

WALLINGTON POLICE DEPARTMENT GENERAL ORDER			
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SUBJECT: JUVENILE OPERATIONS			
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BY THE ORDER OF: Chief Carmello Imbruglia			

PURPOSE: The purpose of this policy is to establish procedures for the juvenile function as well as to outline the responsibility of all agency personnel concerning the juvenile function.

POLICY: It is the policy of the Wallington Police Department to be fully committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency. It is also the policy of the Wallington Police Department that the responsibility for participating in or supporting the organization's juvenile operations function is to be shared by all agency components and personnel.

It is also the policy of the Wallington Police Department to use the least restrictive alternative when disposing of cases involving juveniles, provided that the course of action will effectively deal with the youthful offender.

This policy is written to be in compliance with [New Jersey Attorney General "Juvenile Justice Reform" Directive 2020-12](#) and the Bergen County Prosecutor's Office Law Enforcement Directive (No. 2020-15 - Establishing Procedures for Juvenile Diversion and Complaint Approval).

PROCEDURES:

I. Definitions

- A. Abused or neglected child means a child less than 18 years of age:
1. Whose parent or guardian inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ,
 2. Whose parent or guardian creates or allows to be created a substantial or ongoing risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted loss or impairment of the function of any bodily organ,
 3. Whose parent or guardian commits or allows to be committed an act of sexual abuse against the child,
 4. Whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as the result of the failure of his/her parent or guardian to exercise a minimum degree of care:
 - a. In supplying the child with adequate food, clothing, shelter, education, medical or surgical care though financially able to do so or though offered financial or other reasonable means to do so, or
 - b. In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or substantial risk thereof, including the infliction of excessive corporal punishment, or by any other acts of a similarly serious nature requiring the aid of the Court,
 5. Who has been willfully abandoned by his/her parent or guardian,
 6. Upon whom excessive physical restraint has been used under the circumstances, which do not indicate that the child's behavior is harmful to him/herself, others, or property,
 7. Who is in an institution and
 - a. Has been placed there inappropriately for a continued period of time with the knowledge that the placement has resulted or may continue to result in harm to the child's mental or physical well-being, or
 - b. Who has been willfully isolated from ordinary social contact under the circumstances, which indicate emotional or social deprivation.
- B. Adult means an individual 18 years of age or older.

- C. Curbside warning is a brief, informal interaction between a law enforcement officer and a juvenile who the officer observed engage in an act of minor delinquency. During the interaction, the officer counsels the juvenile to discontinue the conduct, warns the juvenile about the potential consequences of future delinquency, and then concludes the interaction without taking any further action. For the purposes of this Directive, curbside warnings do not include interactions between juveniles and School Resource Officers (SRO) or other law enforcement officers assigned to a school, as those interactions are governed by policies and practices established between schools and law enforcement agencies.
- D. Custody is defined as the state of being detained or held under guard/watch.
- E. Delinquency means the commission of an act by a juvenile, which if committed by an adult, would constitute (N.J.S.A. 2A:4A-23):
1. A Crime
 2. A disorderly persons offense
 3. A petty disorderly persons offense, or
 4. A violation of any other penal statute, ordinance, or regulation
- F. To detain means any holding of a person in police custody, whether the pending court case or other disposition of charges filed or to be filed against the person, or under circumstances where the person is being held on account of a danger to the person's health or safety.
- G. Detention means a situation in which a person is being detained.
- H. A juvenile is an individual who is under the age of 18 years.
- I. Juvenile-Family Crisis means behavior, conduct or a condition of a juvenile, parent or guardian, or another family member, which presents or results in:
1. A serious threat to the well-being and physical safety of a juvenile,
 2. A serious conflict between a parent or guardian and a juvenile regarding rules of conduct which has been manifested by repeated disregard for lawful parental authority by a juvenile or misuse of lawful parental authority by a parent or guardian,
 3. Unauthorized absence by a juvenile for more than 24 hours from his/her home,
 4. A pattern of unauthorized absences from school by a juvenile subject to compulsory education provision of Title 18A of the New Jersey State Statutes, or
 5. An act which if committed by an adult would constitute prostitution in violation of N.J.S.A. 2C:34-1 or any offense, which the juvenile alleges is related to the juvenile being a victim of human trafficking.

- J. Non-offender means a detained juvenile, other than one charged with an act of delinquency or a status offense.
- K. Parent or guardian means any natural parent, adoptive parent, resource family parent, stepparent, paramour of a parent, or any person, who has assumed responsibility for the care, custody, or control of a child or upon whom there is a legal duty for such care.
1. Parent or guardian includes a teacher, employee, or volunteer, whether compensated or uncompensated, of an institution who is responsible for the child's welfare and any other staff person of an institution regardless of whether or not the person is responsible for the care or supervision of the child.
 2. Parent or guardian also includes a teaching staff member or another employee, whether compensated or uncompensated, of a day school as defined in N.J.S.A. 9:6-8.21.
- L. Non-secure custody means detention in conditions such that a juvenile is not being held in secure custody.
- M. Secure area means a building or an area within a building that restricts the mobility of an individual in custody through the use of hardware or architectural features.
- N. Secure custody means detention of a juvenile under conditions such that:
1. The individual is held in a secure room or cell or another secure area,
 2. The area where the individual is held is located within a larger secure perimeter,
 3. The individual is physically secured to a cuffing rail or other stationary object,
 4. The individual is held in conditions that violate the sight and sound restrictions of this policy,
 5. The individual is held in conditions that violate the supervision requirement of this policy.
- O. Short-term custody means, except where delinquent conduct is alleged, an officer may take any juvenile into non-criminal short-term custody, not to exceed six (6) hours, when:
1. The officer has reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and taking into immediate custody is necessary for his/her protection,
 2. The officer has reasonable grounds to believe the juvenile has left home and the care of his/her parents or guardian without the consent of such persons, or
 3. An agency legally charged with supervision of the juvenile has notified a law enforcement agency that the juvenile has run away from out-of-home

placement, except where there are reasonable grounds to believe that the juvenile is an abused or neglected child within the meaning of N.J.S.A. 9:6-8.21 in which case the provisions of said law shall govern.

The taking of a juvenile into short-custody shall not be construed as an arrest but shall be deemed a measure to protect the juvenile's health, morals, and well-being. A juvenile taken into short-term custody shall not be detained in a detention facility or jail.

- P. Sight and sound separation mean the maintenance of physical separation between a juvenile and a securely held adult so that both sustained visual contact and direct and sustained oral communication between them is not possible.
- Q. A status offense is not a delinquency offense, but rather is conduct that if committed by an adult would not constitute an offense. Examples include runaways, truancy, or conflicts with parents. These offenses commonly occur as part of a Juvenile-Family Crisis pursuant to N.J.S.A. 2A:4A-22g.
- R. Status offender means a juvenile accused or charged with a status offense or a juvenile detained protectively because the juvenile's health or safety is in serious danger.
- S. Stationhouse Adjustment is an alternative method that law enforcement agencies may use to handle first-time juvenile offenders who have committed minor juvenile delinquency offenses within their jurisdiction in lieu of signing a juvenile delinquency complaint. The intent of the stationhouse adjustment program is to provide for immediate consequences, such as community service or restitution and a prompt and convenient resolution for the victim, while at the same time benefitting the Juvenile by avoiding the stigma of a formal juvenile delinquency record. In many instances, this early intervention will deter the youth from continuing their negative behavior and divert the youth from progressing further into the Juvenile Justice System.

II. Assignment, Training, and Responsibilities of the Juvenile Liaison Officer

- A. The Chief of Police shall designate an officer to be a **Juvenile Liaison Officer (JLO / formerly known as a Juvenile Officer)** responsible for overseeing juvenile matters for the department. This selection should be based on the officer's training and experience.
 - 1. Training: the **JLO** shall receive formal training in order to perform his/her duties properly.
 - 2. In-Service Training: the JLO shall attend in-service training, as required due to juvenile law updates and procedural changes. Typically, annual training can be found at an area police academy.
 - 3. The **JLO** should be familiar with local resources and community-based programs available to assist juveniles and their families, shall be well-versed in the various diversionary programs available to divert youth from the Juvenile Justice System, and are tasked with staying up-to-date on legislative changes, and changes to policy and procedure regarding Juvenile Justice Reform.

4. The **JLO** can also assist by building partnerships with non-profit and government-run community organizations to assist with the supervision of stationhouse adjustment agreements.
 5. **Publicizing the Department's JLO:** Information on how to contact the department's JLO should be made public and placed on the agency's website, in order to provide this resource to families and the community.
- B. The **Juvenile Liaison Officer** shall be responsible for reviewing this policy at least annually to make sure it complies with all applicable statutes, guidelines, and regulations.
 - C. The **Juvenile Liaison Officer** shall be responsible for the proper application of this policy in organizational operations pertaining to the juvenile function.
 - D. All supervisors of this organization are responsible for the proper application of this policy in their area of responsibility for their subordinates.

III. Quarterly Reporting and Data Collection

- A. On a quarterly basis (dates are defined in the Quarterly Report), this department shall report to the County Prosecutor the following anonymized information about each stationhouse adjustment in effect with this department in the prior quarter using the **Stationhouse Adjustment/Curbside Warning Quarterly Report**:
 1. The juvenile's age at the time of the unlawful conduct
 2. The juvenile's self-reported race, ethnicity, and gender
 3. The unlawful conduct, *and*
 4. Whether the stationhouse adjustment was satisfactorily completed or is still pending and, if not completed, the reason for the non-completion.

This data will be made publicly available by the Division of Criminal Justice.

- B. Quarterly reports shall be maintained for five (5) years.

IV. Citizen Complaints

- A. In any case where a citizen seeks to file a formal complaint against a juvenile, the investigating officer should review the charge(s) for probable cause. If the officer finds probable cause, they can enter the complaint-summons in eCDR and make sure to note that it is a private citizen's complaint, and should select the box stating, "the charge was based on the observations/statements made by an eyewitness(es)" on the Preliminary Law Enforcement Incident Report (PLEIR).
- B. If the law enforcement officer does not find probable cause, they can refer the case to the Prosecutor's Office for legal review, whose decision is controlling.

