

**ADMINISTRATIVE OFFICE OF THE COURTS  
STATE OF NEW JERSEY**

**PHILIP S. CARCHMAN, P.J.A.D.  
ACTING ADMINISTRATIVE  
DIRECTOR OF THE COURTS**



**RICHARD J. HUGHES  
JUSTICE COMPLEX  
PO Box 037  
TRENTON, NEW JERSEY 08625-0037**

**Directive # 11-07**

[Questions or comments  
may be directed to  
609-984-8241 (Municipal) or  
609-292-4638 (Criminal)]

**TO: ASSIGNMENT JUDGES  
CRIMINAL PRESIDING JUDGES  
MUNICIPAL PRESIDING JUDGES**

**FROM: PHILIP S. CARCHMAN, P.J.A.D.**

**DATE: OCTOBER 25, 2007**

**SUBJ: Protocol on Information Regarding an Arrestee's  
Immigration Status**

This directive, which has been developed in consultation with the Attorney General's Office, will outline how the court officers who set bail will be notified of the immigration status of those arrested for indictable crimes or for driving while intoxicated (DWI).

On August 22, 2007, Attorney General Anne Milgram issued Law Enforcement Directive No. 2007-03, regarding the arrest of undocumented immigrants for indictable offenses or for DWI and the notification of the federal Immigration and Customs Enforcement Agency (ICE) of possible illegal immigrants. In that document, the Attorney General directed law enforcement officers, among other things, to inform "any court officer setting bail or conditions of pretrial release" if an arrestee was suspected of being unlawfully present in the United States.

The notification generally will be made through the current complaint forms: the Electronic CDR (E-CDR), the complaint warrant (CDR2), or the Uniform Traffic Ticket (UTT). If a law enforcement officer is using the E-CDR to charge the defendant with an indictable crime, a dialogue box will appear on the screen asking the officer if he or she has reason to believe defendant is an illegal immigrant. If the officer answers affirmatively, then the officer will receive a prompt to enter the basis for the conclusion as to immigration status by checking all of the following that apply: Absence of legal documentation; ICE confirmation; ICE contacted/awaiting reply; ICE replied—no record found; Defendant

admission or other statements; and Other (specify). This second-level question regarding the basis for the officer's belief was added at the request of the Attorney General. The officer's belief as to defendant's status thus will be printed in the narrative section of the E-CDR, and the basis for that belief will be printed on page 2 of the E-CDR (court action) in the miscellaneous information section. The attached sample E-CDR gives an example of the notices that will be printed on pages one and two.

If the law enforcement officer is using a paper complaint form (CDR2) to charge a defendant with an indictable crime or is using the UTT to charge a defendant with DWI, the officer will complete and affix a preprinted sticker to the CDR2 or the UTT indicating the officer's belief as to defendant's status and the basis for it. That sticker should be affixed to the narrative section of the CDR or to the traffic offenses or conditions section of the UTT. The sticker should be used only if the officer has reason to believe that defendant is an illegal immigrant. If there is no such belief, the officer should not use the sticker. The Attorney General's office will be distributing these stickers to law enforcement agencies along with directions for their use. A sample page of the preprinted stickers is attached for your information. .

If the court discovers during the pendency of an indictable criminal or DWI matter that a defendant may be an undocumented immigrant, but defendant is not identified as such in the complaint, the court should forward this information to the prosecutor in the case. The prosecutor then may inform ICE, in accordance with the Attorney General's Law Enforcement Directive. Note that since the Attorney General's Law Enforcement Directive requires law enforcement to contact ICE only in indictable and DWI cases, the Judiciary should limit its notification to the prosecutor to such cases.

If an initial bail is set by a judge or a municipal court administrator by telephone, the judge or administrator should expect that the law enforcement officer, in addition to entering the information on the CDR, will orally inform the judge or administrator if that officer has a reason to believe that the arrestee may not be lawfully present in the United States.

Of course, the factors a court officer should consider in setting bail are those originally set forth by the Supreme Court in State v. Johnson, 61 N.J. 351, 364-65 (1972), and incorporated into the Court Rules as R. 3:26-1(a) and R. 7:4-1. The Attorney General's Law Enforcement Directive does not alter those factors and a court officer should consider immigration status to the extent that it affects those factors. Further, judges and court administrators should continue to be guided by the Statewide Bail Schedule and Statewide Bail Policies found in Directive# 9-05 and supplements thereto.

