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Bergen County Prosecutor

# Office of the County Prosecutor

## County of Bergen

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**TO: ALL BERGEN COUNTY CHIEFS OF POLICE, POLICE DIRECTORS, OFFICERS-IN-CHARGE, AND SHERIFF**

**FROM: PROSECUTOR GURBIR S. GREWAL**

**DATE: NOVEMBER 1, 2017**

**SUBJECT: BERGEN COUNTY PROSECUTOR'S OFFICE LAW ENFORCEMENT DIRECTIVE NO. 2017- 7 MODIFYING THE SYSTEM OF COMPLAINT APPROVAL**  
(SUPERSEDING BERGEN COUNTY PROSECUTOR'S OFFICE LAW ENFORCEMENT DIRECTIVES NO. 2016-1 AND 2017-4)

### I. INTRODUCTION

On October 11, 2016, the Attorney General issued Law Enforcement Directive No. 2016-6 "Establishing Interim Policies, Practices, and Procedures to Implement Criminal Justice Reform". The AG Directive was adopted and made part of this Directive, both of which bind all law enforcement agencies operating in Bergen County and their officers (hereinafter "County LE Agencies") effective January 1, 2017. Section 3 of the AG Directive instructs the County Prosecutor to implement a method of "pre-charging case screening." In keeping with the spirit of the AG Directive and the demonstrated experience and judgment of County LE Agencies, the Bergen County Prosecutor's Office ("BCPO" or "the Office") adopted the collaborative complaint approval process set forth below. All law enforcement operating in Bergen County and under the authority of the laws of the State of New Jersey is directed to implement and comply with the following policies, procedures, standards, and practices with respect to complaint approval.

On May 24, 2017, the Attorney General issued Law Enforcement Directive No. 2016-6 v. 2.0: Modification of Directive Establishing Interim Policies, Practices, and Procedures to Implement Criminal Justice Reform." Among other changes, the modified AG Directive added additional offenses to those that, when charged, create a rebuttable presumption that law enforcement will apply for a complaint-warrant regardless of the PSA score. In addition, it modified the PSA scores that trigger the rebuttable presumption that a law enforcement officer will make application for a complaint-warrant. Those modifications are reflected in this policy.



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Most recently, on September 27, 2017, the Attorney General issued Law Enforcement Directive No. 2016-6 v. 3.0: Modification of Directive Establishing Interim Policies, Practices, and Procedures to Implement Criminal Justice Reform (hereinafter, the “AG Directive”). This revision introduces the Ontario Domestic Assault Risk Assessment (ODARA) to New Jersey law enforcement and mandates its use in certain instances. The AG Directive also creates additional presumptions based upon the ODARA score.

Accordingly, this superseding Law Enforcement Directive 2017-7, which incorporates the AG’s modifications, is effective immediately.

## II. DESIGNATION OF A SUPERVISORY OFFICER

The AG Directive authorizes the County Prosecutor to determine the method for pre-charging case screening. The Chief or Director of each County LE Agency shall designate at least one Supervisory Officer (hereinafter “SO”) to review all charging decisions of the respective agency effective January 1, 2017. The SO shall be (1) the officer on duty in charge of booking procedures, or (2) the highest-ranking officer on duty or in the police station on any given shift. Additionally, the SO must be available to law enforcement officers in his/her department on a full time basis; that is, 24 hours a day, 7 days a week. The SO will have various complaint approval responsibilities as outlined in Section V, *infra*. An SO designated pursuant to this subsection shall have authority to review/approve charging decisions only in cases where the arrest was made by an officer from the SO’s department. An SO shall not be authorized to review or approve a charging decision for an arrest made by any other agency.

