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TO: All Chief Law Enforcement Officers

FROM: Gurbir S. Grewal, Attorney General

DATE: March 26, 2018

SUBJECT: Immediate Notification of Investigative Tips and Leads (Update to Attorney General Directive 2016-7: “Replacement of the October 9, 2007, ‘Guidelines for Dissemination of Investigative Tips and Leads Received from the New Jersey Public and Law Enforcement’ (2007 Guidelines)”)

As underscored by recent events across the country and in New Jersey, information related to suspicious or criminal activity potentially related to terrorism or threatened acts of violence must be immediately reported to appropriate law enforcement authorities. To ensure that there are no gaps in the reporting process, this Directive updates and replaces the “*Guidelines for Dissemination of Investigative Tips and Leads Received from the New Jersey Public and Law Enforcement*” (2007 Guidelines), and sets forth reporting requirements applicable to all law enforcement officers in New Jersey.

Governor Jon S. Corzine’s Executive Order 5, dated March 16, 2006 (Executive Order No. 5), established the New Jersey Office of Homeland Security and Preparedness (NJOHSP) and empowered it with the responsibility to administer, coordinate, lead, and supervise New Jersey’s counter-terrorism and preparedness efforts. As such, NJOHSP plays an integral role in collecting information and leads related to all forms of suspicious activity, assessing that information, and disseminating it for appropriate follow-up by local, state and/or federal partners. Recognizing this critical role, the 2007 Guidelines called for NJOHSP to create and staff a “Tips and Leads Section” (now called the Counterterrorism Watch or “CTWatch” Section) for intake and initial evaluation of terrorism-related information, including the collection and assessment of Suspicious Activity Reports (SARs) with a possible nexus to terrorism.

In replacing the 2007 Guidelines, this Directive updates and/or modifies the reporting procedures and terminology set forth below to conform not only with current law enforcement practices, but also with the realities of the current threat landscape. All law enforcement officers are directed to give the broadest meaning to the terms set forth below, realizing that suspicious



activity and terrorism now include, among other things, threats of violence (in any form, through any medium and from any source) related to both hard targets (*e.g.*, secure government facilities, military bases, *etc.*), and soft targets (*e.g.*, schools, houses of worships, workplaces, shopping centers, transportation hubs, public gatherings, *etc.*). In addition, all law enforcement officers are now directed to report any such information immediately to both their County Terrorism Coordinator (CTC) and to CTWatch. This dual-reporting will not only allow for an immediate local law enforcement response if necessary, but will also permit NJOHSP to evaluate the reported information and disseminate it as appropriate.

1. Definitions

For purposes of this Directive:

- a. “Counterterrorism Watch” or “CTWatch” (formally known as the “Tips and Leads Section” or “TLS”) is an NJOHSP entity located within the State’s fusion center, the Regional Operations and Intelligence Center (ROIC) tasked with assessing potential NJSARS entries, maintaining the quality control of existing NJSARS entries, properly categorizing SARs, and supporting the timely sharing of information to all levels of law enforcement.
- b. “County Terrorism Coordinators” or “CTCs” are designated within each County Prosecutor’s Office to act as the central points of contact to receive, share, collect, and disseminate terrorism-related material within their county, and are charged with submitting all SARs and accompanying reports to NJOHSP’s CTWatch Unit; each County Prosecutor’s Office appoints a primary and secondary CTC.
- c. “Law enforcement agency” means any agency or department with law enforcement responsibilities operating under the authority of the laws of the State of New Jersey.
- d. “Law enforcement officer” or “officer” means a regular, sworn officer employed by a law enforcement agency.
- e. “Nexus to terrorism or other criminal activity” is established when behavior or circumstances are reasonably related to an individual’s or organization’s involvement or planned involvement in terrorism or other criminal activity related to terrorism and threats of violence (in any form, through any medium and from any source) related to both hard targets (*e.g.*, secure government facilities, military bases, *etc.*) and soft targets (*e.g.*, schools, houses of worships, workplaces, shopping centers, transportation hubs, public gatherings, *etc.*).
- f. “NJSARS” refers to the New Jersey Suspicious Activity Reporting System. It is not an intelligence database and does not contain intelligence information.
- g. “CTWatch Contact Log” is an internal NJOHSP database that stores information

on reports that do not meet the SAR threshold.

- h. “Suspicious Activity Report” (SAR) is an official document of observed behaviors reasonably indicative of pre-operational planning related to terrorism or other criminal activity.

2. Rule on Immediate Reporting and the Compilation and Dissemination of SARs

All New Jersey law enforcement agencies shall immediately report any suspicious activity with a possible nexus to terrorism or other criminal activity related to terrorism to both CTWatch and their CTC. CTWatch shall, in turn, immediately review the received information, enter it into “NJSARS,” and, where appropriate, share the information with federal and state partners.

