


CLINTON TOWNSHIP POLICE DEPARTMENT
 DEPARTMENTAL RULES AND REGULATIONS/POLICIES AND PROCEDURES

Clinton Township Police Department				
VOLUME: 07	CHAPTER: 18	# OF PAGES: 9		
SUBJECT: Biased Based Policing				
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BY THE ORDER OF: Thomas DeRosa Chief of Police		05-12-2014 02-18-2022	ALL Appendix	
Cross Reference #: Volume 1, Chapter 10 & Volume 6, Chapter 2 AG Directive 2005-1 AG Memorandum 02-18-22 - Compliance w/ Directive 2005-1				

POLICY

Equal protection and due process of law are fundamental rights guaranteed by the Fifth and Fourteenth amendments to the United States Constitution. In general, the ‘Equal Protection’ and ‘Due Process’ clauses serve to ensure that all people have the right to be free from unreasonable government intrusion or burden.

Law enforcement officers’ duties often compete with the spirit of the Equal Protection and Due Process clauses. Officers are required to be observant, identify unusual occurrences, and act when necessary. They are also encouraged to engage in consensual contacts with citizens and pursue their suspicions. Such activities are effective in fighting crime and keeping communities safe, though they often clash with the fundamental rights guaranteed by the Equal Protection and Due Process clauses. Therefore, law enforcement officers must utilize sound legal practices when performing their law enforcement and community caretaking duties.

Bias based policing, as defined in this directive, is unethical, illegal, and unacceptable. The Clinton Township Police Department and the New Jersey Division of Criminal Justice will not tolerate any officer’s reliance on race, color, ethnicity, gender, sexual orientation, religion, economic status, age, culture, or any immutable characteristic of a person, group, or class of persons in determining whether to provide services or enforce laws. Employees shall focus on specific *circumstances* as opposed to a person’s characteristics. In addition, all determinations regarding seizure and/or forfeiture of assets shall be in accordance with guidelines and directives established by the New Jersey Attorney General, the Hunterdon County Prosecutor’s Office, and in compliance with other applicable directives and laws.

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Therefore, it shall be the policy of the Clinton Township Police Department to prevent and prohibit biased based policing and any other discriminatory practice by its employees. For all of these reasons, no employee shall engage in either biased- based profiling or policing, as defined in this directive.

The purpose of this directive is to: 1) re-affirm the Clinton Township Police Department’s commitment to non-discriminatory policing, 2) reinforce measures which serve to maintain public confidence in the Clinton Township Police Department, 3) reinforce the New Jersey Division of Criminal Justice’s and the New Jersey Legislature’s strict prohibition against racial and ethnic profiling, and 4) supplement the Attorney General’s guidelines defining and prohibiting any form of “racially-influenced policing.” Nothing in this directive shall supplant those guidelines.

I. DEFINITIONS

- A. Analysis—a systematic, structured process for dissecting an event or phenomenon into its basic parts to identify any patterns or trends. Analysis should reveal patterns or trends that could be predictive or could indicate program effectiveness, training needs, equipment upgrade needs, and/or policy modification needs.
- B. Biased Based Profiling—the stop, detention, interdiction, search, questioning, property seizure/forfeiture, or other like treatment of an individual based solely upon one or more common traits shared by a group of people which are not in themselves indicative of criminal behavior. Common traits include but are not limited to race, color, ethnicity, gender, sexual orientation, religion, economic status, age, culture, or any immutable characteristic. Biased based profiling requires an affirmative action or series of actions.
- C. Biased Based Policing—consideration of a person’s race, color, ethnicity, gender, sexual orientation, religion, economic status, age, culture, or any immutable characteristic in drawing inferences that the person may be involved in criminal activity or in making decisions whether to provide police services. Officers may not contemplate any type of enforcement activity, discretion, or services based solely upon these factors. The definition of biased based policing is intended to encompass the term ‘racially-influenced policing’ as described in the New Jersey Attorney General’s Directive 2005-01, “Establishing a Statewide Policy Defining and Prohibiting the Practice of ‘Racially Influenced Policing.’”
- D. Chief Executive Officer—that person who is responsible to serve as the head of the Clinton Township Police Department. The Chief Executive Officer may be a civilian Police Director or a sworn officer such as a Chief of Police or Officer-In-Charge. “Officer” as used in “Chief Executive Officer” need not denote sworn status.
- E. Citizen Contact—a consensual encounter between a police officer and a citizen, initiated by either party, wherein the citizen is free to terminate the encounter at any time.
- F. Detention—the restraining of an individual’s freedom by a law enforcement officer when an officer stops and “holds” an individual suspected of being involved in illegal activity. The act of holding a person in custody, confinement, or delay outside of the realm of a consensual encounter. An investigative detention is the holding of a suspect without

