

MEMORANDUM OF UNDERSTANDING ("MOU")

BETWEEN

THE MONMOUTH COUNTY PROSECUTOR'S OFFICE (herein the "MCPO")

AND

THE MONMOUTH COUNTY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS (herein the "MCSPCA") (revised February 15, 2023)

WHEREAS, the Monmouth County Prosecutor is the Chief Law Enforcement Officer for the County of Monmouth;

WHEREAS, the Monmouth County Prosecutor, as Chief Law Enforcement Officer for the County of Monmouth, has the constitutional and statutory authority to oversee and supervise all law enforcement activities within the county, including enforcement of the provisions of Title 4 governing animal cruelty;¹

WHEREAS, Title 4, Chapter 22, Article 2, of the New Jersey Statutes, entitled "Prevention of Cruelty" criminalizes animal cruelty in various forms ranging from disorderly persons offenses to third-degree indictable offenses;²

WHEREAS, the Monmouth County Prosecutor has the discretion to enter into a MOU with the MCSPCA which authorizes the MCSPCA, under the supervision of the Monmouth County Prosecutor, to assist with enforcement of Title 4, Chapter 22, Article 2 of the New Jersey Statutes, entitled "Prevention of Cruelty";³

WHEREAS, the Monmouth County Prosecutor must designate a county society for the prevention of cruelty to animals pursuant to N.J.S.A. 4:22-14.8 with which the county prosecutor and county sheriff shall coordinate shelter and care for animals;⁴

WHEREAS, the Monmouth County Prosecutor has the authority to designate MCSPCA members as humane law enforcement officers, subject to the provision of N.J.S.A. 4:22-14.5, to assist with the investigations, and otherwise act as an officer for the detection, apprehension, and arrest of offenders against the provisions of Title 4, Chapter 22, article 2, of the New Jersey Statutes;⁵

¹ N.J.S.A. 4:22-14.1; Gerofsky v. Passaic County SPCA et al., 376 N.J. Super. 405, 409-18 (App. Div. 2005).

² See N.J.S.A. 4:22-17 through N.J.S.A. 4:22-25.5.

³ N.J.S.A. 4:22-14.4a(2)(b).

⁴ N.J.S.A. 4:22-14.4a(3).

⁵ N.J.S.A. 4:22-14.4a(2)(b).

WHEREAS, this MOU is the exclusive mechanism by which non-sworn law enforcement personnel may exercise law enforcement powers pursuant to Title 4, Chapter 22, Article 2, within the County of Monmouth and ensures that such individuals are properly trained and supervised;⁶

WHEREAS, this MOU supersedes the prior MOU between the MCPO and MCSPCA;

WHEREAS, the execution of this MOU by an individual member of the MCSPCA constitutes that member's agreement to comply with the training requirements, rules of conduct and procedures contained both herein and in Title 4, Chapter 22 of the New Jersey Statutes;

WHEREAS, each individual member of the MCSPCA who executes this MOU and satisfies the training requirements and qualifications contained herein to the satisfaction of the Monmouth County Prosecutor shall be authorized to exercise all rights established under N.J.S.A. 4:22-11.1 et seq., except as such rights are limited or further defined herein; and

WHEREAS, the failure to abide by this MOU will result in the immediate termination of an individual's Title 4 law enforcement powers by the Monmouth County Prosecutor.

I. RIGHTS OF THE MCSPCA

The provisions of this MOU shall apply only to the exercise of law enforcement functions by the MCSPCA and its members in Monmouth County. This MOU shall not affect, alter, or in any way impair any other activities of the MCSPCA (fundraising, adoptions, veterinary services, etc.).

The MCSPCA is not a department, office, or agency of the County of Monmouth. The MCPO has no role or involvement in the organization, operations or functions of the MCSPCA, other than the granting of and the supervisory authority over the MCSPCA's exercise of Title 4 law enforcement powers as set forth in this directive.

II. SHELTER/CARE FOR ANIMALS

The MCSPCA agrees to be the designated facility within Monmouth County for providing or locating humane shelter and care for any animals at the request of the MCPO, county sheriff, or any municipal humane law enforcement officer. N.J.S.A. 4:22-14.4(a)(3); 4:22-14.8. The MCSPCA may place the animal in an animal rescue organization facility or a foster home if the MCSPCA determines the placement is in the best interest of the animal. N.J.S.A. 4:22-17.7. The animal may be euthanized if a licensed veterinarian makes a written determination that the animal is in intractable and extreme pain and beyond any reasonable hope of recovery with reasonable veterinary medical treatment. N.J.S.A. 4:22-17.7(e).

