



*State of New Jersey*

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**ATTORNEY GENERAL ADMINISTRATIVE EXECUTIVE DIRECTIVE NO. 2022-08**

**TO:** All Division Directors, Department of Law and Public Safety

**FROM:** Matthew J. Platkin, Acting Attorney General

**DATE:** July 25, 2022

**SUBJECT: Directive Codifying the Statewide Affirmative Firearms Enforcement Office**

Gun violence claims tens of thousands of lives across America every year, and the problem continues to worsen. Over 45,000 people died from gun-related injuries in 2020, the most recent year for which the final numbers are available. That number has never been higher. The percentage of homicides which involve firearms is climbing too: 79 percent of all homicides involved firearms in 2020, the highest rate recorded in over 25 years. And more than half of all reported suicides from that year involved firearms.

New Jersey's commonsense firearm safety laws have helped the State maintain one of the lowest firearm mortality rates in the country. Nonetheless, New Jersey suffers hundreds of gun-related deaths each year. And New Jersey has not been immune from the nationwide rise in mass shooting events, including one in May 2021 that left three dead and eleven wounded. As a result, members of the public cannot go to school, to church, or to the supermarket with the same sense of security they once enjoyed – and are entitled to enjoy.

In short, gun violence is a public health and safety crisis in New Jersey and across the country. And it is a crisis that imposes significant costs beyond the lives lost and shattered. According to one study, American taxpayers pay \$34.8 million on an average day for medical care, first responders, ambulances, police, and criminal justice services related to gun violence, and the overall costs to the country amount to \$280 billion annually.

Keeping the people of New Jersey safe from gun violence using all of the tools available to us is one of the most important responsibilities of the Department of Law and Public Safety. Such public safety tools not only include pursuing criminal actions against those who commit acts of violence but also deploying the Department's civil enforcement authority to, among other things, remedy unlawful conduct by firearm manufacturers, distributors, and others in the supply chain. To that end, the Division of Consumer Affairs has filed multiple lawsuits against companies that have unlawfully advertised, offered for sale, and/or sold to New Jersey residents firearm products that are prohibited in New Jersey – including ghost guns and large-capacity magazines. Those actions have resulted in substantial monetary payments from the defendants, as well as limitations on the companies' advertising and sales practices. But the unavailability in New Jersey of a robust public nuisance statute has limited the State's ability to seek legal redress in situations where firearms

manufacturers and retail dealers may have knowingly or recklessly taken actions that have endangered the safety and health of New Jersey residents through the sale, manufacture, distribution, or marketing of lethal, but nonetheless legal, firearms.

Recently, the Legislature passed and Governor Murphy signed P.L.2022, c.56, to strengthen the civil enforcement tools available to address the problem of gun violence by authorizing the Attorney General to bring a statutory public nuisance cause of action and investigate potential violations of the statute. The legislation anticipates that the Attorney General may delegate this statutory authority to a unit of the Department of Law and Public Safety, along with such other functions, powers, and duties vested in the Department of Law and Public Safety as the Attorney General may deem appropriate. I have concluded that such a delegation is appropriate to facilitate the efficient and effective implementation of the functions established under and deriving from P.L.2022, c.56.

Pursuant to the authority granted to me under the New Jersey Constitution; the Law and Public Safety Act of 1948, N.J.S.A. 52:17B-1, *et seq.*, which provides for general responsibility of the Department's operations and the supervision of the organization of the Department; and P.L.2022, c.56, which provides for the establishment or designation of an office within the Department of Public Safety to exercise all functions, powers, and duties of the Attorney General established under or deriving from that law and such other functions, powers and duties vested in the Department of Law and Public Safety as the Attorney General may deem appropriate, I have determined that the organization described herein is necessary for the efficient and effective operation of the Department's functions, and hereby direct all Department personnel to implement and comply with the following directives.

## **I. SAFE Office**

- A. ***Establishment.*** There is established in the Department, the Statewide Affirmative Firearms Enforcement (SAFE) Office.
- B. ***Leadership of the SAFE Office.*** The SAFE Office shall operate under the supervision of a Director of the SAFE Office, who shall be selected by, and operate under, the authority of the Attorney General. The Director of the SAFE Office shall direct and supervise the work of the Office and any constituent organization units that may be established, and shall devote their entire time to the duties of the Office.
- C. ***Organization of the SAFE Office.*** With the approval of the Attorney General, the Director of the SAFE Office may organize the work of the Office into any organizational units as may be deemed necessary for the efficient and effective operation of the Office. The Director of the SAFE Office may delegate to employees in the Office and its constituent organizational units such responsibilities and authority as the Director deems appropriate, subject to the supervision of the Director. The Attorney General shall assign to the Office such employees as may be deemed necessary to assist the Director in the performance of the Office's responsibilities.
- D. ***Delegation of Authority.*** All functions, powers, and duties vested in the Attorney General by P.L.2022, c.56, are hereby delegated to the SAFE Office, whose exercise of such authority shall remain at all times subject to the authority and supervision of the Attorney General.
- E. ***Additional Authority.*** To the extent not inconsistent with law, and under the authority and supervision of the Attorney General, the SAFE Office shall coordinate with every other division, agency, office, commission, bureau, and unit within the Department to facilitate the efficient and effective administration of laws pertaining to gun violence.

F. ***Access to Department Resources.*** The Office shall be authorized to call upon the expertise and assistance of every division, agency, office, commission, bureau, and unit within the Department in order to carry out its mission. Such entities are hereby required, to the extent not inconsistent with law, to cooperate with the Office and to provide such assistance as the Office may require.

## II. **Other Provisions**

- A. ***Non-enforceability by third parties.*** This Directive is issued pursuant to the Attorney General's authority to supervise operations of the Department. This Directive imposes limitations that may be more restrictive than the limitations imposed under the United States and New Jersey Constitutions, and federal and state statutes and regulations. Nothing in this Directive shall be construed in any way to create any substantive right that may be enforced by any third party.
- B. ***Severability.*** The provisions of this Directive shall be severable. If any phrase, clause, sentence, or provision of this Directive is declared by a court of competent jurisdiction to be invalid, the validity of the remainder of the document shall not be affected.
- C. ***Questions.*** Any questions concerning the interpretation or implementation of this Directive shall be addressed to the Director of the SAFE Office, or their designee.
- D. ***Effective date.*** This Directive shall take effect immediately and remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Attorney General.



Matthew J. Platkin  
Acting Attorney General

ATTEST:



Lyndsay V. Ruotolo  
First Assistant Attorney General

Date: July 25, 2022