

ASSEMBLY, No. 3650

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblywoman BRITNEE N. TIMBERLAKE

District 34 (Essex and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Co-Sponsored by:

Assemblymen Danielsen and Holley

SYNOPSIS

Codifies AG directive concerning criminal investigations of law enforcement use-of-force and in-custody deaths.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2020)

1 **AN ACT** concerning certain investigations and supplementing Title
2 40A of the New Jersey Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Director” means the Director of the Office of Public Integrity
10 and Accountability.

11 “Independent investigator” means the law enforcement entity
12 tasked with primary responsibility for investigating a law
13 enforcement incident and, if appropriate, determining whether to
14 present a proposed indictment regarding the principal for the
15 principal’s role in a law enforcement incident.

16 “Independent supervisory reviewer” means the official tasked
17 with reviewing the factual findings, legal analysis, and charging
18 recommendations prepared by the independent investigator at the
19 conclusion of the investigation.

20 “Law enforcement incident” means any of the following
21 incidents:

22 a. use of force by a law enforcement officer resulting in death
23 or serious bodily injury;

24 b. use of deadly force, including the discharge of a firearm, by
25 a law enforcement officer regardless of whether the force resulted
26 in injury;

27 c the death of any civilian during an encounter with a law
28 enforcement officer; and

29 d. the death of any civilian while in the custody of law
30 enforcement.

31 “Law enforcement incident footage” means recordings captured
32 by a law enforcement officer’s body-worn camera, a camera
33 mounted in an officer’s patrol car, a camera embedded in an
34 officer’s conductive energy device, a surveillance or security
35 camera, or a camera or smartphone belonging to a witness.

36 “Office of Public Integrity and Accountability (OPIA)” means
37 the OPIA in the Department of Law and Public Safety established
38 to conduct sensitive investigations, including those involving
39 allegations of misconduct by law enforcement officers.

40 “Principal of the investigation” means any State, county, or
41 municipal law enforcement officer or other law enforcement officer
42 regardless of whether the officer was acting in the performance of
43 the officer’s official duties or in the officer’s personal capacity who
44 is subject to investigation for the officer’s role in a law enforcement
45 incident.

46
47 2. a. When a law enforcement incident occurs, every State,
48 county, and municipal law enforcement agency shall notify the

1 county prosecutor's office of the county in which the incident
2 occurred, who shall immediately notify the director or a designee.

3 b. Immediately following a law enforcement incident,
4 emergency first responders shall address any imminent threats to
5 public safety and minimize the loss of life without undermining the
6 integrity of a subsequent investigation of the law enforcement
7 incident. Nothing in P.L. , c. (C.) (pending before the
8 Legislature as this bill) shall be construed to preclude any law
9 enforcement officer or emergency medical professional from
10 responding to the scene of the law enforcement incident for the
11 following purposes:

12 (1) providing or facilitating prompt medical assistance to any
13 injured person;

14 (2) responding to any ongoing threat to public safety;

15 (3) preserving evidence and securing the scene, including by
16 controlling traffic or preventing members of the public from
17 interfering with the activities of first responders;

18 (4) identifying eyewitnesses and requesting them to remain near
19 the scene until appropriate investigators can interview them; and

20 (5) participating in the pursuit or be-on-the-lookout search for
21 any person suspected of committing a crime related to the law
22 enforcement incident, including any investigative stops in
23 furtherance of the pursuit.

24

25 3. a. The director shall, as soon as possible after learning of
26 the law enforcement incident, determine which State or county law
27 enforcement agency shall serve as the independent investigator,
28 taking into account the provisions set forth in this section, unless
29 the selected law enforcement agency is unable to do so because of
30 an actual, potential, or perceived conflict of interest. In this case,
31 the director shall mitigate the conflict or identify another agency to
32 serve as independent investigator.