## III. COMPLAINT-SUMMONS v. COMPLAINT-WARRANT

### A. Issuance of a Complaint-Summons is Presumed

In any case where there is probable cause to believe that a defendant has committed any indictable crime or disorderly persons offense, a law enforcement officer shall issue a complaint-summons, with **three notable exceptions**. Those **exceptions** are:

1. those crimes which must be placed on a complaint-warrant, pursuant to New Jersey Court Rule 3:3-1e (Section III(B) *infra*);
2. those crimes which give rise to a presumption in favor of a complaint-warrant pursuant to Rule 3:3-1f and the AG Directive (Section III(C) *infra*); and
3. those circumstances where, upon consultation with an Assistant Prosecutor, it is determined that application for a complaint-warrant is reasonably necessary to ensure defendant’s appearance in court, protect the safety of a victim or the community, or assure that defendant will not obstruct or attempt to obstruct the criminal justice process, pursuant to Rule 3:3-1(d) and the AG Directive (Section IV(A) *infra*).

B. Issuance of a Complaint-Warrant is Required

Pursuant to Rule 3:3-1e, a law enforcement officer is mandated to apply for (and the judicial officer to issue) a complaint-warrant when there is probable cause to believe that defendant committed:

1. murder (N.J.S.A. 2C:11-3);
2. aggravated manslaughter (N.J.S.A. 2C:11-4(a));
3. manslaughter (N.J.S.A. 2C:11-4(b));
4. aggravated sexual assault (N.J.S.A. 2C:14-2(a));
5. sexual assault (N.J.S.A. 2C:14-2(b) or (c));
6. robbery (N.J.S.A. 2C:15-1);
7. carjacking (N.J.S.A. 2C:15-2);
8. escape (N.J.S.A. 2C:29-5(a)); or
9. an attempt to commit any of these above crimes.

Additionally, if the defendant has been extradited from another state to face the current charge, application for a complaint-warrant is mandated.

C. Application for a Complaint-Warrant is Presumed

1. Pursuant to Rule 3:3-1f, it is presumed that a law enforcement officer will apply for (and that the court will issue) a complaint-warrant when there is probable cause to believe that defendant committed:
  - a. any of the following crimes when charged as a 1<sup>st</sup> or 2<sup>nd</sup> degree:
    - i. vehicular homicide (N.J.S.A. 2C:11-5);
    - ii. aggravated assault (N.J.S.A. 2C:12-1(b));
    - iii. disarming a law enforcement officer (N.J.S.A. 2C:12-11);
    - iv. kidnapping (N.J.S.A. 2C:13-1);
    - v. aggravated arson (N.J.S.A. 2C:17-1(a));
    - vi. burglary (N.J.S.A. 2C:18-2);
    - vii. extortion (N.J.S.A. 2C:20-5);
    - viii. use of booby traps in manufacturing or distribution facilities (N.J.S.A. 2C:35-4.1(b));
    - ix. strict liability drug induced deaths (N.J.S.A. 2C:35-9); or
    - x. terrorism (N.J.S.A. 2C:38-2);
  - b. any 1<sup>st</sup> or 2<sup>nd</sup> degree drug charge (Chapter 35);
  - c. any crime involving the possession or use of a firearm;
  - d. producing or possessing chemical weapons, biological agents, or nuclear or radiological devices (N.J.S.A. 2C:38-3);

