

# CAMDEN COUNTY POLICE DEPARTMENT



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**ORDER TYPE:  
STANDARD OPERATING  
PROCEDURE**

**SUBJECT: ARREST AND TRANSPORTATION**

**EFFECTIVE DATE:**

**JANUARY 12, 2022**

**ACCREDITATION  
STANDARDS:**

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**BY THE ORDER OF:**

**Chief Gabriel Rodriguez**

**SUPERSEDES ORDER #:**

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

**POLICY** It is the policy of the Camden County Police Department to be in compliance with all statutes, contemporary criminal procedure, Attorney General and 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.

This directive 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.

## 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, 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 their 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. Physically incapacitated means that a person is bodily impaired or handicapped and substantially limited in his or her ability to resist or flee.
- D. 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.
- E. 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 that an officer can rely on:
    - a. Observed facts surrounding the incident (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 (accounts given by victims or witnesses; reliable informants); and
    - 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.
- F. 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/ National Guard 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. Unless impracticable, 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.
- B. Officers shall only use that amount of force necessary to safely affect the arrest.
- C. The arrestee shall be always supervised by the arresting/detaining officer(s).
- D. Consular notification for non-US citizens is addressed in *Consular Notification and Access policy*.
- E. Diplomatic and consular immunity is addressed in *Diplomatic and Consular Immunity policy*.

## 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*. De-confliction 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 the County of Camden, 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.
- E. To execute arrest warrants out of the State of New Jersey, contact the Camden 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 (2) officers. More officers or tactical resources can be used depending upon the circumstances and anticipated flight risk.
- G. A search warrant or an exigent circumstance is required to affect 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 warrant should be verified and confirmed through ACS, ATS, and/or NCIC and a printed copy of the warrant and warrant history should be obtained.
    - a. An actual hard-copy of the warrant, facsimile, or teletype can also serve as confirmation.
    - b. Verify the identity of the person to be arrested.
    - c. Understand the scope of the warrant so as not to exceed any limitations set by the warrant.
    - d. Warrants listed as active in the ACS/ATS system will be considered valid.
  - 2. Warrants issued by a judge of any other court not listed in the ACS/ATS system are to be confirmed with the issuing authority prior to any action being taken.
  - 3. Members of this department should not assist an outside law enforcement agency with the execution of a warrant until such time as it has been confirmed that the warrant is valid.
  - 4. 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*.

5. A printed copy of the request and response shall be included with the arrest report.
- I. Requests from other jurisdictions to serve/execute their warrant(s) should be referred to the RT-TOIC.
- J. When serving a special request arrest warrant from another jurisdiction, record the warrant number, jurisdiction name, and results in the arrest report.
- K. After completing the service of a warrant, the arresting officer is responsible to ensure the warrant is executed in the ACS/ATS system(s).

#### 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 punishable by more than one year in state prison (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 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 they hold a warrant for the arrest of the person.
- B. Within the territorial limits of Camden County, 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: 14-107).
- C. In certain circumstances, an officer may effectuate 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. Operating while intoxicated;

2. Shoplifting;
  3. Theft of library materials;
  4. Domestic violence-related offenses.
- D. Only in rare circumstances involving serious crimes and 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 shall not make a warrantless entry into a home to effectuate an arrest.
  2. Fresh pursuit alone is an insufficient justification for a warrantless entry into a person's home to affect 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 matter shall be thoroughly documented on an incident report.
- G. Representatives of the Superior Court, usually the pretrial services program manager or their 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 de-confliction 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.

## **V. HANDCUFFING**

- A. Officers 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 inoperable.
- 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 their rear or side;
  3. Maintain control of the subject and keep them 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. If a subject has smaller wrists that would aid them in the ability to remove their wrists from handcuffs, approved Zak Tool's ZT-68 Handcuff Helper shall be utilized which are to be retrieved from Central Booking;
8. Never handcuff a subject to yourself or another officer;
9. Never handcuff a subject to the inside of a vehicle or a fixed object unless the object is designed for that purpose.

C. Use of handcuffs during investigations and prior to an at-scene arrest:

1. Officers should not use handcuffs prior to arrest unless special circumstances exist to warrant their use. Special circumstances include:
  - a. The subject is uncooperative or takes action at the scene that raises a reasonable probability of danger or flight.
  - b. Where officers have information that the suspect is currently armed;
  - c. Where the stop/detention is in close proximity (time and space) following a violent crime;
  - d. Where officers have information that a crime involving violence is imminent.
2. In the absence of a continuing threat to the officer or citizen safety, the handcuffs should be removed if the protective frisk discovers no weapons.

