

VOORHEES POLICE DEPARTMENT GENERAL ORDER		
SUBJECT: ARREST AND TRANSPORTATION		
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ACCREDITATION STANDARDS: 3.1.2, 5.1.1, 5.1.2	BY THE ORDER OF: Chief of Police Louis Bordi	

PURPOSE The purpose of this general order is to provide basic guidance to officers and to codify standardized procedures regarding arrests and subsequent transportation.

POLICY It is the policy of the Voorhees Township Police Department to be in compliance with all statutes, contemporary criminal procedure, applicable court rules, New Jersey Attorney General and Camden County Prosecutor directives and guidelines when arresting and subsequently transporting any person in order to protect any arrestee's or detainee's rights and to minimize risk to police personnel.

PROCEDURES

I. DEFINITIONS

- A. Arrest is defined as a substantial physical interference with the liberty of a person, resulting in apprehension and custodial detention. It is generally used for the purpose of preventing a person from committing a criminal offense, or calling upon a person to answer or account for an alleged completed crime or offense.
1. An actual arrest occurs when a law enforcement officer intentionally employs physical touching of a person and delivers a formal communication of a present intention to arrest.
 2. A constructive arrest occurs without an intentional use of physical contact and without a formal statement indicating an intention to take a person into custody. The courts generally consider whether there has been a submission to the assertion of authority.
- B. Ontario Domestic Assault Risk Assessment (ODARA) is a tool that predicts how likely an abusive partner is to assault again. No clinical expertise is required to administer an ODARA assessment. Officers can obtain the necessary information for scoring the ODARA's 13 items during an interview with a victim, a review of the defendant's criminal history, and related records (e.g., prior investigations, CAD records, etc.).
1. Related definitions include:
 - a. Defendant: the person being assessed.
 - b. Index assault: the most recent incident in which the defendant assaulted his/her current or former partner. Assault is any act of violence that involved physical contact with the index victim or a credible threat of death made with a weapon displayed in the presence of the victim.
 - c. Partner: a person who currently is, or previously was, involved with the defendant in an intimate relationship. This includes current or former spouses, current or former intimate cohabitants, co-parents, and those currently or formerly in a dating relationship.
 - d. Victim: the person upon whom the index assault was committed.
 2. Instances of domestic violence that do not involve physical violence or threat of death with a weapon should not be assessed under ODARA.
 3. Officers shall complete the ODARA in those cases of domestic violence in which the following crimes/offenses are charges and the victim is a partner, as defined above:
 - a. Homicide (N.J.S.A. 2C: 11-1);
 - b. Simple assault with contact or a weapon (N.J.S.A. 2C: 12-1a);
 - c. Aggravated assault (N.J.S.A. 2C: 12-1b);

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

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

II. GENERAL PROVISIONS

- A. This general order is intended to supplement and not supplant existing criminal procedure. It provides basic guidelines in arrest and transport situations. Therefore, the vast plethora of case law with all of its nuances will not be listed. Arrests are governed by the 4th Amendment to the United States Constitution and Article I.7 of the State of New Jersey Constitution.
- B. When practicable, officers should identify themselves to the person(s) being arrested and indicate the crime or offense. The arrestee should be informed of the warrant and the charges.
- C. Consular notification for non-US citizens is addressed in this department's general order on *Consular Notification and Access*. Additionally, in order to comply with *AG Directive 2007-3*:

1. When making an arrest for any indictable crime or for DWI, the arresting officer shall inquire about the arrestee's citizenship, nationality and immigration status.
2. If the officer has reason to believe that the person may not be lawfully present in the United States, the arresting officer shall:
 - a. Notify the OIC;
 - b. Notify the Immigration and Customs Enforcement (ICE) Law Enforcement Support Center via NLETS with an Immigration Alien Inquiry (IAQ) message key. ICE will generate an Immigrant Alien Response (IAR);
 - c. Notify the Camden County Prosecutor's Office if an indictable offense has been committed. Copies of any NLETS IAQ, IAR, or fax shall also be forwarded;
 - d. Notify the municipal court administrator if a DWI has been committed;
 - e. Ensure that the assistant prosecutor, judge or judicial officer is advised that the person arrested is believed not to be in the United States lawfully when considering confinement and/or bail.
 - f. Forward the original NLETS documentation with the other reports made necessary by the arrest to records.
3. No employee of this department shall consider a person's race or ethnicity as a factor in drawing an inference or conclusion that the person may be an undocumented immigrant.
4. When warranted, the arresting officer or OIC can contact the [ICE Law Enforcement Support Center](#) (LESC) at 1-866-347-2423 for assistance. LESC operates 24 hours a day, 365 days a year, to supply real-time assistance to officers who are investigating or have arrested foreign-born individuals involved in or suspect of criminal activity.
5. Notify the Camden County Jail if ICE issues a detainer.

III. ARREST WITH A WARRANT

- A. An arrest warrant has the purpose of interposing a probable cause determination by a neutral and detached judge between the law enforcement officer and the person to be arrested. Warrants include bench warrants, CDR warrants, ACS, ATS, and any other criminal process issued by a court.
- B. All pre-planned arrest warrants shall be de-conflicted in accordance with *New Jersey Attorney General Directive 2016-1*. Deconfliction is not required for warrant arrests that occur spontaneously.
- C. Sworn police officers have the right to execute a warrant by arresting defendants at their homes or at any public place within the state.

- D. When executing an arrest warrant outside of Voorhees Township, officers should provide prior notice to the law enforcement agency in that jurisdiction prior to execution except under exigent circumstances where prior notice is impracticable or may otherwise compromise the investigation.
- E. To execute arrest warrants out of the State of New Jersey, contact the Camden County Prosecutor's Office.
- F. Officers should only use that amount of force necessary to make the arrest. Unless impracticable, pre-planned warrant arrests shall be conducted by a minimum of two officers. More officers or tactical resources can be used depending upon the circumstances and anticipated flight risk.
- G. A search warrant, consent, or an exigent circumstance is required to make a warrant arrest in a third party's dwelling.
- H. Officers shall not execute an arrest warrant without first confirming or taking reasonable measures to confirm the validity of the warrant.
 - 1. The arrest warrant should be verified and confirmed through ACS, ATS, and/or NCIC.
 - 2. Verify the identity of the person to be arrested
 - a. Officers initiating a warrant check should include a minimum of two identifiers (e.g., first and last name & DL# or first and last name and DOB.
 - b. If detainee has documentation indicating that the warrant has already been satisfied, notify the OIC. No arrest is to be made until the documentation in question is verified.
 - c. If an arrest has already been made the party shall be immediately released and the incident shall be documented.
 - 3. Understand the scope of the arrest warrant so as not to exceed any limitations set by the warrant
 - 4. Arrest warrants issued by the judge of the Voorhees Township Municipal Court that are not listed in the ACS/ATS system are to be confirmed as valid with the municipal court administrator prior to any action being taken.
 - 5. Arrest warrants issued by a judge of any other court not listed in the ACS/ATS system shall be confirmed as valid with the issuing authority prior to any action being taken.
 - 6. Employees of this department should not assist an outside law enforcement agency with the execution of an arrest warrant until such time as it has been confirmed that the warrant is valid.
 - 7. An NCIC hit is not probable cause to make an arrest. A confirmation request shall be sent to the agency that entered the person. A positive response by that agency will serve as confirmation of the warrant as per Part 7 of the *National Crime Information Center Operating Manual*.

