

UNION COUNTY SHERIFF'S OFFICE			
STANDARD OPERATING PROCEDURES			
VOLUME: III	CHAPTER: 12	# OF PAGES: 30	
SUBJECT: DOMESTIC VIOLENCE PROCEDURES			
EFFECTIVE DATE: February 22, 2023 BY THE ORDER OF: SHERIFF PETER CORVELLI	REVISIONS		
	DATE	PAGE #	SECTION
	3/14/2023	9 & 10	III-C(4), III-D(1)

PURPOSE:

Domestic violence, a serious crime against society, must be affirmatively addressed by all law enforcement agencies so that the victims and society are protected. Prescribed procedures are necessary so that Sheriff's officers can promptly and effectively respond to domestic violence incidents safely. To promote uniformity in our response, the Sheriff has set forth certain procedures for sworn officers to follow.

POLICY:

It is recognized that domestic violence situations often involve sensitive and volatile issues which may directly or indirectly compromise the safety of the public as well as sworn law enforcement officers. It is therefore the policy of the Union County Sheriff's Office (UCSO) that Domestic Violence Incidents be approached in a manner consistent with the preservation of public safety and the officer. Sheriff's officers must act quickly where incidents of domestic violence are alleged to have occurred, to protect the victim, and arrest the perpetrator, where appropriate.

DEFINITION OF TERMS:

1. Arrest Report (AR):
The official arrest record used by Union County Sheriff's officers when an individual is taken into custody by a sworn officer.
2. Computer-Aided Dispatch (CAD):
A system used by Sheriff's officers and call-takers to prioritize and record incidents, identify the status and location of officers in the field, and effectively dispatch Sheriff's resources. Officers in the field can receive messages initiated by CAD systems or initiate their own incidents via their mobile data terminals.
3. Crisis Response Team (CRT):
Volunteers that provide an emergency response to victims at the time of a domestic violence arrest. They provide victims in crisis with support and information with the goal of helping victims to make informed decisions and access needed services such as shelter, counseling, and court advocacy.
4. Domestic Violence (DV):
The occurrence of one or more of the following criminal offenses upon a person protected under the "Prevention of Domestic Violence act of 1991":
 - a. Homicide
 - b. Assault
 - c. Terroristic Threats
 - d. Stalking
 - e. Kidnapping
 - f. Criminal Restraint
 - g. False Imprisonment
 - h. Criminal Coercion
 - i. Sexual Assault
 - j. Criminal Sexual Contact
 - k. Lewdness
 - l. Robbery
 - m. Criminal Mischief
 - n. Burglary
 - o. Criminal Trespass
 - p. Contempt of a Domestic Violence Restraining Order
 - q. Harassment
 - r. Cyber-Harassment

- s. Any other crime involving risk of death or serious bodily injury to a person protected under the “Prevention of Domestic Violence Act of 1991”
5. Domestic Violence Central Registry (DVCR):
A New Jersey State program that makes available to law enforcement agencies and family court domestic violence personnel up-to-date information on all restraining orders entered into the Family Automated Case Tracking System (FACTS). The purpose of this registry serves as a valuable database for law enforcement to facilitate the enforcement of temporary and final restraining orders, and protection to all victims as they move between municipalities and counties within the state.
6. Domestic Violence Offense Report (DVOR):
A statewide report that all police officers responding to a call about a domestic violence offense must complete during their investigation.
7. Electronic Temporary Restraining Order (eTRO):
A web-based application used by Law Enforcement, Judges, and Superior Court staff members to enter Temporary Restraining Orders. Submitted electronic TROs immediately update the Domestic Violence Central Registry (DVCR) where it is displayed as an active restraining order, and it is also sent to the Family Court Record Tracking System where a docket number is assigned. Once a defendant is served, the program must be updated to reflect such.
8. Family Automated Case Tracking System (FACTS):
The New Jersey State caseload management and recordkeeping system to support the Superior Court Family Part. It includes the following case types: Juvenile/Family Crisis, Adoptions, Child Placement, Non-Dissolution, Guardianship, Juvenile Delinquency, Dissolution, Abuse and Neglect, and Domestic Violence.
9. Final Restraining Order (FRO):
A more detailed and often permanent replacement of a temporary restraining order.
10. Investigation/Incident Report (IR):
A report written by a Union County Sheriff’s officer that is the official record of that officer’s reaction to a specific criminal or DV incident while acting in his/her official capacity.
11. Operational Report (OR):
A report written by a Union County Sheriff’s officer that is the official record of that officer’s reaction to any incident that does not involve criminal charges or an investigation of an act of DV while acting in his/her official capacity.
12. Public Safety Assessment (PSA):
A pretrial risk-assessment tool that uses nine factors from an individual’s criminal history to produce two risk scores: (1) representing the likelihood of a new crime being committed, and (2) representing the likelihood of a failure to appear for future court hearings. The PSA is used by Sheriff’s officers at the time of the arrest to decide whether to seek a complaint warrant or issue a complaint summons.

13. Report Management System (RMS):

The computer-based program that facilitates the production of and maintains the storage of all official reports of the UCSO.

14. Temporary Restraining Order (TRO):

A court order to temporarily protect a victim of domestic violence from their abuser. The date of a final hearing will be scheduled within 10 days from the TRO being issued.

15. Union County Family Justice Center (FJC):

Is a joint initiative of the County of Union, the Union County Prosecutor's Office, and the YWCA of Union County. The FJC provides services to victims of domestic violence and their families through a coordinated effort among agencies, including county government, law enforcement, domestic violence agencies, social service agencies, and the court.

