

**COUNTY OF MORRIS
OFFICE OF THE SHERIFF**

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11:1 PURPOSE

The purpose of this policy is to ensure that all enforcement procedures involving juveniles are being followed in accordance with the New Jersey Attorney General's Directives, Guidelines, Morris County Prosecutor's Directives and N.J.S.A. 2A:4A. Adherence to the following procedures will ensure juvenile matters are handled uniformly.

11:2 POLICY

The separation in law enforcement between adult offenders and juvenile offenders has been established in the state of New Jersey through the creation of specific legislation. At all times adult and juvenile offenders will be handled, processed and physically kept separate. This legislation sets forth the requirements for law enforcement agencies to follow when dealing with matters involving juveniles. The Morris County Sheriff's Office is obligated to follow these requirements and the Morris County Sheriff's Officers will do so by the procedures outlined in policy.

11:3 PROCEDURE

- 1) In most instances, juvenile offenders arrested off the street will be taken to the police headquarters of the municipality in which the offense took place. From there the processing of the juvenile(s) will take place with the assistance of the municipal police.
- 2) Incidents of juvenile arrests that occur around the Morris County Courthouse Complex during business hours will be handled through Protective Services of the Court Services Division.

11:3.1 Definitions

This policy outlines five (5) mechanisms available to law enforcement officers and prosecutors to divert youth from the juvenile justice system and limit the likelihood of unnecessary detention:

- 1) **Curbside warnings.** A “curbside warning” is a brief, informal interaction between a law enforcement officer and a juvenile who the officer observed engage in an act of minor delinquency. During the interaction, the Morris County Sheriff’s Officer counsels the juvenile to discontinue the conduct, warns the juvenile about the potential consequences of future delinquency, and then concludes the interaction without taking any further action. For the purposes of this policy, curbside warnings do not include interactions between juveniles and School Resource Officers or other law enforcement officers assigned to a school, as those interactions are governed by policies and practices established between schools and law enforcement agencies. See 11:3.2 below.
- 2) **Stationhouse adjustments.** A “stationhouse adjustment” is a mechanism that allows law enforcement agencies to resolve a juvenile’s unlawful conduct without formal court proceedings. A stationhouse adjustment, which must be memorialized in a signed agreement, establishes one (1) or more conditions that the juvenile must meet in exchange for the law enforcement agency declining to pursue a formal delinquency complaint against the juvenile. See 11:3.3 below.
- 3) **Use of complaint-summonses in lieu of complaint-warrants.** In more serious cases, a Morris County Sheriff’s Officer may conclude that an informal resolution is unlikely to be effective and that formal charges are necessary. Under court rules, Morris County Sheriff’s Officers and prosecutors may file charges using one of two charging documents: a “complaint-warrant,” which allows the Morris County Sheriff’s Officer to take custody of the charged individual and detain them, or a “complaint-summons,” which allows the individual to remain in the community until their initial court appearance. By treating the complaint-summons as the “default” charging document for juveniles—with the complaint-warrant reserved only for the most serious charges or to protect the public— Morris County Sheriff’s Officers and prosecutors can ensure that youthful offenders are not subject to unnecessary detention in a juvenile facility immediately following the filing of charges.
- 4) **Presumption against pretrial juvenile detention.** A juvenile cannot be detained pretrial without the permission of a judge or Court Intake Services. N.J.S.A. 2A:4A-34(b). State law carefully circumscribes the use of pretrial juvenile detention, limiting it to cases where a juvenile has failed to appear at court proceedings or where, for certain categories of offenses, the juvenile’s release would seriously threaten the physical safety of persons or property in the

community. See N.J.S.A. 2A:4A-34(c). This presumption against detention ensures that the majority of juveniles accused of delinquency remain in the community during their court proceedings, allowing them to draw on their communities for support and rehabilitative services. However, nothing in this policy prevents law enforcement or prosecutors from seeking pretrial juvenile detention when the criteria set forth in N.J.S.A. 2A:4A-34(c) exists.

- 5) **Post-charge diversion by prosecutors.** The mere fact that a law enforcement officer has filed charges against a juvenile does not preclude the possibility of diverting the youth into other programs more conducive to rehabilitation. As a juvenile matter proceeds, prosecutors can and should continually evaluate the case to determine whether diversion would better accomplish the goals of the juvenile justice system over formal court proceedings. A prosecutor may consider, among other things, dismissing the complaint in favor of a stationhouse adjustment or referring the case to diversionary programs operated by the judiciary, including the Intake Service Conference, the Juvenile Conference Committee, or the Family Crisis Intervention Unit.

