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ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2024-04

TO: All Law Enforcement Chief Executives

FROM: Matthew J. Platkin, Attorney General

DATE: August 22, 2024

SUBJECT: Directive Revising the Statewide Use of Force Policy to Incorporate an Addendum Addressing Law Enforcement Responses to Barricaded Individuals

On March 27, 2023, I directed the Office of Public Integrity & Accountability to initiate a process designed to make the complex encounters between law enforcement officers and barricaded individuals safer for all involved. At that time, I stated:

“Situations involving people who are barricaded within a room or other confined space pose significant challenges and risks for all involved – civilians and officers alike – and such situations may arise for any number of reasons. In order to ensure that law enforcement’s response is as effective and consistent with our Use of Force principles as possible, the Attorney General’s Office and the Office of Public Integrity and Accountability will engage with experts and stakeholders to develop protocols that guide the appropriate use of force, and the successful use of mental health professionals, in such situations.”

Over the past year, staff members from my Office have been meeting with law enforcement professionals, community stakeholders, and faith leaders. They have been studying national trends and best practices, with the goal of crafting policies for New Jersey that will maximize our chances of resolving every encounter involving a barricaded individual without injury to anyone.

As this research progressed, the team realized that many of the bedrock principles necessary for the successful resolution of these difficult police-citizen encounters were already contained within the Attorney General’s Statewide Use of Force Policy. Principles such as respect for the sanctity of human life; consideration of the factors often hindering communication with a person experiencing a mental health or substance use crisis; utilizing all available de-escalation tactics; only utilizing force as a last resort; and using time as a critical de-escalation strategy. Because the Barricaded Individual Policy announced today is an expansion on the current Use of Force Policy, it has been added as Addendum C



of that Policy,¹ re-affirming the vital communication and de-escalation requirements contained in the Use of Force Policy.

The Barricaded Individual Policy contains provisions requiring that tactical teams and crisis negotiation teams called to respond to barricade situations meet the highest standards for leadership, staffing, capabilities, specialized equipment, initial and ongoing training, and oversight. The County Prosecutors will play an integral role in ensuring that only teams meeting these high standards will be responding to address the complex issues created by situations involving barricaded individuals.

In addition, the Barricaded Individual Policy will require the inclusion of a consequential new tool in the law enforcement response to barricaded individuals. Every tactical team responding to a barricade situation, in addition to the inclusion of highly trained crisis negotiators, must include mental health professionals. These experienced mental health professionals will be selected from mental health screening centers and other providers across the state. In addition to training with law enforcement, they will be available around the clock to respond along with the tactical teams and crisis negotiators to monitor communications with the barricaded individual and provide advice and assistance designed to resolve the situation peacefully.

The Attorney General's Office, utilizing part of the recent budget allocation by the state legislature and Governor Murphy for expanding the ARRIVE Together program, will be making funds available to support the integration of mental health professionals into tactical and crisis negotiation team responses across the state. This support will be overseen by the Office of Alternative and Community Responses (OACR), which also coordinates New Jersey's highly successful ARRIVE Together program in all twenty-one counties, pairing law enforcement officers and mental health professionals as first responders to incidents involving people experiencing mental health crises.

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 provisions of this Directive and the accompanying Addendum C to the Attorney General's Use of Force Policy.

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.

¹ Addendum A of the Use of Force Policy addresses Conducted Energy Devices and Other Less-Lethal Devices and Ammunition. Addendum B addresses the Vehicular Pursuit Policy.



- 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 Directive shall not be affected.
- C. **Questions.** Questions concerning this Directive shall be addressed to the Director of the Office of Public Integrity and Accountability, or their designee.
- D. **Effective date.** The provisions of Sections 1 through 4 of the Barricaded Individual Policy attached to this Directive (“the Policy”) shall become effective on October 1, 2024. The provisions of Sections 5 through 7 of the Policy shall become effective on January 6, 2025. All law enforcement agencies are encouraged to incorporate the provisions of the Policy sooner, whenever feasible. If a Tactical Team approved for responses to Barricaded Individual situations by a County Prosecutor or the Attorney General pursuant to Section 4 of the Policy (see footnote 5) is unable to incorporate the required Mental Health Professionals (see Section 5) by January 6, 2025, that Tactical Team shall request an extension, submit a detailed plan for full compliance, and propose the date when full compliance will be achieved. The plan shall be submitted to the Office of Public Integrity & Accountability and the Office of Alternative and Community Responses by December 1, 2024. The Attorney General, or his designee, shall then determine whether that Tactical Team will be permitted to continue to respond to Barricaded Individual situations pending full compliance with the Policy. The provisions of this Directive and the attached Barricaded Individual Policy shall remain in force unless repealed, amended, or superseded by Order of the Attorney General.



Matthew J. Platkin
Attorney General

ATTEST:



Lyndsay V. Ruotolo
First Assistant Attorney General

Dated: August 22, 2024

