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All County Prosecutors
All County Sheriffs
All Police Chiefs
All Chief Law Enforcement Officers

FROM: Christopher S. Porrino, Attorney General

DATE: November 2, 2016

SUBJECT: Replacement of the October 9, 2007, "Guidelines for Dissemination of Investigative Tips and Leads Received from the New Jersey Public and Law Enforcement" (2007 Guidelines)

Recent events in New Jersey and across the country underscore the necessity to report in an organized and timely manner any suspicious activity and other criminal activity potentially related to terrorism. To fully support the goals of national security, public safety and welfare, and protection of civil liberties, this Directive updates and replaces the "*Guidelines for Dissemination of Investigative Tips and Leads Received from the New Jersey Public and Law Enforcement*" (2007 Guidelines). This Directive clarifies and sets forth the suspicious activity reporting requirements applicable to all law enforcement officers in New Jersey.

Governor Jon S. Corzine's Executive Order 5, dated March 16, 2006 (Executive Order No. 5), established the New Jersey Office of Homeland Security and Preparedness (NJOHSP) and empowered it with the responsibility to administer, coordinate, lead, and supervise New Jersey's counter-terrorism and preparedness efforts. NJOHSP collects and assesses Suspicious Activity Reports (SARs) with a possible nexus to terrorism. The 2007 Guidelines called for NJOHSP to create and staff a "Tips and Leads Section" (TLS) for intake and initial evaluation of terrorism-related information. TLS is now called the Counterterrorism Watch or "CTWatch" Section.

In replacing the 2007 Guidelines, this Directive updates and/or modifies reporting procedures and terminology to conform with current practice.



1. Definitions

For purposes of this Directive:

- a. “Counterterrorism Watch” or “CTWatch” is an NJOHSP entity located within the State’s fusion center, the Regional Operations and Intelligence Center (ROIC) tasked with assessing potential NJSARS entries, maintaining the quality control of existing NJSARS entries, properly categorizing SARs, and supporting the timely sharing of information to all levels of law enforcement. This entity was formally known as the “Tips and Leads Section” or “TLS.”
- b. “Law enforcement agency” means any agency or department with law enforcement responsibilities operating under the authority of the laws of the State of New Jersey.
- c. “Law enforcement officer” or “officer” means a regular, sworn officer employed by a law enforcement agency.
- d. “Nexus to terrorism or other criminal activity” is established when behavior or circumstances are reasonably related to an individual’s or organization’s involvement or planned involvement in terrorism or other criminal activity related to terrorism.
- e. “NJSARS” refers to the New Jersey Suspicious Activity Reporting System. It is not an intelligence database and does not contain intelligence information.
- f. “Suspicious Activity Report” (SAR) is an official document of observed behaviors reasonably indicative of pre-operational planning related to terrorism or other criminal activity.

2. General Rule on Reporting, Compilation of SARs, and Dissemination

All New Jersey law enforcement agencies shall report any suspicious activity with a possible nexus to terrorism or other criminal activity related to terrorism to CTWatch. CTWatch shall review the information, enter it into the “NJSARS” database, and where appropriate share the information with federal and state partners.

3. Notable Changes to the 2007 Guidelines

This Directive modifies the *2007 Guidelines*’ reporting of suspicious activity, terminology, and the sharing of information as follows:

- a. Law enforcement agencies in New Jersey must report suspicious activity with a possible nexus to terrorism or other criminal activity related to terrorism to NJOHSP. Reporting shall include all pertinent information and supporting

documents, if any. Reporting can be made (1) to the hotline at 1-866-4SAFENJ (866-472-3365), (2) via email at tips@njohsp.gov, or (3) by submitting the online form at <https://homelandsecurity.nj.gov/tips.html>. Reporting shall be made within 24 hours of observing or receiving pertinent information.

- b. The “Statewide Information Management System Tips and Leads” database referred to in the *2007 Guidelines* is no longer in use. Suspicious activity reports are now captured in the NJSARS database. Only those authorized users who have fulfilled the appropriate training requirements shall have access to NJSARS in the State of New Jersey.
- c. The “Tips and Lead Section,” or TLS, now shall be referred to as “CTWatch.”