- e. racketeering (N.J.S.A. 2C:41-2);
  - f. firearms trafficking (N.J.S.A. 2C: 39-9(i));
  - g. causing or permitting a child to engage in a prohibited sex act knowing that it may be reproduced, reconstructed, or used as part of an exhibition or performance (N.J.S.A. 2C:24-4(b)(3)); or
  - h. an attempt to commit any of those crimes.
2. AG Directive Section 4.5 also creates a series of presumptions governing when a law enforcement officer is presumed to apply for a complaint-warrant. They are:
- a. the PSA reveals that either the failure to appear (“FTA”) or new criminal activity (“NCA”) score is 3, 4, 5 or 6 or there is an new violent criminal activity (“NVCA”) flag (AG Directive Section 4.5.1.a.); or
  - b. the defendant’s ODARA score is 3 or higher, regardless of the PSA scores (AG Directive Section 4.5.1.b.);<sup>1</sup> or
  - c. the charge is a violation of a domestic violence restraining order or release condition **or** the Sexual Assault Survivor Prevention Act or release condition (AG Directive Section 4.5.2); or
  - d. the defendant is charged with
    - i. bail jumping (N.J.S.A. 2C: 29-7);
    - ii. witness tampering (N.J.S.A. 2C:28-5); or
    - iii. hindering apprehension (under either N.J.S.A. 2C:29-3a(3) or b(3));
 (AG Directive Section 4.5.3); or
  - e. the defendant is charged with
    - i. 2<sup>nd</sup> degree eluding (N.J.S.A. 2C:29-2(b));
    - ii. 3<sup>rd</sup> degree assault on public officials/employees (N.J.S.A. 2C:12-1(b)(5));
    - iii. 1<sup>st</sup> or 2<sup>nd</sup> degree endangering the welfare of a child (N.J.S.A. 2C:24-4(b)(3), (b)(4) or (b)(5));
 (AG Directive Section 4.5.4b); or
  - f. The present offense was committed while defendant was
    - i. on release for another offense or while on **any type** of post-conviction supervision; or

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<sup>1</sup> For discussion of law enforcement’s obligations regarding the ODARA, please see section VII, infra.

- ii. on PTI under circumstances requiring defendant to enter a guilty plea pursuant to N.J.S.A. 2C:43-12(g)(3); (AG Directive Section 4.5.5); or
- g. the defendant was adjudicated delinquent within the last 10 years for a crime that would either be subject to NERA if committed by an adult, or was a crime involving a firearm (AG Directive Section 4.5.7); or
- h. the defendant has an out of state pending charge or conviction that involves actual or threatened violence or the use of a firearm (AG Directive Section 4.5.8).

#### IV. OVERCOMING A PRESUMPTION<sup>2</sup>

The framework of rebuttable presumptions established by both Court Rule and the AG Directive outlined above is designed to channel law enforcement discretion, not eliminate it. A presumption is the starting point for case-specific analysis, but does not necessarily dictate the outcome of that analysis. Rather, it requires a law enforcement officer to articulate and document specific reasons if the determination is made to diverge from a presumptive outcome.

Furthermore, nothing in this Directive restricts the SO from considering any relevant fact or circumstance, including those that do not automatically trigger a presumption. For example, in determining whether to apply for a complaint-warrant or to seek pretrial detention, a defendant's juvenile adjudications of delinquency for non-violent offenses that occurred more than 10 years ago may be considered, even though those adjudications would not trigger a presumption of applying for a complaint-warrant under AG Directive Section 4.5.7. So too, for example, a defendant's prior probation violations may be considered as an indication of disrespect for judicial authority or unwillingness or inability to obey court orders, notwithstanding that such violations do not invoke a presumption and are not otherwise specifically referenced in this Directive. Those types of historical facts are relevant, not because they establish a presumption, but rather because they may become part of the totality of the circumstances used to overcome a presumption of issuing a complaint-summons (AG Directive Section 4.3).

Finally, prior to making a determination as to whether a complaint-warrant or complaint-summons should be issued, the SO **must** check the following databases: criminal case history (in-state and out-of-state), juvenile history, domestic violence central registry, sexual assault registry, and expunged records<sup>3</sup>.

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<sup>2</sup> To overcome a presumption, an Assistant Prosecutor must be contacted. See Section V (E) and (F), supra.

<sup>3</sup> Until N.J.S.A. 2C:52-1 et seq. is amended, expungement records will not be available.

## A. Overcoming a Presumption for Issuance of a Complaint-Summons

There are circumstances where an application for a complaint-warrant is reasonably necessary to protect the safety of a victim or the community, ensure defendant's appearance, or assure that defendant will not obstruct or attempt to obstruct the criminal justice process.

