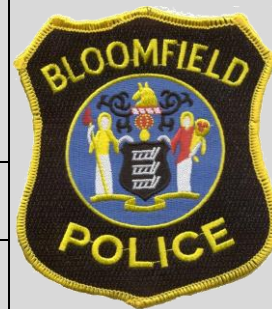


# BLOOMFIELD POLICE DEPARTMENT GENERAL ORDERS



VOLUME: 3

CHAPTER: 6

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**SUBJECT: ARREST AND TRANSPORTATION**

BY THE ORDER OF:  
Director of Public Safety Samuel A. DeMaio

ACCREDITATION STANDARDS: 3.1.2, 5.1.1, 5.1.2

Effective Date:  
November 16, 2015

SUPERSEDES ORDER #: G.O. #07-02

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

**POLICY** It is the policy of the Bloomfield Township Police Department to be in compliance with all statutes, contemporary criminal procedure, New Jersey Attorney General and Essex County Prosecutor [Directives](#) and [Guidelines](#) when arresting and subsequently transporting any person in order to protect any arrestee's or detainee's rights and to minimize risk to police personnel.

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## PROCEDURES

### I. DEFINITIONS

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

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

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

## II. GENERAL PROVISIONS

- A. This general order is intended to supplement and not supplant existing criminal procedure. It provides basic guidelines in arrest and transport situations. Therefore, the vast plethora of case law with all of its nuances will not be listed. Arrests are governed by the 4<sup>th</sup> Amendment to the United States Constitution and Article I.7 of the State of New Jersey Constitution.
- B. When practicable, officers should identify themselves to the person(s) being arrested and indicate the crime or offense. The arrestee should be informed of the warrant and the charges.
- C. Consular notification for non-US citizens is addressed in General Order V3C25.

### III. ARREST WITH A WARRANT

- A. An arrest warrant has the purpose of interposing a probable cause determination by a neutral and detached judge between the law enforcement officer and the person to be arrested. Warrants include bench warrants, CDR warrants, ACS, ATS, and any other criminal process issued by a court.
- B. All pre-planned arrest warrants shall be de-conflicted in accordance with *New Jersey Attorney General Directive 2016-1*. Deconfliction is not required for warrant arrests that occur spontaneously.
- C. Sworn police officers have the right to execute a warrant by arresting defendants at their homes or at any public place within the State.
- D. When executing an arrest warrant outside of Bloomfield Township, officers should provide prior notice to the law enforcement agency in that jurisdiction prior to execution except under exigent circumstances where prior notice is impracticable or may otherwise compromise the investigation.
- E. To execute arrest warrants out of the State of New Jersey, contact the Essex County Prosecutor's Office, Extradition Unit.
- F. Officers should only use that amount of force necessary to make the arrest. Unless impracticable, pre-planned warrant arrests shall be conducted by a minimum of two officers. More officers or tactical resources can be used depending upon the circumstances and anticipated flight risk.
- G. A search warrant, consent, or an exigent circumstance is required to make a warrant arrest in a third party's dwelling.
- H. Officers shall not execute an arrest warrant without first confirming or taking reasonable measures to confirm the validity of the warrant.
  - 1. The arrest warrant should be verified and confirmed through ACS, ATS, and/or NCIC.
  - 2. Verify the identity of the person to be arrested
    - a. Officers initiating a warrant check should include a minimum of two identifiers (e.g., first and last name & DL# or first and last name and DOB).
    - b. If detainee has documentation stating the warrant has already been paid, the patrol supervisor should respond. No arrest is to be made until the documentation in question is verified.
    - c. If an arrest has already been made the party shall be immediately released and the incident shall be documented on an Incident Report.
  - 3. Understand the scope of the arrest warrant so as not to exceed any limitations set by the warrant

4. Arrest warrants issued by the judge of the Bloomfield Township Municipal Court that are not listed in the ACS/ATS system are to be confirmed as valid with the municipal court administrator prior to any action being taken.
  5. Arrest warrants issued by a judge of any other court not listed in the ACS/ATS system shall be confirmed as valid with the issuing authority prior to any action being taken.
  6. Employees of this department should not assist an outside law enforcement agency with the execution of an arrest warrant until such time as it has been confirmed that the warrant is valid.
  7. An NCIC hit is not probable cause to make an arrest. A confirmation request shall be sent to the agency that entered the person. A positive response by that agency will serve as confirmation of the warrant as per Part 7 of the *National Crime Information Center Operating Manual*.
  8. A printed copy of the request and response shall be forwarded to Records to be placed in the case file.
- I. Requests from other jurisdictions to serve/execute their warrant(s) should be referred to the duty patrol sergeant.
  - J. When serving a special request arrest warrant from another jurisdiction, the arresting officer shall record the warrant number, jurisdiction name, and the results in the arrest report and forward a copy of the warrant to the Records Bureau to be placed in the case file.
  - K. After completing the service of a warrant, the shift commander or his/her designee is responsible to ensure the warrant is administratively executed in the ACS/ATS system.

#### **IV. ARREST WITHOUT A WARRANT**

- A. Officers may make a warrantless arrest of a person within the territorial limits of the State of New Jersey if there is probable cause to believe that the suspect has committed or is presently committing a crime (1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> degree crime).
  1. N.J.S.A. 2A: 155-1 et seq., permits a New Jersey law enforcement officer, who is in fresh pursuit, to enter another state to effectuate an arrest for a 1<sup>st</sup>, 2<sup>nd</sup>, or 3<sup>rd</sup> degree crime.
  2. N.J.S.A. 2A: 156-1, et seq., authorizes a police officer, who is in fresh pursuit of a person and who is reasonably believed by him/her to have committed a 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> degree crime or has committed, or attempted to commit, any criminal offense in the presence of such officer, or for whom such officer holds a warrant of arrest may arrest and hold that person anywhere in the state.
  3. However, if the offense is a 4<sup>th</sup> degree crime, disorderly person, petty disorderly person offense, or DWI the authority to pursue under N.J.S.A. 2A: 156-1 only extends to offenses committed in the officer's presence or ones that he/she holds a warrant for the arrest of the person.

- B. Within the territorial limits of Bloomfield Township, officers may make a warrantless arrest of someone who, in their presence, has committed a disorderly person offense or other minor offense that involves a breach of the peace (N.J.S.A. 40A: 14-152).
- C. In certain circumstances, an officer may make the warrantless arrest of a person whom the officer has probable cause to believe has committed a non-indictable offense, even though the offense did not take place in the officer's presence. These offenses are:
1. Driving while intoxicated;
  2. Shoplifting;
  3. Theft of library materials;
  4. Domestic violence related offenses.
- D. Only in rare circumstances involving extremely serious crimes and exigent circumstances can an officer enter a residence to make a warrantless arrest.
1. Officers in fresh pursuit of a person suspected of motor vehicle infractions or a disorderly person or petty disorderly person offense may not make a warrantless entry into a home to affect an arrest.
  2. Fresh pursuit alone is an insufficient justification for a warrantless entry into a person's home to make an arrest absent exigent circumstances.
- E. As a general rule, an arrest for a violation of N.J.S.A. 39 (except DWI, Possession of CDS in a Vehicle, or Leaving the Scene of an Accident with Serious Injuries) is improper if the underlying offense poses little or no threat to the public safety, and if there is no reason to believe that the offender would fail to respond to a summons.
- F. If at any time during the arrest process the probable cause to make the arrest dissipates, the arresting officer shall immediately release the arrestee and return any property that had been taken as a result of the arrest. The incident shall be thoroughly documented on an incident report.
- G. Representatives of the superior court, usually the pretrial services program manager or his/her designee, will be alerted if a previously released defendant violates any electronic monitoring conditions. Under certain circumstances, the pretrial services program representative will contact this department of the violation's circumstances.
1. Communications personnel shall obtain as much information as possible from the pretrial services program representative, including the identities of the defendant/violator, contact information for victims and witnesses, and pertinent addresses.
  2. Communications **must immediately** dispatch an officer to investigate the violation and to secure the safety of the victim.

