

News



New Jersey
Office of the Attorney General

NEW JERSEY DEPARTMENT OF LAW & PUBLIC SAFETY

AG GREWAL ANNOUNCES CREATION OF STATEWIDE CONVICTION REVIEW UNIT AND STATEWIDE COLD CASE NETWORK

*Hon. Carolyn Murray Steps Down from Bench to Direct One of Nation's First Statewide
Conviction Review Units*

TRENTON – Attorney General Gurbir S. Grewal today announced that the Attorney General's Office is simultaneously launching two statewide initiatives to promote public safety and strengthen the public's confidence in the criminal justice system: a statewide Conviction Review Unit (CRU) and a statewide Cold Case Network (CCN).

The CRU, which will be partially funded with a U.S. Department of Justice grant, is the first statewide conviction review unit in the nation to be based in an Attorney General's Office. The new unit will review claims of actual innocence, investigate those deemed meritorious, and present its findings to the Attorney General for decision and appropriate action. In addition, Attorney General Grewal announced that the Honorable Carolyn Murray, Superior Court Judge in Essex County, has stepped down from her judicial position to assume responsibility as the first Director of the CRU. The unit will be housed within the Attorney General's Office of Public Integrity & Accountability (OPIA).

The CCN will involve a statewide network of regional cold case task forces, which will pool personnel, expertise, technology, and resources to solve cold cases. The regional task forces will be modeled on the "North Jersey Regional Cold Case Task Force," a collaboration announced last week involving the Bergen, Essex, and Passaic County Prosecutor's Offices, and will receive additional resources and support from the Attorney General's Office and New Jersey State Police.

The creation of these two initiatives marks the culmination of a working group convened by Attorney General Grewal last year. In spring 2018, Attorney General Grewal asked Virginia Long, former Associate Justice of the New Jersey Supreme Court, and Paul Fishman, former U.S. Attorney for the District of New Jersey, to lead a working group to study whether the Attorney General's Office should create statewide conviction review and cold case units, and to make detailed recommendations about the scope of work, structure, and staffing of such units. In February 2019, the working group delivered its report to the Attorney General, who has largely accepted the recommendations therein.

“Today’s dual announcements are based on a simple premise: that those who are innocent should not remain in prison, and those who are guilty should not remain on the streets,” said **Attorney General Grewal**. “These two statewide initiatives will ensure that those who break the law are held accountable, no matter how long ago the crime occurred, and provide further proof that you can promote public safety while also strengthening the public’s confidence in the criminal justice system. I thank Justice Long, former U.S. Attorney Fishman, and the first-rate team they assembled for their thoughtful recommendations.”

“We look forward to Judge Murray’s service as the first director of our new statewide Conviction Review Unit,” continued **Attorney General Grewal**. “She recognizes that our greatest obligation is to ensure that justice is done in each and every case, and she will bring her integrity and intellectual rigor to each case the new unit handles.”

“Our statewide Conviction Review Unit will diligently investigate meritorious claims of actual innocence, bringing fresh eyes to each case and a commitment to single-mindedly seek the truth,” said **OPIA Director Thomas J. Eicher**. “It is vital that the public have confidence in the work that we do in law enforcement, and the initiatives that we are announcing today clearly demonstrate that our mission is not to rack up convictions, but to pursue justice in each and every case.”

“I thank the Attorney General for the opportunity to co-chair this working group with my old friend Paul Fishman,” said **Justice Long**. “This was essentially a labor of love for all involved and it is a tribute to the Attorney General’s vision of a just society that he created the working group and gave it a free hand in its deliberations. The model that we recommended is an amalgam of the best features culled from the operations of our sister jurisdictions and other innocence organizations. But this is not the last word on the subject. The CRU will be a work in progress subject to modifications as its experience deepens.”

“The United States has the best system of justice in the world, and I have enormous admiration for the dedicated men and women who work to get it right every day. But the system has never been perfect, and there is always room for improvement,” said **Paul Fishman, former U.S. Attorney for the District of New Jersey**. “Today, Attorney General Grewal has reaffirmed that New Jersey will continue to be a leader in the never-ending quest for fairness in our criminal justice system. I thank him for his vision and commitment, and I am grateful for the opportunity to lead the task force with my good friend Justice Long.”

“I am deeply honored to have been chosen by the Attorney General to lead the Conviction Review Unit, which is unprecedented in New Jersey and unique in the nation in terms of its statewide scope and its authority and independence as a unit of the AG’s Office,” said **CRU Director Carolyn Murray**. “This is an extraordinary opportunity to advance the cause of justice for all and to have a lasting impact on our criminal justice system. The diverse and dedicated working group led by Justice Long and former U.S. Attorney Fishman has charted a strong course for us, and I look forward to working with

all stakeholders to fulfill our mission in the Conviction Review Unit, while developing a robust statewide Cold Case Network.”

“The County Prosecutors’ Association of New Jersey (CPANJ) fully supports the Attorney General’s announcement of the creation of the statewide Conviction Review Unit (CRU) and Cold Case Network (CCN),” said **Sussex County Prosecutor Francis Koch, President of the CPANJ**. “While the CPANJ has full confidence in the work of law enforcement officers across the state and the Prosecutors’ Offices handling criminal cases, we have absolutely no tolerance for an innocent person being incarcerated and a guilty person not being held accountable for their actions. The CPANJ is also very familiar with the Honorable Carolyn Murray and have full confidence in her abilities to oversee this important initiative. With respect to the CCN, this announcement was aptly made during National Crime Victims’ Rights Week, as we have a duty to see that all victims have true closure to their cases. We look forward, as always, to collaboratively working with the Attorney General’s Office in this endeavor.”