### 1. In General

In determining whether to apply for a complaint-warrant when a complaint-summons is presumed, R. 3:3-1d requires that one or more of the following factors must exist:

- a. defendant has been served with a summons for a prior indictable crime and failed to appear;
- b. there is a reason to believe defendant is dangerous to self, or will pose a danger to the safety of any other person or the community;
- c. there exists one or more outstanding warrants for defendant;
- d. defendant's address or identity is unknown;
- e. there is reason to believe that defendant will obstruct or attempt to obstruct the criminal justice process;
- f. there is reason to believe defendant will not appear in response to a summons; or
- g. there is reason to believe monitoring by pretrial release is necessary to protect any victim, witness, other specified person, or the community.

### 2. Domestic Violence<sup>4</sup>

AG Directive Section 4.6.10 contains a series of considerations specific to cases involving domestic violence which are outlined below.

- a. In determining whether to overcome the presumption for a complaint-summons and make application for a complaint-warrant,<sup>5</sup>

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<sup>4</sup> Any conditions placed upon the release of a defendant charged with an act of domestic violence are to be in addition to, not in lieu of, any conditions contained in a temporary or final restraining order obtained by the victim (AG Directive Section 4.6.11).

<sup>5</sup> AG Directive Section 4.1 specifically notes that the mandatory arrest provision of the Prevention of Domestic Violence Act (N.J.S.A. 2C:25-21(a)) is not offended by the release of a defendant on a complaint-summons after his/her "arrest" (i.e., defendant taken into custody, transported to police headquarters, fingerprinted, etc.).

AG Directive Section 4.6.10 requires that the following be considered:

- i. whether the issuance of a complaint-warrant (resulting in defendant's being in custody for up to 48 hours) will exacerbate the situation, discourage cooperation from the victim, or advance (or impede) the general interests of justice (AG Directive Section 4.6.10(1));
- ii. whether, given the repetitive nature of DV offenses, it is appropriate to apply for a complaint-warrant so that in the event of a second subsequent crime, the State can move to revoke defendant's release on the instant charge (AG Directive Section 4.6.10(2));
- iii. the nature and extent of the victim's injuries (AG Directive Section 4.6.10(3));
- iv. whether there was a weapon used or threatened (AG Directive Section 4.6.10(4));
- v. whether defendant has previously violated a restraining order as well as the nature of those violations<sup>6</sup> (AG Directive Section 4.6.10(5));
- vi. whether defendant possesses or has access to any firearms that for some practical reason are unable to be seized prior to defendant's release on a complaint-summons (AG Directive Section 4.6.10(6));
- vii. whether defendant exhibited suicidal behavior (excessive sadness or moodiness) or is threatening self-injury (AG Directive Section 4.6.10(7));
- viii. whether defendant attempted to or did strangle the victim during an assault or at any time prior (AG Directive Section 4.6.10(8));
- ix. whether the defendant threatened to or did harm a household pet (AG Directive Section 4.6.10(9)).

In an application for a complaint-warrant, the presence of any of the foregoing circumstances shall be included in the warrant application by listing them in the Affidavit of Probable Cause.

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<sup>6</sup> Remember, if the instant offense is committed in violation of a current restraining order, a warrant is **presumed** (AG Directive Section 4.5.2 and Section C(2)(c), supra).

- b. Pursuant to AG Directive Section 4.6.11, a complaint-warrant **shall** be sought in domestic violence cases where, considering the totality of the circumstances, the imposition of a no-contact order, an order to surrender weapons, or other special condition of release authorized by N.J.S.A. 2C:25-26(a), is reasonably necessary to assure the immediate protection of the victim.<sup>7</sup>

**B. Overcoming a Presumption for Application for a Complaint-Warrant**

In a circumstance where a complaint-warrant is presumed, a law enforcement officer may issue a summons if it is determined that neither the interests of victim or public safety nor the interests of justice are served by issuance of a complaint-warrant. In making that determination, consider whether without the monitoring by Pretrial Services:

1. there are “reasonable assurances” that defendant will appear in court;
2. the safety of any other person or the community will be protected; and
3. the defendant will not obstruct the criminal justice process.

(AG Directive Section 4.5.9).