11:3.2 Curbside Warnings

- 1) A “curbside warning” is a brief, informal interaction between a law enforcement officer and a juvenile who the officer observed engage in an act of minor delinquency. During the interaction, the Morris County Sheriff’s Officer counsels the juvenile to discontinue the conduct, warns the juvenile about the potential consequences of future delinquency, and then concludes the interaction without taking any further action. For the purposes of this policy, curbside warnings do not include interactions between juveniles and School Resource Officers or other law enforcement officers assigned to a school, as those interactions are governed by policies and practices established between schools and law enforcement agencies.
- 2) **Presumption in favor of curbside warnings for certain minor, non-violent conduct.**
- A. There shall be a presumption in favor of engaging in a curbside warning rather than initiating more formal action involving a juvenile when a Morris County Sheriff’s Officer personally encounters a juvenile who has allegedly engaged in conduct that appears to constitute:
1. An ordinance violation, such as loitering or curfew violations; or
 2. Activity that is dangerous or disruptive, but not necessarily unlawful.
- B. A Morris County Sheriff’s Officer may overcome this presumption and initiate action more formal than curbside warning when:
1. The Morris County Sheriff’s Officer has reason to believe that the juvenile is presently engaged in other, more serious unlawful conduct; or
 2. The juvenile continues to engage in the same unlawful conduct following the issuance of a prior curbside warning; or

3. The juvenile has a pending formal complaint, demonstrating a continuing course of improper conduct, related or unrelated to the pending charge.
- C. **Other curbside warnings.** For unlawful conduct more serious than described in Section 11:3.2, B. above, such as petty disorderly persons offenses, disorderly persons offenses, and fourth-degree crimes, there is no presumption in favor of a curbside warning, but a Morris County Sheriff's Officer may nonetheless engage in a curbside warning at the Morris County Sheriff's Officer's discretion, provided that the conduct did not cause serious or significant bodily injury to another.

11:3.3 Stationhouse Adjustments

- 1) A "stationhouse adjustment" is a mechanism that allows law enforcement agencies to resolve a juvenile's unlawful conduct without formal court proceedings. A stationhouse adjustment, which must be memorialized in a signed agreement, establishes one (1) or more conditions that the juvenile must meet in exchange for the law enforcement agency declining to pursue a formal delinquency complaint against the juvenile.
- 2) Presumption in favor of stationhouse adjustments for certain unlawful conduct. There shall be a presumption in favor of performing a stationhouse adjustment rather than pursuing a delinquency complaint against a juvenile when:
 - A. The juvenile has no prior history of juvenile adjudications or stationhouse adjustments;
 - B. The juvenile's conduct constituted a petty disorderly persons offense, a disorderly persons offense, or a fourth-degree crime if committed by an adult; and
 - C. The juvenile's unlawful conduct did not constitute an act of bias, sexual misconduct, or violence, and did not involve controlled dangerous substances (CDS) or CDS paraphernalia.
- 3) Overcoming the presumption in favor of a stationhouse adjustment. A Morris County Sheriff's Officer may overcome the presumption of a stationhouse adjustment and pursue a formal delinquency complaint only with the approval of the Morris County Prosecutor, or designee, who shall consider:
 - A. The juvenile's age and maturity;
 - B. The nature and circumstances of the offense;
 - C. The juvenile's prior history of juvenile adjudications and/or stationhouse adjustments, with a presumption against authorizing a stationhouse adjustment for any juvenile previously adjudicated for a first- or second-degree offense;
 - D. The willingness of the juvenile to adhere to the proposed terms of the stationhouse adjustment; and

E. Where relevant, the support and cooperation of the victim and the juvenile's parent, or guardian/caregiver/designee.

4) Discretion to authorize stationhouse adjustments for other conduct.

A. For conduct not subject to a presumptive stationhouse adjustment, there shall be no presumption in favor of a stationhouse adjustment, but the Morris County Sheriff's Office shall nonetheless consider whether to perform one in its discretion ("discretionary stationhouse adjustment"). The Morris County Sheriff's Office may perform a discretionary stationhouse adjustment, provided that the Morris County Prosecutor, or designee, authorizes the stationhouse adjustment.

B. In deciding whether to authorize a discretionary stationhouse adjustment, the Morris County Prosecutor, or designee, shall consider the factors outlined in Section 11:3.3, #2, A-C.

***NOTE:** While the Morris County Sheriff's Office does not routinely engage in stationhouse adjustments of juveniles, all Morris County Sheriff's Officers should be aware of "Attorney General Executive Directive for Juvenile Matters, 2020-12" and "Attorney General Guidelines for Stationhouse Adjustment of Juvenile Delinquency Offenses, 2008-2" which are available to all personnel on the New Jersey Attorney General websites <http://www.state.nj.us/lps/dcj/agguide.htm> and <http://www.state.nj.us/lps/dcj/directiv.htm>) or upon request of the Community Outreach and Planning Section or the Juvenile Officer of the Morris County Sheriff's Office along with the necessary forms and reports.

5) **Drug and alcohol use.** Generally speaking, charges related to drug or alcohol use should be considered for stationhouse adjustment, provided that a treatment plan, if clinically appropriate, is included as part of the stationhouse agreement. When evaluating such cases, the Morris County Prosecutor, or designee, should review all relevant information regarding the juvenile's history of substance use or dependency, and check that any proposed treatment plan, where needed, is included in the stationhouse agreement and memorializes proper referrals and recommendations to address the juvenile's medical and mental health needs.