3. Notable Changes to the 2007 Guidelines

This Directive modifies the *2007 Guidelines*’ reporting of suspicious activity, terminology, and the sharing of information as follows:

- a. Law enforcement agencies in New Jersey shall immediately report suspicious activity with a possible nexus to terrorism, and any and all threats of violence generally to any public location or mass gathering area, threats of violence specifically to any school, workplace, or house of worship, or other criminal activity related to terrorism, to CTWatch and to their CTC. Reporting shall include all pertinent information and supporting documents, if any. Reporting to NJOHSP can be made (1) to the hotline at 1-866-4SAFENJ (866-472-3365), (2) via email at tips@njohsp.gov, (3) by submitting the online form at <https://homelandsecurity.nj.gov/tips.html>, or (4) via NJSARS.
- b. The “Statewide Information Management System Tips and Leads” database referred to in the *2007 Guidelines* is no longer in use. Suspicious activity reports are now captured in NJSARS. Only those authorized users who have fulfilled the appropriate training requirements shall have access to NJSARS in the State of New Jersey.
- c. The “Tips and Lead Section,” or TLS, now shall be referred to as “CTWatch.”

4. Controlling Agency of NJSARS

NJOHSP shall be the lead authority for monitoring and managing NJSARS. NJOHSP shall have the authority to determine how NJSARS is handled, and if and when any changes should be made to its system and procedures. NJOHSP shall report to the Attorney General, or his or her designee, any changes to NJSARS. All entries into NJSARS shall be reviewed by NJOHSP and vetted to ensure compliance. NJOHSP reserves the right to remove reports that do not meet the SAR threshold. This authority shall be executed with respect to the Federal Bureau

of Investigation's lead agency responsibility for investigating crimes involving terrorist activities or acts in preparation of terrorist activities pursuant to 28 C.F.R. §0.85. NJOHSP also shall set standards for who shall have access to NJSARS.

5. **SAR Process**

To be effective, law enforcement agencies must develop processes to detect and prevent future criminal activity, including terrorism. These processes should include not only the gathering of information indicative of criminal activity, but also the documenting, processing, analyzing, and sharing of this information.

The following is the SAR reporting process:

- a. **Initial Observation.** The information flow begins when a civilian or law enforcement officer observes behavior that, to a reasonable person, would appear suspicious and potentially related to terrorism or other criminal activity.
- b. **Initial Reporting.** All New Jersey law enforcement officers shall report any suspicious activity with a possible nexus to terrorism, and any and all threats of violence generally to any public location or mass gathering area, threats of violence specifically to any school, workplace, or house of worship, or other criminal activity related to terrorism, observed or reported to them, immediately to their CTC and to CTWatch, utilizing the methods described in Paragraph 3(a) of this Directive.
- c. **Quality Control.** CTWatch personnel shall apply their training and professional experience to determine whether any reported suspicious activity has a nexus to terrorism or other criminal activity related to terrorism. If the observed activities are reasonably indicative of pre-operational planning related to terrorism or other criminal activity, CTWatch shall assess the validity and accuracy of the information received and check that no duplicate entry exists in NJSARS. If appropriate, CTWatch shall then document the information as a SAR by entry into NJSARS. If CTWatch determines that the SAR threshold has not been met, then CTWatch shall log the report into the CTWatch Contact Log.
- d. **Sharing and Dissemination.** SARS shall immediately be shared with the Federal Bureau of Investigation's Joint Terrorism Task Forces (FBI-JTTF) and CTCs. NJOHSP, the FBI-JTTF, and the CTCs shall work cooperatively to determine (1) how that information should be processed and shared beyond initial notification and (2) which agency shall handle the investigation, if any.
- e. **Storage.** Information shall be retained in compliance with the NJSARS Policies and the Attorney General Guidelines and Directives, for a period of five years. Information retained in the system must be reviewed and validated for continuing

compliance with system submission criteria before the retention period expires.

6. Prohibitions

- a. All law enforcement officers shall strictly adhere to Attorney General Law Enforcement Directive 2005-1 (establishing an official statewide policy defining and prohibiting the practice of racially-influenced policing) and the December 30, 2005 clarification to Attorney General Law Enforcement Directive 2005-1 (preventing racial, ethnic, and religious profiling in the course of conducting counter-terrorism investigations and intelligence collection).
- b. NJSARS users shall not collect or maintain information concerning an individual if no potential nexus to terrorism or other criminal activity related to terrorism exists and there is no reasonable indication of related pre-operational planning.
- c. NJSARS users shall not collect or maintain information about the political, religious or social views, associations, or activities of any individual or group association, corporation, business, partnership, or other organization unless such information (1) has a potential nexus to terrorism or other criminal activity related to terrorism and (2) relates to conduct or activities that reasonably indicate pre-operational planning related to terrorism or other criminal activity.
- d. NJSARS users shall not knowingly or intentionally receive, seek, accept, or retain information from a source that used prohibited means to gather the information or if there is reason to believe that a source is not legally permitted to disclose the information.
- e. NJSARS may be used only by authorized personnel for official purposes, including criminal, civil, and/or administrative investigations. Unauthorized access to or use of NJSARS may subject violators to criminal, civil, and/or administrative action.

7. Questions

Any questions concerning this Directive shall be addressed to the Director of the Division of Criminal Justice, or his or her designee.

8. Effective Date

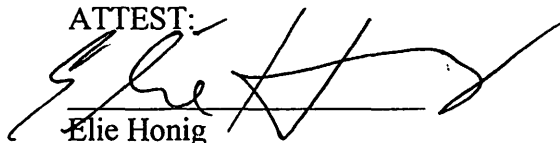
This Directive shall take effect immediately, and shall remain in force and effect unless

and until rescinded or modified by Order of the Attorney General.



Gurbir S. Grewal
Attorney General

ATTEST:



Elie Honig
Director, Division of Criminal Justice
Issued on: March 26, 2018