



State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

JOHN J. FARMER, JR.
Attorney General

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KATHRYN FLICKER
Director

**TO: ALL COUNTY PROSECUTORS
COL. CARSON J. DUNBAR, JR., SUPERINTENDENT, NJSP**

**FROM; KATHRYN FLICKER, DIRECTOR
DIVISION OF CRIMINAL JUSTICE**

DATE: November 6, 2000

**SUBJECT: ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE -
2000-1 SHOOTING DIRECTIVE - REVISED NOVEMBER 2000**

The attached **Revised** Directive No. 2000-1, dated November 3, 2000, replaces Directive No. 2000-1 dated August 4, 2000.

Paragraph Nos. 6 and 8 have been revised and are self-explanatory.

jak

Attachment

c Attorney General John J. Farmer
First Assistant Paul H. Zoubek
Administrator Thomas O'Reilly
Director of State Police Affairs Martin Cronin
Chief of Staff Debra L. Stone
Chief State Investigator John A. Cocklin
Deputy Director Wayne S. Fisher, Ph.D.
Deputy Director Anthony J. Zarrillo, Jr.
Chief Greta Gooden Brown, Pros. & Police Bureau



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**ATTORNEY GENERAL LAW ENFORCEMENT
DIRECTIVE NO. 2000-1**

Revised November 2000

WHEREAS, it is decidedly in the public interest that the entire law enforcement community should use only clearly acceptable force; and

WHEREAS, it is appropriate to ensure and enhance public confidence in the manner in which the use of deadly force by law enforcement is reviewed to assure adequate justification for the use of such force; and

WHEREAS, the Criminal Justice Act of 1970, N.J.S.A. 52:17b-98, states that it is the public policy of this State:

to provide 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; and

WHEREAS, in order to promote statewide uniformity and accountability, it is appropriate for the Attorney General, in cooperation and consultation with the County Prosecutors, to issue and enforce procedures for review of the use of force by law enforcement officers statewide;

NOW, THEREFORE, I, John J. Farmer, Jr., Attorney General of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, do hereby direct that:

1. The Division of Criminal Justice, Operations Bureau, must be notified within twenty-four (24) hours, in a manner prescribed by the Division, **of any use of force by a law enforcement officer involving death or serious bodily injury or where any injury results from the use of a firearm by a law enforcement officer.**

2. When a law enforcement officer employed by a municipal or county agency is involved in the use of force as defined in Paragraph 1, the County Prosecutor's Office in the county of occurrence will conduct the investigation. The Division of Criminal Justice may supersede in the investigation when there is a conflict or if the matter would be better handled at a state level. In the event that the Division of Criminal Justice supersedes, a shooting response team consisting of Division of Criminal Justice investigators and members of the Major Crimes Unit of the Division of State Police under the direction of a Deputy Attorney General, shall conduct the investigation. The shooting response team will report directly to the Deputy Director of the Operations Bureau.

3. When a Prosecutor's Detective or Investigator, Assistant Prosecutor, or Prosecutor is involved in the use of force as defined in Paragraph 1, the Division of Criminal Justice will conduct the investigation as described in Paragraph 2.

4. When a State Investigator, Deputy Attorney General or Assistant Attorney General employed by the Division of Criminal Justice or any other law enforcement officer employed by a State or federal agency is involved in the use of force as defined in Paragraph 1, the County Prosecutor's Office in the county of occurrence will conduct the investigation, unless otherwise directed by the Attorney General.

5. When a member of the State Police or any agency supervised by the State Police is involved in the use of force as defined in Paragraph 1, the State Police shall immediately notify the Division of Criminal Justice. The Division will have the discretion to conduct the investigation with the shooting response team described in Paragraph 2 or to refer the matter to the appropriate County Prosecutor to conduct the investigation with the assistance of the shooting response team described in Paragraph 2. The shooting response team and the assigned Deputy Attorney General or Assistant Prosecutor shall report directly to the Division of Criminal Justice, Operations Bureau.

6. Where the undisputed facts indicate that the use of force was justifiable under the law, a grand jury investigation and/or review will not be required, subject to review by the Division of Criminal Justice, except under Paragraph 4 where the final decision will be made by the Attorney General. In all other circumstances,

the matter must be presented to a grand jury.

7. The Division of Criminal Justice, Operations Bureau, must be informed of the outcome of all investigations into use of force as defined in Paragraph 1 by law enforcement officers immediately after the conclusion of the investigation by the County Prosecutor and prior to the Prosecutor announcing the findings of the grand jury. The Division of Criminal Justice, Operations Bureau, will review all such investigations to ensure compliance with all applicable law, directives and policies.

8. While not specifically permitted under case law or court rule, in some counties grand juries have been permitted to issue "reports" of their findings. The Administrative Director of the Courts and the Attorney General agree that such "reports" are not authorized by law and that their issuance should cease. Henceforth no "reports" are to issue from grand juries. Prosecutors may, when approved by the Director of the Division of Criminal Justice, issue reports and recommendations based upon specific issues or cases. In no event shall such reports be based on grand jury material unless approved by the assignment judge.