6) **Victim engagement.** As part of any stationhouse adjustment process, the Morris County Sheriff's Officer shall notify any victims of the juvenile's unlawful conduct and seek to engage those victims in the resolution. Where appropriate, the Morris County Sheriff's Office may employ restorative justice models, as they develop, that facilitate reconciliation between the victim and the juvenile.

7) **Conditions.** A stationhouse adjustment shall include one or more conditions that the juvenile must satisfy, which may include, but are not limited to:

A. Mediation;

B. Restitution;

C. Community service;

- D. Letters of apology or other writing projects;
- E. Consequences imposed by the juvenile's parent or guardian/caregiver/designee, such as a suspension of driving privileges;
- F. Enrollment in community programs, such as those offered by Morris County Youth Service Commissions or the Police Chaplain Program.
- G. Participation in restorative justice programs, if appropriate; and/or
- H. Where recommended, participation in mental health or substance abuse programs.

8) **Stationhouse adjustment agreements.**

- A. All stationhouse adjustments shall be memorialized in a written agreement, which shall remain in effect for three (3) to six (6) months from the date the agreement is signed.
- B. Before signing a stationhouse adjustment agreement, the Morris County Sheriff's Officer shall advise the juvenile that:
 - 1. Violations of the stationhouse adjustment agreement may result in the filing of a juvenile delinquency complaint for the conduct that gave rise to the stationhouse adjustment; and
 - 2. Future delinquent activity could result in more serious action taken by the juvenile justice system (e.g., probation, loss of driver's license, detention) and collateral consequences (e.g., DNA collection, restrictions on college financial aid, limitations on career opportunities).

9) The following parties shall sign the stationhouse adjustment agreement:

- A. The juvenile;
- B. The juvenile's parent or guardian/caregiver/designee;
- C. The Morris County Sheriff's Officer; and
- D. Victims may, but are not required to, sign the stationhouse adjustment agreement.

***NOTE:** In cases where one or more victims object to the agreement, the Morris County Sheriff's Officer must notify the Morris County Prosecutor, or designee, who must decide whether to authorize the agreement notwithstanding the victim's objection. The approval of the Morris County Prosecutor, or designee, shall be noted on the agreement for all discretionary stationhouse adjustments, or cases where the victim objects.

10) **Quarterly reporting and data collection.** On a quarterly basis, the Morris County Sheriff's Office shall report to the Director of the Division of Criminal Justice and the Morris County Prosecutor in the following anonymized information about each stationhouse adjustment in

effect with that agency in the prior quarter, which will be made publicly available by the Division of Criminal Justice:

- A. The juvenile's age at the time of the unlawful conduct;
- B. The juvenile's self-reported race, ethnicity, and gender;
- C. The unlawful conduct; and
- D. Whether the stationhouse adjustment was satisfactorily completed or is still pending and, if not completed, the reason for the non-completion.

11:3.4 Juvenile Processing, Fingerprinting, DNA Collection, and Complaint Entry

- 1) As emphasized above, for the vast majority of youthful offenders, the system works best when juveniles are diverted away from formal court proceedings and towards rehabilitative services, along with social or familial support. There will be cases, though, where diversion is not possible and juveniles will be charged. Section 11.3.4, and the sections which follow, provide the framework for law enforcement officers and prosecutors when charging and issuing complaints utilizing the Administrative Office of the Court's eCDR system.
 - A. **Juvenile Central Registry.** Morris County Sheriff's Officer considering charging a juvenile should first ascertain the juvenile's history by accessing the Juvenile Central Registry. The results of this initial check may result in reconsideration of diversion, rather than formal charges. The Juvenile Central Registry tab in eCDR is also where complaint entry is initiated.
 - B. **Fingerprinting.** Fingerprinting is required when a juvenile, age fourteen or older, is charged on the basis of an act which, if committed by an adult, would constitute a crime. N.J.S.A. 2A:4A-61(a)(3). In these circumstances, the charging agency shall take and submit the fingerprints of the juvenile by using a Live Scan system, which includes designation of offenses charged. The Live Scan fingerprinting must be completed before beginning an eCDR complaint. Once the Live Scan record has been submitted and confirmation is received from the Computerized Criminal History (CCH) system and/or the data is displayed in eCDR, the Morris County Sheriff's Officer or Morris County Sheriff's Office shall begin generating a complaint in eCDR.
 1. All reasonable steps shall be taken by the charging agency to ensure fingerprinting occurs for those fourteen and older who are charged with an act which, if committed by an adult, would constitute a crime. In those rare cases when the charging agency does not fingerprint the juvenile, either the charging agency at a later date, or an appropriate law enforcement agency designated by the Morris County Prosecutor, shall fingerprint the juvenile as soon as possible or at the time of adjudication. The CCH and Family Automated Case Tracking System (FACTS) should be checked by the Morris County Prosecutor's Office prior to adjudication and if there is no record that the juvenile was fingerprinted, the juvenile should be fingerprinted at adjudication in accordance with a policy to be established by the Morris County Prosecutor's Office.