V. Taking a Juvenile into Custody

- A. A juvenile may be taken into criminal custody (N.J.S.A. 2A:4A-31a):

1. Pursuant to ***an order or warrant*** of any Court having jurisdiction, or
 2. For ***delinquency***, when there has been no process issued by a Court, by a law enforcement officer, pursuant to the laws of arrest and Rules of Court.
- B. Except where ***delinquency*** conduct is alleged, a juvenile may be taken into non-criminal short-term custody by an officer without an order from the Court when (N.J.S.A. 2A:4A-31b):
1. The officer has reasonable grounds to believe that the health and safety of the juvenile is seriously in danger and taking into immediate custody is necessary for his/her protection,
 2. The officer has reasonable grounds to believe the juvenile has left home and the care of his/her parents or guardian without the consent of such persons, or
 3. An agency legally charged with supervision of the juvenile has notified the law enforcement agency that the juvenile has run away from out-of-home placement, except where there are reasonable grounds to believe that the juvenile is an abused or neglected child within the meaning of N.J.S.A. 9:6-8.21 in which case the provisions of said law shall govern.
- C. Six (6) Hour Time Limit Restrictions for Holding any Juvenile
1. Pursuant to N.J.S.A. 2A:4A-32(a), under no circumstances shall any juvenile taken into short-term custody be held **for more than six (6) hours**. Short term custody begins once a juvenile has entered the police department building and does not include when a juvenile is being held at the scene or while in transport.
 2. For delinquency complaints, the six-hour timeframe includes the duration of time required for processing and either release on a complaint-summons or transportation to a juvenile detention facility for a complaint-warrant. Therefore, officers, supervisors, and prosecutors must ensure that these steps are completed as expeditiously as possible, **but in no event longer than six hours from the time custody begins**.
 3. The six-hour restrictions do not apply to the holding of a juvenile in a judicial facility in connection with a court appearance.
- D. The taking of a juvenile into short-custody shall not be construed as an arrest but shall be deemed a measure to protect the juvenile's health, morals, and well-being (N.J.S.A. 2A:4A-31c).
- E. **New Jersey Marijuana Reform Acts of 2021:** Officers must be cautious when they encounter an individual under the age of 21 who is in possession of marijuana, hashish, cannabis, or alcohol when observed in plain view. The officer can seize the marijuana, hashish, cannabis, and alcohol and issue the appropriate written warning. However, the New Jersey Marijuana Reform Acts of 2021 also sets forth the following prohibitions on officers when investigating possession or consumption of marijuana, hashish, cannabis, or alcohol by an underage individual to determine a violation of N.J.S.A. 2C:33-15:

1. Officers **may not** request consent from an individual who is under the age of 21.
 - a. A person under the legal age to purchase alcoholic beverages or cannabis items is not capable of giving lawful consent to a search to determine a violation of and an officer shall not request that a person consent to a search for that purpose
2. Officers **may not** use odor of marijuana to stop an individual who is under the age of 21 or to search the individual's personal property or vehicle.
3. Officers who observe marijuana in plain view **will not** be able to search the individual or the individual's personal property or vehicle.
4. Officers **may not** arrest, detain, or otherwise take an individual under the age of 21 into custody for a violation of N.J.S.A. 2C:33-15 except to the extent required to issue a written warning or provide notice of a violation to a parent/guardian.

VI. Body Worn Camera (BWC) Requirements

- A. Pursuant to the New Jersey Marijuana Reform Acts of 2021:
 1. Whenever an officer is equipped with a BWC, the BWC must be activated when responding to **OR** handling a call involving a violation **OR** suspected violation of the amended N.J.S.A. 2c:33-15, which addresses the underage possession or consumption of alcohol, marijuana, hashish, or cannabis.
 2. The BWC **may not** be deactivated **for any reason** throughout the entire encounter. Underage refers to people under the age of 21.

VII. Restraining a Juvenile with Handcuffs

- A. A juvenile may only be handcuffed in the following situations:
 1. The juvenile was arrested for an act of delinquency
 2. The juvenile was taken into short-term custody and is acting in a manner where they are a danger to themselves or others.
- B. Juveniles who are a status offender or non-offender shall not be handcuffed.
- C. When a juvenile is handcuffed, they will be handcuffed with their hands in front of them unless they are deemed a danger to themselves or others. If they are deemed a danger to themselves or others, they will be handcuffed behind their back. If handcuffing the juvenile behind their back is not possible, soft restraints may be used as a last resort.
- D. If the juvenile is exhibiting signs of mental illness, but is not exhibiting dangerous behavior, he/she should not be handcuffed
- E. Juveniles shall not be handcuffed to any movable object.

- F. Juveniles shall only be handcuffed to an immovable object which was designed for the purpose of handcuffing a detainee to it.
- G. Juveniles shall not be handcuffed as a punishment for any reason.

VIII. Documenting Juvenile Custody

- A. The proper documenting of juvenile custody is important for preserving what took place and what an investigation revealed. All juvenile custody shall be documented as follows:
 - 1. Non-Criminal Short-Term Custody: when a juvenile is taken into non-criminal short-term custody the officer shall complete either a CAD entry or an *Investigation Report*, based on the totality of the circumstances of the incident. As a general rule, more serious incidents should be placed on an *Investigation Report* as well as incidents that will require a formal follow-up by an outside organization.
 - a. Short-term custody shall comprise of juveniles who committed a “status offense” or who is a “non-offender.”
 - b. Short-term custody does not apply to an act of juvenile delinquency.
 - 2. Criminal Custody for an Act of Delinquency: when a juvenile is taken into criminal custody for an act of delinquency the incident shall be recorded on an *Investigation Report*. Reports supplemental to an *Investigation Report* are as follows:
 - a. *Supplemental Reports*
 - b. *Arrest Report*
 - c. *Stationhouse Adjustment* (when applicable)
 - d. *Juvenile Complaint-Summons or Complaint-Warrant* (when required)

IX. Transporting of a Juvenile in Custody

- A. Juveniles who are taken into custody (criminal or non-criminal) are to be transported directly from the scene to headquarters, their home, the home of their guardian (other responsible adult), another location approved by a supervisor, or to a juvenile facility (if so directed).
 - 1. The only exception to the above is when directed to do otherwise by an appropriate authority, or circumstances require that the juvenile is transported to a medical facility for treatment.

X. Notification to a Parent, Guardian, or Other Responsible Adult

- A. Upon taking a juvenile into custody, the detaining officer shall, without delay, notify the juvenile’s parent(s), guardian(s), or another responsible adult (if a parent or guardian is not able to be contacted) (N.J.S.A. 2A:4A-33) of the following:

1. That the juvenile is being detained (N.J.A.C. 13:94-2.3a),
2. Where the juvenile is being held (N.J.A.C. 13:94-2.3a), and
3. The reasons that the juvenile is being detained (N.J.A.C. 13:94-2.3a).

XI. Decision to Charge a Juvenile with an Act of Delinquency

- A. ***Juvenile Central Registry:*** An officer who is considering charging a juvenile should first ascertain the juvenile's history by accessing the Juvenile Central Registry via NJ Courts. The results of this initial check may result in reconsideration of diversion, rather than formal charges.
1. The officer shall then follow the procedure set forth in section **XVII** of this policy regarding the prescreening of charges with the County Prosecutor's Office
 2. The Juvenile Central Registry tab in eCDR is also where complaint entry is initiated.

XII. Juvenile Processing (Fingerprinting, DNA Collection, and Complaint Entry)

A. Fingerprinting

1. New Jersey New Jersey Marijuana Reform Acts of 2021 fingerprinting requirements:
 - a. Marijuana is still by definition pursuant to N.J.S.A. 2C:35-2 a "controlled dangerous substance," and, therefore, appropriately charged violations involving marijuana or hashish are still subject to fingerprint compliance under N.J.S.A. 53:1-18.1. **However**, when an officer encounter an individual who has violated N.J.S.A. 2C:35-5(b)(12)(b) (distribution/possession with intent to distribute 1 ounce or less) or N.J.S.A. 2C:35-10(a)(3)(b) (possession of more than 6 ounces), the officer is prohibited under the law from arresting, detaining, or otherwise bringing that individual into the station, which means the officer will be unable to fingerprint the violator at the time of the incident. **Therefore, those individuals must be fingerprinted at their first court appearance.**
 - b. Individuals under the age of 21 who are in violation of N.J.S.A. 2C:33-15(a)(1) **are precluded** from being fingerprinted under the new law. They shall not be fingerprinted for possession or consumption of any amount of marijuana, hashish, cannabis, or alcohol.
2. Fingerprinting is required when a juvenile, age fourteen or older, is charged on the basis of an act which, if committed by an adult, would constitute a crime. N.J.S.A. 2A:4A-61(a)(3).
 - a. The arresting officer or their designee shall take and submit the fingerprints of the juvenile by using a Live Scan system, which includes designation of offenses charged.

- b. The Live Scan fingerprinting **must be completed before** beginning an eCDR complaint.
- c. Once the Live Scan record has been submitted and confirmation is received from the Computerized Criminal History (CCH) system and/or the data is displayed in eCDR, the officer shall begin generating a complaint in eCDR.
- d. If the Live Scan system is inoperative, another agency's system shall be used.

All reasonable steps shall be taken to ensure fingerprinting occurs for those fourteen and older who are charged with an act which, if committed by an adult, would constitute a crime.

- a. In those rare cases when a juvenile cannot be fingerprinted at the time of arrest one of the following shall take place:
 - 1). This department will assign an officer or detective to fingerprint the juvenile at an appropriate time, or
 - 2). Another appropriate law enforcement agency shall be designated by the County Prosecutor, to fingerprint the juvenile as soon as possible or at the time of adjudication.
 - b. The CCH and Family Automated Case Tracking System (FACTS) should be checked by the Prosecutor's Office prior to adjudication and if there is no record that the juvenile was fingerprinted, the juvenile should be fingerprinted at adjudication in accordance with policy established by the Prosecutor's Office.
3. Juveniles charged with delinquency who are under the age of fourteen at the time of the offense **shall not be fingerprinted** (N.J.S.A. 2A:4A-61(a)(3)). In addition, juveniles who are charged with disorderly persons offenses or petty disorderly persons offenses **shall not be fingerprinted** (N.J.S.A. 2A:4A-61(a)(3)).
 4. Fingerprinting is required when a juvenile is waived to the Superior Court, Law Division, Criminal Part, as a juvenile who is waived to adult court pursuant to N.J.S.A. 2A:4A-26.1 (involuntary waiver) or N.J.S.A. 2A:4A-27 (waiver at election of juvenile), shall be treated as an adult. Further, when a juvenile is waived to adult court, the Prosecutor must ensure that a complaint-summons or complaint-warrant is filed (Court Rule 5:22-2(f)).
 5. Fingerprinting is required when a juvenile, age thirteen or under, is adjudicated delinquent in Family Court on the basis of an act which, if committed by an adult, would constitute a crime (N.J.S.A. 2A:4A-61(c) and N.J.S.A. 53:1-15).
 6. In cases where the Court enters a formal adjournment of disposition, or deferred disposition pursuant to N.J.S.A. 2A:4A-43(b)(1), for a juvenile who has committed an offense that would be a crime if committed by an adult, fingerprinting should not occur.

- a. If the adjournment or deferment period is successfully completed, the case will be dismissed, and no fingerprints should be taken.
 - b. If the juvenile reoffends and an adjudication is entered, fingerprints shall be taken when the juvenile returns to Court for the entry of a formal adjudication.
- 7. In cases where a juvenile is adjudicated for an offense that would constitute a crime if committed by an adult and the Prosecutor's Office is not involved (*i.e.*, case is heard by the Juvenile Referee), the Family Court will implement a procedure, in conjunction with the County Prosecutor's Office, whereby the Court notifies the county or local law enforcement agency to ensure fingerprints are obtained upon adjudication.
- 8. **Fingerprinting for Comparison to Latent Fingerprints:**
 - a. Under N.J.S.A. 2A:4A-61(a)(1), fingerprints may be taken for juveniles of any age for comparison to latent fingerprints, either with the approval of the Court, or with the consent of the juvenile and parent or guardian.
 - b. N.J.S.A. 2A:4A-61(a)(1) also provides that such fingerprints "... shall be destroyed when the purpose for the taking of fingerprints has been fulfilled."
 - c. If a juvenile who has been fingerprinted under N.J.S.A. 2A:4A-61(a)(1) for comparison with latent fingerprints is fourteen or older and is later charged with delinquency for a crime, the juvenile's fingerprints shall be taken and submitted to the State Bureau of Identification within the Division of State Police.
- 9. If the juvenile is fingerprinted and their case is adjudicated outside of the court system and ultimately dismissed and or resolved the New Jersey State Police (NJSP) Biometric Identification Unit shall be notified so that the charge information can be removed from the juvenile's CCH.
 - a. NJSP's Hamilton Station's latent hours are 7:00 A.M. to 2:30 P.M., Monday through Friday, by appointment only or you may call them at (609) 584-5000 Ext. 5144.

