

ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2007-2

WHEREAS, it is decidedly in the public interest that law enforcement agencies and the New Jersey Division of Alcoholic Beverage Control exchange and share information concerning individual driving while intoxicated arrests; and

WHEREAS, approximately five hundred State, county and local law enforcement agencies enforce New Jersey Statute § 39:4-50, et seq. - Driving while intoxicated; and

WHEREAS, a portion of the standard administrative processing of a subject arrested for driving while intoxicated involves the arresting officer, advising the subject of his/her Miranda protections against self-incrimination and if waived by the subject asking him/her where they consumed their last drink; and

WHEREAS, a portion of the subjects arrested provide information that their last drink was consumed at a business licensed to sell and serve alcoholic beverages by the State of New Jersey; and

WHEREAS, the New Jersey Division of Alcoholic Beverage Control is the State agency charged with the regulation and enforcement of the alcoholic beverage industry, which encompasses approximately ten thousand licensees; and

WHEREAS, New Jersey Division of Alcoholic Beverage Control Administrative Code §13:2-23.1(b) - Prohibition against serving persons under the legal age and intoxicated persons states:

No licensee shall sell, serve or deliver or allow, permit or suffer the sale, service or delivery of any alcoholic beverage, directly or indirectly, to any person actually or apparently intoxicated, or permit or suffer the consumption of any alcoholic beverage by any such person in or upon the licensed premise;

NOW THEREFORE, I Anne Milgram, Attorney General of New Jersey, by virtue of the authority vested in me by the Constitution and the Statutes of this State, do hereby direct that:

1. All law enforcement officers, as part of the administrative duties required when processing a subject under arrest for violation of New Jersey Statute § 39:4-50, et seq. - Driving while intoxicated, shall complete a Division of State Police form 111A (Rev.06/04)(S.O.P. F26) - *Drinking Driver/Operator Questionnaire*, or the equivalent report used by the officer's department. The officer shall advise the subject of his/her Miranda rights and upon receiving a waiver of those rights, ask the subject a series of questions relating to the consumption of alcoholic beverages. In part those questions are:

- What kind of alcoholic drinks have you had?
- How many?
- Where?

