



OFFICE OF THE PROSECUTOR

County of Atlantic

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Prosecutor

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PROSECUTOR'S DIRECTIVE

TO: Ernest Jubilee, Deputy Chief, Atlantic City Police Department

FROM: Prosecutor Theodore F.L. Housel

DATE: October 6, 2011

RE: Atlantic City Executive Order 2011-2

The purpose of this Directive is to clarify whether City of Atlantic City Executive Order 2011-2 is a valid order/directive to the Atlantic City Police Department or is void and a nullity insofar as it is in contravention of *N.J.S.A. 40A:14-118*.

On or about October 5, 2011, at 10:25 a.m., Executive Order 2011-2 was filed on behalf of the Administration through the person of Lorenzo T. Langford, Mayor, with the Atlantic City Clerk's Office. That Order in pertinent part after pronouncement of several purported statements of fact and responsibility in the so-called "WHEREAS" clauses orders and directs as follows.

No division within the department of public safety shall routinely patrol the interior premises or parking garage of any private multi-level property within our [sic] jurisdiction.

I have reviewed the appropriate statute, the Order and the eight -year old decision of the Law Division, Valerie Armstrong, A.J.S.C., presiding in *Snellbaker v. Flipping, et al*, Docket No. ATL-L-2465-03,¹ the original agreement between various law enforcement agencies signed by Attorney General Degnan, Prosecutor Williams, Atlantic City Police Chief tenBrink, among others, and S-11.

¹I note parenthetically that this decision was rendered and is premised upon actions of the Public Safety Director during the current Mayor's prior term of office.

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Having reviewed same and having considered the matter, and pursuant to my authority under the Constitution of the State of New Jersey of 1947, and the Criminal Justice Act of 1970, I conclude and direct in my capacity as Chief Law Enforcement Officer of Atlantic County that Atlantic City Executive Order 2011-2 is null and void and in violation of the aforementioned statute in that it attempts to direct day-to-day operations of the Atlantic City Police Department by the civilian authority, who, in the absence of a Public Safety Director, is the Mayor.

I furthermore order and direct that Deputy Chief Jubilee, who acts in the position of the Chief Police Officer of the Atlantic City Police Department, disregard Executive Order 2011-2, for all intents and purposes and continue to discharge his responsibility for the efficient and routine day-to-day operation of the police department, including, but not limited to, whether to direct patrols in areas mentioned in the void Executive Order

This Directive is effective immediately.

/pak

c: Henry White, Deputy Chief, Atlantic City Police Department