Attorney General Grewal made the announcement during National Crime Victims’ Rights Week. He noted that the two initiatives, by seeking justice in every case, will serve a common purpose of ensuring that crime victims and survivors receive the answers and closure they require and deserve.

“Crime victims are in our hearts and minds every day, but especially now as we honor them during National Crime Victims’ Rights Week,” said **Attorney General Grewal**.

Statewide Conviction Review Unit

The Long-Fishman working group recommended that the CRU be an independent unit within the Office of the Attorney General, with statewide jurisdiction to ensure consistent and objective reviews of wrongful conviction claims. To ensure its independence, the CRU will be housed within OPIA and will operate separate and apart from the Division of Criminal Justice as well as the County Prosecutors’ Offices that prosecuted the cases subject to review.

The CRU’s jurisdiction will be limited to claims of actual innocence, as opposed to claims of wrongful conviction that are procedural in nature, such as errors at trial unrelated to innocence. The CRU will only accept claims of innocence once the petitioner has exhausted all appeals and post-conviction petitions. This will allow the CRU to focus on claims of wrongful conviction by those for whom the CRU is the only remaining avenue of redress. In addition, as recommended, the CRU will prioritize the review of those who are still in custody.

The Attorney General’s Office has been awarded a \$243,000 grant from the U.S. Department of Justice to partially fund the CRU.

The CRU will accept claims of wrongful conviction from a wide variety of sources, including prosecutors, defense attorneys, judges, law enforcement, innocence organizations, defendants, defendants' families, the media, and others. Due to the anticipated volume of claims and importance of thoroughly reviewing each petition, the CRU will work with law schools and innocence groups for assistance with intake and screening. It will partner with Centurion, a nonprofit innocence organization, for assistance in intake and screening, as well as training and policy development.

To ensure every claim of innocence receives proper consideration, there will be a standard, readily available intake form, along with a tracking system that allows for prioritizing claims and notifying petitioners and victims of the status of claims during the review process:

- A claim of innocence will trigger an initial review. If it is determined by the CRU that the claim is plausible, it will trigger a complete and thorough investigation.
- A complete investigation will, at a minimum, involve an examination of all investigative and prosecutorial files (including attorney work-product) as well as all materials available from defense counsel. When appropriate, it will also include fresh investigation involving scientific testing, interviews of witnesses, and consideration of any available evidence.
- The CRU will seek input from the victim or victim's surviving family, which will be taken into account prior to any final decision.
- The CRU will present the findings of its investigations to the Attorney General for a final decision and appropriate action.

As recommended in the report, the Attorney General will establish an advisory group of experienced academics, practitioners, and innocence experts to evaluate the CRU's policies and procedures and provide recommendations going forward. This advisory group will also update the CRU on nationwide developments and best practices in the area of wrongful convictions. As part of its mandate, the CRU will seek to identify trends that give rise to wrongful convictions. By identifying problems and seeking to correct them, the CRU will help law enforcement improve current practices and increase the likelihood of successful prosecutions in the future.

Statewide Cold Case Network

Through the CCN, the Attorney General's Office will assist in developing a statewide network of regional cold case task forces, similar to the North Jersey Regional Task Force announced last week. The regional cold case task forces will operate independently, but with support and resources from OPIA and the New Jersey State Police.

In addition to her responsibilities as Director of the CRU, Judge Murray will play a leading role in coordinating the CCN. The task forces will share personnel, expertise and investigative resources and will focus on solving old crimes using new technologies. Among other responsibilities, the CCN will re-investigate the underlying criminal case in any matter where the CRU concludes that a previously convicted defendant was in fact innocent.

Former Judge Carolyn Murray

Former Judge Murray began her career with the law firm of Tompkins, McGuire & Wachenfeld in Newark in 1987. The following year, she joined the Essex County Prosecutor's Office. During the next seven years in Essex County, Murray tried criminal cases in the Superior Court of New Jersey, including homicide, sexual assault, child abuse, domestic violence and aggravated assault cases. In 1995, she joined the U.S. Attorney's Office for the District of New Jersey, where she continued to try criminal cases, conducted narcotics wiretap investigations, coordinated multi-agency enforcement initiatives, and served as Violent Crime Coordinator. In 2002, she was named Chief of the Public Protection Unit.

Judge Murray returned to the Essex County Prosecutor's Office in 2003 as Counsel to the Acting Prosecutor. She became First Assistant Prosecutor in 2004. As First Assistant Prosecutor, Murray was directly responsible to the Essex County Prosecutor for the administration of a staff of approximately 140 Assistant Prosecutors, 150 detectives, and 120 support staff. She supervised the investigation, charging, and prosecution of more than 10,000 criminal felony, juvenile, and remanded misdemeanor cases per year. In 2010, Murray became Counsel to the New Jersey Attorney General. She returned to the Essex County Prosecutor's Office in 2011 as Acting Essex County Prosecutor, serving in that position until she was nominated and confirmed as a Superior Court Judge in 2017.

A cum laude graduate of Georgetown University, Judge Murray received her law degree from New York University School of Law.

The report from Justice Long and former U.S. Attorney Fishman is posted with this press release at www.njpublicsafety.com.

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