



State of New Jersey

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TO: All Law Enforcement Chief Executives

FROM: Gurbir S. Grewal, Attorney General

DATE: April 6, 2020

SUBJECT: Addressing Manpower Challenges During COVID-19 Pandemic

During this unprecedented public health emergency, the state is relying on our law enforcement officers like never before. As the state's chief law enforcement officer, I am committed to working with every law enforcement agency to protect the public's safety throughout the duration of this public health emergency and beyond, and to protect the health and well-being of our over 36,000 law enforcement professionals. Because both goals require us to address any manpower challenges that arise as a result of the COVID-19 pandemic, I would like to share with you five distinct ways that law enforcement agencies—in conjunction with my office—can overcome these challenges.

First, as I explained last month, agencies can turn to Special Law Enforcement Officers (SLEOs) for support. New Jersey law permits SLEO IIs, while on duty, to exercise full powers and duties of a permanent, regularly appointed full-time police officer, which remains an available force multiplier. Throughout this emergency, the usual limit on SLEO II hours does not apply. We also established—for the first time—an expedited process by which the PTC will approve a county or municipality's decision to re-designate a SLEO III as a SLEO II, so long as that individual had previously completed the Basic Course for Police Officers, the New Jersey State Police Academy, or the SLEO III waiver course. To date, the PTC has approved 200 waivers, typically in less than 24 hours. Additional applications or questions should be emailed to PTC Administrator John Cunningham at cunninghamj@njdcj.org.

Second, law enforcement agencies can rehire previously retired officers as SLEO IIs on an hourly basis. Officers who served as duly qualified, fully trained, full-time officers in any municipality or county of New Jersey, and who separated from their prior service in good standing, are potentially eligible for rehire.¹ Such officers must meet the training requirements for SLEOs IIs, but any officer who retired less than three years ago will be presumed compliant, and the PTC—consistent with established procedures—will process requests for waivers of training requirements expeditiously. For each rehire, please email the completed PTC-15 training waiver request form (<https://www.state.nj.us/lps/dcj/njptc/pdf/ptc15.pdf>) to

¹ Law enforcement agencies should consult N.J.S.A. 40A:14-146.8 *et seq.* for the complete list of statutory requirements for the appointment of SLEOs. Agencies should also be aware that the PTC cannot waive the psychological testing requirement contained in N.J.S.A. 40A:14-146.10.



John Cunningham at cunninghamj@njdcj.org. Moreover, under Governor Murphy's Executive Order No. 115 (2020), which is attached as Exhibit A, officers who have been retired for more than 30 days, but less than six months, are eligible to return to their former employers as SLEOs for the duration of the state of emergency without violating existing pension regulations.

There is more good news relating to law enforcement agencies' ability to rely on SLEOs, after my office worked with the Governor's office to address the concerns we were hearing from you. Pursuant to Executive Order 115, there is no limit on the number of SLEOs that a law enforcement agency may hire for the duration of the State of Emergency. In other words, the 25 percent limitation on SLEOs typically applicable to non-resort municipalities has been suspended during this emergency.

Third, law enforcement agencies can also rehire officers in non-law enforcement positions. New Jersey's law enforcement community—including the New Jersey State Police—took exactly this step in the aftermath of the September 11 attacks in 2001 and Superstorm Sandy in 2012, turning to the deep pool of retirees able and willing to serve the profession in non-law enforcement titles. This serves to free officers assigned to administrative units for roles in the field. This is especially appropriate for officers who have been retired for many years and are ineligible for a waiver of training.

Fourth, due to the closure of New Jersey's law enforcement academies, agencies may use recruits in administrative roles. The recruits can assist with dispatching responsibilities, processing of prisoners, citizen inquiries, and similar responsibilities. Law enforcement agencies must be mindful that many recruits are attending virtual academies, and duty assignments should not interfere with their ability to complete required course work. Further, because recruits are not fully trained, PTC-certified law enforcement officers, they should not be assigned to perform law enforcement functions.

Finally, as you know, law enforcement agencies can look to existing mutual aid agreements with your county and municipal law enforcement partners. Each agency should consult with your municipal or county emergency management coordinator when seeking mutual aid. Pursuant to Executive Order No. 103 (2020), your agency may only obtain mutual aid from a noncontiguous municipality upon the direction of your county OEM, in consultation with NJOEM and the Department of Health.

Just as the manpower challenges will vary from municipality to municipality, the right approach will vary from law enforcement agency to law enforcement agency. But I urge you to consider all of these options with your human resources staff at the earliest possible time, to prepare for the COVID-19 related challenges we are all facing together. My office remains available to answer any questions that you may have, to expedite any processes that can help reduce staffing issues, and to continue brainstorming other solutions. As always, please raise questions and concerns with DCJ at covid19LE@njoag.gov, and we will provide additional advice as quickly as possible.