



## *State of New Jersey*

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*Governor*

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*Attorney General*

### **ATTORNEY GENERAL ADMINISTRATIVE EXECUTIVE DIRECTIVE NO. 2019-8**

**TO:** All Division Directors, Department of Law & Public Safety

**FROM:** Gurbir S. Grewal, Attorney General

**DATE:** December 4, 2019

**SUBJECT: Directive Codifying the Office of Public Integrity & Accountability (OPIA)**

Our public institutions cannot function properly without the trust of the people they serve. Far too often that trust has been violated by officials who have abused their positions and undermined confidence in our system of government.

We cannot restore that trust unless we root out those who engage in misconduct and hold them accountable. At the same time, we must work collaboratively to design policies and protocols that prevent impropriety, combat corruption, and promote good, effective governance.

Last year, I announced the creation of a new unit – the Office of Public Integrity & Accountability (the Office, or OPIA) – to strengthen public confidence in government institutions. The Office was tasked with a dual mission: to investigate violations of public trust and to develop policies that would rebuild faith in both government and our criminal justice system. Given the Office’s success over the past year, I have decided to formally establish OPIA by Attorney General Directive, creating a more defined organizational structure and ensuring the Office’s long-term role within the Department of Law & Public Safety (the Department).

Pursuant to the authority granted to me under the New Jersey Constitution; the Law and Public Safety Act of 1948, N.J.S.A. 52:17B-1, *et seq.*, which provides for general responsibility of the Department’s operations and the supervision of the organization of the Department; and the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97, *et seq.*, which provides for the general supervision of criminal justice by the Attorney General as chief law enforcement officer of the State in order to secure the benefits of a uniform and efficient enforcement of the criminal law and the administration of criminal justice throughout the State, I have determined that the organization described herein is necessary for the efficient and effective operation of



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Department's law enforcement functions and hereby direct all Department personnel to implement and comply with the following directives.

## **I. Office of Public Integrity & Accountability**

- A. ***Establishment.*** There is established in the Department of Law & Public Safety, within the Division of Criminal Justice, an Office of Public Integrity & Accountability (the Office, or OPIA).
- B. ***Leadership of Office.*** The Office shall operate under the supervision of an Executive Director, who shall be appointed by and operate under the authority and direct supervision of the Attorney General. The Executive Director shall be appointed an Assistant Attorney General and shall be authorized to conduct investigations of state criminal law, state administrative procedures, and Departmental rules. The Executive Director shall direct and supervise the work of the Office and its constituent organizational units, and shall devote his, her, or their entire time to the duties of the Office.
- C. ***Organization of Office.*** With the approval of the Attorney General, the Executive Director may organize the work of the Office into any bureaus or other organizational units as may be necessary for the efficient and effective operation of the Office. The Executive Director may delegate to employees in the Office and its constituent organizational units such powers as the Executive Director deems appropriate, to be exercised subject to the supervision and control of the Executive Director. The Attorney General shall assign to the Office such employees of the Department of Law & Public Safety as may be necessary to assist the Executive Director in the performance of his, her, or their duties.
- D. ***Structure of Office.*** In addition to any bureaus or other organizational units established by the Executive Director pursuant to Section II.B of this Directive, the following constituent organizational units are hereby established in the Office, and shall operate under the general direction and supervision of the Executive Director, as illustrated in the Appendix to this Directive.
  1. ***Corruption Bureau.*** There is established a Corruption Bureau, which shall serve as the Department's lead office for the investigation and prosecution of state criminal violations involving corruption and abuses of public trust, including crimes enumerated in N.J.S.A. 2C:43-6.5(b) that carry mandatory periods of parole ineligibility. The Bureau shall be supervised by an Assistant Attorney General or Deputy Attorney General and shall include Deputy Attorneys General and Criminal Investigators.

