



State of New Jersey
OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
PO Box 080
TRENTON NJ 08625-0080

JON S. CORZINE
Governor

ANNE MILGRAM
Attorney General

ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE No. 2008-1

SUBMISSION AND ANALYSIS OF INFORMATION RELATING TO SEIZED AND RECOVERED FIREARMS

WHEREAS, Governor Jon S. Corzine has issued a strategy for Safe Streets and Neighborhoods that calls upon New Jersey's entire law enforcement community to respond to emerging threats of gun and gang violence, using state-of-the-art technologies, interjurisdictional information sharing and analysis systems, and the principles of intelligence-led policing to solve and deter gun-related crimes; and

WHEREAS, the State of New Jersey and the Federal Bureau of Alcohol, Tobacco Firearms, and Explosives (ATF) have entered into a partnership that provides the New Jersey State Police with real-time electronic access to data to trace the source of firearms recovered by law enforcement agencies across the State, allowing the State Police to use the ATF e-Trace System to identify trends, relationships between seemingly distinct crimes and transactions, source states, source vendors, and individuals who are importing or trafficking guns in New Jersey; and

WHEREAS, the successful implementation of any computerized information sharing and analysis system depends on the timely, accurate, and complete entry of all pertinent information into the database; and

WHEREAS, it is appropriate and cost-effective to take full advantage of the existing Criminal Justice Information System (CJIS), which is already used by all law enforcement agencies in the State, to transmit and receive information, and to establish a NJ Trace System that can link multiple law enforcement databases, including the National Crime Information Center (NCIC) System (which can ascertain whether a recovered firearm was reported stolen), the National Integrated Ballistics Identification Network (NIBIN) (which can reveal whether a recovered firearm is related to any other criminal episode or person), and the ATF e-Trace System (which discloses the identity of the recovered firearm's first purchaser, when it was purchased, and the retailer from whom it was purchased).



NOW, THEREFORE, I, ANNE MILGRAM, 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 that all law enforcement agencies operating under the authority of the laws of the State of New Jersey shall adhere to the policies and procedures set forth below:

1. NCIC Data Entry

When a law enforcement agency on or after the effective date of this Directive seizes or recovers any firearm under any circumstances, the agency shall promptly enter information concerning the make, model, caliber and serial number of the weapon into the NCIC 2000 System to determine whether the firearm was reported stolen.

2. e-Trace 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 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 enter e-Trace-related information directly into the NJ Trace System, which is part of the Criminal Justice Information System (CJIS) available to all law enforcement agencies. The information shall be entered as soon as practicable, but no later than within twenty-four hours of the time that the weapon was recovered.

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 to determine whether the weapon is related to any other criminal episode or person. When a law enforcement agency recovers any spent shell casing from a crime scene or otherwise has reason to believe that the shell casing is related to the commission of a crime or an improper discharge of a firearm, the agency shall as expeditiously as possible submit the ballistics information to NIBIN.

4. Previously Recovered Firearms and Shell Casings

When a law enforcement agency is in possession of a firearm or shell casing that was seized or recovered between January 1, 2004 and the effective date of this Directive, and that would have been subject to the provisions of Sections 1, 2 or 3 of this Directive had it been recovered after the effective date, the agency shall submit information to NCIC, the e-Trace System and/or NIBIN as appropriate, no later than September 1, 2008. Law enforcement agencies are strongly encouraged to enter e-Trace and NIBIN data concerning firearms and shell casings seized or recovered prior to January 1, 2004.

5. Implementation Instructions

The State Police shall develop, disseminate and periodically re-issue an operators manual providing specific instructions on how to enter information by means of CJIS as required by this Directive.

6. Implementation Questions

Questions concerning the implementation of this Directive shall be addressed to the Superintendent of the New Jersey State Police, or his designee, or where appropriate, to the Attorney General or her designee.

7. Criminal Analysis of Statewide Data

Pursuant to the Memorandum of Understanding between the State of New Jersey and the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), the New Jersey State Police Regional Operations Intelligence Center (ROIC) shall on a regular basis access and mine the e-Trace database for information submitted by all New Jersey law enforcement agencies. The State Police shall identify trends, interconnectivity of events or transactions, source states, source vendors, and individuals trafficking or importing guns in New Jersey. The State Police shall report back to New Jersey law enforcement agencies submitting information to e-Trace on the results of the trends, interconnectivity and case-specific analyses. Consistent with current practice and procedure, an agency submitting information into the New Jersey Trace System should also receive a response to it is submission directly from the ATF.

8. Targeting Gun Traffickers

The Division of Criminal Justice and the State Police, working in consultation with the County Prosecutors, shall develop a program to identify and take appropriate action against individuals or groups that unlawfully purchase, sell, or transfer firearms or import them into this State.


9. Effective Date

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

Dated: MARCH 17, 2008



Anne Milgram
Attorney General

Attest: 

John Michael Vazquez
First Assistant Attorney General