## **VI. CUSTODY, OBSERVATION AND TRANSPORTATION**

- A. All marked vehicles, including supervisory vehicles, are equipped with a security device that separates the driver from the passenger in the back seat.
- B. To further minimize the opportunities for a prisoner to escape, the rear window and door operations on all marked patrol vehicles have been rendered inoperable from the back seat position, (factory installed lock modification).

- C. Officers shall search the rear seat of vehicles used for arrestee transportation at the beginning of their shift and conduct an inspection of the rear seat prior to occupation by an arrestee. Vehicles shall be searched again immediately after transportation to ensure that contraband or evidence had not been secreted by the arrestee.
  - 1. Found property/evidence shall be collected and processed in accordance with existing procedures.
  - 2. The arrestee should be charged accordingly, when applicable.
  
- D. Immediately upon arrest all persons will 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. Only a supervisor can approve not handcuffing an individual for any other reason. Officers should remain aware of the dangers of positional asphyxia and continually monitor arrestees for symptoms.
  - 1. Ankle shackles, hobble restraints, disposable handcuffs (e.g., nylon flex cuffs, zip ties, etc.) and/or a handcuffing belt shall be utilized when deemed necessary to provide additional restraints for subjects who are combative, deemed a harm to self, deemed a flight risk, are in need medical evaluation, or must be transported long-distance. No other types of restraints are authorized. 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.).
    - a. Ankle shackles shall be utilized when a subject is being transported to the hospital or any other medical facility for a medical evaluation. Ankle Shackles shall be immediately requested when required to be utilized and applied upon receiving them, and prior to removing any other approved restraint device;
    - b. Ankle Shackles shall be stored in Central Booking and in supervisor vehicles in the field. Upon request, the retrieval of Ankle Shackles shall immediately be coordinated and brought to the location of the subject to be utilized;
    - c. At times, Ankle Shackles may not be able to be applied so in those rare circumstances, a handcuffing belt shall be utilized, and the same procedures applied.
  - 2. Unless an arrestee is being taken by ambulance to a hospital for treatment, transporting an arrestee in a prone or supine position is prohibited. Doing so risks positional asphyxia, a form of suffocation for the arrestee that may cause death. 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 them 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.
- E. The entire person of the individual taken into custody shall be searched for weapons, contraband, evidence and tools 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, other officers, and persons the individual may come in contact with while in custody.
1. This search must be conducted contemporaneous 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 preparing to conduct 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.
- F. 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 doors and windows controls disabled or removed.
1. Arrestees shall not be handcuffed to or otherwise secured to any part of a vehicle, nor shall two or more prisoners be handcuffed or otherwise restrained to one another.
  2. Whenever an arrestee is placed into a police vehicle, the doors to the vehicle shall be locked to prevent unauthorized persons from opening the vehicle door.
  3. Officers shall exercise due care and provide assistance to arrestees who are entering or exiting a department vehicle during transportation procedures.

- G. Arrestees/detained individuals shall not be left unattended after being placed into police cars awaiting transportation. Officers must be constantly aware that other people may attempt to free or otherwise facilitate an escape.
  - 1. Arresting officer(s) and/or transporting officer(s) shall not remain on-scene with an arrestee/detained person any longer than necessary for completion of the preliminary investigation and shall transport them to the Camden County Police Department or other facility.
- H. During transportation, officers shall continuously observe the prisoner. If a prisoner becomes lethargic, particularly after an active confrontation with officers, or appears unresponsive, consider the possibility that immediate medical help may be necessary. Observe the prisoner's physical condition and notify Central Communication to summon medical assistance.
- I. Officers can transport the arrestee to police headquarters alone.
- J. 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, it shall be necessary to have two (2) officers present in the vehicle for the transportation. The second officer may sit in the front seat, but their attention shall be focused on the arrestee(s). If the second officer rides in the rear seat with an arrestee, their sidearm shall be away from the arrestee.
- K. Whenever possible, arrestees initially taken into custody as a result of the same incident shall be transported to police headquarters in separate vehicles in an attempt to minimize the opportunity for coordination of stories.
  - 1. Male and female arrestees should not be transported in the same vehicle unless the vehicle is equipped with a barrier capable of providing physical separation between such arrestees.
  - 2. Adult and juvenile arrestees shall not be transported in the same vehicle.
- L. Arrestees 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 an arrestee shall be instructed to leave and advised that the failure to oblige may result in their arrest and/or prosecution.
- M. Under no circumstance shall an officer travel to the home of a County of Camden official/employee while an arrestee is in the vehicle under any circumstances.
- N. Under no circumstance shall an officer travel to the home of an elected official, any government official, and/or employee of such while an arrestee is in the

vehicle under any circumstances.

