) It is **strongly** advised that the parents are present before questioning.
- O. Release of Juvenile on Own Recognizance. A youth charged with delinquency may be released ROR if **all of the following conditions have been met:**
 - 1. the nature of the offense charged is not such that a danger to the community would exist if the juvenile were released;
 - 2. there is no parent, guardian, or another appropriate adult custodian to whom the juvenile could be released and all reasonable measures have been exhausted by either police or court personnel to locate and contact any such person;
 - 3. the juvenile is at least 14 years of age;

4. the identity and address of the juvenile are verified through a positive form of identification; and;
5. Reasonable certainty exists on the part of the releasing authority that upon release, the juvenile will return to school or home safely and will appear at his hearing.

6. ***Juvenile release form must be completed.***

P. A juvenile may also be released:

1. to parents, guardian or responsible relative, after the parties agree to appear in court;
2. when the identity of all the parties has been established;
3. when the agreement to assist and appear is completed.

4. ***Juvenile release form must be completed***

Q. Placing the Youth in Detention

1. No juvenile will be placed in Detention without the Prosecutor's recommendation and permission of a judge or Juvenile Intake. You must contact the on-call Assistant Prosecutor for charge approval. Upon charge approval, you must call Juvenile Court Intake. If after-hours, use the paging system via County Police to contact the on-call A/P. During business hours contact juvenile probation at (908) 659-5864 or (908) 659-5881. For after-hours, utilize the Juvenile Unit Cellular Phone (908) 317-5241.
2. Detention will be necessary when:
 - a. the offense, if committed by an adult, would constitute a serious crime (impact case); or
 - b. it is necessary to detain in order to secure the youth's presence at a hearing.
3. No juvenile 11 years of age or under will be placed in detention unless he/she is charged with an offense of the first or second degree or arson.

Commented [JG13]: Changed to he/she from he

R. Complaint Warrant for Detention

1. The defendant must be Live Scanned.
2. Preparation and Completion of the Complaint Warrant (eCDR/eMACS FJ) Form via NJcourts website (<https://portal.njcourts.gov/webe3/sso>).

- a. Within the NJcourts website utilize the “Juvenile Central Registry” tab.
 - b. You must conduct a Juvenile Party Search prior to beginning a juvenile complaint. This will locate any previous Family Court interactions with the juvenile defendant.
 - c. Once a search is completed, click “Create Juvenile Complaint.” An eCDR / Emacs FJ screen will open. From this point, the creation of the complaint is functionally similar to an adult complaint (eCDR-1 & eCDR-2).
3. A Complaint for detention must have an affidavit of probable cause and a foundation for the warrant.
4. Criminal history, warrant checks, and fingerprint cards generated from LiveScan must be included in the package.
5. Be sure all complaints, reports, and associated paperwork are emailed to the UCPO Juvenile Unit at unionjuvenile@ucnj.org or fax the entire packet to the Juvenile Unit at 908-527-4614
6. Victim/Witness form is sent to Juvenile Detention if appropriate.
 - a. A Victim/Witness form shall be completed for all offenses against persons.
7. *Witnesses or Others Allegedly Involved*
 - a. Indicate names and identifiers of any co-defendants or witnesses in proper place;
 - (i) If none, state “none.”

XVII. Evening and Weekend Bail Procedure

- A. Follow Bail Reform Procedures. See AG2016-6 UC Criminal Justice Reform Directive.

XVIII. Requirements for Arrest Warrant Based Upon a Complaint

- A. There must be probable cause to determine that an offense was committed.
- B. Determination must be made by party listed based upon narrative in complaint or accompanying affidavit or deposition.
 1. Judge
 2. Assistant Prosecutor

3. Clerk
4. Deputy Clerk
5. Municipal Court Administrator

C. Offense falls within categories listed in subsection (c) of Court Rule 3:3-1c.

XIX. Procedure for Additional Charges on Defendants Committed to Jail on a Superior Court Bench Warrant

- A. File charges immediately.
 1. Defendant will be committed to County Jail along with paperwork on original charges.
- B. Upon completion, charges will be lodged against the defendant in Union County Jail.

XX. Warrant Verifications

- A. Superior Court warrants/NCIC wanted persons
 1. Officers assigned to the Court and Complex Security Division will contact the Sheriff's Fugitive Investigations/Family Violence Unit Communications Desk (1200).
 2. The Fugitive Investigations/Family Violence Unit Communications Desk (1200) will follow warrant confirmation protocols. Desk personnel shall:
 - a. verify the accuracy and current status of the warrant;
 - b. obtain a copy of the warrant if available;
 - c. determine the estimated time of arrival for the issuing agency to take custody of the wanted person; and
 - d. obtain issuing agency contact person's name and phone number.
 - (i) Above information will be provided to arresting officer / immediate supervisor / Control Center for any necessary follow-up.
 - (ii) Once provided with the above information, arresting officer / immediate supervisor / Control Center shall be responsible for any follow-up with the issuing agency.
 3. If the following conditions are met:

Commented [JG14]: Changed from Court Division to Court and Complex Security Division so it better includes satellite posts

- a. the responding agency will take custody within two hours or less; and
 - b. the responding agency will take custody before 1600 hours; then
- 4. The arrestee will be detained in:
 - a. Cherry Street Courthouse cell block at 2 Cherry St.; or
 - b. the 2nd, 3rd, or 4th-floor holding cells located in the locked corridors of the New Annex building; or
 - c. Union County Jail.
- 5. Arresting officers shall remain with their prisoner until secured in a holding cell, transported to UCJ, or the wanted person is turned over to issuing agency personnel.

