



State of New Jersey

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ATTORNEY GENERAL LAW ENFORCEMENT DIRECTIVE NO. 2020-7

TO: All Law Enforcement Chief Executives

FROM: Gurbir S. Grewal, Attorney General

DATE: August 28, 2020

SUBJECT: Directive Revising *Internal Affairs Policy & Procedures*

Since 1991, the Attorney General's *Internal Affairs Policies & Procedures (IAPP)* has established statewide standards for the operation of internal affairs units in New Jersey's state, county, and local law enforcement agencies. In December 2019, I issued Attorney General Law Enforcement Directive ("AG Directive") No. 2019-5, which represented the most significant revision to *IAPP* in its three-decade history. Today's directive makes several minor edits to *IAPP* and formalizes a number of other policy changes implemented since AG Directive 2019-5 was announced last year.

Originally, AG Directive 2019-5 mandated that its revisions to *IAPP* would take effect on April 1, 2020. Several months later, I ordered that the effective date of those revisions be delayed to August 31, 2020, as part of a broader effort to ease administrative burdens on law enforcement agencies at the height of the COVID-19 pandemic response. *See* AG Directive 2020-2. This new version of *IAPP*—which shall be known as the "August 2020 *IAPP*"—incorporates that updated effective date.

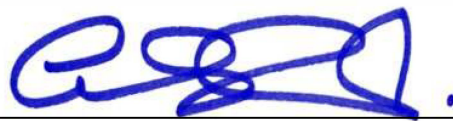
The August 2020 *IAPP* includes several changes designed to streamline investigations and improve public reporting. For example, *IAPP* sections 7.1.6 and 8.1.6 have been revised to clarify that interviews of witnesses and subjects may be recorded using either audio- or video-recording devices, although interviews of subject officers should be video-recorded, wherever practical. In addition, the new *IAPP* includes an updated appendix of forms to assist officers in carrying out their responsibilities in an efficient and uniform manner. These include a new, standardized "citizens complaint" form that all law enforcement agencies must make available to the public online and in police department buildings. Translated forms will be available in Arabic, Chinese, Haitian, Hindi, Korean, Polish, Portuguese, Spanish, Tagalog, and Vietnamese.



The August 2020 *IAPP* also codifies the revisions to sections 9.11.1 and 9.11.2 implemented by AG Directive 2020-5, also known as the “Major Discipline Directive.” Among other things, the Major Discipline Directive required law enforcement agencies to annually publish a synopsis of all disciplinary complaints resulting in an officer’s termination, demotion, or suspension of more than five days, along with the identities of the disciplined officers. The Major Discipline Directive also included an effective date of August 31, 2020 (so as to align with the effective date of the revised *IAPP*) and required that agencies publish their first annual summary no later than December 31, 2020. Please note, however, that although the August 2020 *IAPP* incorporates these revisions, enforcement of AG Directive 2020-5 is currently stayed pending resolution of ongoing litigation. (Dkt. No A-003950-19.)

Recent judicial decisions are also relevant to *IAPP*. Section 9.7 authorizes law enforcement agencies to share internal affairs files with civilian review boards under certain conditions. In its decision earlier this month in *Fraternal Order of Police, Newark Lodge No. 12 v. City of Newark*, A-15-19, Slip Op. at 43 n.14 (Aug. 19, 2020), the New Jersey Supreme Court provided further guidance on the authority of civilian review boards under current law. Although the Court did not specifically discuss Section 9.7, its guidance may prompt additional revisions to *IAPP* in the future. Conversations on the subject remain ongoing, reflecting our commitment to promoting transparency, accountability, and professionalism in law enforcement. Any such revisions will be addressed in a later AG Directive or other document.

The August 2020 *IAPP* supersedes all prior versions of *IAPP* and shall become effective on August 31, 2020. I hereby direct all law enforcement and prosecuting agencies operating under the authority of the laws of New Jersey to implement and comply with the August 2020 *IAPP*, pursuant to my authority under state constitution and the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 to -117, and to take any additional measures necessary to update their guidelines consistent with the August 2020 *IAPP*, as required by N.J.S.A. 40A:14-181. This Directive and the August 2020 *IAPP* are subject to the same policies and standards governing severability and non-enforceability by third parties established in AG Directives 2019-5 and 2020-5, and the August 2020 *IAPP* shall remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Attorney General.



Gurbir S. Grewal
Attorney General

ATTEST:



Andrew J. Bruck
First Assistant Attorney General
Dated: August 28, 2020