



How New Jersey Ensures Independent Investigations of Officer-Involved Shootings

New Jersey has one of the country's farthest-reaching policies for responding to and investigating officer-involved shootings. In 2015, the New Jersey Attorney General issued the "**Independent Prosecutor Directive**," establishing a process to ensure that officer-involved shootings be investigated fully, fairly, and independently of any potential bias. The Directive applies to any discharge of a firearm by a law enforcement officer in the course of his or her duties, regardless of whether the shooting resulted in death.

The Directive was drafted in close consultation with both law enforcement organizations and civil rights groups, including the NAACP, the Latino Leadership Alliance, and the New Jersey Institute for Social Justice, and is rooted in three principles: independence, transparency, and accountability.

Ensuring Independence

- Under the Independent Prosecutor Directive, all officer-involved shootings in New Jersey are investigated by a team of prosecutors and law enforcement professionals that is completely independent of the agencies that employ any of the officers involved in the shooting.
- The team of independent investigators takes additional steps to ensure that there are no conflicts of interest between them and the officers they are investigating. For example, within 72 hours of the shooting, the investigative team must conduct a "conflicts check," where they examine whether they have any personal or professional relationships with those under investigation and then report the results to the Attorney General's Office to determine whether recusal is required.

Ensuring Transparency

- After an officer-involved shooting, it is crucial that interested members of the community be able to receive accurate information about the incident. Oftentimes, this involves reviewing footage captured by an officer's body-worn or dashboard video camera. The Attorney General *requires* that, if a member of the public or news media formally requests such footage, the law enforcement agency should release it as soon as possible after completing the initial round of witness interviews – usually, about twenty days after the shootings.

Ensuring Accountability

- One of the most difficult decisions prosecutors must make when investigating an officer-involved shooting is whether to present the case to a grand jury for indictment. By presenting the case, prosecutors allow a panel of 16 to 23 civilians to decide whether to issue criminal charges against the officers involved. Under the Independent Prosecutor Directive, the prosecutor is *required* to present such cases to the grand jury, except in situations where the Attorney General's Office has reviewed the matter and determined that the undisputed facts indicate that the use of force was legally justified.
- At the end of the investigation, the independent prosecutors must release public information about the shooting – either in the form of a criminal indictment against those involved or a public statement explaining why criminal charges were not warranted.