2. Juveniles charged with delinquency who are under the age of fourteen (14) at the time of the offense shall not be fingerprinted by the charging agency. See N.J.S.A. 2A:4A-61(a)(3). In addition, juveniles who are charged with disorderly persons offenses or petty disorderly persons offenses shall not be fingerprinted. See N.J.S.A. 2A:4A-61(a)(3). However, under N.J.S.A. 2A:4A-61(a)(1), fingerprints may be taken for juveniles of any age for comparison to latent fingerprints, either with the approval of the court, or with the consent of the juvenile and parent or guardian. N.J.S.A. 2A:4A-61(a)(1) also provides that such prints "... shall be destroyed when the purpose for the taking of fingerprints has been fulfilled." If a juvenile who has been fingerprinted under for comparison with latent fingerprints is fourteen (14) or older and is later charged with delinquency for a crime, the juvenile's fingerprints shall be taken and submitted to the State Bureau of Identification within the Division of State Police.
3. Fingerprinting is also required when a juvenile is waived to the Superior Court, Law Division, Criminal Part, as a juvenile who is waived to adult court pursuant to N.J.S.A. 2A:4A-26.1 (involuntary waiver) or N.J.S.A. 2A:4A-27 (waiver at election of juvenile), shall be treated as an adult. Further, when a juvenile is waived to adult court, the prosecutor must ensure that a complaint-summons or complaint-warrant is filed.
4. Fingerprinting is also required when a juvenile, age thirteen (13) or under, is adjudicated delinquent in Family Court on the basis of an act which, if committed by an adult, would constitute a crime. See N.J.S.A. 2A:4A-61(c); N.J.S.A. 53:1-15. It is the responsibility of the Morris County Prosecutor's Office, in conjunction with the Morris County Sheriff's Office, local law enforcement agencies, and the Family Court, to develop procedures requiring fingerprinting immediately upon adjudication.
5. In cases where the court enters a formal adjournment of disposition, or deferred disposition pursuant to N.J.S.A. 2A:4A-43(b)(1), for a juvenile who has committed an offense that would be a crime if committed by an adult, fingerprinting should not occur. If the adjournment or deferment period is successfully completed, the case will be dismissed and no fingerprints should be taken. If the juvenile reoffends and an adjudication is entered, fingerprints shall be taken when the juvenile returns to court for the entry of a formal adjudication.
6. In cases where juveniles are adjudicated for an offense that would constitute a crime if committed by an adult and the Morris County Prosecutor's Office is not involved (i.e., case is heard by the Juvenile Referee), the Family Court will implement a procedure, in conjunction with the Morris County Prosecutor's Office, whereby the court notifies the Morris County Sheriff's Office or local law enforcement agency to ensure fingerprints are obtained upon adjudication.

- C. **Photographs.** The charging agency shall photograph the juvenile for criminal identification purposes pursuant to N.J.S.A. 2A:4A-61(b). The New Jersey Code of

Juvenile Justice forbids photographing juveniles under the age of fourteen (14) “...for criminal identification purposes without the approval of the court, or the consent of the juvenile and [their] parent or guardian.” N.J.S.A. 2A:4A-61(b). If a juvenile fourteen (14) or older at the time of the commission of an offense that would be a crime, if committed by an adult, is photographed by the county law enforcement agency, an original photograph should be submitted to the State Bureau of Identification within the Division of State Police

D. **DNA collection.** Juveniles taken into custody for an act which, if committed by an adult, would constitute the following offenses, shall have a biological sample collected by the charging agency for purposes of DNA testing, pursuant to N.J.S.A. 53:1-20.20(b) & (e):

1. Aggravated sexual assault or sexual assault, N.J.S.A. 2C:14-2;
2. Aggravated criminal sexual contact or criminal sexual contact, N.J.S.A. 2C:14-3;
3. Murder, N.J.S.A. 2C:11-3;
4. Manslaughter, N.J.S.A. 2C:11-4;
5. Second-degree aggravated assault, N.J.S.A. 2C:12-1(b)(1) & (b)(6);
6. Kidnapping, N.J.S.A. 2C:13-1;
7. Luring or enticing a child, N.J.S.A. 2C:13-6;
8. Endangering welfare of children, N.J.S.A. 2C:24-4, except for paragraph (2) of subsection a; or
9. Any attempt to commit any of the above crimes.
 - a. A DNA sample shall be taken prior to the juvenile’s release from custody, as statutorily required. In any case where DNA has already been submitted, as confirmed on the juvenile’s CCH, Master Name Index (MNI), or Arrest Notification CJIS Response, a subsequent sample shall not be taken pursuant to N.J.S.A 53:1-20.22(d).
 - b. Further, pursuant to N.J.S.A. 53:1-20.20(h), “every juvenile adjudicated delinquent, or adjudicated not delinquent by reason of insanity, for an act which, if committed by an adult, would constitute a crime or a specified disorderly persons offense shall have a blood sample drawn or other biological sample collected for purposes of DNA testing.” “Specified disorderly persons offense” includes any disorderly persons offense relating to narcotics or dangerous drugs for which fingerprinting is required pursuant to N.J.S.A. 53:1- 18.1, excluding possession of fifty (50) grams or less of marijuana, including any adulterants or dilutants, or five (5) grams or less of hashish under N.J.S.A. 2C:35-10; or any

other disorderly persons offense for which fingerprinting is required pursuant to N.J.S.A. 53:1-15, excluding shoplifting (N.J.S.A. 2C:20-11).