Moreover, judges are reminded that, under the court rules (R. 7:2-1(e)), DWI is a traffic offense that may only be written on a UTT, which is a summons, not a warrant. Accordingly, a person arrested for DWI may not be held to bail.

Any questions regarding this protocol should be directed to Assistant Director Robert Smith (Municipal Court Services Division) at 609-984-8241 or Assistant Director Joseph Barraco (Criminal Practice Division) at 609-292-4638.

P.S.C.

Attachments

cc: Chief Justice Stuart Rabner  
Attorney General Anne M. Milgram  
Superior Court Judges  
Municipal Court Judges  
Theodore J. Fetter, Deputy Administrative Director  
AOC Directors and Assistant Directors  
Trial Court Administrators  
Civil Division Managers  
Criminal Division Managers  
Family Division Managers  
Municipal Division Managers  
Municipal Court Administrators and Directors  
John Podeszwa, Municipal Court Services  
Florence S. Powers, Municipal Court Services  
John J. Wieck, Criminal Practice Division  
Carol A. Welsch, Municipal Court Services  
Steven D. Bonville, Special Assistant  
Francis W. Hoeber, Special Assistant

# COMPLAINT - SUMMONS

**COMPLAINT NUMBER****1214****S****2007****000411**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

**NEW BRUNSWICK MUNICIPAL COURT  
25 KIRKPATRICK ST, POB 265  
NEW BRUNSWICKS NJ 08903  
(732)745-5089 COUNTY OF: MIDDLESEX**

ADDRESS:

**123 MAIN ST****TRENTON****NJ 08628***THE STATE OF NEW JERSEY***VS.****DOE DOE**# of CHARGES **1** CO-DEFTS POLICE CASE #:COMPLAINANT **TPR K KINCS**  
NAME: **NEW JERSEY STATE POLICE**

DEFENDANT INFORMATION

SEX: EYE COLOR: DOB:

DRIVER'S LIC. #:

DL STATE:

SOCIAL SECURITY #:

SBI #: **123456A**

TELEPHONE #:

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **01-01-2007** in **NEW BRUNSWICK CITY**, **MIDDLESEX County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, SPECIFIC WORDING FOR THE NARRATIVE OF THE COMPLAINT.

**in violation of:** Reason to believe defendant is illegal immigrant.(Basis of information on page 2)

Original Charge	1) <b>2C:18-3A</b>	2)	3)
Amended Charge			

**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 wilfully false, I am subject to punishment.

Signed: **TPR K KINCS** Date: **10-25-2007**

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:**

**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 below, a warrant may be issued for your arrest.

**DATE TO APPEAR: 03-29-2008 TIME: 11:11am** **TPR K KINCS** **10-25-2007**  
Signature of Person Issuing Summons Date **Domestic Violence – Confidential**  **Related Traffic Tickets or Other Complaints**  **Serious Personal Injury/ Death Involved****Special conditions of release:**

- No phone, mail or other personal contact w/victim**
- No possession firearms/weapons**
- Other (specify):**

**ORIGINAL**

# COMPLAINT – SUMMONS (Court Action)

COMPLAINT NUMBER				STATE V.
1214	S	2007	000411	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	DOE DOE

<b>FTA Bail Information</b>	Date Bail Set: _____	Amount Bail Set: \$ _____ by: _____	<input type="checkbox"/> Bail Recog. Attached
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Released on Bail	R.O.R.	Committed Default	Committed w/o Bail	Place Committed: _____	Date Referred to County Prosecutor: _____
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Date of First Appearance: <b>03-29-2008</b>	<input type="checkbox"/> Advised of Rights by _____	Defendant Desires Counsel: <input type="checkbox"/> Yes <input type="checkbox"/> No
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Prosecuting Attorney Information				Defense Counsel Information					
<b>Name:</b>				<b>Name:</b>					
State	County	Municipal	Other	None	Retained	Public Def	Assigned	Waived	Other

