OFFICE OF GOVERNMENT INTEGRITY

WHEREAS, the Attorney General and employees of the Department of Law and Public Safety are committed to ensuring that the people of the State of New Jersey are served by a government that operates in accordance with the highest standards of integrity, efficiency, impartiality and accountability;

WHEREAS, the Attorney General, as a constitutional officer charged with the responsibility of enforcing the provisions of the Constitution and the statutory and common law of the State, possesses both the independence and authority to take appropriate steps to promote the fair and equal treatment of all citizens under the law and to combat corruption by public officials and employees at all levels of government;

WHEREAS, the Attorney General, as legal counsel to all instrumentalities of State government and chief law enforcement officer of the State who bears ultimate responsibility in all matters related to the enforcement of the State's criminal laws, with the responsibility for coordinating all of the law enforcement activities of the Department of Law and Public Safety pursuant to N.J.S.A. 52:17B-2 and the authority to maintain a general supervision over the county prosecutors pursuant to the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq., is empowered to establish procedures and implement administrative strategies to enhance and assure integrity in the performance of government functions;

WHEREAS, toward that end, the Attorney General established the Office of the Inspector General in the Department of Law and Public Safety to provide a mechanism with access, resources, expertise and authority to investigate and remediate misconduct related to governmental programs and projects, and allocated to that Office the Unit of Fiscal Integrity in School Construction created pursuant to P.L.2000, c.72 to investigate, examine, and inspect activities related to the Educational Facilities Construction and Financing Act;

WHEREAS, in light of the resources situated within the Department of Law and Public Safety that are currently utilized to perform functions that enhance government integrity, it is prudent to establish a more integrated, cohesive and centralized system, under the auspices of the Attorney General, to further assure and promote probity in official actions performed by employees in the Department of Law and Public Safety and of County Prosecutors throughout the State, and by elected and appointed public officials at all levels of government;

WHEREAS, the creation of an Office of Government Integrity, drawing upon the authority, responsibilities, resources, expertise, and independence of the Attorney General and the Department of Law and Public Safety, will serve the public interest by promoting enhanced oversight and coordination of investigation and resolution of allegations of misconduct involving law enforcement personnel employed by the Department of Law and Public Safety and the County Prosecutors, elected or appointed public officials at all levels of government, and other public employees, by establishing stringent investigation monitoring standards and procedures, and by performing investigations and operations audits to assure that matters of importance to the citizens of New Jersey are conducted with the highest standards of professional conduct; and

WHEREAS, the coordination and centralization of the Attorney General's authority, powers, and resources by means of the establishment of an Office of Government Integrity will ultimately promote and justify public confidence in the integrity, fairness and efficacy of the performance of governmental functions, including certain investigations of the conduct of law enforcement personnel and elected or appointed public officials based on complaints made by private citizens.

NOW, THEREFORE, I, David Samson, Attorney General of the State of New Jersey, do hereby ORDER and DIRECT the following:

1. Establishment of the Office of Government Integrity. There is created in the Department of Law and
Public Safety an Office of Government Integrity, which shall have broad authority to perform certain administrative, investigative and prosecutorial functions on behalf of the Attorney General, and to examine such functions and make appropriate recommendations thereupon, to assure and maintain the integrity of the conduct of State and county law enforcement activities and personnel in the Department of Law and Public Safety and throughout New Jersey.

2. Authority of the Office of Government Integrity. In carrying out its duties and responsibilities, the Office of Government Integrity and its constituent organizational units shall exercise the Attorney General's constitutional, statutory and common law authority to act in the public interest, and shall have the authority to attend generally to legal matters in which the State or any of its officers or instrumentalities has an interest, to execute the Attorney General's powers under the Law and Public Safety Act of 1948, N.J.S.A. 52:17B-1 et seq., and to prosecute criminal matters of the State pursuant to the Attorney General's authority under the Criminal Justice Act of 1970, N.J.S.A. 52:17B-97 et seq.

3. The Director of the Office of Government Integrity. The Attorney General shall appoint an individual qualified by education, experience, or professional background in the fields of law, investigation and criminal practice to serve as Director of the Office of Government Integrity. The Director of the Office of Government Integrity shall be appointed an Assistant Attorney General and shall operate under the authority and direct supervision of the Attorney General and serve at the pleasure of the Attorney General. The Director shall direct and supervise the work of the Office of Government Integrity and its constituent organizational units, and shall devote his entire time to the duties of the Office.

