



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

PO BOX 085

TRENTON, NJ 08625-0085

TELEPHONE: (609) 984-6500

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

MATTHEW J. PLATKIN
Acting Attorney General

PEARL MINATO
Director

ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2022-6

TO: All Law Enforcement Chief Executives and County Prosecutors

FROM: Matthew J. Platkin, Acting Attorney General

DATE: May 25, 2022

SUBJECT: Municipal Court Bench Warrants

The vast majority of those who interact with the criminal justice system in New Jersey do so through municipal courts. These courts adjudicate traffic offenses, local ordinance violations, and disorderly persons offenses, such as shoplifting. Most municipal court offenses result in the offender owing fines or fees. If a person fails to appear in municipal court or pay the money they owe, the court can issue a warrant for their arrest, called a bench warrant.

Though the number has decreased significantly in recent years, hundreds of thousands of municipal court bench warrants remain outstanding in New Jersey (as in other states). If law enforcement encounters an individual with such a warrant, they must arrest that person, even if the underlying offense was a traffic ticket or a similarly minor offense. Not only is the possibility of arrest at any moment disruptive to a person's life, it also can heighten the tension surrounding interactions with law enforcement, increasing the possibility of more volatile encounters.

It is therefore in the interest of public safety—indeed, the safety of civilians and officers alike—to limit the disruption created by municipal court warrants for low-level offenses. This Directive is being issued in conjunction with directive #04-22 of the New Jersey Administrative Office of the Courts (AOC), attached, that similarly seeks to achieve this goal. AOC Directive #04-22 states that all individuals with an outstanding municipal court warrant with a bail amount set at \$500 or less that are encountered by law enforcement shall be immediately released on their own recognizance, even if they are unable to post the bail required by the warrant. The individual must provide updated contact information and receive a new court date, among other things.

Most relevant here, AOC Directive #04-22 gives law enforcement officers the authority to immediately release an individual encountered in these circumstances without contacting or receiving approval from a court. Accordingly, this Directive provides law enforcement officers with protocols for implementing AOC Directive #04-22 in an efficient manner that best promotes public safety. Pursuant to this Directive, officers will generally no longer subject individuals



encountered with outstanding municipal court bench warrants with bail amounts of \$500 or less to a custodial arrest—those individuals will be given notice of a new court date and released on scene.

Therefore, pursuant to the authority granted to me under the New Jersey Constitution and the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 to -117, which provides for the general supervision of criminal justice by the Attorney General as chief law enforcement officer of the State in order to secure the benefits of a uniform and efficient enforcement of the criminal law and the administration of criminal justice throughout the State, I hereby direct all law enforcement and prosecuting agencies operating under the authority of the laws of the State of New Jersey to implement and comply with the directives outlined below.

I. Municipal Court Warrants With Bail Amounts Of \$500 Or Less

- A. ***Location of release.*** Officers may encounter individuals with qualifying warrants (i.e., municipal court warrants with \$500 or less bail) in a variety of settings. Such individuals shall not be arrested (subject to limited exceptions in Section I.B), but shall be released at the scene, on their own recognizance with the conditions in Section I.G. The completion of a bail recognizance form and release is intended to occur as expeditiously as possible.
- B. ***Custodial arrest generally prohibited.*** Individuals encountered with qualifying warrants should generally not be subject to a custodial arrest, a search, or handcuffing, unless (a) issuing the notice on scene poses a safety risk or (b) probable cause that a crime has been committed or a pre-existing circumstance—independent of the warrant—justifies such action.
 - 1. In situations that fall within these limited exceptions, the officer may take the individual into custody on the warrant, conduct a search incident to arrest, and transport them to a police station for processing the warrant and release on their own recognizance.
 - 2. In rare instances, an officer may—in their discretion—determine that an individual is not suitable for release and take the individual into custody on the warrant. For example, this provision may apply where the individual has an unusually high number of outstanding qualifying warrants that indicates a substantial risk of non-appearance.
- C. ***Identification.*** Before releasing an individual on their own recognizance on a warrant under this Directive, officers should obtain valid identification from the individual or otherwise take reasonable steps to verify their identity and current address.
- D. ***Multiple warrants.*** If an individual is encountered with multiple warrants with bail amounts of \$500 or less, so long as each warrant individually qualifies, then the procedures of Section I apply. That is, the bail amounts should generally be considered individually, not added together, subject to the exception of Section I.B.2.

