



NEWARK POLICE DIVISION GENERAL ORDER



SUBJECT: Stationhouse Adjustments		GENERAL ORDER NO. 04-16
SUPERCEDES: G.O. 04-16 (Dated Aug. 12, 2011)	DATED: July 15, 2016	SECTION CODE: P-9

I. PURPOSE

The purpose of this Order is to provide general guidelines for Newark Police Division personnel to follow in the handling of stationhouse adjustments for juvenile offenders. In certain situations, the officer has the discretion to handle a juvenile matter either informally or formally. Informal handling occurs when a first-time juvenile offender commits a minor juvenile delinquency offense. Formal handling occurs when the juvenile is brought before the juvenile court or an intake officer for further processing.

II. POLICY

The Police Division is committed to the development and promulgation of programs designed to prevent and control juvenile delinquency. In keeping with the doctrine that the state plays the role of parent to the child rather than adversary, the Police Division shall seek the least forceful alternative when disposing of misdemeanor cases and status offenses involving juveniles.

III. DEFINITIONS

A. Child, Juvenile, Minor:

A person who is less than eighteen years of age. Physical appearance, maturity, marriage, or the seriousness of an offense does not affect a juvenile's legal status.

B. Delinquent Acts:

Acts designated as a violation of a law or an ordinance of any city, county, town, or federal law, but not to include status offenses.

C. Delinquent Child:

A child who has committed a delinquent act or an adult who had committed a delinquent act prior to his or her 18th birthday.

D. Stationhouse Adjustment:

Is an alternative method that may be used to handle first-time juvenile offenders who have committed minor juvenile delinquency offenses. The intent is to provide for immediate consequences, such as community service or restitution and a prompt and convenient resolution for the victim, while at the same time benefitting the juvenile by avoiding the stigma of a formal juvenile delinquency record.



NEWARK POLICE DIVISION

GENERAL ORDER



E. Status Offender:

A juvenile who commits an act (status offense) which is unlawful only if committed by a juvenile. Examples of status offenses:

1. A juvenile who is subject to compulsory school attendance but is habitually absent without justification (truant).
2. A juvenile who is habitually disobedient to the lawful commands of parents or other responsible persons (incorrigible).
3. A juvenile who remains away from or who habitually deserts or abandons the family (runaway).
4. Note that some federal offenses are status offenses as well. For example, 18 United States Code § 922(x) makes it a federal crime for a juvenile to possess a handgun.

IV. DISCRETION OF POLICE OFFICERS

When a police officer detains a juvenile for a delinquent act which is not serious and a record check shows no prior delinquency, the least coercive among reasonable alternatives should be used.

- A. Physical arrest of a juvenile under the age of thirteen (13) for a misdemeanor offense shall be avoided whenever possible when:
 1. The juvenile is non-violent.
 2. The identity of the offender is known.
 3. The parent(s) or legal guardian can be contacted and advised of the incident.
 4. The juvenile has no significant prior criminal history.
- B. After conferring with the complainant/victim and parents/guardian of the youth, the officer may consider a Stationhouse Adjustment.

V. PROCEDURES FOR STATIONHOUSE ADJUSTMENT

Officers have a great deal of discretion when making decisions as to the action to be taken in the area of minor delinquent acts. The discretion decreases as the seriousness of the offense increases.

- A. Officers should be concerned with attempting to resolve minor delinquent acts and status offenses without having to construct an official juvenile record for the child (circumstances permitting).
- B. In the areas of misdemeanor theft and criminal damage, this can be accomplished by officers assuming a role of mediator and negotiator in resolving the difficulty between the victim and the perpetrator.



NEWARK POLICE DIVISION

GENERAL ORDER



- C. This does not imply that officers in this situation are "covering up" transgressions of the juveniles. Instead, the seriousness of the offense should be evaluated and officers afforded the latitude to reprimand and release (Stationhouse Adjustment), or to refer the case to the juvenile authorities for prosecution.

NOTE: In questionable situations (i.e. when dealing with an emancipated minor) police officers should contact the Youth Aid Section (YAS) or the Central Juvenile Arrest Processing Unit (CJAPU) supervisor for advice on how to proceed, considering the best interest of both the individual, the victim, the Police Division, and the community. This should be noted in the Comments section of the Stationhouse Adjustment Form.

- D. In making the decision to handle the juvenile either informally or formally, the officer shall consider the following:

1. Seriousness of the offense.
2. Prior record of child.
3. Child's age.
4. Cooperation and attitude of all parties (child, parent, victim) and the possibility of the offense being repeated.
5. Degree of wrongful intent, violence, premeditation, knowledge of violation.
6. Likelihood that the child or parent can be successfully referred to a helping agency.

NOTE: When taking a juvenile into custody, along with a record check, officers shall call CJAPU or YAS to ascertain whether a Stationhouse Adjustment Form is already on file, thereby indicating that the subject in custody has been previously admonished for misconduct. This should play a role in the decision making process when determining whether to handle formally or informally.

