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| <b>UNION COUNTY PROSECUTOR'S OFFICE</b>   |                     |                       |  |
| <b>COUNTY-WIDE LAW ENFORCEMENT DIRECTIVE</b>  |                     |                       |   |
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| SUBJECT: <b>JUVENILE JUSTICE REFORM</b>   |                     |                       |   |
| EFFECTIVE DATE:<br>January 11, 2021   | <b>REVISIONS</b>    |                       |   |
|   | <b>DATE</b>         | <b>PAGE #</b>         | <b>SECTION</b>  |
| <b>ISSUED BY:</b><br>Tracy Boyd, Legal Supervisor<br>of the Juvenile Justice Unit<br>&<br>Robert Vanderstreet, Legal<br>Chief of the Trial Division |                     |                       |   |
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| <b>UNDER THE AUTHORITY OF:</b><br>LYNDSAY V. RUOTOLO<br>ACTING PROSECUTOR   |                     |                       |   |

## PURPOSE

On December 3, 2020, the Attorney General issued Directive 2020-12, Establishing Policies, Practices, and Procedures to Promote Juvenile Justice Reform. The Directive is intended to further the goal of rehabilitation for the youth in our State and to build upon the success of the Juvenile Detention Alternative Initiative. The Directive becomes effective January 11, 2021.

In addition, on January 4, 2021, the Administrative Office of the Courts implemented a new complaint system, the Juvenile eCDR, intended to streamline the complaint process for all juveniles. With this in mind, the Union County Prosecutor's Office established this County-Wide Directive, intended to supplement Attorney General Law Enforcement Directive 2020-12, and detail the specific procedures Union County Law Enforcement must follow within the decision making framework detailed and outlined in the Attorney General Law Enforcement Directive.

## POLICY

Effective immediately, the Union County Prosecutor's Office hereby adopts Attorney General Law Enforcement Directive 2020-12, and incorporates same into this Directive which is binding on all law enforcement officers in Union County effective January 11, 2021.

## I. DEFINITIONS

- a. **Designated Supervisory Officer:** The shift commander or the officer-in-charge at the time of the complaint.
- b. **Juvenile Justice Unit Supervisor:** The Assistant Prosecutor assigned to the Juvenile Justice Unit of the Union County Prosecutor's Office with supervisory authority over the daily operations of that unit.
- c. **Curbside Warnings:** A brief, informal interaction between a law enforcement officer and a juvenile who the officer observed engage in an act of minor delinquency.<sup>1</sup> 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.<sup>2</sup>
- d. **Stationhouse Adjustments:** A mechanism that allows law enforcement agencies to resolve a juvenile's unlawful conduct without formal court proceedings; it must be memorialized in a signed agreement and establish one or more conditions the juvenile must meet in exchange for the law enforcement agency declining to pursue a formal delinquency complaint against the juvenile.

## II. CURBSIDE WARNINGS AND STATIONHOUSE ADJUSTMENTS

When interacting with a juvenile, 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.

- a. **Curbside Warnings**
  - i. Presumption in favor of Curbside Warnings: There shall be a presumption in favor of officers giving curbside warnings for certain minor, non-violent conduct – rather than issuing a more formal action – when the officer personally encounters a juvenile who is 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.
  - ii. Over-coming the Presumption in favor of Curbside Warnings: For certain minor, non-violent conduct, formal proceedings may be initiated when:

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<sup>1</sup> N.J.S.A. 2A:4A-23 defines "delinquency" as the commission of an act by a juvenile which if committed by an adult would constitute a (a) crime; (b) disorderly persons offense; or (c) violation of any other penal statute, ordinance or regulation.

<sup>2</sup> For the purposes of this directive, curbside warnings do not include interactions between juveniles and School Resource Officers or other law enforcement officers assigned to a school, as those are governed by policies and practices established between schools and law enforcement agencies.

