



## Fort Lee Police Department Civilian Complaint Procedures

The New Jersey Courts has provided the attached documents to the Fort Lee Police Department. In order to sign a complaint charging any individual with a criminal, disorderly persons, motor vehicle, parking or borough ordinance offense you are requested to complete these forms and return them to the Fort Lee Police Department.

Before any complaint is filed, a report of the incident should be on file with the Police Department.

Upon review of these forms, a formal complaint will be prepared for you to sign under oath. In most cases you may have to appear before the Judge, in court, and give formal testimony to establish probable cause to the satisfaction of the Judge.

Filing a police report **does not** constitute a formal complaint with the court.

In most cases a Police Officer may have to witness a particular offense in order to make an arrest or issue a summons. Should the officer not witness the offense, the person making the allegation must sign the complaint. All defendants are considered innocent until proven guilty in a court of law. Filing a private citizens' complaint is only a claim of wrongdoing. As the complainant, you must be prepared to prove your cases in court.

It is recommended, but not required, that you consult your attorney before signing any complaints.

**Prosecutors must review private complaints against public officials and/or complaints alleging indictable offenses against any person.**

Prior to the issuance of a summons or complaint-warrant, a county prosecutor must review all private citizen complaints alleging disorderly persons offenses against a political candidate, nominee, or public office holder or any complaints alleging indictable offenses against any person. The county prosecutor, in turn, can approve the matter (pursue charges), or deny it (not pursue or prosecute the complaint). The county prosecutor can also modify the charges prior to approval. The county prosecutor has 45 days to review such complaints, with a possible 10-day extension for good cause. After review, if the complaint is denied, notice of denial will be provided to the complainant and defendant. The county assignment judge will also be notified.

### Filing a Complaint in Municipal Court

#### **What You Should Know and Do**

- The **defendant** (the person you are charging with a crime or offense) must generally be 18 years of age or older.
- The incident must have taken place within this municipality, except in certain domestic violence situations.
- You (the **complainant**) will be asked to fill out a certification giving details of what happened, when, and where.

If you do not know the exact statute or ordinance to charge, you may ask a Police Officer to provide a copy of the relevant statute book or municipal ordinance book for your review; however, they are not permitted to select the charge for you. You may also follow one of the below links:

Borough of Fort Lee, New Jersey Code and Ordinances: <https://ecode360.com/FO1867>

New Jersey Legislative Statutes:

<https://lis.njleg.state.nj.us/nxt/gateway.dll?f=templates&fn=default.htm&vid=Publish:10.1048/Enu>

## **What the Court Will Do**

Filing a complaint in the municipal court is the first step in a two-step process. After you file the complaint, the second step requires a judicial officer and/or municipal court judge to determine that there is a reason to believe, based on the information you supplied, that a crime or offense has been committed and that the person being accused (the defendant) committed the offense. This is known as a finding of probable cause. The court will also determine whether the complaint was filed within the required time period.

If the court determines that there is probable cause and that the complaint was filed timely, the complaint will be sent to the defendant and the case will be scheduled for court. You will be notified when you are required to appear, so please notify the court of any mailing address changes.

If the judicial officer and/or judge conclude that there is no probable cause and/or the complaint was not filed timely, the court will notify you by mail. In that event, the court will dismiss the complaint and take no further action.

## **If Your Complaint Goes to Court**

In the municipal court, the lawyer who represents the State is called the municipal prosecutor. It is the municipal prosecutor's responsibility to review the merits of each case to determine if the case should proceed. The municipal prosecutor remains responsible for the case until its conclusion.

## **Court Staff Assistance**

The following is a list of some things the court staff can and cannot do for you. Please read it carefully before asking the court staff for help.



To assist you, court staff **can**:

- answer questions and explain how the court works.
- tell you what the requirements are to have your case considered by the court.
- provide you with samples of available court forms.
- provide you with guidance on how to fill out forms.
- usually answer questions about court deadlines.
- provide you with the telephone number of the lawyer referral service.

Court staff **cannot**:

- give you legal advice – only your lawyer can give you legal advice.
- tell you whether or not you should bring your case to court.
- give you an opinion about what will happen if you bring your case to court.
- recommend a specific lawyer.
- talk to the judge for you about what will happen in your case.
- let you talk to the judge outside of the courtroom.
- change an order issued by the judge.

