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**AMENDMENT TO
ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE 2008-1**

TO: All Law Enforcement Chief Executives and County Prosecutors

FROM: Matthew J. Platkin, Attorney General

DATE: June 14, 2023

SUBJECT: Amendment to AG Directive 2008-1 – Submission and Analysis of Information Relating to Firearms and Ballistics Evidence.

On March 17, 2008, then Attorney General Anne Milgram issued AG Law Enforcement Directive 2008-1, “Submission and Analysis of Information Relating to Seized and Recovered Firearms.” This Directive called upon law enforcement across the State to respond to the emerging threats of gun violence through intelligence-led policing. Through the Directive, the New Jersey State Police established the NJ Trace System, which links various already-established law enforcement databases to assist in identifying critical information related to recovered or seized firearms and related ballistics evidence, such as shell casings. These databases include, among others, the National Crime Information Center (NCIC) System, the Alcohol, Tobacco, Firearms, and Explosives (ATF) e-Trace System, the National Integrated Ballistics Identification Network (NIBIN) database.

Information entered into the NIBIN database is critical, as it can determine whether a particular firearm was used in the commission of another crime; it automates ballistics analyses and provides actionable investigative leads, generally within 24-hours of submission. Thus, the 2008-1 Directive required entries “as expeditiously as practicable.” The timing of submissions was then codified in N.J.S.A. § 52:17B-9.19 which requires all law enforcement agencies to submit “as soon as practicable” any firearm into the NIBIN database and NJ Trace System that was unlawfully possessed, used for an unlawful purpose, believed to be associated with or involved in the commission of a crime, and/or acquired by the agency as an abandoned or discarded, including all shell casings.

Timely information gathering and sharing is critical to our ongoing efforts to combat gun violence. This Office has long recognized the importance of intelligence-driven violence suppression efforts, as evidenced by the establishment of the Statewide Gun Violence Reduction



Task Force, pursuant to AG Directive 2021-10. The reality is, a firearm trafficked into New Jersey may cross various county lines and pass through many hands before it eventually becomes a murder weapon. The work of the Gun Violence Reduction Task Force improves and expedites critical information sharing across the State between local, county, and state law enforcement agencies, thereby advancing law enforcement's ability to identify and hold accountable violent recidivist offenders.

The success of our gun violence reduction efforts depends on effective information-sharing and the timely entry and analysis of ballistics evidence. Thus, based on recommendations from law enforcement chief executives, I have determined that a revision to AG Directive 2008-1 is appropriate in order to improve law enforcement's response to gun violence in this State.

For the reasons stated herein, and pursuant to the authority granted to me under the New Jersey Constitution and the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 to -117, which provides for the general supervision of criminal justice by the Attorney General as chief law enforcement officer of the state in order to secure the benefits of a uniform and efficient enforcement of the criminal law and the administration of criminal justice throughout the state, I hereby direct all law enforcement and prosecuting agencies operating under the authority of the laws of the state of New Jersey to implement and comply with AG Directive 2008-1 as revised herein, and to take any additional measures necessary to update their agency's policies accordingly.

I. Revision to AG Directive 2008-1, Section 3

3. National Integrated Ballistics Identification Network (NIBIN) Data Entry

When a law enforcement agency on or after the effective date of this Directive seizes or recovers a firearm that was unlawfully possessed or used, or that was recovered from a crime scene or that is otherwise reasonably believed to have been involved in the commission of a crime, or that was found property (*e.g.*, abandoned or discarded), **the agency shall make arrangements to have any such weapon that is suitable for NIBIN examination test-fired as expeditiously as practicable, and shall submit the test results to NIBIN submitted to a forensic laboratory that has NIBIN capabilities within two business days** to determine whether the weapon is related to any other criminal episode or person. When a law enforcement agency recovers any **other ballistics evidence, such as spent shell casings**, from a crime scene or otherwise has reason to believe that **such ballistics evidence** ~~the shell casing~~ is related to the commission of a crime or an improper discharge of a firearm, the agency shall **within two business days** ~~as expeditiously as possible~~ submit the ballistics ~~information~~ **evidence to a forensic laboratory with NIBIN capabilities.**¹

¹ It is expected that any and all evidence that must be collected prior to the submission of evidence for a ballistics examination (such as DNA and fingerprint evidence) will be completed within the two-business day timeframe set forth herein. There shall be an exception for the rare case when specialized testing of the weapon or ballistics evidence is required prior to submission, delaying submission to the lab beyond the two-day mandate. Such exceptions must be approved in writing by the County Prosecutor Director of the Division of Criminal Justice or their designee.

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All other provisions of AG Directive 2008-1 shall remain the same.

II. Other Provisions

- A. **Non-enforceability by third parties.** This amended Directive is issued pursuant to the Attorney General's authority to supervise operations of the Department. This amended Directive imposes limitations that may be more restrictive than the limitations imposed under the United States and New Jersey Constitutions, and federal and state statutes and regulations. Nothing in this amended Directive shall be construed in any way to create any substantive right that may be enforced by any third party.
- B. **Severability.** The provisions of this amended Directive shall be severable. If any phrase, clause, sentence, or provision of this amended Directive is declared by a court of competent jurisdiction to be invalid, the validity of the remainder of the document shall not be affected.
- C. **Questions.** Any questions concerning the interpretation or implementation of this amended Directive shall be addressed to the Director of the Division of Criminal Justice, or their designee.
- D. **Effective date.** This amended Directive shall take effect immediately and remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Attorney General.



Matthew J. Platkin
Attorney General

ATTEST:



Lyndsay V. Ruotolo
First Assistant Attorney General
Dated: June 14, 2023