



JOHN L. MOLINELLI
Bergen County Prosecutor

Office of the County Prosecutor

County of Bergen

HACKENSACK, NEW JERSEY 07601
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WILLIAM J. GALDA
First Assistant Prosecutor

FRANK PUCCIO
Executive Assistant Prosecutor

JOHN L. HIGGINS, III
Trial Chief

Joseph Macellaro
Chief of Detectives

March 16, 2009

Dear Police Chief or Department Head,

Directive 2009-1
Use of Special Form of Complaint

As a result of the implementation of the E-CDR system, the New Jersey State Police are no longer supplying this Office with blank CDR forms. This has created problems with the taking of civilian complaints. This Directive sets forth the procedure for taking citizen complaints.

This Directive incorporates by reference Directive A-4 of the Police Chiefs Manual. In addition, this Directive revokes and supercedes Directive S-8 of the Police Chiefs Manual, dated December 15, 1998.

Police personnel taking civilian complaints are directed to utilize the Special Form of Complaint. This Form was created by the Administrative Office of the Courts. A sample of the form is attached to this Directive. This form allows the complaining witness to certify that the statements in the complaint are true. If the witness signs this certification, it is not necessary for the police officer in charge of a police station to administer an oath to the witness. The Special Form of Complaint and Summons may be used for any of the following non-indictable offenses that are venued in the municipal courts:

- Disorderly and petty disorderly persons offenses, except for (a) those involving Domestic Violence and (b) those with a companion indictable matter;
- Local ordinance violations;
- Code enforcement violations;
- Penalty enforcement proceedings;
- Boating offenses; and
- Parking and traffic offenses where a private citizen is the complaining witness.

Additionally, the Special Form of Complaint can be used to charge a juvenile with Smoking In Public in violation of N.J.S.A. 2C:33-13b, as those juvenile

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offenses are heard in the municipal courts. This office had previously sent out a letter to that effect on September 26, 2000.

After the complaint is signed, the police department must forward it to the municipal court for a probable cause determination.

Please enter the complaint into CODY. The format for entering the Special Complaint Number is as follows:

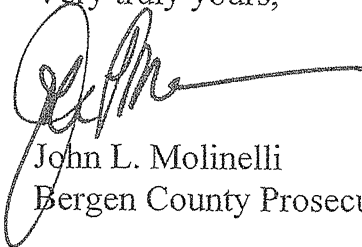
SC - 2009 - 00000 - 0212

The SC designates this matter as a Special Complaint. The next number is the year, followed by the complaint number and the town ORI code.

A police department should not "pass off" the responsibility to take a complaint from civilians and must have someone available at all times to serve the public in this manner. It should not advise a member of the public to proceed to the municipal court to file a complaint.

If you have questions about how to enter a Special Form of Complaint in CODY, please contact the BCPO Computer Division at 201-226-5605. If you have any other questions concerning this Directive or Directive A-4, please contact Assistant Prosecutor Annmarie Cozzi at 201-226-5129. Thanking you, I remain,

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Molinelli', with a long horizontal flourish extending to the right.

John L. Molinelli
Bergen County Prosecutor

cc: All Assistant Prosecutors
Chief Macellaro
All Captains & Lieutenants
BCPO Computer Division

Complaint

Mun. Code 0101
#AAA010101

Municipal Court - Name of Municipal Court, Mun.
Street - 123 Main Street
City, N.J. - Any City, NJ 000000

The State of New Jersey

(Please Print) **VS.**

Defendant's Name: First Initial Last

Address City

State Zip Code Telephone SOCIAL SECURITY NUMBER

Birth Date: Mo. Day Yr. Sex Eyes Height Restrictions

Driver's License # State Exp. Date

STATE OF NEW JERSEY
COUNTY OF _____ }-ss:

Complaining Witness: _____ (Name)

of _____ (Identify Dept./Agency Represented) (Badge No.)

Residing at _____

by certification or on oath, says that to the best of his/her knowledge or information and belief, the named defendant on or about the _____

in _____ MUNICIPAL CODE County of _____ N.J.

did commit the following offense:

(DESCRIPTION OF OFFENSE)

in violation of (one charge only) _____ (Statute, Regulation or Ordinance Number)

LOCATION OF OFFENSE	CODE	Describe Location
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OATH: Subscribed and sworn to before me this _____ day of _____, yr. _____

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.

(Signature of Complaining Witness)

OR

(Date)

(Signature of Person Administering Oath)

(Signature of Complaining Witness)

PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:

COURT USE ONLY	LAW ENFORCEMENT USE ONLY
Probable cause is found for the issuance of this Complaint-Summons. <input type="checkbox"/> Yes <input type="checkbox"/> No (Signature of Judicial Officer) <input type="checkbox"/> Yes <input type="checkbox"/> No (Signature of Judge)	<input type="checkbox"/> The complaining witness is a law enforcement officer and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

SUMMONS

SUMMONS

YOU ARE HEREBY SUMMONED TO APPEAR
BEFORE THIS COURT TO ANSWER THIS COMPLAINT. IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

NOTICE TO APPEAR

<input type="checkbox"/> COURT APPEARANCE REQUIRED	COURT DATE:	Month	Day	Year	Time	: AM	: PM
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(Date Summons Issued) (Signature of Person Issuing Summons)