Commented [JG15]: Changed from Family Justice Center to Cherry Street Courthouse

Commented [JG16]: Going back to the BCI point in 4c, if we are telling the arresting officer they can leave, this has left BCI in a lurch in the past where the body gets dumped and the officers disappear, making watching the prisoner BCI's responsibility

B. Off-hour non-support warrant verifications

- 1. To verify an active child support warrant you must sign in to NJKiDs and verify through an open case. The NJKiDs platform shuts down service at 1900hrs and does not resume until the next morning.
- 2. To verify a child support warrant after 1900hrs you must access the child support portal (<http://agencyaccess.njchildsupport.org/Login>) and sign in.
 - a. Once signed in click on the link marked "GO TO SHERIFF PORTAL". You will come to a page marked "Your Case Information."
 - b. In order to verify this warrant you will need the defendant's DOB, SSN, and the CS number on the warrant. If you do not have these pieces of information the warrant cannot be validated through this site. Enter the information and submit.
 - (i) The next screen will show the Defendant's information associated with this case. Confirm this is the correct defendant and look towards the middle of the screen.
 - (ii) Click the tab that says "Case Events". This tab will identify that there is an active warrant and the date of the warrant.
 - (iii) If this tab does not exist the warrant cannot be confirmed.
 - (iv) Without this information the defendant should not be held.
 - (v) Print a copy of the screen and place it in the file as proof of confirmation/non confirmation.

3. If the above steps have been completed and you cannot verify warrant status, you may contact the hotline number **1-877-655- 4371 (1-877-NJKIDS1)**.
The hotline attendee may be able to confirm the warrant over the phone but this should be considered a *last-effort call*.

C. Municipal Court Warrants/ATS ACS wanted persons

1. Officers assigned to the Court and Complex Security Division will contact the Sheriff's Fugitive Investigations/Family Violence Unit Communications Desk (1200).
2. The Fugitive Investigations/Family Violence Unit Communications Desk (1200) will follow warrant confirmation protocols. Desk personnel shall:
 - a. verify the accuracy and current status of the warrant;
 - b. obtain a copy of the warrant if available;
 - c. determine the estimated time of arrival for the issuing agency to take custody of the wanted person; and
 - d. obtain issuing agency contact person name and phone number.
 - (i) Above information provided to arresting officer/immediate supervisor for any necessary follow up.
 - (ii) Once provided with above info arresting officer/immediate supervisor shall be responsible for any follow up with the issuing agency.
3. If the following conditions are met:
 - a. the responding agency will take custody within two hours or less; and
 - b. the responding agency will take custody before 1600 hours; then
4. The arrestee will be detained in:
 - a. Family Justice Center cell block at 2 Cherry St; or
 - b. the 2nd, 3rd, or 4th floor holding cells located in the locked corridors of the New Annex building; or
 - c. Union County Jail.
5. Arresting officers shall remain with their prisoner until secured in holding cell, transported to UCJ or wanted person is turned over to issuing agency personnel.

Commented [JG17]: Changed to Court and Complex Security Division

Commented [JG18]: Same as A.5.

D. R.O.R (released on own recognizance)

1. Should a law enforcement agency R.O.R. an arrestee on their charges, the arresting officer/immediate supervisor shall:
 - a. obtain copy of R.O.R.;
 - b. explain R.O.R. to arrestee;
 - c. have arrestee sign R.O.R.;
 - d. fax signed copy of R.O.R. to releasing agency; and
 - e. document steps taken via the office's C.A.D. system.

XXI. Mandatory Compliance

- A. Failure of members to comply with any of the provisions set forth herein shall subject them to disciplinary action up to and including dismissal and may also expose them to civil liability.

APPENDIX A – ARREST AND COMMITMENT RELATED FORMS

- A. [Assault Firearm Form.pdf](#)
- B. [Bias Incident Offense Report.pdf](#)
- C. [Cargo Theft Incident Report.pdf](#)
- D. [DV Offense Report.pdf](#)
- E. [eCDR Manual 1 2021.pdf](#)
- F. [First Appearance Notice.pdf](#)
- G. [LEOKA.PDF](#)
- H. [Special form and Complaint Summons.pdf](#)
- I. [Street Gang Offense Report.pdf](#)
- J. [UCJ Commitment Form.pdf](#)
- K. [UCSO Consent to Search Electronic Media.docx](#)
- L. [UCSO Consent to Search Property.docx](#)
- M. [Union County Sheriff victim Q&A.DOCX](#)
- N. [Victim Statement Q&A Spanish.pdf](#)
- O. [Victim Statement Spanish.pdf](#)
- P. [Victim Statement.docx](#)
- Q. [VINE form.pdf](#)
- R. [16,631 Witness Statement Spanish.pdf](#)
- S. [20,046 Witness Statement.docx](#)

**** These forms are in the “Arrest and Search Forms” folder on the UCSO X Drive (X:\Sheriff-data\Arrest and Search Forms).**