3. Officers shall promptly conduct a welfare check on any potentially impacted victims or witnesses, particularly when a no-contact condition may have been violated. Also, officers should consult available databases (e.g., CAD, RMS, domestic violence central registry, the automated statewide deconfliction database, etc.) to help with decisions as to any response and to ensure the safety of victims, witnesses, and responding officers.
  4. The pretrial services program representative may be able to provide communications with the GPS coordinates or a street address where the defendant could be located when such information is available through the defendant's electronic monitoring device.
  5. The pretrial services program may apply for a bench warrant for contempt of court for violating the conditions of release. If the judge grants the request for a bench warrant, the pretrial services program representative will advise this agency to arrest the defendant on the bench warrant.
  6. The pretrial services program representative should be able to provide communications with copies of the pretrial release orders. When the pretrial services program representative is unable to provide copies of pretrial release orders, officers should request complaint numbers or Promis/Gavel numbers, so they can view the orders in the case jacket of the eCDR system.
  7. If there is evidence that any defendant has committed a new crime or offense, including a violation of a domestic violence temporary or final restraining order, officers should consult with an assistant prosecutor to file new criminal charges based on those violations.
- H. With respect to municipal ordinance violations, N.J.S.A. 40A: 14-152 provides: *"The officers of a police department, within the territorial limits of the municipality, shall have all the powers of peace officers and upon view may apprehend and arrest any disorderly person or any person committing a breach of the peace."*
1. Under this statute, there are three (3) prerequisites that must be met before an officer may arrest:
    - a. The offense must occur in Bloomfield Township; and
    - b. The offense must have occurred upon view of the officer; and
    - c. The offender either must be a disorderly person or have committed a breach of the peace.

## V. HANDCUFFING

- A. Sworn personnel shall maintain and carry on duty an operable set of handcuffs equipped with a double locking feature. Handcuffs shall be free of dirt, rust, lint or other conditions that may make them inoperative. If handcuffs are no longer functional, officers shall request a replacement through the chain of command.
- B. To provide greater control of an arrestee/detainee, officers shall:
  1. Remain alert for any unexpected moves by the subject;



2. If practicable, approach the subject from his/her rear or side;
  3. Maintain control of the subject and keep him/her off balance.
  4. Handcuff the subject behind their back, with palms facing outwards;
  5. Double lock the handcuffs;
  6. For greater control, loop the handcuffs through a belt (if the subject is wearing a belt) or a belt loop, if able;
  7. Never handcuff a subject to yourself or another officer;
  8. Never handcuff a subject to the inside of a vehicle or a fixed object unless the object is designed for that purpose.
- C. Use of handcuffs during investigations and prior to an at-scene arrest:
1. Officers should not use handcuffs prior to arrest unless special circumstances exist to warrant their use. Special circumstances include:
    - a. The subject is uncooperative or takes an action at the scene that raises a reasonable probability of danger or flight.
    - b. Where officers have information that the suspect is currently armed;
    - c. Where the stop/detention is in close proximity (time and space) following a violent crime
    - d. Where officers have information that a crime involving violence is imminent;
  2. In the absence of a continuing threat to the officer or citizen safety, the handcuffs should be removed if the protective frisk discovers no weapons.

## **VI. CUSTODY AND TRANSPORTATION**

- A. Officers shall search the rear seat of vehicles used for arrestee transportation at the beginning of their shift and conduct an inspection prior to occupation by an arrestee. Vehicles shall be searched again immediately after transportation to ensure that contraband or evidence had not been secreted by the arrestee. This includes the prisoner van.
1. Found property/evidence shall be collected and processed in accordance with existing procedures.
  2. The arrestee should be charged accordingly, when applicable.
- B. Immediately upon arrest all persons shall be handcuffed unless handcuffing is not possible due to injury or disability. Unless impractical due to injury, disability or physical size, handcuffs should be placed behind the back. Officers should remain aware of the dangers of positional asphyxia and continually monitor arrestees for symptoms.

1. Disposable handcuffs (e.g., nylon flex cuffs and nylon zip ties) are authorized for incidents where the number of arrestees exceeds the number of available handcuffs or when the arrestee's injury, disability or physical size prohibits the use of handcuffs. When such nylon devices are used, officers shall ensure that they have immediate access to a cutting tool if the arrestee suffers a medical emergency (e.g., respiratory distress due to positional asphyxia, etc.).
  2. Officers should ensure that the arrestee is seated upright and, whenever possible, secured in a seatbelt after the application of restraints and prior to transportation. The following are situations when using a seatbelt may be inappropriate or unsafe:
    - a. Aggressive/combative arrestee making attempts to secure him/her impracticable;
    - b. Injuries to the arrestee that may be aggravated by the seat belt;
    - c. The use of supplementary restraints on the arrestee that make it difficult, impossible, or unsafe for the seat belt to be employed.
- C. The entire person of the individual taken into custody shall be searched for weapons, contraband, evidence and implements of escape, as is the area under that individual's immediate control. The search must be thorough enough to ensure the safety of the individual, the arresting officer, and other officers and persons the individual may come in contact with while in custody.
1. This search must be conducted contemporaneous (happening at the same time) to the arrest immediately after the person has been restrained.
  2. In situations where an arrestee is accepted from another department, facility, store security or officer, the officer conducting the transportation must not assume that a competent search has already been conducted. Arrestees that are coming from these various environments may have inadvertently been exposed to contraband or weapons after their initial search and this possibility warrants the need for a new pre-transportation search.
- D. After being restrained and searched the arrestee should be placed in the rear of a police vehicle equipped with a partition between the front and rear passenger compartments with the rear door and window controls disabled or removed.
1. Whenever an arrestee is placed into a police vehicle, the doors to the vehicle should be locked to prevent unauthorized persons from opening the vehicle door.
  2. Officers shall exercise due care and assist arrestees who are entering or exiting a department vehicle during transportation procedures.
- E. If no such equipped vehicle is available or when confronted with a legitimate and unforeseen exigency that requires transportation of an arrestee in a vehicle that is not equipped with a security partition, if practicable two (2) officers should be present in the vehicle for the transportation. In such situations, both officers may

ride in the front seat, but the passenger officer's attention will be on the arrestee(s).

- F. Officers are permitted to utilize the prisoner van for transporting arrestees when the number of arrestees exceeds the capacity of the vehicles in the patrol fleet. The prisoner van can also be used in mass arrest situations. When arrestees are placed into the secured portion of the van, officers **shall** seatbelt them in and activate the interior lights to assist in maintaining visual observation. Officers shall ensure that video camera system is activated and working properly.
- G. Arrestees shall not be left unattended after being placed into police vehicles awaiting transportation. Officers must be constantly aware that other persons may attempt to free or otherwise facilitate an escape.
- H. Generally, arrestees are not permitted to communicate with anyone except a police officer during transportation or while awaiting transportation. Persons approaching a police vehicle containing an arrestee may be instructed to leave and advised that the failure to oblige may result in their arrest and/or prosecution.
- I. If any suspicious, threatening, dangerous, or alarming incident occurs during transportation, the officer should immediately notify Communications and pull over in a safe location to further observe or correct the situation. Particular attention shall be directed toward arrestees who are or might possibly be under the influence of alcohol or drugs or who have a propensity or history of being violent.
- J. Ordinarily, arrestees shall be transported directly to police headquarters, another law enforcement agency, or confinement facility as directed unless being taken to a medical facility for evaluation and/or treatment.
  - 1. Unless the injury is serious or life threatening, the arrestee can refuse medical evaluation and/or treatment.
  - 2. Officers shall employ the level of additional security at the treatment facility permitted by the nature of the injury, the regimen of treatment, and as allowed by the treating physician/nurse.
  - 3. Any evidence or indication of injury or illness to an arrestee shall be documented on the officer's incident report.
  - 4. Officers shall take universal precautions against blood borne pathogens and infectious diseases.
  - 5. If an arrestee must be admitted to the hospital, an officer shall be assigned to guard and remain with them until properly relieved.
  - 6. Police personnel shall **not** sign any documents at the hospital or medical facility indicating that the Township of Bloomfield is the responsible billing party.
  - 7. Arrestee visitors are prohibited. Only authorized medical staff shall be allowed into the room and have contact with the arrestee.
  - 8. Officer(s) shall ensure that the room/area is secure to the extent possible so that the arrestee cannot escape.