16. Victim of Domestic Violence:

- a. Any person who is *eighteen (18) years of age or older*, or *emancipated* and who has been *subject to domestic violence by a person who is eighteen (18) years of age or emancipated* and a(n):
 - i. spouse,
 - ii. former spouse,
 - iii. household member,
 - iv. former household member,
 - v. person with whom there is a dating relationship,
 - vi. person with whom there was a dating relationship,
 - vii. child in common with, or
 - viii. anticipation of having a child because one of the parties is pregnant.
- b. Any person who is *less than eighteen (18) years of age* and *is not emancipated* but *has been subject to domestic violence by a person who is eighteen (18) years of age or emancipated* and a(n):
 - i. person with whom there is a dating relationship,
 - ii. person with whom there was a dating relationship,
 - iii. child in common with, or
 - iv. anticipation of having a child because one of the parties is pregnant.

PROCEDURE:

I. Training Requirement

- A. Pursuant to 2C:25-20a(2) all sworn officers within the UCSO shall receive annual in-service domestic violence training of at least four (4) hours. All training must be approved by the Sheriff or his designee to fulfill this requirement. Additionally, once every three (3) years, that training must be done through live instruction.
- B. All law enforcement officers and unsworn members of the UCSO will receive at least annual training on the impact of domestic violence within the law enforcement community, and on the UCSO policy and procedures when a law enforcement officer or an unsworn member is involved in a domestic violence incident.

II. Contacting the Union County Prosecutor's Office

- A. There are portions of this policy that address the need to contact the Union County Prosecutor's Office. In those, instances the following steps should be used:
 - 1. *During Court Hours:*
 - a. call directly to the Union County Prosecutor's Office for the Domestic Violence (DV) Assistant Prosecutor (A/P); or
 - b. Contact the Union County Family Justice Center (FJC) and ask for the A/P assigned there.
 - (i) In Person: 10 Cherry St, Elizabeth, NJ
 - (ii) By Phone: (908)527-4980
 - 2. *After Court Hours:*

Contact the Union County Dispatch Center, at (908)654-9801, and request them to page out the on-duty DV A/P.

III. Guidelines on Sheriff's Officers' Response Procedures in Domestic Violence Cases

A. Mandatory Arrest

- 1. A Sheriff's officer ***must arrest*** and take into custody a domestic violence suspect and must sign the criminal complaint against that person if there exists probable cause to believe an act of domestic violence has occurred and:

- a. The **victim exhibits signs of injury** caused by an act of domestic violence. 2C:25-21a. (1).
 - (i) The word “exhibits” is to be liberally construed to mean any indication that a victim has suffered bodily injury, which shall include physical pain or impairment of physical condition. Probable cause to arrest also may be established when the Sheriff’s officer observes manifestations of an internal injury suffered by the victim.
- b. Where the victim exhibits no visible sign of injury but states that an injury has occurred, the officer should consider other relevant factors in determining whether there is probable cause to make an arrest.
- c. In determining which party in a domestic violence incident is the victim where both parties exhibit signs of injury, the officer should consider:
 - (i) the comparative extent of injuries suffered;
 - (ii) the history of domestic violence between the parties, if any;
 - (iii) the presence of wounds associated with defense, or considered defensive wounds; or
 - (iv) other relevant factors, including checking the New Jersey Domestic Violence Central Registry (DVCR) via NJ Courts Online.
 - (v) *NOTE:* The investigating officer must insure that “[n]o victim shall be denied relief or arrested or charged under this act with an offense because the victim used reasonable force in self-defense against domestic violence by an attacker.” 2C:25-21c.(3).
- d. No officer should arrest both parties in a DV. If each party exhibits signs of injury, the officer should attempt to identify the aggressor. An Assistant Prosecutor (AP) must be contacted for charges if an aggressor cannot be identified.
- e. Sheriff’s officers shall follow standard procedures in rendering or summoning emergency treatment for the victim if required.
- f. There is **probable cause to believe that the terms of a temporary restraining order (TRO)/final restraining order (FRO) have been violated.** If the victim does not have a copy of the restraining order, the officer may verify the existence of an order through the NJ Courts Online Electronic Temporary Restraining Order program (eTRO) or the appropriate law enforcement agency if it is believed that eTRO has not been updated at that time. 2C:25-21(a) (3).

g. A warrant is in effect. 2C:25-21a. (2).

h. There is probable cause to believe that a weapon has been involved in the commission of an act of domestic violence. 2C:25-21a. (4).

2. Officer(s) will follow the UCSO DV Charging Procedure (Section V)

B. Discretionary Arrest

1. A Sheriff's officer may arrest a person or may sign a criminal complaint against that person, or may do both, where there is probable cause to believe that an act of domestic violence has been committed but none of the conditions in the Mandatory Arrest section above applies. 2C:25-21b.
2. In any situation when domestic violence may be an issue, but there's no probable cause for arrest and the victim does not wish to file a TRO, the officers must give and explain to the victim the domestic violence notice of rights as contained in the Union County DV Victim Notification Form.
3. Officer(s) will follow the UCSO DV Charging Procedure (Section V).

C. Seizure of Weapons

1. *Seizure of a Weapon for Safekeeping.* A Sheriff's officer who has probable cause to believe that an act of domestic violence has been committed shall pursuant to 2C:25-21d.(1):
 - a. Question all persons present to determine whether there are weapons on the premises.
 - b. If an officer sees or learns that a weapon is present within the premises of a domestic violence incident and reasonably believes that the weapon would expose the victim to a risk of serious bodily injury, the officer shall attempt to gain possession of the weapon. If a law enforcement officer seizes any firearm, the officer shall also seize any firearm purchaser identification card, permit to purchase a handgun, and/or a firearm carry permit issued to the person accused of the act of domestic violence.
 - c. Officers shall never let another party retrieve weapon(s). The officer should retrieve the weapon(s) and immediately make the weapon(s) safe.
 - d. If the weapon is in plain view, the officer should seize the weapon.
 - e. If the weapon is not in plain view but is located within the premises possessed by the domestic violence victim or jointly possessed by both the domestic violence assailant and the domestic violence victim, the

officer should obtain the consent, preferably in writing, of the domestic violence victim to search for and to seize the weapon.