**V. RESPONSIBILITIES OF A SUPERVISORY OFFICER**

In furtherance of the above, the circumstances under which an SO may approve a complaint-warrant or summons are set forth below. As set forth below, in certain circumstances an SO may be required to consult with an Assistant Prosecutor. To that end, a specialized 24-hour complaint approval hotline has been established. That phone number is (201) 226-5895. An on-call assistant prosecutor will be available on a full-time, round-the-clock basis to consult with an SO in those circumstances detailed above. SOs will call this hotline for complaint approval advice. All other legal advice calls shall be placed to the Assistant Prosecutor designated as the legal advisor for each agency.

- A. An SO may approve any request from officers within his/her department for any indictable crime charged on a summons;
- B. An SO may approve a request to charge any disorderly persons or petty disorderly persons offense on a summons, with the exception of domestic violence cases where a presumption to apply for a complaint-warrant exists as discussed in Section III(C)(2), supra.

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<sup>7</sup> N.J.S.A. 2C:25-26(a) provides that a court authorizing release of a defendant charged with having committed an act of domestic violence, may set conditions of release to include the prohibition of contact with the victim or visiting the victim’s home, place of business, or school. Also, conditions regarding the search and seizure of weapons, as well as the temporary custody and care of any animals, may be imposed.

- C. An SO may approve an application for a complaint-warrant when there is probable cause to believe that defendant committed an offense for which a warrant is mandated pursuant to Rule 3:3-1e. See Section III(B), supra.
- D. An SO may approve an application for a complaint-warrant when there is probable cause to believe that defendant committed an offense under circumstances giving rise to a presumption in favor of a complaint-warrant pursuant to Rule 3:3-1f. See Section III(C), supra.
- E. An SO must contact and receive approval from the on-call AP when an officer seeks to apply for a warrant where a summons is presumed, pursuant to R. 3:3-1. See Section IV(A), supra.
- F. An SO must receive approval from the on-call Assistant Prosecutor when an officer seeks to issue a summons where a warrant is presumed, pursuant to R. 3:3-1g. See Section IV(B), supra.
- G. An SO must contact the on-call Assistant Prosecutor when a defendant is arrested and charged with two or more offenses committed in multiple counties (e.g., a series of burglaries committed in different jurisdictions, eluding that crosses a county border, drug distribution activities occurring in multiple counties, etc.).
- H. An SO should contact the on-call Assistant Prosecutor where the SO believes the indictable charge will most likely be downgraded at screening so that the on-call Assistant Prosecutor may authorize the SO to sign a disorderly persons or petty disorderly persons offense in lieu of an indictable crime.
- I. Nothing in this Directive is meant to discourage an SO from contacting the on-call Assistant Prosecutor to discuss the application of the presumptions and/or the charging decision.

## **VI. RESPONSIBILITIES OF THE ASSISTANT PROSECUTOR**

As indicated in Section V above, an Assistant Prosecutor is charged with the responsibility of approving applications for complaint-warrants and/or the issuance of complaint-summons when the type of complaint sought requires law enforcement to overcome a presumption in favor of the other (i.e., overcome the presumption of a warrant in favor of a summons / overcome the presumption of a summons in favor of a warrant).

APs have the ability to access the eCDR system and approve complaints electronically. That process allows the AP to review and edit the language in both the CDR and the supporting affidavit of probable cause. Accordingly, it is strongly recommended that the approving AP approve all complaints through the eCDR system. The requesting SO must still call the complaint approval hotline to notify the approving AP that there is a complaint in the system pending approval.

Of course, there may be times when the approving AP does not have the immediate ability to access the eCDR system and thus, telephonic approval is still permissible.

## VII. THE ODARA

The AG has determined that New Jersey law enforcement will use the Ontario Domestic Assault Risk Assessment (ODARA) to assess the risk of future assaults between intimate partners.