4. Organization of the Office of Government Integrity. Subject to the express requirements of this Directive, the Director of the Office of Government Integrity may, with the approval of the Attorney General, organize the work of the Office into such bureaus and other organizational units as may be necessary for the efficient and effective operation of the Office. The Director may delegate to employees in the Office and its constituent organizational units such powers as the Director deems appropriate, to be exercised subject to the supervision and control of the Director. Consistent with the provisions of section 8 of this Directive, the Attorney General shall assign to the Office of Government Integrity such employees of the Department of Law and Public Safety as may be necessary to assist the Director in the performance of his duties. Any such assignments to or from the Office Government Integrity shall be made solely in the discretion of the Attorney General.

5. Structure of the Office of Government Integrity. In addition to any bureaus or other organizational units established by the Director pursuant to section 4 of this Directive, the following constituent organizational units are hereby established in or allocated to the Office of Government Integrity, and shall operate under the general direction and supervision of the Director of the Office of Government Integrity.

(a) Establishment of a Professional Responsibility Unit. There is established a Professional Responsibility Unit, which shall be a constituent organizational unit allocated within the Office of Government Integrity, and which shall exercise the duties, responsibilities and functions set forth in subsection (a) of section 6 of this Directive.

(b) Establishment of a Public Corruption Unit. There is established a Public Corruption Unit, which shall be a constituent organizational unit allocated within the Office of Government Integrity, and which shall exercise the duties, responsibilities and functions set forth in subsection (b) of section 6 of this Directive.

(c) Discontinuation of the Office of Inspector General and Allocation of the Unit of Fiscal Integrity in School Construction. To the extent inconsistent with the provisions of this Directive, Attorney General Administrative Executive Directive 2001-1 (Farmer) is hereby superseded by this Directive. The Office of the Inspector General established by Administrative Executive Directive 2001-1 shall be dissolved, and all of the duties, responsibilities and functions of the Office of the Inspector General set forth in Section III of Attorney General Administrative Directive 2001-1 shall be exercised by or through the Office of
Government Integrity established under this Directive. The Unit of Fiscal Integrity in School Construction established pursuant to the Educational Facilities Construction and Financing Act, P.L.2000, c. 72, and the powers and duties of that Unit shall be allocated to the Office of Government Integrity and shall function under the general supervision of that Office.

6. Specific Functions of Constituent Organizational Units of the Office of Government Integrity. The Office of Government Integrity and its constituent organizational units shall perform such general and specific duties and functions as are set forth in this Directive, and as may otherwise be established or assigned by the Attorney General.

(a) In addition to the general duties and responsibilities described in this Directive, the Professional Responsibility Unit shall have specific authority and responsibility to perform the following functions:

1. The Professional Responsibility Unit shall prescribe and oversee the implementation of a system for the intake, screening, referral and monitoring of complaints alleging misconduct or unconstitutional conduct by law enforcement or professional personnel employed by the Department of Law and Public Safety or by law enforcement personnel employed by any of the twenty-one County Prosecutors' Offices in this State. The Professional Responsibility Unit shall develop and apply complaint review and referral protocols which set forth specific criteria governing the referral of complaints for handling by an appropriate internal affairs entity or directly by the Professional Responsibility Unit, which protocols shall include safeguards to eliminate any conflict of interest or the appearance of any conflict of interest and provide adequate assurance that the integrity of the handling of the matter will not be compromised. To ensure that complaints are investigated and resolved expeditiously, objectively and fairly, the Professional Responsibility Unit shall be authorized to monitor compliance by the Department of Law and Public Safety and the County Prosecutors with the Attorney General's "Internal Affairs Policy and Procedures Manual" promulgated pursuant to N.J.S.A. 40A:14-181, and may exercise supervision over or supersede in the handling of a complaint in accordance with the established protocols or at the direction of the Attorney General.

2. The Professional Responsibility Unit shall have the authority to conduct operations audits of internal affairs operations of the Department of Law and Public Safety and the County Prosecutors' Offices and related matters involving allegations of misconduct, as necessary and appropriate, and shall identify systemic problems affecting the quality, timeliness or integrity of misconduct investigations and any other matters that may affect the integrity of law enforcement agency operations and public confidence in the law enforcement and prosecution function. The Professional Responsibility Unit shall, through the Office of Government Integrity, make recommendations for appropriate actions by the Attorney General to remedy any identified problems, including recommendations for amendments to the Attorney General's "Internal Affairs Policy and Procedures Manual" and any related guidelines adopted by law enforcement agencies as required by N.J.S.A. 40A:14-181.