- f. If the weapon is not located within the premises possessed by the domestic violence victim or jointly possessed by the domestic violence victim and domestic violence assailant but is located upon other premises, the officer should attempt to obtain possession of the weapon from the possessor of the weapon, either the domestic violence assailant or a third party, by a voluntary surrender of the weapon.
- g. If the domestic violence assailant or the possessor of the weapon refuses to surrender the weapon or to allow the officer to enter the premises to search for the named weapon, the officer should obtain a Domestic Violence Warrant for the Search and Seizure of Weapons.

2. Seizure of a Weapon Pursuant to Court Order

- a. If a domestic violence victim obtains a TRO or FRO directing that the domestic violence assailant surrender a named weapon, the officer shall:
 - (i) demand that the person surrender the named weapon, firearm purchaser identification card and/or a firearm carry permit, and
 - (ii) ask the defendant if they have a digital version of a firearm purchaser identification card. If there is, a notation of this must be made in the officer's report.
- b. If the domestic violence assailant or the possessor of the weapon(s) refuses to surrender the weapon(s), the officer should:
 - (i) inform the person that the court order authorizes a search and seizure of the premises for the named weapon(s), and
 - (ii) arrest the person, if the person refuses to surrender the named weapon(s), for failing to comply with the court order, 2C:29-9, and
 - (iii) conduct a search of the named premises for the named weapon(s).

3. Illegal Possession

- a. If the defendant is present and known to be a certain person not to possess a firearm the defendant should be arrested and charged accordingly if:
 - (i) A firearm is located; and

- (ii) Actual possession can be proven.
- b. If a firearm, known to be illegal to possess in the state of NJ, is found while seizing weapons:
 - (i) The defendant should be taken into custody if present and charged accordingly.
 - (ii) If the defendant is not present, the Prosecutor's Office in the county where the seizure took place should be contacted to request a warrant for arrest be approved.
- 4. The officer must account for the seized weapon(s) on the Union County DV Weapon Notice Form (this is a hard copy, carbon form which is available at each Control Center and from the Family Violence Unit).
 - a. Scheduling Court Hearings
 - (i) Court hearings will be set for two Thursdays from the week you are in unless it falls on a holiday, then extend it to the following Thursday.
 - (ii) The time shall be set at 1:30 PM.
 - (iii) A court hearing will be given in all cases, even if the owner signs off for the destruction of the seized weapon(s).
 - b. If weapons are seized from the possession of more than one individual:
 - (i) Each party will have a DV Weapon Notice Form filled out for the weapons separately.
 - (ii) All parties will be given their own court date and time.
 - (iii) The firearm purchaser identification card and/or a firearm carry permit of all individuals will be seized.
 - (iv) All parties must be asked if they have a pending permit to purchase a handgun on the State Police website. If there is, a notation of this must be made in the officer's report
- 5. The officer will create a DV packet, to include:
 - a. Copy of all UCSO reports;
 - b. Union County DV Weapon Notice Form;
 - c. Copy of the restraining order;
 - d. Picture(s) of weapon(s); and

- e. Domestic violence complaint (when applicable).
- 6. All parts of the DV packet should be attached to the incident report in the UCSO's Report Management System (RMS).
- 7. The officer will email a copy of the DV packet to the Union County Prosecutor's Office promptly to the designated Prosecutor's Detective.
- 8. The weapon(s) seized by a Sheriff's officer, along with any seized firearm purchaser identification card, and/or a firearm carry permit, must be carried to the Investigation Division's storage locker. They shall be stored with a copy of the DV Packet awaiting transfer to the Prosecutor's Office.

D. Domestic Violence Complaint Process

- 1. When a Sheriff's officer responds to a call of a domestic violence incident, the officer will explain domestic violence rights to the victim which advises the victim of available court actions under NJSA 2C:25-23. The victim may file:
 - a. a Complaint/TRO alleging the defendant committed an act of domestic violence and asking for court assistance to prevent its recurrence by asking for a TRO or other relief;
 - b. a criminal complaint alleging the defendant committed a criminal act. See Section III A Mandatory Arrest, above, as to when a law enforcement officer must sign the criminal complaint (eCDR-1 [summons] or eCDR-2 [warrant]; or
 - c. both of the above.
- 2. *Jurisdiction for filing Domestic Violence Complaint/TRO by the victim.*
 - a. During regular court hours:
 - (i) The victim should be transported or directed to the Cherry Street Courthouse, 2 Cherry St, Elizabeth, NJ.
 - (ii) Where transportation of the victim to the Courthouse is not feasible, the officer should contact the Family Justice Center (FJC) at (908) 527-4980 to request an emergent temporary restraining order.
 - (iii) The Superior Court of New Jersey, Union Vicinage's Domestic Violence Unit can also be reached at 908-787-1650.
 - b. On weekends, holidays, and other times when the court is closed, the victim may file the domestic violence complaint with the municipal

police and request a TRO from a Municipal Court Judge specifically assigned to accept these complaints.