- O. 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.
- P. 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 report.
  - 4. Officers shall take universal precautions against blood borne pathogens and infectious diseases.
  - 5. If an arrestee is being medically cleared for incarceration and/or must be admitted to the hospital, a minimum of two (2) officers shall be assigned to guard and remain with the arrestee.
    - a. The Watch Commander shall make an ongoing assessment of security/flight risk and may reduce the guard to one officer where the arrestee is physically incapacitated. At no time will staffing shortages provide a justification for reducing the guard from two to one officer.
    - b. The Watch Commander may increase the guard to more than two officers if, in the totality of the circumstances, a heightened security/escape risk exists. Factors to consider include: (i) type of crime committed, (ii) known flight risk, (iii) Intelligence indicating imminent retaliation against the arrestee, (iv) large gatherings of arrestee's family/friends at the hospital, (v) influence of drugs or alcohol, (vi) threats of or prior acts of violence, (vii) relocation of arrestee.
    - c. Police personnel shall not sign any documents at the hospital or medical facility indicating that the County of

Camden is the responsible billing party.

6. Visitors are prohibited. Only authorized medical staff shall be allowed into the room and have contact with the arrestee.
7. Officer(s) shall ensure that the room/area is secure so that the arrestee cannot escape.
8. 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.
9. If an escape occurs, see subsection VI.O (below) and contact hospital security.
10. If the hospital notifies the officer that the arrestee will be released, the officer shall notify the Watch Commander. The Watch Commander will determine if the arrestee is to be transported to police headquarters for further processing or to be transported to the Camden County Jail.

11. If the hospital informs the officer that an arrestee who is to be committed to the Camden County Jail has a medical condition that requires admission to the hospital, the officer shall notify the Watch Commander. The Watch Commander should contact the Camden County Sheriff's Office to take custody of the arrestee at the hospital. The officer at the hospital shall remain at the hospital guarding the arrestee until the sheriff's officer arrives and custody is transferred.
- Q. Arrestee transportation should not be interrupted for any reason except in extreme cases when the arrestee is stricken with a medical condition requiring immediate aid or vehicle crash involving the transporting vehicle. In that event, the transporting officer shall stop safely and should not remove the arrestee from the vehicle to render aid unless another officer is present to assist.
- R. Movement of and/or release of arrestee(s)/detainee(s) from the Camden County Police Department or another facility after being taken into custody or detained shall be communicated to Central Booking and RT-TOIC.
1. Upon the arrival of an arrestee/detainee at the Camden County Police Department or another facility, their movement from one location to another shall be accounted for until their release and/or until they are turned over to the care of another authority prior to the movement.
  2. RT-TOIC shall document the movements in a log and notify the Watch Commander of same. Each movement shall cause for a notification to be made.
- S. Prior to commencing transportation, officers shall advise Central 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 shall give their ending mileage.
- T. If an arrestee escapes while in custody prior to or during transportation:
1. The transporting officer(s) shall promptly notify Central Communications of the circumstances and location. Communications shall immediately notify the RT-TOIC commander or their designee.
  2. The transporting officer(s) shall pursue the escapee on foot (or in a vehicle) to the extent possible.
    - a. Extreme caution shall be exercised to minimize the potential of a hostage scenario.



- b. Note any vehicles abruptly leaving the area. Relay such information to communications and responding support units.
3. A general radio broadcast to all duty personnel shall be broadcast as soon as practicable. Additionally, broadcast the escape over SPEN to surrounding communities. Provide the same information listed below. Update any changes to this information as necessary. Provide the following information at a minimum:
  - a. Escapee's name, if known;
  - b. General description;
  - c. Clothing description;
  - d. Last known home address;
  - e. Last direction of flight;
  - f. Crime(s) for which originally arrested;
  - g. Weapons, if known; and
  - h. Any other pertinent information known.
4. The RT-TOIC Commander shall take personal command of the incident and direct units accordingly.
  - a. The RT-TOIC Commander 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.
  - b. Activation of additional resources should be consistent with the crime/offense 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.
  - c. The RT-TOIC Commander or their designee shall make telephone contact with any jurisdiction where the escapee may be likely to flee, provide the pertinent information, and request assistance from that jurisdiction in apprehension.
5. If and when the escapee is captured, the RT-TOIC commander shall direct a minimum of two (2) officers to reclaim the arrestee and transport them back to this department for processing.

