



New Jersey Libertarian Party

P.O. Box 56

Tennent, NJ 07763

Phone: 732-962-NJLP (6557)

www.njlp.org

May 17, 2011

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

RE: Petition for Rulemaking

Dear Attorney General Dow:

Please accept this letter as our Petition for Rulemaking. In accordance with N.J.A.C. § 13:1D-1.2, following are the required elements of the petition.

1. THE FULL NAME AND ADDRESS OF THE PETITIONER.

Name: New Jersey Libertarian Party (NJLP)

Address: Please send all correspondence to NJLP Secretary Emerson Ellett via e-mail to secretary@njlp.org

2. THE SUBSTANCE OR NATURE OF THE RULEMAKING WHICH IS REQUESTED.

A rule restricting the ability of or providing discipline for New Jersey police officers who "cut breaks" to fellow police officers or their family members.

3. THE PROBLEM OR PURPOSE WHICH IS THE SUBJECT OF THE REQUEST.

The problem that the NJLP wants addressed is highlighted by an April 21, 2011 Star Ledger article titled "Judge recommends 7-month suspension for N.J. state trooper caught drinking, driving three times" by Chris Megerian. This article, referring to an

Administrative Law Judge's findings, reports that state trooper Sheila McKaig "was caught drinking and driving three times without receiving a single ticket." According to the report, although municipal police officers in Atlantic County's Hamilton Township suspected McKaig was driving under the influence after each motor vehicle stop, they never tested her blood-alcohol level, arrested her, or issued any tickets.

In his April 25, 2010 article on the same subject, "N.J. police looks the other way after fellow trooper drinks and drives," Megerian quotes John Jay College of Criminal Justice Professor Dennis Kenney as stating that although cutting breaks violates the principle of equally enforcing the law, it's still common. Megerian also quotes John Jay Professor Maki Haberfeld as saying that detailed rules on how police should enforce the law with fellow officers could help break down the "blue wall of silence where police officers cover for each other no matter what." Haberfeld noted that "if there's no strict regulation, it will just continue."

4. THE PETITIONER'S INTEREST IN THE REQUEST, INCLUDING ANY RELEVANT ORGANIZATION AFFILIATION OR ECONOMIC INTEREST.

The NJLP has no "economic interest" in this petition. Rather, our membership is composed of New Jersey citizens from every walk of life who have grown weary of government corruption at every level—from the traffic cop on the beat to the highest positions of power. We hold out hope that the Attorney General will promulgate some rules that genuinely and substantially address the problem of police showing favoritism to fellow officers.

5. THE STATUTORY AUTHORITY UNDER WHICH THE ATTORNEY GENERAL, OR AGENCY WITHIN THE DEPARTMENT OF LAW AND PUBLIC SAFETY WHICH IS PETITIONED, MAY TAKE THE REQUESTED ACTION.

N.J.S.A. 52:17B-97 to 117. O'Shea v. Township of West Milford, 410 N.J.Super. 371 (App. Div. 2009) ("Guidelines, directives, and policies adopted by Attorney General, as chief law enforcement officer of the State, that bind local police departments in the day-to-day administration of the law enforcement process are to be liberally construed.")

6. EXISTING FEDERAL OR STATE STATUTES AND RULES WHICH THE PETITIONER BELIEVES MAY BE PERTINENT TO THE REQUEST.

Petitioner knows of no statute or rules that are pertinent to this request. Indeed, Megerian's April 25, 2010 article quotes Peter Aseltine, a spokesman for the state

Attorney General's Office, as stating that there are no formal rules on how police should enforce the law with fellow officers.

Very truly yours,

A handwritten signature in black ink that reads "R. Jay Edgar". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

R. Jay Edgar
Chairman, New Jersey Libertarian Party
chair@njlp.org

cc. Administrative Practice Officer
Office of the Attorney General
25 W. Market St
PO Box 081
Trenton, NJ 08625-0081

COPY