- c. The victim may file a domestic violence complaint:
 - (i) where the alleged act of domestic violence occurred;
 - (ii) where the defendant resides; or
 - (iii) where the victim resides or is sheltered.
- 3. *Jurisdiction for filing a criminal complaint (eCDR-1 or eCDR-2) by the victim in connection with filing domestic violence complaint.*
 - a. A criminal complaint may be filed against the defendant in the locations indicated above.
 - b. A criminal complaint filed at the FJC shall be investigated and prosecuted in the jurisdiction where the offense is alleged to have occurred.
 - c. The UCSO will be the primary agency responsible for complaints when:
 - (i) The incident happens at the Union County Courthouse
 - (ii) The incident happens at one of the UCSO's satellite locations
 - (iii) A Sheriff's officer becomes the sole witness of such an incident
- 4. *Jurisdiction for filing a criminal complaint but no accompanying domestic violence complaint.*
 - a. The victim shall file a criminal complaint at one of the locations indicated above.
 - b. If the criminal complaint must be filed with the UCSO:
 - (i) officers shall take all appropriate investigative steps
 - (a) Ensure a Computer Aided Dispatch (CAD) entry is made;
 - (b) complete an IR;
 - (c) take pictures if necessary;
 - (d) though not necessary, attempt to get a victim statement on the UCSO statement form; and
 - (e) create a property report if the evidence is collected.

- c. Officers shall immediately contact the law enforcement agency where the offense occurred and immediately transmit by facsimile or by hand delivery all investigative documentation.

5. *Victim Notification Form*

- a. When either a criminal or domestic violence complaint is signed, a Victim Notification Form is to be completed.
 - b. The victim should be informed that, for the victim's protection, the prosecutor or the court must have the ability to contact the victim on short notice to inform the victim about the defendant's impending release from custody.
 - c. The victim should be provided with the telephone number of the:
 - (i) Victim-Witness Unit of the Prosecutor's Office when a criminal complaint or domestic violence contempt complaint is signed; or
 - (ii) Family Division Domestic Violence Unit when a domestic violence complaint is signed.
6. The victim should be instructed to contact the appropriate office to provide new telephone numbers if the victim changes telephone numbers from the numbers listed on the Victim Notification Form.
7. Whenever a defendant charged with a crime or an offense involving domestic violence is released from custody, the prosecuting agency shall notify the victim immediately.

E. Temporary Restraining Court Orders

- 1. When a victim requests a court order, the officer shall contact the FJC. The Sheriff's officer assigned to the FJC will become the point person for the UCSO in this matter by:
 - a. Assisting the victim in preparing the complaint and a statement to be made to the judge.
 - b. Explaining that the judge will place the person under oath and will ask questions about the incident.
 - c. If the judge issues a temporary restraining order, the Sheriff's officer will be instructed to enter the judge's authorization on a prescribed form.
 - d. The officer also will be instructed to print the judge's name on the temporary restraining order.

- e. The officer also will be instructed to serve the TRO upon the alleged offender.

F. Service of Restraining Orders

1. All field service teams will consist of a minimum of two (2) officers.
 - a. Within the Courthouse Complex, services may be completed by one (1) officer with the approval of their immediate supervisor.
2. ***Review the order:***
 - a. Officers must review orders before service to ensure they are completely filled out and approved.
 - b. If there is a search warrant, ensure the information is complete.
 - c. Ensure copies of the order are legible.
3. When the victim obtains a restraining order and both parties are present in the courtroom, the officer shall:
 - a. Ensure the parties remain separated.
 - b. Explain in detail the conditions of the court order to the defendant.
 - c. Explain to the defendant that at this time they are considered removed from the common address, where this is part of the order.
 - (i) If the defendant wishes to obtain personal belongings, the defendant shall be instructed to report to the municipal police station with a copy of this order to be escorted to the address.
 - d. Complete a search for weapons on the person where this is part of the order. This is a search warrant and the following steps shall be taken:
 - (i) A CAD entry shall be made.
 - (ii) A report shall be written on the search.
 - (iii) If no weapon is found:
 - (a) The report shall include:
 - (1) Officer(s) completing search
 - (2) Address of search
 - (3) Type of search

- (4) Areas searched
- (b) The Union County Sheriff's Office Family Violence Unit (FVU) shall be made aware of the search.
- (iv) If a weapon is found follow the guidelines for a weapon seizure as detailed in *Section III C, Seizure of Weapons* of this policy.
 - (a) The report shall include:
 - (1) Officer(s) completing search
 - (2) Address of search
 - (3) Type of search
 - (4) Areas searched
 - (5) Weapon found
 - (b) FVU / Fugitive Investigation Unit (FIU) shall be made aware of a positive search.
 - (c) Firearms shall be run by the designated communications desk through the state database to ensure they are not stolen or used in a crime before releasing the defendant.
- e. Ensure that the child custody exchange is completed if the child is also present if this is part of the order.
 - (i) The CAD entry shall include:
 - (a) Officer(s) completing exchange
 - (b) Name of the person the child was turned over to
 - (c) The relation of the person the child was turned over to
 - (d) Witnesses
 - (e) Pedigree information of all parties involved
 - (ii) FVU / FIU shall be made aware via telephone of the child custody exchange. The *UCSO TRO Information Sheet* (cover sheet) shall also reflect the exchange of custody.
 - (iii) A report must be written.
 - (iv) Complete a Handle With Care Notice (NJ OAG Directive 2020-09), see *Volume II, Chapter 33, Handle With Care Program* of

the Standard Operating Procedures, and the *Handle With Care Notice* located on the UCSO Power DMS.

