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TO: Assignment Judges
Trial Court Administrators

DIRECTIVE: # 18-23
(Supersedes Directive # 15-19)

FROM: Glenn A. Grant, Administrative Director 

RE: Criminal Justice Reform – Promulgation of Revised Protocol for
Responding to Emergent Pretrial Release Electronic Monitoring Alerts

DATE: October 10, 2023

This Directive supersedes Directive #15-19 and promulgates a revised protocol for the expedited process Judiciary staff must follow when an emergent electronic monitoring (EM) alert is received. Effective immediately, Pretrial Services Program (PSP) staff no longer are required to seek an emergent bench warrant in response to an emergent EM alert. Pursuant to N.J.S.A. 2C:29-9, a violation of a home detention order, with or without electronic monitoring, is a standalone chargeable crime or offense enforceable by law enforcement. Accordingly, a bench warrant is no longer required to effect the arrest of a defendant who is in violation of those conditions.

If Pretrial Services Program (PSP) staff¹ receives one or more of the four types of emergent EM alerts², they must immediately execute the steps set forth in the attached revised Protocol, which is summarized as follows.

¹ The monitoring officer will typically be a Pretrial Services Program staff member. However, some vicinages or counties have entered into Memoranda of Understanding with the County Department of Corrections or others to assume the role of the electronic monitoring officer. In these instances, the external staff monitoring officers must alert the appropriate law enforcement agency as to the defendant's noncompliance.

² Exclusion Zone Entry, Inclusion Zone Leave/Failure to Return Home, Strap Tamper, and Tracker Missed Callback.

Step 1:

Staff must investigate the alert in the electronic monitoring system to the best of their ability to ensure that it was not issued in error. However, this investigation should not unreasonably delay the call to law enforcement to warn that the defendant has entered an exclusion zone, or if the monitoring officer has reason to believe that the defendant may be an imminent threat to the victim.

Step 2:

PSP staff must contact the appropriate law enforcement agency as soon as possible to alert them that a defendant who is ordered to EM pursuant to a Pretrial Release Order triggered an emergent EM alert in the monitoring system.³ When there is a potential threat to a victim/witness, law enforcement in that location should be contacted first to conduct a victim welfare check. Staff must explain the circumstances of the call in accordance with the guide for contacting law enforcement.⁴

Step 3:

PSP staff must immediately document their findings in the PTM system. PSP staff must complete the “Emergent Electronic Monitoring (EM) Alert(s) Reporting to Law Enforcement” form (CN 12999) promulgated by and attached to this Directive. PSP staff must file a Violation of Monitoring (VOM) no later than the next business day. If the defendant was arrested by law enforcement and the State has filed a Motion for Pretrial Detention on new charges, or a Motion to Revoke Release on the monitored case, the VOM shall be scheduled to be heard in conjunction with the defendant’s Motion for Pretrial Detention on a new charge or Motion to Revoke Release on the monitored case. In all other instances, court staff must schedule the VOM to be heard in due course, but no later than ten business days after the filing. A notice of the hearing date must be mailed to the defendant’s address of record. Should the defendant fail to appear, a bench warrant shall issue for the failure to appear.

Step 4:

There is an expectation that PSP staff will continue to assist law enforcement who are actively engaged in attempting to locate and arrest a defendant who violates electronic monitoring by providing law enforcement with any updated location information that is available in the monitoring application. In addition, PSP staff have an expectation to

³ A guide is attached entitled “Contacting Law Enforcement for Electronic Monitoring Violations.” This guide instructs PSP staff of the appropriate local law enforcement agency to call depending on the type of alert, as well as guidance on expressing the urgency of the call to law enforcement on the call.

⁴ See footnote 3.

continue to immediately document any follow-up conversation with law enforcement as detailed in Step 3. PSP staff shall not actively follow up with law enforcement.

Conclusion

Please take steps to ensure that the attached revised Protocol for Responding to an Emergent Pretrial Release Electronic Monitoring Alerts is available to all staff who handle on-call duties.

