



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF PUBLIC INTEGRITY AND ACCOUNTABILITY
25 MARKET STREET
PO Box 085
TRENTON, NJ 08625-0085

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

ANDREW J. BRUCK
Acting Attorney General

THOMAS J. EICHER
Executive Director

MEMORANDUM

TO: All County Prosecutors and Law Enforcement Executives

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

DATE: September 21, 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. That stay was further extended until September 22, 2021. The Attorney General has now determined that the stay should be extended an additional 30 days (until October 22, 2021). This further stay is necessary to facilitate ongoing discussions with the Fraternal Order of Police, the NJ State PBA, and the State Troopers Fraternal Association, which have raised concerns about these changes. 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.