⁶ This MOU does not apply to non-sworn law enforcement officers appointed by a municipality as a Municipal Humane Law Enforcement Officer. In the event a municipality in Monmouth County appoints a non-sworn law enforcement officer as its Municipal Humane Law Enforcement Officer, that municipality alone assumes all responsibility for that non-sworn law enforcement officer.

III. ANIMAL CRUELTY PROSECUTOR

The MCPO will appoint at least one MCPO assistant prosecutor as the "Animal Cruelty Prosecutor" who will serve as the legal advisor to the MCSPCA and to the Municipal Humane Law Enforcement Officers in Monmouth County. N.J.S.A. 4:22-14.4(a)(1). In addition to providing legal guidance, the Animal Cruelty Prosecutor will be responsible for the prosecution of indicatable animal cruelty matters in Monmouth County. The Animal Cruelty Prosecutor will be available to members of the MCSPCA and to Municipal Humane Law Enforcement Officers during regular office hours and during non-office hours, when the Animal Cruelty Prosecutor will be available via cellular phone.

The Animal Cruelty Prosecutor must notify the Commissioner of Health and Senior Services in writing within 30 days of disposition of the name of any person who has been convicted of, or found civilly liable for, a violation of any provision of article 2 of chapter 22 of Title 4 of the Revised Statutes and must specifically delineate the statute violated, degree of offense, and sentence. N.J.S.A. 4:22-57(b).

All appointed municipal prosecutors in Monmouth County are designated by the MCPO as "assistant animal cruelty prosecutors" to prosecute animal cruelty matters charged as disorderly persons or petty disorderly persons offenses in their respective municipal courts. N.J.S.A. 4:22-14.4(a)(1).

IV. CHIEF HUMANE LAW ENFORCEMENT OFFICER

Michael Goldfarb, Chief of the Law Enforcement Division of the MCSPCA, and retired Chief of Police in Eatontown, shall be designated the Chief Humane Law Enforcement Officer (CHLEO) in Monmouth County. N.J.S.A. 4:22-14.4(a)(2)(a). CHLEO Goldfarb shall report to the Chief of Detectives of the Monmouth County Prosecutor's Office.

V. HUMANE LAW ENFORCEMENT OFFICERS

Members of the MCSPCA, who meet the requirements outlined herein, are approved by the MCPO, and enter into this MOU, shall be herein designated Humane Law Enforcement Officers (HLEO) and shall assist with the investigation and enforcement of Title 4 animal cruelty laws. N.J.S.A. 4:22-14.4(a)(2)(a). Such individuals will be referred to in this MOU as "HLEOs".

No member of the MCSPCA shall be involved in any way with animal cruelty enforcement or investigation unless that individual is approved by the MCPO to be a HLEO and enters into this MOU with the MCPO.

HLEOs report directly to CHLEO Goldfarb. As of the date of the execution of this MOU, the only MSPCA HLEO approved by MCPO is Michael Magliozzo, a retired detective from the MCPO.

VI. APPLICATION TO BECOME A HLEO AND BACKGROUND INVESTIGATION

Any MSCPCA member who wishes to become a HLEO must submit, through the governing body of the MCSPCA, an application to the MCPO. Upon receipt, the MCPO shall examine the character, competency and fitness of the applicant for the position and shall initiate a criminal

background check. N.J.S.A. 4:22-14.5(a)(1). Should any expense be incurred during said background check, the applicant is responsible for such expense.

After review of the application and completion of the background investigation, the MCPO shall approve or reject the applicant in writing to the MCSPCA. Should the applicant be rejected, such writing shall contain the reasons for rejecting the applicant. N.J.S.A. 4:22-14.5(a)(2). The decision whether to accept or reject a MCSPCA member's application to become a HLEO is solely within the discretion of the MCPO.

No individual will be approved as a HLEO who has a prior conviction for an indictable offense, disorderly persons offense, petty disorderly persons offense, or a prior admission into the Pre-Trial Intervention program (or its equivalent from another state). Likewise, any individual with a prior finding of civil liability for animal cruelty will be automatically rejected.