9. Officer(s) shall remain at the arrestee's room or inside and ensure that no unauthorized personnel enter. The arrestee shall be continuously monitored to minimize the potential for escape.
  10. If an escape occurs, see subsection VI.M and contact hospital security.
  11. If the hospital informs the officer that an arrestee who is to be committed to the Essex County Jail has a medical condition that requires admission to the hospital, the officer shall notify the patrol supervisor. The officer at the hospital shall remain at the hospital guarding the arrestee until relieved by another officer.
- K. Arrestee transportation should not be interrupted except in extreme cases. If the arrestee is stricken with a condition requiring immediate medical aid or a motor vehicle crash involving the transport, the transporting officer shall stop safely and with all due caution, provide any necessary medical aid in order to preserve the life of arrestee. If the officer(s) observe(s) a motor vehicle accident with potential serious bodily injuries or someone whose life is in jeopardy while transporting the arrestee, he/she may stop to render assistance until relieved.
- L. Prior to commencing transportation, officers shall advise Communications of the number of arrestees being transported, their gender, their classification (adult or juvenile), the starting location, their destination, and starting mileage to the nearest 1/10<sup>th</sup> of a mile. Upon arrival at their destination officers are to give their ending mileage.
- M. If an arrestee escapes while in custody prior to or during transportation:
1. The arresting/transporting officer(s) shall promptly notify communications.
  2. A general radio broadcast to all duty personnel shall be broadcast as soon as practicable and provide the following information at a minimum:
    - a. Arrestee's name, if known;
    - b. General description;
    - c. Clothing description;
    - d. Last known home address;
    - e. Last direction of flight;
    - f. Crime(s) / offense(s) originally arrested for;
    - g. Weapons, if known; and
    - h. Any other pertinent information known.
  3. Additionally, the patrol sergeant shall ensure that the escape is broadcast over SPEN to surrounding communities. Provide the same information listed above. Update any changes to this information as necessary.

4. The patrol sergeant shall cause notification to the Director of Public Safety through the chain of command.
  5. The patrol sergeant may assign additional staffing, as needed for assistance, to the scene or to provide patrol coverage while existing duty personnel are committed to the escape investigation/search. Activation of additional resources should be consistent with the offense/crime for which the escapee had been taken into custody, the likelihood of injury to the escapee and/or other persons, the likelihood of apprehension, and the anticipated duration of the search.
  6. The patrol sergeant shall ensure that telephone contact is made with any jurisdiction where the escapee may be likely to flee, provide the pertinent information, and request assistance from that jurisdiction in apprehension.
  7. When the escapee is recaptured, the patrol sergeant should direct a minimum of two (2) officers to reclaim the arrestee and transport him/her back to Bloomfield Township Police headquarters. Any alarm or broadcast to patrols or surrounding agencies should be promptly cancelled. Additional measures should be taken to prevent any further escape.
  8. Seek medical attention if the escapee requires it. Additional security measures shall be deployed to minimize any future escape attempt.
  9. The incident must be fully documented in an *Incident Report*.
- N. When transportation terminates at this department, officers will bring the arrestee(s) into the booking area and secure them.
- O. If an officer suspects that an arrestee may have a communicable disease, personnel shall wear appropriate protective equipment while searching, fingerprinting and processing the arrestee.
1. Clean the handcuffs with an alcohol or disinfectant wipe after removal from an arrestee.
  2. Officers shall thoroughly wash their hands with disinfectant soap after completing the search.
  3. If an officer has reason to believe his/her clothing has become contaminated as a result of contact with a party with a communicable disease, his/her clothing should be removed and placed in a plastic bag and cleaned as soon as practicable. After placing clothing in a plastic bag, personnel should wash their hands thoroughly with disinfectant soap.
  4. The interior of the police vehicles shall be disinfected before being used again.
  5. Paper towels used to clean up are to be discarded in a plastic bag and placed in an outside trash receptacle.

## **VII. SPECIAL NEEDS CUSTODY AND TRANSPORTATION**

- A. There may be instances when normal custody and transportation procedures are impracticable. These reasons include, but are not limited to:
  - 1. Arrestee(s) who exhibit signs of mental illness;
  - 2. Arrestee(s) who may be emotionally disturbed;
  - 3. Arrestee(s) who are physically disabled;
  - 4. Arrestee(s) who are injured;
  - 5. Arrestee(s) who are morbidly obese.
- B. Transportation for arrestees who exhibit special needs may be accomplished by ambulance, if available. Restraints should be used, if available and practicable. If the arrestee has a wheelchair and when practicable, the wheelchair should be transported with him/her. If not practicable to transport the wheelchair, other means of securing the wheelchair should be taken. (Example: officers should not attempt to lift or transport motorized wheelchairs but, should secure them at the scene or during normal business hours contact DPW to secure or transport the device.) Canes and crutches should also be taken but, shall be stored as arrestee property until needed.
- C. The patrol sergeant will determine whether the person being arrested should be taken to the booking room or to a medical facility for evaluation and/or treatment first.
- D. If an arrestee indicates that he/she has medication that they need to sustain their health, the arresting officer should take possession of the medication.
  - 1. Officers shall not dispense or permit arrestees to take medication (prescription or non-prescription);
  - 2. If the arrestee needs immediate medical attention, he/she shall be transported to the hospital via ambulance;
  - 3. If the arrestee is going to be committed to the Essex County Jail, the transporting officer shall bring the medication for determination by the Jail's medical staff.
- E. Arrestees have no right or privilege to attend funerals, religious services, visit in hospitals with critically ill family or friends, make phone calls other than to contact an attorney, family member, or arrange for bail, or attend probate proceedings while in the custody of this agency.

## **VIII. POST ARREST IDENTIFICATION, PROCESSING, AND RELEASE**

- A. Booking photographs (mug shots) shall be completed for all adult arrestees except for warrant arrests with no companion criminal charges. Such booking photographs must be:

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

B. Fingerprints shall be completed for all adult arrestees when:

1. Arrested for an indictable offense.
2. Arrested for a violation of any state law relating to narcotics or dangerous drugs, whether indictable or otherwise.
3. Within a reasonable time after the filing of a complaint-summons by an officer charging the defendant with an indictable offense.
4. Arrested for shoplifting.
5. Arrested for prostitution.
6. Convicted of a non-indictable offense and the identity of the convicted person is in question. The disposition shall be listed on the front of the

state fingerprint card. The date of sentence and terms of sentence shall be listed on the back of the fingerprint card.

7. Charged in an indictment/accusation and had not already been arrested, fingerprinted/photographed for the charge(s). The indictment number shall be listed on the front of the state fingerprint card.
  8. Arrested and believed to be wanted for an indictable offense.
  9. Arrested for a domestic violence related crime/offense where any of the following four criteria are met:
    - a. Victim exhibits signs of injury caused by an act of domestic violence;
    - b. A warrant is in effect;
    - c. There is probable cause to believe that the person has violated a judicial order in N.J.S.A. 2C: 29-9 AND there is probable cause to believe that the person has been served with that order;
    - d. There is probable cause to believe that a weapon as defined in N.J.S.A. 2C: 39-1 has been involved in an act of domestic violence.
  10. Arrested and believed to be a habitual criminal.
- C. The arresting officer shall ensure that the following checks are made on the arrestee(s) prior to their release or transfer to another facility or agency:
1. NCIC;
  2. ACS/ATS
- D. The arresting officer shall ensure that all appropriate victim/witness notifications are made.
- E. The arresting officer shall ensure that guidelines for alternate care for arrestee's dependents are followed and documented on the *Incident Report*, see General Order V3C7.
- F. The arresting officer shall ensure that a DNA sample is taken from arrestees with qualifying charges, see General Order V5C9.
- G. Juvenile fingerprints and photographs shall be taken consistent with N.J.S.A. 2A: 4A-61.

