



OFFICE OF THE PROSECUTOR

County of Atlantic

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Prosecutor

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October 6, 2011

Ernest Jubilee, Deputy Chief
Atlantic City Police Department
2715 Atlantic Avenue
Atlantic City, NJ 80401

Re: Atlantic City Executive Order 2011-2

Dear Deputy Chief Jubilee:

I address this letter to you in your capacity as the Chief Police Officer of the Atlantic City Police Department.

I have had the opportunity to review Executive Order 2011-2 issued by Mayor Langford and filed yesterday in the morning and which was apparently made public shortly after the beginning of the City Council meeting last night.

Having reviewed the Order and the applicable statute, case law including but not limited to the case of *Snellbaker v. Flipping, et al*, Docket No.: ATL-L-2465-03, a case which was decided and was based upon actions taken by the former Public Safety Director during the present Mayor's former administration, the early agreement involving responsibilities of law enforcement in Atlantic City and S-11, I conclude that the Executive Order is *ultra vires* and in violation of N.J.S.A. 40A:14-118 and case law interpreting said statute insofar that it directs the police department as to day-to-day routine functions.

I am aware that recently you implemented, along with the support of Deputy Chief White, patrols in Atlantic City casinos' parking garages which, I note, was action you indicated was independent of recent tragic events involving the incident which began at the Trump Taj Mahal Hotel-Casino.

Insofar as your orders with respect to these patrols may appear to violate Executive Order 2011-2, your orders remain in effect because I have found that that Executive Order is null and void and was so from the moment of its creations.

I have attached an appropriate Directive to you directing that the Executive Order is null and void. Accordingly, any decision with respect to patrols in Atlantic City and whether or not routine patrols should be implemented in "the interior premises or parking garage of



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any private multi-level property" in Atlantic City is entirely up to you in your capacity as the person acting in the position of Chief of Police notwithstanding your current rank and title.

Although at this point in time I will not, (although I have the authority), interfere in the day-to-day operations of your Department, I note that if you have countermanded the orders previously referred to because of Executive Order 2011-2, you are free to reinstate and/or amend said orders as required for the efficient and routine day-to-day operation of the Department taking into consideration all appropriate factors, acting as the Chief Police Officer in the Department.

If you have any questions, please feel free to call.

By copy of this letter I am informing Mayor Langford of my decision, along with the Attorney General, Commander Tom Gilbert and Colonel Fuentes of the New Jersey State Police.

Because this matter is of public importance, I am releasing both this letter and my Directive to the media.

Very truly yours,

THEODORE F.L. HOUSEL
Atlantic County Prosecutor

TFLH:pak

Enc.

c: Hon. Paula Dow, NJ Attorney General
Hon. Lorenzo Langford, Atlantic City Mayor
Henry White, Deputy Chief, ACPD
Com. Tom Gilbert, Atlantic City Tourism District
Col Rick Fuentes, NJSP
Daren J. Dooley, Chief of County Detectives