

Please be advised that the internal affairs index file is a confidential document not subject to public access. Pursuant to "Requirement 8" of the State of New Jersey Division of Criminal Justice, Internal Affairs Policy & Procedures, 40 (November 2017):

The agency must establish and maintain an internal affairs records system consisting of, at least, an internal affairs index system and a filing system for all documents and records. Access to these records shall be restricted.

The guideline reiterates the confidentiality of the internal affairs filing system where it states:

Internal affairs personnel shall maintain a filing system accessible only to unit personnel and the law enforcement executive. Other personnel may be given access based on a specific need, such as a deputy chief in the law enforcement executive's absence. Access to these records must be specifically addressed with department policy and procedures. The list of those authorized to access these files must be kept to a minimum.

Ibid.

Attorney General guidelines carry the force of law as mandated by N.J.S.A. 40A:14-181 which states:

Every law enforcement agency . . . shall adopt and implement guidelines which shall be consistent with the guidelines governing the "Internal Affairs Policy and Procedures" of the Police Management Manual promulgated by the Police Bureau of the Division of Criminal Justice in the Department of Law and Public Safety . . .

In this regard, the records you are requesting are required by law to be exempt from public access. Pursuant to N.J.S.A. 47:1A-9, "The provisions of [the OPRA statute] shall not abrogate any exemption of a public record or government record from public access ..."

In recognition of the confidentiality of internal affairs records, our courts have previously held that such records are generally exempt from disclosure under OPRA. See Paff v. Bergen Cty., A-1839-14T1, 2017 WL 957735, at *5 (N.J. Super. Ct. App. Div. Mar. 13, 2017) ("The nature and source of internal allegations, the progress of internal affairs investigations, and the resulting materials are confidential information."). The index file you are requesting provides confidential information pertaining to specific complaints including, the complainant, subject officer, the allegations, and the dispositions, all of which are prohibited from disclosure by the Attorney General Guidelines and OPRA caselaw.

Therefore, your request for records is denied. Should you have any questions regarding this response please do not hesitate to contact me.