A. AG Directive Section 4.6.3.a, mandates that the ODARA be completed by the arresting officer in every case where the defendant and victim are **intimate partners** and there is probable cause to believe that one of the following crimes has been committed:

1. homicide (N.J.S.A. 2C:11-1);
2. aggravated assault (N.J.S.A. 2C:12-1b);
3. simple assault with contact or a weapon (N.J.S.A. 2C:12-1a);
4. sexual assault (N.J.S.A. 2C:14-2);
5. criminal sexual contact (N.J.S.A. 2C:14-3);
6. false imprisonment w/ contact or w/ a weapon (N.J.S.A. 2C:13-3);
7. kidnapping (N.J.S.A. 2C:13-1);
8. 2<sup>nd</sup> degree burglary w/ contact or w/a weapon (N.J.S.A. 2C:18-2);
9. terroristic threats w/contact or w/ a weapon (N.J.S.A. 2C:12-3);
10. robbery (N.J.S.A. 2C:15-1);
11. any other crime involving risk of death or serious bodily injury (N.J.S.A. 2C:25-19a(18)).

B. The results of the ODARA, however, are only to be **utilized** in circumstances where one of the delineated crimes is committed by a male (or an individual who identifies as male) on his female (or an individual who identifies as female) partner. Accordingly, although the ODARA will be completed in all cases in which defendant has committed one of the delineated crimes against his or her intimate partner regardless of the gender of either the victim and/or the defendant, the results of the ODARA will only be relied upon to advise the complaint-warrant/complaint-summons decision when the defendant is male and the victim is female (AG Guidelines Section 4.6.3.b).

C. In every instance where the ODARA is required, the law enforcement officer:

1. Shall inform the victim about the use of the information obtained, to whom it may be released, and allow the victim to decline to participate. In such instances, the officer will endeavor to complete the ODARA without the victim's participation (AG Directive Section 4.6.4);
2. Shall complete the ODARA scoring form on the BCPO Intranet. The form may be accessed and completed through the Intranet's Domestic Violence tab. A copy of the ODARA shall be printed out and included in the case file, a copy of which comes to the BCPO Intake Section for a screening decision. Upon

submission of the ODARA through the BCPO Intranet, a copy of the ODARA will be automatically forwarded to the BCPO ([ODARA@BCPO.net](mailto:ODARA@BCPO.net)) and the Attorney General ([ODARA@njdcj.org](mailto:ODARA@njdcj.org)) to fulfill the reporting requirements of AG Directive Sections 4.6.5 and 4.6.6; and

3. Shall, in cases where the defendant is a male and the victim is a female and therefore the ODARA score will be utilized, include any and all of the 13 risk factors identified in the ODARA in the Affidavit of Probable Cause completed as part of the eCDR (AG Directive Sections 4.6.3.b and 5.1.2);

4. Shall NOT convey the ODARA score to the judge entertaining the application for a complaint-warrant (AG Directive Section 4.6.7);<sup>8</sup>

5. The ODARA shall NOT be subject to public access, but may be disseminated amongst law enforcement agencies authorized to investigate reports of domestic violence. Note that the ODARA will be provided to the defense, along with other police reports, at the appropriate time in discovery (AG Directive Section 4.6.8).

## **VIII. REPORTING REQUIREMENTS**

### **A. Denial of Complaint-Warrant**

If an application for a complaint-warrant is denied by the court, the SO must notify the BCPO. When an application for a complaint-warrant is denied, the SO will report that denial either by calling the complaint approval hotline (during normal business hours) or by emailing BCPO Intake at [Intake@BCPO.net](mailto:Intake@BCPO.net).

### **B. Pre-Trial Detention / Revocation of Release**

An SO shall notify the BCPO if the SO has reason to believe that a motion for pretrial detention or revocation of release should be filed. Such notification will provide the Office additional time within which to make the determination to seek pretrial detention or revocation of release, and to prepare for the detention/revocation hearing. An SO may notify the Office during normal business hours by calling the complaint approval hotline. If an SO makes the determination that notification is appropriate overnight (between 4:30 p.m. and 8:30 a.m.), the SO may call the complaint approval hotline during normal business hours the following day or email the BCPO Intake at [Intake@bcpo.net](mailto:Intake@bcpo.net).