- c. If a disposition is imposed which requires detention or confinement, the sample shall be collected upon commencement of the sentence. Otherwise, the juvenile shall provide a sample as part of the disposition ordered by the court. See N.J.S.A. 53:1-20.20(h). Juveniles incarcerated or detained for qualifying offenses are required to provide a sample before termination of imprisonment, detention, supervision, or confinement. N.J.S.A. 53:1- 20.20(h). The Morris County Prosecutor has the discretion to designate which law enforcement agency is responsible for post-adjudication DNA collection.

- E. **Complaint entry in eCDR.** After accessing the “Juvenile Central Registry” tab, the Morris County Sheriff’s Officer chooses the juvenile’s Live Scan record from the list displayed in eCDR. For cases where fingerprints are not required, but the juvenile has a prior record, the Morris County Sheriff’s Officer shall select the juvenile from the list displayed, being sure to match identifiers. In cases where fingerprints are not statutorily required and the juvenile has no prior record, the Morris County Sheriff’s Officer shall manually complete the eCDR data fields. The Live Scan record should always be selected when available, as this selection will automatically populate many of the eCDR data fields.

11:3.5 Pre-Charge Juvenile Case Screening

- 1) **On-call prosecutorial screening/approval system.** The Morris County Prosecutor’s Office already has an established system of on-call Assistant Prosecutors available on a 24/7 basis to provide real-time legal advice and charging approvals to law enforcement officers. Those assigned on-call duty shall have sufficient experience to perform the functions required. Advice and charging approvals provided by an on-call Morris County Assistant Prosecutor may occur in person or by means of telephonic or electronic communication. The Morris County Prosecutor shall make contact information and procedures available to all agencies operating within the Prosecutor’s jurisdiction.
- 2) The Morris County Prosecutor’s Office requires a designated Morris County Assistant Prosecutor to approve all juvenile complaints in eCDR, before they are submitted to the court. In cases requiring Morris County Assistant Prosecutor approval, the law enforcement officer must submit a draft juvenile complaint through eCDR to seek authorization to issue the summons or request a warrant. At that time, the Morris County Prosecutor, or designee, can also recommend diverting the complaint to a stationhouse adjustment. A Morris County Prosecutor may also issue a directive authorizing all police agencies operating within the Prosecutor’s jurisdiction to issue a juvenile complaint provided it has been approved by a supervisory officer who possesses designated authority (Designated Supervisory Officer).

11:3.6 Determining Whether to Charge by Summons or Warrant

- 1) **Presumption for complaint-summons.** This policy encourages the Morris County Sheriff’s Office to charge by way of complaint-summons, rather than complaint-warrant,

whenever that can be accomplished without jeopardizing public safety or welfare. Pursuant to New Jersey Court Rule 5:20-2, if there is probable cause to believe that a juvenile is delinquent, a law enforcement officer may issue a complaint-summons to the juvenile and their parent, guardian, or custodian. There is no need to apply to the court for a finding of probable cause. Once the complaint-summons is filed with the court, the law enforcement officer shall within five (5) days personally serve the summons on the juvenile and their parent, guardian, or custodian without taking the juvenile into custody. If a Morris County Sheriff's Officer issues a summons, the juvenile will be released after processing and scheduled to return to court at a later date.