Original Charge	1) <b>2C:18-3A</b>	2)	3)
Amended Charge			
Waiver Indt/Jury			
Plea/Date of Plea	Plea: _____ Date: _____	Plea: _____ Date: _____	Plea: _____ Date: _____
Adjudication (* see code)	Finding Code: _____ Date: _____	Finding Code: _____ Date: _____	Finding Code: _____ Date: _____
Jail Term	Jail time credit    Susp. Imp	Jail time credit    Susp. Imp	Jail time credit    Susp. Imp
Probation Term	Susp. Imp	Susp. Imp	Susp. Imp
Cond. Discharge Term			
Community Service			
D/L Suspension Term			
Fines/Costs	Fines: _____ Costs: _____	Fines: _____ Costs: _____	Fines: _____ Costs: _____
VCCB/SNSF	VCCB: _____ SNSF: _____	VCCB: _____ SNSF: _____	VCCB: _____ SNSF: _____
DEDR/Lab Fee	DEDR: _____ LAB: _____	DEDR: _____ LAB: _____	DEDR: _____ LAB: _____
CD Fee/Drug Ed Fnd	CD: _____ DAEF: _____	CD: _____ DAEF: _____	CD: _____ DAEF: _____
DV Surch/Other Fees	DV: _____ Other: _____	DV: _____ Other: _____	DV: _____ Other: _____
Restitution Beneficiary: _____			

<p><b>Miscellaneous Information, Adjournments, Companion Complaints, Co-Defendants, Case Notes:</b></p>    <p><b>Immigration Status - Basis of Information (complainant check all that are applicable)</b></p> <p><input type="checkbox"/> Absence of legal documentation</p> <p><input type="checkbox"/> ICE confirmation</p> <p><input type="checkbox"/> ICE contacted/awaiting reply</p> <p><input type="checkbox"/> ICE replied - no record found</p> <p><input type="checkbox"/> Defendant admission, or other statements</p> <p><input type="checkbox"/> Other (specify) _____</p>	<p style="text-align: center;">* Finding Codes</p> <p>1 – Guilty</p> <p>2 – Not Guilty</p> <p>3 – Dismissed – Other</p> <p>4 – Guilty but Merged</p> <p>5 – Dismissed-Rule</p> <p>6 – Dismissed Lack of Prosecution</p> <p>7 – Dismissed – Pros Motion/Vic Req</p> <p>8 – Conditional Discharge</p> <p>D – Dismissed- Prosecutor Discretion</p> <p>M – Dismissed- Mediation</p> <p>P – Dismissed-Plea Agreement</p> <p>S – Disposed at Superior</p> <p>W – Dismissed-False ID</p>
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# COMPLAINT - SUMMONS

## COMPLAINT NUMBER

**1214****S****2007****000411**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

*THE STATE OF NEW JERSEY*

VS.

DOE DOE

ADDRESS:

**123 MAIN ST****TRENTON****NJ 08628****NEW BRUNSWICK MUNICIPAL COURT  
25 KIRKPATRICK ST, POB 265  
NEW BRUNSWICKS NJ 08903  
(732)745-5089 COUNTY OF: MIDDLESEX**# of CHARGES **1** CO-DEFTS POLICE CASE #:COMPLAINANT TPR **K KINCS**  
NAME: **NEW JERSEY STATE POLICE**

DEFENDANT INFORMATION

SEX: EYE COLOR: DOB: DL STATE:  
DRIVER'S LIC. #:  
SOCIAL SECURITY #: **SBI #: 123456A**  
TELEPHONE #:

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **01-01-2007** in **NEW BRUNSWICK CITY**, **MIDDLESEX County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, SPECIFIC WORDING FOR THE NARRATIVE OF THE COMPLAINT.

**in violation of:**

Original Charge	1) <b>2C:18-3A</b>	2)	3)
Amended Charge			

**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 wilfully false, I am subject to punishment.

Signed: **TPR K KINCS** Date: **10-25-2007**

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:**

**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 below, a warrant may be issued for your arrest.

**DATE TO APPEAR: 03-29-2008 TIME: 11:11am** **TPR K KINCS** **10-25-2007**  
Signature of Person Issuing Summons Date **Domestic Violence – Confidential**  **Related Traffic Tickets or Other Complaints**  **Serious Personal Injury/ Death Involved****Special conditions of release:**

- No phone, mail or other personal contact w/victim**
- No possession firearms/weapons**
- Other (specify):**

