

ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE No. 2008-3

SUBMISSION OF INFORMATION INTO THE ViCAP DATABASE

WHEREAS, N.J.S.A. 53:1-20.11 requires the Division of State Police to foster and coordinate participation by State and local law enforcement agencies in the Violent Criminal Apprehension Program ("ViCAP") sponsored by the Federal Bureau of Investigation ("FBI");

WHEREAS, ViCAP's mission is to facilitate cooperation, communication, and coordination between law enforcement agencies and to support efforts by law enforcement to investigate, identify, track, apprehend, and prosecute serial offenders;

WHEREAS, the Division of State Police serves as a statewide "hub" for the FBI's nationwide ViCAP database and, as such, assists in analyzing crime information;

WHEREAS, the ViCAP database represents the nation's most comprehensive and extensive collection of information related to solved and unsolved crimes;

WHEREAS, advances in technology allow all law enforcement agencies in the State to directly access and query the ViCAP database through the Internet;

WHEREAS, the ViCAP database enables law enforcement agencies in diverse geographic areas to identify similar patterns in the commission of seemingly unrelated crimes, which has led to the expeditious apprehension of serial killers, rapists, and other dangerous criminals;

WHEREAS, the ViCAP database enhances the ability to successfully prosecute predatory serial offenders who commit similar crimes in multiple jurisdictions by allowing two or more prosecutors to coordinate their efforts and, where appropriate, join prosecutions in a single trial;

WHEREAS, certain offenses such as lewdness and peering into dwelling places can be precursors to more serious crimes;

WHEREAS, society is becoming increasingly mobile and sexual predators do not recognize geo-political boundaries;

WHEREAS, the successful implementation of any computerized information sharing and analysis system depends on the timely, accurate, and complete entry of all pertinent information;

WHEREAS, it is appropriate and effective to require law enforcement agencies in the State to enter information into the ViCAP database concerning reports of offenses that can be precursors to more serious crimes;

NOW, THEREFORE, I, ANNE MILGRAM, Attorney General of the State of New Jersey, by virtue of the authority vested in me by the Constitution and by the Criminal Justice Act of 1970, N.J.S.A. 52:17B-92 et seq., do hereby DIRECT that all law enforcement agencies operating under the authority of the laws of the State of New Jersey shall adhere to the policies and procedures set forth below:

1. Data to be entered into the ViCAP database

On or after the effective date of this Directive, all law enforcement agencies in the State shall directly enter into the ViCAP database, in accordance with the procedures, guidelines, and/or restrictions established by the FBI, case information concerning:

- A. Solved or unsolved homicides or homicide attempts, especially those that involve abduction; appear to be random, motiveless or sexually motivated; or are known or suspected to be part of a series (N.J.S.A. 53:1-20.11).
- B. Missing persons, where the circumstances indicate possible foul play (N.J.S.A. 53:1-20.11).
- C. Unidentified dead bodies, where the manner of death is known or suspected to be homicide (N.J.S.A. 53:1-20.11).
- D. A high risk missing person or a missing child, as these terms are defined in N.J.S.A. 52:17B-212.
- E. Credible reports of:
 - 1. Aggravated Sexual Assaults (N.J.S.A. 2C:14-2a); Sexual Assaults (N.J.S.A. 2C:14-2b and 2C:14-2c); Aggravated Criminal Sexual Contact (N.J.S.A. 2C:14-3a); Criminal Sexual Contact (N.J.S.A. 2C:14-3b), or Attempts to commit any of these offenses, when committed under any of the following circumstances:
 - a. The victim was less than the age of 16 at the time of the offense.
 - i. Case information is not required to be entered if the victim consented to the commission of the offense but by reason of age was not capable of giving lawful consent (i.e. statutory rape), unless the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status.
 - b. The actor concealed or attempted to conceal his or her identity.
 - c. The actor was unknown to the victim at the time of the offense.