- 2) An Assistant Prosecutor of the Morris County Prosecutor's Office or a Designated Supervisory Officer can overcome the presumption of a complaint-summons if they determine that an application for a complaint warrant is reasonably necessary to protect the safety of a victim or the community, to reasonably assure the juvenile's appearance in court when required, or to prevent the juvenile from obstructing or attempting to obstruct the criminal justice process, and further determines that there is a lawful basis to apply for a complaint-warrant.
- 3) **Request for complaint-warrant and detention.** In cases where immediate custody of the juvenile is required, a law enforcement officer may apply for a complaint-warrant. A complaint-warrant may only be issued pursuant to Rule 5:21-1(a) where detention is authorized by Court Intake Services (Juvenile Intake) or a judge. Thus, when applying for a warrant, the Morris County Sheriff's Officer is required to contact Juvenile Intake.
 - A. Juvenile complaints will be reviewed by Juvenile Intake in eCDR. Juvenile Intake will complete the juvenile detention Risk Screening Tool (RST) to preliminarily determine if a juvenile should be detained. The RST assists Juvenile Intake with their recommendation for detention, however law enforcement and/or the Morris County Assistant Prosecutor can request detention or additional monitoring services, notwithstanding the recommendation. Further, the RST does not restrict a judge's discretion to order the juvenile's detention at a future court appearance.
 - B. If Juvenile Intake declines detention, law enforcement may ask for an override of that decision. If the request is still denied, a Morris County Assistant Prosecutor can appear before the Family Court to apply for a complaint-warrant pursuant to N.J.S.A. 2A:4A-34(b). Accordingly, when making the decision to apply for a complaint-warrant, it is important to consider any relevant facts or circumstances known or reasonably believed to exist that are not accounted for in Juvenile Intake's initial detention decision.
 - C. If detention is authorized by Juvenile Intake or a judge, a complaint-warrant shall immediately be filed as provided by Rule 5:20-1. The law enforcement officer taking the juvenile into custody shall immediately notify the juvenile's parent, guardian or custodian. The complaint-warrant shall be served upon the juvenile and their parent, guardian, or custodian.
- 4) **When a complaint-warrant is mandatory.** Guided by Rule 3:3-1(e), the Morris County Sheriff's Office must apply for a complaint-warrant if there is probable cause to believe that the juvenile committed any of the following offenses, unless consultation with an authorized

Morris County Assistant Prosecutor or Designated Supervisory Officer determined that the presumption of charging by complaint-warrant is overcome and there are specific reasons which must be articulated in the case file:

- A. Murder, N.J.S.A. 2C:11-3;
- B. Aggravated manslaughter, N.J.S.A. 2C:11-4(a);
- C. Manslaughter, N.J.S.A. 2C:11-4(b);
- D. Aggravated sexual assault, N.J.S.A. 2C:14-2(a);
- E. Sexual assault, N.J.S.A. 2C:14-2(b) or (c);
- F. Robbery, N.J.S.A. 2C:15-1;
- G. Carjacking, N.J.S.A. 2C:15-2;
- H. Escape, N.J.S.A. 2C:29-5(a); or
- I. An attempt or conspiracy to commit any of the foregoing crimes.

***NOTE:** In addition, if the juvenile is in custody for an offense under New Jersey law and a judicial warrant has been issued against the juvenile by any federal agency or a law enforcement agency from this State or any other state, the law enforcement agency having custody of the juvenile shall apply for a complaint-warrant and advise the court of the circumstances.

5) **When there is a rebuttable presumption to seek a complaint-warrant.**

- A. The Morris County Sheriff's Office shall apply for a complaint-warrant if there is probable cause to believe that the juvenile has committed the following offenses, unless consultation with an authorized Morris County Assistant Prosecutor or a Designated Supervisory Officer determines that the presumption of charging by complaint-warrant is overcome:
 - 1. Witness tampering/retaliation, N.J.S.A. 2C:28-5;
 - 2. Witness obstruction, N.J.S.A. 2C:29-3(b)(3);
 - 3. Witness tampering, N.J.S.A. 2C:29-3(a)(3);
 - 4. Eluding that constitutes a second-degree crime, N.J.S.A. 2C:29-2(b);
 - 5. Third-degree assault on public officials or employees, N.J.S.A. 2C:12-1(b)(5);
 - 6. Photographing, filming, sexual exploitation, or abuse of a child, N.J.S.A. 2C:24-4(b)(4) or (b)(5);

7. Violation of Chapter 35 of Title 2C that constitutes a first- or second-degree crime;
8. A crime involving the possession or use of a firearm;
9. Vehicular homicide, N.J.S.A. 2C:11-5;
10. Aggravated assault that constitutes a second-degree crime, N.J.S.A. 2C:12-1(b);
11. Disarming a law enforcement officer, N.J.S.A. 2C:12-11;
12. Kidnapping, N.J.S.A. 2C:13-1;
13. Aggravated arson, N.J.S.A. 2C:17-1(a);
14. Second-degree burglary, N.J.S.A. 2C:18-2;
15. Extortion, N.J.S.A. 2C:20-5;
16. Booby traps in manufacturing or distribution facilities, N.J.S.A. 2C:35-4.1(b);
17. Strict liability for drug induced deaths, N.J.S.A. 2C:35-9;
18. Terrorism, N.J.S.A. 2C:38-2;
19. Producing or possessing chemical weapons, biological agents, or radiological devices, N.J.S.A. 2C: 38-3;
20. Racketeering, N.J.S.A. 2C:41-2;
21. Firearms trafficking, N.J.S.A. 2C:39-9(i);
22. Causing or permitting a child to engage in a prohibited sexual act, N.J.S.A. 2C:24-4(b)(3); or
23. An attempt or conspiracy to commit the crimes enumerated above.

B. The Morris County Sheriff's Office shall also apply for a complaint-warrant, unless a Morris County Assistant Prosecutor or a Designated Supervisory Officer determines that the presumption of charging by complaint-warrant is overcome, in cases where the present offense was committed:

1. While the juvenile was presently released for any other crime or disorderly persons offense;
2. While the juvenile was on probation, participating in the Juvenile Intensive Supervision Program (JSP), under supervision of a residential program, or under Megan's Law pursuant to N.J.S.A. 2C:7-2; or

3. When the juvenile was recently adjudicated, meaning within the past twelve (12) months, for an offense involving a firearm or a first- or second-degree offense.

