



MARK MUSELLA  
Bergen County Prosecutor

# Office of the County Prosecutor

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## County of Bergen

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

**FROM: PROSECUTOR MARK MUSELLA**

**DATE: DECEMBER 13, 2019**

**SUBJECT: BERGEN COUNTY PROSECUTOR'S OFFICE LAW ENFORCEMENT DIRECTIVE NO. 2019-12 ESTABLISHING A PROTOCOL FOR HANDLING CITIZEN COMPLAINTS**

Effective January 1, 2020, amendments to New Jersey Court Rules 3:2-1 and 7:2-2 will become effective. Under the new rules, citizen complaints for indictable offenses must be submitted to the County Prosecutor for review and approval. Additionally, citizen complaints for disorderly persons offenses made against candidates or nominees for public office or elected public officials must also be submitted to the County Prosecutor for review and approval.

By agreement with our Assignment Judge, the Bergen County Prosecutor's Office ("BCPO") is issuing this Directive to implement the amended rules under that agreement.

To implement the amended rules, it will now be the responsibility of your departments to accept citizen complaints for indictable offenses and citizen complaints against candidates or nominees for public office or against elected public officials for disorderly persons offenses. We also direct that you follow the following protocol when submitting those complaints to the BCPO for review and approval:

1. The law enforcement agency accepting the complaint must ensure that the citizen complainant selects a charge(s) for the complaint and signs the complaint.
2. The law enforcement agency must ensure that the citizen complainant completes and signs a written certification under oath of probable cause.
3. The law enforcement agency is responsible for completing the eCDR on behalf of the citizen complainant.



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4. All citizen complaints shall be entered as a “to be determined” complaint.
5. After the eCDR is completed, the officer will select “submit to county prosecutor for review.” The officer should then send an informational copy of the eCDR to the municipal court administrator.
6. The law enforcement agency must then scan and email the citizen complainant’s written statement of probable cause, as well as any other supporting documentation, to its BCPO designated Assistant Prosecutor legal advisors.<sup>1</sup> The email must include the potential defendant’s name and the complaint number and indicate that it is submitted in connection with a pending citizen complaint. That email is in addition to an automatic notification generated by eCourts. The email should note if the citizen complainant has provided documentation such as photographs, videotapes, etc., which could not be transmitted via email. If a legal advisor determines that a review of those additional materials is necessary, arrangements will be made to review them.

Upon receipt and review of the complaint and related materials, an Assistant Prosecutor legal advisor will approve, modify, or deny the complaint and charges. If the Assistant Prosecutor approves or modifies the charges, the BCPO will submit the complaint directly to the appropriate municipal court judge for a determination of probable cause and issuance of a formal criminal complaint, if probable cause is found.

As always, I thank you for your cooperation.



MARK MUSELLA  
BERGEN COUNTY PROSECUTOR

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<sup>1</sup> In most cases, that will mean one primary and one back-up legal advisor. If the department has a team of legal advisors, the email must be sent to the entire team.