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**TO: ALL BERGEN COUNTY CHIEFS OF POLICE, POLICE DIRECTORS,
OFFICERS-IN-CHARGE, AND SHERIFF**

FROM: PROSECUTOR MARK MUSELLA

DATE: NOVEMBER 13, 2023

**SUBJECT: BERGEN COUNTY PROSECUTOR'S OFFICE LAW ENFORCEMENT
DIRECTIVE NO. 2023-3 ESTABLISHING A PROTOCOL FOR
"BREATHE" TEAMS**

This directive establishes the protocol for Bergen County's Breathing/Blood flow Restriction Event: Advocacy, Treatment, Help, and Empowerment (BREATHE) Teams. These teams are mandated by Attorney General Directive 2023-3, which established the framework for the creation of BREATHE Teams in each county. The Bergen County BREATHE Team shall consist of the following members: (1) a Forensic Nurse Examiner (FNE), who is specifically trained to evaluate patients who have reported strangulation and/or smothering victimization; (2) a law enforcement officer (LEO); and (3) a Domestic Violence Response Team (DVRT) Advocate, if the strangulation and/or smothering occurs against a person who, with respect to the actor, meets the definition of a victim of domestic violence, or a Confidential Sexual Violence Advocate (CSVA) if the victim also experienced an act of sexual violence.¹

Activation of the protocol shall be as follows: when a victim reports a strangulation and/or smothering event to LEO, and the incident occurred within the past five (5) days and/or the victim exhibits continued, visible signs of a strangulation and/or smothering injury, or is experiencing continued symptoms of strangulation and/or smothering, LEO shall:

¹ Although the Directive focuses on DV victims, anyone who survives a strangulation or smothering assault will be afforded access to BREATHE Team services.



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1. Advise victim of his/her right to accept all, or any portion of, BREATHE Team services, as soon as possible;
2. If the victim accepts the FNE (thereby choosing to undergo a forensic medical examination), LEO should contact emergency medical services to transport the victim to the appropriate treating facility;²
3. If the victim declines the FNE, LEO should offer the victim the services of the DVRT or CSVAs, as applicable;
4. If the victim accepts the DVRT or CSVAs, LEO should contact the applicable advocate using the established practice of contact;³
5. If the victim declines an advocate, the criminal investigation should proceed in the normal course.

Any case of nonfatal strangulation and/or smothering meeting the established activation criteria are eligible for BREATHE Team services.

² Deployment of an FNE to the treating facility must occur within one hour of the reported strangulation and/or smothering event. LEO will deploy the FNE by contacting the Public Safety Operations Center (PSOC).

³ LEO will deploy DVRTs through Bergen County Alternatives to Domestic Violence, 201-336-7575. LEO will deploy CSVAs through YWCA HealingSPACE, is (843) 487-1906. Both are 24-hour hotlines.