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MEMORANDUM

TO: County Prosecutors

Law Enforcement Chief Executives

Colonel Joseph R. Fuentes
Superintendent, New Jersey State Police

FROM: Gregory Paw *gaw*
Director, Division of Criminal Justice

DATE: April 24, 2008

SUBJECT: *Use of Less-Lethal Impact Projectiles Pending Approval of Ammunition Specifications and Training Course*

On March 19, 2008, Attorney General Milgram issued a supplemental policy on less-lethal ammunition, allowing law enforcement officers to use and deploy less-lethal impact projectiles in certain circumstances where deadly force would not be authorized. Prior to the issuance of this supplemental policy, law enforcement officers in this State could use any type of firearms ammunition, including less-lethal impact projectiles, but only in deadly force situations.

The Attorney General's supplemental policy instructs the State Police and the Division of Criminal Justice to develop a list of specifications and characteristics of less-lethal ammunition for the Attorney General's approval. Supplemental Policy, Section IV. Section VIII (A)(2) also requires that officers deploying less-lethal ammunition must successfully complete a training course



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approved by the Police Training Commission, and subsection B requires officers to requalify semi-annually in a manner approved by the Police Training Commission.

A question has been raised as to whether and under what circumstances law enforcement agencies may deploy and use less-lethal impact projectiles pending the approval by the Attorney General of a list of specifications and characteristics of less-lethal ammunition, and pending the approval by the Police Training Commission of a course in the proper use and deployment of less-lethal ammunition, and approval of a re-qualification procedure. Until these projects are completed, police departments may continue to deploy and use less-lethal impact projectiles as was authorized prior to the issuance of the Supplemental Policy, that is, only in situations where lethal force would be permitted under the Attorney General's Use of Force Policy. Any such use of any form of ammunition directed at a person shall, pending adoption of the less-lethal ammunition specifications and characteristics and the approval of training courses and qualification procedures, be deemed to be the use of lethal force for purposes of the Attorney General's Use of Force Policy, and shall be subject to all of the substantive, procedural and reporting requirements that apply to the use of deadly force.

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c: Anne Milgram
Attorney General

John M. Vazquez
First Assistant Attorney General