Any questions or comments may be directed to the Criminal Practice Division, by phone at (609) 815-2900, ext. 55300, or by email at AOC-CrimPrac.mbx@njcourts.gov.

Attachments:

- (1) Revised Protocol for Responding to an After-Hours Violation of Pretrial Release Electronic Monitoring Conditions
- (2) Emergent Electronic Monitoring Alert(s) Reporting to Law Enforcement Form (CN 12999)

cc: Chief Justice Stuart Rabner
Criminal Presiding Judges
Municipal Presiding Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Clerks of Court
Special Assistants to the Administrative Director
Criminal Division Managers and Assistant DMs
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**Protocol for Responding to Emergent
Pretrial Release Electronic Monitoring Alerts (Revised)**

Promulgated by Directive # 18-23

Pursuant to Administrative Directive # 18-23, staff must perform the actions outlined in the steps below in response to the receipt of a Pretrial Release electronic monitoring (EM) alert (exclusion zone alert, inclusion zone alert¹, tamper alert, tracker missed callback).

Step 1:

Pretrial Services Program (PSP) staff receives an emergent alert via automated text message/call from the monitoring vendor.

- a. PSP staff shall check the electronic monitoring vendor's automated system and determine whether the defendant is located outside of an inclusion zone, within an exclusion zone, or there has been a tamper alert or tracker missed callback alert, by reviewing recent location tracking information and monitoring profile.
- b. PSP staff shall confirm that the monitoring system is accurate by ensuring that the alert was not the result of the defendant accidentally driving through an exclusion zone via a public highway or thoroughfare, stepping in and out of a zone or that the defendant's GPS location is a "float point", or ensure that a tracker missed callback alert was received after a low battery alert, evidencing that the unit was allowed to fully discharge.
- c. If PSP staff determine, upon investigation, that the system produced a false alert, PSP staff shall document the incident in the defendant's Pretrial Management (PTM) case notes. If PSP staff determine, upon investigation, that the system produced a true alert, *then proceed to Step 2.*

Step 2:

Once satisfied that the defendant is, or was recently, outside of an inclusion zone, or inside of an exclusion zone, or that there was a tamper alert, or a tracker missed callback, PSP staff shall call law enforcement to respond to the defendant's last known location or where the tamper alert occurred.

¹ This general alert category includes both the inclusion zone leave alert and failed to enter inclusion zone alert.

- a. In situations where PSP staff have received an alert that the defendant has entered an exclusion zone, or that there was a tamper alert, or a tracker missed callback, PSP staff shall call law enforcement at the victim/witness location to conduct a victim welfare check.
- b. PSP staff shall call the local law enforcement agency at the victim/witness location or the defendant's last location, depending on the type of alert, advising law enforcement that the defendant was ordered to electronic monitoring by the court, advising them of the electronic monitoring alert, and asking law enforcement to investigate the defendant's (last known) location, and that should law enforcement determine there is probable cause that the defendant purposefully or knowingly violated their electronic monitoring condition, they may arrest the defendant and charge the defendant with Criminal Contempt.
- c. PSP staff shall follow the attached outline authorized by the Administrative Office of the Courts to provide law enforcement with the relevant information to respond to the alert. Staff shall follow the outline verbatim.
- d. PSP staff shall provide the defendant's present location (or last known location) to the law enforcement agency. *proceed to step 3.*

Step 3:

PSP staff shall issue a Violation of Monitoring.

- a. PSP staff shall immediately document their findings in the PTM system.
- b. If law enforcement was contacted, PSP staff must fill out the "Emergent Electronic Monitoring (EM) Alert(s) Reporting to Law Enforcement" form promulgated by Directive # ##-23 capturing all necessary information requested in the form.
 - i. The form must be reviewed and approved by a manager or supervisor no later than the next business day.
 - ii. This form must be uploaded to the eCourts case jacket no later than the next business day.
- c. PSP staff shall file a Violation of Monitoring (VOM) no later than the next business day.
- d. Court staff must schedule the VOM to be heard as follows:
 - i. If the defendant was immediately arrested, and the State files a Motion for Pretrial Detention on a new case, or a Motion to Revoke Release on the monitored case, the VOM shall be scheduled to be heard in conjunction with the filed motion.