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.
- iii. **Reporting and Data Collection:** All agencies must deploy a system for collecting information about the use of curbside warnings by its officers in order to report cumulative data to the Division of Criminal Justice and to the Union County Prosecutor through the Juvenile Justice Unit Supervisor, utilizing the form found in Appendix B of Attorney General Law Enforcement Directive 2020-12.
1. Agencies should take care to ensure that reporting requirements are not so onerous that they transform the informal curbside warnings into more formal law enforcement interactions, while also ensuring that agencies have the ability to assess the use of curbside warnings across different demographic groups.

**b. Stationhouse Adjustments**

- i. **Presumption in favor of Stationhouse Adjustments:** There shall be a presumption in favor of a stationhouse adjustment – rather than a formal complaint when:
  1. The juvenile has no prior history of juvenile adjudications or stationhouse adjustments;
  2. The juvenile’s alleged conduct would constitute a petty disorderly persons offense, a disorderly persons offense, or a fourth-degree crime, if committed by an adult; **and**
  3. The juvenile’s unlawful conduct did not constitute an act of bias, sexual misconduct, or violence, and did not involve a controlled dangerous substance (CDS) or CDS paraphernalia.
- ii. **Overcoming the Presumption:** A law enforcement officer may overcome the presumption of a stationhouse adjustment and pursue a formal delinquency complaint only with the approval of the Juvenile Justice Unit Supervisor, or his/her/their designee, who shall consider:
  1. The juvenile’s age and maturity;
  2. The nature and circumstances of the offense;
  3. 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;
  4. The willingness of the juvenile to adhere to the proposed terms of the stationhouse adjustment; **and**

5. Where relevant, the support and cooperation of the victim and the juvenile's parent, or guardian/caregiver/designee.
- iii. **Discretion to Authorize Stationhouse Adjustments:** For other conduct not described above there shall be no presumption in favor of a stationhouse adjustment, but a law enforcement agency shall nonetheless consider a "discretionary stationhouse adjustment" and perform such with the authorization of the Juvenile Justice Unit Supervisor, or his/her/their designee.
  1. **Drug and Alcohol Use:** charges related to drug or alcohol use should be considered for stationhouse adjustments provided that a treatment plan, if clinically appropriate, is included as part of the agreement.
- iv. **Victim Engagement and Objections:** The officer shall notify any victims of the juvenile's unlawful conduct and seek to engage those victims in the resolution. Where appropriate, law enforcement agencies may – and are encouraged to – employ restorative justice models, as they develop, that facilitate reconciliation between the victim and the juvenile.
  1. 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.
  2. In cases where one or more victims object(s) to the agreement, the law enforcement officer must notify the Juvenile Justice Unit Supervisor who must decide whether to authorize the agreement notwithstanding the victim's objection.
  3. Further, for all discretionary stationhouse adjustments, or cases where the victim objects, the approval of the Juvenile Justice Unit Supervisor shall be noted on the agreement.
- v. **Conditions:** A stationhouse adjustment shall include **one or more** conditions that the juvenile must satisfy, which may include, but are not limited to:
  1. Mediation;
  2. Restitution;
  3. Community Service;
  4. Letters of apology or other writing projects;
  5. Consequences imposed by the juvenile's parent/guardian/caregiver/designee, such as a suspension of driving privileges;

6. Enrollment in community programs, such as those offered by County Youth Service Commission<sup>3</sup> or the Police Chaplain Program<sup>4</sup>.
  7. Participation in restorative justice programs, if appropriate; and/or
  8. Where indicated, participation in mental health or substance abuse programs.
- vi. Stationhouse Adjustment Agreements: All agreements shall be memorialized in writing, which shall remain in effect for three to six months from the date the agreement is signed. (See Appendix A of the Attorney General Law Enforcement Directive 2020-12)
1. Prior to signing the agreement, law enforcement shall advise the juvenile of the following:
    - a. Violations of the stationhouse adjustment agreement may result in the filing of a juvenile delinquency complaint for the conduct that gave rise to the station house adjustment; **and**
    - b. 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 and limitations on career opportunities).
  2. The following parties shall sign the stationhouse adjustment agreement:
    - a. The juvenile
    - b. The juvenile's parent or guardian/caregiver/designee;
    - c. The law enforcement officer; **and**
    - d. Victims may also, but are not required to, sign.
- vii. Quarterly Reporting and Data Collection: Each law enforcement agency shall report to the Director of the Division of Criminal Justice and the Union County Prosecutor, through the Juvenile Justice Unit Supervisor, the following anonymized information about each stationhouse adjustment in effect with that agency in the prior quarter:
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