8. A printed copy of the request and response shall be forwarded to the records bureau for placement in the case file.
- I. Requests from other jurisdictions to serve/execute their warrant(s) should be referred to the duty OIC.
- J. After completing the service of a warrant, the arresting officer shall ensure that the warrant is administratively executed in the ACS/ATS system.

IV. ARREST WITHOUT A WARRANT

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

1. Officers in fresh pursuit of a person suspected of motor vehicle infractions or a disorderly person or petty disorderly person offense may not make a warrantless entry into a home to effectuate an arrest.
 2. Fresh pursuit alone is an insufficient justification for a warrantless entry into a person's home to make an arrest absent exigent circumstances.
- E. As a general rule, an arrest for a violation of N.J.S.A. 39 (except DWI, possession of CDS in a vehicle, or leaving the scene of an accident with serious injuries) is improper if the underlying offense poses little or no threat to the public safety, and if there is no reason to believe that the offender would fail to respond to a summons.
- F. If at any time during the arrest process the probable cause to make the arrest dissipates, the arresting officer shall immediately release the arrestee and return any property that had been taken as a result of the arrest. The incident shall be thoroughly documented.
- G. Representatives of the superior court, usually the pretrial services program manager or his/her designee, will be alerted if a previously released defendant violates any electronic monitoring conditions. Under certain circumstances, the pretrial services program representative will contact this department of the violation's circumstances.
1. Communications personnel shall obtain as much information as possible from the pretrial services program representative, including the identities of the defendant/violator, contact information for victims and witnesses, and pertinent addresses. Communications **must immediately** dispatch an officer to investigate the violation and to secure the safety of the victim.
 2. Officers shall promptly conduct a welfare check on any potentially impacted victims or witnesses, particularly when a no-contact condition may have been violated. Also, officers should consult available databases (e.g., CAD, RMS, domestic violence central registry, the automated statewide deconfliction database, etc.) to help with decisions as to any response and to ensure the safety of victims, witnesses, and responding officers.
 3. The pretrial services program representative may be able to provide communications with the GPS coordinates or a street address where the defendant could be located when such information is available through the defendant's electronic monitoring device.
 4. The pretrial services program may apply for a bench warrant for contempt of court for violating the conditions of release. If the judge grants the request for a bench warrant, the pretrial services program representative will advise this agency to arrest the defendant on the bench warrant.
 5. The pretrial services program representative should be able to provide communications with copies of the pretrial release orders. When the pretrial services program representative is unable to provide copies of pretrial release orders, officers should request complaint numbers or Promis/Gavel numbers, so they can view the orders in the case jacket of the eCDR system.

6. If there is evidence that any defendant has committed a new crime or offense, including a violation of a domestic violence temporary or final restraining order, officers should consult with an assistant prosecutor to file new criminal charges based on those violations.
- H. With respect to municipal ordinance violations, N.J.S.A. 40A: 14-152 provides: *"The officers of a police department, within the territorial limits of the municipality, shall have all the powers of peace officers and upon view may apprehend and arrest any disorderly person or any person committing a breach of the peace."*
 1. Under this statute, there are three (3) prerequisites that must be met before an officer may arrest:
 - a. The offense must occur in Voorhees Township; and
 - b. The offense must have occurred upon view of the officer; and
 - c. The offender either must be a disorderly person or have committed a breach of the peace.

V. HANDCUFFING

- A. Officers and detectives shall maintain and carry on duty an operable set of handcuffs equipped with a double locking feature. Handcuffs shall be free of dirt, rust, lint or other conditions that may make them inoperative.
- B. To provide greater control of an arrestee/detainee, officers shall:
 1. Remain alert for any unexpected moves by the subject;
 2. If practicable, approach the subject from his/her rear or side;
 3. Maintain control of the subject and keep him/her off balance.
 4. Handcuff the subject behind their back, with palms facing outwards;
 5. Double lock the handcuffs;
 6. Never handcuff a subject to yourself or another officer;
 7. Never handcuff a subject to the inside of a vehicle or a fixed object unless the object is designed for that purpose.
- C. Use of handcuffs during investigations and prior to an at-scene arrest:
 1. Officers should not use handcuffs prior to arrest unless special circumstances exist to warrant their use. Special circumstances include:
 - a. The subject is uncooperative or takes action at the scene that raises a reasonable probability of danger or flight.
 - b. Where officers have information that the suspect is currently armed;

- c. Where the stop/detention is in close proximity (time and space) following a violent crime
 - d. Where officers have information that a crime involving violence is imminent;
- 2. In the absence of a continuing threat to the officer or citizen safety, the handcuffs should be removed if the protective frisk discovers no weapons.

VI. CUSTODY AND TRANSPORTATION

- A. Officers shall search the rear seat of vehicles used for arrestee transportation at the beginning of their shift and conduct an inspection prior to occupation by an arrestee. Vehicles shall be searched again immediately after transportation to ensure that contraband or evidence had not been secreted by the arrestee.
 - 1. Found property/evidence shall be collected and processed in accordance with existing procedures.
 - 2. The arrestee should be charged accordingly, when applicable.
- B. Immediately upon arrest all persons shall be handcuffed unless handcuffing is not possible due to injury or disability. Unless impractical due to injury, disability or physical size, handcuffs shall be placed behind the back, see section V of this general order. Officers should remain aware of the dangers of positional asphyxia and continually monitor arrestees for symptoms.
 - 1. Ankle cuffs, handcuffing belt and/or disposable handcuffs (e.g., nylon flex cuffs, nylon zip ties, etc.) are authorized for incidents where the number of arrestees exceeds the number of available handcuffs or when the arrestee's injury, disability or physical size prohibits the use of standard handcuffs. When such nylon devices are used, officers shall ensure that they have immediate access to a cutting tool if the arrestee suffers a medical emergency (e.g., respiratory distress due to positional asphyxia, etc.).
 - 2. Officers should ensure that the arrestee is seated upright and, whenever possible, secured in a seatbelt after the application of restraints and prior to transportation. The following are situations when using a seatbelt may be inappropriate or unsafe:
 - a. Aggressive/combative arrestee making attempts to secure him/her impracticable;
 - b. Injuries to the arrestee that may be aggravated by the seat belt;
 - c. The use of supplementary restraints on the arrestee that make it difficult, impossible, or unsafe for the seat belt to be employed.
- C. The entire person of the individual taken into custody shall be searched (not simply frisked) for weapons, contraband, evidence and implements of escape, as is the area under that individual's immediate control. The search must be thorough enough to ensure the safety of the individual, the arresting officer, and other officers and persons the individual may come in contact with while in custody.