- f. Arrest the defendant if they refuse to comply with the order. The officer(s) will follow the UCSO DV Charging Procedure (Section V of this policy).
 - g. Sign a copy of the order and provide it to the defendant.
 - h. Check eTRO to see if other restraining orders need to be served on the defendant.
 - i. Update the service via eTRO and provide a copy of the order(s) to FVU.
4. Contact FVU or FIU when the victim obtains a restraining order and both parties are present and the following conditions apply:
- a. There is a child custody exchange and the child is not in court.
 - b. There is an approved search warrant for a vehicle or address.
5. When the victim obtains a restraining order but the defendant had not been arrested by another agency and is not present in court, the officer shall
- a. Contact FIU or FVU to complete the following:
 - (i) Escort the victim to his or her home.
 - (ii) Read the conditions of the court order to the defendant.
 - (iii) Order the defendant to vacate the premises, where that is part of the order.
 - (iv) Give the defendant a reasonable period of time to gather personal belongings, unless the court order includes specific limits on time or duration. The officer shall remain with the defendant as he or she gathers personal belongings pursuant to the terms of the temporary restraining order.
 - (v) Arrest the defendant if a warrant is in effect.
 - b. Arrest the defendant if required by the TRO or if the defendant refuses to comply with the order. The officer(s) will follow the UCSO DV Charging Procedure (see Section V of this policy).
 - c. Sign a copy of the order and provide it to the defendant.
 - d. Update the service via eTRO and provide a copy of the order to FVU/FIU.

6. Where a TRO had been issued but was not served upon the defendant because the defendant's current location is unknown, officers will:
 - a. review the order to ensure it is accurate and properly filled out,
 - b. ensure there are three (3) copies of the order,
 - c. prepare a cover sheet (see the *UCSO TRO Information Sheet* available on Power DMS),
 - (i) fill out all fields on the cover sheet,
 - (ii) make sure to include search warrant information,
 - (iii) include information that would be a safety hazard for responding officers.
 - d. forward the order to the FVU/FIU for processing and service.
 - e. Orders shall be forwarded **promptly** to ensure time for service attempts that day.
 - (i) Orders shall be brought to the FVU/FIU when time permits,
 - (ii) No order will be brought over the next day if it is in an officer's possession
 - (iii) Orders must **not** be compiled by the last operating courtroom for the day
7. When a restraining order is issued that requires service outside of Union County, it is to be forwarded through the eTRO system by the appropriate court or designee.
 - a. If it is found, during the service process of an in-county order, that service is actually to be completed outside of Union County, do not return it to Union County Family Court. Follow the following procedure:
 - (i) *Service*
 - (a) The restraining order, along with the complaint and any other relevant documents (e.g. search warrant, etc.) must be brought or transmitted by facsimile to the sheriff's office, or appropriate law enforcement agency in the county of the defendant's residence or business.
 - (b) CAD entry will be made of the action taken.
 - (ii) *The return of service*

- (a) If an order sent out for service is returned, the original CAD job should be reopened and updated to reflect the outcome of the service attempt.
- (b) The order should then be delivered or transmitted by facsimile to the Family Division.
- (iii) *When the service of a restraining order results in the seizure of weapons:*
 - (a) A weapons inventory should be attached to the return of service from the serving agency.
 - (b) The weapons themselves, along with any licenses, I.D. cards, or other paperwork or documentation shall be secured by the prosecutor in the seizing county for storage.

G. Confidentiality

1. At no time will a Sheriff's officer disclose the location, telephone number, or other contact information of a plaintiff.
2. Inadvertent release of the plaintiff's location or contact information will be reviewed by a supervisor for corrective action. Inadvertent release includes:
 - a. accidental verbal release,
 - b. allowing a defendant to see confidential paperwork, and
 - c. any other preventable action on the part of the officer that leads to the defendant obtaining this information.

H. Court Order Violations

1. Where a Sheriff's officer determines that a party has violated an existing restraining order either by committing a new act of domestic violence or by violating the terms of a court order, the officer must:
 - a. Notify the first-line supervisor of the violation.
 - b. Confirm the defendant has been served or prove the party is aware of the order and its provisions.
 - (i) Service shall be confirmed via eTRO or by contacting the serving agency if eTRO was not yet updated.
 - (ii) If there is no service a copy shall be printed out and the defendant served. There is no violation.

- (iii) If a charge is not appropriate because of a lack of service but a crime still occurred then charge approval should be requested for the criminal incident.
 - c. Arrest and transport the defendant to the UCSO.
 - d. Officer(s) will follow the UCSO DV Charging Procedure (Section V).
- 2. Where the officer deems there is no probable cause to arrest or sign a criminal complaint against the defendant for a violation of a TRO, the officer must advise the victim of the procedure for completing and signing a:
 - a. Criminal complaint alleging a violation of the court order (N.J.S.A. 2C:25-32).
 - (i) During regular court hours, the officer should advise the victim that the complaint must be filed with the Family Part of the Chancery Division of Superior Court. This is located at the Family Justice Center at the Cherry Street Courthouse.
 - (ii) On weekends, holidays, and other hours when the court is closed:
 - (a) the officer should transport or arrange for transportation to have the victim taken to the Sheriff's Office to sign the complaint;
 - (b) the on-duty DV A/P should be contacted for charge approval;
 - (c) if approved, the alleged offender shall be charged with contempt of a domestic violence restraining court order, 2C:29-9;
 - (d) the supervisor in charge shall check the DVCR via NJ Courts Online prior to contacting the on-duty DV A/P for a probable cause determination for the issuance of the criminal complaint.
 - (e) If the judge finds sufficient probable cause for the charges, the officer must prepare a complaint warrant (eCDR-2).
 - (f) the officer who had determined that there was no probable cause to arrest or sign a criminal complaint against the defendant for a violation of a TRO must articulate in the officer's IR the reasons for the officer's conclusions.
- 3. For a civil complaint against the defendant for violations of a court order pertaining to support or monetary compensation, custody, visitation, or

counseling, the victim should be referred to the Family Division Domestic Violence Unit to pursue enforcement of the litigant's rights.