## **IX. COMPLAINT PROCESSING**

- A. In accordance with the *Statewide Veterans Diversion Program* (see subsection I.E of this general order), when a person is taken into custody for an eligible crime or offense, the officer shall inquire whether the person is an active service member or has ever served in the military services of the United States.



1. The results of this mandated inquiry, including any negative response, must be included in the PLEIR, as well as in the officer's initial report.
  2. Check the appropriate box on the eCDR complaint (when available);
  3. An assistant prosecutor **MUST** expressly approve any pre-complaint diversion of an individual pursuant to N.J.S.A. 2C: 43-25.
  4. If approval is not or cannot be obtained, regular complaint procedures shall be followed.
- B. The Essex County Prosecutor's Office must preauthorize all indictable crimes, disorderly person offenses or petty disorderly person offenses where a complaint-warrant (CDR-2) is sought.
1. No complaint-summons (CDR-1) for an indictable crime can be issued and no warrant can be submitted to a judicial officer without the prior approval of an assistant prosecutor.
  2. All proposed indictable charges, or any disorderly person offense involving domestic violence, where any of the grounds specified in N.J.S.A. 2C: 25-21(a)(1) to (4) may apply are to be submitted to an on-duty or on-call prescreening assistant prosecutor for charging authority, 24 hours, 7 days a week via eCourts by filing an eCDR.
- C. For all adult arrests requiring fingerprinting pursuant to subsection VIII.B of this general order, the officer processing the arrest shall consult with the on-duty or on-call prescreening assistant prosecutor to determine the highest charge for which probable cause exists by completing the following. (Note: juvenile arrests are excluded from this procedure).
1. Fingerprint the defendant on LiveScan. The LiveScan records submission check shall include the highest degree crime for which the law enforcement officer has probable cause to charge and should also include all other charges for which there is probable cause.
    - a. NOTE: Up to 999 charges can go on a single eCDR, with the limit of 3 charges per page; indictable, disorderly person and petty disorderly persons offenses may all go on the same eCDR.
    - b. Wait until the LiveScan confirmation is received and determine if the LiveScan linked to a known individual.
  2. Select the 'to be determined' (TBD) complaint option in eCDR and complete the required fields.
  3. Complete the *Affidavit of Probable Cause* in eCDR.
    - a. In accordance with *New Jersey Attorney General's Directive 2017-1*, do not include victim and/or witness' identifying information in the *Affidavit of Probable Cause*, such as names and addresses. DO NOT use initials! Officers must still include the victim's name in the narrative of the eCDR.

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

- 12) Prior custodial sentence of 30 days or more;
  - 13) Failure on current or prior conditional release (including bail, parole, probation, or pretrial release order) or conditions of a restraining order (TRO, FRO, DORO, SORO, SASPA, stalking).
- b. NOTE: Factors scored a '1' on the *ODARA Scoring Form* should be checked off on the PLEIR. Officers should not convey to the court factors scored with a '?' or '0'.
- c. Also note:
- 1) Whether the defendant has access to firearms;
  - 2) Whether the defendant attempted to or did strangle the victim during this incident or at any time prior;
  - 3) Defendant's characteristics:
    - a) Defendant has history of mental illness (may include PTSD, depression, etc.)
    - b) Defendant exhibited suicidal behavior (such as excessive sadness or moodiness) or threatened self-injury during this incident or at any time prior thereto
    - c) Defendant has a history of stalking, harassment or terroristic threats (towards any victim);
    - d) Defendant threatened to or did harm a household pet during this incident or at any time prior;
    - e) Defendant is unemployed or has a history of chronic unemployment.
  - 4) Relationship changes:
    - a) Victim recently left defendant or informed defendant that he/she was ending the relationship;
    - b) Victim is with a new intimate partner;
    - c) There have been changes in custody of the children.
5. Run the PSA. The PSA score will include the following:
- a. Failure to appear (FTA) (1-6);
  - b. New criminal activity (NCA) (1-6);
  - c. New violent criminal activity flag (NVCA) (Yes or No).

6. The following additional information must also be provided to the prescreening assistant prosecutor via eCourts.
  - a. CCH;
  - b. Out of state CCH (III);
  - c. Juvenile history (FACTS);
  - d. Domestic violence registry check;
  - e. ODARA (domestic violence cases only; see subsection I.B of this general order for qualifying domestic violence related crimes/offenses);
    - 1) NOTE: Use an *ODARA Scoring Form* regardless of the gender of the person committing the index assault or the gender of the victim, but officers shall only use the ODARA scores to frame decision-making in cases in which a male or a person who self identifies as a male has assaulted a female or a person who self identifies as a female partner.
    - 2) In all other cases, officers should include a concise description of all ODARA items found to be present in any *Affidavit of Probable Cause* submitted with an application for a complaint-warrant.
  - f. Sexual assault registry check;
  - g. Any other information relied upon by the law enforcement agency in processing arrest (e.g., ATS, ACS warrant checks, de-confliction checks, if appropriate, etc.).
7. Applying all relevant information to the below subsections or [Chart 1](#), determine with the patrol sergeant if the charge(s) are:
  - a. Mandatory complaint-warrant;
  - b. Presumed complaint-warrant; or
  - c. Presumed complaint-summons.
8. The submitting officer must then submit the eCDR through eCourts for the prescreening assistant prosecutor's review.
9. The assistant prosecutor will review and/or approve the eCDR in eCourts, forward it to the submitting officer for submission to the judicial officer for approval.
10. If there are any revisions required, the prescreening assistant prosecutor will return the eCDR to the submitting officer via eCourts for further revision.

D. MANDATORY COMPLAINT-WARRANT – Crimes/conditions requiring a mandatory application for a complaint-warrant where probable cause exists to believe that defendant committed or attempted to commit:

1. Murder (N.J.S.A. 2C: 11-3);
2. Aggravated manslaughter (N.J.S.A. 2C: 11-4(a));
3. Manslaughter (N.J.S.A. 2C: 11-4(b));
4. Aggravated sexual assault (N.J.S.A. 2C: 14-2(a));
5. Sexual assault (N.J.S.A. 2C: 14-2(b) or (c));
6. Robbery (N.J.S.A. 2C: 15-1);
7. Carjacking (N.J.S.A. 2C: 15-2);
8. Escape (N.J.S.A. 2C: 29-5(a));
9. The defendant was extradited from another state for the current charge (the officer must notify the court of the extradition);
10. A lawful detainer has been lodged against the defendant by another law enforcement agency (the officer must notify the court of the detainer(s)).
11. Note: If a defendant is arrested for an offense committed under the laws of another state, or the United States, and is not charged with an offense under New Jersey law, the *Bail Reform Act* does not apply, and the agency making the arrest or having custody of the defendant shall proceed in accordance with the laws, practices, and procedures currently in place.

