

PROCESS FOR DETERMINING IF A WARRANT OR SUMMONS SHOULD BE ISSUED

BCPO Directive 2017-1

STEP 1

DO I NEED TO LIVE SCAN?

Officers MUST Live Scan upon arrest for:

1. ALL Indictable Offenses
2. Domestic Violence Cases Where:
 - Signs of Injury OR Weapon Involved
 - Warrant in Effect
 - PC for Contempt of Served FRO/TRO
3. Habitual Criminal
4. Shoplifting **AGD 2.2**
5. Prostitution **N.J.S.A. 53-15, -18.1**
6. Narcotics Cases **N.J.S.A. 2C:25-2**

STEP 2

INITIAL REQUIREMENTS AFTER ARREST

Complete a search of the following databases:

7. CCH
8. Out of State CCH
9. Juvenile History
10. Domestic Violence Registry
11. Sexual Assault Registry
12. Expunged Records

STEP 3

MANDATORY WARRANT

Is the defendant presently being charged with one of the following offenses pursuant to **R. 3:3-1(e)** and **AGD 4.4.1 & 4.4.2**:

1. Murder
2. Aggravated Manslaughter
3. Manslaughter
4. Aggravated Sexual Assault
5. Sexual Assault
6. Robbery
7. Carjacking
8. Escape
9. Attempts to commit any of the above
10. Defendant was extradited from out of state for the present charge

YES = MANDATORY WARRANT

Complete P.L.E.I.R.

NO

Proceed to Step 4

STEP 4

PRESUMPTIONS FOR ISSUANCE OF WARRANT

Do **any** of the following factors apply:

1. PSA returns a Failure to appear (FTA) or New Criminal Activity (NCA) Score of **4, 5, or 6 (AGD 4.5.1)**
2. PSA gives a New Violent Criminal Activity (NVCA) flag **(AGD 4.5.1)**
3. Defendant has violated a FRO/TRO or SORO **(AGD 4.5.2)**
4. Defendant has been charged with any of the following:
 - Bail Jumping, **N.J.S.A. 2C:39-7**
 - Witness Tampering, **N.J.S.A. 2C:29-2(b)(3)**
 - Obstruction, **N.J.S.A. 2C:29-2(a)(3) (AGD 4.5.3)**
5. Defendant is presently being charged with a crime under **R. 3:3-1(f)**, including any of the following **(AGD 4.5.4)**:
 - 1° or 2° CDS
 - 2° Burglary
 - Possession of a Firearm
 - Extortion
 - Unlawful Use of a Firearm
 - Terrorism
 - Vehicular Homicide
 - Chemical Weapons
 - Kidnapping
 - Racketeering
 - Aggravated Arson
 - Firearms Trafficking
 - Disarming LEO
 - 2° Agg Assault
 - EWC, **N.J.S.A. 2C:24-4b(3)**
 - Drug Induced Deaths
 - Attempts to commit any of the above
6. Defendant was on pre or post-offense release, i.e., probation, Drug Court, PTI, Parole, ISP, CSL/PSL, release pending sentencing or appeal **(AGD 4.5.5)**
7. Defendant has a juvenile adjudication within the last 10 years for a crime **(AGD 4.5.7)**:
 - Involving a firearm OR
 - Subject to NERA is committed by an adult (see #4 above) OR
 - Attempt to commit either of the above
8. Out of State history involving violence/firearms **(AGD 4.5.8)**
9. DV cases where **(AGD 4.6.2)**:
 - signs of injury OR
 - Actual or threatened use of a weapon OR
 - prior violation of FRO/TRO OR
 - Defendant can get access to a firearm before release
10. PSA not working **or** Defendant **not in custody** and a warrant is needed to ensure public safety, the integrity of the case, or Defendant's appearance

Note – Presumption of Summons is overcome if any of the above factors exist & should be placed on a warrant unless the Supervisory Officer overrules under **AGD 4.5.9** (finds that the interests of the public, victim safety or interests of justice would NOT be served by applying for a warrant)

IF YES

Seek Approval From Supervisory Officer

Complete Preliminary Law Enforcement Incident Report (P.L.E.I.R)

Seek Issuance of Warrant

If Override is Sought Contact Duty AP

IF NO

Seek Approval From Supervisory Officer

ISSUE SUMMONS

If Override is Sought Contact Duty AP

*** Note - If warrant is applied for and rejected by Judge, MUST notify AP ***