- E. Guidelines for informal handling (submission of Stationhouse Adjustment Form)

1. Respect a juvenile's right of privacy. Information gained should be provided to others only on a "need to know" basis.
2. Even when he or she is being handled informally, the juvenile has all the constitutional rights that an adult would have in the same situation. Officers shall decide without delay whether formal or informal handling is in order, then apply the appropriate guidelines of this order.
3. Even if officers handle a case informally, they may still follow-up the case at a later time or, at any time, refer the juvenile and his or her parents to an appropriate social service agency.
4. Officers who wish to release a juvenile after issuance of a warning shall coordinate with the YAS or CJAPU officer to complete a Stationhouse Adjustment Form., and give a complete description and the circumstances of the contact. This form must be approved by the YAS or CJAPU supervisor and shall only be executed after the following has been completed:
 - a. Call YAS or CJAPU to ascertain whether the juvenile has previously been handled through Stationhouse Adjustment.



NEWARK POLICE DIVISION

GENERAL ORDER



- b. Once the juvenile has been taken into custody and is safely at CJAPU, notify the juvenile's parents, legal custodian, or guardian by phone or in person. Advise them that the juvenile has been taken into custody and that they may pick the juvenile up at CJAPU. The YAS or CJAPU supervisor may wish to speak to the parent or guardian before making a decision. If the parents or guardian cannot be contacted, notify the intake officer and advise him/her of the circumstances.
- c. Complete a record check on the juvenile.
- d. Submit the Stationhouse Adjustment Form and note the YAS or CJAPU supervisor's name if parent/guardian cannot be reached.

VI. SITUATIONS WHEN STATIONHOUSE ADJUSTMENT SHALL NOT BE USED

Offenses excluded from stationhouse adjustment and should result in the filing of a juvenile delinquency complaint include:

- A. Offenses involving the use or possession of a controlled dangerous substance or drug paraphernalia as defined under Chapters 35 or 36 of the Criminal Code shall not be adjusted without permission of the County Prosecutor's Office, as these offenses may be evident of a more serious drug problem requiring intervention by the Family Court.
- B. Bias offenses shall not be adjusted without permission of the County Prosecutor's Office.
- C. Sexual Offenses shall not be adjusted without the permission of the County Prosecutor's Office.
- D. Offenses resulting in serious and/or significant bodily injuries shall not be adjusted without permission of the County Prosecutor's Office. Such permission should only be given in cases where the criminal intent of the offender is in doubt and the injuries were unintended.
- E. Third degree offenses shall not be adjusted without permission of the County Prosecutor's Office.
- F. Offenses shall not be adjusted if the Newark Police Division is aware that the juvenile has other charges already pending before the court.
- G. Offenses shall not be adjusted when the juvenile is currently on probation, parole, home detention, or another court ordered disposition.
- H. First and second degree offenses shall not be adjusted.



NEWARK POLICE DIVISION GENERAL ORDER



VII. OTHER FACTORS TO BE CONSIDERED WHEN DETERMINING THE APPROPRIATENESS OF CONDUCTING A STATIONHOUSE ADJUSTMENT

- A. Age of the offender.
 - 1. Younger offenders, particularly those who may be unable to understand the consequences of their actions may be more appropriate for stationhouse adjustment.
 - 2. No offender is automatically excluded due to age.
- B. Prior record of juvenile complaints or stationhouse adjustments.
 - 1. Juveniles with a prior serious offense or more than two minor offenses should ordinarily not receive a stationhouse adjustment.
- C. Cooperation and attitude of all parties.
 - 1. All parties include the juvenile, parents or guardians/caregivers, or designee and victim.

VIII. REQUIRED MINIMUM PROCEDURES FOR A STATIONHOUSE ADJUSTMENT

- A. Officers shall warn the juvenile about the future consequences of continued delinquent activity.
 - 1. Officers shall discuss possible Family Court dispositions such as fines, probation, loss of driver's license, and incarceration.
 - 2. Officers shall discuss the possible impact of a delinquency record, including fingerprint records and DNA records on future career options.
- B. The officer taking the juvenile into custody must notify the juvenile's parents or guardian/caregiver about the matter and the parent or guardian/caregiver must be present.
 - 1. If a parent or guardian chooses to designate another adult (the designee) to attend the stationhouse adjustment with the juvenile, that person must be a responsible adult such as a trusted relative, pastor, or other mentor.
 - 2. In the event that a parent or guardian/caregiver does not respond to the Division's inquiries, the designee may not be chosen by the juvenile or by the Newark Police Division.
 - 3. The willingness of a parent or guardian/caregiver or designee to participate in this process and act in partnership with the Newark Police Division and to hold the child accountable for his or her actions is vital to the success of a stationhouse adjustment.