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<sup>3</sup> Law enforcement agencies are encouraged to partner with non-profit and government-run community organizations to assist with the supervision of station house adjustment agreements. Many programs are offered through the Union County Youth Services Commission which can be contacted at (908)558-2381 for further information on available programs.

<sup>4</sup> Chaplain and faith-based programs may be used only with the consent of the juvenile, as consideration must be given to the faith to which the juvenile subscribes or absence of faith, and resources should be in place to provide equivalent, alternative programming, so a juvenile has equal access to effective stationhouse adjustment services.

4. Whether the stationhouse adjustment was satisfactorily completed or is still pending and, if not completed, the reason for the non-completion.

(See Appendix B, of the Attorney General Law Enforcement Directive 2020-12)

### III. COMPLAINT-WARRANT AND COMPLAINT-SUMMONS DECISION MAKING

If a curbside warning or stationhouse adjustment is not deemed appropriate to address the juvenile's conduct, law enforcement will then begin the process of issuing a complaint. The following details how to determine whether to charge by warrant or summons.

#### a. Juvenile Central Registry

- i. Officers should first check the juvenile central registry when considering charging a juvenile in order to first ascertain a juvenile's history.
- ii. The Juvenile Central Registry tab in eCDR is also where complaint entry is initiated

#### b. Complaint-Summons

- i. Presumption for Complaint-Summons: The Attorney General Law Enforcement 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.
- ii. Issuance of a Summons: Pursuant to New Jersey Court Rule 5:20-2, if there is probable cause to believe that a juvenile is delinquent, a law enforcement officer may issue a complaint-summons to the juvenile and their parent, guardian, or custodian. **There is no need to apply to the court for a finding of probable cause.**
- iii. Release of Juvenile: If a law enforcement officer issues a complaint-summons, the juvenile will be released after processing and scheduled to return to court at a later date.
- iv. Service of the Complaint-Summons: Once the complaint-summons is filed with the court, the **law enforcement officer shall within five 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).*
- v. Overcoming the Presumption for a Complaint-Summons: The Juvenile Justice Unit Supervisor, an Assistant Prosecutor assigned to the Juvenile Justice Unit or an on-call Assistant Prosecutor,<sup>5</sup> can overcome the

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<sup>5</sup> The General Complaint Approval On-Call Assistant Prosecutor should be contacted weeknights from 5 p.m. to 9 a.m., on weekends, and holidays, by calling the Union County Police Dispatch at (908) 654-9800. During the work day, please call the Juvenile Justice Unit at (908)558-2588, and ask to speak with a Juvenile Justice Unit Assistant Prosecutor.

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.

**c. Complaint-Warrant and Detention**

- i. **Custody of the Juvenile:** In cases where immediate custody of the juvenile is required, or being requested, a law enforcement officer may apply for a complaint-warrant. *R. 5:20-3.*
- ii. **Juvenile Intake:** 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)*. Therefore when applying for a complaint-warrant, the officer is required to **contact Juvenile Intake during court hours at (908) 787-1650 x 21370 and after-hours at (908) 552-1234** – after the complaint-warrant has been approved by an Assistant Prosecutor.
- iii. **Risk Screening Tool (RST):** Juvenile complaints will be reviewed by Juvenile Intake in eCDR, then they complete the RST to preliminarily determine if a juvenile should be detained.
  1. The RST assists Juvenile Intake with their recommendations for detention, however, law enforcement and/or the Assistant Prosecutor can request detention or additional monitoring services, notwithstanding the recommendation of Juvenile Intake.
  2. When making the decision to apply for a complaint-warrant, it is important to consider relevant facts or circumstances known or reasonably believed to exist that are not accounted for in the Juvenile Intake's initial detention decision, including, but not limited to the following: strength of the case; the juvenile's prior involvement with the criminal justice system; victim impact, pending charges; adjudications from another State; and any other relevant information.
- iv. **Request for Override:** If Juvenile Intake declines detention, a law enforcement officer or an Assistant Prosecutor may ask for an override of that decision.
  1. If a law enforcement officer is denied detention for a juvenile, the officer or Designated Supervisory Officer shall contact the Juvenile Justice Unit Supervisor, or his/her/their designee, to discuss the denial. 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.*
- v. **Filing the Warrant and Service:** If detention is authorized, a complaint-warrant shall immediately be filed as provided by *Rule 5:20-1. R. 5:21-1.*