- a. Any alarm or broadcast to patrols or surrounding agencies should be promptly cancelled.
    - b. Additional measures should be taken to prevent any further escape.
  - 6. If the escapee is captured out of state, an extradition order may be required. The detective assigned to the case will assist the assistant prosecutor in processing such an order. Seek medical attention if the escapee requires it. Additional security measures shall be deployed to minimize any future escape attempt.
  - 7. The incident must be fully documented in the incident report of the precipitating event.
- U. When transportation terminates at the Camden County Police Department or other facility, officers will perform the following activities:
  - 1. Advise Central Communications of arrival at this building or other facility.
  - 2. Escort the adult arrestee via the prisoner sally port garage for access to Central processing.
  - 3. Secure all weapons in the firearm lockers before entering central processing.
  - 4. Restraints shall not be removed until placing the arrestee in a cell or other secure holding facility at the direction of the receiving officer.
  - 5. All necessary forms, documentation, and arrestee property shall be turned over to the receiving officer.
  - 6. Advise the receiving officer of any potential medical or security risks concerning the arrestee(s).
  - 7. The name of the receiving official and the arrestee(s) being delivered shall be documented in the transportation report/record.
- V. Juveniles taken into custody are to be transported directly from the scene to the Police Department's juvenile section or other juvenile facility as directed. The only exception being when directed to do otherwise by an appropriate authority or circumstances require that the juvenile be transported to a medical facility for treatment.
  - 1. Juvenile offenders shall not be transported with adult prisoners,

temporarily detained in the same area as adult prisoners, or escorted through the sally port area.

2. Officers transporting juvenile offenders to the police administration building shall park in the designated parking spaces located to the left when entering the parking lot.
  3. Juvenile offenders shall be escorted through the side door, up the stairs, and directly into the juvenile section.
- W. If an officer suspects that an arrestee may have a communicable disease, personnel shall wear protective surgical gloves and surgical masks while searching, fingerprinting, and processing the arrestee. Clean the handcuffs with an alcohol or disinfectant wipe after removal from an arrestee.
1. Officers shall thoroughly wash their hands with disinfectant soap after completing the search.
  2. If an officer has reason to believe their clothing has become contaminated because of contact with a party with a communicable disease, their 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.
  3. The interior of the police vehicle is to be cleaned with a disinfectant before being used again.
  4. 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, the wheelchair should be transported with them. Canes and crutches should also be taken; but shall be

stored as arrestee property until needed.

- C. The RT-TOIC Watch Commander or their designee 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 they have medication that they need to sustain their health, the arresting officer should take possession of the medication.
  - 1. Personnel shall not dispense or permit arrestees to take medication (prescription or non-prescription) except while being treated by a physician at the hospital;
  - 2. If the arrestee needs immediate medical attention, they shall be transported to the hospital via ambulance;
  - 3. If the arrestee is going to be committed to the Camden County Jail, 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, or attend probate proceedings while in the custody of this agency.

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

- A. Fingerprints and photographs (mug shots) shall be completed for all adult arrested persons. 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. Hijab is a piece of fabric used as a headscarf and fastened under the chin in traditional Islamic dress. It is a veil traditionally worn by Muslim women in the presence of adult males outside of their immediate family, which

usually covers the head and chest. The term can further refer to any head, face, or body covering worn by Muslim women that conform to a certain standard of modesty. The hijab should not cover the face on the mug shot.

- b. Snood is a type of female headgear designed to hold the hair in a cloth or yarn bag. In the most common form, the headgear resembles a close-fitting hood worn over the back of the head. It is similar to a hairnet, but snoods typically have a looser fit, a much coarser mesh, and noticeably thicker yarn. Snoods are permitted if they do not cover the face.
- c. Yarmulke (also known as a kippah, kippa, or kipah) is a brimless cap, usually made of cloth, worn by followers of Judaism to fulfill the customary requirement held by orthodox authorities that the head be covered. Yarmulkes are permitted.
- d. Bandages and other medically necessary appliances are permitted. If a bandage or other medical appliance interferes with the mug shot, such photograph can be taken at a later time.