9. This Directive shall take effect immediately.



John J. Farmer, Jr.
Attorney General

ATTEST:



Kathryn Flicker
Director, Division of Criminal Justice

Dated: November 3, 2000



State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

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JOHN J. FARMER, JR.
Attorney General

KATHRYN FLICKER
Director

TO: ALL COUNTY PROSECUTORS
COL. CARSON J. DUNBAR, JR., SUPERINTENDENT, NJSP

FROM: KATHRYN FLICKER, DIRECTOR *KF*
DIVISION OF CRIMINAL JUSTICE

DATE: August 4, 2000

SUBJECT: ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVES:
2000-1 SHOOTING DIRECTIVE
2000-2 CONSENT DECREE WITH U. S. DIST. CT. DIRECTIVE

2000-1 SHOOTING DIRECTIVE

The attached Directive No. 2000-1 replaces Directive 1996-2, which is hereby repealed. This Directive is designed to ensure that officers involved in shootings are investigated in a manner which ensures the public and the police community that these matters will be fully and fairly investigated. This Directive makes a number of changes from Directive 1996-2. The most significant change is **all** police involved shootings will now be presented to a grand jury as recommended by the Use of Force Policy Committee.

2000-2 CONSENT DECREE WITH U. S. DISTRICT COURT DIRECTIVE

The attached Directive No. 2000-2 is promulgated to comply with the Consent Decree entered in the United States District Court. Your compliance with this Directive is imperative in order that we may fulfill our obligations under the Consent Decree.

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Attorney General John J. Farmer
First Assistant Paul H. Zoubek
Administrator Thomas O'Reilly
Director of State Police Affairs Martin Cronin
Chief of Staff Debra L. Stone
Chief State Investigator John A. Cocklin
Deputy Director Wayne S. Fisher, Ph.D.
Deputy Director Ronald Susswein
Chief Greta Gooden Brown, Pros. & Police Bureau



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State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL

P.O. Box 080
TRENTON, NJ 08625-0080

CHRISTINE TODD WHITMAN
Governor

JOHN J. FARMER, JR.
Attorney General

PAUL H. ZOUBEK
First Asst. Attorney General

ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2000-1

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WHEREAS, it is appropriate to ensure and enhance public confidence in the manner in which the use of deadly force by law enforcement is reviewed to assure adequate justification for the use of such force; and

WHEREAS, the Criminal Justice Act of 1970, N.J.S.A. 52:17b-98, states that it is the public policy of this State:

to provide 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; and

WHEREAS, in order to promote statewide uniformity and accountability, it is appropriate for the Attorney General, in cooperation and consultation with the County Prosecutors, to issue and enforce procedures for review of the use of force by law enforcement officers statewide;

NOW, THEREFORE, I, John J. Farmer, Jr., Attorney General of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, do hereby direct that:

1. The Division of Criminal Justice, Operations Bureau, must be notified within twenty-four (24) hours, in a manner prescribed by the Division, **of any use of force by a law enforcement officer involving death or serious bodily injury or where any injury results from the use of a firearm by a law enforcement officer.**

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6. In all circumstances set forth in Paragraph 1, the matter must be presented to a grand jury.

7. The Division of Criminal Justice, Operations Bureau, must be informed of the outcome of all investigations into use of force as defined in Paragraph 1 by law enforcement officers immediately after the conclusion of the investigation by the County Prosecutor and prior to the Prosecutor announcing the findings of the grand jury. The Division of Criminal Justice, Operations Bureau, will review all such investigations to ensure compliance with all applicable law, directives and policies.

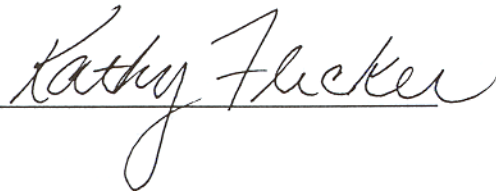
8. While not specifically permitted under case law or court rule, a number of assignment judges have permitted grand juries to issue "reports" of their findings. Because of the danger in using "reports" to bypass the legal safeguards in a Presentment, the Attorney General disfavors the use of this vehicle for conveying the grand jury's views. Therefore, no report is to issue from any grand jury unless approved by the Director of the Division of Criminal Justice. Any report which is permitted shall not reflect the views of the minority of the grand jurors and should not be issued under the auspices of the Prosecutor's Office. Where the majority of a jury indicates it wishes to issue a report rather than a Presentment, the Prosecutor's Office shall immediately contact the Director of the Division of Criminal Justice or his or her designee.

9. This Directive shall take effect immediately.



John J. Farmer, Jr.
Attorney General

ATTEST:



Dated: August 4, 2000