



JENNIFER DAVENPORT

Attorney General



Fighting Corruption

Rebuilding Trust and Improving Safety in Paterson

Ensuring Access to Reproductive Rights

Tackling Auto Theft and Burglary

Protecting Children Online

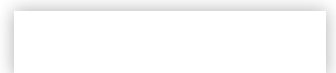
Securing Environmental Justice

Standing up for New Jerseyans

Battling the Opioid Epidemic

Fighting to Lower Costs for New Jersey Consumers

Immigrant Trust Directive





JENNIFER DAVENPORT

Attorney General



that New Jersey's 36,000 law enforcement officers may provide to federal immigration authorities and applies to state and local police officers, correctional officers working in state prisons and county jails, and state and county prosecutors.

How the Immigrant Trust Directive Changes Law Enforcement Practices

Attorney General Directive 2018-6, known as the "Immigrant Trust Directive," is designed to strengthen trust between New Jersey's law enforcement officers and the state's diverse immigrant communities, thereby ensuring that victims and witnesses feel safe reporting crimes.

The Directive is intended to draw a clear distinction between state, county, and local law enforcement officers, who are responsible for enforcing state criminal law, and federal immigration authorities, including Investigations and Customs Enforcement, or ICE, who enforce federal civil immigration law. The Directive limits the types of voluntary assistance that New Jersey's 36,000 law enforcement officers may provide to federal immigration authorities and applies to state and local police officers, correctional officers working in state prisons and county jails, and state and county prosecutors.

The Directive goes into effect in March 2019. Under the new rules, except in limited circumstances:

- New Jersey's police officers:**
 - Cannot stop, question, arrest, search, or detain any individual based solely on actual or suspected immigration status.
 - Cannot ask the immigration status of any individual, unless doing so is necessary to the ongoing investigation of a written offense and relevant to the offense under investigation.
 - Cannot participate in ICE's civil immigration enforcement operations.
 - Cannot provide ICE with access to state or local law enforcement resources, including equipment, office space, databases, or property.
- New Jersey's correctional officers:**
 - Cannot allow ICE to interview individuals detained on criminal charges, unless the detainee is advised of his or her right to a lawyer and signs a written consent form.
 - Cannot continue to hold a detained individual arrested for a minor criminal offense, without certain prior convictions,
- New Jersey's prosecutors:**
 - Cannot attack a witness's credibility at trial based on his or her immigration status.
 - Cannot seek pretrial detention of an individual based solely on his or her immigration status.
- New Jersey's law enforcement agencies:**
 - Must develop procedures to assist victims and witnesses applying for T-Visas and U-Visas, which provide special immigration status for those cooperating with law enforcement investigations.
 - Must update current policies to comply with this Directive and train all officers before March 2019.

To learn more, visit nj.gov/trust

[Read the Summary](#)

State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
Department of Law and Public Safety
Division of Criminal Justice
PO Box 901
Trenton, NJ 08646-0901
Telephone: (609) 984-6238

Director: Dr. Robert Guerin
Deputy Director: Joseph P. ...
Assistant Director: ...

ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2018-6 (2.0)

TO: All Law Enforcement Chief Executives

FROM: Gufrid S. Gornal, Attorney General

DATE: November 28, 2018 (Issued)
September 27, 2019 (Revised)

SUBJECT: Directive Strengthening Trust Between Law Enforcement and Immigrant Communities

In recent years, the federal government has increasingly relied on state and local law enforcement agencies to enforce federal civil immigration law. This trend presents significant challenges to New Jersey's law enforcement officers, who have worked hard to build trust with our state's large and diverse immigrant communities.

It is well-established, for example, that individuals are less likely to report a crime if they fear that the responding officer will turn them over to immigration authorities. This fear makes it more difficult for officers to solve crimes and bring suspects to justice, putting all New Jerseyans at risk.