B. Photographs

- 1. The arresting officer or their designee shall photograph the juvenile for criminal identification purposes pursuant to N.J.S.A. 2A:4A-61(b).
 - a. No juvenile **under the age of 14** shall be photographed for criminal identification purposes without the consent of the Court or of the juvenile and his parent or guardian (N.J.S.A. 2A:4A-61(b)).
 - b. A juvenile may be photographed for identification purposes if they are fourteen years of age or older at the time of the commission of an offense that would be a crime, if committed by an adult. The photo shall be taken using the LiveScan system.

C. DNA Collection

1. Juveniles taken into custody for an act which, if committed by an adult, would constitute the following offenses, shall have a biological sample collected by the charging agency for purposes of DNA testing, pursuant to N.J.S.A. 53:1-20.20(b) & (e):
 - a. Aggravated sexual assault or sexual assault, N.J.S.A. 2C:14-2,
 - b. Aggravated criminal sexual contact or criminal sexual contact, N.J.S.A. 2C:14-3,
 - c. Murder, N.J.S.A. 2C:11-3,
 - d. Manslaughter, N.J.S.A. 2C:11-4,
 - e. Second-degree aggravated assault, N.J.S.A. 2C:12-1(b)(1) & (b)(6),
 - f. Kidnapping, N.J.S.A. 2C:13-1,
 - g. Luring or enticing a child, N.J.S.A. 2C:13-6,
 - h. Endangering welfare of children, N.J.S.A. 2C:24-4, except for paragraph (2) of subsection a, or
 - i. Any attempt to commit any of the above crimes.
2. A DNA sample shall be taken prior to the juvenile's release from custody, as statutorily required. In any case where DNA has already been submitted, as confirmed on the juvenile's CCH, Master Name Index (MNI), or Arrest Notification CJIS Response, a subsequent sample shall not be taken pursuant to N.J.S.A. 53:1-20.22(d)
3. Further, pursuant to N.J.S.A. 53:1-20.20(h), "every juvenile adjudicated delinquent, or adjudicated not delinquent by reason of insanity, for an act which, if committed by an adult, would constitute a crime or a specified disorderly persons offense shall have a blood sample drawn or other biological sample collected for purposes of DNA testing."
4. If a disposition is imposed which requires detention or confinement, the sample shall be collected upon commencement of the sentence. Otherwise, the juvenile shall provide a sample as part of the disposition ordered by the Court (N.J.S.A. 53:1-20.20(h)).
 - a. Juveniles incarcerated or detained for qualifying offenses are required to provide a sample before termination of imprisonment, detention, supervision, or confinement (N.J.S.A. 53:1-20.20(h)).
 - b. The County Prosecutor has the discretion to designate which law enforcement agency is responsible for post-adjudication DNA collection.

D. Complaint Entry into eCDR

1. After accessing the “Juvenile Central Registry” tab, the officer chooses the juvenile’s Live Scan record from the list displayed in eCDR.
 - a. For cases where fingerprints are not required, but the juvenile has a prior record, the officer shall select the juvenile from the list displayed, being sure to match identifiers.
 - b. In cases where fingerprints are not statutorily required and the juvenile has no prior record, the officer shall manually complete the eCDR data fields.

The Live Scan record should always be selected when available, as this selection will automatically populate many of the eCDR data fields.

- E. Officers should contact the NJSP, State Bureau of Identification, at (609) 882-2000, extension 2467, with any questions regarding the fingerprinting and photographing of juveniles during processing.

XIII. When Charges Filed are Different from Charges Initially Entered into Live Scan

- A. The Live Scan system requires the officer to indicate present offenses. There may be cases where the summons or warrant that is filed is different from the offenses that had initially been entered into Live Scan, or there may have been a decision not to charge all, or any, of the offenses proposed by the officer. Conversely, the Assistant Prosecutor may decide to upgrade the offense or add additional charges. In these cases, the charging officer shall modify the Live Scan record within the Live Scan system to reflect the appropriate changes, retransmit the modified Live Scan record, and contact the Criminal Records Integrity and Compliance Unit (State Bureau of Identification) of the New Jersey State Police to make certain that the CCH system accurately reflects the charges that were actually filed. In cases where fingerprints were taken but the case was then referred for a stationhouse adjustment, the officer must contact CRICU to make sure the prints are removed from the CCH system.

XIV. Complaints Prepared Before Juvenile is in Custody

- A. There may be instances when a Prosecutor’s Office decides to issue a complaint against a juvenile who is not yet in custody. For example, the Prosecutor’s Office might seek a warrant for serious charges and eCDR will allow for law enforcement to request the warrant, Juvenile Intake will run the RST, and if detention is authorized, the process will be complete with the issuance of a complaint-warrant. Otherwise, a complaint-summons would issue.
 1. In any case, where the determination is made by a Prosecutor’s Office to apply for a complaint before the juvenile is in custody, the Assistant Prosecutor has been instructed to apply other provisions/presumptions contained in the Attorney General Directive in making the summons versus warrant determination, including ascertaining the juvenile’s criminal history.
 2. If a complaint-warrant is issued, the officer taking the juvenile into custody shall make certain the juvenile is fingerprinted in Live Scan, if statutorily required, and shall make certain that the fingerprint links to the juvenile and offense(s) for which a complaint has been issued, either electronically in eCDR, if available, or by contacting the Criminal Records Integrity and

Compliance Unit (CRICU) (State Bureau of Identification) of the New Jersey State Police.

3. If a complaint-summons is issued, the Prosecutor's Office has been instructed to make certain that the juvenile is fingerprinted, if required, in Live Scan on the date of the juvenile's first court appearance, or within a reasonable time after the filing of the complaint upon written request by the appropriate law enforcement agency pursuant to N.J.S.A. 53:1-15 and N.J.S.A. 53:1-18.1. The Prosecutor's Office has also been instructed to further make certain that the fingerprint links to the juvenile and offense(s) for which a complaint-summons issued, either electronically in eCDR, if available, or by contacting the CRICU of the New Jersey State Police.

XV. Preparing the Affidavit of PC and Preliminary Law Enforcement Incident Report

- A. The Affidavit of Probable Cause and Preliminary Law Enforcement Incident Report ("PLEIR") are available electronically through juvenile eCDR. The Affidavit of Probable Cause is required in all cases and shall include a description of relevant facts and circumstances that support probable cause to believe that the offense(s) was committed, and it was committed by the juvenile. The Affidavit shall include a concise statement as to the officer's basis for believing that the juvenile committed the offense(s) and shall indicate whether a victim was injured and, if so, the extent of the injury known to the officer submitting the Affidavit. **The Affidavit should not direct the reader to other documents by stating, "see attached."**
- B. Further, officers are encouraged to prepare a PLEIR, but doing so is not required. The County Prosecutor retains the authority to require the preparation of a PLEIR by any law enforcement officer subject to the Prosecutor's jurisdictional authority. A PLEIR is intended to document basic information known to the officer preparing the report at the time charges are filed. The fact that the officer preparing a PLEIR does not check a "checkoff" box should not be construed to mean that such fact or circumstance does not exist, but rather only that the officer at the time of completing the PLEIR does not have sufficient basis, or immediate need, to indicate the existence or non-existence of such fact or circumstance. The information documented in the PLEIR can be supplemented, clarified, or modified, as additional information is learned or corroborated in the course of the ongoing investigation/prosecution. A PLEIR shall be in addition to, not in lieu of, any regular police arrest, incident, or investigative report(s) prepared pursuant to the agency's standard operating procedures, policy, practices, or at the prosecutor's request.
- C. Notably, it is important for the County Prosecutor's Office to be provided and possess information that would facilitate contact with the victim. However, the Affidavit of Probable Cause and the PLEIR should not contain confidential victim information.

XVI. Coordination of Charging Decisions Involving Offenses in Multiple Counties

- A. There may be cases where a juvenile is charged with offenses committed in multiple counties. In those cases, it is important to coordinate the charging and request for detention decisions, so that one County Prosecutor's Office assumes primary responsibility for determining whether to apply for a complaint-summons, complaint-warrant, to request detention, seek release conditions, or move to revoke release. Accordingly, if an officer has reason to believe that the juvenile may be charged with offenses committed in more than one county, the officer shall

immediately contact their on-call duty Assistant Prosecutor, who shall contact the Prosecutor's Office(s) in the other counties where offenses were committed to coordinate charging and release decisions.

1. Officers must also contact an Assistant Prosecutor in the Juvenile Section or the on-call Assistant Prosecutor when coordinating charging and/or detention decisions with out-of-county agencies

XVII. Pre-Charge Juvenile Case Screening / Designated Supervisory Officer

- A. On-call prosecutorial screening/approval system
 1. The Bergen County Prosecutor's Office has an established system of on-call Assistant Prosecutors available on a 24/7 basis to provide real-time legal advice and charging approvals to officers.
 - a. Assistant Prosecutors assigned on-call duty have sufficient experience to perform the functions required. Advice and charging approvals provided by an on-call Assistant Prosecutor may occur in person or by means of telephonic or electronic communication.
- B. [New Jersey Attorney General Directive 2020-12](#) permits the County Prosecutor to authorize a police department to issue a juvenile complaint provided it has been approved by an approved **Designated Supervisory Officer** (DSO).
 1. DSOs shall have authority to review/approve charging decisions only in cases from their own department. They shall not be authorized to review or approve a charging decision for any other agency.
- C. A DSO is defined as a supervisory officer who possesses designated authority. The County Prosecutor may also impose such conditions or limits on the charging and approval of authority granted to DSOs.
- D. Accordingly, the County Prosecutor authorizes the following on-call prosecutorial screening/approval system:
 1. The Chief of Police shall identify Designated Supervisory Officer(s) for this department.
 - a. The Chief of Police must appoint DSOs, who may include officers assigned to or supervising juvenile case duties, provided they hold the rank of sergeant or above, or a ranking officer on duty in the agency, as authorized.
 - b. DSOs should have sufficient training and experience in juvenile investigations.
 2. DSOs are be permitted to authorize juvenile complaints for all offenses, except those that would constitute **first** or **second-degree crimes if committed by an adult**.
 - a. Juvenile complaints for first or second-degree criminal conduct must be approved by an Assistant Prosecutor, as must all decisions on whether to seek juvenile detention.

3. All decisions regarding whether to seek juvenile detention shall be decided by an Assistant Prosecutor.
- E. During regular business hours, when Assistant Prosecutor approval is necessary to authorize stationhouse adjustments, overcome presumptions for complaint-summonses or complaint-warrants, and/or authorize requests for detention, officers may contact an Assistant Prosecutor assigned to the Bergen County Prosecutor's Office Juvenile Section.
- F. During nonbusiness hours, officers should call the complaint approval hotline at (201) 226-5852 to contact the on-call Assistant Prosecutor. If required, the on-call Assistant Prosecutor will contact the Section Chief of the Juvenile Section or their designee.