1. This search must be conducted contemporaneous (happening at the same time) to the arrest immediately after the person has been restrained. Search all clothing including:
 - a. Hat;
 - b. Outerwear (e.g., coat, jacket, blazer, etc.);
 - c. Footwear (inside and out);
 - d. Pockets;
 - e. Gloves;
 - f. Waistbands and belt;
 2. All packages, containers, pocketbooks, objects, etc., carried by the arrestee shall be taken and isolated from the arrestee.
 3. In situations where an arrestee is accepted from another department, facility, store security or officer, the officer conducting the transportation must not assume that a competent search has already been conducted. Arrestees that are coming from these various environments may have inadvertently been exposed to contraband or weapons after their initial search and this possibility warrants the need for a new pre-transportation search.
 4. Arrestees of a sex opposite that of the arresting officer should still be searched incidental to arrest, but officers should use the back of his/her hand when touching private areas (e.g., groin, buttocks, breasts). As soon as practicable, the arrestee shall be thoroughly searched by an officer of the same sex.
 5. Unless impracticable, all searches incidental to arrest should be conducted in view of the vehicle's MVR and/or the officer's BWC, whichever is applicable.
- D. After being restrained and searched the arrestee should be placed in the rear of a police vehicle equipped with a partition between the front and rear passenger compartments with the rear door and window controls disabled or removed.
1. Single arrestees shall be placed on the right side of the rear passenger compartment. Under no circumstances will an arrestee be permitted to ride in the front seat.
 2. Whenever an arrestee is placed into a police vehicle, the doors to the vehicle should be locked to prevent unauthorized persons from opening the vehicle door.
 3. Officers shall exercise due care and provide assistance to arrestees who are entering or exiting a department vehicle during transportation procedures.

4. Male and female arrestee should not be transported in the same vehicle unless impracticable.
 5. The vehicle's MVR and/or the officer's BWC shall remain activated during arrestee transportation in accordance with this department's general orders on *Mobile Video Recorders* and *Body Worn Cameras*.
 6. At no time will the transporting officer lose sight of an arrestee.
- E. If no such equipped vehicle is available or when confronted with a legitimate and unforeseen exigency that requires transportation of an arrestee in a vehicle that is not equipped with a security partition, if practicable, two (2) officers should be present in the vehicle for the transportation. The arrestee shall be placed on the right side of the rear seat compartment.
 - F. Arrestees shall not be left unattended after being placed into police vehicles awaiting transportation. Officers must be constantly aware that other persons may attempt to free or otherwise facilitate an escape.
 - G. Prior to commencing transportation, officers shall advise communications of the number of arrestees being transported, their gender, their classification (adult or juvenile), the starting location, their destination, and starting mileage of 0.0, as the officer will reset the vehicle's trip odometer. Upon arrival at their destination officers are to give their ending mileage on the trip odometer.
 - H. Generally, arrestees are not permitted to communicate with anyone except a police officer during transportation or while awaiting transportation. Persons approaching a police vehicle containing an arrestee shall be instructed to leave and advised that the failure to oblige may result in their arrest and/or prosecution.
 - I. If any suspicious, threatening, dangerous, or alarming incident occurs during transportation, the officer should immediately notify communications and pull over in a safe location to further observe or correct the situation. Particular attention shall be directed toward arrestees who are or might possibly be under the influence of alcohol or drugs or who have a propensity or history of being violent.
 - J. Arrestees shall ordinarily be transported directly to police headquarters, another law enforcement agency, or confinement facility as directed unless being taken to a medical facility for evaluation and/or treatment.
 1. Unless the injury is serious or life threatening, the arrestee can refuse medical evaluation and/or treatment.
 2. Unless impracticable, an officer of the same sex as the arrestee should be used to guard the arrestee while receiving medical evaluation and/or treatment.
 3. Officers shall employ the level of additional security at the treatment facility permitted by the nature of the injury, the regimen of treatment, and as allowed by the treating physician/nurse.
 4. Any evidence or indication of injury or illness to an arrestee shall be documented on the officer's arrest report narrative.

5. Officers shall take universal precautions against blood borne pathogens and infectious diseases.
 6. If an arrestee must be admitted to the hospital, an officer shall be assigned to guard and remain with them until properly relieved (e.g. Camden County Sheriff's Office, another officer, etc.).
 7. Police personnel shall not sign any documents at the hospital or medical facility indicating that Voorhees Township is the responsible billing party.
 8. Arrestee visitors are prohibited. Only authorized medical staff shall be allowed into the room and have contact with the arrestee.
 9. Officer(s) shall ensure that the room/area is secure to the extent possible so that the arrestee cannot escape.
 10. Officer(s) shall remain at the arrestee's room or inside and ensure that no unauthorized personnel enter. The arrestee shall be continuously monitored to minimize the potential for escape.
 11. If an escape occurs, see subsection VI.L and contact hospital security.
 12. If the hospital informs the officer that an arrestee who is to be committed to the Camden County Jail has a medical condition that requires admission to the hospital, the officer shall notify the OIC. The OIC shall arrange for adequate relief. The officer at the hospital shall remain at the hospital guarding the arrestee he/she is relieved by another officer, the arrestee is released ROR from a judge or judicial officer, or until custody is transferred to another law enforcement agency.
- K. Arrestee transportation should not be interrupted except in extreme cases. If the arrestee is stricken with a condition requiring immediate medical aid or a motor vehicle crash involving the transport, the transporting officer shall stop safely and should not remove the arrestee from the vehicle to render aid unless another officer is present to assist. If the officer(s) observe(s) a motor vehicle accident with potential serious bodily injuries or someone whose life is in jeopardy while transporting the arrestee, he/she may stop to render assistance until relieved.
- L. If an arrestee escapes while in custody prior to or during transportation:
1. The arresting/transporting officer(s) shall promptly notify communications.
 2. A general radio broadcast to all duty personnel shall be broadcast as soon as practicable and provide the following information at a minimum:
 - a. Arrestee's name, if known;
 - b. General description;
 - c. Clothing description;
 - d. Last known home address;
 - e. Last direction of flight;

- f. Crime(s) / offense(s) for which originally arrested;
 - g. Weapons, if known; and
 - h. Any other pertinent information known.
- 3. Additionally, the OIC shall ensure that the escape is broadcast over SPEN to surrounding communities. Provide the same information listed above. Update any changes to this information as necessary.
- 4. The OIC shall cause notification to the Chief of Police through the chain of command.
- 5. With the authorization of the Chief of Police or the operations division commander, the OIC may assign additional staffing, as needed for assistance, to the scene or to provide patrol coverage while existing duty personnel are committed to the escape investigation/search.
- 6. Activation of additional resources should be consistent with the offense/crime for which the escapee had been taken into custody, the likelihood of injury to the escapee and/or other persons, the likelihood of apprehension, and the anticipated duration of the search.
- 7. The OIC shall ensure that telephone contact is made with any jurisdiction where the escapee may be likely to flee, provide the pertinent information, and request assistance from that jurisdiction in apprehension.
- 8. If and when the escapee is recaptured, the OIC should direct a minimum of two (2) officers to reclaim the arrestee and transport him/her back to Voorhees Township Police headquarters. Any alarm or broadcast to patrols or surrounding agencies should be promptly cancelled. Additional measures should be taken to prevent any further escape.
- 9. Seek medical attention if the escapee requires it. Additional security measures shall be deployed to minimize any future escape attempt.
- 10. The incident must be fully documented in the associated operations report or arrest report narrative.
- M. When transportation terminates at this department, officers will bring the arrestee(s) into the booking area and secure them.
- N. If an officer suspects that an arrestee may have a communicable disease, personnel shall wear appropriate protective equipment while searching, fingerprinting and processing the arrestee.
 - 1. Clean the handcuffs with an alcohol or disinfectant wipe after removal from an arrestee.
 - 2. Officers shall thoroughly wash their hands with disinfectant soap after completing the search.