NEWARK POLICE DIVISION

GENERAL ORDER



- C. If there is a known victim of the alleged offense, the victim must be notified and agree to the process.
 - 1. When appropriate, victims should be informed that this process is a more efficient and expeditious process that enables a matter to be resolved locally.
 - 2. A stationhouse adjustment may proceed without the active participation of a victim, but shall NOT proceed over the objection of the victim.
 - 3. A victim who objects to a stationhouse adjustment should be permitted to sign a juvenile delinquency complaint, unless the complaint is clearly frivolous or lacking in probable cause, in which case a complaint should not be accepted by the Newark Police Division.
- D. The juvenile shall agree not to offend again and the juvenile and his or her parent or guardian/caregiver or designee shall be informed that a subsequent offense, or failure to comply with agreed upon terms of the stationhouse adjustment agreement, may result in the filing of a juvenile delinquency complaint for the offense which has been the subject of the stationhouse adjustment.
- E. The YAS or CJAPU officer shall complete a stationhouse adjustment form which must be signed by the juvenile and a parent or guardian/caregiver or designee. In addition, the victim will be required to sign the stationhouse adjustment form or provide telephonic authorization to seal the agreement.
- F. Indicate on the form any referrals made during the stationhouse adjustment.

IX. ADDITIONAL STATIONHOUSE ADJUSTMENT TECHNIQUES

- A. The Attorney General encourages the use of additional stationhouse adjustment techniques to provide an additional degree of accountability and responsibility.
- B. Division personnel are authorized to mediate minor disputes between parties pursuant to this policy. Any agreements made should be simple and short-term, and agreed by all parties.
- C. The juvenile may be required to write a letter of apology or essay as a part of the stationhouse adjustment. Essay topics should focus on the consequences of delinquent conduct, and how such conduct affects others.
- D. The Commander of Criminal Investigations Bureau shall ensure that a list of juvenile referral agencies is maintained at YAS and CJAPU for juvenile referrals where appropriate.



NEWARK POLICE DIVISION

GENERAL ORDER



X. STATIONHOUSE ADJUSTMENT LIAISON

- A. The YAS Supervisor shall serve as a liaison to the Essex County Prosecutor's Office and to referral agencies, to ensure compliance with all stationhouse adjustments conducted by the Newark Police Division. The liaison shall be responsible for:
1. Serving as the point of contact for the Essex County Prosecutor's Office and referral agencies.
 2. Maintaining a readily available list of referral agencies, including phone numbers, referral forms, etc.
 3. Maintaining a tally of the number of stationhouse adjustments conducted by precinct.
 4. Maintaining a tally of the number of juvenile referrals made.
 5. Follow up and maintaining the rate of compliance with any terms and conditions imposed and when the juvenile's case is closed.
 6. The information shall be made available to the Office of the Public Safety Director upon request.

XI. ROUTING OF STATIONHOUSE ADJUSTMENT FORMS

- A. All Stationhouse Adjustment forms shall be completed and submitted at YAS or CJAPU.
- B. YAS/CJAPU shall be the central repository for all Stationhouse Adjustment Forms:
1. A logbook shall be maintained at YAS/CJAPU with an alphabetical listing of all Stationhouse Adjustment Forms received.
 2. A sequential control number shall be assigned to all Stationhouse Adjustment Forms prior to filing.
 3. To ensure up-to-date and accurate information is immediately available upon request by officers in the field, it is imperative that Stationhouse Adjustment Forms are assigned a control number and alphabetically filed immediately upon receipt.

XII. REPORTING REQUIREMENTS

- A. **Quarterly Reports**
Stationhouse Adjustment Quarterly Reports shall be compiled in accordance with New Jersey Attorney General Guidelines.
1. The Commander of Criminal Investigations Bureau shall ensure that a complete Stationhouse Adjustment Quarterly Report is submitted to the Office of the Public Safety Director by the 10th day of the month following the close of the quarter.



NEWARK POLICE DIVISION

GENERAL ORDER



2. The Office of the Public Safety Director shall ensure that a complete Stationhouse Adjustment Quarterly Report is submitted to the County Prosecutor's Office by the 15th day of the month following the close of the quarter.
3. Since one of the primary benefits to a juvenile of a stationhouse adjustment is the avoidance of the creation of a juvenile delinquency record, no personal identifying information shall be submitted in the quarterly report. For each stationhouse adjustment, the quarterly report shall contain: Juvenile's age at the time of offense, ethnicity (as reported by the juvenile), gender, the alleged offense, and if no stationhouse adjustment is conducted, indicate the reason(s) as provided on the form. **The YAS officer completing the "Quarterly Report" is reminded to follow the specific instructions given by the Attorney General's Office. No "pending" outcomes are to be placed on the Quarterly Reports.**

B. Monthly Reports

1. Precinct Commanders shall ensure that a Monthly Report is submitted through channels to the Office of the Public Safety Director by the 10th day of the following month.
2. The purpose of the Monthly Report is to make sure that juveniles who commit minor juvenile delinquency offenses are provided with stationhouse adjustments as an alternative method.
3. The Monthly Report shall include the number of stationhouse adjustments conducted for the month, control number, date of offense, age, race, sex, and location, a brief synopsis of the offense, any referrals made, and outcome.

XIII. COMPLIANCE

All personnel are responsible for understanding and complying with the procedures delineated in this order.

XIV. EFFECT OF THIS ORDER

All previous Orders and sections of the "Rules and Regulations" which are inconsistent with this procedure are hereby rescinded.

BY ORDER OF:


ANTHONY F. AMBROSE
PUBLIC SAFETY DIRECTOR

AFA/mc