



*State of New Jersey*

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*Governor*

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**ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2020-09**

**TO:** All Chief Law Enforcement Officers

**FROM:** Gurbir S. Grewal, Attorney General

**DATE:** October 6, 2020

**SUBJECT: Directive Establishing “Statewide Handle With Care” Program**

Law enforcement officers frequently encounter children who have been exposed to traumatic events, such as domestic violence incidents or the arrest of a parent for criminal activity. These “adverse childhood experiences” (ACEs) can be broad sweeping and include young people experiencing violence, abuse or neglect, witnessing violence in the home, or having a family member attempt or commit suicide. Because their brains are not fully developed, children may not have the capability to process and respond to ACEs. As a result, they must often continue about their day and attend school, as if they did not just experience a possibly life-altering event. And because the school is unaware that the child was recently exposed to a traumatic event, teachers may unwittingly compound the problem by disciplining the child for behavioral or performance issues when those issues may be linked to the child’s traumatic exposure. Unaddressed exposure to childhood trauma may, therefore, lead to truancy, drug use, depression, and suicide among our most vulnerable population, as well as contribute to poor physical and mental health in adulthood.

Law enforcement officers who respond to incidents where a child was exposed to a traumatic event are uniquely situated to help an affected child. To break negative cycles and improve outcomes for children who experience ACEs, innovative law enforcement leaders and stakeholders across New Jersey have implemented a number of groundbreaking programs. In 2018, for example, the Middle Township Police Department implemented a “Handle With Care” (HWC) program<sup>1</sup> that established protocols for law enforcement communication with the Middle Township’s school districts to enhance awareness of the significant risks to children who were exposed to traumatic events. Soon thereafter, in Cape May County, the Cape May County Association of Chiefs of Police enacted a countywide HWC program for juveniles, also through partnership with its school districts.

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<sup>1</sup> “Handle With Care” is a program that originated in Charleston, West Virginia, in 2013, between the West Virginia Center for Children’s Justice, the Charleston Police Department, and the Mary C. Snow West Side Elementary School.



In addition, there has been significant collaboration at the federal level to implement a HWC program in Newark. The New Jersey Division of the Drug Enforcement Administration (DEA) and the NY/NJ HIDTA partnered with the Newark Police Department and the Newark Board of Education to create the Newark Cares Program in 2017.

The Ocean County Prosecutor's Office, the Monmouth County Prosecutor's Office and the Hunterdon County Prosecutor's Office have also partnered with the DEA and their school superintendents to implement HWC programs in their counties. Similarly, the Hudson County Prosecutor's Office and the Cumberland County Prosecutor's Office implemented countywide HWC directives this year.

Because all of these programs have helped mitigate the negative effects of ACEs for countless young people, they should be replicated statewide. To this end, this Directive establishes the "Statewide HWC Program," and provides a framework for partnerships between law enforcement and schools to provide children exposed to ACEs with a safe and supportive academic environment. The program's goal is to give a school notice when a student has been identified at the scene of a recent traumatic event so the school may handle that child with care. This notice allows educators to assess whether certain actions are appropriate, such as postponing tests, re-teaching lessons, forgoing disciplinary action for an incomplete homework assignment, or referring the child to the school counselor. This simple notice can pay dividends towards a child's well-being and future academic success.

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 enact or adopt a policy for implementing a HWC program within the guidelines of this Directive.

**I. Definitions**

- A. "**Child**" or "**children**" refers to any student, regardless of age, enrolled in pre-school through twelfth grade at either a public or private school.
- B. "**Handle with Care Notice**" or "**HWC Notice**" is a form completed by a law enforcement officer after responding to, or encountering, an incident involving a traumatic event where a child is present. To protect the privacy of affected children, the HWC Notice shall *only* include the following information: the child's name, age, grade, school of enrollment, and date and time of the incident. The HWC Notice shall be sent immediately to the appropriate point of contact at the child's school of enrollment. To protect the parties involved, the notice shall *never* include details of the incident.

- C. **“Point of Contact”** refers to a school employee identified by the head of the school or Board of Education. This individual will be responsible for receiving all HWC Notices for children enrolled in that school and for disseminating the HWC Notices to the child’s teacher(s).
- D. **“Traumatic event”** shall be broadly construed and may refer to, but is not limited to, the following incidents when a child is a victim or witness:
- the arrest of an individual who resides in the home where the child is present;
  - a search warrant executed at the residence;
  - drug/alcohol overdose of an individual who resides in the home where the child is present;
  - suicide, or attempted suicide, of an individual who resides in the home where the child is present;
  - an incident of domestic violence;
  - physical/sexual abuse;
  - community violence<sup>2</sup>;
  - a bullied child or a child who is bullying others;
  - forced displacement from the residence;
  - involvement with the Department of Child Protection & Permanency (DCP&P);
  - house fires;
  - any incident where a child is identified at the scene as being exposed to trauma (i.e. crime/drug activity at the scene); or
  - the sudden death of an immediate family member or guardian of the child of which the police are made aware.

## II. **Implementing the HWC Policy**

### A. **Complete HWC Notice**

When a law enforcement officer responds to, or encounters, an incident involving a traumatic event where a child is present, the officer must complete a HWC Notice promptly following the encounter. *See* Form A.<sup>3</sup> To the extent practicable, HWC Notices shall be completed regardless of whether the child attends a public school or a private school. When more than one child is present, the law enforcement officer shall complete the HWC Notice for each child, and the HWC Notice shall be sent to each child’s school.

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<sup>2</sup> Community violence is interpersonal violence committed in public areas by individuals not intimately related to the victim. Examples of community violence include, but are not limited to, fights among gangs or other groups, bullying, and shootings.