3. If an officer has reason to believe his/her clothing has become contaminated as a result of contact with a party with a communicable disease, his/her clothing should be removed and placed in a plastic bag and cleaned as soon as practicable. After placing clothing in a plastic bag, personnel should wash their hands thoroughly with disinfectant soap.
4. The interior of the police vehicles shall be disinfected before being used again.
5. Paper towels used to clean up are to be discarded in a plastic bag and placed in an outside trash receptacle.

VII. SPECIAL NEEDS CUSTODY AND TRANSPORTATION

- A. There may be instances when normal custody and transportation procedures are impracticable. These reasons include, but are not limited to:
 1. Arrestee(s) who exhibit signs of mental illness or emotional disturbance;
 2. Arrestee(s) who are physically disabled;
 3. Arrestee(s) who are injured;
 4. Arrestee(s) who are morbidly obese.
- B. Transportation for arrestees who exhibit special needs may be accomplished by ambulance, if available. Restraints should be used, if available and practicable. If the arrestee has a wheelchair and when practicable, the wheelchair should be transported with him/her. If not practicable to transport the wheelchair, other means of securing the wheelchair should be taken. (Example: officers should not attempt to lift or transport motorized wheelchairs, but should secure them at the scene or during normal business hours contact DPW to secure or transport the device.) Canes and crutches should also be taken, but shall be stored as arrestee property until needed.
- C. The OIC will determine whether the person being arrested should be taken to the booking room or to a medical facility for evaluation and/or treatment first.
- D. If an arrestee indicates that he/she has medication that they need to sustain their health, the arresting officer should take possession of the medication.
 1. Officers shall not dispense or permit arrestees to take medication (prescription or non-prescription);
 2. If the arrestee needs immediate medical attention, he/she shall be transported to the hospital via ambulance;
 3. If the arrestee is going to be committed to the Camden County Jail, the transporting officer shall bring the medication for determination by the jail's medical staff.

- E. Arrestees have no right or privilege to attend funerals, religious services, visit in hospitals with critically ill family or friends, make phone calls other than to contact an attorney, family member, or arrange for bail, or attend probate proceedings while in the custody of this agency.

VIII. POST ARREST IDENTIFICATION

- A. Officers shall wear protective gloves (e.g., vinyl, nitrile, etc.) at all times when processing an arrestee/prisoner.
- B. Booking photographs (mug shots) shall be completed for all adult arrestees. Such mug shots must be:
 - 1. Face straight on (e.g., not tilted side-to-side, not tilted front-to-back, no open mouth, etc.) and profile.
 - 2. Properly lighted (e.g., no shadows, no uneven light, etc.).
 - 3. Properly composed with no facial obstructions (e.g., hair hanging in front of the face, eyeglasses, facial piercings, dirt, blood, excessive make-up, etc.).
 - 4. When possible, long hair should be tied back or tucked behind the ears.
 - 5. Head coverings should be removed unless they serve a religious or medical purpose. Such head coverings include, but are not limited to:
 - a. Hijab is a piece of fabric used as a headscarf and fastened under the chin, in traditional Islamic dress is a veil traditionally worn by Muslim women in the presence of adult males outside of their immediate family, which usually covers the head and chest. The term can further refer to any head, face, or body covering worn by Muslim women that conform to a certain standard of modesty. The hijab should not cover the face on the mug shot.
 - b. Snood is a type of female headgear designed to hold the hair in a cloth or yarn bag. In the most common form the headgear resembles a close-fitting hood worn over the back of the head. It is similar to a hairnet, but snoods typically have a looser fit, a much coarser mesh, and noticeably thicker yarn. Snoods are permitted if they do not cover the face.
 - c. Yarmulke (also known as a kippah, kippa, or kipah) is a brimless cap, usually made of cloth, worn by followers of Judaism to fulfill the customary requirement held by Orthodox authorities that the head be covered. Yarmulkes are permitted.
 - d. Bandages and other medically necessary appliances are permitted. If a bandage or other medical appliance interferes with the mug shot, such photograph can be taken at a later time.
- C. Fingerprints shall be completed for all adult arrestees when:
 - 1. Arrested for an indictable offense.

2. Arrested for a violation of any state law relating to narcotics or dangerous drugs, whether indictable or otherwise.
 3. Prior to filing a complaint-summons charging the defendant with an indictable offense.
 4. Arrested for shoplifting.
 5. Arrested for prostitution.
 6. Convicted of a non-indictable offense and the identity of the convicted person is in question. The disposition shall be listed on the front of the state fingerprint card. The date of sentence and terms of sentence shall be listed on the back of the fingerprint card.
 7. Charged in an indictment/accusation and had not already been arrested, fingerprinted/photographed for the charge(s). The indictment number shall be listed on the front of the state fingerprint card.
 8. Arrested and believed to be wanted for an indictable offense.
 9. Arrested for a domestic violence related crime/offense where any of the following four criteria are met:
 - a. Victim exhibits signs of injury caused by an act of domestic violence;
 - b. A warrant is in effect;
 - c. There is probable cause to believe that the person has violated a judicial order in N.J.S.A. 2C: 29-9 AND there is probable cause to believe that the person has been served with that order;
 - d. There is probable cause to believe that a weapon as defined in N.J.S.A. 2C: 39-1 has been involved in an act of domestic violence.
 10. Arrested and believed to be a habitual criminal.
- D. The arresting officer shall ensure that the following checks are made on the arrestee(s) prior to their release or transfer to another facility or agency:
1. NCIC
 2. ACS/ATS
- E. The arresting officer shall ensure that all appropriate victim/witness notifications are made.
- F. The arresting officer shall ensure that guidelines for alternate care for arrestee's dependents are followed and documented on the investigation report, see this department's general order on *Alternate Care for Arrestee Dependents*.
- G. The arresting officer shall ensure that a DNA sample is taken from arrestees with qualifying charges, see general order on *Arrestee DNA Sampling*.

- H. Juvenile fingerprints and photographs shall be taken consistent with N.J.S.A. 2A:4A-61.

IX. COMPLAINT PROCESS

- A. In accordance with the *Statewide Veterans Diversion Program* (see subsection I.F of this directive), when a person is taken into custody for an eligible crime or offense, the officer shall inquire whether the person is an active service member or has ever served in the military services of the United States.
1. The results of this mandated inquiry, including any negative response, must be included in the officer's initial report and note such in the appropriate box on the eCDR.
 2. In certain circumstances, N.J.S.A. 2C: 43-25 permits a municipal police officer to divert a veteran in lieu of signing a criminal complaint. An assistant prosecutor **MUST** expressly approve any pre-complaint diversion of an individual pursuant to N.J.S.A. 2C: 43-25.
 3. *If approval is not or cannot be obtained, regular complaint procedures shall be followed.*
- B. Prior to charging a defendant with any offense and **before** contacting an assistant prosecutor, the officer must:
1. Prior to initiating the Live Scan process, the officer shall consult with the OIC to confirm the correct charge (statute number) that will be entered into Live Scan.
 2. Take and submit fingerprints and a digital photograph of the defendant using Live Scan. *Use the highest degree charge first.* The charges entered into Live Scan **must** match the charges that are placed on the complaint (CDR).
 3. The decision to issue a complaint-summons (CDR-1) or apply for a complaint-warrant (CDR-2) shall be guided by the results of the automated pretrial risk-assessment process, which is initiated after the defendant's fingerprints are taken with Live Scan.
 - a. Receive a preliminary public safety assessment (PSA). The PSA score will include the following:
 - 1) Failure to appear (FTA) score (1-6);
 - 2) New criminal activity (NCA) score (1-6);
 - 3) New violent criminal activity (NVCA) flag (yes or no).
 - b. Because the automated PSA does not incorporate all background information on a defendant, the arresting officer **MUST** check the following databases:
 - 1) Computerized criminal history (CCH);

