



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