## **IX. FINGERPRINTING REQUIREMENTS**

Upon the arrest of an adult for any offense for which fingerprinting is required by statute, (N.J.S.A. 53:1-15 and N.J.S.A. 53:1-18.1), the law enforcement agency making the arrest shall

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<sup>8</sup> Currently, the judiciary has conveyed that it is not prepared to utilize or rely on the ODARA. Law enforcement, however, shall utilize any and all information learned to determine whether to make application for a complaint-warrant as well as whether to move for pretrial detention of the defendant.

take and submit the fingerprints of the person by using a Live Scan system capable of initiating the automated pretrial risk-assessment process.<sup>9</sup> When a defendant is arrested and fingerprinted at the time of complaint processing, the LiveScan fingerprinting must be completed before beginning an eCDR complaint. Once the Live Scan confirmation is received, the law enforcement officer or agency shall proceed to the eCDR system to begin generating a complaint. No qualifying complaint-summons shall be issued by a law enforcement officer, and no application for a complaint-warrant shall be submitted by a law enforcement officer to a judge or other judicial officer authorized to approve a complaint-warrant, unless the law enforcement agency making the arrest has initiated the automated pretrial risk-assessment process.

## **X. PROBABLE CAUSE AFFIDAVIT AND PLEIR**

In every instance where a law enforcement officer is applying for a complaint-warrant, or submitting a CDR to an SO or AP for the determination of whether to apply for a complaint-warrant, the law enforcement officer must complete both the Affidavit of Probable Cause and the Preliminary Law Enforcement Incident Report (“PLEIR”) through the eCDR system. Those documents are necessary to inform all parties of the nature and circumstances of the offense prior to the defendant’s first appearance, which will occur the very next day (with the exception of Sundays). In addition, as indicated in section V11(C)(3) supra, all of the risk factors identified in the ODARA are to be listed in the Affidavit of Probable Cause.

## **XI. MANDATORY TRAINING**

At the time that this Directive was originally issued, the BCPO conducted a series of training sessions on Criminal Justice Reform, which included topics contained in this Directive. Subsequent trainings will be offered as the need arises. All law enforcement officers designated as Supervisory Officers within the definition set forth in this Directive shall be required to attend one of those training sessions. Registration for those trainings will be through the Bergen County Law and Public Safety Institute.

Prior to the issuance of this version of this Directive, supervisory law enforcement officers attended training on the ODARA offered by the AG. In addition, the BCPO offered live training on the revisions, primarily the ODARA, and will provide further trainings as deemed necessary. Lastly, all law enforcement officers are mandated to view the training prepared by the AG on either NJLearn or on Power DMS (AG Directive Section 4.6.9).

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<sup>9</sup> N.J.S.A. 53:1-15 provides in pertinent part that:

[A]ny ... law enforcement agencies and officers shall, immediately upon the arrest of any person for an indictable offense, or for [a “mandatory arrest” for a domestic violence offense] or of any person believed to be wanted for an indictable offense, or believed to be a habitual criminal, or within a reasonable time after the filing of a complaint by a law enforcement officer charging any person with an indictable offense, or upon the arrest of any person for shoplifting ... or upon the arrest of any person for prostitution, pursuant to N.J.S. 2C:34-1 ... take the finger prints of such person.

N.J.S.A. 53:1-18.1 further requires fingerprinting immediately upon the arrest of any person charged with any offense "relating to narcotic or dangerous drugs, whether the same shall be indictable or otherwise."

As occurred upon issuance of this revision to the AG Directive, upon subsequent revision, each law enforcement agency at work within the County will receive notice of the revisions and an updated Bergen County Prosecutor's Office Law Enforcement Directive.

A handwritten signature in black ink, appearing to read 'Gurbir S. Grewal', with a stylized, cursive script.

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GURBIR S. GREWAL  
BERGEN COUNTY PROSECUTOR