Please note: Officers must obtain the above-described approvals from DSOs or Assistant Prosecutors before entering any information into the eCDR system. Officers must complete both the Affidavit of Probable Cause and the Preliminary Law Enforcement Incident Report ("PLEIR") electronically in eCDR for all juvenile complaints

XVIII. Officer Restrictions under the New Jersey Marijuana Reform Acts of 2021

- A. Law enforcement officers must be cautious when they encounter an individual under the age of 21 who is in possession of marijuana, hashish, cannabis, or alcohol. The officer can seize the marijuana, hashish, cannabis, and alcohol and issue the appropriate written warning. However, the new law also sets forth the following prohibitions on officers when investigating possession or consumption of marijuana, hashish, cannabis, or alcohol by an underage individual to determine a violation of N.J.S.A. 2C:33-15:
 1. Officers may not arrest, detain, or otherwise take an individual under the age of 21 into custody for a violation of N.J.S.A. 2C:33-15 except to the extent required to issue a written warning or provide notice of a violation to a parent/guardian.
 2. Officers may not use odor of marijuana to stop an individual who is under the age of 21 or to search the individual's personal property or vehicle.
 3. Officers who observe marijuana in plain view will not be able to search the individual or the individual's personal property or vehicle.
 4. Officers may not arrest, detain, or otherwise take an individual under the age of 21 into custody for a violation of N.J.S.A. 2C:33-15 except to the extent required to issue a written warning or provide notice of a violation to a parent/guardian.
 5. Possession of marijuana or hashish by a motor vehicle operator (N.J.S.A. 39:4-49.1) is no longer an offense.
 6. Under the Influence of marijuana or hashish is no longer an offense.
 7. Failure to Properly Dispose of marijuana or hashish is no longer an offense.

8. Possession of Drug Paraphernalia if used, or intended to be used, for marijuana or hashish is no longer an offense.

See **Marijuana Reference Card**, maintained by the New Jersey Division of Criminal Justice, for specific charging and processing information.

- B. An individual under the age of 21 who violates N.J.S.A. 2C:33-15 shall not be arrested, detained, or otherwise taken into custody, and shall not be transported to a police station, police headquarters, or other place of law enforcement operations, except to the extent that detention or custody at or near the location [of the incident] is required to issue a written warning or collect information necessary to provide notice of a violation to a parent/guardian.

XIX. Juvenile New Jersey Marijuana Reform Acts of 2021 Written Warning System

C. First (Violation) Time Offenders

- a. Any first-time offender for a violation of any of the “possession” offenses listed below shall be issued only a Written Warning.
 - 1). N.J.S.A. 2C:33-15.1.a(1)
 - 2). N.J.S.A. 2C:33-15.1.a(2)a
 - 3). N.J.S.A. 2C:33-15.1.b
- b. The first offense written warning, issued by an officer to the underage person, shall include:
 - 1). The person’s name,
 - 2). Address, and
 - 3). Date of birth.
- c. Sworn Statement of Facts: The written warning shall also include a sworn statement that includes a description of the relevant facts and circumstances that support the officer’s determination of probable cause that the person committed the violation.
- d. The archival written warning system shall be maintained in a manner only for the purposes of determining a second or subsequent violation.
- e. The warning system shall be audited at least annually to purge unnecessary information, in conformance with state law and regulations set forth by both the County Prosecutor’s Office and the New Jersey Attorney General.
- f. Parental Notification: Concerning notification of a violation by a person under 18 years of age to the parent, guardian or other person having legal custody of the underage person, a written notification **shall be provided for a first violation.**

D. Second (Violation) Time Offenders

- a. For a second violation of one of the statutes listed in section 1.a above, a written warning will be issued by an officer to the underage person indicating that a second violation has occurred.
- b. The second offense written warning, issued by an officer to the underage person, shall include:
 - 1). The person's name,
 - 2). Address, and
 - 3). Date of birth.
- c. Sworn Statement of Facts: The second written warning shall also include a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination of probable cause that the person committed the second violation.
- d. If the violation is by a person 18 years of age or older:
 - 1). The officer shall provide the person with informational materials about how to access community services provided by public or private agencies and organizations that shall assist the person with opportunities to access further social services, including but not limited to counseling, tutoring programs, mentoring services, and faith-based or other community initiatives.
- e. If the violation is by a person under 18 years of age:
 - 1). A written notification concerning the second violation, along with a copy of the written warning for the person's first violation, shall be provided to the parent, guardian or other person having legal custody of the underage person.
 - 2). The written notification shall include a referral to the same or similar informational materials about how to access community services provided by public or private agency or organization included in a county level comprehensive plan used to fund community services that can assist with opportunities to access further social services, including counseling, tutoring programs, mentoring services, and faith-based or other community initiatives agencies and organizations as those provided directly by an officer to a person 18 years of age or older who commits a second violation.

E. Third or More (Subsequent) Violations (Offenders)

- a. For a third or subsequent violation of one of the statutes listed in section 1.a above, a written warning will be issued by an officer to the underage person indicating that a third or subsequent violation has occurred.
- b. The third or subsequent offense written warning, issued by an officer to the underage person, shall include:

- 1). The person's name,
 - 2). Address, and
 - 3). Date of birth.
- c. Sworn Statement of Facts: The third or subsequent written warning shall also include a sworn statement that includes a description of the relevant facts and circumstances that support the officer's determination of probable cause that the person committed the third or subsequent violation.
- d. If the violation is by a person 18 years of age or older:
- 1). The officer shall include with the write-up a referral for accessing community services provided by a public or private agency or organization, and provide notice to that agency or organization of the referral which may also be used to initiate contact with the person, and the agency or organization shall offer assistance to the person with opportunities to access further social services, including but not limited to counseling, tutoring programs, mentoring services, and faith-based or other community initiatives.
- e. If the violation is by a person under 18 years of age:
- 1). A written notification concerning the third or subsequent violation shall be provided to the parent, guardian or other person having legal custody of the underage person.
 - 2). The written notification shall include a referral for the person and the parent, guardian or other person having legal custody of the underage person for accessing community services provided by a public or private agency or organization included in a county-level comprehensive plan used to fund community services **and** provide notice to that agency or organization of the referral which may also then be used to initiate contact with both persons, and the agency or organization shall offer assistance to both with opportunities to access further social services, including counseling, tutoring programs, mentoring services, and faith-based or other community initiatives.
- F. The failure of a person under the legal age to purchase alcoholic beverages or cannabis items, or the failure of a parent, guardian or other person having legal custody of the underage person, to accept assistance from an agency or organization to which a law enforcement referral was made, or to access any community services provided by that agency or organization shall not result in any summons, initiation of a complaint, or other legal action to be adjudicated and enforced in any court.

XX. Immunity from Prosecution

- A. An underage person and one or two other persons shall be immune from prosecution under New Jersey Marijuana Reform Acts of 2021 if:

1. One of the underage persons called 9-1-1 and reported that another underage person was in need of medical assistance due to alcohol consumption, or the consumption of marijuana, hashish, or a cannabis item,
 2. The underage person who called 9-1-1 and, if applicable, one or two other persons acting in concert with the underage person who called 9-1-1 provided each of their names to the 9-1-1 operator,
 3. The underage person was the first person to make the 9-1-1 report, and
 4. The underage person and, if applicable, one or two other persons acting in concert with the underage person who made the 9-1-1 call remained on the scene with the person under the legal age in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.
- B. The underage person who received medical assistance also shall be immune from prosecution under New Jersey Marijuana Reform Acts of 2021.
- C. For purposes of this section, an alcoholic beverage includes powdered alcohol as defined by R.S.33:1-1, and a cannabis item includes any item available for lawful consumption pursuant to the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act”.

XXI. Criminal Liability for Police Officers

- A. A law enforcement officer (under New Jersey Marijuana Reform Acts of 202) when responding to a call for service or upon the initiation of any other law enforcement or investigative encounter related to a violation or suspected violation of paragraph (1) of subsection a. of section 1 of 40 P.L.1979, c.264 (C.2C:33-15), concerning the possession or consumption of alcoholic beverages, marijuana, hashish, or any cannabis item by a person under the legal age to purchase alcoholic beverages or cannabis items, shall be guilty of a crime of official deprivation of civil rights as defined in section 2 of P.L.2003, c.31 45 (C.2C:30-6) if that officer knowingly violates the provisions of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15) that address law enforcement actions involving persons who are under the legal age to purchase alcoholic beverages or cannabis items by requesting that a person consent to a search who is not capable of giving lawful consent or searching a person after wrongfully obtaining that person’s consent, initiating an investigatory stop without reasonable articulable suspicion, initiating a search without probable cause, issuing a warning or write-up without a proper basis that a person committed a violation, or detaining or taking into custody a person in a manner or for a longer period beyond the extent required to issue a warning or write-up, or arresting a person for a possession or consumption violation of paragraph (1) of subsection a. of section 1 of P.L.1979, c.264 (C.2C:33-15)), or if that officer knowingly engages in any other unlawful act, as described in subsection e. of section 2 of P.L.2003, c.31 (C.2C:30-13 6), against the person arising out of the call for service or initiation of any other law enforcement or investigative encounter, including but not limited to the unjustified use of force in violation of N.J.S.A. 2C:3-7. A violation set forth in this section shall not require that the law enforcement officer have acted with the purpose to intimidate or discriminate against a person or group of persons because of race, color, religion, gender, handicap, sexual orientation, or ethnicity. A violation of this section shall

be graded in the same manner as set forth in section 2 of P.L.2003, c.21 (C.2C:30-6) for 22 other crimes of official deprivation of civil rights.

XXII. Juveniles in the Department's Municipal Detention Facility

- A. Juveniles (inclusive of nonoffenders, status offenders, and juveniles charged with an act of delinquency) who are being held at police headquarters shall be supervised in person and face-to-face at all times by a sworn police officer. At no time shall the juvenile be left unattended for any reason (N.J.A.C. 13:94-2.5(d)).
- B. Mandatory Documenting Juvenile **Admission** and **Secure Custody**
 - 1. Any juvenile brought to headquarters by an officer or who has been arrested at headquarters shall be documented in the **Juvenile Admissions Log** (a New Jersey Juvenile Justice Commission form).
 - 2. Any juvenile held in secure custody as defined in Section **XVII.C.1** below shall be documented in the **Secure Custody Form**.
- C. Nonoffenders and status offenders shall not be held in secure custody and shall not be placed in the department's municipal detention facility for any reason (N.J.A.C. 13:94-2.2(b)).

1. Secure custody includes juveniles who are:

- a. Placed in a cell, holding room, locked room, a room that can be locked, a set of locked rooms or a set of rooms that can be locked,
- b. Placed in an unlocked room that is primarily designed and used for secure holding (e.g., has a handcuffing apparatus located within), or
- c. Handcuffed to a stationary object (e.g., handcuffing apparatus).

The above is defined by the New Jersey Juvenile Justice Commission.

2. **Placement of nonoffenders and status offenders in headquarters:**

- a. Nonoffenders and status offenders shall only be placed and held in a room or location that is incapable of being locked and which does not have any handcuffing apparatus.

3. Examples of nonoffenders and status offenders include, but not limited to:

- a. Runaway
- b. Incurable
- c. Curfew Violators
- d. Missing Person
- e. Protective Custody

f. Truancy

D. Juveniles (Juvenile Offenders) who have been arrested and will be charged (either by complaint-summons or complaint-warrant) with an act of delinquency may be held in secure custody, as defined above in Section **XVII.C.1**.