**COURT COPY**

# COMPLAINT - SUMMONS

COMPLAINT NUMBER				<p><i>THE STATE OF NEW JERSEY</i></p> <p><b>VS.</b></p> <p><b>DOE DOE</b></p>
<b>1214</b>	<b>S</b>	<b>2007</b>	<b>000411</b>	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	
NEW BRUNSWICK MUNICIPAL COURT 25 KIRKPATRICK ST, POB 265 NEW BRUNSWICKS NJ 08903 (732)745-5089 COUNTY OF: MIDDLESEX				
ADDRESS: <b>123 MAIN ST</b>  <b>TRENTON NJ 08628</b>				
# of CHARGES <b>1</b>	CO-DEFTS	POLICE CASE #:		DEFENDANT INFORMATION SEX: EYE COLOR: DOB: DRIVER'S LIC. #. DL STATE: SOCIAL SECURITY #: SBI #: 123456A TELEPHONE #:
COMPLAINANT NAME: <b>TPR K KINCS</b>				

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **01-01-2007** in **NEW BRUNSWICK CITY**, **MIDDLESEX County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, SPECIFIC WORDING FOR THE NARRATIVE OF THE COMPLAINT.

**in violation of:**

Original Charge	1) <b>2C:18-3A</b>	2)	3)
Amended Charge			

**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 wilfully false, I am subject to punishment.

Signed: TPR K KINCS Date: 10-25-2007

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:**

**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 below, a warrant may be issued for your arrest.

**DATE TO APPEAR:** 03-29-2008 **TIME:** 11:11am TPR K KINCS 10-25-2007  
 Signature of Person Issuing Summons Date

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> <b>Domestic Violence – Confidential</b> | <input type="checkbox"/> <b>Related Traffic Tickets or Other Complaints</b> | <input type="checkbox"/> <b>Serious Personal Injury/ Death Involved</b> |
|---|---|---|

**Special conditions of release:**

**No phone, mail or other personal contact w/victim**

**No possession firearms/weapons**

**Other (specify):** \_\_\_\_\_

DEFENDANT'S COPY

Page 4 of 7 NJ/CDR2 8/1/2005

# COMPLAINT - SUMMONS

**COMPLAINT NUMBER****1214****S****2007****000411**

COURT CODE

PREFIX

YEAR

SEQUENCE NO.

**NEW BRUNSWICK MUNICIPAL COURT  
25 KIRKPATRICK ST, POB 265  
NEW BRUNSWICKS NJ 08903  
(732)745-5089 COUNTY OF: MIDDLESEX***THE STATE OF NEW JERSEY***VS.****DOE DOE**ADDRESS: **123 MAIN ST****TRENTON****NJ 08628**# of CHARGES **1** CO-DEFTS POLICE CASE #:COMPLAINANT **TPR K KINCS**  
NAME: **NEW JERSEY STATE POLICE**

DEFENDANT INFORMATION

SEX: EYE COLOR: DOB:

DRIVER'S LIC. #:

SOCIAL SECURITY #:

TELEPHONE #:

DL STATE:

SBI #: **123456A**

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **01-01-2007** in **NEW BRUNSWICK CITY**, **MIDDLESEX County, NJ** did: **WITHIN THE JURISDICTION OF THIS COURT, SPECIFIC WORDING FOR THE NARRATIVE OF THE COMPLAINT.**

**in violation of:**

Original Charge

1) **2C:18-3A**

2)

3)

Amended Charge

**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 wilfully false, I am subject to punishment.

Signed: TPR K KINCS Date: 10-25-2007

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:**

**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 below, a warrant may be issued for your arrest.

DATE TO APPEAR: **03-29-2008 TIME: 11:11am** TPR K KINCS 10-25-2007  
Signature of Person Issuing Summons Date **Domestic Violence – Confidential** **Related Traffic Tickets or Other Complaints** **Serious Personal Injury/ Death Involved****Special conditions of release:**

- No phone, mail or other personal contact w/victim**
- No possession firearms/weapons**
- Other (specify):**