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formal arrest during the investigation of the suspect’s possible participation in illegal activity. An investigative detention must be supported by reasonable articulable suspicion. A law enforcement officer may affect a detention either physically or by a show of authority (constructive authority).

- G. Employee—everyone employed by the Clinton Township Police Department, whether sworn police officers, civilian employees, or appointed employees. Where appropriate, “employee” shall also include volunteers.
- H. Probable Cause—sufficient evidence based upon the totality of the circumstances that would lead a reasonable person to believe that a particular person is responsible for specific criminal activity. Probable cause is the legal threshold (i.e., burden of proof) required for a law enforcement officer to affect an arrest or conduct a search. Probable cause is not a complex legal formula understandable only by those trained in the law. Rather, it is arrived at by collecting facts of such quality that logic and common sense point with reasonable certainty in the direction of guilt.
- I. Reasonable Suspicion—facts or circumstances known to an officer which would cause an ordinary and prudent officer to act or think in a similar way under similar circumstances. An objective assessment based upon how a reasonable law enforcement officer with comparable training and experience would react to, or draw inferences from, the facts and circumstances confronting and known by the law enforcement officer at the scene. (See e.g., N.J.S.A. 2C:1-14, the definition of “reasonable belief”).
- J. Review—to examine or study; less formal than an analysis.
- K. Search—looking for or seeking out that which is otherwise concealed from view. The intrusion into the personal space and/or privacy interest of another by an agent of the government. The examination of persons or their property with the intention of finding evidence not in plain view; often, in constitutional law, a visual observation or invasive action that may infringe on a person’s reasonable expectation of privacy. Such intrusion is typically, but not always, physical.
- L. Seizure—the exercising of custody and/or control over the property of another by an agent of the government, thereby depriving or significantly interfering with the person’s enjoyment of, and privacy interest in, such seized property.
- M. Supervisor—a member of the department assigned to a position requiring the exercise of immediate supervision over the activities of employees.

PROCEDURE

II. LAW

- A. N.J.S.A. 2C:30-6, ‘*Crime of Official Deprivation of Civil Rights*,’ reads in relevant part:

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A public servant acting or purporting to act in an official capacity commits the crime of official deprivation of civil rights if, knowing that his conduct is unlawful, and acting with the purpose to intimidate or discriminate against an individual or group of individuals because of race, color, religion, gender, handicap, sexual orientation or ethnicity, the public servant:

(1) subjects another to unlawful arrest or detention, including, but not limited to, motor vehicle investigative stops, search, seizure, dispossession, assessment, lien or other infringement of personal or property rights; or

(2) denies or impedes another in the lawful exercise or enjoyment of any right, privilege, power or immunity.

- B. Thus, all police actions taken pursuant to statutory law, administrative regulation, or any other written mandate or directive -- including but not limited to those outlined in the sections below -- shall be provided in a fair and equitable manner and shall not be based upon a person's race, color, ethnicity, gender, sexual orientation, religion, economic status, age, culture, or any immutable characteristic of a person, group, or class.
- C. For more information, see generally N.J.S.A. 10:5-1 et. seq., '*New Jersey's Law Against Discrimination*' as well as the New Jersey Attorney General's '*Racially-Influenced Policing: Law Enforcement Directive No. 2005-1.*'

III. MOTOR VEHICLE STOPS AND/OR THE FILING OF CHARGES

- A. Motor vehicle stops and the filing of any charges (whether stemming from a motor vehicle stop or not) shall be affected in compliance with all relevant laws, regulations, guidelines, and law enforcement directives.
- B. An officer's decision to conduct a traffic stop and/or take any enforcement actions, such as the filing of a summons or criminal complaint, shall not be based upon race, ethnicity, gender, sexual orientation, religion, economic status, age, culture, or any immutable characteristic of a person, group, or class of persons, including a person's country of origin, region, state, city, or town.
- C. See the Clinton Township Police Department's '*Traffic Control and Enforcement Responsibilities*' general order at Volume 9, Chapter 1 for more information.

