

ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO: 2012-1

**NOTIFICATION OF OUT-OF-STATE LAW ENFORCEMENT
OPERATIONS CONDUCTED WITHIN NEW JERSEY**

WHEREAS, it is the mission of the Office of the Attorney General to protect the safety, security, and quality of life of the people of New Jersey through an integrated and coordinated structure of law enforcement; and

WHEREAS, the State of New Jersey and its law enforcement agencies have a vital interest in receiving notification with respect to out-of-state law enforcement operations conducted within its borders in order to enhance operational safety, eliminate duplicative efforts, and ensure the effective and responsible use of law enforcement resources; and

WHEREAS, the increasing complexity of terrorist networks, homeland security matters, and criminal enterprises requires coordination, communication, and cooperation by and among law enforcement agencies to enable greater security and preparedness in the effort to protect our citizens;

NOW, THEREFORE, I, JEFFERY S. CHIESA, Attorney General of the State of New Jersey, by virtue of the authority vested in me by the Constitution of the State of New Jersey and by the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97, *et seq.*, hereby **DIRECT** that all law enforcement agencies operating under the authority of the laws of the State of New Jersey shall adhere to the polices and procedures set forth below:

A. DEFINITIONS

For the purposes of this Directive:

1. "Member of a New Jersey law enforcement agency" means any sworn or civilian employee of a law enforcement agency operating under the authority of the laws of the State of New Jersey.
2. "Out-of-state law enforcement agency" means any law enforcement agency or officer operating under the authority of the laws of another State. The term does not include a federal law enforcement agency, or a task force operating under the auspices of a federal law enforcement agency.
3. "Law enforcement activity" means investigations, operations and intelligence-gathering activity conducted by a law enforcement agency or officer. The term does not encompass non-investigatory conduct, including but not limited to participation in training classes or exercises, execution of child-support warrants, or transportation of incarcerated persons to and from this State.

4. "Counter-terrorism activity" means any activity undertaken by a law enforcement agency to investigate, detect, deter, or prevent the crime of terrorism, defined in N.J.S.A. 2C:38-1, or any other offense defined in chapter 38 of Title 2C, or any similar crime under the laws of the United States or any other State, without regard to whether such crime is committed or intended to be committed in this State. The term includes any form of intelligence collection conducted within this State.

5. "Counter-Terrorism Watch (CTWatch)" means an entity within the Regional Operational Intelligence Center (ROIC) that is tasked with maintaining the New Jersey Suspicious Activity Reporting System (NJSARS) database, and promoting and supporting the timely sharing of information to all law enforcement (including the Federal Bureau of Investigation and related agencies).

B. GENERAL NOTIFICATION PROTOCOL

1. Notice To County Prosecutor For All Contact With Out-Of-State Law Enforcement Agencies Conducting Law Enforcement Activities In This State

All local, municipal, and county law enforcement agencies and officers shall promptly notify the county prosecutor, or his/her designee, when a law enforcement officer learns of, or acquires knowledge of, an out-of-state law enforcement agency that intends to enter, or has entered, New Jersey for the purpose of conducting law enforcement activities in this State. Notification required under this Directive shall include, but is not limited to:

- 1) the date and time the out-of-state agency's activity is learned of;
- 2) the nature, purpose, and scope of the out-of-state law enforcement agency's activities in this State;
- 3) the out-of-state law enforcement agency's name and contact information; and
- 4) the New Jersey notifying agency's name and contact information.

Such notification shall be given as soon as is practicable, but in no event later than 24 hours after learning of, or acquiring information concerning, the out-of-state agency's law enforcement activity in this State.

2. Notice To ROIC By County Prosecutor For Contact With Out-Of-State Law Enforcement Agencies Conducting Counter-Terrorism Activities In This State

All county prosecutors shall promptly notify CTWatch at the ROIC when a law enforcement officer learns of, or acquires knowledge of, an out-of-state law enforcement agency that intends to enter, or has entered, New Jersey for the purpose of conducting counter-terrorism activities in this State. Notification shall be provided in the manner and within the time limitations set forth in paragraph 1 above.

3. Notice To The State Police, Office Of Homeland Security And Preparedness (OHS&P). And Joint Terrorism Task Force (JTTF) By The ROIC

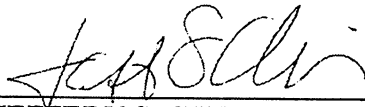
Upon receiving information that an out-of-state law enforcement agency intends to enter, or has entered, New Jersey for the purpose of conducting counter-terrorism activities in this State, CTWatch shall notify the Superintendent of the New Jersey State Police, or his/her designee, and the Director of OHS&P. Additionally, CTWatch shall communicate such information provided by the county prosecutor to the designated staff of the JTTF.

C. SCOPE, EFFECTIVE DATE, AND IMPLEMENTATION

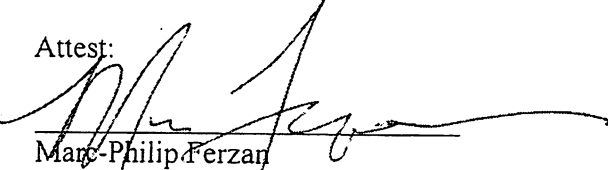
This Directive shall apply to every member of a New Jersey law enforcement agency. This Directive shall take effect on May 24, 2012, and shall remain in force and effect unless and until repealed, amended, or superseded by order of the Attorney General. Every law enforcement agency shall take such steps as may be necessary and appropriate to implement this Directive, and every department and agency shall review and, as necessary, revise its rules, regulations, standing operating procedures, and/or training programs to ensure compliance with this Directive.

Questions by law enforcement agencies or officers concerning the application of this Directive to specific cases should be addressed either to the relevant county prosecutor's counter-terrorism coordinator or the Division of Criminal Justice, Prosecutors Supervision and Coordination Bureau.

Given under my hand and seal, this 24th day of May, in the year Two Thousand and Twelve, and of the Independence of the United States, the Two Hundred and Thirty-Sixth.



JEFFERY S. CHIESA
Attorney General

Attest:


Marc-Philip Perzan
Executive Assistant Attorney General