3. The Professional Responsibility Unit shall review policies and substantive and procedural standards for the conduct of misconduct investigations and other internal affairs matters by all agencies and personnel in the Department of Law and Public Safety, including but not limited to the Division of State Police, the Division of Criminal Justice, the Division of Gaming Enforcement, the Office of Counter-Terrorism, and the Juvenile Justice Commission, as well as the County Prosecutors' Offices, and make any recommendations as may be appropriate.

4. The Professional Responsibility Unit shall establish protocols for periodic financial audits of accounts containing seized and forfeited property subject to the provisions of Title 2C of the New Jersey Code which are maintained by or on behalf of the Offices of County Prosecutors or the Division of Criminal Justice and any accounts of a confidential nature used by County Prosecutors or the Division of Criminal Justice for the purchase of evidence, witness expenses and relocation, which audits shall be conducted in accordance with schedules, procedures and standards set forth in the protocols.
(b) In addition to the general duties and responsibilities described in this Directive, the Public Corruption Unit shall have authority and responsibility to investigate and, as directed by the Attorney General, prosecute allegations of criminal misconduct which implicate the integrity, fairness or efficacy of governmental functions, including allegations of misconduct by law enforcement officers, elected and appointed public officials at all levels of government, and by other public employees. Attorneys in this unit shall be made available as a source of advice and expertise to other investigators and prosecutors.

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

8. Authorization to Conduct and Refer Criminal Investigations. The Attorney General and the Office of Government Integrity will, in the normal course, refer allegations of criminal misconduct to the Division of Criminal Justice for investigation by the Division of Criminal Justice and/or the Division of State Police as appropriate. Nonetheless, the Attorney General may, with respect to specific criminal allegations or complaints, direct any particular matter to the Office of Government Integrity for criminal investigation or disposition. To that end, the Attorney General may assign to the Office of Government Integrity assistant, deputy and assistant deputy attorneys general of the Division of Criminal Justice and State investigators, who are authorized pursuant to N.J.S.A. 52:17B-100.1 and -101 to enforce and prosecute the criminal business of the State. The Attorney General may also authorize additional Office of Government Integrity staff to be sworn in as special deputy attorneys general or special state investigators of the Division of Criminal Justice for handling specific criminal investigations. Office of Government Integrity personnel so authorized by the Attorney General to enforce and prosecute the criminal business of the State pursuant to the Criminal Justice Act of 1970, as amended, shall follow Division of Criminal Justice procedures regarding, inter alia, the empaneling of state grand juries, access to grand jury time and subpoenas, and the conduct of grand jury investigations. Any proposed indictments sought or authorized by Office of Government Integrity personnel are subject to the approval of the Director of the Division of Criminal Justice and the Director of the Office of Government Integrity, in consultation with the Attorney General. Records with respect to the authorization of Office of Government Integrity personnel to conduct criminal investigations and prosecutions shall be maintained by the Office of Government Integrity, the head of the State Grand Jury Unit, and the Director of the Division of Criminal Justice. Grand jury material may only be shared with the Director of the Office of Government Integrity and authorized Office of Government Integrity assistant and deputy attorneys general and state investigators. The Office of Government Integrity shall also adhere to the standard guidelines and procedures of the Division of Criminal Justice to guarantee the secrecy of grand jury information, to prohibit unauthorized access to grand jury information, and to avoid taint of any civil investigation or review by the Office of Government Integrity.

9. Annual Reports. In each calendar year, the Office of Government Integrity shall provide to the Attorney General a report as to the activities of the Office and its constituent organizational units.

10. Continuation of Existing Policies and Directives and Repealer of Inconsistent Provision; Effect on Consent Decree and Existing Contracts. All Attorney General directives, orders, policies and opinions inconsistent with the provisions of this Directive are hereby superseded to the extent of such inconsistencies, but shall otherwise remain in full force and effect. Nothing in this Directive shall be construed in any way to conflict with any requirement or task established pursuant to the Consent Decree entered into between the State of New Jersey and the United States Department of Justice in Civil No. 99-5970 (MLC), and the Office of State Police Affairs established pursuant to ¶ 110 of the Consent Decree shall continue to exercise all of the duties, functions and responsibilities set forth in the Consent Decree.
The provisions of this Directive are intended to be consistent with the provisions of applicable collective bargaining agreements. In the event that any provision of this Directive conflicts with an applicable collective bargaining agreement, the collective bargaining agreement will be deemed to supersede the conflicting provision of this Directive.

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DAVID SAMSON
ATTORNEY GENERAL

Attest:

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Barbara S. Hutcheon
Assistant Attorney General