IV. SEARCHES

- A. Searches shall be affected in compliance with all relevant laws, regulations, guidelines, and law enforcement directives.

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- B. An officer’s decision to conduct a search shall not be based upon race, ethnicity, gender, sexual orientation, religion, economic status, age, culture, or any immutable characteristic of a person, group, or class of persons, including a person’s country, region, state, city, or town.
- C. See the Clinton Township Police Department’s ‘*Arrest, Search, and Seizure*’ general order at Volume 7, Chapter 1 for more information.

V. FIELD INTERVIEWS/TERRY STOPS

- A. Investigative detentions, such as “field interviews” or “Terry stops,” are conducted for the purpose of identifying actual or potential offenders as well as to deprive the potential offenders the ability to select the time, place, and circumstances for the commission of crimes.
- B. All investigative detentions shall be based upon a standard of reasonable suspicion as required by the Fourth Amendment to the United States Constitution and other statutory and “case law” authority.
- C. Such interviews/stops/detentions shall be conducted in compliance with all applicable laws, administrative regulations, and law enforcement directives and guidelines.
- D. Officers must have reasonable suspicion supported by specific articulated facts that the person with whom they are dealing—as a result of their identity, activity, or location—has been or is about to commit a violation or is currently presenting a threat to the safety of themselves or others.
- E. For every Field Interview/Terry Stop or other police-initiated encounter not specifically addressed in this directive, the officer initiating the encounter will be held solely responsible for providing the following information to the dispatcher at Hunterdon County Communications for recording in the CAD:
 - 1. Location of encounter
 - 2. Identity of the individual(s)
 - 3. Race and gender of individual(s)
 - 4. Reason for encounter
 - a. Demeanor or behavior
 - b. Inappropriateness of individual’s presence based on location and time
 - c. Investigating reported criminal activity
 - d. Other suspicious activity
- F. When clearing from the encounter, the officer shall advise the dispatcher of the action taken.
- G. The officer is responsible for documenting the above information in the department’s Records Management System.

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- H. See the Clinton Township Police Department's 'Interviews and Interrogations' general order at Volume 8, Chapter 6 for more information.

VI. PROPERTY SEIZURES AND FORFEIT ACTIVITIES

- A. Property seizure and forfeit activities shall be affected in compliance with all relevant laws, regulations, guidelines, and law enforcement directives.
- B. An employee's decision to seize property or initiate forfeiture proceedings shall not be based upon race, ethnicity, gender, sexual orientation, religion, economic status, age, culture, or any immutable characteristic of a person, group, or class of persons, including a person's country, region, state, city, or town.
- C. See the Clinton Township Police Department's 'Forfeitures' general order at Volume 6, Chapter 12 for more information.

VII. PROVIDING SERVICES/COMMUNITY CARETAKING

- A. All services provided by employees of the Clinton Township Police Department shall be performed in a fair and equitable manner.
- B. An employee's decision to provide or refuse to provide any services shall not be based upon race, color, ethnicity, gender, sexual orientation, religion, economic status, age, culture, or any immutable characteristic of a person, group, or class of persons.
- C. For more information see the Clinton Township Police Department's 'Code of Ethics' general order at Volume 1, Chapter 17 as well the Clinton Township Police Department's 'Patrol Officers' Responsibilities' general order at Volume 2, Chapter 7.

VIII. REQUIREMENTS OF ALL EMPLOYEES

- A. Any employee who becomes aware of, or even suspects, a violation of this directive shall immediately notify their immediate supervisor. If their immediate supervisor is suspected of violating this directive, such employee shall notify the Internal Affairs Unit.
- B. Officers witnessing behavior contrary to this directive, while that behavior is occurring, shall take immediate action to stop the behavior.
- C. Supervisors of all ranks are responsible for providing effective supervision to reasonably monitor those under their command to ensure compliance with this directive.
 - 1. Supervisors shall ensure that all employees under their supervision are familiar with this directive.
 - 2. Supervisors shall take corrective action when needed.