E. PRESUMED COMPLAINT-WARRANT:

1. Automated risk assessment (PSA) indicates an elevated risk of flight (i.e. FTA score of 3, 4, 5 or 6);
2. Automated risk assessment (PSA) indicates an elevated risk of new criminal activity (i.e. NCA score of 3, 4, 5 or 6);
3. Automated risk assessment (PSA) indicates that there is a risk of new violence (i.e. the new violent criminal activity (NVCA) flag is indicated);
4. When 'unclassifiable charges' appear on a preliminary PSA unless otherwise directed by an assistant prosecutor;
5. The defendant has violated a domestic violence restraining order or condition of release as part of present offense;
6. The defendant has violated a sexual assault survivor protection order or condition of release as part of present offense;

7. There is probable cause to believe that the defendant committed bail jumping in violation of N.J.S.A. 2C: 29-7, witness tampering or retaliation in violation of N.J.S.A. 2C: 28-5, witness obstruction in violation of N.J.S.A. 2C: 29-3b(3), or witness tampering in violation of N.J.S.A. 2C:29-3a(3);
8. There is probable cause to believe that the defendant committed or attempted to commit:
  - a. A 1<sup>st</sup> or 2<sup>nd</sup> degree crime set forth in Chapter 35 of Title 2C;
  - b. A crime involving the possession/use of a firearm;
  - c. Vehicular homicide (N.J.S.A. 2C: 11-5);
  - d. A second-degree aggravated assault (N.J.S.A. 2C: 12-1(b));
  - e. Assault on public officials or employees 3<sup>rd</sup> degree (N.J.S.A. 2C: 12-1(b)(5));
  - f. Disarming a law enforcement officer (N.J.S.A. 2C: 12-11);
  - g. Kidnapping (N.J.S.A. 2C: 13-1);
  - h. Aggravated arson (N.J.S.A. 2C: 17-1(a));
  - i. Second degree burglary (N.J.S.A. 2C: 18-2);
  - j. Extortion (N.J.S.A. 2C: 20-5);
  - k. Causing or permitting a child to engage in a prohibited sexual act (N.J.S.A. 2C: 24-4b(3));
  - l. Photographing, filming, sexual exploitation, or abuse of a child (N.J.S.A. 2C: 24-4(b)(3), (b)(4), or (b)(5)).
  - m. Eluding 2<sup>nd</sup> degree (N.J.S.A. 2C: 29-2(b));
  - n. Booby traps in manufacturing/distribution facilities (N.J.S.A. 2C: 35-4.1(b));
  - o. Strict liability for drug induced death (N.J.S.A. 2C: 35-9);
  - p. Terrorism (N.J.S.A. 2C: 38-2);
  - q. Producing or possessing chemical weapons, biological agents or radiological devices (N.J.S.A. 2C: 38-3);
  - r. Firearms trafficking (N.J.S.A. 2C: 39-9(i));
  - s. Racketeering (N.J.S.A. 2C: 41-2).

9. The present offense was committed while on release for another offense (including release for any indictable crime or disorderly persons offense whether that previous offense had been charged by complaint-warrant or complaint-summons);
10. The present offense was committed while on probation, special probation, intensive supervision program (ISP), parole or pretrial intervention (PTI), community supervision for life (CSL), or parole supervision for life (PSL) where the defendant pleaded guilty as required by N.J.S.A. 2C: 43-12g(3);
11. The present offense was committed while the defendant was on release pending sentence or appeal;
12. Within the last 10 years, the defendant as a juvenile was adjudicated delinquent for a crime involving a firearm or a crime that if committed by an adult would be subject to N.J.S.A. 2C: 43-7.2;
13. It reasonably appears that the defendant has an out-of-state pending charge or conviction involving actual or threatened violence or unlawful possession or use of a firearm;
14. When the ODARA score is 3 or greater;
15. The PSA results are not available because either the Live Scan system or the judiciary's automated PSA system is not operational, or the results from the PSA otherwise are not or will not be available within a reasonable period of time (e.g. within two hours of fingerprinting the defendant);

F. DOMESTIC VIOLENCE RELATED CASES:

1. Officers shall complete an ODARA in those cases of domestic violence in which the following crimes/offenses are charges and the victim is a partner, as defined in subsection I.B.1 of this directive:
  - a. Homicide (N.J.S.A. 2C: 11-1);
  - b. Simple assault with contact or a weapon (N.J.S.A. 2C: 12-1a);
  - c. Aggravated assault (N.J.S.A. 2C: 12-1b);
  - d. Terroristic threats with contact or with a weapon (N.J.S.A. 2C: 12-3);
  - e. Kidnapping (N.J.S.A. 2C: 13-1);
  - f. False imprisonment with contact or with a weapon (N.J.S.A. 2C: 13-3);
  - g. Sexual assault (N.J.S.A. 2C: 14-2);
  - h. Criminal sexual contact (N.J.S.A. 2C: 14-3);
  - i. Robbery (N.J.S.A. 2C: 15-1);

- j. Burglary, 2<sup>nd</sup> degree with contact or with a weapon (N.J.S.A. 2C: 18-2);
  - k. Any other crime involving risk of death or serious bodily injury (N.J.S.A. 2C: 25-19a(18)).
2. Prior to administering an ODARA, officers shall inform the victim about the use of the information being obtained and resultant score as well as the person(s) or agencies that will have access to the results and permit the victim to decline participation if the victim believes that participation will compromise his/her safety.
- a. If the victim declines to participate in the ODARA interview, the officer shall complete the ODARA without the victim's participation. In such instances, the information to complete the ODARA can be obtained from others knowledgeable about the circumstances of the victim and the defendant, law enforcement reports, law enforcement databases, etc.
  - b. (NOTE: such information gathering can also be employed in those instances in which a victim is incapable of participating in an interview (e.g., hospitalized, etc.)).
3. When considering the totality of circumstances, the following special considerations and factors must be assessed:
- a. In consultation with a supervisor, the officer must consider whether the mandatory detention that would result from the issuance of a complaint-warrant might exacerbate the domestic violence situation or might discourage a victim from pursuing the charge or cooperating with the prosecution, or otherwise would not serve the interest of justice.
  - b. Given the repetitive nature of domestic violence offenses, the officer or supervisor may consider whether it is appropriate to apply for a complaint-warrant in recognition that if the defendant is charged on a complaint-summons and thereafter commits a new crime while on pretrial release, the prosecutor cannot move to revoke release.
  - c. In determining whether to apply for a complaint-summons or a complaint-warrant in domestic violence cases, the officer or supervisor shall give special consideration to the following circumstances relevant to the risks that would be posed if the defendant were to be released on a complaint-summons:
    - 1) Whether the victim exhibited sign of injury caused by an act of domestic violence, and if so, the extent of injury;
    - 2) Whether any weapon was used or threatened to be used against the victim;
    - 3) Whether the defendant has at any time previously violated a domestic violence restraining order and the nature and seriousness of such violation(s);



- 4) Whether there is reason to believe that the defendant possesses one or more firearms that for practical or other reasons cannot be seized or surrendered pursuant to the *Prevention of Domestic Violence Act* before the defendant can be released on a complaint-summons.
- 5) Whether the defendant exhibited suicidal behavior such as excessive sadness or moodiness or threatening self-injury;
- 6) Whether the defendant attempted to or did strangle the victim during an assault or at any point prior thereto; and
- 7) Whether the defendant threatened to or did harm a household pet.

d. In any application for a complaint-warrant, the presence of any of the above circumstances shall be included in the *Affidavit of Probable Cause*.

e. When the officer or supervisor has reason to believe, considering the totality of the circumstances including, but not limited to the special factors listed above, that issuance of a no-contact condition or other restraint, a requirement to surrender weapons, or any other special condition of pretrial release expressly authorized by N.J.S.A. 2C: 25-26(a) is necessary to reasonably assure the immediate safety of the victim, the officer shall apply for a complaint-warrant and seek imposition of the condition(s) needed to reasonably assure the immediate safety of the victim.

f. Nothing in this subsection shall be construed to preempt or in any way alter the authority of the victim to apply for a temporary or final restraining order, and the special conditions of pretrial release in the criminal prosecution sought pursuant to this subsection shall be in addition to, not in lieu of, any such civil temporary or final restraining order.

g. If the decision is made to apply for a complaint-warrant, the application shall clearly state that the offense involves domestic violence and shall include any relevant information contained in the *Domestic Violence Central Registry* and/or ODARA, if applicable.

h. Whether the offense is charged by complaint-warrant or complaint-summons, the victim shall be informed how to apply for a restraining order under the *Prevention of Domestic Violence Act*.

i. This requirement to inform the victim shall not be construed to preclude the officer or supervisor from seeking imposition of a no contact or other appropriate restraint as a condition of release on a complaint-warrant as may be required.

