

ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2005-5

**ESTABLISHING UNIFORM STATEWIDE PROCEDURES FOR
IMPLEMENTING THE VINE (VICTIM INFORMATION
AND NOTIFICATION EVERYDAY) SYSTEM**

WHEREAS, Article 1, paragraph 22 of the New Jersey Constitution guarantees the right of all crime victims to be treated with fairness, compassion and respect by the criminal justice system, and to such other specific rights as may be provided by the Legislature; and

WHEREAS, it is appropriate for New Jersey's criminal justice system to use the best available technology to make certain that crime victims are promptly and automatically notified when an offender is released from custody. Registered crime victims should also be able to confirm an offender's custodial status and location at any time and without any cost to the victim; and

WHEREAS, the New Jersey VINE (Victim Information And Notification Everyday) System is a state-of-the-art software system that uses data in the County Correction Information System (CCIS) operated by the Administrative Office of the Courts. The VINE System tracks when an offender is released from custody or is transferred within the correctional system, and can automatically alert crime victims who elect to register with the System; and

WHEREAS, on or about January, 2006, the VINE System will be operational in all twenty-one counties across the State; and

WHEREAS, it is necessary and appropriate to establish statewide procedures for use by all law enforcement agencies to ensure the uniform and efficient implementation of the VINE System;

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** that the following procedures be implemented:

1. Law Enforcement Agencies

A. A Victim Notification Form (VNF), DCJ Revised 3-10-05, shall be completed by a law enforcement officer when either an indictable offense or a domestic violence offense has been reported (See Domestic Violence Procedures Manual).

Law enforcement officers should verify that the victim's name and telephone

number are legible and accurate. Accurate victim contact information is critical to ensure that the victim receives notification when an offender is released from the county correctional facility or the state prison system.

B. The VNF and contact information provided by the victim are to be kept confidential and are not discoverable (See N.J.S.A. 2C:25-26c for Domestic Violence Victims).

C. Law enforcement officers should explain the NJ VINE program to victims. If a victim is interested in participating in the NJ VINE program, the officer should instruct the victim to provide a four-digit personal identification number (PIN) to be inserted in the designated space on the VNF. The officer should then give the victim a copy of the completed VNF, a NJ VINE brochure and a NJ VINE tear-off form.

D. Immediately following an offender's arrest, the law enforcement agency making the arrest ("arresting agency") should notify the victim or victim's family of the arrest (the NJ VINE program will not provide arrest notifications). After the victim is notified of the offender's arrest, the arresting agency shall fax a copy of the VNF to the respective County Prosecutor's Victim-Witness Coordinator or, when appropriate, the Division of Criminal Justice Victim-Witness Coordinator. If the offender is charged with a domestic violence offense, the arresting agency shall fax a copy of the VNF to the Family Court.

E. Notification of an offender's change of custody shall be facilitated through NJ VINE to the victim or victim's family within twenty-four hours of the release when the offender is charged with homicide, vehicular homicide, sex offenses, robbery, carjacking, aggravated assault, arson, domestic violence offenses, kidnapping, child abuse or stalking. Notification to the victim of the release of an offender charged with other offenses shall be made within forty-eight hours after release from custody (See IV. Notification Procedures).

F. When the offender is not lodged in the county correctional facility, notification to the victim of an offender's release is the obligation of the law enforcement agency conducting the criminal investigation ("investigating agency").

2. Arrests on a Warrant or for Violations of Probation or Parole

A. Where an offender is arrested on a county warrant, the VNF will not be required until the offender is brought back to the county issuing the original warrant.

B. When an offender has been arrested for violating probation or parole, the arresting agency should follow the established procedures in their county for completing a VNF.

3. County Correctional Facilities

A. The arresting agency must present a completed VNF to the county correctional facility when an offender charged with an indictable offense or domestic violence-related offense is committed to the facility.

B. Once the offender has been committed to a county correctional facility, it is the responsibility of that facility to notify the victim of any change in the custody of the offender. The county correctional facility will notify victims by activating the NJ VINE system through CCIS.

C. In counties where offenders may be released from custody by the municipal court judge, the county correctional facility will activate NJ VINE when an offender is released to the municipal court. The system will notify the victim that the offender was released from the county correctional facility to the municipal court and that the offender may be released into the community. In these counties, procedures for informing NJ VINE of an offender's custody status following a municipal court appearance will be promulgated by the County Prosecutors.

D. The county correctional facility will activate NJ VINE when an offender is transferred from a county correctional facility to a state prison. NJ VINE will notify the victims of the transfer and advise as to whether they need to re-register with NJ VINE.

4. Notification Procedures

A. After the county correctional facility has activated NJ VINE, the system will attempt to notify the victim by telephone of the offender's custody change at one-half hour intervals for a twenty-four hour period or until confirmation is received that the victim has received the notification. If after the first three attempts, the NJ VINE system has been unable to contact the victim, the system will automatically telephone either the investigating agency or the county correctional facility, as determined by each county, to alert that notification to the victim has been unsuccessful. If a county has opted to have the investigating agency telephoned and the agency does not answer the telephone

call after three attempts, the system will then automatically telephone the county correctional facility. Simultaneously, NJ VINE will continue to attempt to notify the victim at one-half hour intervals for the twenty-four hour period. The County Prosecutors will promulgate procedures for victim notification when the NJ VINE system has been unsuccessful within the proscribed time.

B. If a law enforcement officer attempts to notify a victim of an offender's release, a copy of the updated VNF showing those attempts and contact must be faxed to the respective County Prosecutor's Victim-Witness Coordinator or, when appropriate, to the Division of Criminal Justice Victim-Witness Coordinator.

C. Updates to victim information will only be made by the Victim-Witness Coordinators in each county or, when appropriate, by the Division of Criminal Justice Victim-Witness Coordinator.

5. Other Notifications to Crime Victims

The New Jersey VINE System is designed to provide notifications to registered victims concerning an offender's release from custody or the offender's transfer from one correctional facility to another. All other required notifications to crime victims, such as a change in case status, will continue to be done pursuant to procedures promulgated by the County Prosecutors. Nothing in this Directive shall be construed to limit or preempt the authority of a County Prosecutor to establish procedures to ensure that crime victims are promptly notified of scheduled court hearings and events as may be required by Article 1, paragraph 22 of the New Jersey Constitution, N.J.S.A. 52:4B-44, N.J.S.A. 2C:25-26.1, N.J.S.A. 30:4-6.1, N.J.S.A. 39:5-52, N.J.S.A. 30:123.53a or any other law, and as may be required by the *Attorney General Standards to Ensure the Rights of Crime Victims*.

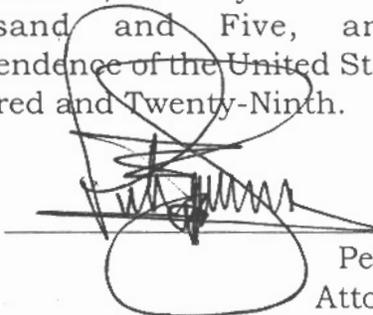
6. Questions

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

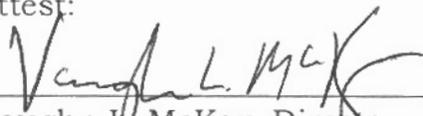
7. Effective Date

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

Given under my hand and seal, this 20 day of December, 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