33 b. The independent investigator shall not be the law
34 enforcement agency that employs the principal of the investigation,
35 possess any other actual, potential, or perceived conflict of interest
36 pursuant to section 4 of P.L. , c. (C.) (pending before the
37 Legislature as this bill), or rely on the investigative assistance of
38 any person who works for the same law enforcement agency as the
39 principal, except as provided in section 6 of P.L. , c. (C.)
40 (pending before the Legislature as this bill):

41 c. The OPIA shall serve as the default independent investigator
42 in the following circumstances, subject to a conflict check pursuant
43 to section 4 of P.L. , c. (C.) (pending before the Legislature
44 as this bill):

45 (1) the use of force by a law enforcement officer resulting in
46 death or serious bodily injury likely to result in death;

47 (2) the death of a civilian during an encounter with a law
48 enforcement officer;

1 (3) the death of a civilian while in the custody of law
2 enforcement, where the death could plausibly be linked to the
3 actions of a law enforcement officer, whether through the
4 intentional use of force or a reckless indifference to human life;

5 (4) where the principal of the investigation is a member of the
6 Division of Criminal Justice or the New Jersey Division of State
7 Police; or

8 (5) any other law enforcement incident where, in the discretion
9 of the director, justice would be served by appointing the OPIA as
10 the independent investigator.

11 d. The county prosecutor's office in the county where the law
12 enforcement incident occurred shall serve as the default
13 independent investigator in the following circumstances, subject to
14 a conflict check conducted pursuant to section 4 of
15 P.L. , c. (C.) (pending before the Legislature as this bill):

16 (1) the use of force by a law enforcement officer resulting in
17 serious bodily injury, but unlikely to result in death; or

18 (2) the use of deadly force by a law enforcement officer acting
19 in the officer's official capacity, except those resulting in death or
20 likely to result in death.

21
22 4. a. Prior to the director appointing a law enforcement
23 agency as the independent investigator, the OPIA shall conduct a
24 comprehensive inquiry to determine whether it has any actual,
25 potential, or perceived conflicts of interest that might undermine
26 public confidence in the impartiality and independence of the
27 investigation and shall promptly report its finding to the director.

28 b. As part of the conflict review, the agency shall identify
29 whether any of the following circumstances exist:

30 (1) whether any person who will supervise or participate in the
31 investigation has had any personal or professional interaction with
32 or relationship to the principal that might reasonably call the
33 person's impartiality into question;

34 (2) whether the law enforcement agency is prosecuting any case
35 in which the principal is expected to testify on behalf on the State;
36 or

37 (3) whether, within the past five years, the principal has been
38 assigned to a task force operating under the direct supervision of the
39 law enforcement agency.

40 c. As part of the conflict review, the director may request from
41 any State, county, or municipal law enforcement agency, and each
42 agency shall provide, any information that the director deems
43 necessary to determine whether any law enforcement agency has a
44 conflict of interest.

45 d. In order to facilitate the conflict review process, the director
46 may issue standardized Statewide forms and other material for use
47 by law enforcement agencies.

1 e. If the director becomes aware of an actual, potential, or
2 perceived conflict, the director shall take one or more of the
3 following remedial measures:

4 (1) appoint the law enforcement agency to serve as the
5 independent investigator, but only on the condition that any person
6 who has a conflict be recused from the investigation;

7 (2) appoint a different law enforcement agency to serve as the
8 independent investigator; or

9 (3) require any other action necessary to ensure the impartiality
10 and independence of the investigation.

11 f. If the director mitigates a conflict by appointing a different
12 law enforcement agency to serve as the independent investigator,
13 the director shall use the following guidelines:

14 (1) where the OPIA is the default agency, the director shall
15 appoint the Division of Criminal Justice as the independent
16 investigator; and

17 (2) where a county prosecutor's office is the default agency, the
18 director shall appoint a different county prosecutor's office as the
19 independent investigator. If the director is unable to identify a
20 county prosecutor's office that is able to serve in this capacity, or if
21 justice requires, the director may appoint the OPIA as the
22 independent investigator.

23

24 5. a. The director shall seek to complete the conflict review
25 and select the independent investigator as soon as possible after
26 learning of the law enforcement incident, but no later than 24 hours
27 after the law enforcement incident occurs.

28 b. To avoid delay in the collection of evidence in the
29 immediate aftermath of a law enforcement incident, the director
30 may temporarily designate one or more persons employed by the
31 county prosecutor's office where the law enforcement incident
32 occurred as Special Deputy Attorneys General or Special State
33 Investigators, who, for the purpose of temporary designation, shall
34 report directly to the director and shall carry out any investigative
35 functions deemed necessary by the director.

36 c. Once selected, the independent investigator shall have an
37 ongoing responsibility to notify the director of any actual, potential,
38 or perceived conflicts of interest that arise during the course of the
39 investigations, whether involving the entire agency or one or more
40 persons operating under the supervision of the independent
41 investigator.