- E. ***Bail payments.*** Officers shall not accept any bail payments on scene, even if individuals with qualifying warrants are able to pay partial or full bail.
- F. ***Domestic violence exception.*** Per AOC Directive #04-22, the procedures of Section I do not apply where the underlying offense involves domestic violence. Officers should continue to arrest individuals encountered with outstanding domestic violence warrants.
1. Officers should note that only warrants listed within the municipal courts' electronic Automated Complaint System (ACS) will need to be checked for domestic violence involvement. This check can be done through the "DV Indicator" within ACS (marked "Y" or "N").
 2. Warrants related to traffic offenses (listed within the Automated Traffic System (ATS)) will not need to be checked for domestic violence involvement.
- G. ***Conditions of release.*** As dictated by AOC Directive #04-22, officers shall release individuals with qualifying warrants with the below conditions captured in the bail recognizance form. These conditions apply regardless of what municipal court (including courts in other counties) issued the warrant. If multiple qualifying warrants exist, a separate bail recognizance must be issued for each warrant.
1. Officers should complete a N.J. bail recognizance form (attached and available in NCR paper (four copies) at the municipal courts), with copies issued to the individual and the relevant court, that includes:
 - i. Updated address and contact information for the individual.
 - ii. Date and time on which the individual must appear before the municipal court that issued the warrant.
 - iii. Notice to the individual that a failure to appear may reinstate the warrant.
 - iv. Individual's signature.
 2. Officers should set appearance dates two weeks from the date of the encounter (or if the court is not sitting on that date, the first available court date following the two-week period), or as otherwise provided by the procedures of the jurisdiction issuing the warrant. A list of sitting dates and telephone numbers for New Jersey's municipal courts is available at njcourts.gov/courts and by clicking the link for "Municipal Court Session Schedules" or "Municipal Court Directory".
 3. If an individual refuses to provide information for or sign the bail recognizance form, the individual may be taken into custody on the outstanding warrant.

- H. ***Executing the warrant.*** Each warrant served pursuant to this Directive shall be executed in the municipal courts' electronic Automated Complaint System (ACS) or Automated Traffic System (ATS) as soon as possible and in any event by the end of the officer's shift.

II. **Municipal Court Warrants With Bail Amounts Over \$500**

Individuals arrested on a municipal court warrant with a bail amount over \$500 who are unable to post bail shall be arrested and processed in the ordinary course. Per the AOC Directive, such individuals shall be entitled to a bail hearing within 48 hours, excluding weekends or holidays.

III. **Other Provisions**

- A. ***Non-enforceability by third parties.*** This Directive is issued pursuant to the Attorney General's authority to ensure the uniform and efficient enforcement of the laws and administration of criminal justice throughout the State. This Directive imposes limitations on law enforcement agencies and officials that may be more restrictive than the limitations imposed under the United States and New Jersey Constitutions, and federal and state statutes and regulations. Nothing in this Directive shall be construed in any way to create any substantive right that may be enforced by any third party.
- B. ***Severability.*** The provisions of this Directive shall be severable. If any phrase, clause, sentence or provision of this Directive is declared by a court of competent jurisdiction to be invalid, the validity of the remainder of the document shall not be affected.
- C. ***Questions.*** Any questions concerning the interpretation or implementation of this Directive shall be addressed to the Division of Criminal Justice Director, or their designee.
- D. ***Effective date.*** This Directive shall take effect on June 23, 2022, which is thirty days after issuance. The provisions of this Directive shall remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Attorney General.
- E. ***Implementation and compliance.*** Every law enforcement agency operating under the authority of the laws of the state of New Jersey shall implement or adopt policies consistent with this Directive. Any officer who knowingly violates the requirements of this Directive or the agency's policy, standing operating procedure, directive, or order, or applicable laws, shall be subject to discipline.



Matthew J. Platkin
Acting Attorney General

ATTEST:



Pearl Minato
Director, Division of Criminal Justice

Dated: May 25, 2022

Document Origination: <input type="checkbox"/> Jail <input type="checkbox"/> Superior Court <input type="checkbox"/> Municipal Court <input type="checkbox"/> Law Enforcement Agency _____		New Jersey Bail Recognizance With Waiver of Extradition		Bail Recognizance Number Receipt Number CABS Number	
		Court: Address:	Phone: Fax:		

Case Information	Complaint (CDR) Number:	PROMIS/GAVEL Number:	Indictment/Accusation Number:
Charge(s):		Where Offense Occurred Municipality: County:	

Defendant Information State of New Jersey vs. Defendant	First Name:		Middle Initial:	Last Name:		
	Address:					Apt. #:
	City:			State:	Zip:	
	Date of Birth:			Social Security Number:		
	Phone Number: () -			State Bureau of Identification Number:		

Bail Information	Amount of Bail Set: \$		Bail Type: <input type="checkbox"/> ROR <input type="checkbox"/> 10% Cash <input type="checkbox"/> Full Cash		Date Bail Set:	Bail Set By:
	Amount of Bail Received: \$		Filing Fee Received: \$	Total Amount Received: \$		Bail Received By:
	Payment Type: <input type="checkbox"/> Cash <input type="checkbox"/> Check #:					
	<input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order #: <input type="checkbox"/> Bond					
Special Conditions of Bail:						