<sup>3</sup> Law enforcement agencies may use an existing form so long as it comports with the information collected on the Attorney General’s HWC Notice, Form A, and does not include any details regarding the underlying incident.

## **B. Transfer of Notice to Point of Contact at School**

Once the HWC Notice is complete, the law enforcement officer must immediately send the HWC Notice to the appropriate Point of Contact at the child's school. In order to determine the Point of Contact, the agency shall contact and coordinate with the schools within their respective areas of responsibility (AOR).

Some children may attend schools in areas outside the responding law enforcement agency's AOR. In such cases, the responding law enforcement officer shall still complete the HWC Notice and send it immediately to the *local* law enforcement agency where an affected child's school is located. The receiving local law enforcement agency shall be responsible for sending the completed HWC Notice to the school's appropriate Point of Contact, but shall not share with the school any related incident report.

## **C. Timing and Record Keeping**

Law enforcement agencies may create their own system for sending, tracking and storing HWC Notices to accommodate each agency's unique structure. Regardless of the system employed, all HWC Notices shall be sent *immediately* upon completion, meaning prior to the next school day or prior to the child arriving at school, whichever is sooner. Once the local law enforcement officer sends the HWC Notice to the school, they shall attach a copy of the notice to any investigative or other necessary reports related to the underlying incident. A copy must also be kept on file with all other HWC Notices for future reference. When a HWC Notice is issued pursuant to Section II(B) above, copies must be maintained by both the sending and receiving agency.

Any investigative report related to the incident shall never be shared in conjunction with, or in replacement of, the HWC Notice. Should there be any additional communication between the law enforcement agency and the school, the officer must be cautious not to disclose any details that would violate the privacy interests of any of the parties involved.

## **III. Returned HWC Notices and Inability to Obtain Information on Child's School of Enrollment**

Situations may arise where a law enforcement officer sends the HWC Notice to a school where the officer reasonably believes a child to be enrolled, but it is returned because the child does not go to that institution. In these rare cases, the law enforcement officer must make a good faith effort to ascertain the correct school of enrollment and provide the HWC Notice to that school as soon as possible.

For purposes of completing the HWC Notice, should a parent, guardian, child, or other individual who is present at the scene decline to provide information regarding the child's school of enrollment, the officer must respect that decision. In those situations, the officer must still complete the HWC Notice to the extent possible and include the HWC Notice with the

investigative file related to the underlying incident for future reference. Although law enforcement may not press for this information for the HWC Notice, law enforcement shall not be restricted from determining any information regarding a child or a child's school that may be relevant to a criminal investigation, to ensure the child's health or safety, or to address a concern of imminent danger.

**IV. HWC and Attorney General's Policy of Alternate Care for Arrestee's Dependents (the "1993 Policy")**<sup>4</sup>

This Directive does not supersede or alter law enforcement's duty to follow the procedures outlined in the Attorney General's Alternate Care for Arrestee's Dependents Model Policy, issued in December 1993. The 1993 Policy ensures that children or other persons dependent upon an arrestee for their care, sustenance, or supervision are provided with alternate care, sustenance, or supervision as arranged for by the arrestee or an appropriate agency. This Directive does not supersede the 1993 Policy.

**V. Training and Partnerships**

The Statewide HWC Program is just one tool in a more comprehensive toolkit for trauma informed policing, which is a set of practices designed to enable law enforcement to better understand trauma and address victim needs. This program will better equip officers both mentally and physically when responding to traumatic incidents where children are present. In this way, it builds on the New Jersey Resiliency Program for Law Enforcement (NJRP-LE), which is intended to create a supportive culture for law enforcement officers, acknowledging that protecting an officer's mental health is just as important as guarding their physical safety.

To implement the Statewide HWC Program, a virtual symposium will be held on **November 17, 2020**, and will focus on how the Program fits within the larger trauma informed policing initiative. The virtual symposium will undoubtedly help police-youth relations and will encourage all local law enforcement agencies to partner with the Department of Education, district school boards, and private school administrations within the agency's AOR. Coordination with schools is essential to implement the Statewide HWC Program and to better serve the needs of the State's youth. All law enforcement officers are required to attend the symposium or view its recording by **December 31, 2020**.

**VI. 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

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<sup>4</sup> Arrestee's Dependents – Alternate Care for Arrestee's Dependents Model Policy, issued Dec. 1993, available at <https://www.state.nj.us/lps/dcj/agguide/arrtdepn.htm>.

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 Directive shall not be affected.

**C. Questions.**

Any questions concerning the interpretation or implementation of this Directive shall be addressed to the Director of the Division of Criminal Justice, or their designee.

**D. Effective date.**

This Directive shall take effect December 31, 2020, and shall remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Attorney General. All law enforcement agencies are encouraged to take any anticipatory action it deems necessary related to training on this Directive.



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Gurbir S. Grewal  
Attorney General

ATTEST:



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Veronica Allende  
Director, Division of Criminal Justice  
Dated: October 6, 2020

## HANDLE WITH CARE NOTICE

To: \_\_\_\_\_  
(Name of School)

From: \_\_\_\_\_  
(Law Enforcement Agency)

Date of Incident: \_\_\_\_\_

Time of Incident: \_\_\_\_\_

Date of Referral to Child's School: \_\_\_\_\_

### *PLEASE HANDLE CHILD WITH CARE*

**Child's Information:**

Name: \_\_\_\_\_

Age: \_\_\_\_\_

School: \_\_\_\_\_

Grade: \_\_\_\_\_

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Signature: \_\_\_\_\_  
(Name of Sending Officer)

Date: \_\_\_\_\_

*\*Do not include any information other than the information requested on this form. Details of the incident are prohibited to protect the privacy of the parties involved.*