



OFFICE OF THE MERCER COUNTY PROSECUTOR

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LAW ENFORCEMENT DIRECTIVE 22-03

TO: ALL CHIEFS OF POLICE / POLICE DIRECTORS /
SHERIFF JACK KEMLER

FROM: ANGELO J. ONOFRI
MERCER COUNTY PROSECUTOR 

RE: REVIEW AND INVESTIGATION OF DEPARTMENT OF CORRECTIONS
CASES

DATE: FEBRUARY 3, 2022

I. **PURPOSE:**

The purpose of this Policy is to establish guidelines for the Mercer County Prosecutor's Office (MCPO) to conduct a prompt, efficient and comprehensive review of matters of a criminal nature arising out of the New Jersey Department of Corrections (DOC).

II. **POLICY:**

This Policy supersedes any and all previous Policies regarding the review of DOC indictable complaints.

III. **DEFINITIONS:**

For purposes of this policy, the following terms are defined:

Investigation of a criminal offense. Any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, including but not limited to responding to a report of a possible criminal offense; an investigative detention based on or leading to reasonable and articulable suspicion to believe that a criminal offense has been or is being committed; an arrest for a criminal offense; an interview of a potential witness to a criminal offense; or canvassing an area, neighborhood, or premises for potential witnesses to a criminal offense.

Law enforcement agency, agency, or department. A law enforcement agency operating under the authority of the laws of the State of New Jersey.

Law enforcement officer. A person whose public duties include the power to act as an officer for the detection, apprehension, arrest, and conviction of offenders against the laws of this State.

IV. PROCEDURE:

A. **Case initiation:**

1. As with any Law Enforcement Agency, DOC Officers are empowered to make arrests and charge accordingly in cases under their jurisdiction.
2. Upon completion of an Investigation of a Criminal Offense, where probable Cause is found by the investigating officer, complaints for criminal charges may be filed **without** the approval of a Mercer County Prosecutor's Office Assistant Prosecutor.
3. Charges shall be filed via eCourts and will be forwarded to the Mercer County Prosecutor's Office in the normal course for review and determination of next action (i.e. presentation to the Grand Jury, listing on the PIC list, downgrade to municipal court, dismissal).
4. When making the determination of whether to issue the complaint on a warrant or summons, due to the incarcerated status of the defendant, it is not necessary to place indictable charges less than first degree matters on a warrant. The presumption in these cases shall be the use of a summons except as set forth below:

- A. This presumption can be overcome if the inmate is due to be released within the year that the charges are issued. Should that be the case, the on-call AP should be called and the decision as to whether to issue a warrant or summons can be made by him or her.
 - B. If the Investigating Officer believes a complaint should be issued on a warrant despite the inmate having more than one year left on his or her sentence and/or the matter being second degree or below, the on-call AP shall be called.
- 5. Upon receipt of complaints, reviewing assistant prosecutors and/or detectives may call or email officers regarding any additional information required to make the above determination.
 - 6. Should there be questions regarding investigations on the part of Investigating Officers, same shall be posed by the Investigating Officer to a member of the MCPO Corrections Unit. Contact may be made over email or by phone. This interaction is **not required** to determine charges but is meant for assistance with long term and complex investigations where legal advice is necessary to assist with search warrants, CDWs and other investigative tools.

B. On-Call Prosecutor

- 1. At all times an Assistant Prosecutor will be on call to answer emergent questions. The on-call AP shall be called for advice and guidance (**except as in A.5, above**). A current list of on-call APs is kept by the Mercer County Emergency Services Communications Center [REDACTED].
- 2. When an inquiry as described in paragraph A.5 above is required, the Investigating Officer shall call an **AP from the Corrections Unit** for advice and continued assistance. (See list attached).

V. EFFECTIVE DATE

This Policy is effective immediately, and all requirements of the Policy will commence as of this date.

cc: New Jersey Department of Corrections