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**TO: ALL BERGEN COUNTY CHIEFS OF POLICE, POLICE DIRECTORS,
OFFICERS-IN-CHARGE, AND SHERIFF**

FROM: PROSECUTOR MARK MUSELLA

DATE: FEBRUARY 22, 2021

**SUBJECT: BERGEN COUNTY PROSECUTOR'S OFFICE LAW ENFORCEMENT
DIRECTIVE NO. 2021-1 - INVESTIGATION OF POLICE INVOLVED
DEATHS/SERIOUS BODILY INJURY AND IN-CUSTODY DEATHS**

On December 4, 2019, the Attorney General issued **Attorney General Law Enforcement Directive No. 2019-4 Directive Ensuring the Independent Investigation of Criminal Cases Involving Police Use-of-Force or In-Custody Deaths** ("AG Directive") (Copy annexed). The AG Directive appears to be mainly directed at covering potential investigations into police use of force which result in death or serious bodily injury which could result in death and deaths in police custody. The AG Directive also gives investigative authority over many of these situations to the Attorney General's Office of Public Integrity and Accountability ("OPIA"). However, the AG Directive and the statute on which it is based have been given a broader interpretation to cover any case involving an encounter with a law enforcement officer which results in death or serious bodily injury which could result in death. The AG Directive therefore covers not only intentional use of force in law enforcement situations, but also accidental encounters such as vehicular accidents.

Therefore, in situations involving both law enforcement use of force that result in death or serious bodily injury which could result in death and law enforcement encounters that result in death or serious bodily injury which could result in death, the OPIA will ordinarily investigate the matter. In all such cases, law enforcement agencies must immediately contact the Bergen County Prosecutor's Office Major Crimes Unit during regular business hours or the on-call Major Crimes Unit detective after hours. The Major Crimes Unit will then contact OPIA. Of course, law enforcement agencies responding to these incidents must take all measures to provide or facilitate medical assistance to any injured person; preserve evidence and secure the crime/encounter scene; identify and secure witnesses for interview; and take all measures to apprehend any person involved in a crime related to the incident.



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Additionally, OPIA also has investigatory jurisdiction over all deaths occurring in police custody. Therefore, all in-custody deaths must also be immediately reported to the Major Crimes Unit, which will notify OPIA.

During non-business hours, the on-call Major Crimes Unit detective may be contacted through the Public Safety Operations Center at (201) 785-8500.

As always, I thank you for your cooperation.

A handwritten signature in black ink, appearing to read 'MM', with a long horizontal stroke extending to the right.

MARK MUSELLA
Bergen County Prosecutor

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