I. Criminal Offenses Against the Elderly and Disabled

1. Where an elderly or disabled person is subjected to a criminal offense listed as an act of domestic violence, officers shall follow the appropriate procedure listed above.
 - a. The Domestic Violence Unit at the Union County Prosecutor's Office shall be notified if a Sheriff's officer becomes aware of any elderly person who is being abused financially, emotionally, or physically by a person:
 - (i) who is the victim's spouse or former spouse; or
 - (ii) who is the victim's present or former household member; or
 - (iii) with whom the victim is in a current or past dating relationship; or
 - (iv) with whom the victim has a child in common.
 - b. Officers shall contact the municipality where the alleged abuse occurred to forward all information and reports pertaining to such abuse in order to assist the A/P assigned with the investigation.
2. Where the actions or omissions against an elderly or disabled person do not meet the domestic violence conditions, the UCSO may file appropriate criminal charges against the offender.
3. A person may be charged with Endangering the Welfare of the Elderly or Disabled, (N.J.S. 2C:24-8) if the person has a legal duty to care for or has assumed continuing responsibility for the care of a person who is:
 - a. 60 years of age or older; or
 - b. emotionally, psychologically, or physically disabled; and
 - c. the person unreasonably neglects or fails to permit to be done any act necessary for the physical or mental health of the elderly or disabled person.

J. Animal Cruelty Offenses

1. *Where a domestic violence victim is the owner or co-owner of a pet that is abused by the defendant:*

- a. The Domestic Violence Unit at the Union County Prosecutor's Office shall be notified if a Sheriff's officer becomes aware of such acts of cruelty upon such animal by a person:
 - (i) who is the victim's spouse or former spouse, or
 - (ii) who is the victim's present or former household member, or
 - (iii) with whom the victim is in a current or past dating relationship, or
 - (iv) with whom the victim has a child in common.
- b. The municipality where the alleged cruelty occurred should be contacted and forwarded all information and reports pertaining to such abuse to assist the A/P assigned with the investigation.

K. Steps to Assist on Prosecutorial Procedure Regarding Weapons Seized in Domestic Violence Cases

- 1. *Seizure of Weapons Used in Commission of a Criminal Offense.* Any weapon(s) used in the commission of a criminal offense or is contraband or evidence of criminal activity shall be seized by Sheriff's officers and processed in accordance with established procedures for the handling of such evidence.
- 2. *Seizure of Weapons for Safekeeping Purposes.* Any weapon(s) seized by Sheriff's officers in a domestic violence incident cannot be returned to the owner by the UCSO.
 - a. The Sheriff's officers will temporarily store seized weapons in the FVU/FIU storage vault.
 - b. The following must then be promptly delivered to the Union County Prosecutor's Office:
 - (i) the weapon involved in a domestic violence incident, along with any seized firearm purchaser identification card, permit to purchase a handgun, and/or a firearm carry permit;
 - (ii) a copy of the TRO or FRO, the DV Victim Notification Form, DV weapon Notice Form, the IR; and
 - (iii) where applicable, the criminal complaint.
- 3. *Seizure of Weapons Where the Domestic Violence Restraining Order Was Issued Outside of Union County.* When the service of a domestic violence restraining order results in the seizure of weapons:

- a. The weapon inventory should be attached to the return of service that is brought or transmitted by facsimile back to the issuing county.
 - b. The weapons themselves, along with any firearms identification card, purchaser's permits, licenses, identification cards, or other paperwork or documentation shall be secured by the Union County Prosecutor for storage.
4. *Seizure of Weapons for Safekeeping Where Evidence of a Larger Crime Exists.* When executing a DV search warrant for weapons there exists evidence of a larger crime:
- a. Stop your search for weapons and contact your immediate supervisor.
 - b. Contact should be made to the DV A/P to request a criminal search warrant to collect such evidence.

IV. Guidelines on Sheriff's Officers' Response Procedures in Domestic Violence Cases Involving Law Enforcement Officers

- A. Incidents involving Union County Sheriff's officers or Union County Sheriff's County Correctional Police Officers: Refer *Volume I, Chapter 27* of the UCSO Duty Manual.
- B. Incidents involving law enforcement officers (LEO) from another agency:
 - 1. *Incident Response*
 - a. Normal Duties:
 - (i) All Sheriff's officers will accept, document, and preserve all calls or reports, including those made anonymously, regarding domestic violence reporting of a law enforcement officer. Reporting is to be done regardless of whether or not an arrest has been made, or a criminal offense has been committed.
 - (a) Make an entry into the CAD; and
 - (b) Complete a detailed OR.
 - (ii) The victim should be advised on where to go for service.
 - (a) During court hours, the victim should be directed to the FJC:
 - (1) In Person: The Cherry Street Courthouse
 - (2) On the Phone: (908) 527-4980
 - (b) Off hours, the victim should be directed to the municipal police department of the town in which the domestic violence

took place, where the plaintiff resides/is sheltered, or where the defendant resides.

- (1) If the victim is in person, an escort or transport may be necessary.
- (2) If the victim refuses to go to the correct agency, then the DV A/P should be contacted for guidance.
- (c) The victim should also be given the contact number for the YWCA and offered a CRT call out if necessary (908) 355-4357 (HELP).
- (iii) The first-line supervisor shall make his/her chain of command aware of this report as well as the UCSO Office of Professional Standards (OPS).
- (iv) The first-line supervisor should contact the Internal Affairs Unit (IA) of the agency that the LEO works for to make them aware of the incident.
 - (a) Request for the report can be made to the UCSO OPS.
 - (b) If contact could not be made, the UCSO OPS should be made aware for follow-up.
- (v) Reports will be made available to the victim and defendant.
 - (a) Requests shall be made to the Administrative Division.
 - (b) Reports are to be provided by the Administration Division at no cost.
- b. Patrol/Field Service. (the following step should be followed in addition to all standard DV procedures)
 - (i) Upon arrival on the scene of a domestic violence call or incident involving a law enforcement officer, the responding unit will immediately advise the designated communications desk of their location and request the first line supervisor or shift commander to report to the scene, regardless of the involved officer's jurisdiction.
- c. Responding Supervisor. (the following steps should be followed in addition to all standard DV procedures)
 - (i) The responding supervisor will immediately report to the scene of all law enforcement officer domestic violence incidents regardless of the involved officer's jurisdiction.