VII. HLEO REPORTING OBLIGATION AND CONVICTIONS

Any HLEO who is arrested and/or charged with an indictable offense, disorderly persons offense, petty disorderly persons offense, and/or civil charge of animal cruelty (or its equivalent from another state), must immediately report such to the CHLEO, who will immediately notify MCPO. Such individual is subject to immediate suspension and/or termination at the discretion of the MCPO in consultation with the CHLEO.

Any HLEO who is convicted of an indictable offense, disorderly persons offense, petty disorderly persons offense, and/or civil charge of animal cruelty, will be immediately terminated as a HLEO.

VIII. TRAINING REQUIREMENTS

A. Police Training Commission Course for Animal Protection Law Enforcement

The CHLEO and all HLEOs must satisfactorily complete the course developed by the Police Training Commission (PTC) for animal protection law enforcement within one year of that individual's designation by the MCPO. This course shall include instruction in the following areas (1) the law, procedures, and enforcement methods and techniques of investigation, arrest and search and seizure, specifically in connection with violations of State and local animal cruelty laws and ordinances; (2) information and procedures related to animals, including animal behavior and traits and evaluation of animals at a crime scene; (3) methods to identify and document animal abuse, neglect and distress; and (4) investigation of animal fighting. N.J.S.A. 4:22-11.11(a).

The CHLEO and all HLEOs must provide the PTC certificate of successful completion of the animal protection law enforcement course to the MCPO animal cruelty prosecutor.

B. Waiver

The CHLEO may request from the PTC an exemption from the applicable law enforcement parts of the animal protection law enforcement training course on behalf of the CHLEO or any HLEO who demonstrates previous successful completion of a police training course conducted by a federal, state or other public or private agency, the requirements of which are substantially equivalent to or

which exceed the corresponding requirements of the animal protection law enforcement training course curriculum developed by the PTC. The CHLEO may also request from the PTC an exemption from the applicable animal control parts of the animal protection law enforcement training course on behalf of the CHLEO or any HLEO who demonstrates previous successful completion of an animal control course pursuant to N.J.S.A. 4:19-15.16(a). N.J.S.A. 4:22-11.11(c).

C. Additional Training Requirements

The CHLEO and all HLEOs are also required to complete the following trainings:

1. Training on the directives and guidelines of the Attorney General's Office and the Monmouth County Prosecutor's Office governing the use of force (bi-annual) and vehicle pursuit (annual);
2. Annual in-service domestic violence training pursuant to N.J.S.A. 2C:25-20; and
3. Annual blood-borne pathogen training.

The MCPO agrees that the CHLEO and all HLEOs may have access to its training courses on these topics, whether they be in-house or online trainings.

The CHLEO and MCPO shall maintain records of such training requirements.

IX. COORDINATION WITH MUNICIPAL HUMANE LAW ENFORCEMENT OFFICERS

Every municipality in Monmouth County that has a police department is required to appoint a Municipal Humane Law Enforcement Officer (MHLEO). N.J.S.A. 4:22-14.1, 14.2.

By law, the MHLEO has the authority to investigate and sign complaints, arrest violators and act as an officer for the detection, apprehension and arrest of offenders against the animal welfare and animal cruelty laws in Title 4, Chapter 22, Article 2 of the New Jersey Statutes. Id.

The CHLEO is required to maintain a current list of all MHLEOs and to work with and update the MHLEOs on animal cruelty matters. The CHLEO, HLEOs and MHLEOs shall work together to ensure successful investigation of animal cruelty matters throughout Monmouth County.

X. REQUIRED NOTIFICATIONS TO THE MONMOUTH COUNTY PROSECUTOR

The CHLEO and all HLEOs shall immediately notify the MCPO, through the appointed Animal Cruelty Prosecutor, of any potential indictable case of animal cruelty under the provisions of Title 4.

The CHLEO and all HLEOs shall immediately notify the MCPO, through the appointed Animal Cruelty Prosecutor, of any potential animal cruelty case, indictable or otherwise, in which the press has inquired or has otherwise shown interest.

The CHLEO and all HLEOs shall immediately notify the MCPO, Professional Responsibility Unit, of any allegations of criminal wrongdoing committed by a law enforcement officer or HLEO. During regular business hours, the CHLEO or HLEO should contact the MCPO's main phone number, 732-431-7160, and ask for a detective in the Professional Responsibility Unit (PRU). During non-

business hours, the CHLEO or HLEO should contact the radio room (732-577-8700), and request the on-call PRU supervisor.