6. Juvenile fingerprints and photographs shall be taken in accordance with N.J.S.A. 2A: 4A-61.

7. Processing personnel shall ensure that the following checks are made on the arrestee(s):

- a. NCIC
- b. ACS/ATS

8. Processing personnel shall ensure that all appropriate victim/witness notifications are made.

9. Processing personnel shall ensure that guidelines for alternate care for arrestee's dependents are followed and documented on the arrest or incident report; see Alternate Care for Arrestee's Dependents policy.

10. Processing personnel shall ensure that a DNA sample is taken from arrestees with qualifying charges; see Arrestee DNA Specimens.

## **IX. COMPLAINT PROCESS**

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

1. The results of this mandated inquiry, including any negative response, must be included in the Preliminary Incident Report, as well as in the officer's initial report. Check the appropriate box on the eCDR.
  2. In certain circumstances, N.J.S.A. 2C: 43-25 permits a police officer to divert a veteran in lieu of signing a criminal complaint. An assistant prosecutor **MUST** expressly approve any pre-complaint diversion of an individual pursuant to N.J.S.A. 2C: 43-25.
  3. *If approval is not or cannot be obtained, regular complaint procedures shall be followed.*
- B. Prior to charging a defendant with any offense and **before** contacting an assistant prosecutor, the officer must:
1. Consult with the booking supervisor to confirm the correct charge (statute number) that will be entered into Live Scan prior to initiating the Live Scan process.
  2. Take and submit fingerprints and a digital photograph of the defendant using Live Scan. Use the highest degree charge first. The charges entered into Live Scan must match the charges that are placed on the complaint (CDR).
  3. The decision to issue a complaint-summons (CDR-1) or apply for a complaint-warrant (CDR-2) shall be guided by the results of the automated pretrial risk-assessment process, which is initiated after the defendant's fingerprints are taken with Live Scan.
    - a. Receive a preliminary Public Safety Assessment (PSA). The PSA score will include the following:
      - i. Failure to appear (FTA) score (1-6);
      - ii. New criminal activity (NCA) score (1-6);
      - iii. New violent criminal activity (NVCA) flag (yes or no).
    - b. Because the automated PSA does not incorporate all background information on a defendant, the arresting officer **MUST** check the following databases:
      - i. Computerized criminal history (CCH);

- ii. Interstate identification index (III) – if there are indications that the defendant might have an out- of- state criminal history;
  - iii. Juvenile central registry – If the defendant is less than 28 years old, check the juvenile central registry to determine if the defendant has a juvenile record that might have a material bearing on the charging decision.
  - iv. Domestic violence central registry – In cases involving domestic violence, check the domestic violence central registry to determine whether the defendant is subject to a domestic violence restraining order.
  - v. ODARA (domestic violence cases only; see subsection I.B of this directive for qualifying domestic violence related crimes/offenses);
    - a) NOTE: Use an *ODARA Scoring Form* regardless of the gender of the person committing the index assault or the gender of the victim but, officers shall only use the ODARA scores to frame decision-making in cases in which a male or a person who self identifies as a male has assaulted a female or a person who self identifies as a female partner.
    - b) In all other cases, officers should include a concise description of all ODARA items found to be present in any *Affidavit of Probable Cause* submitted with an application for a complaint-warrant.
- 2) Sexual assault central registry – In cases involving a sexual offense under N.J.S.A. 2C: 14-1 et seq., check the central registry established under N.J.S.A. 2C: 14-20 to determine whether the defendant is subject to a protective order issued pursuant to the *Sexual Assault Survivor Protection Act*.

- c. The PSA does not take into account the threat of future harm to the victim or witness, defendant's involvement or affiliation with gang or organized crime, alcohol and drug dependence or mental illness. The booking supervisor MUST alert the assistant prosecutor to additional known relevant facts and circumstances in filing in the blanks that will not be known based upon the PSA.
4. Live Scan fingerprinting must be completed before beginning eCDR complaint entry.
  5. After a Live Scan confirmation is received, proceed to the eCDR system and begin generating a complaint.
    - a. Officers are authorized to issue a complaint-summons (CDR-1) without first contacting an Assistant Prosecutor when issuance of a complaint-summons (CDR-1) is presumed (see subsection IX.C) and has been approved by the booking supervisor.
    - b. An Assistant Prosecutor must approve an application for a complaint-warrant (CDR-2) when issuance of a complaint summons (CDR-1) is presumed (see subsection IX.D).
    - c. Officers are authorized to apply for a complaint-warrant (CDR-2) without first contacting an Assistant Prosecutor when issuance of a complaint-warrant (CDR-2) is either mandatory (see subsection IX.C) or presumed (see subsection IX.D) provided that application for a complaint-warrant (CDR-2) has been approved by the booking supervisor.
    - d. An Assistant Prosecutor must approve issuance of a complaint-summons (CDR-1) when application for a complaint-warrant (CDR-2) is presumed (see subsection IX.E).