Please notify the court for any accommodations needed. For additional information on the New Jersey Judiciary or the municipal courts, please go to [www.njcourtsonline.com](http://www.njcourtsonline.com).

		New Jersey Judiciary Municipal Court of New Jersey <b>Certification in Support of Probable Cause</b>			
<b>State of New Jersey</b>		Municipal Court Name Fort Lee Municipal Court		County of Bergen	
Court Address 309 Main Street		City Fort Lee		Zip NJ	
Date of Incident 01/01/2021	Location of Incident 123 Main Street		Municipality Fort Lee		
<p>I offer the following facts and information to establish probable cause in this complaint against (Defendant's name) <u>John Smith</u>, whom I would like to charge with (list Statutes or Ordinances):</p> <p>2C:12-1a(1) Simple Assault</p>					
<p>How do you know the identity of the person you are charging?</p> <p>Neighbor</p>					
<p>Describe the incident in detail:</p> <p>On January 1, 2021 at approximately 300 PM, John Smith and I were having a verbal dispute regarding the placement of his garbage cans in front of 123 Main Street, Fort Lee, NJ. During the verbal dispute John Smith struck my in the left side of my face with a closed fist causing a red mark on my face.</p> <p>See my completed report and attached affidavit for further.</p>					
<p><b>Certification:</b> I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.</p>					
<u>01/02/21</u> Date		<u>John Doe</u> Signature of Complaining Witness Print Name			



New Jersey Judiciary  
Municipal Court of New Jersey  
**Complaint Information Form**



Instructions: Please complete the following information to the best of your ability. This information will help in the preparation of the complaint.

Your Name (you are the complainant)

John Doe

Street Address

123 Main Street

City

Fort Lee

State

NJ

Zip

07024

Telephone Number

(201) 000-0000 ext.

Email Address

johndoe@gmail.com

Defendant's Name

John Smith

Street Address

321 South Street

City

Fort Lee

State

NJ

Zip

07024

Telephone Number (if known)

(201) 000-0000 ext.

Date of Birth (if known)

01/01/1900

Driver's License (if known)

Unknown

State

Is the person you are charging an elected public official or a candidate for elected public office?  
If yes, provide any information regarding what elected office the person is a candidate for or currently holds.

☐ Yes

☒ No

If this is a motor vehicle complaint list:

License Plate # of Other Vehicle

State

Description of vehicle (if known)

Names and addresses of witnesses (use additional paper if necessary)

Name

Address

Jane Doe

123 Main Street, Fort Lee NJ 07024

**For Court Use Only**

Court Administrator/Deputy Initials: \_\_\_\_\_

Date: \_\_\_\_\_

Corresponding Complaint Numbers: \_\_\_\_\_

(Every request requires the filing of a complaint.)



New Jersey Judiciary  
Municipal Court of New Jersey



**Certification in Support of Probable Cause**

<b>State of New Jersey</b>		Municipal Court Name		County of	
Court Address			City		Zip
Date of Incident	Location of Incident			Municipality	
<p>I offer the following facts and information to establish probable cause in this complaint against (Defendant's name) _____, whom I would like to charge with (list Statutes or Ordinances):</p>					
<p>How do you know the identity of the person you are charging?</p>					
<p>Describe the incident in detail:</p>					
<p><b>Certification:</b> I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.</p>					
_____ Date			_____ Signature of Complaining Witness		



New Jersey Judiciary  
Municipal Court of New Jersey  
Poder Judicial de Nueva Jersey  
Juzgados Municipales de Nueva Jersey



**Certification in Support of Probable Cause**  
**Certificación para Apoyar Motivo Fundado**

Complaints, motions and other papers submitted should be in English to enable the court to process your request.  
Las demandas, los pedimentos y otros documentos que sean presentados deben estar en inglés para permitir que el tribunal procese su solicitud.

