



State of New Jersey

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ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2020-1 v 2.0

TO: All Chief Law Enforcement Executives

FROM: Gurbir S. Grewal, Attorney General

DATE: March 19, 2020 (Issued)
March 27, 2020 (Revised)

SUBJECT: Directive Instructing All Law Enforcement Agencies And Officers On The Appropriate Use Of COVID-19 Information From Public Health Officers

Law enforcement officers across New Jersey have requested additional information to protect themselves when interacting with individuals who have tested positive for COVID-19. To address these concerns, the Office of the Attorney General immediately engaged with the New Jersey Department of Health (NJDOH). In response, on March 18, 2020, and on March 27, 2020, NJDOH issued two memoranda to all New Jersey Local Public Health Officers instructing them to share with law enforcement limited information regarding those individuals who have tested positive for COVID-19 and their addresses, but at the same time placing careful limits on both the use and dissemination of that information. The sharing of this limited information is authorized by the Emergency Health Powers Act, specifically N.J. Stat. Ann. 26:13-13-1, *et seq.* That decision will aid us in keeping our law enforcement officers healthy and safe, while at the same time protecting the privacy of all New Jersey residents.

This information offers a critical tool for our law enforcement officers, who are stepping up across New Jersey to protect the public's safety in the face of unprecedented challenges. Although all law enforcement officers know that we must take precautions to protect officer health and safety in all interactions, we also know that law enforcement agencies face a shortage of Personal Protective Equipment (PPE), and must have all available relevant information to help put our PPE to best use and to best promote officer safety. The limited information provided is available to the police chief, director, and/or chief law enforcement executive and to officers who are interacting with an individual who has tested positive for COVID-19, and it will better ensure officer safety at a time when officers are ensuring ours.



NJDOH's memoranda regarding such information sharing are attached as Ex. A and Ex. B, and NJDOH's findings in both memoranda are incorporated by reference. This Directive reaffirms the careful limits NJDOH placed on the use and dissemination of COVID-19 information shared by Public Health Officers, New Jersey Local Information Network and Communication System (LINCS) agencies, and County Offices of Emergency Management (County OEMs), and it mandates that all state, county, and municipal law enforcement officers adhere to those limits. There will be serious consequences for violations of these limits.

Therefore, pursuant to the authority granted to me under the New Jersey Constitution and Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 to -117, I, Gurbir S. Grewal, hereby DIRECT all law enforcement agencies operating under the authority of the laws of the State of New Jersey to implement and comply with the following policies, procedures, standards, and practices:

1. All state, county, and municipal law enforcement agencies responsible for enforcing criminal laws in New Jersey shall receive COVID-19 information through their respective County OEM, which will input information into the Computer Aided Dispatch (CAD) system.¹ That COVID-19 information may be reviewed by the chief, director, or chief law enforcement executive of the law enforcement agency, and by any law enforcement officers who are responsible for maintaining the CAD system. Each individual's information shall be maintained in a secure and confidential manner, and it shall be deleted when the Public Health Officer or County OEM subsequently provides information indicating that a particular individual has been cleared from isolation. In all cases, all such information may be retained for only the duration of the public health emergency declared under Executive Order No. 103 (March 9, 2020) and must be permanently and securely deleted and destroyed when the Governor determines that a public health emergency no longer exists.
2. Unless otherwise provided by an authorized public health agency, all other state, county, and municipal law enforcement officers may only be informed that a particular individual has tested positive for COVID-19 through the CAD system, and they may not disseminate that information further, except that they may share this information with other individuals authorized to receive it by the Department of Health, including emergency medical services (EMS), emergency medical technicians (EMT), fire-fighters, and the Department of Children and Families, Division of Child Protection and Permanency (DCPP).
3. State, county, and municipal law enforcement officers may only use this information for the limited purpose of protecting their health and safety, and the health and safety of other officers and first responders responding to the same address or otherwise interacting with the same individual.

¹ If a particular law enforcement agency does not use a CAD system, or the County OEM does not have access to a CAD system, then the law enforcement agency will receive the information directly from the County OEM. This information will be maintained in an equivalent records management system that is similarly protected from widespread dissemination, and law enforcement officers may be informed that a particular individual has tested positive for COVID-19 through that system.

4. No state, county, or municipal law enforcement officer may use this information as a basis to refuse a call for service.
5. The applicable state, county, or municipal law enforcement agency may also inform employees of the DCPP that an individual has received a positive COVID-19 test, but only if the DCPP employee will be going to an affected address or otherwise interacting with such individual in the course of their job duties, and DCPP employees may not disseminate that information further. The Regional Operations Intelligence Center at the New Jersey State Police is also authorized to share this information with DCPP employees in these limited circumstances.
6. Nothing in this Directive restricts a law enforcement officer or agency from handling a call for service in accordance with the agency's general procedures, such as phone, electronic, or any other applicable reporting.

This Directive shall take effect immediately. The provisions of this Directive shall remain in force and effect unless and until NJDOH revokes its March 18, 2020 memorandum (Ex. A) or its March 27, 2020 memorandum (Ex. B), or unless and until this Directive is repealed, amended, or superseded by Order of the Attorney General, whichever comes first.



Gurbir S. Grewal
Attorney General

ATTEST:



Veronica Allende
Director, Division of Criminal Justice

Dated: March 27, 2020