C. In cases involving domestic violence:

1. Officers shall complete an ODARA in those cases of domestic violence in which the following crimes/offenses are charges and the victim is a partner, as defined in subsection I.B.1 of this 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); and
  - 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 their 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 shift 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.

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 a condition of release as part of present offense;
6. The defendant has violated a sexual assault survivor protection order or a condition of release as part of present offense;
7. There is probable cause to believe that the defendant committed bail jumping in violation of N.J.S.A. 2C: 29-7, witness tampering or retaliation in violation of N.J.S.A. 2C: 28-5, witness obstruction in violation of N.J.S.A. 2C: 29-3b(3), or witness tampering in violation of N.J.S.A. 2C: 29-3a(3);
8. There is probable cause to believe that the defendant committed or attempted to commit:
  - a. A 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 2<sup>nd</sup> 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)); or
  - 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 ten (10) years, the defendant as a juvenile was adjudicated delinquent for a crime involving a firearm or a crime that if committed by an adult would be subject to N.J.S.A. 2C: 43-7.2;
  13. It reasonably appears that the defendant has an out-of-state pending charge or conviction involving actual or threatened violence or unlawful possession or use of a firearm;
  14. The ODARA score is three (3) or greater regardless of the PSA scores;
  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);

16. If any one of these above criteria exists, a complaint-warrant **must** be sought, **unless** there is a determination made that neither the interests of public or victim safety nor the interests of justice would be served by applying for a complaint-warrant.
- F. PRESUMED COMPLAINT-SUMMONS – If the case is not a mandatory or presumed warrant application and in consultation with the booking supervisor, the officer **SHALL** issue a complaint-summons, unless the application for a complaint-warrant is reasonably necessary to protect the safety of a victim or community, to reasonably assure the defendant's appearance in court when required, or to prevent the defendant from obstructing or attempting to obstruct the criminal justice process, **AND** there is a lawful basis to apply for a complaint-warrant.
1. Such reasons include:
    - a. The defendant has been served with a complaint-summons and has failed to appear;
    - b. There is reason to believe that the defendant is dangerous to themselves if released on a summons;
    - c. There is reason to believe that the defendant will pose a danger to the safety of any other person or the community if released on a summons;
    - d. There is an outstanding warrant for the defendant;
    - e. The defendant's identity or address is not known and a warrant is necessary to subject the defendant to the jurisdiction of the court;
    - f. There is reason to believe that the defendant will obstruct or attempt to obstruct the criminal justice process if released;
    - g. There is reason to believe that the defendant will not appear in response to a summons; or
    - h. There is reason to believe that the monitoring of pretrial release conditions by the pretrial services agency is necessary to protect any victim, witness, other specified person, or the community.
  2. If the booking supervisor determines that the presumption of issuance of a complaint-summons is overcome then the booking supervisor must contact the on-call Assistant Prosecutor for approval before a complaint-warrant is issued.

3. When making the call to the on-call Assistant Prosecutor, the booking supervisor must identify the specific risk, (appearance in court, safety to others, risk defendant will obstruct the criminal justice process) and identify the applicable R.3: 3-1(d) ground(s) and identify facts and circumstances relied upon (e.g., PSA score, manner of crime committed, gang affiliation, etc.). Otherwise, a complaint-summons must be issued unless otherwise approved by the on-call Assistant Prosecutor.
- G. The booking supervisor must send an email to [notices@ccprosecutor.org](mailto:notices@ccprosecutor.org) when a complaint-warrant (CDR-2) has been issued and must indicate if there is reason to believe that the prosecutor should file a motion for pretrial detention or revocation of release.
  - H. The booking supervisor must also send an email to [notices@ccprosecutor.org](mailto:notices@ccprosecutor.org) if an officer applies for a complaint-warrant (CDR-2) without first obtaining approval from an assistant prosecutor and the court or other judicial officer denies the application. The email must document the reasons for the denial.
  - I. Charging decisions when Live Scan is unavailable; results are delayed; or defendant is not yet arrested:
    1. If the Live Scan system or the judiciary's automated PSA is not operational; or
    2. If the PSA result is not available within two (2) hours of fingerprinting the defendant; or
    3. If probable cause exists to issue a complaint for a defendant not yet arrested:
      - a. The booking supervisor **shall** make a complaint-warrant versus complaint-summons determination by applying the provisions and presumptions set forth in this section that do not depend on the results of the automated PSA tool.
      - b. In making this decision, the booking supervisor **shall** give special consideration to the interests of public protections served by providing the pretrial services program with an opportunity to conduct an objective assessment and to make recommendations as to any conditions that may be needed to manage the risks that would be posed by defendant's release.