2. **Integrity Bureau.** There is established an Integrity Bureau, which shall supervise certain matters that relate to maintaining the integrity of the criminal justice system in New Jersey, as described below. The Bureau shall be supervised by an Assistant Attorney General and shall include Deputy Attorneys General and Criminal and Special Investigators. The Bureau shall oversee:
  - a. *Conviction Review Unit.* The Bureau shall supervise the operations of the Conviction Review Unit, which was established by the Attorney General in April 2019 to review claims of actual innocence, investigate those deemed meritorious, and present its findings to the Attorney General for decision and appropriate action.
  - b. *Cold Case Network.* The Bureau shall supervise the operations of the Cold Case Network, which was established by the Attorney General in April 2019 to coordinate a statewide network of regional cold case task forces. The Network will provide resources and expertise to assist law enforcement officers solve old crimes using new technologies.
  - c. *Investigations of Officer-Involved Shootings, Use-of-Force Incidents, and In-Custody Deaths.* The Bureau shall supervise the independent investigation of criminal cases involving police use-of-force or in-custody deaths, as mandated by Attorney General Law Enforcement Directive 2019-4 (the “Independent Prosecutor Directive”). The Bureau shall advise the Executive Director on certain actions required by that Directive, including the selection of the Independent Investigator and the review for conflicts of interest. Where OPIA is the Independent Investigator, the Bureau shall supervise the day-to-day work of the investigation and prosecution.
3. **Special Investigations Bureau.** There is established a Special Investigations Bureau, which shall conduct certain investigations relating to violations of state criminal law and Departmental administrative rules. The Bureau shall be supervised by an Assistant Attorney General or Deputy Attorney General and shall include Deputy Attorneys General and Criminal and Special Investigators. The Bureau shall conduct investigations involving:
  - a. *Criminal Civil Rights Prosecutions.* The Bureau shall serve as the Department’s lead office for the investigation and prosecution of state criminal violations involving civil rights violations, including official misconduct involving excessive use of force by law enforcement, but excluding criminal investigations conducted pursuant to the Independent Investigator Directive.

- b. *Internal Affairs Investigations.* The Bureau shall conduct all internal affairs investigations involving law enforcement personnel employed by the Department. The Bureau shall also conduct other sensitive investigations as assigned by the Attorney General, including internal affairs investigations relating to the conduct of County Prosecutors. The Bureau may also conduct internal affairs investigations referred to the Department. The handling of such matters will be governed by the Attorney General's *Internal Affairs Policy & Procedures*. See Attorney General Law Enforcement Directive 2019-5 (the "Internal Affairs Directive").
4. **Office of Policing Policy.** There is established an Office of Policing Policy (OPP), which shall oversee the development of statewide and Department-wide policies designed to strengthen confidence in the criminal justice system. OPP shall be organized to address three policy goals:
  - a. *Data collection & analysis.* The Bureau shall oversee Department efforts to improve the collection and analysis of data that relates to law enforcement operations in New Jersey. Among other tasks, the Bureau shall supervise the development and operation of an online portal designed to facilitate the statewide collection and analysis of law enforcement use-of-force data.
  - b. *Policy development.* The Bureau shall oversee the development and drafting of policies, procedures, and standards, including Attorney General Directives, relating to the mission of the Office, including the initiatives described in this Directive.
  - c. *Training for law enforcement personnel.* The Bureau shall oversee efforts to develop enhanced policies, procedures, and standards governing the training of law enforcement officers in New Jersey. Among other tasks, the Bureau shall coordinate with the Police Training Commission and assist the Commission in the development of new statewide training requirements.

E. ***Coordination with the Office of Law Enforcement Professional Standards.*** The Executive Director shall also ensure that OPIA coordinates its responsibilities with the Office of Law Enforcement Professional Standards (OLEPS), established pursuant to the Law Enforcement Professional Standards Act of 2009. N.J.S.A. 52:17B-222, *et seq.* Executive Director shall work closely with the OLEPS Director to develop standards, policies, and best practices that promote professionalism in the law enforcement community. The Attorney General may assign to OPIA such employees of OLEPS as may be necessary to assist the Executive Director in completing projects that further the statutory mission of OLEPS.

F. ***Access to Departmental Resources.*** The Office shall be authorized to call upon the expertise and assistance of every division, agency, office, bureau, and unit within the Department of Law & Public Safety, and the County Prosecutors' Offices, in order to carry out its mission. Such entities are hereby required, to the extent not inconsistent with law, to cooperate with the Office and to provide such assistance as the Office may require to accomplish the purposes of this Directive.

**II. Other Provisions**

- A. ***Non-enforceability by third parties.*** This Directive is issued pursuant to the Attorney General's supervisory authority over the Department of Law & Public Safety and the statutory authority to ensure the uniform and efficient enforcement of the laws and administration of criminal justice throughout the State. Nothing in this Directive shall be construed in any way to create any substantive right that may be enforced by any third party.
- B. ***Severability.*** The provisions of this Directive shall be severable. If any phrase, clause, sentence or provision of this Directive is declared by a court of competent jurisdiction to be invalid, the validity of the remainder of the Directive shall not be affected.
- C. ***Questions.*** Any questions concerning the interpretation or implementation of this Directive shall be addressed to the Director of the OPIA, or his, her, or their designee.
- D. ***Effective date.*** This Directive shall take effect immediately. The provisions of this Directive shall remain in force and effect unless and until it is repealed, amended, or superseded by Order of the Attorney General.



Gurbir S. Grewal  
Attorney General

ATTEST:



Jennifer Davenport  
First Assistant Attorney General  
Dated: December 4, 2019

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**Appendix**

**Office of Public Integrity & Accountability  
Organizational Chart**