- ii. In all other cases the VOM shall be scheduled to be heard in due course, but no later than ten business days after the filing. In these instances, a notice of the hearing date must be mailed to the defendant's address of record.
- iii. Should the defendant fail to appear, a bench warrant shall issue for the failure to appear.

Step 4:

Expectation of continued assistance and documentation

- a. PSP staff shall continue to provide updated location information at the request of law enforcement who are engaged in an attempt to locate and arrest the defendant.
 - i. During these follow-ups, PSP staff shall only provide updated location information, and copies of the Pretrial Release Order.
- b. PSP staff shall continue to document communications with law enforcement, or any follow up provided by law enforcement by adding to the "Emergent Electronic Monitoring (EM) Alert(s) Reporting to Law Enforcement" form.
- c. PSP staff shall not be required to actively seek follow up from law enforcement.

Contacting Law Enforcement for Electronic Monitoring Violations

I. Who to contact:

- a. Exclusion Zone alert - Immediately contact local law enforcement at the location of the exclusion zone.
- b. Tamper, Inclusion Zone & Tracker Missed Callback alert - You must use sound judgment when determining which jurisdiction to contact first for tamper, inclusion zone, and tracker missed callback alerts. Where the alert occurs, where the defendant lives, where the victim or witness lives and where the victim is likely to be at the time should inform this decision. In most circumstances, the jurisdiction in which the victim or witness lives should be contacted first. However, each case will vary and shall influence your decision. For example, if the defendant lives three hours away from the victim and the alert occurred in the defendant's home, it may be prudent to first contact local law enforcement where the defendant lives. Thereafter, the other jurisdictions should be contacted.

If you cannot reach local law enforcement, dial 911. Be aware that 911 defaults to where the caller is located; you may need to be transferred. Information regarding the call and the result of the police investigation must be recorded in PTM and the

“Emergent Electronic Monitoring (EM) Alert(s) Reporting to Law Enforcement” form in due course.

II. Checklist:

1. I am _____ / [title] _____. I work for the _____ [county] _____ court.
2. I have a defendant subject to court ordered electronic monitoring. I have received an exclusion zone/left an inclusion zone/tampered with his/her electronic monitoring device/cannot identify current location/allowed the electronic monitoring unit’s battery to die alert.
3. The victim/witness may be in danger, please conduct a victim welfare check. *(If applicable)*
 - a. Provide victim/witness’ name, address, and whether there’s a TRO/FRO/NCWV.
4. Provide defendant’s information:
 - i. name,
 - ii. address, and
 - iii. nature of defendant’s charges.
5. I am asking that you please investigate the defendant’s last known location in an attempt to locate him/her. I need you to respond to the following location _____. If you find probable cause to believe the defendant has purposely or knowingly violated their electronic monitoring condition of release you may charge the defendant with Criminal Contempt in violation of N.J.S.A. 2C:29-9.
6. Provide complaint number if needed.
7. If asked whether you have photos: “I’m sorry, I only have the same information you do from the CCH.” Provide [gender, race, date of birth, height, weight, SBI number and other identifying information as provided in the Complaint or UDIR].
8. If asked to come to the police station and file a report or provide additional documentation to support probable cause: “I’m sorry, I cannot sign a complaint. A copy of the Pretrial Release Order can be found in the Home Detention/Electronic Monitoring Dashboard to which you should have access.
 - a. (If law enforcement insists) I can only provide you with a copy of the Pretrial Release Order ordering the defendant to electronic monitoring.”
9. “Should I be able to provide any further information, or should you have information you wish to share later in your investigation, here is my contact information....”



