

**COUNTY OF GLOUCESTER
OFFICE OF THE SHERIFF**

STANDARD OPERATING PROCEDURES



SECTION: OPERATIONS

NUMBER: 301.1

**# OF PAGES: 6
PLUS
APPENDIX**

**SUBJECT : INTERNAL AFFAIRS POLICY AND PROCEDURES
NEW JERSEY ATTORNEY GENERAL DIRECTIVE 2021-6
NEW JERSEY ATTORNEY GENERAL INTERNAL AFFAIRS
POLICY AND PROCEDURE MANUAL (JUNE 2021)**

EFFECTIVE DATE:

DECEMBER 1, 2021

**ACCREDITATION
STANDARDS:**

N/A.

REVISION DATE:

12/1/2021

PAGE #:

VARIOUS

BY THE ORDER OF:

SHERIFF CARMEL M. MORINA

SUPERSEDES: GCSO SOP 301.1 EFFECTIVE 12/7/2020

PURPOSE The purpose of this directive is to maintain Internal Affairs Policy and Procedures (IAPP) in accordance with New Jersey Attorney General Directive 2021-6 and the June 2021 Version of the New Jersey Attorney General Internal Affairs Policy and Procedures appended to the directive.

DIRECTIVE The Gloucester County Sheriff's Office (hereinafter the "GCSO") hereby adopts Attorney General Directive 2021-6 and the June 2021 Version of the New Jersey Attorney General Internal Affairs Policy and Procedures (IAPP), and requires strict adherence to the provisions of the same by all law enforcement personnel in the GCSO.

Attorney General Directive 2021-6, and the appended June 2021 Version of the IAPP that became effective on June 9, 2021 (See Appendix "A"), required all law enforcement agencies in New Jersey to comply with the mandates enumerated in the directive, and to implement Internal Affairs Policies and Procedures consistent with Attorney General Directive 2021-6, and the appended IAPP.

The information provided in this directive serves to summarize, for quick reference, some of the key provisions mandated under Attorney General Directive 2021-6 and the June 2021 Version of the IAPP, which were changed/amended from the prior Attorney General Directive 2019-5 and prior IAPP dated August 2020, and is not all inclusive of the information contained in the IAPP. The appendix and forms mentioned throughout this document are included in the Attorney General's Office June 2021 version of the IAPP. It is the Attorney General Directive 2021-6, and the June 2021 Version of the IAPP (See Appendix "A"), that are incorporated herein by reference, and that shall be applicable to, and govern, the GCSO.

Summary of Mandated Changes to Internal Affairs Policy & Procedures

The following is a summary of changes to Internal Affairs Policy & Procedures under New Jersey Attorney General Directive 2021-6 and the June 2021 Version of the New Jersey Attorney General Internal Affairs Policy and Procedures (IAPP):

I. Revision to Internal Affairs Policy and Procedures

- A. **Confidentiality of Internal Affairs records.** IAPP Section 9.6 is amended to include the following addition:

9.6.6 Law enforcement agencies may not waive, restrict, or otherwise limit the power of the County Prosecutor or Attorney General to direct that the information or records of an internal investigation be released or shared pursuant to Section 9.6.1(c).

- B. **Confidentiality of victim identities.** IAPP Section 9.11 is amended in part to read:

9.11.2 On a periodic basis, and no later than January 31 of the following year, every agency shall submit to the Attorney General and the County Prosecutor, and publish on the agency's public website, a brief synopsis of all complaints where a termination, reduction in rank or grade, and/or suspension of more than five days was assessed to an agency member. This synopsis shall follow the format provided in Appendix L and shall include the identity of each officer subject to final discipline, a brief summary of their transgressions, and a statement of the sanction imposed. This synopsis shall not contain the identities of the complainants or any victims. Where discipline relates to domestic violence, the synopsis shall not disclose the relationship between a victim and an officer. Whenever practicable, notice shall be given to victims of domestic violence in advance of an agency's disclosure. In rare circumstances, further redactions may be necessary to protect the identity of a victim.

- C. **Publication of public reports.** IAPP Section 9.11 is amended to include the following addition:

9.11.3 Agencies may not, as part of a plea or settlement agreement in an internal affairs investigation or otherwise, enter into any agreement concerning the content of a synopsis subject to public disclosure under Section 9.11.2, including any

agreement regarding the identities of officers subject to final discipline, summaries of transgressions, or statements of the sanctions imposed.