1. Juveniles held on a charge of delinquency shall be placed in the least restrictive location and manner based on their behavior, in order of preference (from least restrictive to most restrictive) as authorized by the Chief of Police:

- a. Report writing area not handcuffed
- b. Processing Room, not handcuffed to a handcuffing apparatus (secure custody)
- c. Processing Room, handcuffed to a handcuffing apparatus (secure custody)
- d. Adult Cell (see Section 2 below for **Extraordinary Situations** clause)

A Juvenile Offender who is *well behaved* should be placed in the location outlined above in Section a.

2. Only in **Extraordinary Situations** involving juvenile delinquents who are assaultive, disruptive, unmanageable, or charged with a serious violent crime, shall the juvenile be held securely in an Adult Cell (N.J.A.C. 13:94-2.4) with the following requirements:

- a. The juvenile shall be supervised face-to-face at all times by a sworn officer and never left unattended
- b. The highest-ranking detention facility staff member (police officer) on duty must authorize the placement/securing
- c. The circumstances surrounding the decision shall be documented in writing.
- d. Audio/video monitoring systems shall not be used as a substitute for required continuous face-to-face supervision of juveniles held in an adult cell.

E. **Sight and Sound Separation from Adult Detainees**

1. Except as may be necessary when incidental to initial processing, sight and sound separation shall be maintained at all times between a juvenile and an adult held in secure custody. This requirement applies equally with respect to nonoffender juveniles, status offender juveniles and juveniles detained for an act of delinquency (N.J.A.C. 13:94-2.1).

F. The supervisor of the officer conducting a juvenile arrest or detention shall ensure proper supervision for all detained juveniles in accordance with our policy.

XXIII. Assessing the Juvenile for Signs of Harm

- A. For the purpose of this section New Jersey's Contracted System Administrator for the Department of Children and Families, Children's System of Care is [PerformCare](#).
- B. Officers taking custody of a juvenile, for any reason, shall assess the physical condition of the juvenile to determine if the juvenile has been harmed or injured in any way or is in danger of being harmed or injured.
 - 1. Life-Threatening Emergencies: a life-threatening emergency is considered to be any serious and sudden medical, emotional, or behavioral health situation that, if not given immediate professional attention, could lead to the child being severely harmed or possibly harming someone else.
 - a. A juvenile who is experiencing a life threatening emergency shall be transported by ambulance, escorted by an officer (either inside the ambulance or following behind, based on the totality of the circumstances), to a [designated crisis/screening center](#).
 - 2. Urgent Situations: if the situation is not immediately life-threatening, contact [PerformCare](#) at 1-877-652-7624 and follow the menu prompts provided for an urgent situation. They will ask you a series of questions to determine how they can help. If they find that the child should be evaluated for hospitalization, they will refer you to a [designated crisis/screening center](#).
 - 3. Mobile Response Stabilization Services: [PerformCare](#) may authorize Mobile Response Stabilization Services (MRSS) to come to the child's home within one hour of notification to provide face-to-face crisis services. The goal is to stabilize behavior and keep the child at home. Mobile Response Stabilization Services is available 24 hours a day, seven days a week, and can offer up to eight weeks of stabilization services. They may be contacted at 1-877-652-7624.
- C. Protective Custody: protective custody is a device to be used in crises. It does not apply to a juvenile taken into custody on delinquency matters. An officer who determines there is an emergent need to take a juvenile into protective custody to protect the child from suspected abuse or neglect shall immediately inform his/her supervisor before taking any such action (absent exigent circumstances).
 - 1. Once taken into protective custody, the New Jersey Department of Children and Families, Division of Child Protection and Permanency (DCP&P) must be immediately notified by the officer at (877-652-2873). DCP&P staff will direct where the officer should take the juvenile.
- D. Abuse and Neglect: officers will contact (24-hours a day, 7-days a week) the New Jersey Department of Children and Families, Division of Child Protection and Permanency (DCP&P) at the consolidated statewide child abuse Hotline **1-877- NJ ABUSE** (877-652-2873) when any of the following is suspected:
 - 1. Any suspicion or allegation of child abuse or neglect.
 - 2. Any abuse or neglect by a parent, guardian or other person having custody or control of a child.

3. When there is a domestic violence incident, and one of the parties involved has a child.
4. The child has been exposed to any indecent, immoral or unlawful act that may tend to debauch, endanger or degrade the morals of the child, or is suspected of having been subjected to an act of sexual abuse.
5. The child has been employed in an occupation, which would be injurious to his/her health, dangerous to his/her life, contrary to the law of this State or in such a manner to be dangerous to the morals of the child.
6. The child is a runaway from another state.

E. Additional Resources:

1. [National Suicide Prevention Lifeline:](#)

1-800-273-8255

The Lifeline provides 24/7 free and confidential support for people during emergencies. The Lifeline also helps specific groups, such as youth, loss survivors, veterans, LGBTQ+, and more, cope with suicidal thoughts.

2. [NJ Hopeline:](#)

1-855-654-6735

The NJ Hopeline has specialists available 24/7 who offer counseling and support over the phone.

3. [2nd Floor Youth Helpline:](#)

1-888-222-2228 (call or text)

2nd Floor Youth Helpline is a confidential helpline for New Jersey's youth that helps find solutions to problems they face at home, at school, or at play.

XXIV. Juvenile Family Crisis Intervention

- A. Responsibility: the officer who responds to the location shall be responsible for contacting Juvenile Family Crisis Intervention unless otherwise delegated properly.
- B. In 1983, the New Jersey State Legislature created Juvenile Family Crisis Intervention Units (JFCIU) in each county to help stabilize family crises on a 24-hour basis.
- C. The goal of the unit is to help adolescents and their families, divert family crises from the Court, and keep families together whenever possible.
- D. Crisis counselors are available 24 hours a day, seven days a week.

- E. JFCIU is not designated to work with those cases in which the primary problem is the risk of suicide or child abuse and neglect.
- F. Referrals come from schools, families, police, and other agencies. Services are available 24 hours a day by calling the County Family Crisis Intervention Unit.
- G. Referrals to JFCIU should be made if there is:
 - 1. A serious threat to the well-being and physical safety of the juvenile, but where the situation is not appropriate for the New Jersey Department of Children and Families, Division of Child Protection and Permanency (DCP&P).
 - 2. A serious conflict between a parent/guardian and a juvenile regarding behavioral issues.
 - 3. Runaway or unauthorized absence from home for more than 24 hours.
 - 4. Truancy or a pattern of unauthorized absences from school.
- H. All JFCIU staff members are clinical professionals with advanced degrees and are experienced in working with adolescents and families.
- I. Crisis Intervention services are free and may include:
 - 1. Assessment and stabilization.
 - 2. Short-term family therapy, (approximately 6-8 weeks).
 - 3. Service coordination and advocacy.
 - 4. Referrals to other agencies for additional services.
 - 5. In extreme situations, there may be involvement with the Family Court for short term out-of-home placement in a youth shelter.

XXV. Issuance of Uniform Traffic Ticket (UTT-1)

- a. Responsibility: the officer who observes the juvenile violating the New Jersey Motor Vehicle Code (Title 39) shall be responsible for issuing the juvenile a Uniform Traffic Ticket.
- b. Officers may issue a Uniform Traffic Ticket to a juvenile for a violation of the New Jersey Motor Vehicle Code.
- c. Officers may arrest a juvenile for a violation of the New Jersey Motor Vehicle Code which would warrant the arrest of an adult (e.g., driving while intoxicated).
- d. If a Juvenile Delinquency case and a Uniform Traffic Ticket are signed at the same time, the motor vehicle case will be held in abeyance until completion of the juvenile matter. A copy of the uniform traffic ticket should be attached to the discovery on the Juvenile Delinquency matter and submitted to the Juvenile Court.

- e. When a Uniform Traffic Ticket has been issued to a juvenile, the issuing officer shall ensure that the juvenile's parent(s) or guardian(s) are notified.
- f. [Instructions and procedures for the Revised Uniform Traffic Ticket](#) (UTT-1)

XXVI. Juvenile Justice System Diversion Mechanisms

- A. In accordance with [New Jersey Attorney General Directive 2020-12](#) (Juvenile Justice Reform) this policy outlines five (5) mechanisms available to officers and the Prosecutor to divert youth from the Juvenile Justice System and limit the likelihood of unnecessary detention in a Juvenile Detention Center:
 - 1. [Curbside Warnings](#): A curbside warning is an informal “talking to”—one that typically arises when an officer observes a juvenile engage in some minor act of delinquency. The conversation occurs in the community, not at the police department, and can be as simple as an officer telling a teenager to “knock it off” without any further formal proceedings. Curbside warnings demonstrate to juveniles that officers are present to give guidance, direction, and assistance, and not simply to take them into custody.
 - 2. [Stationhouse Adjustments](#): A stationhouse adjustment is more formal than a curbside warning but is nonetheless designed to divert a juvenile from the Juvenile Justice System without the filing of charges. In such situations, an officer typically asks the juvenile and a parent or guardian/caregiver/designee to come to the police station to discuss an alleged offense and work together to develop an appropriate resolution, which is then memorialized in a written agreement. The officer may refer the juvenile for social services and, if property has been stolen or damaged, require the juvenile to make restitution in some form. The goal is to engage the parent or guardian/caregiver/designee—and, where appropriate, the victim—in any resolution, allowing the family and community resources to address the violation rather than the courts.
 - 3. [Use of Complaint-Summonses in Lieu of Complaint-Warrants](#): In more serious cases, an officer may conclude that an informal resolution is unlikely to be effective and that formal charges are necessary. Under court rules, officers and prosecutors may file charges using one of two charging documents: a “complaint-warrant,” which allows the officer to take custody of the charged individual and detain them, or a “complaint-summons,” which allows the individual to remain in the community until their initial court appearance. By treating the complaint-summons as the “default” charging document for juveniles—with the complaint-warrant reserved only for the most serious charges or to protect the public—officers and prosecutors can ensure that youthful offenders are not subject to unnecessary detention in a juvenile facility immediately following the filing of charges.
 - 4. [Presumption Against Pretrial Juvenile Detention](#): A juvenile cannot be detained pretrial without the permission of a judge or Court Intake Services. [N.J.S.A. 2A:4A-34\(b\)](#). State law carefully circumscribes the use of pretrial juvenile detention, limiting it to cases where a juvenile has failed to appear at court proceedings or where, for certain categories of offenses, the juvenile’s release would seriously threaten the physical safety of persons or property in the community. See [N.J.S.A. 2A:4A-34\(c\)](#). This presumption

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

5. Post-Charge Diversion by Prosecutor: The mere fact that a law enforcement officer has filed charges against a juvenile does not preclude the possibility of diverting the youth into other programs more conducive to rehabilitation. As a juvenile matter proceeds, prosecutors can—and should—continually evaluate the case to determine whether diversion would better accomplish the goals of the Juvenile Justice System over formal court proceedings. A prosecutor may consider, among other things, dismissing the complaint in favor of a stationhouse adjustment or referring the case to diversionary programs operated by the judiciary, including the Intake Service Conference, the Juvenile Conference Committee, or the Family Crisis Intervention Unit.
- B. When considering when and how to use each of these above five mechanisms, officers (and prosecutors) should start with the presumption that juveniles should be diverted out of the Juvenile Justice System whenever possible, so long as the diversion will promote accountability, advance the juvenile's rehabilitation, and not present safety risks to the community.
1. To the extent that diversion is not possible, officers (and prosecutors) **should next consider charging by way of complaint-summons**, rather than complaint-warrant, whenever that can be accomplished without jeopardizing public safety or welfare.
 2. This framework reserves the complaint-warrant for the most serious charges or to protect the public and accompanying requests for detention should result in the least restrictive means necessary to promote accountability and rehabilitation, and address safety risks.
- C. New Jersey Attorney General Directive 2020-12 calls upon officers (and prosecutors) to use their best judgment in deciding when diversion is appropriate and provides the tools to facilitate uniform decision-making. But as with any exercise of discretion, officers and prosecutors must take special care to ensure that their decisions are based on the individualized facts of a specific case and not on any improper factors like actual or perceived race, sex, gender identity, sexual orientation, or familial or socioeconomic status. Research shows that all of us, including those in law enforcement, carry implicit biases, the unconscious and often subtle associations we make between groups of people and various traits. We as a profession can and must work to counteract these effects, both by training ourselves to recognize when they creep into our reasoning and by continually questioning our own assumptions about the people with whom we interact. In doing so, we can better address racial and other disparities in our Juvenile Justice System.

