

**SENATE, No. 1236**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED FEBRUARY 25, 2014

**Sponsored by:**

**Senator PETER J. BARNES, III**

**District 18 (Middlesex)**

**SYNOPSIS**

Establishes pilot program in Edison Township requiring Attorney General to perform police internal affairs functions.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT creating a pilot program concerning municipal internal  
2 affairs units.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. The Legislature finds and declares:

8 a. The enactment of section 10 of P.L.1996, c.115 (C.40A:14-  
9 181) recognizes the importance of properly functioning internal  
10 affairs departments in law enforcement agencies.

11 b. Under that enactment, every law enforcement agency in the  
12 State is required to adopt and implement guidelines consistent with  
13 those governing the "Internal Affairs Policy and Procedures" of the  
14 Police Management Manual promulgated by the Police Bureau of  
15 the Division of Criminal Justice in the Department of Law and  
16 Public Safety.

17 c. Under the "Criminal Justice Act of 1970," P.L.1970, c.74  
18 (C.52:17B-97 et seq.), the Attorney General is the chief law  
19 enforcement officer of the State and as such has general supervision  
20 of criminal justice.

21 d. Pursuant to section 16 of P.L.1970, c.74 (C.52:17B-112), all  
22 law enforcement officers are obligated to cooperate with and aid the  
23 Attorney General and county prosecutors in the performance of  
24 their respective duties. Therefore, when law enforcement agencies  
25 conduct internal affairs investigations, they do so under the general  
26 supervision of the Attorney General.

27 e. The integrity of the internal affairs process in each  
28 municipality is a crucial component of an effective criminal justice  
29 system.

30 f. The failure of this process to function as it should results in  
31 a loss of confidence by the public and possibly a miscarriage of  
32 justice.

33 g. On rare occasions, where a police department has failed in  
34 its mission, the county prosecutor's office has temporarily assumed  
35 control. For example, in June 2010 the Union County Prosecutor's  
36 office took over the Springfield police department; in October 2010  
37 the Mercer County Prosecutor's office took over the Princeton  
38 Township police department; and in April 2011 the Middlesex  
39 County Prosecutor's Office took over the Edison Township police  
40 department.

41 h. Despite these actions by the county prosecutors' offices,  
42 intervention on a State level is necessary and the Office of the  
43 Attorney General is the appropriate entity to carry out this function.

44 i. Edison Township is one of a small number of municipalities  
45 in New Jersey where, within the past few years, the county  
46 prosecutor has intervened in the operation of the police department.  
47 Despite this intervention, in many ways the township is  
48 representative of many of the larger municipalities within the State,

1 in that Edison has a fairly large police department, but not the  
2 largest; is ethnically diverse; does not have unusually high or low  
3 rates of crime, poverty, or wealth; and has a large patrol area in  
4 terms of square mileage, but not the largest. These factors, when  
5 taken as a whole, provide a good basis for the Attorney General to  
6 use Edison in its pilot program, since it comprises many  
7 characteristics of a range of municipalities with large police forces,  
8 thereby allowing the Attorney General to gauge the effectiveness of  
9 the pilot program and its applicability to other municipalities with  
10 large, troubled police departments.

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12 2. a. In addition to the provisions of section 10 of P.L.1996,  
13 c.115 (C.40A:14-181), there is established a two year pilot program  
14 in Edison Township requiring the Office of the Attorney General in  
15 the Department of Law and Public Safety to perform all duties and  
16 functions previously performed by the internal affairs unit of that  
17 law enforcement agency. The Office of the Attorney General shall  
18 be responsible for establishing and administering the pilot program.

19 b. Pursuant to the provisions of section 2 of P.L.1991, c.164  
20 (C.52:14-19.1), the Attorney General shall submit a report  
21 evaluating the effectiveness of the pilot program to the Governor  
22 and the Legislature upon completion of the program. The report  
23 shall recommend whether the pilot program should be expanded to  
24 other municipal law enforcement agencies where the county  
25 prosecutor has intervened in the operation of the police department.

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27 3. This act shall take effect immediately and shall expire upon  
28 the filing of the final report.

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#### STATEMENT

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33 This bill establishes a two-year pilot program in which the  
34 Attorney General performs internal affairs functions for Edison  
35 Township. The purpose of the bill is to exercise the Attorney  
36 General's supervisory role in State law enforcement to test an  
37 internal affairs pilot program in a locality that is manageably sized  
38 yet possessing key characteristics that are generally representative  
39 of the local jurisdictions with identifiable internal affairs  
40 challenges.

41 The bill empowers the Attorney General to establish and  
42 administer a two-year internal affairs pilot program. Upon  
43 completion of the pilot program, the bill requires the Attorney  
44 General to submit a report to the Governor and the Legislature  
45 concerning the effectiveness of the program. The bill denotes that  
46 the report must include recommendations as to the potential  
47 expansion of the program to certain other municipal law  
48 enforcement agencies where the county prosecutor has intervened in

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- 1 the operation of the police department. The bill expires upon the
- 2 filing of the Attorney General's report.