



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

March 19, 2008

TO: All County Prosecutors


All Law Enforcement Chief Executives

Colonel Joseph R. Fuentes
Superintendent, New Jersey State Police

Gregory Paw, Director
Division of Criminal Justice

RE: ***Supplemental Policy on Less-Lethal Ammunition***

I have today approved a new policy regarding the use of less-lethal impact projectiles. The attached policy supplements and becomes a part of the Attorney General's Use of Force Policy. This supplemental policy is based on the work of the Attorney General Advisory Group to Study the Use of Less-Lethal Force. I am convinced that this new tool will help to enhance officer safety, and will provide officers with the means in appropriate circumstances to avoid having to use deadly force. Any questions concerning the implementation of this new policy should be addressed to Division of Criminal Justice Director Paw, or his designee.



Anne Milgram
Attorney General

/mp
c: John Michael Vazquez
First Assistant Attorney General



**ATTORNEY GENERAL POLICY ON LESS-LETHAL AMMUNITION
(LESS-LETHAL IMPACT PROJECTILES)
DIRECTED AGAINST PERSONS**

I. SCOPE

This supplemental policy is based on the work of the Attorney General's Advisory Group to Study the Use of Less-Lethal Force. The following Policy applies to the use of less-lethal ammunition, as defined in N.J.S.A. 2C:3-11(f), that is ejected from a firearm and that is targeted at a person. It does not address the use of other forms of less-lethal force, including electrical discharge devices (e.g., a "stun gun" as defined in N.J.S.A. 2C:39-1(t)). Nor does this supplemental policy address the use of ammunition that is designed to gain access to a building and that is used for that purpose and is not directed against a person.

II. Policy Considerations

1. It is the general policy of the State of New Jersey that law enforcement officers should only use the degree or intensity of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time force is used. The reasonableness of force must be judged from the perspective of a reasonable law enforcement officer on the scene at the time of the incident.

2. The Attorney General's Use of Force Policy (Rev. 2000) provides that deadly force may only be used when an officer reasonably believes that such action is immediately necessary to protect an officer or another person from imminent danger of death or serious bodily injury. Deadly force may not be used against persons whose conduct is injurious only to themselves.

3. There may be circumstances when an officer is confronting a combative, armed or violent person where deadly