1. The juvenile shall be transported to the Essex County Detention Youth Center and the officer shall immediately notify the juvenile's parent, guardian or custodian.
- vi. Detention Denied: If an override of the denial is denied or not sought, a complaint-summons shall be issued, the juvenile shall be released to a parent, guardian, or custodian, and a copy of the complaint-summons shall be served on the juvenile and the parent, guardian, or custodian.
- vii. Mandatory Complaint-Warrant: If a law enforcement officer is seeking to charge one of the enumerated mandatory complaint-warrant charges listed below, the Designated Supervisory Officer **must** seek authorization from an Assistant Prosecutor, before applying for the complaint-warrant. After receiving authorization to charge on a complaint-warrant, a law enforcement agency **must** apply for a complaint-warrant if there is probable cause to believe that the juvenile committed any of the following offenses *unless* the Assistant Prosecutor has determined that the presumption of charging by complaint-warrant is overcome. (*See R. 3:3-1(e)*).
  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); *or*
  9. An attempt or conspiracy to commit any of the foregoing crimes.
- viii. Interstate Compact of Juveniles: 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. *See* N.J.S.A. 9:23-1 *et seq.*
- ix. Rebuttable Presumption for a Complaint-Warrant: A law enforcement agency **shall** apply for a complaint-warrant if there is probable cause to believe that the juvenile has committed the following, *unless* the Assistant Prosecutor determines that the presumption of charging by complaint-warrant is overcome:
  1. Witness tampering/retaliation, N.J.S.A. 2C:28-5;
  2. Witness obstruction, N.J.S.A. 2C:29-3(b)(3);
  3. Witness tampering, N.J.S.A. 2C:29-3(a)(3);
  4. Eluding that constitutes a second-degree crime, N.J.S.A. 2C:29-2(b);
  5. Third-degree assault on public officials or employees, N.J.S.A. 2C:12-(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 prohibited sexual act, N.J.S.A. 2C:24-4(b)(3); *or*
  23. An attempt or conspiracy to commit the crimes enumerated above.
- x. Additional Circumstances that Create a Presumption for a Complaint Warrant: A law enforcement agency shall also apply for a complaint-warrant, unless an Assistant Prosecutor determines that the presumption of charging by complaint-warrant is overcome, in cases where the present offense was committed:
1. While the juvenile was on pre-trial release for any other crime or disorderly persons offense;
  2. While the juvenile was on probation, participating in the Juvenile Intensive Supervision Program (JISP), under the 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 a first-or second degree offense, or any offense involving a firearm.
- xi. Overcoming the Mandatory or Presumptive Complaint-Warrant: A law enforcement agency shall apply for a complaint-warrant unless, the Assistant Prosecutor determines that:
1. The physical safety of persons or property would not be seriously threatened if the juvenile were not detained; and

2. Detention is not necessary to secure the appearance of the juvenile in future court appearances.

**\*In making this determination, the Assistant Prosecutor 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.**

**d. Complaints that do not require approval by an Assistant Prosecutor**

- i. If the Designated Supervisory Officer determines that no basis exists to overcome the presumption of a complaint-summons, and that none of the mandatory or presumptive warrant factors apply, the Designated Supervising Officer may approve the issuance of a complaint-summons. The Designated Supervisory Officer is authorized to make this determination without contacting an on-call Assistant Prosecutor.