J. The arresting officer must complete and the booking supervisor must review:

1. The *Affidavit of Probable Cause* in eCDR.
  - a. In accordance with *New Jersey Attorney General's Directive 2017-1*, do not include victim and/or witness' identifying information in the *Affidavit of Probable Cause*, such as names and addresses. DO NOT use initials! Officers must 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 investigation report.
  - c. The affidavit will include a checkbox allowing the officer to certify that the statements in the affidavit are true.
  - d. The affidavit SHALL include a concise description of relevant facts and circumstances. It should also include a concise statement as to the officer's basis for believing the defendant committed the offense. It shall also indicate whether a victim was injured and, if so, to what extent. The amount of information should be more than what is required in the complaint narrative section but, need not be a full recitation of the facts.
  - e. In domestic violence related cases, officers should include a concise description of all ODARA items found to be present in the *Affidavit of Probable Cause*.
2. The *Preliminary Law Enforcement Incident Report* in eCDR. If the incident involves an ODARA, officers must include the following in the PLEIR:
  - a. That an ODARA had been completed;
    - 1) Whether the victim was confined at the index assault;
    - 2) Whether there was a threat to harm or kill anyone at the index assault;
    - 3) Victim's concern about future assaults;
    - 4) Victim and/or defendant have more than 1 child altogether;

- 5) Victim has a biological child with someone other than the defendant;
  - 6) Assault on the victim while they were 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 they were ending the relationship;
- b) Victim is with a new intimate partner;
- c) There have been changes in custody of the children

3. *ODARA Scoring Forms:*

- a. Officers shall transmit a copy of the completed *ODARA Scoring Form* to the Camden County Prosecutor's Office through InfoShare as soon as practicable following completion.
- b. Officers shall also transmit a copy of the completed *ODARA Scoring Form* to the Division of Criminal Justice as soon as practicable following completion at [ODARA@njdcj.org](mailto:ODARA@njdcj.org).
- c. The original *ODARA Scoring Form* shall be maintained in the applicable case file.
- d. ODARA scores shall not be communicated or disseminated to members of the judiciary (i.e., judicial officers, including judges and court administrators, and pretrial service program personnel), and completed *ODARA Scoring Forms* shall not be offered in evidence. This prohibition applies to every stage of a criminal prosecution (e.g., applications for complaint-warrants, requests for conditions of release, hearings for pretrial

detention, and trials). However, officers should utilize any information learned from the ODARA to frame critical decisions during criminal prosecutions, including whether to seek a complaint-warrant and whether to seek detention.

- e. *ODARA Scoring Forms* are subject to discovery.

## **X. REPORTING REQUIREMENTS**

- A. All arrest incidents shall minimally require the following documentation whether electronic or on paper equivalent:

1. Incident report;
2. Arrest report;
3. Preliminary Law Enforcement Incident Report (in eCDR when required);
4. Affidavit of Probable Cause (in eCDR when required);
5. ODARA Scoring Form (when applicable);
6. Prisoner property report (if the arrestee is being incarcerated);
7. Property/evidence report (if required);
8. Consent to search (if required);
9. Use of force report (if required);
10. Witness statements (if required);
11. Miranda waiver (if required);
12. Victim notification form (if required); or
13. Suicide evaluation (if subject to confinement).

## **XI. SUPPLEMENTAL PRISONER TRANSPORTATION**

- A. This section addresses instances where CCPD personnel transport prisoners already in custody to and/or from this agency.
- B. Prior to 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. Interstate transportation will typically be performed by the Camden County Sheriff's Office. If this agency is called upon to assist, officers(s) assigned shall be briefed on and adhere to the sheriff's policies and procedures.
- D. Prisoners being taken to or from county jail, state prison, or other facility should 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; or
  - 3. Potential for positional asphyxia (morbid obesity, etc.).
  - 4. Ankle shackles, hobble restraints, disposable handcuffs (e.g., nylon flex cuffs, zip ties, etc.) and/or a handcuffing belt may be utilized when deemed necessary to provide additional restraints for subjects who are combative or deemed a flight risk. No other types of restraints are authorized. 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.).
- E. Officers shall search the rear seat of vehicles being used for prisoner transportation prior to occupation by the prisoner(s). Vehicles should be searched again following transportation.
- F. Prisoners being taken to/from any facility should 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.
- G. Each prisoner being transported to or from another detention facility should be positively identified as the person being 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;
  - 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.