**POLICE COPY**



# COMPLAINT - SUMMONS

COMPLAINT NUMBER				<p><i>THE STATE OF NEW JERSEY</i></p> <p><b>VS.</b></p> <p><b>DOE DOE</b></p>
<b>1214</b>	<b>S</b>	<b>2007</b>	<b>000411</b>	
COURT CODE	PREFIX	YEAR	SEQUENCE NO.	
<p><b>NEW BRUNSWICK MUNICIPAL COURT</b>  <b>25 KIRKPATRICK ST, POB 265</b>  <b>NEW BRUNSWICK NJ 08903</b>  <b>(732) 745-5089</b> COUNTY OF: <b>MIDDLESEX</b></p>				
<p># of CHARGES: <b>1</b>    CO-DEFTS:    POLICE CASE #:</p>				<p>ADDRESS: <b>123 MAIN ST</b></p> <p style="text-align: center;"><b>TRENTON NJ 08628</b></p>
<p>COMPLAINANT TPR: <b>K KINCS</b>          NAME: <b>NEW JERSEY STATE POLICE</b></p>				<p>DEFENDANT INFORMATION</p> <p>SEX:    EYE COLOR:    DOB:</p> <p>DRIVER'S LIC. #.    DL STATE:</p> <p>SOCIAL SECURITY #    SBI #: <b>123456A</b></p> <p>TELEPHONE #:</p>

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **01-01-2007** in **NEW BRUNSWICK CITY**, **MIDDLESEX County, NJ** did:  
 WITHIN THE JURISDICTION OF THIS COURT, SPECIFIC WORDING FOR THE NARRATIVE OF THE COMPLAINT.

**in violation of:**

Original Charge	1) <b>2C:18-3A</b>	2)	3)
-----------------	--------------------	----	----

Check √	<b>Certification by Police Regarding Complaint-Summons</b>
	I certify that I served the complaint-summons by delivering a copy to the defendant personally.
	I certify that I personally served the complaint-summons by leaving a copy at the defendant's usual place of abode with a competent member of the household of the age 14 or over _____ Name of family member over 14 years of age
	I certify that I mailed a copy of the complaint-summons by ordinary mail to the defendant at his or her last known address. _____ Defendant's last known address
	I certify that I served the complaint-summons by delivering a copy to a person authorized to receive service of process on the defendant's behalf. _____ Name and title of authorized person
	Other manner of service: I certify that I served the complaint-summons in the following manner: _____
	I certify that I was unable to serve the complaint-summons.

Signed: \_\_\_\_\_ Date of Action: \_\_\_\_\_  
Name, Title and Department of Officer

## RETURN OF SERVICE INFORMATION

# COMPLAINT - SUMMONS

COMPLAINT NUMBER			
<b>1214</b>	<b>S</b>	<b>2007</b>	<b>000411</b>
COURT CODE	PREFIX	YEAR	SEQUENCE NO.
<b>NEW BRUNSWICK MUNICIPAL COURT</b> <b>25 KIRKPATRICK ST, POB 265</b> <b>NEW BRUNSWICKS NJ 08903</b> <b>(732)745-5089</b> COUNTY OF: <b>MIDDLESEX</b>			
# of CHARGES <b>1</b>	CO-DEFTS	POLICE CASE #:	
COMPLAINANT NAME: <b>TPR K KINCS</b> <b>NEW JERSEY STATE POLICE</b>	DEFENDANT INFORMATION SEX: EYE COLOR: DOB: DRIVER'S LIC. #. DL STATE: SOCIAL SECURITY #: SBI #: <b>123456A</b> TELEPHONE #:		ADDRESS: <b>123 MAIN ST</b> <b>TRENTON NJ 08628</b>

By certification or on oath, the complainant says that to the best of his/her knowledge, information and belief the named defendant on or about **01-01-2007** in **NEW BRUNSWICK CITY**, **MIDDLESEX County, NJ** did: WITHIN THE JURISDICTION OF THIS COURT, SPECIFIC WORDING FOR THE NARRATIVE OF THE COMPLAINT.

**in violation of:**

Original Charge	1) <b>2C:18-3A</b>	2)	3)
Amended Charge			

**CERTIFICATION:**

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Signed: TPR K KINCS Date: 10-25-2007

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:**

**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 below, a warrant may be issued for your arrest.

**DATE TO APPEAR:** **03-29-2008** **TIME:** **11:11am** TPR K KINCS 10-25-2007  
Signature of Person Issuing Summons Date

- Domestic Violence – Confidential**       **Related Traffic Tickets or Other Complaints**       **Serious Personal Injury/ Death Involved**

**Special conditions of release:**

- No phone, mail or other personal contact w/victim**  
 **No possession firearms/weapons**  
 **Other (specify):**

**SUPERIOR COURT COPY**