**IV. PROCESSING, FINGERPRINTING, DNA COLLECTION, AND COMPLAINT ENTRY**

**a. Fingerprinting**

- i. Required Fingerprints: All juveniles, age 14 or older, **must** be fingerprinted if they are charged on the basis of an act which, if committed by an adult, would constitute a crime.
  1. The charging agency shall take and submit fingerprints of the juvenile by using a Live Scan system, which includes designation of offenses charged.
  2. Live Scan fingerprinting must be completed before beginning an eCDR complaint – if the juvenile is in custody.
  3. Once Live Scan confirmation is received, the law enforcement officer or agency shall proceed to the eCDR system to begin generating a complaint.
  4. After accessing the “Complaint Entry” tab, the officer shall choose the juvenile’s Live Scan record from the list displayed in eCDR, which will then automatically populate many of the eCDR data fields.
- ii. Prohibited Fingerprints: Juveniles charged with delinquency who are under the age of 14 at the time of the offense **may not** be fingerprinted by the charging agency. In addition, juveniles who are charged with only disorderly persons offenses or petty disorderly offenses **may not** be fingerprinted. See N.J.S.A. 2A:4A-61(a)(3).
- iii. Fingerprints for Comparison Purposes: Fingerprints may be taken for juveniles of any age for comparison to latent fingerprints, either with the

consent of the court, or of the juvenile and parent, guardian, or custodian.  
*See* N.J.S.A. 2A:4A-61(a)(1).

1. If fingerprints are obtained pursuant for comparison consistent with the law and this directive, they “shall be destroyed when the purpose for taking of fingerprints has been fulfilled.” N.J.S.A. 2A:4A-61(a)(1).
  - a. If the juvenile, who has been fingerprinted under this subsection 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 the State Police.

**b. Photographs**

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

**c. DNA Collection**

- i. DNA Shall be Collected Pursuant to N.J.S.A. 53-20.20(b)&(e): Juveniles shall have a biological sample collected by the charging agency for purposes of DNA testing if taken into custody for an act which, if committed by an adult, would constitute the following offenses:
  1. Aggravated sexual assault or sexual assault, N.J.S.A. 2C:14-2;
  2. Aggravated criminal sexual contact or criminal sexual contact, N.J.S.A. 2C:14-3;
  3. Murder, N.J.S.A. 2C:11-3;
  4. Manslaughter, N.J.S.A. 2C:11-4;
  5. Second-degree aggravated assault, N.J.S.A. 2C:12-1(b)(1)&(b)(6);
  6. Kidnapping, N.J.S.A. 2C:13-1;
  7. Luring or enticing a child, N.J.S.A. 2C:13-6;
  8. Endangering the welfare of children, N.J.S.A. 2C:24-4, except for paragraph (2) of subsection a; *or*
  9. Any attempt to commit any of the above crimes.

**d. Complaint entry in eCDR**

**All Complaints Must be Prepared in the eCDR System**: After all pre-charging procedures are complete and the law enforcement officer is prepared to enter the

complaint-summons or complaint warrant into eCDR, the following procedures must occur:

- i. Juvenile Central Registry Tab: The officer chooses the juvenile's Live Scan record from the displayed list in eCDR.
  1. 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.
  2. In cases where fingerprints are not statutorily required and the juvenile has no prior record, the officer shall manually complete the eCDR data fields.
  3. The Live Scan record should always be selected when available, as this selection will automatically populate many of the eCDR data fields.
- ii. Affidavit of Probable Cause: **An affidavit of probable cause is required in all cases, regardless of issuing a complaint-warrant or complaint summons,** and will be filed electronically through the eCDR system.
  1. The affidavit of probable cause shall include a description of relevant facts and circumstances that support probable cause to believe that the offense(s) were committed and they were committed by the juvenile. This 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, to what extent.
  2. The affidavit of probable case shall not direct the reader to other documents by stating "see attached," nor shall it contain confidential victim information.
  3. The Designated Supervisory Officer should review the Affidavit of Probable Cause prior to submission in the eCDR system. Please note that an Assistant Prosecutor **does not** need to review the affidavit of probable cause submitted **for a complaint-summons**.
- iii. Preliminary Law Enforcement Incident Report (PLIER): A PLIER is required in all cases, regardless of issuing a complaint-warrant or complaint-summons.
  1. The PLIER is intended to document basic information known to the officer preparing the report at the time of arrest.
  2. The fact that the officer preparing a PLEIR does not check a check-off 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.
  3. The information contained in the PLEIR can be supplemented, clarified, or modified, as additional information is learned or