G. PRESUMED COMPLAINT-SUMMONS – If the case is not a mandatory or presumed complaint-warrant application, the officer **SHALL** issue a complaint-summons, unless the application for a complaint-warrant is reasonably necessary to protect the safety of a victim or community, to reasonably assure the

defendant's appearance in court when required, or to prevent the defendant from obstructing or attempting to obstruct the criminal justice process, AND there is a lawful basis to apply for a complaint-warrant:

1. The defendant has been served with a complaint-summons and has failed to appear;
  2. There is reason to believe that the defendant is dangerous to him/herself if released on a summons;
  3. There is reason to believe that the defendant will pose a danger to the safety of any other person or the community if released on a summons;
  4. There is an outstanding warrant for the defendant;
  5. The defendant's identity or address is not known and a warrant is necessary to subject the defendant to the jurisdiction of the court;
  6. There is reason to believe that the defendant will obstruct or attempt to obstruct the criminal justice process if released;
  7. There is reason to believe that the defendant will not appear in response to a summons; or
  8. There is reason to believe that the monitoring of pretrial release conditions by the pretrial services agency is necessary to protect any victim, witness, other specified person, or the community.
- H. Officers are authorized to issue a complaint-summons (CDR-1) for disorderly person and/or petty disorderly persons offense without first contacting the prescreening assistant prosecutor provided that the patrol sergeant has approved the issuance of the complaint-summons and the issuance of a complaint-summons is presumed.
- I. All domestic violence related disorderly and petty disorderly offenses MUST be referred to appropriate on-call or on-duty prescreening assistant prosecutor for review.
1. The on-duty prescreening assistant prosecutor(s) can be reached from 0600hrs to 1600hrs and 1600hrs to 0200hrs at **(973) 699-7712**.
    - a. Please contact the on-duty prescreening assistant prosecutor by telephone if you have any questions and/or a delayed response after submitting via eCourts for review.
    - b. The on-duty prescreening assistant prosecutor is also available to provide legal advice to officers.
  2. The on-call prescreening assistant prosecutor can be reached from 0200hrs to 0600hrs daily at **(973) 715-4564**.
    - a. The on-call prescreening assistant prosecutor shall be contacted via telephone in order to advise that a complaint-warrant (CDR-2) has been submitted via eCourts for the assistant prosecutor's

review.

- b. The on-call prescreening assistant prosecutor is also available to provide legal advice to law enforcement officers.
- J. All charges and arrests related to homicides, vehicular homicides, arsons, sex crimes, child abuse, carjackings, law enforcement related and official misconduct are to be pre-screened by the assigned units. These units may be contacted as follows:
1. Weekdays: 0830hrs to 1600hrs – contact the specific unit directly or 973-621-4700
  2. After regular business hours (1600hrs to 0830hrs), weekends and holidays: Contact the on-call assistant prosecutor or on-call unit detective through the Essex County Sheriff's Office BCI at (973) 621-4111.
- K. *ODARA Scoring Forms*:
1. Officers shall transmit a copy of the completed *ODARA Scoring Form* to the Essex County Prosecutor's Office at [ODARA@njecpo.org](mailto:ODARA@njecpo.org) as soon as practicable following completion, but no later than 24 hours following its completion.
  2. Officers shall also transmit a copy of the completed *ODARA Scoring Form* to the Division of Criminal Justice as soon as practicable following completion at [ODARA@njdcj.org](mailto:ODARA@njdcj.org).
  3. The original *ODARA Scoring Form* shall be maintained in the applicable case file.
  4. ODARA scores shall not be communicated or disseminated to members of the judiciary (i.e., judicial officers, including judges and court administrators, and pretrial service program personnel), and completed *ODARA Scoring Forms* shall not be offered in evidence. This prohibition applies to every stage of a criminal prosecution (e.g., applications for complaint-warrants, requests for conditions of release, hearings for pretrial detention, and trials). However, officers should utilize any information learned from the ODARA to frame critical decisions during criminal prosecutions, including whether to seek a complaint-warrant and whether to seek detention.
  5. *ODARA Scoring Forms* are subject to discovery.
- L. Uniform jail commitment procedures:
1. When presenting a prisoner at the Essex County Correctional Facility the following must be submitted with the prisoner:
    - a. A completed copy of the *Uniform Jail Commitment Form*;
    - b. A printed copy of the authorized complaint-warrant (i.e., eCDR);
    - c. A printed copy of any outstanding warrants and/or detainers;

- d. The prisoner's property receipts (including personal money of the prisoner);
- e. Victim Notification Form (VNF), if applicable.

## X. BAIL

- A. Police officers shall not accept bail during the regular business hours of the court, unless the court is closed.
- B. The arresting officer shall not set or modify bail, nor shall he/she accept bail. The officer assigned to the front desk shall accept bail.
- C. When bail is taken, the officer accepting the bail shall:
  - 1. Make a complete entry in the *Bail Log Book*.
  - 2. If bail is posted with cash, check or money order, complete the *Bail Receipt Book*. The *Bail Receipt Book* contains a numbered triplicate form. When completed, give the white copy to the surety. Attach the yellow copy to the collected bail. The pink copy remains in the *Bail Receipt Book*.
  - 3. In accordance with Court Rules, no receipt is necessary for a bail bond. However, the indictable offense-filing fee must be accepted in cash only. Therefore, a bail receipt must be completed for the filing fee amount only with the same distribution of the copies as indicated above.
  - 4. List the necessary information on the *Bail Receipt*; endorse the *New Jersey Bail Recognizance Form*.
- D. Only cash bail can be accepted with the exception of a bail bond, money order or check from a reputable citizen with surety (i.e., the act of taking responsibility for the arrestee's appearance in court).
  - 1. Cash bail can only be made in US currency. Foreign currency is not acceptable. When authorized, personal checks must be drawn on US banks.
  - 2. Bail and the necessary filing fee (\$30 for indictable offenses) must be made in cash for the exact amount. **DO NOT** accept bail and the filing fee in other than the exact amount. The indictable offense-filing fee must be in cash only whether the bail is posted using check, money order or bond.
  - 3. Officers accepting cash bail shall count the bail money twice. Both counts shall be made in the presence of the person posting the bail. The officer in charge may opt to have another police department representative present during these counts to verify accuracy.
  - 4. The bail along with the *New Jersey Bail Recognizance Form* and yellow copy of the *bail receipt* shall be placed inside a bail envelope, sealed and placed into the *Bail Security Box* located at the front desk.

