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September 15, 2010

Attorney General Paula Dow  
State of New Jersey  
P.O. Box 080  
Trenton, NJ 08625-0080

Dear Attorney General Dow:

We appreciate your attention to problems raised regarding Newark's annual internal affairs statistics. However, singling out one aspect of internal affairs practices in one single municipality is an insufficient review. We urge you to undertake a broader look at Internal Affairs oversight practices in New Jersey.

As we discussed in detail at our meeting on June 9, 2010, oversight of Internal Affairs statistics has been woefully neglected at both the state and county level. Statewide (and not just in Newark) there are major gaps and errors in reporting. The statistics form itself needs revision. One example we talked about is that it doesn't distinguish between internally and externally generated complaints.

Moreover, there are many other concerns about internal affairs statewide. As you know, the ACLU-NJ's recent report "The Crisis Inside Police Internal Affairs" showed that nearly 80% of departments did not follow the dictates of the Attorney General's *Internal Affairs Policy and Procedures* with respect to how citizens may access Internal Affairs. Our report demonstrated a clear need for additional oversight, training, and external compliance monitoring or auditing.

The January 2007 memo to Attorney General Rabner concerning the Office of Government Integrity's Internal Affairs Audit Report demonstrates even more systemic problems, revealing that nine county prosecutors lacked Internal Affairs policies altogether, including Essex. The audit, conducted to determine policy compliance and enforcement, had no follow through or assurances that deficiencies were addressed.

In addition, the Attorney General's *Internal Affairs Policy and Procedures* itself needs revision, including modernization, clarity, public reporting and mandated oversight. We submitted a list of recommended revisions to you in June, but a good process for review will solicit recommendations from other advocates and law enforcement professionals.

In light of the broad scope of problems relating to Internal Affairs reporting and oversight, we suggest that you form an Internal Affairs task force to review the issues raised, propose revisions to the Attorney General's *Internal Affairs Policy and Procedures* and address Internal Affairs related concerns of the law enforcement community. We would expect such a task force to include advocates as well as law enforcement professionals and can certainly recommend qualified individuals.

Sincerely,


A handwritten signature in black ink, appearing to read 'Deborah Jacobs', written in a cursive style.

DEBORAH JACOBS  
Executive Director

STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CRIMINAL JUSTICE

MEMORANDUM

**TO:** Stuart Rabner, Attorney General  
Anne Milgram, First Assistant Attorney General  
Gregory A. Paw, Director - DCJ

**FROM:** AAG Tracy M. Thompson   
Chief - Fiscal Oversight/SCC

**DATE:** January 16, 2007

**SUBJECT:** Executive Summary of the Internal Affairs Audits of the  
21 County Prosecutor's Office

The Office of Government Integrity (OGI) Internal Affairs Audit Report captures the findings of OGI's audits of the 21 County Prosecutor's Offices. Pursuant to former Attorney General Administrative Executive Directive 2002-2, the internal affairs audits are conducted to assess compliance with the standards published in the Attorney General's Internal Affairs Policy and Procedures (AGIAP&P). The audits and reports include assessments of the level of oversight the County Prosecutors of the internal affairs function of the local law enforcement agencies within their jurisdiction.

The primary objectives are: to determine whether the County Prosecutor's Office's internal affairs operation is in compliance with the AGIAP&P and with its own policies and procedures; to explore the responsibilities the County Prosecutor's Office has undertaken with respect to the reporting of cases, follow-up procedures, and the general oversight of the internal affairs function of local law enforcement agencies; to observe the administration of the County Prosecutor's internal affairs function in order to provide feedback regarding the quality, timeliness, accuracy and integrity of the process; and to conduct a review of the County Prosecutor's Office internal affairs training program.

As part of this process, pre-audit documents are requested and reviewed. During the audit, additional documents that are presented are reviewed, and OGI conducts a thorough review of the internal affairs investigation files for a designated period of time. OGI representatives meet with members of the County Prosecutor's Office to explain and review the preliminary findings of the audit.

OGI's audit of the County Prosecutor's Office internal affairs process covers the following areas: the internal affairs process (i.e. policies, directives, rules, codes, etc.); the internal affairs function (i.e. personnel assigned and their responsibilities); intake of misconduct complaints; notification procedures (of subject employee, complainant, other law enforcement agencies, etc.); handling of potential criminal conduct; administrative procedures for investigating and disciplining non-criminal conduct; record-keeping and reporting procedures; oversight responsibilities of internal affairs function within local law enforcement agencies supervised by the County Prosecutor's Office; and training requirements and resources. The findings are memorialized in an audit report and represent the areas in which OGI found the County Prosecutor's Office to be in non-compliance with the Attorney General's Internal Affairs Policy and Procedure or its own policies regarding internal affairs. The circumstances leading to the findings are described, as well as OGI's authority for its findings, and OGI's recommendation to bring the County Prosecutor's Office into compliance with the AGIAP&P or its own policy. The County Prosecutor has an opportunity to address, in writing, comments that he or she wish to be incorporated into the audit report, if he or she disputes any findings.

The twenty-one (21) audits were completed in August, 2006. The following summary highlights the systemic findings:

**The following nine (9) Counties had no Internal Affairs Policy:**

Cumberland  
 Essex\*  
 Mercer\*  
 Middlesex  
 Monmouth\*  
 Ocean\*  
 Passaic  
 Sussex  
 Warren

*\*Sample policies were provided to these Counties to provide guidance for the implementation and creation of a policy for the respective Office. OGI representatives were available to answer any questions. OGI reviewed and approved the policies created by these Offices.*

**The following five (5) Counties had no Policy on Notification :**

Camden (Outcome to Officer, Outcome to Complainant)  
 Cape May (Initiation to Officer, Outcome to Officer)  
 Hudson (Initiation to Officer, Outcome to Officer)  
 Morris (Initiation to Officer, Outcome to Officer)  
 Salem (Initiation to Officer, Outcome to Officer)

*All the above counties, except Morris, have submitted a revised policy which OGI approved.*

**The following seventeen (17) Counties were missing Notification to Officer (Initiation) in their files:**

Allantic  
Bergen  
Camden  
Cape May  
Cumberland  
Essex  
Gloucester  
Hudson  
Hunterdon  
Mercer  
Middlesex  
Monmouth  
Morris  
Passaic  
Salem  
Sussex  
Warren

**The following twelve (12) Counties were missing Notification to Officer (Outcome) in their files:**

Bergen  
Camden  
Cumberland  
Essex  
Gloucester  
Hudson  
Middlesex  
Monmouth  
Morris  
Salem  
Sussex  
Warren

**The following fourteen (14) Counties were missing Notification to Complainant (Outcome) in their files:**

Allantic  
Bergen  
Burlington  
Camden  
Cape May  
Cumberland  
Essex  
Gloucester  
Hudson  
Monmouth  
Ocean  
Salem  
Somerset  
Warren

**The following two (2) Counties were missing Intake Forms in some of their files:**

Atlantic  
Union

**The following four (4) Counties were missing Intake Forms in all of their files:**

Camden  
Cape May  
Cumberland  
Monmouth

TMT:tvc

c: AAG Boris Moczula, Deputy Director  
AAG Jessica Oppenheim, Chief - PSCB  
Supervising Special Investigator Robert Brescia