***NOTE:** Nothing in this subsection shall be construed to preclude consideration of other adjudications of delinquency, when determining if a complaint-warrant should be requested.

- 6) **Overcoming the mandatory or presumptive complaint-warrant.** In any case where a complaint-warrant is mandatory, or there is a presumption of applying for a complaint warrant, the Morris County Sheriff's Office shall apply for a complaint-warrant unless a Morris County Assistant Prosecutor or a Designated Supervisory Officer determines that: a) the physical safety of persons or property would not be seriously threatened if the juvenile were not detained; and b) detention is not necessary to secure the appearance of the juvenile at future court proceedings. In making this determination, the Morris County Assistant Prosecutor or a Designated Supervisory Officer shall consider whether there are reasonable assurances that if the juvenile were to be charged by a complaint-summons, they will appear in court when required, the safety of any other person or the community will be protected, and the juvenile will not obstruct or attempt to obstruct the criminal justice process. If the determination is made to overcome the presumption of applying for a complaint-warrant, the Morris County Assistant Prosecutor or a Designated Supervisory Officer shall document the reasons for that decision in the case file.
- 7) **Short-term custody and the six (6) hour rule.** According to N.J.S.A. 2A:4A-31(a), a juvenile may be taken into custody either pursuant to an order or warrant from a court with jurisdiction, or for delinquency by law enforcement, pursuant to the laws of arrest and the Rules of Court. Except where delinquent conduct is alleged, a juvenile may be taken into short-term custody without a court order when:
 - A. A Morris County Sheriff's Officer has reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and taking them into immediate custody is necessary for their protection;
 - B. A Morris County Sheriff's Officer has reasonable grounds to believe the juvenile has left the home and care of their parent or guardian without their consent; or
 - C. An agency legally charged with the supervision of a juvenile notifies law enforcement that the child has run away from the out of home placement.

***NOTE:** Pursuant to N.J.S.A. 2A:4A-32(a), under no circumstances shall any juvenile taken into short-term custody be held for more than six (6) hours. Short term custody begins once a juvenile has entered a police department, and does not include when a juvenile is being held at the scene or while in transport. For delinquency complaints, the six (6) hour timeframe includes the duration of time required for processing and either release on a complaint-summons or transportation to a juvenile detention facility for a complaint warrant. Therefore, law enforcement and prosecutors must ensure that these steps are completed as expeditiously as possible, but in no event longer than six (6) hours from the time custody begins.

11:3.7 Notification of Rights (N.J.S.A. 2A:4A-40)

- 1) All defenses available to an adult charged with a crime, offense or violation will be available to a juvenile charged with committing an act of delinquency.
- 2) All rights guaranteed to criminal defendants by the Constitution of the United States and the Constitution of this State, except the right to indictment, the right to trial by jury and the right to bail, will be applicable to cases arising under this act.
- 3) When a juvenile is to be given his/her Miranda Rights, the Morris County Sheriff's Officer is to use the waiver form specifically for juveniles.
- 4) The Morris County Sheriff's Officer must make every effort to be sure the juvenile and parent/guardian understand their rights as advised on this form. The juvenile and the parent/guardian of the juvenile should read, sign and initial the form in the appropriate sections prior to questioning or any statements being made, verifying they understand every aspect of their rights and they waive these rights at this time. A version of this form is available in Spanish.

11:3.9 Release Conditions and Seeking Revocation of Release

- 1) **Conditions of release.** When a juvenile is not detained, Morris County Assistant Prosecutors can and should request that the court order specific release conditions or enhanced monitoring, in addition to those recommended by Juvenile Intake. A Morris County Assistant Prosecutor shall request that the court impose any other release conditions, where the Morris County Prosecutor has reason to believe that such condition(s) is needed to: reasonably assure the juvenile's appearance in court; protect the community; and to prevent the juvenile from obstructing or attempting to obstruct the juvenile justice process. Specifically, Morris County Assistant Prosecutors should request no contact provisions whenever necessary.
- 2) **Notice to Assistant Prosecutor of suspected violations of release conditions.** In the event that the Morris County Sheriff's Office or Officer has reason to believe that a juvenile has violated a condition of pretrial release, the Morris County Sheriff's Office or Officer shall promptly notify the Morris County Assistant Prosecutor handling the case. The Morris County Assistant Prosecutor shall promptly notify the Family Court of the circumstances of the violation, unless the Morris County Assistant Prosecutor determines that such notification would jeopardize an investigation or law enforcement operation, or endanger an officer or other person. The Morris County Assistant Prosecutor shall also promptly determine whether they should seek revocation of release or request additional conditions of release. Likewise, the Family Court should notify the Morris County Assistant Prosecutor when there is reason to believe that a juvenile has violated a condition of pretrial release. If the juvenile was in an alternative placement, the program should notify the Family Court and the Morris County Assistant Prosecutor handling the case.
- 3) If the suspected violation occurred outside the jurisdiction of the Prosecutor's Office handling the matter on which pretrial release conditions were imposed, the law enforcement agency or officer detecting the violation may notify the Prosecutor's Office in

their jurisdiction, and they will notify the Prosecutor handling the original case. If the violation would constitute a criminal offense if committed by an adult and two (2) or more Prosecutor's Offices are involved, the Offices shall confer and coordinate their efforts to ensure the safety of the public and victim to the greatest extent possible.

