

**ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE No. 2008-3**

**SUBMISSION OF INFORMATION INTO THE ViCAP DATABASE**

**WHEREAS**, N.J.S.A. 53:1-20.11 requires the Division of State Police to foster and coordinate participation by State and local law enforcement agencies in the Violent Criminal Apprehension Program ("ViCAP") sponsored by the Federal Bureau of Investigation ("FBI");

**WHEREAS**, ViCAP's mission is to facilitate cooperation, communication, and coordination between law enforcement agencies and to support efforts by law enforcement to investigate, identify, track, apprehend, and prosecute serial offenders;

**WHEREAS**, the Division of State Police serves as a statewide "hub" for the FBI's nationwide ViCAP database and, as such, assists in analyzing crime information;

**WHEREAS**, the ViCAP database represents the nation's most comprehensive and extensive collection of information related to solved and unsolved crimes;

**WHEREAS**, advances in technology allow all law enforcement agencies in the State to directly access and query the ViCAP database through the Internet;

**WHEREAS**, the ViCAP database enables law enforcement agencies in diverse geographic areas to identify similar patterns in the commission of seemingly unrelated crimes, which has led to the expeditious apprehension of serial killers, rapists, and other dangerous criminals;

**WHEREAS**, the ViCAP database enhances the ability to successfully prosecute predatory serial offenders who commit similar crimes in multiple jurisdictions by allowing two or more prosecutors to coordinate their efforts and, where appropriate, join prosecutions in a single trial;

**WHEREAS**, certain offenses such as lewdness and peering into dwelling places can be precursors to more serious crimes;

**WHEREAS**, society is becoming increasingly mobile and sexual predators do not recognize geo-political boundaries;

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

**WHEREAS**, it is appropriate and effective to require law enforcement agencies in the State to enter information into the ViCAP database concerning reports of offenses that can be precursors to more serious crimes;

**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-92 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. Data to be entered into the ViCAP database

On or after the effective date of this Directive, all law enforcement agencies in the State shall directly enter into the ViCAP database, in accordance with the procedures, guidelines, and/or restrictions established by the FBI, case information concerning:

- A. Solved or unsolved homicides or homicide attempts, especially those that involve abduction; appear to be random, motiveless or sexually motivated; or are known or suspected to be part of a series (N.J.S.A. 53:1-20.11).
- B. Missing persons, where the circumstances indicate possible foul play (N.J.S.A. 53:1-20.11).
- C. Unidentified dead bodies, where the manner of death is known or suspected to be homicide (N.J.S.A. 53:1-20.11).
- D. A high risk missing person or a missing child, as these terms are defined in N.J.S.A. 52:17B-212.
- E. Credible reports of:
  - 1. Aggravated Sexual Assaults (N.J.S.A. 2C:14-2a); Sexual Assaults (N.J.S.A. 2C:14-2b and 2C:14-2c); Aggravated Criminal Sexual Contact (N.J.S.A. 2C:14-3a); Criminal Sexual Contact (N.J.S.A. 2C:14-3b), or Attempts to commit any of these offenses, when committed under any of the following circumstances:
    - a. The victim was less than the age of 16 at the time of the offense.
      - i. Case information is not required to be entered if the victim consented to the commission of the offense but by reason of age was not capable of giving lawful consent (i.e. statutory rape), unless the actor has supervisory or disciplinary power over the victim by virtue of the actor's legal, professional, or occupational status.
    - b. The actor concealed or attempted to conceal his or her identity.
    - c. The actor was unknown to the victim at the time of the offense.