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3. Supervisors shall notify the Internal Affairs Unit if any member is suspected of violating any mandates of this general order or applicable law.

IX. INVESTIGATIONS OF BIAS BASED POLICING

- A. An investigation shall be initiated, and the Hunterdon County Prosecutors Office shall be notified as soon as practical, any time an employee is suspected of engaging in bias-based policing.
- B. Such investigations into possible bias-based policing shall be investigated consistent with Internal Affairs guidelines as well as all relevant laws, orders, guidelines, directives, and administrative provisions.

X. CORRECTIVE MEASURES

- A. If any employee of the Clinton Township Police Department is found to have violated this directive, that employee shall be subject to corrective measures which may include, but are not limited to:
 1. counseling,
 2. retraining,
 3. suspension, or
 4. dismissal.
- B. Such corrective action shall occur as soon as practical.

XI. TRAINING

- A. Every newly hired officer shall be trained in, and shall be provided a copy of, this directive as part of their Post and Field Training.
- B. Training shall also include:
 1. familiarization with any legislation or court decisions related to bias-based policing practices,
 2. discussions of cultural diversity and the harms created by biased based policing,
 3. interview techniques,
 4. discussion of the legal prohibition of bias-based policing, including federal and state constitutional guarantees of the equal protection of the laws,
 5. potential legal consequences associated with biased based policing, and a

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6. discussion of how bias based policing undermines public confidence in the Clinton Township Police Department and the criminal justice system in general, how bias based policing alienates significant segments of society, fosters disrespect for law enforcement authority, and, ultimately, erodes public support for law enforcement efforts to investigate and deter crime.
- C. The above training shall supplement, not replace, recruit and in-service training dealing with “racially-influenced policing” as mandated by Attorney General Directive 2005-1.
- D. The Training Officer shall be responsible for ensuring that all employees receive training regarding the Clinton Township Police Department’s ‘Biased Based Policing’ directive, as well as the procedures for mandatory data reporting associated with motor vehicle stops, at least once every three (3) years.
- E. Civilian employees shall familiarize themselves with this directive and review it annually.
- F. All training shall be documented on a ‘Training Log’ and in accordance with standard practice.

XII. PERMISSABLE ACTIVITIES

- A. Nothing within this general order shall be construed in any way to prohibit an employee of the Clinton Township Police Department from taking into account a person’s race, ethnicity or other immutable characteristic when that characteristic is used to identify a particular individual who is the subject of a law enforcement investigation or who is otherwise being sought by a law enforcement agency in furtherance of a specific investigation or prosecution, such as in situations in which a ‘Be On The Lookout’ (or “BOLO”) has been issued.
- B. For more information, see the New Jersey Attorney General’s ‘Racially-Influenced Policing: Law Enforcement Directive No. 2005-1’ at section 2.

XIII. MONTHLY/ANNUAL REVIEW

- A. The Administrative Division Commander shall print out the following reports and submit them to the Chief Executive Officer at the conclusion of every month or as requested:
 1. The ‘Traffic Stop Race/Gender Report’ generated by the Records Management System.
 2. The Clinton Township Police Department’s National Incident Based Reporting System (NIBRS) arrest statistics for both adults and juveniles.
 3. Each ‘Motor Vehicle Stops Report’ generated during that month.

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- B. These monthly reports contain data pertaining to arrests and motor vehicle stops to identify any trends or behaviors that would indicate that the law and/or this general order were not being followed.
- C. The Chief Executive Officer shall review this report each month in conjunction with any departmental and citizen concerns regarding bias-based policing. The Internal Affairs Supervisor shall be consulted as needed.
- D. As needed, and/or when additional directives are generated by the Attorney General's Office, the Hunterdon County Prosecutor's Office, or any other appropriate agency, the Administrative Division Commander shall analyze available statistical data, citizens' complaint history, and applicable written directives to assess the prudence of established department procedures and make revisions when necessary.
- E. The review of the data must take into consideration broad based demographics, vehicle and pedestrian traffic patterns, crime rates and trends as applicable to specific patrol areas or areas targeted for enforcement programs, and the frequency with which specific officers are assigned to specific areas or functions. Failure to consider these factors invalidates the results of the review.