If More Than One Surety/Insurer Is Involved, Complete a Separate Bail Recognizance for Each.			
Non-Corporate Surety Information:			Corporate Surety/Bail Agent Information:
(Person Posting Cash Bail)			
First Name:	Middle Initial:	Last Name:	Name of Insurer (Corporate Surety Company) and NAIC number. Attach proof of authority with corporate seal affixed:
Address:			
Address:		Apt. #:	Bail Agent and License Number:
City:	State:	Zip:	Bail Agency and License Number:
Phone Number: () -	Driver's License Number or Other Form of ID:		Power of Attorney Number:
			Expiration Date:
As Surety, I have read, understand and agree to the conditions (see reverse) and special conditions of this Bail Recognizance. Date: _____ Signature: _____			As Bail Agent I have read, understand and agree to the conditions (see reverse) and special conditions of this Bail Recognizance. Date: _____ Signature: _____

Certification of Ownership for Cash Bail Deposited by Someone Other Than Defendant
 I, _____, am the lawful owner of the \$ _____, deposited in lieu of bond on behalf of the defendant in the above entitled case. I acknowledge that where the proper filing fee was not remitted at the time this bond was executed that the fee amount shall be deducted from the bond upon return. 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 willfully false, I am subject to punishment.

 Date: _____ Signature of Lawful Owner of Cash Bail: _____

Defendant Agreement			
I, the defendant, understand and agree that the owner of the bail posted in this case is _____. I also have read, understand, and agree to the Conditions (see reverse) AND Special Conditions of this Bail Recognizance. I further understand that I must appear at all scheduled court appearances.			
Court Date: ____/____/____		Date: ____/____/____	
Court Time: _____ AM / PM		Signature: _____	
Date Bail Discharged:	Date Bail Forfeited:	Please Notify Court of Disability Accommodation Needs.	

Conditions of Recognizance

The parties to the Bail Recognizance understand and agree to be bound by the following conditions:

1. Responsibility of Defendant:

- (a) The defendant must personally appear at all court proceedings until the final determination of the matter, unless otherwise ordered by the court. If the defendant fails to appear for a Superior Court proceeding, an ARREST WARRANT for the defendant will be issued. If the defendant fails to appear for a Municipal Court proceeding, an ARREST WARRANT for the defendant may be issued.
- (b) The defendant must notify the court immediately in writing of any change of address.
- (c) The defendant must notify the court immediately in writing if he or she is detained in jail or prison or otherwise cannot appear at a court proceeding.
- (d) If the defendant fails to appear at a scheduled court proceeding and is arrested in another state or jurisdiction, the defendant agrees to waive all rights to extradition proceedings under the New Jersey statutes and the demanding state's or jurisdiction's statutes in regard to extradition law.

2. Responsibility of Corporate Surety (Insurer), Bail Agency and Bail Agent:

The insurer, bail agency and bail agent agree to be responsible for:

- (a) Producing the defendant for all court proceedings, unless otherwise authorized by the court;
- (b) Supervising the defendant while he or she is released on bail under the terms of this Recognizance;
- (c) Taking immediate steps to recapture the defendant should the defendant fail to appear for any court appearance;
- (d) Notifying the court immediately in writing of any change in the defendant's address;
- (e) Notifying the court immediately in writing if the defendant is detained in jail or prison or otherwise cannot appear at a court proceeding.

3. Responsibility of Non-Corporate Surety (Person Posting Bail):

- (a) The person posting bail must notify the court immediately in writing of any change in the defendant's address.
- (b) The person posting bail must notify the court immediately in writing if the defendant is detained in jail or prison or otherwise cannot appear at a court proceeding.

4. Jurisdiction and Notice:

- (a) Pursuant to R. 1:13-3(b), the parties to the Recognizance (principal and the surety) submit themselves to the jurisdiction of the court; that they irrevocably appoint the clerk of the court having jurisdiction as their agency upon whom papers affecting their liability on the bond may be served; that they waive any right to a jury trial; that the liability of the principal and surety may be enforced by motion in the action, if one is pending, without any necessity of an independent action; and that the motion may be served on the principal and surety by mailing it, by ordinary mail, to the clerk of the court, who shall forthwith mail copies thereof by ordinary mail to the principal and surety at the address stated in the Bail Registry.
- (b) Any notice of forfeiture will be served on the defendant and non-corporate sureties (persons posting bail) by ordinary mail at the addresses listed on this Recognizance. Any notice of forfeiture will be served on the corporate surety (insurer), bail agency and bail agent at the address listed in the Bail Registry maintained by the Clerk of the Superior Court pursuant to R. 1:13-3(b).

