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TO: Director, Division of Criminal Justice
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All County Prosecutors
All County Sheriffs
All Police Chiefs
All Law Enforcement Chief Executives

FROM: Christopher S. Porrino, Attorney General

DATE: November 15, 2017

SUBJECT: Attorney General Law Enforcement Directive No. 2017-2

Modification of Attorney General's "Internal Affairs Policy and Procedures" (rev. July 2014): Mandatory Notification to Complainant

In July 2014, the Attorney General amended the "Internal Affairs Policy and Procedures," originally issued in August 1991 (hereinafter, the "Policy"). The Policy previously was amended in September 2011, November 2000, and November 1992.

In New Jersey, county and state municipal law enforcement agencies conduct internal affairs investigations under the general supervision of the Attorney General, the State's chief law enforcement officer. See N.J.S.A. 52:17B-98. All law enforcement agencies, including county and municipal forces, have a duty to cooperate with the Attorney General to improve the administration of the criminal justice system, including the efficient delivery of police services. For county and municipal law enforcement agencies, cooperation in internal affairs matters begins with strict adherence to the Attorney General's basic policy requirements.

In a continued effort to promote transparency, bolster credibility, and improve relationships between law enforcement and the community, the Policy hereby is revised to mandate that an internal affairs investigator must advise the complainant (if the identity of the complainant is known) of the status of his or her complaint, if requested, and, upon completion



of the investigation, of the ultimate disposition of the complaint. Previously, the decision to provide notice to the complainant was at the discretion of the county or municipal internal affairs officer. Now, under the revision set forth herein, provision of such notice is mandatory.

Accordingly, under the section entitled “Accepting Reports Alleging Officer Misconduct,” the first two sentences of paragraph 3, requirement 2 are amended to read:

The internal affairs investigator, supervisor, or other officer receiving the complaint will explain the department’s disciplinary procedures to the person making the complaint. The officer shall advise the complainant that he or she will be kept informed of the status of the complaint, if requested, and its ultimate disposition. (Underline added to show revisions.)

[Attorney General Internal Affairs Policy and Procedures, at 14 (rev. July 2014).]

Requirement 5 is amended to read:

A letter shall be sent to the complainant explaining the outcome of the investigation. If the allegation was unfounded or the officer was exonerated, this conclusion shall be stated and defined for the civilian complainant. If the allegation was not sustained, the letter shall provide the complainant with a brief explanation why the complaint was not sustained (*e.g.*, insufficient proof, lack of witnesses, etc.) If the allegation was sustained and discipline was imposed, the letter shall simply state that the allegation was sustained and that the officer has been disciplined according to department procedures. It is not necessary to specify the discipline imposed. (Underline added to show revisions.)

[Attorney General Internal Affairs Policy and Procedures, at 20 (rev. July 2014).]

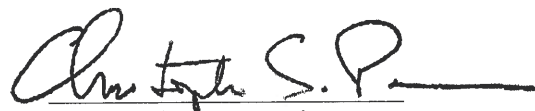
Under the section entitled “Investigation and Adjudication of Serious Complaints,” paragraph 17 of requirement 6 is amended to read:

In all cases, a letter shall be sent to the complainant explaining the outcome of the investigation. If the allegation was unfounded or the officer was exonerated, this conclusion shall be stated and defined for the civilian complainant. If the allegation was not sustained, the letter shall provide the complainant with a brief explanation why the complaint was not sustained (*e.g.*, insufficient proof, lack of witnesses, etc.). If the allegation was sustained and discipline was imposed, the letter shall simply state that the allegation was sustained and that the officer has been disciplined according to department procedures. It is not necessary to specify the discipline imposed. (Underline added to show revisions.)

[Attorney General Internal Affairs Policy and Procedures, at 22 (rev. July 2014).]

Law enforcement officers also should be aware that the Office of the Attorney General (“OAG”) has advised the public that, if a complainant has not received appropriate notification pursuant to this Directive, the complainant first must contact the local police department handling the complaint. After taking that step, if the issue is unresolved, the complainant may call the county prosecutor’s office overseeing that police department. Then, if the issue remains unresolved, the complainant may contact the Office of the Attorney General at 1(833)-4-SAFENJ or at www.safestopnj.com/complaint. OAG will provide an update on the status of the complaint within 30 days of receipt of the complaint.

This Directive takes effect immediately. This Directive shall remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Attorney General.


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ATTEST:


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