42 d. If the director becomes aware of a conflict during the course
43 of the investigation, the director shall seek to address the conflict
44 pursuant to subsections e. and f. of section 4 of
45 P.L. , c. (C.) (pending before the Legislature as this bill).

46

47 6. a Upon selection by the director, the independent
48 investigator shall promptly begin investigating the law enforcement

1 incident. The investigation shall include any steps that are deemed
2 appropriate by the independent investigator, including canvassing,
3 witness interviews, evidence collection, forensic analysis, and the
4 issuance of grand jury subpoenas. As part of the initial
5 investigation, the independent investigator shall make all reasonable
6 efforts to preserve and obtain any video or audio recordings that
7 depict any aspect of the law enforcement incident. To ensure the
8 independence of the investigation, only law enforcement officers
9 working under the direct supervision of the independent
10 investigator may participate in the investigation or share or receive
11 information about any aspect of the investigation, except as
12 authorized pursuant to subsection b. of this section.

13 b. Subject to the authorization process pursuant to subsection
14 d. of this section, the following personnel may assist the
15 independent investigator in the investigation of a law enforcement
16 incident:

17 (1) personnel employed by the OPIA, New Jersey Division of
18 State Police, or the Division of Criminal Justice, including members
19 of the Attorney General's Shooting Response Team;

20 (2) law enforcement personnel with expertise in crime scene
21 investigation for the purpose of collecting or documenting physical
22 evidence at the scene;

23 (3) law enforcement personnel with expertise in forensic
24 examinations including, but not limited to, the examination of
25 DNA, fiber, fingerprints, firearm, hair, serology, or toxicology
26 evidence, as well as personnel assigned to the State Medical
27 Examiner's Office or county medical examiner's office, as the
28 director designates, for the purpose of conducting forensic analysis
29 or an autopsy;

30 (4) foreign language translators;

31 (5) any other personnel who can assist the investigation through
32 their specialized knowledge or skills, provided that the independent
33 investigator lacks sufficient specialized expertise; and

34 (6) a designee of any federal, State, county, or municipal law
35 enforcement agency who can serve as a liaison to the independent
36 investigator and facilitate the performance of ministerial functions,
37 including obtaining agency documents and information and
38 providing contact information for employees, witnesses, and other
39 local residents.

40 c. Subject to the authorization process set forth in subsection d.
41 of this section, the independent investigator may share investigative
42 information with other law enforcement personnel only under the
43 following circumstances:

44 (1) the independent investigator may provide information
45 regarding the status of the investigation to the leadership of the
46 county prosecutor's office and the municipal law enforcement
47 executive in the county and municipality in which the law
48 enforcement incident occurred so that these officials may address or

1 prepare for any public safety concerns in that county, provided that
2 they do not share the information publicly or with other law
3 enforcement personnel; or

4 (2) any other circumstances where the independent investigator
5 concludes that the dissemination of investigative information would
6 serve the public interest.

7 d. (1) Prior to seeking investigative assistance or
8 disseminating investigative information, the independent
9 investigator shall conduct a conflict check and take any necessary
10 remedial actions pursuant to section 4 of the P.L. , c. (C.)
11 (pending before the Legislature as this bill).

12 (2) After addressing any actual, potential, or perceived conflicts,
13 the independent investigator may, for good and sufficient cause,
14 authorize the use of investigative assistance or the dissemination of
15 investigative information. If the authorization is granted, the
16 independent investigator shall record the names and titles of any
17 personnel who will provide investigative assistance or will receive
18 investigative information and provide a record of this information
19 to the OPIA.

20 (3) In any case involving any of the circumstances set forth in
21 paragraphs (1) through (3) of subsection c. of section 3 of
22 P.L. , c. (C.) (pending before the Legislature as this bill),
23 the independent investigator may not obtain investigative assistance
24 from the personnel set forth in subsection b. of this section, unless
25 those personnel are designated as Special Deputy Attorneys General
26 or Special State Investigators and are operating under the direct
27 supervision of the independent investigator.

28 (4) To facilitate the prompt designations of Special Deputy
29 Attorneys General or Special State Investigators, the director may
30 issue standing orders, procedures, and standardized forms for use by
31 federal, State, county, or municipal law enforcement agencies.

32 e. A law enforcement officer, other than the independent
33 investigator, shall not make any public statement regarding the
34 conduct of a law enforcement officer in connection with a law
35 enforcement incident during the pendency of an investigation of
36 that incident.