5. If bail or subsequent bail(s) exceed the capacity of the *Bail Security Box*, the bail shall be placed into an evidence locker and locked. The Court Administrator shall be notified at the start of their next business day. Only the Property/Evidence Custodian or designee can open the evidence locker.
- E. The *New Jersey Bail Recognizance Form* shall be utilized in all matters involving the posting of bail.
1. The Municipal Court is responsible for the inventory and control of all *New Jersey Bail Recognizance Forms* and the *Bail Receipt Book* used by the municipal court and this department.
  2. The supervisor who assists the Court with the bail audit is responsible to ensure that there are adequate supplies of the above forms and notify the Court if additional forms are needed.
  3. The *New Jersey Bail Recognizance Form* must be completed for all bail posting involving indictable and non-indictable matters, and whenever a bench warrant has been issued (including traffic and quasi-criminal matters) in the following situations:
    - a. Whenever cash bail is accepted;
    - b. Whenever the court authorizes the defendant's release in the defendant's own recognizance (ROR);
    - c. Whenever bail is satisfied by the deposit of 10% cash bail;
    - d. Whenever a corporate surety posts bail.
  4. If a bondsman posts bail on behalf of a corporate surety, that bondsman is required to execute the *New Jersey Bail Recognizance Form* under that surety's duly acknowledged corporate seal, and shall attach to the bond written proof of the corporate authority and qualifications of the officers or agents executing the *New Jersey Bail Recognizance Form*.
  5. In those circumstances when someone other than the defendant is posting cash bail, the *Affidavit of Ownership*, located at the bottom of the *New Jersey Bail Recognizance Form*, must be completed in full. This portion of the document provides proof of ownership. The *Affidavit of Ownership* must be sworn, subscribed to and signed by the officer assigned to the front desk and the depositor of the cash bail.
  6. When accepting bail for warrants that had been issued from multiple jurisdictions, one *New Jersey Bail Recognizance Form* **MUST** be completed for each jurisdiction. (Example: Arrestee is being held on warrants from 3 separate jurisdictions. When posting bail, 3 *New Jersey Bail Recognizance Forms* **MUST** be completed; one for each jurisdiction.)
  7. In addition to the above requirement, when accepting bail on warrants issued from multiple jurisdictions and if the warrants involve indictable matters, the required \$30.00 filing fee must be collected in cash for each

warrant. In using the example above, the total filing fee would be \$90.00 and paid only with cash.

8. Photocopies of this *New Jersey Bail Recognizance Form* are **not** acceptable. The *New Jersey Bail Recognizance Form* **must** be completed in black ink!
  9. The supervisor who assists the court with the bail audit is responsible to ensure that there are adequate supplies of *New Jersey Bail Recognizance Forms* and notify the Court if additional forms are needed.
- F. When applicable, require the person posting the bail to complete a *Bail Source Inquiry Questionnaire*.
  - G. The officer may assist the municipal court judge in determining the proper bail by providing the judge with information about the arrestee's background, residence, employment and family status. The judge will then set bail at the appropriate amount to insure their presence in court when requested.
  - H. Police officers shall not admit to bail persons who are apparently under the influence of narcotics or intoxicants unless they can be released to the care of a responsible person.
  - I. When arrests are made on warrants on a complaint that originated in the superior courts, bail must be set by a superior court judge or another designee of the superior court.
  - J. Police officers shall not admit to bail any juvenile offender who may be taken into custody.
  - K. The municipal court administrator or designees that have access to the *Bail Security Box* will collect all cash, bond, check(s), bail receipts, recognizance forms on a schedule to be determined by the municipal court administrator.

## **XI. REPORTING REQUIREMENTS**

- A. All arrest incidents shall minimally require the following documentation whether electronic or paper equivalent:
  1. Incident Report;
  2. DWI Reports (in DWI cases);
  3. Arrest Report (Form 8);
  4. Preliminary Law Enforcement Incident Report (when a CDR-2 is issued);
  5. Affidavit of Probable Cause (when a CDR-2 is issued);
  6. ODARA Scoring Form (when applicable);
  7. Cell Log (if subject to custodial confinement);
  8. Property/Evidence Report (if required);

9. Consent to Search (if required);
10. Use of Force Report (if required);
11. Witness statements (if required);
12. Miranda Waiver (if required);
13. Victim Notification Form (if required);
14. [Supplemental Domestic Violence Offense Report](#) (if required);
15. Alternate Care Form (if required);
16. Risk Assessment Form (if required);
17. A CJP Packet (if the arrestee is being committed to the Essex County Jail).

## **XII. SUPPLEMENTAL PRISONER TRANSPORTATION**

- A. This section addresses instances where prisoners already in custody are transported to and from this agency.
- B. Prior to beginning any transportation, personnel assigned shall ensure that the vehicle being used is sufficiently fueled. For transportation over long distances, officers should be prepared to purchase fuel if necessary, receipt required. Reimbursement shall be sought through the chain of command.
- C. Take an E-ZPass transponder, when required.
- D. Typically, interstate transportation will be performed by the Essex County Sheriff's Office. If this agency is called upon to assist, officers(s) assigned shall be briefed on and adhere to the Sheriff's policies and procedures.
- E. Officers shall utilize the prisoner van for transporting prisoners to the Essex County Jail, except when otherwise ordered by the Director of Public Safety or his/her designee:
  1. Monday through Friday – the prisoner van shall be used for transportation at 1100hrs and at 2000hrs unless otherwise permitted by the Director of Public Safety or his/her designee.
  2. Saturday and Sunday – the prisoner van shall be used for transportation at 1100hrs each day, when necessary unless otherwise permitted by the Director of Public Safety or his/her designee.
  3. The duty tour commander shall assign officers to this detail.
- F. Officers shall search the rear compartment of the prisoner van prior to occupation by the prisoner(s). The prisoner van shall be searched again following transportation.

- G. Prisoners being taken to or from county jail, state prison, or other facility should generally be handcuffed in the back unless circumstances require handcuffing in the front. The circumstances may include, but are not limited to:
1. Transporting to/from long distances (typically out-of-county);
  2. Disability;
  3. Potential for positional asphyxia (morbid obesity, etc.);
  4. Disposable handcuffs, (e.g., nylon flex cuffs and/or nylon zip ties) may be utilized when deemed necessary to provide additional restraints for subjects who are combative or deemed a flight risk. When such nylon devices are used, officers shall ensure that they have immediate access to a cutting tool if the arrestee suffers a medical emergency (e.g., respiratory distress due to positional asphyxia, etc.)
  5. Transportation of arrestees/prisoners in a lying or supine position is prohibited. Accordingly, the application of additional restraints must be made in such a manner as to allow for upright transportation of all prisoners.
- H. When placing prisoners into the secured portion of the prisoner van, officers **shall** seatbelt them in and activate the interior lights to assist in maintaining visual observation. Officers shall ensure that video camera system is activated and working properly
- I. Prisoners being taken to/from any facility shall be searched prior to being placed in a vehicle. Do not assume that the prisoner is free of weapons, contraband, evidence, or implements of escape.
- J. Each prisoner being transported to or from another detention facility should be positively identified as the person who is to be moved. Names, physical identifiers, photographs (if available), date of birth, fingerprints, etc. shall be verified beforehand. The proper documentation shall accompany the prisoner being moved to or from another facility. This documentation includes, but is not limited to:
1. Warrants;
  2. Personal property, if feasible;
  3. Commitment papers;
  4. Medical records of unusual illnesses (if applicable);
  5. Information relating to the prisoner's escape or suicide potential or other personal traits of a security nature;
  6. Victim notification forms.
- K. Follow intake/booking procedures when bringing prisoners to this facility.



- L. When the prisoner van is unavailable or when otherwise ordered by the Director of Public Safety or his/her designee, prisoners should be transported in a vehicle equipped with a safety partition with the rear doors and windows controls disabled or removed. A minimum of two officers should ordinarily perform the transportation. The second officer may sit in the front seat, but that officer's attention should be focused on the prisoner. Prisoners should be secured with the vehicle's safety restraints. This further restraint will provide an additional level of security for the transporting officers.
- M. Multiple prisoners can be transported within the same vehicle, but the number of prisoners shall not exceed the capacity of the safety devices (lap and shoulder harnesses) in rear seat or van area.
  - 1. Adult prisoners and juvenile detainees shall not be transported together in the same vehicle.
  - 2. Unless exigent circumstances exist, male and female prisoners shall not be transported in the same vehicle
- N. If any suspicious, threatening, dangerous, or alarming incident should occur during transportation, the officer should immediately notify Communications and pull over in a safe location to further observe or correct the situation. Particular attention shall be directed toward prisoners who are or might possibly be under the influence of alcohol or drugs or who have a propensity or history of being violent.
- O. Prisoners are not permitted to communicate with anyone except a police officer during transportation or while waiting to be transported. Persons approaching a police vehicle containing a prisoner may be instructed to leave and advised that the failure to oblige may result in their arrest and/or prosecution.
- P. Prisoners shall be transported directly to the intended destination as directed unless being taken to a medical facility for treatment.
- Q. Prisoner transportation should not be interrupted for any reason except in extreme cases. Should the prisoner be stricken with a medical condition requiring immediate aid or a vehicle crash involving the transporting vehicle, the transporting officer shall stop safely but should not remove the prisoner from the vehicle to render aid unless another officer is present to assist. Also if the officer(s) observes a motor vehicle accident with potential serious bodily injuries or someone whose life is in jeopardy while transporting the prisoner, he/she may stop to render assistance until relieved. In these situations, the officer shall;
  - 1. Immediately notify communications of the event and what type of assistance is needed. Communications shall then direct the appropriate type and level of assistance, if local; and
  - 2. If the transporting vehicle is in another jurisdiction, communications personnel shall then immediately contact the law enforcement agency with jurisdictional responsibility for assistance.
- R. If long-range transportation is necessary, the prisoner should be directed to use the restroom facilities prior to transportation. Officers must remain aware that any request to stop may be a pretext for escape. If a restroom stop is required,