XI. CONTACT WITH THE PRESS

The MCPO employs a Public Information Officer. The CHLEO and all HLEOs will work with the MCPO Public Information Officer to determine what information, if any, to release to the press on any indictable or potentially indictable animal cruelty case. The Public Information Officer will be available during regular office hours and during non-office hours via cellular telephone. All communications with the press must comply with RPC 3.6, RPC 3.8, and the State of New Jersey Executive Order 69, which will be provided to the MCSPCA by the MCPO.

XII. FIREARMS, UNIFORMS AND VEHICLES

The MCPO has the exclusive authority to authorize a HLEO to possess, carry and use a firearm while enforcing the laws and ordinances enacted for the protection of animals. N.J.S.A. 4:22-14.5(c). No HLEO will be authorized to possess, carry, or use a firearm while enforcing animal cruelty laws without satisfactorily completing a firearms training course as defined in N.J.S.A. 2C:39-6(j) and approved by the PTC.

The MCPO herein authorizes CHLEO Goldfarb and HLEO Maglizzo to carry and use a firearm while enforcing the laws and ordinances enacted for the protection of animals. It is the MCPO's understanding that these individuals, who are all-retired law enforcement officers, have completed the requisite firearms training.

CHLEO Goldfarb and HLEO Maglizzo must also twice-annually qualify in the use of a revolver or similar weapon. Firearms qualification will be done through the MCPO.

Uniforms worn by the CHLEO and all HLEOs must clearly identify them as Humane Law Enforcement Officers of the MCSPCA. Uniform costs shall be the responsibility of the members of the MCSPCA and/or of the MCSPCA itself.

The CHLEO and HLEOs shall operate a department owned or leased vehicle which clearly identifies the occupant as a Humane Law Enforcement Officer of the MCSPCA. The CHLEO and any HLEO may operate an unmarked vehicle upon authorization of the CHLEO. Vehicle costs including gasoline, maintenance, and insurance shall be the responsibility of the members of the MCSPA and/or the MCSPCA itself. The CHLEO and any HLEO may use an MCPO vehicle upon approval by the Chief of the MCPO.

In the event of the resignation or termination of an MCSPCA member, he/she must immediately relinquish to the MCSPCA any badge, identification card, vehicle, uniform, or other indicia of authority issued to the member.

In the event of the resignation or termination of an MCSPCA Humane Law Enforcement Officer who is authorized to carry a firearm, he/she will no longer be permitted to carry a firearm pursuant to N.J.S.A. 2C:39-6(c)(7) and 2C:39-6(j).⁷

⁷ The continued possession of a firearm by a MCSPCA Humane Law Enforcement Officer post-resignation or termination (absent some other statutory authority to possess and carry a firearm) would

XIII. REPORTING

The MCSPCA, in conjunction with the MCPO, must publicize a telephone number for reporting animal cruelty matters. It is the sole responsibility of the MCSPCA to monitor this number, promptly check any voicemails left with this number, and respond to any such calls.

XIV. ARREST AND CHARGING

The CHLEO and all HLEOs may make arrests for violations of article 2 of chapter 22 of Title 4 of the Revised Statutes. N.J.S.A. 4:22-44.

The CHLEO and all HLEOs must have prior approval from the MCPO Animal Cruelty Prosecutor before arresting and charging an individual with an indictable Title 4 violation. This is expressly more restrictive than N.J.S.A. 4:22-45, which discusses notifying the animal cruelty prosecutor after arrest. The CHLEO and any HLEO may arrest and charge an individual with an indictable Title 4 violation without first notifying the Animal Cruelty Prosecutor only if the CHLEO or HLEO witnesses an individual actively engaging in an act of animal cruelty and notification to the Animal Cruelty Prosecutor would be impractical and/or detrimental to the welfare of the animal under the circumstances.

The CHLEO and all HLEOs may charge an individual with a disorderly persons or petty disorderly persons offense without prior approval from the Animal Cruelty Prosecutor; however, if there is any question as to whether the appropriate charge is an indictable or non-indicatable offense, the Animal Cruelty Prosecutor must be notified and will make the legal determination of the appropriate charges, N.J.S.A. 4:22-45.