XIV. RETENTION OF DATA

- A. Data collected in accordance with this directive shall be retained by the Clinton Township Police Department Records Bureau for a period specified by the State of New Jersey's 'Municipal Agencies General Records Retention Schedule' at M100000-008. See <http://www.nj.gov/treasury/revenue/rms/pdf/m100000-008.pdf>.
- B. All such data shall be made available to the Hunterdon County Prosecutor's Office or any other appropriate law enforcement agency upon official, written request in furtherance of a bona fide investigation.

Appendixes

Appendix A – Attorney General Law Enforcement Directive No. 2005-1

Appendix B – Attorney General Memorandum dated 2-18-22 Compliance with Directive 2005-1 on Racially-Influenced Policing

All police procedures heretofore employed by the Clinton Township Police Department which conflict with this order are hereby rescinded. Supervisors shall be held accountable for the enforcement and application of this order. All members of the Clinton Township Police Department are required to follow this order as applicable. Violations of this order subject members of this agency to disciplinary action.

ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2005-1

ESTABLISHING AN OFFICIAL STATEWIDE POLICY DEFINING AND PROHIBITING THE PRACTICE OF "RACIALLY-INFLUENCED POLICING"

WHEREAS, selective enforcement, the discredited practice that is commonly referred to as "Racial Profiling," is a longstanding criminal justice issue that needs to be addressed by every police agency in every jurisdiction throughout the nation; and

WHEREAS, it is the sworn duty of every police agency and officer to protect the civil rights of all persons, and to safeguard the inalienable right to the equal protection of the laws; and

WHEREAS, if a police officer were to rely upon a person's race or ethnicity when making decisions and exercising law enforcement discretion, the result would be to undermine public confidence in the fairness and integrity of the criminal justice system, alienate significant segments of our society, foster disrespect for law enforcement authority and the institutions of government, and ultimately erode public support for law enforcement efforts to investigate and deter crime; and

WHEREAS, the law of selective enforcement under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution is complex and evolving. While judicial decisions interpreting the Constitution serve as important guideposts for the law enforcement community, the courts are not the sole guardians of the Constitution; the Executive Branch is equally sworn to uphold it. Furthermore, in New Jersey the Attorney General may establish law enforcement policies designed to safeguard civil rights that go beyond the requirements of federal and State constitutional law. It is, therefore, appropriate to promulgate a uniform and comprehensive statewide policy that explains in clear terms when and under what circumstances police officers are permitted to consider, and are prohibited from considering, a person's race or ethnicity; and

WHEREAS, the documented success of the New Jersey State Police in addressing the racial profiling issue by establishing a clear nondiscrimination policy, and by providing state-of-the-art training and effective management to all State Police members can and should serve as a model to be followed by other law enforcement agencies in New Jersey and throughout the nation; and

WHEREAS, the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., provides that it is the responsibility of the Attorney General, as the chief law enforcement officer of the State, to ensure the uniform and efficient enforcement of the criminal laws;

NOW, THEREFORE, I, PETER C. HARVEY, 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-97 et seq., do hereby **DIRECT** the following:

1. Official State Policy Prohibiting Discriminatory Policing

a. No police agency or sworn officer or civilian employee of a police agency, while operating under the authority of the laws of the State of New Jersey, shall engage in or tolerate any practice or act constituting "racially-influenced policing" as described in Section 2 of this Law Enforcement Directive.

b. Every police agency operating under the authority of the laws of the State of New Jersey shall, within 60 days of the effective date of this Directive, promulgate and enforce a Rule, Regulation, Standing Operating Procedure, Directive or Order, in a form as may be appropriate given the customs and practices of the agency, which shall prohibit all sworn officers and civilian employees of the agency from engaging in or tolerating any practice or act constituting racially-influenced policing as described in Section 2 of this Law Enforcement Directive. Such Rule, Regulation, Standing Operating Procedure, Directive, or Order shall be consistent with the provisions of this Law Enforcement Directive, and with the training materials distributed by the Division Criminal of Justice in the Attorney General's Office, pursuant to Section 3a of this Directive, and shall provide that any sworn officer or civilian employee of the agency who knowingly violates the agency's Rule, Regulation, Standing Operating Procedure, Directive or Order shall be subject to discipline.