4. Controlling Agency of NJSARS

NJOHSP shall be the lead authority for monitoring and managing NJSARS. NJOHSP shall have the authority to determine how NJSARS is handled, and if and when any changes should be made to its system and procedures. NJOHSP shall report to the Attorney General, or his or her designee, any changes to NJSARS. All entries into NJSARS shall be reviewed by NJOHSP and vetted to ensure compliance. NJOHSP reserves the right to remove reports that do not meet the SAR threshold. This authority shall be executed with respect to the Federal Bureau of Investigation’s lead agency responsibility for investigating crimes involving terrorist activities or acts in preparation of terrorist activities pursuant to 28 C.F.R. §0.85. NJOHSP also shall set standards for who shall have access to NJSARS.

5. SAR Process

To be effective, law enforcement agencies develop processes to detect and prevent future criminal activity, including terrorism. These processes should include not only the gathering of information indicative of criminal activity, but also the documenting, processing, analyzing, and sharing of this information.

The following is the SAR reporting process:

- a. **Initial Observation.** The information flow begins when a civilian or law enforcement officer observes behavior that, to a reasonable person, would appear suspicious and potentially related to terrorism or other criminal activity.
- b. **Initial Reporting.** All New Jersey law enforcement officers shall report any suspicious activity with a possible nexus to terrorism or other criminal activity related to terrorism, observed or reported to them, to CTWatch within 24 hours, utilizing the methods described in Paragraph 3a of this Directive.
- c. **Quality Control.** CTWatch personnel shall apply their training and professional

experience to determine whether any reported suspicious activity has a nexus to terrorism or other criminal activity related to terrorism. If the observed activities are reasonably indicative of pre-operational planning related to terrorism or other criminal activity, CTWatch shall assess the validity and accuracy of the information received and check that no duplicate entry exists in NJSARS. If appropriate, CTWatch shall then document the information as a SAR by entry into NJSARS. If CTWatch determines that the threshold to enter the information as a SAR into NJSARS has not been met, then CTWatch shall report that contact was made with CTWatch and enter the observation into the CTWatch Contact Log.

- d. Sharing and Dissemination.** SARs shall be shared with the Federal Bureau of Investigation's Joint Terrorism Task Forces (FBI-JTTF) and County Terrorism Coordinators. NJOHSP and the FBI-JTTF shall work cooperatively to determine (1) how that information should be processed and shared, and (2) which agency shall handle the investigation, if any.
- e. Storage.** Information shall be retained in compliance with the NJSARS Policies and the Attorney General Guidelines and Directives, but for no longer than five (5) years. Information retained in the system must be reviewed and validated for continuing compliance with system submission criteria before the retention period expires.

6. Prohibitions

- a.** All law enforcement officers shall strictly adhere to Attorney General Law Enforcement Directive 2005-1 (establishing an official statewide policy defining and prohibiting the practice of racially-influenced policing) and the December 30, 2005 clarification to Attorney General Law Enforcement Directive 2005-1 (preventing racial, ethnic, and religious profiling in the course of conducting counter-terrorism investigations and intelligence collection).
- b.** NJSARS users shall not collect or maintain information concerning an individual if no potential nexus to terrorism or other criminal activity related to terrorism exists and there is no reasonable indication of related pre-operational planning.
- c.** NJSARS users shall not collect or maintain information about the political, religious or social views, associations, or activities of any individual or group association, corporation, business, partnership, or other organization unless such information (1) has a potential nexus to terrorism or other criminal activity related to terrorism and (2) relates to conduct or activities that reasonably indicate pre-operational planning related to terrorism or other criminal activity.
- d.** NJSARS users shall not knowingly or intentionally receive, seek, accept, or retain

information from a source that used prohibited means to gather the information or if there is reason to believe that a source is not legally permitted to disclose the information.

- e. NJSARS may be used only by authorized personnel for official purposes, including criminal, civil, and/or administrative investigations. Unauthorized access to or use of NJSARS may subject violators to criminal, civil, and/or administrative action.

7. Questions

Any questions concerning this Directive shall be addressed to the Director of the Division of Criminal Justice, or his or her designee.

8. Effective Date

This Directive shall take effect immediately, and shall remain in force and effect unless and until rescinded or modified by Order of the Attorney General.



Christopher S. Porrino
Attorney General

ATTEST:



Elie Honig
Director, Division of Criminal Justice

Issued on: November 2, 2016