5. Additional Information:

- (a) With a 10% cash bail option, the non-corporate surety, if other than the defendant, is responsible for the 10% deposit if the bail is forfeited and the defendant is responsible for the remaining 90%. If the defendant is the depositor he or she is responsible for the full amount of the bail if the bail is forfeited.
- (b) Bail will **NOT** be returned until discharged by the court. In municipal court the surety may be required to present the Bail Recognizance and show two forms of identification for the return of bail. Bail discharged by the Superior Court will be refunded by mail and, in most instances, will be refunded within ten to fourteen business days after the address has been verified.
- (c) When the defendant has been granted a conditional discharge or has been admitted into Pretrial Intervention (P.T.I.), bail will **NOT** be returned until the court makes a final determination.
- (d) The filing fee on indictable offenses is required to be paid upon execution of this Recognizance.
- (e) On breach of a condition of the Recognizance in Superior Court matters, the court will order a forfeiture of the bail on its own motion and a default judgment will be entered absent any objection seeking to set aside the forfeiture. On a breach of a condition of the Recognizance in Municipal Court matters, the court may order a forfeiture of the bail on its own or on the prosecuting attorney's motion and a default judgment may be entered.
- (f) Where the proper filing fee was not collected at the time the bond was executed, that fee shall be deducted from the amount returned to the surety.
- (g) Where a defendant is released on his or her own recognizance, no fee is required.

GLENN A. GRANT
Administrative Director of the Courts

Richard J. Hughes Justice Complex • P.O. Box 037 • Trenton, NJ 08625-0037

njcourts.gov • Tel: 609-376-3000 • Fax: 609-376-3002

DIRECTIVE #04-22**To: Assignment Judges
Trial Court Administrators**

Questions may be directed to the
Municipal Court Practice Division
at 609-815-2900, ext. 54850

From: Glenn A. Grant, Administrative Director**Subj: Municipal Court Bench Warrants - Immediate Release on
Recognizance of Certain Defendants****Date: May 16, 2022**

This Directive establishes a uniform, statewide process for the handling of individuals with outstanding municipal court bench warrants. It takes into account the negative consequences that arrests in connection with such bench warrants have on individuals, their livelihoods, and their families. In 2018, many Assignment Judges issued a local Order providing for an automatic ROR (release on own recognizance) when the bail amount was set below a certain amount and the defendant was not able to post that amount. In the interest of statewide standardization, this Directive supersedes all such local orders.

Effective immediately, and consistent with the following, all defendants, except those charged with a domestic violence offense, subject to a municipal court bench warrant with a bail amount set at \$500 or less who are unable to post bail, or any portion of the bail, are to either be released on such bail that can be posted or released on their own recognizance. When doing so, the following conditions must be met:

- a. Defendant shall provide an updated address and contact information, including an email address, where appropriate;
- b. Defendant shall be provided with the date at which to appear before the municipal court that issued the warrant;
- c. Defendant shall be advised that failure to appear may result in the municipal court reinstating the warrant; and
- d. Prior to release, the defendant shall sign a completed New Jersey Bail Recognizance form.

Subject to separate guidance to be issued by the Office of the Attorney General, this Directive provides law enforcement officers the authority to effectuate the immediate release of a defendant covered under this Directive who is unable to post all or a portion of the \$500 or less bail amount, without the need to contact or receive approval from an authorized Judicial officer. Note: this authority does not extend to defendants arrested on a CDR-2 (complaint-warrant) or on a bench warrant with a bail amount greater than \$500. Those defendants are to be processed pursuant to the rules of court (see R. 7:4-1, R. 7:4-2, and R. 7:4-3).

Finally, all defendants arrested and placed in jail on a municipal court bench warrant who are unable to promptly post bail shall be entitled to a bail review hearing within 48 hours, excluding weekends or holidays. This hearing shall be before the issuing municipal court, before a judge presiding over the Central Judicial Processing court, or before another judge authorized to review the bail amount. Vicinage management shall establish local protocols to satisfy this requirement. The Municipal Division of each vicinage shall monitor the county jail population list daily, excluding weekends or holidays, to ensure that all defendants incarcerated on municipal court bench warrants are processed in accordance with this Directive.

Municipal courts shall remain guided by New Jersey Court Rule 7:8-9 and current Judiciary policy when issuing bench warrants.

Questions regarding this directive should be directed to Assistant Director Steven A. Somogyi, Municipal Court Services at Steven.Somogyi@njcourts.gov or by telephone at 609-815-2900, extension 54850.

cc: Chief Justice Stuart Rabner
Presiding Judges-Municipal Courts
Municipal Court Judges
Steven D. Bonville, Chief of Staff
AOC Directors and Assistant Directors
Special Assistants to the Administrative Director
Julie A. Higgs, Chief
Rhonda Crimi, Chief
Municipal Division Managers
Luanh D'Mello, Esq.
Christine O'Drain, Administrative Specialist
Municipal Court Directors and Administrators