



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
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OFFICE OF PUBLIC INTEGRITY AND ACCOUNTABILITY
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MEMORANDUM

TO: All County Prosecutors and Law Enforcement Executives

FROM: Thomas Eicher, AAG
Director, Office of Public Integrity and Accountability

DATE: June 25, 2021

SUBJECT: Stay of Section 4.2.5 of Revised IAPP

The Attorney General has stayed implementation of the new provision of Section 4.2.5 of the IAPP, issued on June 9, 2021 and set forth in bold below, until August 23, 2021, or until further guidance is issued. The Fraternal Order of Police, the NJ State PBA and the State Troopers Fraternal Association have expressed some concerns about the new provision and requested time to discuss the issue. In order to give the parties an opportunity to meet and discuss these matters, and to avoid any confusion or uncertainty, the new provision of 4.2.5 has been stayed for a period of 60 days. All other revisions to the IAPP issued on June 9 remain in full force and effect.

4.2.5 Law enforcement executives shall not assign to the internal affairs function any person responsible for representing members of a collective bargaining unit. The conflict of interest arising from such an assignment would be detrimental to the internal affairs function, the subject officer, the person so assigned, the bargaining unit and the agency as a whole. **Also, a bargaining unit representative should not be permitted to represent more than one witness or subject in a single investigation, in part to avoid potential conflicts of interest. Although a witness/subject is entitled to a representative, he/she is not necessarily entitled to a particular representative.**

Any questions on this issue should be directed to Assistant Attorney General Richard Burke at burker@njdcj.org.