- (ii) The supervisor will immediately notify the Union County DV A/P of any domestic violence incident involving a law enforcement officer for direction on handling the case regardless of whether criminal charges are filed or a restraining order is issued.
- (iii) The supervisor will assume command and ensure that the crime scene is secured and that all evidence is collected in accordance with approved police investigative procedures. Union County Sheriff's Office Crime Scene Unit (CSU) may be contacted for guidance. Appropriate DV Investigative Steps should be used.
- (iv) The supervisor will ensure that an arrest is made in cases where a mandatory arrest is required or probable cause exists.
- (v) If the alleged offender has left the scene and probable cause exists, the supervisor will:
 - (a) Exhaust all reasonable means to locate the alleged offender.
 - (b) Ensure that an arrest warrant is sought, if unable to locate the alleged offender.
- (vi) If the victim has left the scene, the supervisor will make every effort to follow through on the investigation and attempt to locate the victim.
- (vii) The supervisor will ensure that a thorough investigation is conducted and an arrest of the primary aggressor is made in accordance with State law. In determining which party is the primary aggressor where both parties exhibit signs of injury, the supervisor should consider such factors as:
 - (a) Any history of domestic violence or violent acts by either person.
 - (b) Whether the injury was caused by a person acting in self-defense.
 - (c) Relative size and strength of the persons involved.
 - (d) The comparative severity of the injuries suffered or inflicted.
 - (e) Each person's fear of physical injury resulting from the other person's threatened use or history of use of force.
- (viii) The supervisor will ensure the victim is informed of the following:

- (a) Victims' Rights as set forth in the Victim Notification Form.
 - (b) Procedures for obtaining a restraining order.
 - (c) The availability of a CRT member or domestic violence advocate immediately following the incident.
 - (d) The availability of confidential transportation to a location that can provide improved victim safety.
 - (e) Community resources, and local domestic violence victim services, including shelter, and safety planning information.
 - (ix) Whenever a domestic violence call involving a law enforcement officer does not result in an arrest or a warrant is not sought, the on-scene supervisor will explain in their OR/IR why these actions were not taken, and the report shall be forwarded to the UCSO OPS.
 - (x) The supervisor will ensure that notification is made to the shift commander or IA unit in the department where the accused officer is employed. All notifications, and attempts to notify, will be fully documented in their IR and the report shall be forwarded to the UCSO OPS
 - (xi) The supervisor will ensure that an entry is made into the CAD which clarifies that the incident involves a law enforcement officer.
 - (xii) If the incident involves the Chief of Police or Law Enforcement Chief Executive or a person acting in those capacities, the supervisor will immediately notify the DV A/P and request guidance.
 - (xiii) If the incident involves the Sheriff of Union County or any person acting in those capacities, the supervisor will immediately notify the DV A/P and request guidance. After contact is made to the Prosecutor's Office the supervisor shall notify his/her chain of command.
- d. Administrative Responsibility. (the following steps should be followed in addition to all standard DV procedures)
- (i) In cases involving an officer from another county, the Sheriff or his designee shall notify the County Prosecutor of the county in which the officer is employed.

- (ii) In a timely manner, the Sheriff shall ensure that all officers who responded to a law enforcement officer domestic violence call are debriefed. The debriefing should include:
 - (a) A review of department confidentiality guidelines.
 - (b) A direct order prohibiting discussion of the incident outside of the official inquiry.
 - (c) A clear delineation of assignments.
- (iii) Arrest warrants charging law enforcement officers with domestic violence and protective orders issued at a later time should all be served by no fewer than two officers with at least one being of senior rank to the officer being served. In cases where firearms have not previously been seized, firearms will be seized at this time.
- (iv) This department will assist in protecting the victim until the local law enforcement agency that will be tasked with taking over the investigation is able to staff such security roles.
- (v) All information involving such incidents will be kept confidential. Having a personal relationship with one or both parties is not an excuse to release information on this matter. Failure to keep such information confidential will result in a separate OPS investigation. Information includes but is not limited to:
 - (a) Law Enforcement officer's identity being involved in this incident:
 - (1) Defendant
 - (2) Victim
 - (b) Location of either party's residence:
 - (1) Permanent address
 - (2) Family addresses
 - (3) Temporary shelter or another safe-haven location
 - (c) Contact information for either party:
 - (1) Phone number
 - (2) Email address

(3) Social media handle

C. Prohibition of Law Enforcement Court Accompaniment

1. No Union County Sheriff's officer will attend any domestic violence related court proceeding of any law enforcement officer employee unless subpoenaed to appear, authorized by their agency, or as part of their investigation.

D. Seizure of Weapons from Law Enforcement Officer Involved in Domestic Violence Incidents

1. *While serving a restraining order with a search warrant:*
 - a. Before service, contact the IA unit of the officer's employing agency to inform them of the restraining order.
 - b. Inquire if the officer has his/her service weapon with him/her or if it is with the agency.
 - c. Confirm that the agency itself has no intention to serve the officer in question.
 - d. Request a representative from the employing agency to respond or be available to accept the department issued weapon when seized.
2. *During the seizure:*
 - a. The DV search warrant will be conducted in accordance with section III of this policy.
 - b. Any department issued equipment identified in the search warrant will be turned over to the employing agency,
 - (i) The employing agency should provide a memo or report confirming that the equipment was turned over.
 - (ii) This action will be identified in the Sheriff's officer's IR.
 - (iii) This equipment will not be entered on a Union County DV Weapon Notice Form.
3. If weapons are seized from a law enforcement officer that works for the federal government or any agency from another state, the Sheriff or his designee shall notify the employing agency.