XXVII. Procedures for the Five (5) Diversion Mechanisms

- A. Curbside Warnings ([back](#))

1. **Definition.** A “curbside warning” is a brief, informal interaction between an officer and a juvenile who the officer observed engage in an act of minor delinquency. During the interaction, the officer counsels the juvenile to discontinue the conduct, warns the juvenile about the potential consequences of future delinquency, and then concludes the interaction without taking any further action.

For the purposes of this policy, curbside warnings do not include interactions between juveniles and School Resource Officers, or other officers assigned to a school, as those interactions are governed by policies and practices established between schools and law enforcement agencies, see Section XXV [Police Operations on School Property](#).

2. Curbside warnings should only be utilized in very minor cases, where an officer elects to counsel a juvenile on their behavior **without asking for or obtaining the juvenile’s personal information**. The juvenile’s race, age, sex and ethnicity should only be approximations based on the officer’s observations.
3. Incidents where the officer asks for or obtains the juvenile’s personal information **are not** curbside warnings and **will not** be documented as such. These incidents are considered investigatory and should be documented on either an Investigation or Operations Report, whichever is applicable based upon the circumstances of the encounter.
4. **Presumption in favor of curbside warnings for certain minor, non-violent conduct.**
 - a. There shall be a presumption in favor of engaging in a curbside warning, rather than initiating more formal action involving a juvenile, when the officer personally encounters a juvenile who has allegedly engaged in conduct that appears to constitute:
 - 1). An ordinance violation, such as loitering or curfew violations, or
 - 2). Activity that is dangerous or disruptive, but not necessarily unlawful.
 - b. An officer may overcome this presumption and initiate action more formal than a curbside warning when:
 - 1). The officer has reason to believe that the juvenile is presently engaged in other, more serious unlawful conduct, or
 - 2). The juvenile continues to engage in the same unlawful conduct following the issuance of a prior curbside warning, or
 - 3). The juvenile has a pending formal complaint, demonstrating a continuing course of improper conduct, related or unrelated to the pending charge.

5. Other curbside warnings.

For unlawful conduct more serious than described above in Section **XXII.A.2**, such as petty disorderly persons offenses, disorderly persons offenses, and fourth-degree crimes, there is no presumption in favor of a curbside warning, but an officer may nonetheless engage in a curbside warning at the officer's discretion, provided that the conduct did not cause serious or significant bodily injury to another.

6. Documenting a Curbside Warning in CAD.

a. In order to properly document a Curbside Warning for reporting purposes the following must be performed for each one:

- 1). The officer conducting the Curbside Warning shall not ask the juvenile for any personally identifiable information (PII). If the officer collects PII from the juvenile, it is no longer a Curbside Warning. Curbside Warnings do not include collecting the juvenile's pedigree information.
- 2). The officer conducting the Curbside Warning shall have a CAD incident assigned to him/her.
- 3). When completing the CAD incident, the officer shall select the Curbside Warning incident type.
- 4). The officer shall put the following information at the bottom of the narrative:

CURBSIDE WARNING INFORMATION:

Approximate age(s)

Race

Gender

- 5). The officer shall use their best guess inputting information in for the three categories above.

7. Data collection and reporting.

The Juvenile Officer shall maintain a log that contains the appropriate data points in order to properly complete the **Stationhouse Adjustment and Curbside Warning Quarterly Report** for specifically curbside warning reporting.

- a. The **Juvenile Officer** shall complete the Stationhouse Adjustment and Curbside Warning Quarterly Report.
- b. Once completed, the **Juvenile Officer** shall transmit a copy of the completed quarterly report to the following no later than the 15th day of the month following the close of each quarter:
 - 1). The County Prosecutor

Completed reports must be submitted to the County Prosecutor electronically through Infoshare.

2). The New Jersey Division of Criminal Justice

Completed reports must be submitted to the Division of Criminal Justice electronically to:

report@njdcj.org

B. Stationhouse Adjustments ([back](#))

1. **Definition.** A “stationhouse adjustment” is a mechanism that allows law enforcement agencies to resolve a juvenile’s unlawful conduct without formal court proceedings. A stationhouse adjustment, which must be memorialized in a signed agreement, establishes one or more conditions that the juvenile must meet in exchange for the law enforcement agency declining to pursue a formal delinquency complaint against the juvenile.
2. Prosecutor Designation:
 - a. [New Jersey Attorney General Directive 2020-12](#) requires the approval of the County Prosecutor or designee under the following circumstances related to stationhouse adjustments:
 - 1). To overcome the presumption in favor of a stationhouse adjustment (NJAG Directive Section II.C),
 - 2). To perform a discretionary stationhouse adjustment (NJAG Directive Section II.D),
 - 3). To perform stationhouse adjustments involving drug and alcohol use (NJAG Directive Section II.E), and
 - 4). To perform stationhouse adjustments where the victim objects (NJAG Directive Section II.H).
3. **Presumption in favor of stationhouse adjustments for certain unlawful conduct.** There shall be a presumption in favor of performing a stationhouse adjustment, rather than pursuing a delinquency complaint against a juvenile, when:
 - a. The juvenile has no prior history of juvenile adjudications or stationhouse adjustments,
 - b. The juvenile’s conduct constituted a petty disorderly persons offense, a disorderly persons offense, or a fourth-degree crime if committed by an adult, and
 - c. The juvenile’s unlawful conduct did not constitute an act of bias, sexual misconduct, or violence, and did not involve controlled dangerous substances (CDS) or CDS paraphernalia.

4. **Overcoming the presumption in favor of a stationhouse adjustment.** An officer may overcome the presumption of a stationhouse adjustment and pursue a formal delinquency complaint only with the approval of the County Prosecutor, or designee (Assistant Prosecutor), who shall consider:
- a. The juvenile's age and maturity,
 - b. The nature and circumstances of the offense,
 - c. The juvenile's prior history of juvenile adjudications and/or stationhouse adjustments, with a presumption against authorizing a stationhouse adjustment for any juvenile previously adjudicated for a first- or second-degree offense,
 - d. The willingness of the juvenile to adhere to the proposed terms of the stationhouse adjustment, and
 - e. Where relevant, the support and cooperation of the victim and the juvenile's parent, or guardian/caregiver/designee.
5. **Discretion to authorize stationhouse adjustments for other conduct.**
- a. For conduct not described above in Section **XXII.B.3** above (e.g., for conduct not subject to a presumptive stationhouse adjustment), there shall be no presumption in favor of a stationhouse adjustment, but an officer shall nonetheless consider whether to perform one in their discretion ("discretionary stationhouse adjustment"). An officer may perform a discretionary stationhouse adjustment, provided that the County Prosecutor, or designee (Assistant Prosecutor), authorizes the stationhouse adjustment.
 - b. Note: In deciding whether to authorize a discretionary stationhouse adjustment, the County Prosecutor, or designee (Assistant Prosecutor), shall consider the factors outlined above in Section **XXII.A.4**.
- Prosecutors should not automatically refuse to consent to diversion of a case, based solely upon the fact that the juvenile previously had been adjudicated or diverted from formal adjudication. The manner in which prior allegations of delinquency were handled is relevant only in determining whether diversion of current charges will be effective in achieving the objectives of the Juvenile Justice System, including the interests of public safety. This Directive specifically permits consideration of a stationhouse adjustment and other forms of diversion for juveniles with prior formal charges and/or prior diversion.
6. **Drug and alcohol use.** Generally speaking, charges related to drug or alcohol use should be considered for stationhouse adjustment, provided that a treatment plan, if clinically appropriate, is included as part of the stationhouse agreement. When evaluating such cases, the County Prosecutor, or designee (Assistant Prosecutor), should review all relevant information regarding the juvenile's history of substance use or dependency, and check that any proposed treatment plan, where needed,

is included in the stationhouse agreement, and memorializes proper referrals and recommendations to address the juvenile's medical and mental health needs.

- a. If intervention is clinically appropriate, juveniles should be referred for diagnostic assessment and appropriate treatment.
 - 1). Local planning bodies, including the County Family Crisis Intervention Unit, the Youth Services Commission, and the County Interagency Coordinating Council, can assist with identifying available assessment and treatment resources.
 - 2). Assistance can also be provided through PerformCare, New Jersey's Contracted System Administrator for the Department of Children and Families, Children's System of Care. PerformCare provides substance use treatment for youth and families throughout New Jersey. (PerformCare hotline: 1-877-652-7624).
7. **Victim engagement.** As part of any stationhouse adjustment process, the officer shall notify any victims of the juvenile's unlawful conduct and seek to engage those victims in the resolution.
8. **Conditions.** A stationhouse adjustment shall include one or more conditions that the juvenile must satisfy, which may include, but are not limited to:
 - a. Mediation,
 - b. Restitution,
 - c. Community service,
 - d. Letters of apology or other writing projects,
 - e. Consequences imposed by the juvenile's parent or guardian/caregiver/designee, such as a suspension of driving privileges,
 - f. Enrollment in community programs, such as those offered by the County Youth Service Commission or a faith-based program.
 - 1). Faith-based programs may be used only with the consent of the juvenile, as consideration must be given to the faith, or no faith, to which the juvenile subscribes, and resources should be in place to provide equivalent, alternative programming, so a juvenile has equal access to effective stationhouse adjustment services
 - g. Participation in restorative justice programs, if appropriate, and/or
 - h. Where recommended, participation in mental health or substance abuse programs.