2. Conduct Constituting Racially-Influenced Policing

a. A sworn officer or civilian employee of a police agency acting under the authority of the laws of the State of New Jersey shall not consider a person's race or ethnicity as a factor in drawing an inference or conclusion that the person may be involved in criminal activity, or as a factor in exercising police discretion as to how to stop or otherwise treat the person, except when responding to a suspect-specific or investigation-specific "Be on the Lookout" (B.O.L.O.) situation as described both in this Directive and in training materials developed by the Division of Criminal Justice pursuant to Section 3a of this Law Enforcement Directive.

b. Nothing in this Law Enforcement Directive shall be construed in any way to prohibit a police agency or sworn officer or civilian employee from taking into account a person's race or ethnicity when race or ethnicity is used to describe physical characteristics that identify a particular individual or individuals who is/are the subject of a law enforcement investigation, or who is/are otherwise being sought by a law enforcement agency in furtherance of a specific investigation or prosecution.

3. Development and Dissemination of Training Materials and Curricula

a. The Division of Criminal Justice shall within 30 days of the effective date of this Law Enforcement Directive develop and disseminate initial training materials, which shall consist of a video presentation in a DVD format and accompanying written reference materials (a Companion Guide and Skills Assessment), that explain and discuss the nondiscrimination policy set forth in this Law Enforcement Directive. A copy of these initial training materials shall be provided without cost to every police agency operating under the authority of the laws of the State of New Jersey. The Division of

Criminal Justice may periodically review and update these training materials to account for new developments in the law.

b. The Division of Criminal Justice shall within 90 days of the effective date of this Law Enforcement Directive develop curricula on the subject of racially-influenced policing for use in the pre-service training of police recruits. The Division shall submit this curricula to the Police Training Commission for its approval for use at all Police Academies that are subject to the jurisdiction of the Police Training Commission.

c. In order to institutionalize and build upon the successful reforms that have already been undertaken by the New Jersey State Police, the Division of State Police shall include the curricula developed by the Division of Criminal Justice on the subject of racially-influenced policing in the pre-service training of Trooper recruits in the State Police Training Academy. This comprehensive training on racially-influenced policing shall be included for all recruits who attend the State Police Academy in any class beginning on or after September 1, 2005.

4. Confirmation of Initial In-Service Training

a. Every police officer operating under the authority of the laws of the State of New Jersey, regardless of rank or duty assignment, shall participate in the training program developed by the Division of Criminal Justice within 180 days of the employing agency's receipt of the training materials described in Section 3a of this Law Enforcement Directive. The Chief Executive of every police agency operating under the authority of the laws of the State of New Jersey shall also designate those civilian employees of the agency (e.g., dispatchers) who will participate in this initial training program. A person shall be deemed to have participated in the training program by viewing the entire video presentation developed by the Division of Criminal Justice, or by reading the entire contents of the Companion Guide. The viewing of the video presentation may be done at such location(s) or time(s) as may be approved by the Chief Executive of the law enforcement agency, and may be accomplished in multiple sessions at which one or more employees view a selected portion of the video presentation during any one session.

b. Within 180 days of receiving a copy of the training materials described in Section 3a of this Law Enforcement Directive, the Chief Executive of every police agency operating under the authority of the laws of the State of New Jersey shall confirm in writing to the Attorney General that all sworn personnel and all appropriate civilian employees of the agency have either viewed the video presentation or read the entire Companion Guide. The Division of Criminal Justice shall prepare and disseminate forms to facilitate the confirmation process for State, county and local police agencies.