<b>State of New Jersey</b> <b>El estado de Nueva Jersey</b>		<b>Municipal Court Name</b> Nombre del Juzgado Municipal	<b>County of</b> Condado de
<b>Court Address</b> Dirección del Juzgado		<b>City</b> Ciudad	<b>Zip</b> Código Postal
<b>Date of Incident</b> Fecha del incidente	<b>Location of Incident</b> Lugar del incidente	<b>Municipality</b> Municipalidad	

I offer the following facts and information to establish probable cause in this complaint against  
(Defendant's name) \_\_\_\_\_, whom I would like to charge with (list statutes or Ordinances):

Ofrezco los siguientes hechos e información para establecer un motivo fundado en esta acusación en contra de (Nombre del demandado/de la demandada) \_\_\_\_\_, a quien deseo acusar de (enumere los estatutos u ordenanzas):

How do you know the identity of the person you are charging?  
¿Cómo sabe usted la identidad de la persona a la cual está acusando?

Describe the incident in detail:  
Describa detalladamente el incidente:

**Certification:** I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**Certificación:** Certifico que las declaraciones que anteceden, hechas por mí, son verídicas. Sé que, si cualquiera de las declaraciones anteriores hechas por mí fuera intencionalmente falsa, estaría sujeto/sujeta a un castigo.

\_\_\_\_\_  
Date/Fecha

\_\_\_\_\_  
Signature of Complaining Witness/Firma del testigo acusador



New Jersey Judiciary  
Municipal Court of New Jersey  
**Complaint Information Form**



Instructions: Please complete the following information to the best of your ability. This information will help in the preparation of the complaint.

Your Name (you are the complainant)

Street Address

City

State

Zip

Telephone Number

Email Address

Defendant's Name

Street Address

City

State

Zip

Telephone Number (if known)

Date of Birth (if known)

Driver's License (if known)

State

Is the person you are charging an elected public official or a candidate for elected public office?

☐ Yes

☐ No

If yes, provide any information regarding what elected office the person is a candidate for or currently holds.

If this is a motor vehicle complaint list:

License Plate # of Other Vehicle

State

Description of vehicle (if known)

Names and addresses of witnesses (use additional paper if necessary)

Name

Address

**For Court Use Only**

Court Administrator/Deputy Initials: \_\_\_\_\_

Date: \_\_\_\_\_

Corresponding Complaint Numbers: \_\_\_\_\_

(Every request **requires** the filing of a complaint.)





New Jersey Judiciary  
Municipal Court of New Jersey  
Poder Judicial de Nueva Jersey  
Juzgados Municipales de Nueva Jersey



## Complaint Information Form Formulario de Información para la Demanda

Complaints, motions and other papers submitted should be in English to enable the court to process your request.  
Las demandas, los pedimentos y otros documentos que sean presentados deben estar en inglés para permitir que el tribunal procese su solicitud.

Instructions: Please complete the following information to the best of your ability. This information will help in the preparation of the complaint.

Instrucciones: Por favor llene la siguiente información lo mejor que pueda. Esta información ayudará en la preparación de la demanda.

Your Name (you are the complainant)

Su Nombre y Apellido (Usted es el demandante/la demandante)

Street Address

Dirección (Calle y número)

City

Ciudad

State

Estado

Zip

Código Postal

Telephone Number

Número de teléfono

Email Address

Dirección del correo electrónico

Defendant's Name

Nombre(s) y apellido(s) del demandado/de la demandada

Street Address

Dirección (Calle y número)

City

Ciudad

State

Estado

Zip

Código Postal

Telephone Number (if known)

Número de teléfono (si lo sabe)

Date of Birth (if known)

Fecha de Nacimiento (si la sabe)

Driver's License (if known)

Número de la licencia de conducir (si lo sabe)

State

Estado

Is the person you are charging an elected public official or a candidate for elected public office? ☐ Yes/Sí ☐ No/No  
¿Es la persona que acusa un funcionario público electo o un candidato a ser electo para un cargo público?

If yes, provide any information you have on what elected office the person holds or is a candidate for:

Si la respuesta es afirmativa, proporcione cualquier información que tenga sobre el cargo para el que se eligió o para el cual es un candidato:

If this is a motor vehicle complaint list:

Si esta es una demanda por un vehículo motorizado, enumere:

License Plate # of Other Vehicle

Número de la Placa del otro Vehículo

State

Estado

Description of vehicle (if known)

Descripción del vehículo (si la sabe)

Names and addresses of witnesses (use additional paper if necessary)

Nombres y apellidos y direcciones de los testigos (Si fuera necesario, use hojas adicionales)

Name/Nombre(s) y apellido(s)

Address/Dirección

### For Court Use Only/Para el Uso Exclusivo del Tribunal

Court Administrator/Deputy Initials: \_\_\_\_\_

Date: \_\_\_\_\_

Corresponding Complaint Numbers: \_\_\_\_\_

(Every request **requires** the filing of a complaint.)  
(Cada solicitud **requiere** la presentación de una demanda)





New Jersey Judiciary  
Municipal Court of New Jersey



**Confidential Domestic Violence Complaint Information Form  
(Not to be Disclosed)**

Instructions: Please complete the following information to the best of your ability. This information will help in the preparation of the complaint.