- 2) Interstate identification index (III) – if there are indications that the defendant might have an out-of-state criminal history;
- 3) Juvenile central registry – If the defendant is less than 28 years old, check the juvenile central registry to determine if the defendant has a juvenile record that might have a material bearing on the charging decision.
- 4) Domestic violence central registry – In cases involving domestic violence, check the domestic violence central registry to determine whether the defendant is subject to a domestic violence restraining order.
- 5) ODARA (domestic violence cases only; see subsections I.B and IX.B.1 for qualifying domestic violence related crimes/offenses);
 - a) NOTE: Use an *ODARA Scoring Form* regardless of the gender of the person committing the index assault or the gender of the victim, but officers shall only use the ODARA scores to frame decision-making in cases in which a male or a person who identifies as a male has assaulted a female or a person who identifies as a female partner.
 - b) In all other cases, officers should include a concise description of all ODARA items found to be present in any *Affidavit of Probable Cause* submitted with an application for a complaint-warrant.
- 6) Sexual assault central registry – In cases involving a sexual offense under N.J.S.A. 2C: 14-1 et seq., check the central registry established under N.J.S.A. 2C: 14-20 to determine whether the defendant is subject to a protective order issued pursuant to the *Sexual Assault Survivor Protection Act*.
- c. The PSA does not take into account the threat of future harm to the victim or witness, defendant's involvement or affiliation with gang or organized crime, alcohol and drug dependence or mental illness.
- d. The OIC MUST alert the municipal court administrator or the designated judicial official to additional known relevant facts and circumstances in filing in the blanks that will not be known based upon the PSA.
4. Live Scan fingerprinting must be completed before beginning eCDR complaint entry.
5. After a Live Scan confirmation is received, proceed to the eCDR system and begin generating a complaint.

- a. Officers are authorized to issue a complaint-summons (CDR-1) without first contacting an assistant prosecutor when issuance of a complaint-summons (CDR-1) is presumed (see subsection IX.C) and has been approved by the OIC.
- b. The municipal court administrator or the designated judicial official must approve an application for a complaint-warrant (CDR-2) when issuance of a complaint summons (CDR-1) is presumed (see subsection IX.D).
- c. Officers are authorized to apply for a complaint-warrant (CDR-2) without first contacting an assistant prosecutor when issuance of a complaint-warrant (CDR-2) is either mandatory (see subsection IX.C) or presumed (see subsection IX.D) provided that application for a complaint-warrant (CDR-2) has been approved by the OIC.
- d. An assistant prosecutor must approve issuance of a complaint-summons (CDR-1) when application for a complaint-warrant (CDR-2) is presumed (see subsection IX.E)

C. In cases involving domestic violence:

1. Officers shall complete an ODARA in those cases of domestic violence in which the following crimes/offenses are charges and the victim is a partner, as defined in subsection I.B.1 of this general order:
 - a. Homicide (N.J.S.A. 2C: 11-1);
 - b. Simple assault with contact or a weapon (N.J.S.A. 2C: 12-1a);
 - c. Aggravated assault (N.J.S.A. 2C: 12-1b);
 - d. Terroristic threats with contact or with a weapon (N.J.S.A. 2C: 12-3);
 - e. Kidnapping (N.J.S.A. 2C: 13-1);
 - f. False imprisonment with contact or with a weapon (N.J.S.A. 2C: 13-3);
 - g. Sexual assault (N.J.S.A. 2C: 14-2);
 - h. Criminal sexual contact (N.J.S.A. 2C: 14-3);
 - i. Robbery (N.J.S.A. 2C: 15-1);
 - j. Burglary, 2nd degree with contact or with a weapon (N.J.S.A. 2C: 18-2);
 - k. Any other crime involving risk of death or serious bodily injury (N.J.S.A. 2C: 25-19a(18)).

2. Prior to administering an ODARA, officers shall inform the victim about the use of the information being obtained and resultant score as well as the person(s) or agencies that will have access to the results and permit the victim to decline participation if the victim believes that participation will compromise his/her safety.
 - a. If the victim declines to participate in the ODARA interview, the officer shall complete the ODARA without the victim's participation. In such instances, the information to complete the ODARA can be obtained from others knowledgeable about the circumstances of the victim and the defendant, law enforcement reports, law enforcement databases, etc.
 - b. (NOTE: such information gathering can also be employed in those instances in which a victim is incapable of participating in an interview (e.g., hospitalized, etc.)).
3. When considering the totality of circumstances, the following special considerations and factors must be assessed:
 - a. In consultation with the OIC, the officer must consider whether the mandatory detention that would result from the issuance of a complaint-warrant might exacerbate the domestic violence situation, or might discourage a victim from pursuing the charge or cooperating with the prosecution, or otherwise would not serve the interest of justice.
 - b. Given the repetitive nature of domestic violence offenses, the officer or shift commander may consider whether it is appropriate to apply for a complaint-warrant in recognition that if the defendant is charged on a complaint-summons and thereafter commits a new crime while on pretrial release, the prosecutor cannot move to revoke release.
 - c. In determining whether to apply for a complaint-summons or a complaint-warrant in domestic violence cases, the OIC shall give special consideration to the following circumstances relevant to the risks that would be posed if the defendant were to be released on a complaint-summons:
 - a) Whether the victim exhibited sign of injury caused by an act of domestic violence, and if so, the extent of injury;
 - b) Whether any weapon was used or threatened to be used against the victim;
 - c) Whether the defendant has at any time previously violated a domestic violence restraining order and the nature and seriousness of such violation(s);
 - d) Whether there is reason to believe that the defendant possesses one or more firearms that for practical or other reasons cannot be seized or surrendered pursuant to the

Prevention of Domestic Violence Act before the defendant can be released on a complaint-summons.