D. **Reporting.** Each law enforcement agency shall publish its first major discipline report in compliance with Section 9.11.2 no later than August 9, 2021, which is 60 days from the date of this Directive. The first report shall cover those substantiated major disciplines in which a plea agreement was reached or final sanction was imposed from June 15, 2021 to December 31, 2020. In the future, reports corresponding to the substantiated major discipline in a calendar year shall be published no later than January 31 of the following year. The relevant County Prosecutor shall be responsible for ensuring agencies timely comply with these public disclosure responsibilities. Agencies shall electronically transmit a copy of each public report – formatted as provided in a revised Appendix L and submitted in a matter prescribed by the Attorney General or their designee – to the relevant County Prosecutor or their designee, as well as to the Executive Director of Office of the Public Integrity & Accountability (OPIA) or their designee.

E. **Additional changes to IAPP,** IAPP is further amended as follows:

2.2.3(b) *Unfounded.* A preponderance of the evidence shows that the alleged **mis**conduct did not occur.

2.2.3(c) *Exonerated.* A preponderance of the evidence shows the alleged conduct did occur, but did not violate any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training.

5.1.14 Once a complaint has been received, the subject officer shall be notified in writing that a report has been made and that an investigation will commence. Such notification shall not include the name of the complainant. This notification is not necessary if doing so would impede the investigation.

6.0.1 All allegations of officer misconduct shall be thoroughly, objectively, and promptly investigated to their logical conclusion in conformance with this policy, regardless of whether the officer resigns or otherwise separates from the agency.

6.2.1 Following the principle that the primary goal of internal affairs and discipline is to correct problems and improve performance, management in the subject officer's chain of command should handle relatively minor complaints. Complaints of demeanor and minor rule infractions should be forwarded to the commanding officer of the subject officer's unit because it is often difficult for an immediate supervisor to objectively investigate a subordinate. In addition, that arrangement might obscure the possibility that part of the inappropriate conduct was the result of poor supervision by the immediate supervisor. While the structure of each law enforcement

agency is different, it is recommended that minor complaints be assigned to and handled by a commanding officer at least one step removed from the officer's immediate supervisor. This includes complaints from within the agency. Often Human Resources may be notified and involved.

6.2.3(b) *Unfounded*. A preponderance of the evidence shows that the alleged **mis**conduct did not occur.

6.2.3(c) *Exonerated*. A preponderance of the evidence shows the alleged conduct did occur, but did not violate any law; regulation; directive, guideline, policy, or procedure issued by the Attorney General or County Prosecutor; agency protocol; standing operating procedure; rule; or training.

9.8.2 Accordingly, in any case where a law enforcement agency has reason to believe that a candidate for employment was previously a sworn officer of another law enforcement agency, the hiring agency has an affirmative obligation to identify all such former employers. The hiring agency shall then request all internal affairs files for cases where the candidate was the subject officer, regardless of the ultimate disposition or status of the complaint. If requested, the hiring agency shall provide a written acknowledgement to the releasing agency that it will maintain the confidentiality of said files in accordance with this policy.

9.8.3 If a law enforcement agency receives such a request regarding a former employee, then it shall immediately share copies of all internal investigative information related to that candidate with the hiring agency, in accordance with N.J.S.A 52:17B-247. Confidential internal affairs files shall not be disclosed to any other party.

All law enforcement agencies in Gloucester County, including the GCSO, are subject to the full requirements of Attorney General Directive 2021-6 and the June 2021 Version of the New Jersey Attorney General IAPP.

Attorney General Directive 2021-6 and appended IAPP are intended for implementation by all State, county and municipal law enforcement agencies. As made clear in Attorney General Directive 2021-6, issued concurrently with the IAPP, all law enforcement and prosecuting agencies operating under the authority of the laws of the State of New Jersey are directed to implement and comply with this policy, and to take any additional measures necessary to update their guidelines consistent with this policy, as required by N.J.S.A 40A:14-181. By and through this directive, the GCSO hereby adopts all of the aforesaid; and issues the GCSO Internal Affairs directive SOP 301 effective on the same date as this directive in furtherance of such required implementation.

Law enforcement agencies that fail to comply with the policies and procedures contained within this document may be subject to the same sanctions arising from

any other violation of an Attorney General Directive, including supersession of an agency's law enforcement functions by the Attorney General. By and through this directive 301.2, and GCSO SOP 301 effective the same date as this directive, the GCSO is in compliance with the aforementioned mandatory adoption and implementation requirements of the Attorney General.

***By Order of:* CARMEL M. MORINA,**

Gloucester County Sheriff

APPENDIX “A”