Your Name (you are the complainant)

Street Address

City

State

Zip

Telephone Number

Email Address

Defendant's Name

Street Address

City

State

Zip

Telephone Number (if known)

Date of Birth (if known)

What is your relationship to the defendant?

Is the person you are charging an elected public official or a candidate for elected public office?

☐ Yes

☐ No

If yes, provide any information regarding what elected office the person is a candidate for or currently holds

When did the offense occur?

Where did the offense occur?

Is there a domestic violence restraining order in effect?

☐ Yes

☐ No

In which county was the restraining order obtained?

What is the effective date of the restraining order?

Names and addresses of witnesses (use additional paper if necessary)

Name

Address

_____	_____
_____	_____
_____	_____
_____	_____

**For Court Use Only**

Court Administrator/Deputy Initials: \_\_\_\_\_

Date: \_\_\_\_\_

Corresponding Complaint Numbers: \_\_\_\_\_

(Every request **requires** the filing of a complaint.)



New Jersey Judiciary  
Municipal Court of New Jersey  
Poder Judicial de Nueva Jersey  
Juzgados Municipales de Nueva Jersey



**Confidential Domestic Violence Complaint Information Form  
(Not to be Disclosed)**

**Formulario Confidencial de Información para las Demandas de Violencia Doméstica  
(No se ha de revelar)**

Complaints, motions and other papers submitted should be in English to enable the court to process your request.  
Las demandas, los pedimentos y otros documentos que sean presentados deben estar en inglés para permitir que el tribunal procese su solicitud.

Instructions: Please complete the following information to the best of your ability. This information will help in the preparation of the complaint.  
Instrucciones: Por favor llene la siguiente información lo mejor que pueda. Esta información ayudará en la preparación de la demanda.

Your Name (you are the complainant)  
Su Nombre y Apellido (Usted es el demandante/la demandante)

Street Address Dirección (Calle y número)	City Ciudad	State Estado	Zip Código Postal
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Telephone Number Número de teléfono	Email Address Dirección del correo electrónico
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Defendant's Name  
Nombre y apellido del demandado/de la demandada:

Street Address Dirección (Calle y número)	City Ciudad	State Estado	Zip Código Postal
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Telephone Number (if known) Número de teléfono (si lo sabe)	Date of Birth (if known) Fecha de Nacimiento (si la sabe)	What is your relationship to the defendant? ¿Cuál es su relación con el demandado/la demandada?
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Is the person you are charging an elected public official or a candidate for elected public office? ☐ Yes/Sí ☐ No/No  
¿Es la persona que acusa un funcionario público electo o un candidato a ser electo para un cargo público?  
If yes, provide any information you have on what elected office the person holds or is a candidate for  
Si la respuesta es afirmativa, proporcione cualquier información que tenga sobre el cargo para el que se eligió o para el cual es un candidato:

When did the offense occur? ¿Cuándo ocurrió el delito?	Where did the offense occur? ¿Dónde ocurrió el delito?
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Is there a domestic violence restraining order in effect? ☐ Yes/Sí ☐ No/No  
¿Hay una orden de alejamiento en vigor?

In which county was the restraining order obtained? ¿En qué condado se obtuvo la orden de alejamiento?	What is the effective date of the restraining order? ¿Cuál es la fecha de entrada en vigor de la orden de alejamiento?
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Names and addresses of witnesses (use additional paper if necessary)  
Nombres y apellidos y direcciones de los testigos (Si fuera necesario, use hojas adicionales)

Name/Nombre(s) y apellido(s)

Address/Dirección

**For Court Use Only/Para el Uso Exclusivo del Tribunal**

Court Administrator/Deputy Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Corresponding Complaint Numbers: \_\_\_\_\_

(Every request **requires** the filing of a complaint.)  
(Cada solicitud **requiere** la presentación de una demanda)