9. **Stationhouse adjustment agreements.**

- a. All stationhouse adjustments shall be memorialized in a written agreement, which shall remain in effect for three to six months from the date the agreement is signed.
- b. Before signing a stationhouse adjustment agreement, the officer shall advise the juvenile that:
 - 1). Violations of the stationhouse adjustment agreement may result in the filing of a juvenile delinquency complaint for the conduct that gave rise to the stationhouse adjustment, and
 - 2). Future delinquent activity could result in more serious action taken by the Juvenile Justice System (e.g., probation, loss of driver's license, detention) and collateral consequences (e.g., DNA collection, restrictions on college financial aid, limitations on career opportunities).
- c. The following parties shall sign the stationhouse adjustment agreement:
 - 1). The juvenile,
 - 2). The juvenile's parent or guardian/caregiver/designee,
 - a). If a parent or guardian/caregiver/designee objects to the juvenile entering into a stationhouse adjustment with law enforcement, a stationhouse adjustment cannot be completed. However, all reasonable efforts should be made to explain the purpose of a stationhouse adjustment, which is to avoid the filing of a formal complaint
 - 3). The officer involved, and
 - 4). Victims may, but are not required to, sign the stationhouse adjustment agreement.
- d. In cases where one or more victims object to the agreement, the officer must notify the County Prosecutor, or designee (Assistant Prosecutor), who must decide whether to authorize the agreement notwithstanding the victim's objection. Further, for all discretionary stationhouse adjustments, or cases where the victim objects, the approval of the County Prosecutor, or designee (Assistant Prosecutor), shall be noted on the agreement.

C. Use of Complaint-Summonses in Lieu of Complaint-Warrants ([back](#))

- 1. **Presumption for complaint-summons.** [New Jersey Attorney General Directive 2020-12](#) encourages police and prosecutors to charge by way of complaint-summons, rather than complaint-warrant, whenever that can be accomplished without jeopardizing public safety or welfare.

- a. Pursuant to New Jersey Court Rule 5:20-2, if there is probable cause to believe that a juvenile is delinquent, an officer may issue a complaint-summons to the juvenile and their parent, guardian, or custodian.
- b. There is no need to apply to the Court for a finding of probable cause.
- c. Once the complaint-summons is filed with the Court, the officer shall within five (5) days personally serve the summons on the juvenile and their parent, guardian, or custodian without taking the juvenile into custody. R. 5:20-2(a).
- d. If an officer issues a summons, the juvenile will be released after processing and scheduled to return to court at a later date.

An Assistant Prosecutor or a Designated Supervisory Officer can overcome the presumption of a complaint-summons if they determine that an application for a complaint-warrant is reasonably necessary to protect the safety of a victim or the community, to reasonably assure the juvenile's appearance in court when required, or to prevent the juvenile from obstructing or attempting to obstruct the criminal justice process, and further determines that there is a lawful basis to apply for a complaint-warrant.

2. **Request for complaint-warrant and detention.** In cases where immediate custody of the juvenile is required, an officer may apply for a complaint-warrant. R. 5:20-3. A complaint-warrant may only be issued pursuant to Rule 5:21-1(a) where detention is authorized by Court Intake Services (Juvenile Intake) or a judge. R. 5:20-3(a)(1). Thus, when applying for a warrant, the officer is required to contact Juvenile Intake.

- a. Juvenile complaints will be reviewed by Juvenile Intake in eCDR.
 - 1). Juvenile Intake will complete the juvenile detention Risk Screening Tool (RST) to preliminarily determine if a juvenile should be detained.
 - 2). The RST assists Juvenile Intake with their recommendation for detention, however law enforcement and/or the Assistant Prosecutor can request detention or additional monitoring services, notwithstanding the recommendation.
 - 3). Further, the RST does not restrict a judge's discretion to order the juvenile's detention at a future court appearance.
- b. **If Juvenile Intake declines detention**, an officer may ask for an override of that decision.
 - 1). If the request is still denied, an Assistant Prosecutor can appear before the Family Court to apply for a complaint-warrant pursuant to N.J.S.A. 2A:4A-34(b). See also R. 5:20-3.

- 2). Accordingly, when making the decision to apply for a complaint-warrant, it is important to consider any relevant facts or circumstances known or reasonably believed to exist that are not accounted for in Juvenile Intake's initial detention decision.
 - c. **If detention is authorized by Juvenile Intake or a judge**, a complaint-warrant shall immediately be filed as provided by Rule 5:20-1. R. 5:21-1. The officer taking the juvenile into custody shall immediately notify the juvenile's parent, guardian, or custodian. The complaint-warrant shall be served upon the juvenile and their parent, guardian, or custodian.
3. **When a complaint-warrant is mandatory.** Guided by Rule 3:3-1(e), an officer must apply for a complaint-warrant if there is probable cause to believe that the juvenile committed any of the following offenses, unless consultation with an authorized Assistant Prosecutor or a Designated Supervisory Officer determined that the presumption of charging by complaint-warrant is overcome and there are specific reasons which must be articulated in the case file:
 - a. Murder, N.J.S.A. 2C:11-3
 - b. Aggravated manslaughter, N.J.S.A. 2C:11-4(a)
 - c. Manslaughter, N.J.S.A. 2C:11-4(b)
 - d. Aggravated sexual assault, N.J.S.A. 2C:14-2(a)
 - e. Sexual assault, N.J.S.A. 2C:14-2(b) or (c)
 - f. Robbery, N.J.S.A. 2C:15-1
 - g. Carjacking, N.J.S.A. 2C:15-2
 - h. Escape, N.J.S.A. 2C:29-5(a), or
 - i. An attempt or conspiracy to commit any of the foregoing crimes.

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

4. **When there is a rebuttable presumption to seek a complaint-warrant.**
 - a. An officer shall apply for a complaint-warrant if there is probable cause to believe that the juvenile has committed the following offenses, unless consultation with an authorized Assistant Prosecutor or a Designated Supervisory Officer determined that the presumption of charging by complaint-warrant is overcome:

- 1). Witness tampering/retaliation, N.J.S.A. 2C:28-5

- 2). Witness obstruction, N.J.S.A. 2C:29-3(b)(3)
- 3). Witness tampering, N.J.S.A. 2C:29-3(a)(3)
- 4). Eluding that constitutes a second-degree crime, N.J.S.A. 2C:29-2(b)
- 5). Third-degree assault on public officials or employees, N.J.S.A. 2C:12-1(b)(5)
- 6). Photographing, filming, sexual exploitation, or abuse of a child, N.J.S.A. 2C:24-4(b)(4) or (b)(5)
- 7). Violation of Chapter 35 of Title 2C that constitutes a first- or second-degree crime
- 8). A crime involving the possession or use of a firearm
- 9). Vehicular homicide, N.J.S.A. 2C:11-5
- 10). Aggravated assault that constitutes a second-degree crime, N.J.S.A. 2C:12-1(b)
- 11). Disarming a law enforcement officer, N.J.S.A. 2C:12-11
- 12). Kidnapping, N.J.S.A. 2C:13-1
- 13). Aggravated arson, N.J.S.A. 2C:17-1(a)
- 14). Second-degree burglary, N.J.S.A. 2C:18-2
- 15). Extortion, N.J.S.A. 2C:20-5
- 16). Booby traps in manufacturing or distribution facilities, N.J.S.A. 2C:35-4.1(b)
- 17). Strict liability for drug induced deaths, N.J.S.A. 2C:35-9
- 18). Terrorism, N.J.S.A. 2C:38-2
- 19). Producing or possessing chemical weapons, biological agents, or radiological devices, N.J.S.A. 2C: 38-3
- 20). Racketeering, N.J.S.A. 2C:41-2
- 21). Firearms trafficking, N.J.S.A. 2C:39-9(i)
- 22). Causing or permitting a child to engage in a prohibited sexual act, N.J.S.A. 2C:24-4(b)(3), or
- 23). An attempt or conspiracy to commit the crimes enumerated above.

- b. An officer shall also apply for a complaint-warrant, unless an authorized Assistant Prosecutor or a Designated Supervisory Officer determines that the presumption of charging by complaint-warrant is overcome, in cases where the present offense was committed:
 - 1). While the juvenile was presently released for any other crime or disorderly persons offense
 - 2). While the juvenile was on probation, participating in the Juvenile Intensive Supervision Program (JSP), under supervision of a residential program, or under Megan's Law pursuant to N.J.S.A. 2C:7-2, or
 - 3). When the juvenile was recently adjudicated, meaning within the past twelve months, for an offense involving a firearm or a first- or second-degree offense.

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

- 5. **Overcoming the mandatory or presumptive complaint-warrant.** In any case where a complaint-warrant is mandatory, or there is a presumption of applying for a complaint-warrant, an officer shall apply for a complaint-warrant unless an authorized Assistant Prosecutor or a Designated Supervisory Officer determined that:
 - a. The physical safety of persons or property would not be seriously threatened if the juvenile were not detained; and
 - b. Detention is not necessary to secure the appearance of the juvenile at future court proceedings.

In making this determination, the authorized Assistant Prosecutor or a Designated Supervisory Officer shall consider whether there are reasonable assurances that if the juvenile were to be charged by a complaint-summons, they will appear in court when required, the safety of any other person or the community will be protected, and the juvenile will not obstruct or attempt to obstruct the criminal justice process. If the determination is made to overcome the presumption of applying for a complaint-warrant, the authorized Assistant Prosecutor or a Designated Supervisory Officer shall document the reasons for that decision in the case file.

D. Presumption Against Pretrial Juvenile Detention ([back](#))

- 1. **Requests for continued pretrial detention.** Under *Rule* 5:21-3, an initial detention hearing will be scheduled for juveniles detained on warrants for a preliminary probable cause review and to determine whether continued pretrial detention is required pursuant to *Rule* 5:21-5.

[While juveniles under eleven years of age may be placed in detention if they are charged with an offense, which, if committed by

an adult, would be a crime of the first- or second-degree, or arson, see R. 5:21-5(b); N.J.S.A. 2A:4A-34(f), Assistant Prosecutors cannot seek detention for any juvenile twelve years of age or under without the express, prior approval of their County Prosecutor and the Director of the Division of Criminal Justice.]

In determining whether to seek continued pretrial detention, Assistant Prosecutors have been directed to consider the standards established by law. The Court may detain a juvenile charged with delinquency eleven (11) years of age or older, if any of the following criteria are present:

- a. Detention is necessary to secure the presence of the juvenile at the next hearing as evidenced by a demonstrable record of recent willful failure to appear at Juvenile Court proceedings or to remain where placed by the Court, or the juvenile is subject to a current warrant for failure to appear at court proceedings that was active at the time they were taken into custody, *or*
 - b. The physical safety of persons or property in the community would be seriously threatened if the juvenile were not detained and the juvenile is charged with an offense which, if committed by an adult, would constitute a crime of the first, second, or third degree, or one of the following crimes of the fourth degree: aggravated assault, stalking, criminal sexual contact, bias intimidation, failure to control or report a dangerous fire, possession of a prohibited weapon or device in violation of N.J.S.A. 2C:39-3, or unlawful possession of a weapon in violation of N.J.S.A. 2C:39-5, *or*
 - c. For juveniles charged with an offense which, if committed by an adult, would constitute a crime of the fourth degree other than those enumerated in N.J.S.A. 2A:4A-34(c)(2), or a disorderly persons or petty disorderly persons offense, or with an offense when the criteria for detention are not met, the juvenile may be temporarily placed in a shelter or other nonsecure placement if a parent or guardian cannot be located or will not accept custody of the juvenile.
 - 1). Police and court personnel are tasked with making all reasonable efforts to locate a parent or guardian to accept custody of a juvenile prior to requesting or approving a juvenile's placement in a shelter or other non-secure placement (N.J.S.A. 2A:4A-34(c)(3)).
 - 2). This may require a referral to the Division of Child Protection and Permanency if no one can be located.
2. In making this finding, the Court will consider the following factors, so Assistant Prosecutors have been directed to be prepared to address each factor in their applications for detention:
- a. Nature and circumstances of the offense charged,
 - b. Age of the juvenile,

- c. Juvenile's ties to the community,
 - d. Juvenile's record of prior adjudications, if any, *and*
 - e. Juvenile's record of appearance or nonappearance at previous court proceedings.
3. If detention continues after the initial detention hearing, then the Court will conduct a probable cause hearing within two court days after the initial hearing, unless defense counsel waives the proceeding. R. 5:21-3(b). If probable cause is found at the hearing, and the juvenile's detention is continued, the Court will continue to hold detention review hearings pursuant to Rule 5:21-3(c).

