



State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
PO Box 085
TRENTON, NJ 08625-0085
TELEPHONE: (609) 984-6500

JON S. CORZINE
Governor

ANNE MILGRAM
Attorney General

GREGORY A. PAW
Director

November 26, 2007

Director Garry McCarthy
Newark Police Department
31 Green Street, 4th Floor
Newark, New Jersey 07102

Re: **Investigation of Newark Police Deputy Chief Samuel DeMaio**

Dear Director McCarthy:

Enclosed please find a written report comprising the results of an investigation conducted by the Division of Criminal Justice regarding conduct by certain members of the Newark Police Department, following the finding by two men of a dead body on September 6, 2007. The men, along with another man, reported this finding to the Newark Police Department. In the course of the crime scene investigation, Newark Police Deputy Chief Samuel DeMaio inquired as to the immigration status of these men.

The witnesses interviewed during our investigation consistently reported that DeMaio asked questions directed to the immigration status of two of the men. The witnesses said DeMaio inquired as to whether the men who reported finding the body held a "Green Card." Two of the men who reported the body said the questions were more pointed, and included inquiry as to whether the men were "illegal," and in the country legally.

Attorney General Law Enforcement Directive 2007-03 addresses, among other things, the proper treatment by local, county and State law enforcement of the immigration status of witnesses to crime. The Directive took effect on August 22, 2007, and recognizes that public safety suffers if individuals believe they cannot come forward to report crime or cooperate with law enforcement for fear of inquiry into their immigration status. The Directive thus provides that "[n]o State, county, or local law enforcement officer shall inquire about or investigate the immigration status of any victim, witness, potential witness, or person requesting or receiving police assistance." Thus, immigration status of victims, witnesses and those seeking police assistance is not a relevant inquiry for law enforcement, except in the limited conditions not applicable here.

Adherence to the Directive is a function of every law enforcement officer in the State so as



to encourage and enhance cooperation of community members, and give assurance to witnesses, victims and those needing police assistance that they may come forward without fear of questions directed to their immigration status.

This investigation found that DeMaio's conduct violated the Directive. We respectfully request that you review the findings in support of this conclusion as you evaluate appropriate disciplinary action, as well as the training that will be required for the Newark Police on this issue. We ask you to report back to us in a week concerning the discipline imposed upon DeMaio, as well as the training proposed for the Newark Police. We expect that the Attorney General shortly will be issuing direction to police departments across the State requiring training on this important issue.

Thank you for your attention to this matter.

Very Truly Yours,

Gregory A. Paw
Director

enclosure

cc: The Hon. Anne Milgram
The Hon. Paula Dow
John Vazquez, Esq.