- e) Whether the defendant exhibited suicidal behavior such as excessive sadness or moodiness or threatening self-injury;
 - f) Whether the defendant attempted to or did strangle the victim during an assault or at any point prior thereto; and
 - g) Whether the defendant threatened to or did harm a household pet.
- d. In any application for a complaint-warrant, the presence of any of the above circumstances shall be included in the *Affidavit of Probable Cause*.
- e. When the officer or OIC has reason to believe, considering the totality of the circumstances including, but not limited to the special factors listed above, that issuance of a no-contact condition or other restraint, a requirement to surrender weapons, or any other special condition of pretrial release expressly authorized by N.J.S.A. 2C: 25-26(a) is necessary to reasonably assure the immediate safety of the victim, the officer shall apply for a complaint-warrant and seek imposition of the condition(s) needed to reasonably assure the immediate safety of the victim.
- f. Nothing in this subsection shall be construed to preempt or in any way alter the authority of the victim to apply for a temporary or final restraining order, and the special conditions of pretrial release in the criminal prosecution sought pursuant to this subsection shall be in addition to, not in lieu of, any such civil temporary or final restraining order.
- g. If the decision is made to apply for a complaint-warrant, the application shall clearly state that the offense involves domestic violence, and shall include any relevant information contained in the *Domestic Violence Central Registry* and/or ODARA, if applicable. Whether the offense is charged by complaint-warrant or complaint-summons, the victim shall be informed how to apply for a restraining order under the *Prevention of Domestic Violence Act*. This requirement to inform the victim shall not be construed to preclude the officer or OIC from seeking imposition of a no contact or other appropriate restraint as a condition of release on a complaint-warrant as may be required.
- D. MANDATORY COMPLAINT-WARRANT – Crimes/conditions requiring a mandatory application for a complaint-warrant where probable cause exists to believe that defendant committed or attempted to commit:
- a. Murder (N.J.S.A. 2C: 11-3);
 - b. Aggravated manslaughter (N.J.S.A. 2C: 11-4(a));
 - c. Manslaughter (N.J.S.A. 2C: 11-4(b));

- d. Aggravated sexual assault (N.J.S.A. 2C: 14-2(a));
- e. Sexual assault (N.J.S.A. 2C: 14-2(b) or (c));
- f. Robbery (N.J.S.A. 2C: 15-1);
- g. Carjacking (N.J.S.A. 2C: 15-2);
- h. Escape (N.J.S.A. 2C: 29-5(a));
- i. The defendant was extradited from another state for the current charge (the officer must notify the court of the extradition);
- j. A lawful detainer has been lodged against the defendant by another law enforcement agency (the officer must notify the court of the detainer(s)).
- k. Note: If a defendant is arrested for an offense committed under the laws of another state, or the United States, and is not charged with an offense under New Jersey law, the *Bail Reform Act* does not apply, and the agency making the arrest or having custody of the defendant shall proceed in accordance with the laws, practices, and procedures currently in place.

E. PRESUMED COMPLAINT-WARRANT:

- 1. Automated risk assessment (PSA) indicates an elevated risk of flight (i.e. FTA score of 3, 4, 5 or 6);
- 2. Automated risk assessment (PSA) indicates an elevated risk of new criminal activity (i.e. NCA score of 3, 4, 5 or 6);
- 3. Automated risk assessment (PSA) indicates that there is a risk of new violence (i.e. the new violent criminal activity (NVCA) flag is indicated);
- 4. When 'unclassifiable charges' appear on a preliminary PSA unless otherwise directed by an assistant prosecutor;
- 5. The defendant has violated a domestic violence restraining order or a condition of release as part of present offense;
- 6. The defendant has violated a sexual assault survivor protection order or a condition of release as part of present offense;
- 7. There is probable cause to believe that the defendant committed bail jumping in violation of N.J.S.A. 2C: 29-7, witness tampering or retaliation in violation of N.J.S.A. 2C: 28-5, witness obstruction in violation of N.J.S.A. 2C: 29-3b(3), or witness tampering in violation of N.J.S.A. 2C: 29-3a(3);
- 8. There is probable cause to believe that the defendant committed or attempted to commit:
 - a. A 1st or 2nd degree crime set forth in Chapter 35 of Title 2C;
 - b. A crime involving the possession/use of a firearm;

- c. Vehicular homicide (N.J.S.A. 2C: 11-5);
 - d. A second-degree aggravated assault (N.J.S.A. 2C: 12-1(b));
 - e. Assault on public officials or employees 3rd degree (N.J.S.A. 2C: 12-1(b)(5));
 - f. Disarming a law enforcement officer (N.J.S.A. 2C: 12-11);
 - g. Kidnapping (N.J.S.A. 2C: 13-1);
 - h. Aggravated arson (N.J.S.A. 2C: 17-1(a));
 - i. Second-degree burglary (N.J.S.A. 2C: 18-2);
 - j. Extortion (N.J.S.A. 2C: 20-5);
 - k. Causing or permitting a child to engage in a prohibited sexual act (N.J.S.A. 2C: 24-4b(3));
 - l. Photographing, filming, sexual exploitation, or abuse of a child (N.J.S.A. 2C: 24-4(b)(3), (b)(4), or (b)(5));
 - m. Eluding 2nd degree (N.J.S.A. 2C: 29-2(b));
 - n. Booby traps in manufacturing/distribution facilities (N.J.S.A. 2C: 35-4.1(b));
 - o. Strict liability for drug induced death (N.J.S.A. 2C: 35-9);
 - p. Terrorism (N.J.S.A. 2C: 38-2);
 - q. Producing or possessing chemical weapons, biological agents or radiological devices (N.J.S.A. 2C: 38-3);
 - r. Firearms trafficking (N.J.S.A. 2C: 39-9(i));
 - s. Racketeering (N.J.S.A. 2C: 41-2).
- 9. The present offense was committed while on release for another offense (including release for any indictable crime or disorderly persons offense whether that previous offense had been charged by complaint-warrant or complaint-summons);
 - 10. The present offense was committed while on probation, special probation, intensive supervision program (ISP), parole or pretrial intervention (PTI), community supervision for life (CSL), or parole supervision for life (PSL), when the defendant pleaded guilty as required by N.J.S.A. 2C: 43-12g(3);
 - 11. The present offense was committed while the defendant was on release pending sentence or appeal;

12. Within the last 10 years, the defendant as a juvenile was adjudicated delinquent for a crime involving a firearm or a crime that if committed by an adult would be subject to N.J.S.A. 2C: 43-7.2;
13. It reasonably appears that the defendant has an out-of-state pending charge or conviction involving actual or threatened violence or unlawful possession or use of a firearm;
14. The PSA results are not available because either the Live Scan system or the judiciary's automated PSA system is not operational, or the results from the PSA otherwise are not or will not be available within a reasonable period of time (e.g. within two hours of fingerprinting the defendant);
15. If any one of these above criteria exists, a complaint-warrant **must** be sought, **unless** there is a determination made that neither the interests of public or victim safety nor the interests of justice would be served by applying for a complaint-warrant.

F. PRESUMED COMPLAINT-SUMMONS – If the case is not a mandatory or presumed warrant application and in consultation with the OIC, the officer **SHALL** issue a complaint-summons, unless the application for a complaint-warrant is reasonably necessary to protect the safety of a victim or community, to reasonably assure the defendant's appearance in court when required, or to prevent the defendant from obstructing or attempting to obstruct the criminal justice process, **AND** there is a lawful basis to apply for a complaint-warrant.

1. Such reasons include:
 - a. The defendant has been served with a complaint-summons and has failed to appear;
 - b. There is reason to believe that the defendant is dangerous to him/herself if released on a summons;
 - c. There is reason to believe that the defendant will pose a danger to the safety of any other person or the community if released on a summons;
 - d. There is an outstanding warrant for the defendant;
 - e. The defendant's identity or address is not known and a warrant is necessary to subject the defendant to the jurisdiction of the court;
 - f. There is reason to believe that the defendant will obstruct or attempt to obstruct the criminal justice process if released;
 - g. There is reason to believe that the defendant will not appear in response to a summons; or
 - h. There is reason to believe that the monitoring of pretrial release conditions by the pretrial services agency is necessary to protect any victim, witness, other specified person, or the community.