E. Release Conditions and Seeking Revocation of Release

1. **Conditions of release.** When a juvenile is not detained, the Prosecutor's Office can, and has been directed that they should, request that the Court order specific release conditions or enhanced monitoring, in addition to those recommended by Juvenile Intake. Assistant Prosecutors have been directed to request that the Court impose any other release conditions, where the Prosecutor has reason to believe that such condition(s) is needed to:
- a. Reasonably assure the juvenile's appearance in court,
 - b. Protect the community, and
 - c. To prevent the juvenile from obstructing or attempting to obstruct the juvenile justice process. Specifically, Assistant Prosecutors have been directed to request no contact provisions whenever necessary.
2. **Notice to Assistant Prosecutor of suspected violations of release conditions.** In the event that a law enforcement agency or officer has reason to believe that a juvenile has violated a condition of pretrial release, the agency or officer shall promptly notify the Assistant Prosecutor handling the case.
- a. The Assistant Prosecutor has been directed to promptly notify the Family Court of the circumstances of the violation, unless the Assistant Prosecutor determines that such notification would jeopardize an investigation or law enforcement operation or endanger an officer or other person.
 - b. The Assistant Prosecutor has also been directed to also promptly determine whether they should seek revocation of release or request additional conditions of release.
 - c. Likewise, the Family Court has been directed to notify the Assistant Prosecutor when there is reason to believe that a juvenile has violated a condition of pretrial release.

- d. If the juvenile was in an alternative placement, the program has been directed that they should notify the Family Court and Assistant Prosecutor handling the case.

If the suspected violation occurred outside the jurisdiction of the County Prosecutor's Office handling the matter on which pretrial release conditions were imposed, the agency or officer detecting the violation may notify the Prosecutor's Office in their jurisdiction, and they will notify the Assistant Prosecutor handling the original case.

If the violation would constitute a criminal offense if committed by an adult and two or more Prosecutor's Offices are involved, it has been directed that the Offices shall confer and coordinate their efforts to ensure the safety of the public and victim to the greatest extent possible.

3. ***Seeking revocation of release.*** Assistant Prosecutors have been directed that they should consider seeking to revoke release and to detain the juvenile pending trial when the juvenile has violated conditions of release or incurred new charges. An application to revoke release can be made even if the juvenile was originally charged on a summons. There is a presumption to seek revocation of release when there is a determination that the State will be able to present evidence at a hearing to justify revocation and factors are present requiring detention pursuant to N.J.S.A. 2A:4A-34(c) and *Rule 5:21-5*, as discussed above. Further consideration should be given as to whether the juvenile's release will obstruct, or attempt to obstruct, the criminal justice process, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or victim.
 - a. There is also a rebuttable presumption to seek revocation of release when the following conditions have been met:
 - 1). There is probable cause to believe that the juvenile committed a new first- or second-degree offense or an offense committed with a firearm while on pretrial release,
 - 2). There is probable cause to believe that a juvenile, while on pretrial release, removed, tampered with, or rendered inoperable an electronic monitoring device required as a condition of pretrial release, *or*
 - 3). The juvenile violated a protective order, no contact order, or stalking order.
 - b. However, no application to revoke is required if a County Prosecutor, or designee, determines that:
 - 1). The risks posed by the juvenile's release can be controlled adequately by seeking enhanced release conditions and monitoring, *or*
 - 2). The interests of justice would not be served by applying for revocation of release.

- c. If the determination is made to overcome the presumption of seeking revocation of release, the County Prosecutor, or designee, has been directed to document the reason(s) for that decision in their case file.

F. Post-Charge Diversion by Prosecutor ([back](#))

1. ***Prosecutorial discretion to consent to diversion.*** In an effort to revisit opportunities for diversion, an Assistant Prosecutor can recommend post-charge diversion of a juvenile complaint, inclusive of diverting the complaint to a stationhouse adjustment or referring the case to the Intake Service Conference, the Juvenile Conference Committee, or the County Family Crisis Intervention Unit. Diversion should be a strong consideration in cases not warranting formal adjudication based upon the principles outlined in [New Jersey Attorney General Directive 2020-12](#).
2. In determining whether to refer a case to the Intake Service Conference, the Juvenile Conference Committee, or the County Family Crisis Intervention Unit during the post-charge screening process, the Assistant Prosecutor has been directed to consider the factors that the Court will use to determine whether diversion is appropriate under N.J.S.A. 2A:4A-71(b):
 - a. The seriousness of the alleged offense or conduct and the circumstances in which it occurred,
 - b. The age and maturity of the juvenile,
 - c. The risk that the juvenile presents as a substantial danger to others,
 - d. The family circumstances, including any history of drugs, alcohol abuse or child abuse on the part of the juvenile, his parents or guardian,
 - e. The nature and number of contacts with Court Intake Services and the Court that the juvenile or his family have had,
 - f. The outcome of those contacts, including the services to which the juvenile or family have been referred and the results of those referrals,
 - g. The availability of appropriate services outside referral to the Court,
 - h. Any recommendations expressed by the victim or complainant, or arresting officer, as to how the case should be resolved,
 - i. Any recommendation expressed by the county prosecutor,
 - j. The amenability of the juvenile to [participate] in a remedial education or counseling program that satisfies the requirements of subsection b. of section 2 of P.L.2011, c. 128 (C.2A:4A-71.1) if the offense alleged is an eligible offense as defined in subsection c. of section 2 of P.L.2011, c. 128 (C.2A:4A-71.1), and

- k. Any information relevant to the offense in any case where the juvenile is charged with an act which, if committed by an adult, would constitute prostitution in violation of N.J.S.A. 2C:34-1 or any offense which the juvenile alleges is related to the juvenile being a victim of human trafficking.
- 3. If the offense appears to be related to the use or possession of a controlled dangerous substance or alcohol, the Assistant Prosecutor has been directed to *not* recommend diversion *unless* the County Prosecutor, or designee, reviews all relevant information regarding the juvenile's history of substance use or dependency, and checks that any proposed treatment plan to be used in diversion, where needed, memorializes proper referrals and recommendations to address the juvenile's medical and mental health needs (See Section **XXII.B.6**). Again, these conditions are not to deter diversion, but to ensure the juvenile will be provided all the necessary services to combat the disease of addiction.
- 4. ***Discretion to divert cases notwithstanding the juvenile's prior adjudication or diversion.***
 - a. Prosecutors have been directed to not automatically refuse to consent to diversion of a case, either initially or post-charge, based solely upon the fact that the juvenile previously had been adjudicated or diverted from formal adjudication. The manner in which prior allegations of delinquency were handled is relevant only in determining whether diversion of current charges will be effective in achieving the objectives of the Juvenile Justice System, including the interests of public safety. [New Jersey Attorney General Directive 2020-12](#) specifically permits consideration of a stationhouse adjustment and other forms of diversion for juveniles with prior formal charges and/or prior diversion.
- 5. In determining whether to consent to the diversion of present charge(s), where there has been prior diversion or adjudications, Assistant Prosecutors in exercising their discretion have been directed to consider all relevant circumstances, including but not limited to:
 - a. The nature and seriousness of the prior charges,
 - b. The rehabilitative services that were provided to the juvenile during their prior involvement with the Juvenile Justice System,
 - c. Whether different rehabilitative services will be provided if the present charges were to be diverted,
 - d. Risk that the juvenile presents a substantial danger to others,
 - e. The nature and seriousness of the present offenses(s),
 - f. The amount of time that elapsed between the prior adjudication/diversion and the present alleged offense,
 - g. The interests of any victim of the present offense(s),

- h. Any evaluations of the juvenile conducted by social service agencies, if available, *and*
- i. The interests of public safety, considering the likelihood that diversion of the present charge(s) would be successful in preventing the juvenile from committing additional offenses.

XXVIII. Release of a Juvenile from Temporary Police Custody

- A. All juveniles taken into custody (criminal and non-criminal) should be released to their parent(s), a guardian, or in their absence (unable to contact them) another responsible adult.
 - 1. However, there will be times when a juvenile will have to be released absent the above requirement.
 - 2. When this happens, the officer who took the juvenile(s) into custody is not released from the responsibility of notifying a parent(s), a guardian, or other responsible adult.
 - 3. The officer must make every effort to notify a parent(s), a guardian, or other responsible adult of the custody as soon as possible, including having a supervisor assign another officer the responsibility if the officer's shift ends before the notification could be made.
 - 4. The attempt to notify shall not stop until either a parent(s), a guardian, or other responsible adult was notified, and such notification was documented, or a referral was made to the New Jersey Department of Children and Families, Division of Child Protection and Permanency (DCP&P).
- B. Release of Nonoffenders and Status offenders: a juvenile may be released by an officer from non-criminal short-term custody if all of the following circumstances have been met:
 - 1. There is no parent, guardian, or another appropriate adult custodian to whom the juvenile could be released, and all reasonable measures have been exhausted by an officer to locate and contact any such person,
 - 2. The juvenile is at least 14 years of age,
 - 3. The juvenile is not in any danger,
 - 4. The juvenile does not present a danger to any other person or thing,
 - 5. The identity and address of the juvenile are verified through a positive form of identification or alternate means, and
 - 6. Reasonable certainty exists on the part of the releasing officer that upon release at home, the juvenile will stay safely at home.
- C. Release from Criminal Custody for Delinquency: A juvenile charged with delinquency may be released at either the police or court level on his/her own

recognizance if all of the following circumstances have been met: (N.J.S.A. 2A:4A-35):

1. Commitment is not required by law (N.J.S.A. 2A:4A-34c(1) and (2)).
2. The nature of the offense charged is not such that a danger to the community would exist if the juvenile were released,
3. There is no parent, guardian, or another appropriate adult custodian to whom the juvenile could be released, and all reasonable measures have been exhausted by either police or court personnel to locate and contact any such person,
4. The juvenile is at least 14 years of age,
5. The identity and address of the juvenile are verified through a positive form of identification, and
6. Reasonable certainty exists on the part of the releasing authority that upon release, the juvenile will return to school or home safely and will appear at his hearing.

XXIX. Interviews and Custodial Interrogation of Juveniles

- A. **Advisement and Protection of Constitutional Rights:** juveniles taken into custody are to be advised of the reason for custody, and he/she will also be advised of their constitutional rights (Miranda), before questioning, if subjected to custodial interrogation,
- B. All interviews and custodial interrogations of a juvenile shall be performed in accordance with our "Interview, Interrogation, and Access to Counsel" policy.

XXX. Police Operations on School Property

- A. All police operations conducted near or on any school grounds will be conducted in accordance with the [Uniform State Memorandum of Agreement between Education and Law Enforcement Officials](#).
- B. The Juvenile Officer shall ensure that the most recent copy of this agreement (in either paper or electronic format) is on file and accessible to all personnel.