- H. Follow intake/booking procedures when bringing prisoners to Camden County PD central booking.
- I. 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 (2) officers shall 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.
- J. Multiple prisoners can be transported within the same vehicle, but the number of prisoners shall not exceed the capacity of the safety devices (lap and shoulder harnesses) in rear seat area.
- K. 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.
- L. Prisoners are not permitted to communicate with anyone except a police officer during transportation or while waiting to be transported. Persons approaching a police vehicle containing a prisoner shall be instructed to leave and advised that the failure to oblige may result in their arrest and/or prosecution.
- M. Prisoners shall be transported directly to the intended destination as directed unless being taken to a medical facility for treatment. Under no circumstance shall an officer travel to the home of a County of Camden official/employee while a prisoner is in the vehicle.
- N. Prisoner transportation should not be interrupted for any reason except in extreme cases when the arrestee is stricken with a medical condition requiring immediate aid or vehicle crash involving the transporting vehicle. In that event, the transporting officer shall stop safely and should not remove the prisoner from the vehicle to render aid unless another officer is present to assist.
  - 1. Immediately notify communications of the event and what type of assistance is needed. Communications personnel shall direct the appropriate type and level of assistance, if local;
  - 2. If the transporting vehicle is in another jurisdiction, communications personnel shall immediately contact the law enforcement agency with jurisdictional responsibility for assistance.
- O. If long-range transportation is necessary, the prisoner should be directed to use the restroom facilities prior to transportation. Personnel 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.

- P. Personnel shall not stop to eat or take breaks while transporting prisoners.
- Q. 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 at the facility or a cellular telephone to relay this information and call a recorded line.
- R. 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.
- S. If the prisoner's destination is other than this agency.
  - 1) Secure all firearms before entering the receiving agency's detention facility;
  - 2) Restraints shall not be removed until placing the prisoner in a cell or other secure holding facility at the direction of the receiving official;
  - 3) All necessary forms, documentation, and prisoner property, shall be turned over to the receiving agency;
  - 4) Advise the receiving agency of any potential medical or security risks concerning the prisoner(s);
  - 5) The receiving official should sign for the prisoner. If the signature is refused or unavailable, the name of the receiving official and the prisoner(s) being delivered shall be documented in the transportation report/record;
  - 6) If the prisoner is being delivered to court, notify the receiving official if the prisoner is considered an unusual security risk. The transporting officers may be required to remain with the prisoner while at the court facility when necessary.
- T. If prisoners with special needs are being transported to a Camden County facility, first notify the Camden County Sheriff's Office to see if it can provide transportation. 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 ambulate 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.

U. Prisoners being picked up at other locations and exhibiting signs of untreated injuries should be refused before this agency accepts custody.

1. If the prisoner is being picked up on a County of Camden warrant:

a. Take the prisoner to the nearest medical facility for emergency treatment, see subsection V.K of this directive;

b. If the prisoner exhibits signs of mental illness, follow the protocols found in *Emotionally Disturbed Persons policy*, specifically the subsections on mental health screening and commitment.

c. Prisoners exhibiting signs of extreme intoxication may be accepted, but should be transported to a medical facility for medical clearance.

d. Promptly notify a supervisor and document the matter.

V. 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.



## **OTHER PROVISIONS**

*All personnel are responsible for adhering to the requirements of this written directive* until rescinded or amended by written order of the Chief of Police. Employees have an ongoing and continuous responsibility to seek guidance and verify their understanding of this and all directives including orders, policies, procedures, and rules. This directive shall take effect 10/7/2024 and remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Chief of Police. All directives not expressly altered by this order remain in full force and effect.

*The provisions of this directive shall be severable.* If any phrase, clause, sentence or provision of this directive is declared by a court of competent jurisdiction to be invalid, the remainder of the directive shall not be affected.

*Non-enforceability by third parties.* This Directive is issued pursuant to the Chief of Police's authority to ensure the uniform and efficient enforcement of the laws and administration of criminal justice by department members. This Directive imposes limitations that may be more restrictive than the limitations imposed under the United States and New Jersey Constitutions, and federal and state statutes and regulations. Nothing in this Directive shall be construed in any way to create any substantive right that may be enforced by any third party.