2. If the OIC determines that the presumption of issuance of a complaint-summons is overcome then the OIC must contact the on-call assistant prosecutor for approval before a complaint-warrant is issued.
 3. When making the call to the on-call assistant prosecutor, the OIC must identify the specific risk, (appearance in court, safety to others, risk defendant will obstruct the criminal justice process) and identify the applicable R.3: 3-l(d) ground(s) and identify facts and circumstances relied upon (e.g., PSA score, manner of crime committed, gang affiliation, etc.). Otherwise, a complaint-summons must be issued unless otherwise approved by the on-call assistant prosecutor.
- G. The OIC must send an email to notices@ccprosecutor.org when a complaint-warrant (CDR-2) has been issued and must indicate if there is reason to believe that the prosecutor should file a motion for pretrial detention or revocation of release.
- H. The OIC must also send an email to notices@ccprosecutor.org if an officer applies for a complaint-warrant (CDR-2) without first obtaining approval from an assistant prosecutor and the court or other judicial officer denies the application. The email must document the reasons for the denial.
- I. Charging decisions when Live Scan is unavailable; results are delayed; or defendant is not yet arrested:
1. If the Live Scan system or the judiciary's automated PSA is not operational; or
 2. If the PSA result is not available within 2 hours of fingerprinting the defendant; or
 3. If probable cause exists to issue a complaint for a defendant not yet arrested:
 - a. The OIC SHALL make a complaint-warrant versus complaint-summons determination by applying the provisions and presumptions set forth in this section that do not depend on the results of the automated PSA tool.
 - b. In making this decision, the OIC SHALL give special consideration to the interests of public protections served by providing the pretrial services program with an opportunity to conduct an objective assessment and to make recommendations as to any conditions that may be needed to manage the risks that would be posed by defendant's release.
- J. The arresting officer must complete and the OIC must review:
1. The *Affidavit of Probable Cause* in eCDR.
 - a. In accordance with *New Jersey Attorney General's Directive 2017-1*, do not include victim and/or witness' identifying information in the *Affidavit of Probable Cause*, such as names and addresses! DO NOT use initials! Officers must include the victim's name in the

narrative of the eCDR.

- b. Instead, use anonymous pseudonyms (e.g., John/Jane Doe #1, John/Jane Doe #2, etc.) and reference such pseudonyms to the correct person in the operations report.
 - c. The affidavit will include a checkbox allowing the officer to certify that the statements in the affidavit are true.
 - d. The affidavit SHALL include a concise description of relevant facts and circumstances. It should also include a concise statement as to the officer's basis for believing the defendant committed the offense. It shall also indicate whether a victim was injured and, if so, to what extent. The amount of information should be more than what is required in the complaint narrative section, but need not be a full recitation of the facts.
 - e. In domestic violence related cases, officers should include a concise description of all ODARA items found to be present in the *Affidavit of Probable Cause*.
2. The *Preliminary Law Enforcement Incident Report* in eCDR. If the incident involves an ODARA, officers must include the following in the PLEIR:
- a. That an ODARA had been completed;
 - 1) Whether the victim was confined at the index assault;
 - 2) Whether there was a threat to harm or kill anyone at the index assault;
 - 3) Victim's concern about future assaults;
 - 4) Victim and/or defendant have more than 1 child altogether;
 - 5) Victim has a biological child with someone other than the defendant;
 - 6) Assault on the victim while she was pregnant (at index assault or prior assault);
 - 7) Two or more indicators of substance abuse;
 - 8) Victim faces at least 1 barrier to support;
 - 9) Prior violent incident against a non-domestic victim;
 - 10) Prior domestic incident of assault in a police report or criminal record (against current or former partner or partner's child);
 - 11) Prior non-domestic incident of assault in a police report or criminal record (against any person other than a partner or a partner's child);

- 12) Prior custodial sentence of 30 days or more;
 - 13) Failure on current or prior conditional release (including bail, parole, probation, or pretrial release order) or conditions of a restraining order (TRO, FRO, DORO, SORO, SASPA, stalking).
- b. NOTE: Factors scored a '1' on the *ODARA Scoring Form* should be checked off on the PLEIR. Officers should not convey to the court factors scored with a '?' or '0'.
- c. Also note:
- 1) Whether the defendant has access to firearms;
 - 2) Whether the defendant attempted to or did strangle the victim during this incident or at any time prior;
 - 3) Defendant's characteristics:
 - a) Defendant has history of mental illness (may include PTSD, depression, etc.)
 - b) Defendant exhibited suicidal behavior (such as excessive sadness or moodiness) or threatened self-injury during this incident or at any time prior thereto
 - c) Defendant has a history of stalking, harassment or terroristic threats (towards any victim);
 - d) Defendant threatened to or did harm a household pet during this incident or at any time prior;
 - e) Defendant is unemployed or has a history of chronic unemployment.
 - 4) Relationship changes:
 - a) Victim recently left defendant or informed defendant that he/she was ending the relationship;
 - b) Victim is with a new intimate partner;
 - c) There have been changes in custody of the children.

3. *ODARA Scoring Forms:*

- a. Officers shall transmit a copy of the completed *ODARA Scoring Form* to the Camden County Prosecutor's Office as soon as practicable following completion at ODARA@ccprosecutor.org.
- b. Officers shall also transmit a copy of the completed *ODARA Scoring Form* to the Division of Criminal Justice as soon as practicable following completion at ODARA@njdcj.org.

- c. The original *ODARA Scoring Form* shall be maintained in the applicable case file.
- d. ODARA scores shall not be communicated or disseminated to members of the judiciary (i.e., judicial officers, including judges and court administrators, and pretrial service program personnel), and completed *ODARA Scoring Forms* shall not be offered in evidence. This prohibition applies to every stage of a criminal prosecution (e.g., applications for complaint-warrants, requests for conditions of release, hearings for pretrial detention, and trials). However, officers should utilize any information learned from the ODARA to frame critical decisions during criminal prosecutions, including whether to seek a complaint-warrant and whether to seek detention.
- e. *ODARA Scoring Forms* are subject to discovery.

X. REPORTING REQUIREMENTS

- A. All arrest incidents shall minimally require the following documentation whether electronic or paper equivalent:
 - 1. *Arrest Report* with supplemental narrative;
 - 2. *Operations Report* (only in instances when there is a crime/offense or incident other than for which arrested);
 - 3. *Preliminary Law Enforcement Incident Report* (in eCDR when required);
 - 4. *Affidavit of Probable Cause* (in eCDR when required);
 - 5. *ODARA Scoring Form* (when required);
 - 6. *DWI Reports* (in DWI cases);
 - 7. *Property/Evidence Report* (if required);
 - 8. *Consent to Search* (if required);
 - 9. *Use of Force Report* (if required);
 - 10. *Witness statements* (if required);
 - 11. *Miranda Rights Form* (if required);
 - 12. *Victim Notification Form* (if required);
 - 13. *Camden County Jail Commitment Form* (if subject to confinement)

XI. SUPPLEMENTAL PRISONER TRANSPORTATION

- A. This section addresses instances where prisoners already in custody are transported to and from this agency.