5. Notification of Criminal Investigations and Prosecutions for Official Deprivation of Civil Rights

Whenever a law enforcement agency conducts a criminal investigation into possible commission of the crime of official deprivation of civil rights in violation of N.J.S.A. 2C:30-6, or pattern of official misconduct in violation of N.J.S.A. 2C:30-7 which is based on two or more violations of N.J.S.A. 2C:30-6, the law enforcement agency shall promptly notify the Director of the Office of Government Integrity, and shall provide such information as the Office of Government Integrity may require. Whenever a prosecuting authority files a complaint, accusation or indictment charging a violation of N.J.S.A. 2C:30-6, or N.J.S.A. 2C:30-7 which is based on two or more violations of N.J.S.A. 2C:30-6, the prosecuting authority shall promptly notify the Director of the Office of Government Integrity, and shall forward a copy of the charging documents to the Director. When the Director is notified of a criminal investigation or the filing of a criminal charge, the Office of Government Integrity shall promptly review the matter, and take such action as it determines to be appropriate. The Office of Government Integrity, in consultation with the Division of Criminal Justice and the County Prosecutors, may issue standards and procedures for these notifications and for its review of the offenses covered under this Section.

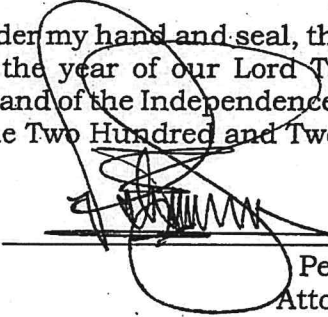
6. Questions and Controversies

All questions concerning the interpretation, implementation or enforcement of this Law Enforcement Directive shall be addressed to the Attorney General or his designee.

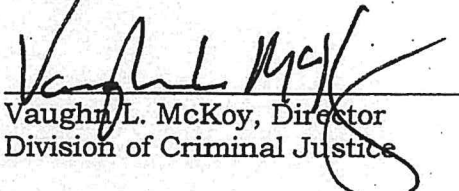
7. Effective Date

This Law Enforcement Directive shall take effect immediately and shall remain in full force and effect unless and until repealed, amended, or superceded by Order of the Attorney General.

Given under my hand and seal, this 28th day of June, in the year of our Lord Two Thousand and Five, and of the Independence of the United States, the Two Hundred and Twenty-Ninth.


Peter C. Harvey
Attorney General

Attest:


Vaughn L. McKoy, Director
Division of Criminal Justice

*State of New Jersey*

PHILIP D. MURPHY
Governor

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MATTHEW J. PLATKIN
Acting Attorney General

SHEILA Y. OLIVER
Lt. Governor

TO: All Law Enforcement Chief Executives

FROM: Matthew J. Platkin, Acting Attorney General

DATE: February 18, 2022

SUBJECT: Compliance with Directive 2005-1 on Racially-Influenced Policing

This week, a video recording of police officers in New Jersey breaking up a fight between two teenagers circulated widely in the media. Many have commented on the appearance of racially disparate treatment of the two teens by the officers involved. I will not comment on the specifics of the recording here. The incident will be investigated, fairly and thoroughly, by the appropriate County Prosecutor pursuant to my Office's strict procedures for investigating possible misconduct.

Regardless of that investigation's outcome, even the appearance of racially disparate treatment is detrimental to community and law enforcement relations, and to public confidence in the criminal justice system. That is why I am taking this opportunity to remind our law enforcement agencies, officers, and personnel of their obligations under Attorney General Directive 2005-1 (attached).

Issued on June 28, 2005, Directive 2005-1 established an official statewide policy defining and prohibiting the practice of "racially-influenced policing." The Directive prohibits sworn officers and civilian employees of law enforcement agencies in the State of New Jersey from considering a person's race or ethnicity as a factor in drawing an inference or conclusion that the person may be involved in criminal activity or as a factor in exercising police discretion as to how to stop or otherwise treat the person.

Directive 2005-1 also requires each law enforcement agency in the State to promulgate and enforce a Rule, Regulation, Standing Operating Procedure, Directive or Order, in a form as may be appropriate given the customs and practices of the agency, that prohibits all sworn officers and civilian employees of the agency from engaging in or tolerating any practice or act constituting racially-influenced policing. See Section 1.b. Each agency's policy is required to subject knowing violators to discipline.

Any agency not currently in compliance with Section 1.b of Directive 2005-1 must immediately establish the required policy.

New Jersey has long been a national leader in policing. We must continually pursue a higher degree of excellence in our law enforcement profession. Preventing racially-influenced policing not only ensures that every resident is treated with dignity, but also encourages cooperation with and support for law enforcement. That is why you all chose to do this work, and I am honored to play a role in helping you protect and serve your communities.
