

Fatal police shooting investigations to be covered by AG, not local prosecutors

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A new law that shifts investigations into fatal police-involved shootings from local prosecutors to the state Attorney General's Office is being lauded by advocacy groups looking for transparency, while the state's top law-enforcement official has been vocally opposed to the measure.

Advocates say the law is the first step in improving the relationship between police and the residents they serve after high-profile police shooting investigations sparked criticism about conflicts of interest.

However, Attorney General Gurbir Grewal has said it will create a risk of slower investigations and may send a message that county prosecutors cannot be trusted to handle these types of cases impartially.

Atlantic County Prosecutor Damon G. Tyner said in a statement he was opposed to the law, adding he believes county prosecutor's offices are in the best position to respond to and investigate officer-involved shootings.

"However, now that the Legislature has acted and Gov. Murphy has signed the bill into law, we will certainly comply with it and assist the Office of the Attorney General in any way possible to ensure that the integrity of the investigations of officer-involved shootings is maintained," he said.

The Cape May County Prosecutor's Office did not respond to a request for comment. Cumberland County Prosecutor Jennifer Webb-McRae declined to comment.

The Attorney General's Office did not respond to a request for comment after the bill was signed into law.

The decision to appoint an independent agency to handle investigations of fatal police-involved shootings is not uncommon in the U.S., experts say, and helps bolster trust in the criminal justice system.

Gov. Phil Murphy said the bill "will be an important step in improving police-community relations in New Jersey."

Grewal voiced his concerns about the proposed bill last month in Bridgeton during a public forum on police use of force.

"That is a bill, that, in my estimation, upends a system that delivers everything the bill promises and more," Grewal said. "The current system that we have in place now assures that, if there's an officer-involved shooting, whether it's fatal or non-fatal, that the county prosecutor responds."

Grewal argued that the first few hours after a fatal incident are critical, and that a state response could take hours while evidence, witnesses and video disappears.

Previously, the department whose officer was involved in the death would be shut out of the investigation, turning it over to the county prosecutor, who would check to make sure there are no conflicts of interest.

If there was a conflict, the prosecutor was mandated to report it to the state Division of Criminal Justice, which could reassign the case to a neighboring county prosecutor or to the state.

J.C. Lore, a clinical professor of law at Rutgers Law School in Camden, said requiring the potential party to have the conflict to self-report the conflict could have the appearance of impropriety, and it's the perception that counts.

“The most important reason to do it is to avoid the appearance of a conflict of interest,” Lore said. “When you have a somewhat independent body reviewing that incident, it gives the community more trust in our criminal justice system.”

Lore said avoiding conflicts of interest gives credibility to the investigation and increases community trust.

“If there is a downside, the local police and the local prosecutors do have more intimate knowledge of what's going on in that locality, which could aid in the initial speed of the investigation, but long-term I don't think it's worth it because of the appearance of a conflict,” Lore said.

Richard Smith, president of the State Conference of the NAACP, said the organization has been pushing for the bill to become law for half a decade.

“It's important because hopefully it will restore trust to the community,” Smith said. “At the end of the day — and this is not a knock on law enforcement — but we have an issue when it comes to police and community relations.”

The new law would have only governed 14 cases last year, Murphy said in a statement.

There have been several fatal police-involved shootings in The Press of Atlantic City's coverage area in the past year.

In June, Timothy Deal, 32, was fatally shot by Atlantic City police after lunging at an officer with a knife. Atlantic County Prosecutor Damon G. Tyner ruled it a justified use of force.

In July, Rashaun Washington, 37, of Camden, was fatally shot by Vineland police after he threatened to trigger an explosive device that would kill himself and several officers. The status of that investigation was unclear Tuesday night.

In November, Jacob Servais, 19, of Millville, was fatally shot by a Cape May County prosecutor's detective in Vineland during an investigation into a violent crime. The Attorney General's Office is investigating.