All Title 4 violations (indictable and non-indictable) shall be placed on a Complaint Summons unless the Animal Cruelty Prosecutor approves that the charges be placed on a Complaint Warrant. The CHLEO and all HLEOs must comply with the requirements of the Criminal Justice Reform Act and must utilize the eCDR system in signing disorderly persons and indictable charges.

XV. INVESTIGATION

The CHLEO or HLEO conducting an investigation into a case of potentially indictable animal cruelty pursuant to Title 4 must notify the local police department of the investigation. The local police department will cooperate in providing assistance when needed. If the municipality has appointed a sworn police officer as its MHLEO, the MHLEO shall assist with the investigation where practicable. Where appropriate, a detective from the Monmouth County Prosecutor's Office will be assigned to assist the MCSPCA.

The CHLEO or any HLEO may take a statement (target or witness) in an indictable or potentially indicatable animal cruelty case. A second officer must be present during the statement. All custodial interrogations on cases of indictable or potentially indictable animal cruelty must be electronically recorded. The standard Miranda form utilized by the MCPO must be used. Copies of this form will be provided to the MCSPCA by the animal cruelty prosecutor.

expose that individual to the criminal penalties set forth in N.J.S.A. 2C:39-5 for unlawful possession of a weapon.

The CHLEO and all HLEOs are prohibited from conducting any photo array without the presence and assistance of a detective from the local police department or the MCPO.

The CHLEO and all HLEOs shall not conduct or become involved in any investigation outside of Monmouth County without the prior approval of the MCPO.

The CHLEO and HLEO are not equipped with body worn cameras.⁸ Should the CHLEO or a HLEO become involved in a situation which may reasonably lead to an arrest or a use of force, the CHLEO and HLEO must make reasonable efforts, if feasible, to have a uniformed officer equipped with a BWC present during that citizen encounter.

XVI. EVIDENCE GATHERING AND RETENTION

Photographs taken by the CHLEO or any HLEO which may be used as evidence in an animal cruelty investigation shall be taken on a department issued camera. Photos shall not be taken on personal cellular or electronic devices. Photographs taken by the CHLEO or HLEO, municipal law enforcement, or an animal control officer as part of any indictable or potentially indictable animal cruelty investigation may not be posted on social media or the internet in any manner or released to the press without the express permission of the MCPO.⁹

Any evidence obtained by the CHLEO or any HLEO must be documented on a standard evidence property receipt as used by the Monmouth County Prosecutor's Office. The standard Evidence Property Receipt form will be provided to the MCSPCA by the Animal Cruelty Prosecutor. All evidence must be transported to the MCPO by the CHLEO or HLEO and logged into the MCPO evidence vault.

To the extent that a live animal is a victim of a Title 4 violation and is seized during the course of an investigation, that animal shall be sheltered and cared for at the MCSPCA. That animal may be released to an appropriate individual or adopted out in accordance with law and the policies of the MCSPCA, so long as the animal's injuries and condition are adequately documented in reports and/or photographs prior to the relinquishment of the animal.

To the extent that the MCSPCA is handling a Title 4 investigation where the animal is deceased, the MCSPCA shall arrange for a necropsy to be performed on such animal and for the results of such necropsy to be forwarded to the MCPO. Standard necropsies may be performed by

⁸ Section 3.2 of the Attorney General's Body Worn Camera Policy (revised January 2022) identifies which law enforcement officers must be equipped with BWCs. The CHLEO and HLEO do not fit into any of these categories. While the CHLEO and HLEO do have regular interactions with members of the public on animal cruelty matters, see section 3.2(e), these actions historically and overwhelmingly do not give rise to an arrest or use of force.

⁹ Photographs taken by the MCSPCA for purposes other than the investigation of an animal cruelty investigation, for example, a photo posted of an animal at the shelter for fundraising purposes, may be posted and/or released by the MCSPCA without the express permission of the MCPO. If there is any doubt about whether a photograph of an animal involved in an animal cruelty case may or should be posted or released, the CHLEO or HLEO should consult with the Animal Cruelty Prosecutor.

veterinarians on staff at the MCSPCA; however, in more complex matters, the necropsy may be performed by a veterinarian who specializes in this area at the New Jersey Department of Agriculture's Division of Animal Health, Animal Diagnostic Laboratory (the "State Lab"). If the CHLEO or HLEO believe that the resources of the State Lab, should be used for a necropsy, the CHLEO or HLEO must obtain permission from the Animal Cruelty Prosecutor to send the animal to this facility. If permission is granted, the CHLEO or HLEO will be responsible for transporting the animal to the Animal Diagnostic Laboratory and for filling out the necessary paperwork. The MCPO will pay the cost of a necropsy performed by the State Lab.