V. UCSO DV Charging Procedure

- A. Officers shall take all appropriate investigative steps.

1. *Complete a victim statement on the UCSO statement form.*
 - a. Indictable crimes and violations of restraining orders: A formal typewritten Q & A statement and/or a recorded statement.
 - b. DP and PDP offenses: A typewritten statement or clearly handwritten statement.
 2. *Ensure an accurate IR to include:*
 - a. Relationship between parties;
 - b. Prior history of abuse;
 - c. Details of physical injury to the victim;
 - d. Threats of injuries to victim's pets;
 - e. The extent of any verbal abuse;
 - f. Weapons involved;
 - g. Defendant injuries;
 - h. Description of scene;
 - i. Spontaneous statements; and
 - j. Identified witnesses.
 3. *Document with photograph or video:*
 - a. Visible injuries on the victim (with victim's consent);
 - b. Visible injuries on the defendant;
 - c. Forced entry;
 - d. Bloodstains;
 - e. Damage to property.
 4. *Consider documenting electronic media threats (call the DV A/P for guidance)*
- B. Contact the Union County Prosecutor's Office for charge approval based on investigation.
1. Seek approval for 2C:29-9b if it is a violation of a restraining order. For other criminal incidents contact the DV A/P for appropriate charges.

2. Provide past criminal and domestic history as well as the probable cause for the charge.
3. If approved for charges, confirm the A/P's name, add it in the charge probable cause statement, and document it in the IR.
4. If charges are not approved:
 - a. Confirm A/P's name
 - b. Ask for the reason why charges were not approved and explain it is necessary for reporting purposes.
 - c. Ensure your IR contains this information and that the defendant was released.
5. If there are allegations of sexual violence, the Prosecutor's Special Victims Unit should also be requested.

C. Crisis Response Team (CRT) Call-Out

1. If this is a charge stemming from a violation of a restraining order, a CRT call-out is mandatory. Once complaints have been approved, follow these steps:
 - a. Contact the YWCA for service (908) 355-4357 (HELP).
 - b. Allow a one-hour response time.
 - c. If a CRT response is not possible, a CRT member will give services over the phone.
 - d. Never place the CRT member's name in any report
 - e. Provide private area for CRT counseling.
2. If this is a charge that does not involve the violation of a restraining order, the victim shall be offered a CRT call-out, unless the victim is intoxicated.
 - a. If the victim wishes to receive CRT services follow the steps in section III. C. above.
 - b. If the victim refuses service:
 - (i) Provide victim with written resource material on DV services.
 - (ii) Provide the YWCA victim hotline number (908) 355-4357 (HELP) or the state hotline 1(800) 527-7233 (SAFE).

- D. The officer shall sign a criminal complaint for all related criminal offenses.
(The criminal charges shall be listed on the same criminal complaint [eCDR-2] form that contains the contempt charge.)
1. Use the approved charge(s)
 2. Include the approved probable cause
- E. Contact the Court Administrator of the municipality where the incident occurred.
1. Inform the court that the charges were approved by the Prosecutor's Office.
 2. Confirm the probable cause for the charge.
 3. The court administrator must approve the probable cause in NJ Courts Online to continue with the charge.
- F. Fill out a Public Safety Assessment (PSA).
1. For a fresh charge fill out a PSA to assist in determining if the charge will be put on a warrant.
 2. For a violation of a restraining order fill out an Ontario Domestic Assault Risk Assessment (ODARA) (available on PowerDMS).
- G. Complete all related forms:
1. The IR (if not completed at this time).
 2. A property report of any seized evidence (if evidence collection, to include photographing evidence, is needed contact the on-call crime scene officer to assist).
 3. A Domestic Violence Offense Report (DVOR) (State form).
 - a. This form should be filled out and printed.
 - b. One copy should be hand delivered to the Administration Division for entry into the state database.
 4. A DV Victim Notification Form (State form)
 5. An Arrest Report (AR) (if the defendant is in custody).
 6. Complete a Handle With Care notice if a child is or was present during this incident in accordance with NJ OAG Directive 2020-09. See *Volume II, Chapter 33, Handle With Care Program* and the *Handle With Care Notice* located on the UCSO Power DMS.

- H. Ensure all photographs and collected evidence are submitted for entry into the BEAST system.
- I. Prosecutor's Info Share:
 - 1. These forms must be uploaded to the Info Share program:
 - a. Copy of the completed Charge
 - b. Criminal History
 - c. All associated reports
 - d. DV Victim Notice Form
 - e. Copy of the restraining order (if there is one)
 - f. Any other form that is completed
 - 2. After the upload, print out the document upload receipt.
- J. Commit the defendant to the Union County Jail using the following documents (if the defendant is in custody):
 - 1. Document Upload Receipt;
 - 2. A copy of the charge; and
 - 3. A filled-out jail commitment.
- K. Ensure a copy of every form, to include the upload receipt, is kept and placed in a file to begin an investigation file. This file shall be hand transported to the Fugitive Investigations Family Violence Unit within 24 hours of the incident.
- L. Officers shall do the following before ending their shift for the day:
 - 1. Contact the DV A/P and request guidance on follow-up procedures.
 - 2. Contact the law enforcement agency where the offense occurred and immediately transmit by facsimile or by hand delivery all necessary documents.

VI. Civil Indemnity

- A. Pursuant to 2C:25-22, a Sheriff's officer, or any person who, in good faith, reports a possible incident of domestic violence shall not be held liable in any civil action brought by any party for an arrest based on probable cause, enforcement in good faith of a court order, or any other act or omission in good faith under this act.

VII. Compliance

- A. Failure of sworn members of the UCSO to comply with any of the provisions set forth herein shall subject them to disciplinary action up to and including dismissal.