- corroborated in the course of the ongoing investigation/prosecution.
4. 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 request of an Assistant Prosecutor.
  5. A PLEIR shall not contain confidential victim information.
- iv. Complaints Prepared before Juvenile in Custody: A complaint may be requested against a juvenile who is not yet in custody.
    1. The same presumptions shall apply in making the summons versus warrant determination.
    2. The agency 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) of the New Jersey State Police.
  - v. Complaint-Warrants in eCDR: If the determination to apply for a complaint-warrant has been authorized by an Assistant Prosecutor, the officer who prepares the complaint-warrant in eCDR shall contact that Assistant Prosecutor who will log into eCDR and review the complaint, the affidavit of probable cause, and the PLIER, prior to submission to Juvenile Intake.
  - vi. Citizen Complaints: A citizen can seek to file a formal complaint against a juvenile.
    1. Upon request, the law enforcement officer should review the charge for probable cause and if found the officer can enter the complaint-summons in eCDR and make sure to note that it is a private citizen's complaint.
    2. The law enforcement officer should select the box stating, "[t]he charge was based on the observations/statements made by an eyewitness(es)" on the PLEIR.
    3. If the law enforcement officer does not find probable cause, they can refer the case to the Union County Prosecutor's Office for legal review. The decision of the Union County Prosecutor's Office is controlling.
  - vii. Charges Filed are Different from Charges Initially entered into Live Scan: The Live Scan system requires the officer to indicate the 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 any/all of the offenses proposed by the officer. In these cases, the charging agency shall modify the Live Scan record within the Live Scan system to reflect the appropriate charges,

retransmit the modified Live Scan record, and contact the CRICU of the New Jersey State Police to make certain that the CCH system accurately reflects the charges that were actually filed.

1. If fingerprints were obtained but the case was then not charged or referred for a stationhouse adjustment, the officer must contact CRICU to make sure the prints are removed from the CCH system.

## V. DOCUMENTS TO BE PROVIDED TO THE PROSECUTOR'S OFFICE

### a. **Timeline**

Upon the issuance of a complaint-warrant all available investigative reports must be provided to the Prosecutor's Office immediately. Upon the issuance of a complaint-summons all available reports must be provided within 48 hours.

- i. Juvenile Info Share Module: The Union County Prosecutor's Office is in the process of acquiring the eScreening module for our juvenile info share, which will allow all departments to directly upload necessary documents in the above timeframes, and will work with the eCDR system. Until the eScreening module is up and running all reports should be forwarded to the Juvenile Justice Unit via email to [unionjuvenile@ucnj.org](mailto:unionjuvenile@ucnj.org).

### b. **Video and Audio**

All DVD statements, MVR video, BWC video, surveillance video, radio transmissions, and 911 calls, shall continue to be burned to a DVD or CD and transported to the Union County Prosecutor's Office, or uploaded onto evidence.com.

## VI. OTHER CONSIDERATIONS

### a. **Forensic Testing**

In cases where a detained juvenile is charged with delinquency and the evidence is being submitted for analysis to the Union County Prosecutor's Office Laboratory, law enforcement shall submit the evidence for forensic analysis as promptly as possible and request expedited testing. Such submissions should also be communicated to the Juvenile Justice Unit Assistant Prosecutor prosecuting the case immediately upon submission.

### b. **Violations of Release**

In the event that a law enforcement agency or officer has reason to believe that a juvenile has violated a condition of release, the agency and/or officer shall promptly notify the Juvenile Justice Unit of the Union County Prosecutor's Office.