XVII. ENTRY, SEARCH AND SEIZURE

The CHLEO and HLEOs authorized to act under this MOU may search a person or vehicle in accordance with the law.

The CHLEO and HLEOs authorized to act under this MOU may search a premises in accordance with the law with the following considerations. Prior to searching a premises, the CHLEO and HLEOs shall make every reasonable effort to obtain the assistance of the MCPO and/or the local law enforcement agency. This includes contacting the local law enforcement agency and the MCPO to request their assistance prior to the search. The MCPO recognizes that there may be situation where making such a notification and/or obtaining such assistance will be impracticable or impossible due to exigency or other factors. In such instances, the CHLEO and HLEOs may perform the premises search; however, they must immediately secure the assistance of the MCPO or local police department should they come across non-Title 4 criminal violation during said premises search.

The CHLEO and HLEOs may enter a building or premises without a warrant, pursuant to the specific directives of N.J.S.A. 4:22-47, where (1) there is an exhibition of the fighting or baiting of a living animal or creature; (2) where preparations are being made for such an exhibition; or (3) where a violation of N.J.S.A. 4:22-24 ("Fighting or Baiting Animals or Creatures") is occurring. The CHLEO and HLEOs may take possession of all living animals and arrest anyone present for such fight or exhibition. N.J.S.A. 4:22-47.

The CHLEO and HLEOs may immediately enter onto private property where a dog, domestic companion animal, or service animal is located, and take physical custody of the animal, if the CHLEO or HLEO has reasonable suspicion to believe that the animal is at risk of imminent harm due to a violation of N.J.S.A. 4:22-17.1 et seq., and where any delay could put the animal at further risk. The CHLEO and HLEOs must comply with the notice requirements of N.J.S.A. 4:22-17.7 in the event they take custody of such an animal at risk of imminent harm.

All requests for search warrants must be presented to and approved by the Animal Cruelty Prosecutor. No search warrant shall be executed without the presence of sworn law enforcement officers either from the Monmouth County Prosecutor's Office or from the local police department.

In requesting consent to search a person, premises or vehicle, the CHLEO and HLEOs must use the standard consent form utilized by the Monmouth County Prosecutor's Office. Copies of such form will be provided to the MCSPCA by the Animal Cruelty Prosecutor.

XVIII. NOTICE OF SEIZURE AND RIGHT TO VOLUNTARILY FORFEIT ANIMAL

If an animal is seized, the CHLEO or HLEO must serve the individual with a written notice of the seizure in compliance with N.J.S.A. 4:22-17.7(d). That individual shall also be given the opportunity to voluntarily forfeit ownership or custody of the animal. N.J.S.A. 4:22-17.7(h). A form notice will be provided to the MCSPCA by the Animal Cruelty Prosecutor.

Once an individual voluntarily forfeits ownership or custody of the animal, the MCSPCA may make the animal available for adoption.

XIX. SUBMISSION OF REPORTS AND RETENTION OF NOTES

All investigation reports prepared by the CHLEO or any HLEO regarding indictable or potentially indictable Title 4 animal cruelty cases shall be timely submitted to the MCPO via the Animal Cruelty Prosecutor.

MCSPCA members must retain all contemporaneous notes of witness interviews and crime scene observations in any indictable or potentially indictable Title 4 case.

Submission of a Use of Force Report is required whenever the CHLEO or any HLEO uses physical, mechanical, or deadly force, or employs a show of force. This submission must occur within 24 hours of the incident.

XX. RESTITUTION REQUESTS

Requests for restitution for costs incurred by the MCSPCA in obtaining a necropsy of a deceased animal or in housing and caring for a living animal that is the victim of an indictable Title 4 violation shall be submitted in writing to the Animal Cruelty Prosecutor. Pursuant to N.J.S.A. 4:22-17f, the Animal Cruelty Prosecutor will request restitution to the MCSPCA for any such costs at the sentencing of an indictable Title 4 matter.