- B. Prior to beginning any transportation, personnel assigned shall ensure that the vehicle being used is sufficiently fueled. For transportation over long distances, officers should be prepared to purchase fuel if necessary, receipt required. Reimbursement shall be sought through the chain of command.
- C. An E-ZPass transponder shall be taken, when required.
- D. Interstate transportation will typically be performed by the Camden County Sheriff's Office. If this agency is called upon to assist, officers(s) assigned shall be briefed on and adhere to the sheriff's policies and procedures.
- E. Prisoners being taken to or from county jail, state prison, or other facility should generally be handcuffed in the back unless circumstances require handcuffing in the front. The circumstances may include, but are not limited to:
 - 1. Transporting to/from long distances (typically out-of-county);
 - 2. Disability;
 - 3. Potential for positional asphyxia (morbid obesity, etc.);
 - 4. Ankle cuffs, handcuffing belt, and/or disposable handcuffs (e.g., nylon flex cuffs and/or nylon zip ties, etc.) may be utilized when deemed necessary to provide additional restraints for subjects who are combative or deemed a flight risk. When such nylon devices are used, officers shall ensure that they have immediate access to a cutting tool if the arrestee suffers a medical emergency (e.g., respiratory distress due to positional asphyxia, etc.).
 - 5. Transportation of arrestees/prisoners in a lying or supine position is prohibited. Accordingly, the application of additional restraints must be made in such a manner as to allow for upright transportation of all prisoners.
- F. Officers shall search the rear seat of vehicles being used for prisoner transportation prior to occupation by the prisoner(s). Vehicles shall be searched again following transportation.
- G. Prisoners being taken to/from any facility shall be searched prior to being placed in a vehicle. Do not assume that the prisoner is free of weapons, contraband, evidence, or implements of escape. Prisoners shall be searched by an officer of the same sex, unless impracticable.
- H. Each prisoner being transported to or from another detention facility should be positively identified as the person who is to be moved. Names, physical identifiers, photographs (if available), date of birth, fingerprints, etc. shall be verified beforehand. The proper documentation shall accompany the prisoner being moved to or from another facility. This documentation includes, but is not limited to:
 - 1. Warrants;
 - 2. Personal property, if feasible;

3. Commitment papers (obtained from the municipal court administrator);
 4. Medical records of unusual illnesses (if applicable);
 5. Information relating to the prisoner's escape or suicide potential or other personal traits of a security nature;
 6. Victim notification forms.
- I. Follow intake/booking procedures when bringing prisoners to this facility.
 - J. Prisoners should be transported in a vehicle equipped with a safety partition with the rear doors and windows controls disabled or removed. A minimum of two officers should ordinarily perform the transportation. The second officer may sit in the front seat, but that officer's attention should be focused on the prisoner. Prisoners should be secured with the vehicle's safety restraints. This further restraint will provide an additional level of security for the transporting officers.
 - K. Multiple prisoners can be transported within the same vehicle, but the number of prisoners shall not exceed the capacity of the safety devices (lap and shoulder harnesses) in rear seat area. Adult prisoners and juvenile detainees shall not be transported together in the same vehicle. Unless impracticable, male and female prisoners should not be transported together in the same vehicle.
 - L. If any suspicious, threatening, dangerous, or alarming incident should occur during transportation, the officer should immediately notify communications and pull over in a safe location to further observe or correct the situation. Particular attention shall be directed toward prisoners who are or might possibly be under the influence of alcohol or drugs or who have a propensity or history of being violent.
 - M. Prisoners are not permitted to communicate with anyone except a police officer during transportation or while waiting to be transported. Persons approaching a police vehicle containing a prisoner shall be instructed to leave and advised that the failure to oblige may result in their arrest and/or prosecution.
 - N. Prisoners shall be transported directly to the intended destination as directed unless being taken to a medical facility for treatment.
 - O. Prisoner transportation should not be interrupted for any reason except in extreme cases. Should the prisoner be stricken with a medical condition requiring immediate aid or a vehicle crash involving the transporting vehicle, the transporting officer shall stop safely, but should not remove the prisoner from the vehicle to render aid unless another officer is present to assist. Also, if the officer(s) observes a motor vehicle collision with potential serious bodily injuries or someone whose life is in jeopardy while transporting the prisoner, he/she may stop to render assistance until relieved. In these situations, the officer shall:
 1. Immediately notify communications of the event and what type of assistance is needed. Communications shall then direct the appropriate type and level of assistance, if local; and
 2. If the transporting vehicle is in another jurisdiction, dispatch personnel shall then immediately contact the law enforcement agency with jurisdictional responsibility for assistance.

- P. If long-range transportation is necessary, the prisoner should be directed to use the restroom facilities prior to transportation. Officers must remain aware that any request to stop may be a pretext for escape. If a restroom stop is required, personnel should use the facilities at a state, county or local law enforcement agency and not public restrooms at highway rest areas.
- Q. Personnel shall not stop to eat or take breaks while transporting prisoners.
- R. Prior to commencing transportation, personnel shall advise communications of the number of prisoners being transported, their gender, the starting location, their destination, and starting mileage. Upon arrival at their destination, personnel are to give their ending mileage. If out of radio range, use a telephone to relay this information and call a taped line.
- S. If a prisoner is being transported to another law enforcement agency or confinement facility, personnel shall comply with all of that agency's rules and procedures concerning weapons storage.
- T. If the prisoner's destination is other than this agency,
1. Restraints should not be removed until just prior to placing the prisoner in a cell or other secure holding facility.
 2. All necessary forms, documentation (e.g., CJP commitments, VINE notification, etc.), and prisoner property, shall be turned over to the receiving agency.
 3. The name of the receiving official shall be documented in the transportation report/record.
 4. The receiving agency, including courts (municipal or superior) shall be advised of any potential medical or security hazards concerning the prisoner(s), (e.g., escape potential, suicide risk, medical risks, etc.)
- U. If a prisoner escapes during transportation, see section VI.L of this general order.
- V. If prisoners with special needs are being transported to a Camden County facility, first notify the Camden County Sheriff's Office to see if that agency can provide transportation.
- W. Do not presume that restraining devices are unnecessary for disabled prisoners, but exercise discretion in restraining a disabled or injured prisoner for transportation. Depending on the degree of disability or the body parts or functions that are disabled, simple handcuffing in the front through a belt may suffice. Prisoners who cannot walk without crutches or cane(s) may be permitted to do so without restraint depending on their security risk. A wheelchair may be preferred to transport non-ambulatory prisoners where high security is warranted. The prisoner should be secured to the wheelchair.
- X. Prisoners being picked up at other locations and exhibiting signs of untreated injuries:
1. Take the prisoner to the nearest medical facility for emergency treatment;

2. If the prisoner exhibits signs of mental illness, follow the protocols found in this department's general order on *Emotionally Disturbed Persons*, specifically the subsections on mental health screening and commitment.
 3. Prisoners exhibiting signs of intoxication may be accepted, but should be transported to a medical facility for medical clearance.
 4. Promptly notify the OIC and document the matter.
- Y. Operational or administrative problems encountered while transporting prisoners shall be documented. These problems include, but are not limited to:
1. Prisoners who become sick or injured during transportation;
 2. Agency vehicle crashes with prisoners on board during transportation;
 3. Prisoner escapes (or attempts to escape);
 4. Inoperative or damaged restraints or equipment;
 5. Intake problems at other facilities, etc.