New Jersey Judiciary

**Emergent Electronic Monitoring (EM) Alert(s)
Reporting to Law Enforcement**

Defendant Name		Defendant SBI Number
Defendant Case Number(s) on EM	Pretrial Services Program (PSP) Officer Name	
Nature of Alert		Alert Verified? <input type="checkbox"/> Yes <input type="checkbox"/> No

Timeline

Complete the following timeline when PSP staff contact law enforcement in response to an emergent alert. Please document each communication with a law enforcement officer (LEO).

Date	Time	Law Enforcement Agency Called	Officer to Whom You Spoke	LEO Dispatched? <input type="checkbox"/> Yes <input type="checkbox"/> No
1				

Description of Event

Date	Time	Law Enforcement Agency Called	Officer to Whom You Spoke	LEO Dispatched? <input type="checkbox"/> Yes <input type="checkbox"/> No
2				

Description of Event

Date	Time	Law Enforcement Agency Called	Officer to Whom You Spoke	LEO Dispatched? <input type="checkbox"/> Yes <input type="checkbox"/> No
3				

Description of Event

Emergent Electronic Monitoring (EM) Alert(s) Reporting to Law Enforcement

Defendant Name				Defendant SBI Number	
Defendant Case Number(s) on EM			Pretrial Services Program (PSP) Officer Name		
4	Date	Time	Law Enforcement Agency Called	Officer to Whom You Spoke	LEO Dispatched? <input type="checkbox"/> Yes <input type="checkbox"/> No
Description of Event					
5	Date	Time	Law Enforcement Agency Called	Officer to Whom You Spoke	LEO Dispatched? <input type="checkbox"/> Yes <input type="checkbox"/> No
Description of Event					
6	Date	Time	Law Enforcement Agency Called	Officer to Whom You Spoke	LEO Dispatched? <input type="checkbox"/> Yes <input type="checkbox"/> No
Description of Event					
7	Date	Time	Law Enforcement Agency Called	Officer to Whom You Spoke	LEO Dispatched? <input type="checkbox"/> Yes <input type="checkbox"/> No
Description of Event					

Emergent Electronic Monitoring (EM) Alert(s) Reporting to Law Enforcement

Defendant Name				Defendant SBI Number
Defendant Case Number(s) on EM			Pretrial Services Program (PSP) Officer Name	
Date	Time	Law Enforcement Agency Called	Officer to Whom You Spoke	LEO Dispatched? <input type="checkbox"/> Yes <input type="checkbox"/> No
8				
Description of Event				
Date	Time	Law Enforcement Agency Called	Officer to Whom You Spoke	LEO Dispatched? <input type="checkbox"/> Yes <input type="checkbox"/> No
9				
Description of Event				
Date	Time	Law Enforcement Agency Called	Officer to Whom You Spoke	LEO Dispatched? <input type="checkbox"/> Yes <input type="checkbox"/> No
10				
Description of Event				
Date	Time	Law Enforcement Agency Called	Officer to Whom You Spoke	LEO Dispatched? <input type="checkbox"/> Yes <input type="checkbox"/> No
11				
Description of Event				

Emergent Electronic Monitoring (EM) Alert(s) Reporting to Law Enforcement

Defendant Name			Defendant SBI Number	
Defendant Case Number(s) on EM			Pretrial Services Program (PSP) Officer Name	
Date	Time	Law Enforcement Agency Called	Officer to Whom You Spoke	LEO Dispatched? <input type="checkbox"/> Yes <input type="checkbox"/> No
12				
Description of Event				

Additional Comments and Case Notes

If necessary, please provide any additional information not contained above.

Date	Case Notes ^a	Comments
1		
2		
3		
4		
5		
6		
7		

Emergent Electronic Monitoring (EM) Alert(s) Reporting to Law Enforcement

Defendant Name		Defendant SBI Number
Defendant Case Number(s) on EM		Pretrial Services Program (PSP) Officer Name
8		
9		
10		
11		
12		