XXI. DISBURSEMENT OF FINES, PENALTIES AND MONIES COLLECTED

All fines, penalties and monies imposed and collected in indicatable matters under article 2 of chapter 22 of Title 4 of the Revised Statutes are payable to Monmouth County to be used for the purpose of protecting animals in the county. N.J.S.A. 4:22-55. If an indicatable prosecution resulted primarily from the reporting by a MHLEO, the municipality in which the violation occurred shall receive 50% of the monies collected. N.J.S.A. 4:22-55. In non-indicatable prosecutions, by law, all fines, penalties, or monies collected shall be paid to the municipality where the violation occurred. N.J.S.A. 4:22-55.

XXII. SUBMISSION OF MEMBERSHIP LIST

The CHLEO shall maintain a current list of all HLEOs, their contact information, and proof of their training. The CHLEO shall ensure that the Animal Cruelty Prosecutor always has a current version of this list.

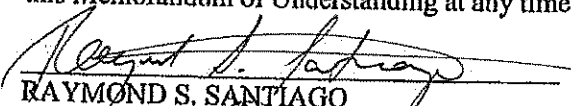
XXIII. ANNUAL STATISTICS

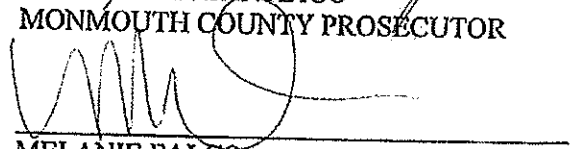
The CHLEO shall keep records on (1) the number of animal cruelty complaints received; (2) the number of animal cruelty complaints investigated; (3) the number of complaints/charges signed; (4) the number of complaints prosecuted or otherwise litigated and each disposition; (5) the number of animals adjudged forfeited; (6) the number of animals returned to the owner; and (7) proceeds from fines collected in animal cruelty prosecutions. N.J.S.A. 4:22-14.2.

Annual statistics must be provided to the Animal Cruelty Prosecutor by October 1 of each year. The statistics should cover the prior State fiscal year of July 1 through June 30. The Animal Cruelty Prosecutor is required to submit these statistics to the Attorney General by January 1 of each year, for the previous fiscal year. N.J.S.A. 4:22-14.2

XXIV. AMENDMENT AND TERMINATION OF THIS MOU

The MCPO has the statutory right, under N.J.S.A. 4:22-14.4A, to enter into, or not enter into, a Memorandum of Understanding with the MCSPCA. Accordingly, the MCPO may amend or terminate this Memorandum of Understanding at any time upon written notice to the MCSPCA.


RAYMOND S. SANTIAGO
MONMOUTH COUNTY PROSECUTOR


MELANIE FALCO
ANIMAL CRUELTY PROSECUTOR
MONMOUTH COUNTY PROSECUTOR'S OFFICE


MICHAEL GOLDFARB
CHIEF LAW ENFORCEMENT DIVISION, MCSPCA


MICHAEL MAGLIOZZO
MCSPCA/CHLEO

DOCUMENTS PROVIDED TO THE MCSPCA PURSUANT TO THIS MOU

Rule of Professional Conduct 3.6 (MOU Section XI)

Rule of Professional Conduct 3.8 (MOU Section XI)

New Jersey Executive Order 69 (MOU Section XI)

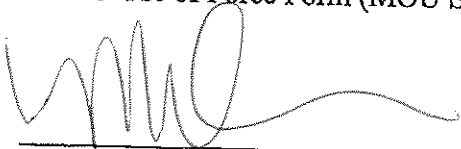
MCPO Miranda Form (English and Spanish) (MOU Section XV)

MCPO Evidence Property Receipt (MOU Section XVI)

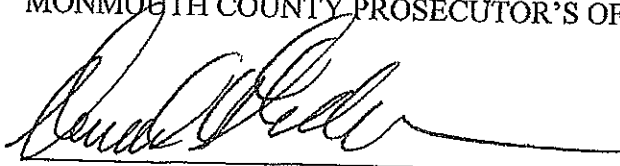
MCPO Consent to Search Form (English and Spanish) (MOU Section XVII)

Notice of Seizure and Right to Voluntarily Forfeit Ownership Form (MOU Section XVIII)

MCPO Use of Force Form (MOU Section XIX)



MELANIE FALCO
ANIMAL CRUELTY PROSECUTOR
MONMOUTH COUNTY PROSECUTOR'S OFFICE



MICHAEL GOLDFARB
CHIEF, MONMOUTH COUNTY SPCA