- d. The actor used the Internet to make initial contact with the victim.
 - e. The actor purposely used drugs or alcohol to facilitate the offense.
 - f. The actor used a weapon during the offense.
 - g. The victim sustained bodily injury during the offense.
2. Endangering the Welfare of a Child (N.J.S.A. 2C:24-4) involving any manner of sexual conduct when committed under any of the following circumstances:
 - a. The actor was unknown to the victim and the Internet, or any other type of electronic medium, was used to facilitate the offense.
 - b. The actor possessed, manufactured, traded or procured child pornography.
 3. Harassment (N.J.S.A. 2C:33-4) when the actor was unknown to the victim and
 - a. The harassment was sexual in nature; or
 - b. The harassment involved sexual interest in a material object or non-sexual part of the body; or
 - c. The harassment was obscene in nature.
 4. Lewdness, where the offense is graded as a fourth degree crime under N.J.S.A. 2C:14-4.
 5. Luring or Attempts (N.J.S.A. 2C:13-6).
 6. Peering (N.J.S.A. 2C:18-3c).
 7. Stalking (N.J.S.A. 2C:12-10) not involving domestic violence, as defined in 2C:25-19a.
 8. Non-Parental Child Abductions or Attempts (N.J.S.A. 2C:13-1 or 2C:13-4).

Nothing in this Directive shall be construed to limit the authority of a law enforcement agency to enter into ViCAP information concerning documented criminal activities or offenses which may provide information that could assist in the identification and/or arrest of a serial predator.

2. ViCAP Data Entry

A law enforcement agency shall enter case information into the ViCAP database as soon as practicable, but no later than (30) days after the agency becomes aware of the information. If, after a case has been entered into the ViCAP database, the identity of the offender is determined, or other information becomes available, the ViCAP database shall be updated accordingly.

Nothing in this Directive limits the authority of a law enforcement agency to enter into the ViCAP database information concerning offenses committed or reported before the Directive's effective date.

3. Establishment of County and Municipal ViCAP Liaison Officer

Within thirty (30) days of the effective date of this Directive, each County Prosecutor shall appoint a staff member to serve as the County ViCAP Liaison Officer ("County ViCAP Officer") and the chief law enforcement executive in each municipality shall appoint a staff member to serve as the Municipal ViCAP Liaison Officer ("Municipal ViCAP Officer").

The County ViCAP Officer shall periodically meet and confer with the State Police and with the municipalities located within the County ViCAP Officer's county about matters concerning ViCAP. The Municipal ViCAP Officer shall periodically meet and confer with the County ViCAP Officer about matters involving ViCAP. Additionally, County and Municipal ViCAP Officers shall ensure compliance with this Directive in their respective jurisdictions and that personnel in their jurisdictions comply with any procedures, guidelines, and/or restrictions established by the FBI or State Police concerning the entering of information into the ViCAP database.

4. Implementation Instructions

The State Police shall, consistent with any procedures, guidelines, and/or restrictions issued by the FBI, disseminate and periodically re-issue an operators' manual providing specific instructions on how to enter information into the ViCAP database. The State Police shall also conduct and/or coordinate periodic trainings throughout the State concerning the use of the ViCAP database.


5. Implementation Questions

Questions concerning the implementation of this Directive shall be addressed to the Superintendent of the New Jersey State Police, or his designee, or where appropriate, to the Attorney General, or her designee.

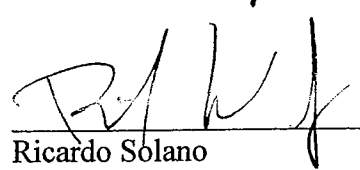
6. Effective Date

This directive shall take effect immediately and shall remain in full force and effect unless and until repealed, modified or superseded by Order of the Attorney General.

Dated: November 20, 2008



Anne Milgram
Attorney General

Attest: 

Ricardo Solano
First Assistant Attorney General