11:3.10 Motor Vehicle Violations

- 1) Any violation of chapters 3, 4, 6 and 8 of Title 39 alleged against a person of any age will be heard in the Municipal Court of appropriate jurisdiction. In the event the Municipal Judge orders the detention or incarceration of a juvenile, that detention or incarceration will be served at a suitable juvenile institution and not at the county jail.
- 2) When an arrest of a juvenile is made pursuant to a Failure To Appear Warrant stemming from a Title 39 motor vehicle offense, the defendant should be afforded the opportunity to post bail. In lieu thereof, the defendant should be transported to the Morris County Juvenile Detention Center after detention has been cleared with the On-Duty Juvenile Intake Morris County Sheriff's Officer (Probation).
- 3) The Morris County Sheriff's Office is also responsible for forwarding the court copy of the summons along with the original juvenile complaint to Probation, Family Division, Juvenile Intake Section.
- 4) Make a copy of the summons for the court file.
- 5) If there are any questions contact the Morris County Prosecutor's Office Juvenile Unit at (973) 285-6200.
- 6) See the S.O.P entitled "[Enforcement of Motor Vehicle Laws and Motorist Assistance](#)" (Vol. III, Chap. 33 of the Sheriff's Manual) for additional procedures regarding juveniles involved in motor vehicle statute violations.

11:3.11 Other Considerations

- 1) **Preparing the Affidavit of Probable Cause and Preliminary Law Enforcement Incident Report.** The Affidavit of Probable Cause and Preliminary Law Enforcement Incident Report ("PLEIR") are available electronically through juvenile eCDR. The Affidavit of Probable Cause is required in all cases, and shall include a description of relevant facts and circumstances that support probable cause to believe that the offense(s) was committed and it was committed by the juvenile. The Affidavit shall include a concise statement as to the Morris County Sheriff's Officer's basis for believing that the juvenile committed the offense(s) and shall indicate whether a victim was injured and, if so, the extent of the injury known to the officer submitting the Affidavit. The Affidavit **should not** direct the reader to other documents by stating, "see attached."
- 2) **When charges filed are different from charges initially entered into Live Scan.** The Live Scan system requires the Morris County Sheriff's Officer to indicate present offenses. There may be cases where the summons or warrant that is filed is different from the offenses that had initially been entered into Live Scan, or there may have been a decision not to charge all, or

any, of the offenses proposed by the Morris County Sheriff's Officer. Conversely, the Morris County Assistant Prosecutor or Designated Supervisory Officer may decide to upgrade the offense or add additional charges. In these cases, the Morris County Sheriff's Office, as the charging agency, shall modify the Live Scan record within the Live Scan system to reflect the appropriate changes, retransmit the modified Live Scan record, and contact the CRICU of the New Jersey State Police to make certain that the CCH system accurately reflects the charges that were actually filed. In cases where fingerprints were taken but the case was then referred for a stationhouse adjustment, the Morris County Sheriff's Officer must contact CRICU to make sure the prints are removed from the CCH system.

- 3) **Citizen's Complaint.** In any case where a citizen seeks to file a formal complaint against a juvenile, the Morris County Sheriff's Office should review the charge(s) for probable cause. If the Morris County Sheriff's Officer finds probable cause, they can enter the complaint-summons in eCDR and make sure to note that it is a private citizen's complaint, and should select the box stating, "[t]he charge was based on the observations/statements made by an eyewitness(es)" on the Preliminary Law Enforcement Incident Report ("PLEIR"). If the Morris County Sheriff's Officer does not find probable cause, they can refer the case to the Morris County Prosecutor's Office for legal review, whose decision is controlling.
- 4) **Designation of Juvenile Liaison Officer.** The Morris County Sheriff's Office is required to designate one (1) sworn Morris County Sheriff's Officer to coordinate juvenile matters. This Juvenile Liaison Officer (JLO) should be designated based upon their training and experience. The JLO should be familiar with local resources and community-based programs available to assist juveniles and their families; shall be well-versed in the various diversionary programs available to divert youth from the juvenile justice system; and are tasked with staying up-to-date on legislative changes, and changes to policy and procedure regarding Juvenile Justice Reform. The JLO can also assist by building partnerships with non-profit and government-run community organizations to assist with the supervision of stationhouse adjustment agreements. Information on how to contact a Department's JLO should be made public and placed on the agency's website, in order to provide this resource to families and the community.