

CONFIDENTIAL INVESTIGATIONS UNIT ANNUAL REPORT-2022

Preamble

The Confidential Investigations Unit (“the Unit”) of the Bergen County Prosecutor’s Office was initially established in 1998. Since its inception, the Unit has undergone changes both in staffing and philosophy. Currently, the Unit is staffed by one Chief Assistant Prosecutor, one Lieutenant, two Sergeants, three Detectives, and one Legal Secretary.

Under the direct command of the Prosecutor, established standards and practices allow a municipal police agency to seek guidance, supervision and support from the Unit so that the individual department can effectively police and discipline its own. This policy was developed for the express purpose of instilling in the citizenry a confidence that their local police agencies had the ability to act upon a complaint and that intervention from an outside agency was not needed to ensure that a fair result was ultimately achieved. This is a significant departure from a prior philosophy of involving the Prosecutor’s Office in the investigation of matters that were purely administrative in nature.

The primary functions of the Confidential Investigations Unit are set forth as follows:

1. Confidential Investigations
2. Background Investigations
3. Citizen Complaints
4. Law Enforcement Executive Investigations

Additionally, the Unit has expanded the scope of its responsibility to include the investigation and prosecution of matters concerning government and public office integrity.

Confidential Investigations

Law enforcement personnel from the Unit are used when an allegation is received either via notification from a municipal police agency, citizen complaint or other outside source, that a police officer or other public official may be involved in criminal activity. Depending upon the nature of the allegation, the Unit will generally work in conjunction with the local agency to investigate the matter. This is done pursuant to Attorney General’s Guidelines that mandate police departments notify the County Prosecutor of criminal investigations of law enforcement personnel. In other instances, members of the Unit will work alone when the Prosecutor’s Office is the recipient of the allegation of wrongdoing, or if involvement of the outside agency would impede or jeopardize the integrity of the investigation.

During the course of calendar year 2022, the Unit provided guidance, supervision and support to numerous municipal police agencies and conducted the Unit’s own confidential investigations totaling **13 cases**. There are direct results from the assistance provided by the Unit and from the Unit’s own confidential investigations, but there are also indirect results such as the deterrent effect that an effective investigation may have on those persons who may be tempted to engage in wrongdoing.

Pursuant to the revised Attorney General's Internal Affairs Policy and Procedures, the Unit assumed the responsibility for investigations regarding all complaints made against law enforcement executives and commanders of local internal affairs units. During 2022, **6 of the 13 investigations** conducted by the Unit involved law enforcement executives and/or internal affairs commanders.

In addition, personnel assigned to the Unit who completed Internal Affairs training mandated by the Attorney General's Guidelines continued to provide training for all other internal affairs investigators in Bergen County. The training is held at the Bergen County Law & Public Safety Institute using the course syllabus from the Attorney General's Office and content drawn from the Attorney General's Guidelines.

Background Investigations

Individuals who seek employment in the Bergen County Prosecutor's Office must be effectively screened to ensure their integrity. Accordingly, each applicant for a position with the Office undergoes an extensive investigation of family background, financial dealings, educational and employment history as well as a criminal background check. Persons having knowledge of the character of the applicant provide information to the investigators. Each person is also drug screened.

Each investigation takes approximately one month to complete. In calendar year 2022, the Unit conducted **57** background investigations. At the conclusion of the investigation, the ranking law enforcement officer in the Unit must sign off and make a recommendation as to the applicant's suitability for employment. The process is then repeated by the Unit's Chief Assistant Prosecutor, the Captain, the Chief of Detectives, the First Assistant Prosecutor, and ultimately, the Prosecutor.

Citizen Complaints

Perhaps the most time consuming, yet important, function of the Unit is the screening and investigation of complaints received from citizens concerning police or other government and public officials. The Office is judged by the citizenry based upon the professionalism exhibited by our detectives, regardless of the merit of the complaint investigated. Detectives involved in such investigations must simultaneously pursue and balance different goals: to represent the Office to the citizen in a manner that instills confidence, yet at all times act in a detached, neutral, and impartial manner to the individual who is the subject of the complaint.

During calendar year 2022, the Unit received and formally responded to **370** citizen complaints. The dispositions of these complaints ranged from formal investigations conducted with sustained findings to matters that were investigated but determined to be unfounded. The majority of the complaints were referred to the municipality of origin to give the local police agency the opportunity to investigate and, where appropriate, discipline their own officers, thereby instilling in the citizenry a sense of confidence in their police departments.