personnel should use the facilities at a state, county or local law enforcement agency and not public restrooms at highway rest areas.

- S. Personnel shall not stop to eat or take breaks while transporting prisoners.
- T. Prior to commencing transportation, personnel shall advise Communications of the number of prisoners being transported, their gender, the starting location, their destination, and starting mileage. Upon arrival at their destination, personnel are to give their ending mileage. If out of radio range, use a telephone to relay this information and call a taped line.
- U. If a prisoner is being transported to another law enforcement agency or confinement facility, personnel shall comply with all of that agency's rules and procedures concerning weapons storage.
- V. If the prisoner's destination is other than this agency,
  - 1. Restraints should not be removed until just prior to placing the prisoner in a cell or other secure holding facility.
  - 2. All necessary forms, documentation, and prisoner property shall be turned over to the receiving agency.
  - 3. The name of the receiving official shall be documented in the transportation report/record.
  - 4. The receiving agency shall be advised of any potential medical or security hazards concerning the prisoner(s).
- W. If a prisoner escapes during transportation, see section VI.M of this general order.
- X. If prisoners with special needs are being transported to an Essex County facility, first notify the Essex County Sheriff's Office to see if that agency can provide transportation.
- Y. Do not presume that restraining devices are unnecessary for disabled prisoners, but exercise discretion in restraining a disabled or injured prisoner for transportation. Depending on the degree of disability or the body parts or functions that are disabled, simple handcuffing in the front through a belt may suffice. Prisoners who cannot walk without crutches or cane(s) may be permitted to do so without restraint depending on their security risk. A wheelchair may be preferred to transport non-ambulatory prisoners where high security is warranted. The prisoner should be secured to the wheelchair.
- Z. Prisoners being picked up at other locations and exhibiting signs of untreated injuries should normally be refused. If the prisoner is being picked up on a Bloomfield Township warrant:
  - 1. Take the prisoner to the nearest medical facility for emergency treatment;
  - 2. If the prisoner exhibits signs of mental illness, follow the protocols found in *General Order V3C21 Emotionally Disturbed Persons*, specifically the subsections on mental health screening and commitment.

3. Prisoners exhibiting signs of intoxication may be accepted but, should be transported to a medical facility for medical clearance.
  4. Promptly notify the patrol sergeant and document the matter.
- AA. Operational or administrative problems encountered while transporting prisoners shall be documented. These problems include, but are not limited to:
1. Prisoners who become sick or injured during transportation;
  2. Agency vehicle crashes with prisoners on board during transportation;
  3. Prisoner escapes (or attempts to escape);
  4. Inoperative or damaged restraints or equipment;
  5. Intake problems at other facilities, etc.

## CHART 1- MANDATORY/PRESUMED WARRANT

<b>Statute</b>	<b>Charge (including attempt)</b>	<b>Warrant?</b>
2C: 11-3	Murder	MANDATORY
2C: 11-4(a), (b)	Aggravated manslaughter or manslaughter	PRESUMED
2C: 11-5	Vehicular homicide	PRESUMED
2C: 12-1(b)(1), (6), (8)	Aggravated assault (2 <sup>nd</sup> degree only)	PRESUMED
2C: 12-1(b)(4)	Aggravated assault (pointing a firearm)	PRESUMED
2C: 12-1(b)(5)	Assault on public officials 3 <sup>rd</sup> degree	PRESUMED
2C: 12-11	Disarming a law enforcement officer	PRESUMED
2C: 13-1	Kidnapping	PRESUMED
2C: 14-2(a), (b), (c)	Aggravated sexual assault or sexual assault	MANDATORY
2C: 15-1	Robbery	MANDATORY
2C: 15-2	Carjacking	MANDATORY
2C: 17-1(a)	Aggravated arson	PRESUMED
2C: 18-2	Burglary (2 <sup>nd</sup> degree only)	PRESUMED
2C: 20-5	Extortion	PRESUMED
2C: 24-4(b)(3)	Causing or permitting a child to engage in a sexual act	PRESUMED
2C: 24-4(b)(3)(4)(5)	Photographing, filming, sexual exploitation, abuse of a child	PRESUMED
2C: 28-5	Witness tampering / retaliation	PRESUMED
2C: 29-3(a)(3), (b)(3)	Witness tampering or witness obstruction	PRESUMED
2C: 29-2(b)	Eluding (2 <sup>nd</sup> degree)	PRESUMED
2C: 29-5(a)	Escape	MANDATORY
2C: 29-7	Bail jumping	PRESUMED
2C: 29-9(b), (d)	Violation of restraining order / SASPA	PRESUMED
2C: 35-3	Leader of narcotics trafficking network	PRESUMED
2C: 35-4	Maintaining a CDS production facility	PRESUMED
2C: 35-4.1(b)	Booby traps in manufacturing or distribution facilities	PRESUMED
2C; 35	Other CDS offenses (1 <sup>st</sup> and 2 <sup>nd</sup> degree only)	PRESUMED
2C: 35-7.1	Possession with intent to distribute CDS within 500' of public property (2 <sup>nd</sup> degree only)	PRESUMED
2C: 35-5b	Possession with intent / distribution (1 <sup>st</sup> or 2 <sup>nd</sup> degree only)	PRESUMED
2C: 35-9	Strict liability in drug induced deaths	PRESUMED
2C: 38-2/2C: 38-3	Terrorism / chemical weapons, biological agents, etc.	PRESUMED
2C: 39-3(b), 3(d)	Prohibited firearm (sawed-off shotgun or defaces firearm)	PRESUMED
2C: 39-4(a)	Unlawful purpose (firearm)	PRESUMED
2C: 39: 4.1(a)	Weapons and controlled dangerous substances/Bias	PRESUMED
2C: 39	Unlawful possession or use of a firearm	PRESUMED
2C: 39-7(b)	Certain persons not to possess weapons (firearms)	PRESUMED
2C: 39-9(i)	Firearms trafficking	PRESUMED
2C: 41-2	Racketeering	PRESUMED

### FOR ANY OTHER CHARGE IF:

Extradition from another state or lawful detainer lodged in New Jersey	MANDATORY
FTA or NCA score is 3, 4, 5, or 6, or 'unclassified charges' appear on the PSA	PRESUMED
There is a NVCA (new violent criminal activity) flag	PRESUMED
Offense was committed while defendant was released for an unrelated charge	PRESUMED
Offense was committed while defendant is on probation or special probation	PRESUMED
Offense was committed while defendant was released ISP/PTI/CSL/PSL	PRESUMED
Offense was committed while defendant released pending sentence or appeal	PRESUMED
Juvenile history includes adjudication for firearm/NERA charge within 10 years	PRESUMED
Out-of-state history includes conviction/pending charge involving 'actual or threatened violence' or 'unlawful possession or use of a firearm'.	PRESUMED