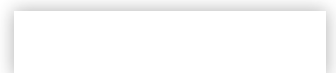
It is therefore crucial that the State of New Jersey make very clear to our immigrant communities something that may seem obvious to those of us in law enforcement: there is a difference between state, county, and local law enforcement officers, who are responsible for enforcing state criminal law, and federal immigration authorities, who enforce federal civil immigration law.

Put simply, New Jersey's law enforcement officers protect the public by investigating state criminal offenses and enforcing state criminal laws. They are not responsible for enforcing civil immigration violations except in narrowly defined circumstances. Such responsibilities instead fall to the federal government and those operating under its authority.

Although state, county, and local law enforcement officers should assist federal immigration authorities when required to do so by law, they should also be mindful that

New Jersey Is An Equal Opportunity Employer • Printed on Recycled Paper and Recycled Ink

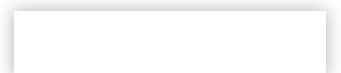
[Read the Directive](#)





JENNIFER DAVENPORT

Attorney General





JENNIFER DAVENPORT

Attorney General



unserved. This affects the safety of all New Jersey residents.

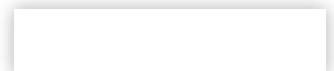
Part of the problem is that some of New Jersey's most vulnerable residents—especially those who recently arrived in this country—do not always appreciate difference between an ICE officer and local cop. They simply fear anyone with a badge. In an era of heightened concern, the only practical solution is to draw a bright, clear line between local police and federal immigration authorities.

The Immigrant Trust Directive makes that distinction clear. Under the Directive, New Jersey police officers cannot participate in federal immigration raids. They cannot stop, question, arrest, search, or detain an individual based solely on actual or suspected immigration status. And they cannot ask an individual's immigration statute except in rare cases when it is relevant to a specific criminal investigation.

The Directive sends a clear message to Washington: we will not allow you to drive a wedge between New Jersey's law enforcement officers and our immigrant communities. And we will not allow federal authorities to stop us from ensuring the safety of all nine million New Jersey residents.

Separating Fact from Fiction

Some people have mischaracterized the Immigrant Trust Directive. And while the Directive does change some aspects of state law





JENNIFER DAVENPORT

Attorney General

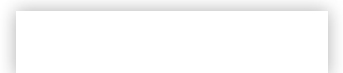


It's important to separate fact from fiction. Below are the legal papers filed by the State of New Jersey defending the Directive, as well as other sources of information that clarify the Directive's purpose.

- [Motion to Dismiss](#)
- [Reply in Support of Motion to Dismiss](#)
- [Opposition to Cape May Motion for Preliminary Injunction](#)
- [Declaration from Michael A. Gaimari Supporting Preliminary Injunction Opposition](#)
- [Declaration from Angelo J. Onofri Supporting Preliminary Injunction Opposition](#)

Understanding the Directive

We're committed to making sure that all New Jersey residents understand the Directive. That's why we recorded short videos in nine languages—all with the help of New Jersey police officers who grew up speaking a different language at home.



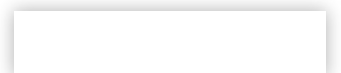


JENNIFER DAVENPORT

Attorney General



Immigrant Trust Directive - Spanish





JENNIFER DAVENPORT

Attorney General



STATE OF NEW JERSEY | DEPARTMENT OF LAW & PUBLIC SAFETY

OFFICE OF THE ATTORNEY GENERAL

Search



JENNIFER DAVENPORT

Attorney General



Year in Review

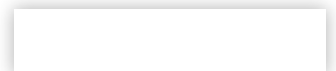
ATTORNEY GENERAL'S PRIORITIES

- Preventing and Combating Gun Violence
- Combating Human Trafficking
- Children's Rights and Safety
- Affordability
- Protecting NJ from Attacks out of DC

PROGRAMS

- Use of Force Policy
- Internal Affairs Policies and Procedures
- Major Discipline

RESOURCES





JENNIFER DAVENPORT

Attorney General



- [AG Event Request Form](#)
- [Public Records Request](#)
- [Constituent Services](#)

