



State of New Jersey

DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL
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CHRISTINE TODD WHITMAN
Governor

JOHN J. FARMER, JR.
Attorney General

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ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2000-2

WHEREAS, the State of New Jersey entered into a Consent Decree with the United States Department of Justice on December 30, 1999 requiring the State to implement a method by which it will be notified of allegations and findings of criminal misconduct or constitutional violations by members of the New Jersey State Police; and


WHEREAS, said Consent Decree also requires that the State be notified of all incidents in which a civilian is charged by a State Trooper with obstruction of official business, resisting arrest, assault on a State Trooper, or disorderly conduct, where said charges are dismissed by a Prosecutor or Judge before or during a trial and the dismissal is not part of a plea agreement; and

WHEREAS, the Consent Decree also requires that the State make reasonable efforts to implement procedures to receive notification whenever there is a finding of a constitutional violation or misconduct by a State Trooper in a criminal proceeding;

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:

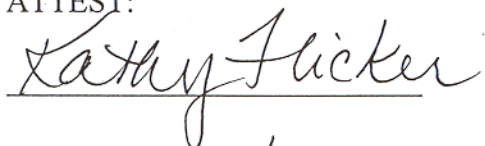
1. Each County Prosecutor's Office must ensure that notifications to the Division of Criminal Justice are timely made in accordance with this Directive.
2. Because the County Prosecutors exercise supervisory authority over Municipal Prosecutors pursuant to N.J.S.A. 2B:12-27, the County Prosecutors must ensure that notifications to the Division of Criminal Justice include all municipal prosecutions within the scope of the Consent Decree as stated herein.
3. The reporting requirements are as follows:
 - a) A Prosecutor must notify the Division of Criminal Justice within 10 working days if a Prosecutor or Court dismisses a charge of obstruction of official business, resisting arrest, assault on a State Trooper, or disorderly conduct, where said charges are dismissed by a Prosecutor or Judge before or during a trial and the dismissal is not part of a plea agreement;

- b) A Prosecutor must notify the Division of Criminal Justice within 10 working days when there is a finding in a criminal proceeding of a constitutional violation or misconduct by a State Trooper, which includes, but is not limited to, the granting of an order suppressing evidence inappropriately obtained by a State Trooper;
 - c) A Prosecutor must notify the Division of Criminal Justice within 10 working days of an Appellate Court's determination that due to a constitutional violation or misconduct by a State Trooper, a motion to suppress evidence was erroneously denied by a lower court; and,
 - d) A County Prosecutor must notify the Division of Criminal Justice within 1 working day after receiving information from any source, including, but not limited to, a municipal court or local law enforcement agency, indicating that a State Trooper is the subject of allegations of misconduct, quasi-criminal or criminal charges or complaint, or has been indicted by a grand jury.
- 4. In order to facilitate uniform notification, County Prosecutors are directed to use the attached *State Police Incident Complaint Reporting Form* in order to make the within stated notifications to the Division of Criminal Justice.
 - 5. This Directive also applies to Assistant and Deputy Attorneys General in cases being prosecuted by the Division of Criminal Justice.
 - 6. This Directive shall take effect immediately and shall apply to criminal proceedings arising on or after this date, regardless of the date of the police incident giving rise to said proceedings.



John J. Farmer, Jr.
Attorney General

ATTEST:



Kathy Flicker

Dated: August 4, 2000

Attachment

State Police Incident Complaint Reporting Form

State Police Case No:	Trooper(s) Involved:	
State Police Case Name:	Name	Badge No.
Incident Date:		
Incident Time: am pm (circle one)		

Identify dismissed charge(s) and by whom:

- | | | |
|--|---|---|
| <input type="checkbox"/> Obstruction of official business or justice | <input type="radio"/> Prosecutor's Office | <input type="radio"/> Court (specify) _____ |
| <input type="checkbox"/> Resisting arrest | <input type="radio"/> Prosecutor's Office | <input type="radio"/> Court (specify) _____ |
| <input type="checkbox"/> Assault on a State Trooper | <input type="radio"/> Prosecutor's Office | <input type="radio"/> Court (specify) _____ |
| <input type="checkbox"/> Disorderly conduct filed by the Trooper | <input type="radio"/> Prosecutor's Office | <input type="radio"/> Court (specify) _____ |

Describe criminal charge against State Trooper:

- ☐ Quasi-criminal _____
- ☐ Criminal _____

Identify the conduct deemed to be unlawful:

- | | |
|---|---|
| <input type="checkbox"/> traffic stop | searches: |
| <input type="checkbox"/> ordering passenger(s) from vehicle | <input type="checkbox"/> search incident to arrest |
| <input type="checkbox"/> frisk of driver | <input type="checkbox"/> probable cause search (automobile exception) |
| <input type="checkbox"/> frisk of passenger(s) | <input type="checkbox"/> consent search |
| <input type="checkbox"/> vehicle frisk | <input type="checkbox"/> inventory search |
| <input type="checkbox"/> arrest | <input type="checkbox"/> plain view/feel search |
| <input type="checkbox"/> miranda warnings | <input type="checkbox"/> other _____ |
| <input type="checkbox"/> custodial interrogation | _____ |

Description of the Trooper's error and what the Trooper should have done:

(e.g., stop was too long and amounted to an arrest without probable cause; passenger ordered out of vehicle without articulable facts warranting heightened caution; inadequate basis for conducting frisk; illegal frisk for drugs rather than weapons [nature of non-weapon item not "immediately apparent" during lawful frisk]).