



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: August 20, 2021

SUBJECT: Extension of Stay of Section 4.2.5 of Revised IAPP

On June 23, 2021, the Attorney General issued a stay of the 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. To allow the parties to have further discussions concerning Directive 2021-6, the Attorney General has determined that the stay should be extended an additional 30 days (until September 22, 2021). 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.