37

38 7. a. Law enforcement incident footage as defined in section 1
39 of P.L. , c. (C.) (pending before the Legislature as this bill)
40 shall be released to the public according to the following
41 procedures:

42 (1) If any individual or organization sends a written request to
43 the independent investigator seeking the release of law enforcement
44 footage, the independent investigator shall authorize the release of
45 the footage when the initial investigation is substantially complete
46 subject to the conditions set forth in paragraph (2) and paragraph
47 (5) of this subsection and any other legal restrictions that would
48 limit public release. The initial investigation shall be deemed

1 substantially complete once all available material witnesses have
2 been interviewed and the physical and documentary evidence most
3 relevant to the case has been gathered.

4 (2) Prior to releasing any law enforcement incident footage, the
5 independent investigator shall consult with persons depicted in the
6 footage, including law enforcement officers and civilians involved
7 in the law enforcement incident; however this shall not include
8 bystanders or those appearing only in the background of the
9 footage. In the case of decedents, the independent investigator shall
10 consult with the decedent's family or next of kin. During these
11 consultations, the independent investigator shall consider whether
12 the depicted persons believe that the release of the footage would
13 threaten their safety or privacy.

14 (3) The independent investigator may authorize the digital
15 blurring of footage to obscure the identity of any person, including
16 a law enforcement officer, if the independent investigator concludes
17 that the public release would substantially threaten the safety or
18 privacy of that person. The editing shall be done in a manner that
19 does not conceal the actions of any person who is using physical
20 force against another. Any digital blurring shall be made to a copy
21 of the recording intended for public release. The independent
22 investigator shall not alter the master copy of the recording.

23 (4) If the independent investigator possesses footage recorded
24 by anyone other than a law enforcement officer, the independent
25 investigator shall consult with the person or entity who provided the
26 footage, unless that person or entity has previously made it publicly
27 available and take into account any legitimate safety or privacy
28 concerns they raise. If the footage was obtained through legal
29 process, the release shall comply with any applicable laws and
30 procedures for public dissemination of that material.

31 (5) The independent investigator shall release the law
32 enforcement incident footage within 20 days of the law enforcement
33 incident, unless the Attorney General or a designee authorizes a
34 delayed release. The independent investigator may seek a delayed
35 release if additional time is needed to interview all available
36 material witnesses, complete other essential investigative steps,
37 review or redact videos to protect privacy interests, or conduct a
38 safety assessment associated with the public release of the video.

39 b. After releasing any relevant video footage, the independent
40 investigator shall continue the investigation until its conclusion, at
41 which point the independent investigator shall prepare a summary
42 of the factual findings, legal analysis, and preliminary
43 recommendations as to whether any principal should be criminally
44 charged for involvement in the law enforcement incident.

45 c. Upon the conclusion of the investigation, the independent
46 investigator shall submit factual findings, legal analysis, and
47 preliminary charging recommendation for an independent
48 assessment by the independent supervisory reviewer.

1 If the independent investigator is any law enforcement agency
2 other than the OPIA, the independent supervisory reviewer shall be
3 the director.

4 If the independent investigator is the OPIA, the independent
5 supervisory reviewer shall be a member of the Attorney General's
6 Executive Leadership Team.

7 d. The role of the independent supervisory reviewer shall be to
8 review the sufficiency of the independent investigator's work and
9 decide whether any additional investigative steps should be taken.
10 The independent supervisory reviewer shall review the independent
11 investigator's charging and grand jury recommendations and
12 determine whether the independent supervisory reviewer agrees or
13 disagrees with that recommendation.
14

15 8. a. In any case involving any of the circumstances set forth
16 in paragraphs (1) through (3) of subsection c. of section 3 of
17 P.L. , c. (C.) (pending before the Legislature as this bill),
18 the independent investigator shall present evidence to a grand jury
19 concerning the law enforcement incident. In these cases, the
20 independent investigator shall take the following actions:

21 (1) present evidence to a grand jury in a county other than the
22 one where the law enforcement incident occurred;

23 (2) direct a prosecutor operating under the supervision of the
24 independent investigator to present sufficient evidence to the grand
25 jury to provide the jurors with a full, complete, and accurate
26 representation of the relevant facts of the law enforcement incident;

27 (3) after presenting sufficient evidence, direct the prosecutor to
28 instruct the grand jury as to the legal elements of the offense, as
29 well as the elements of justification for the use of force by law
30 enforcement pursuant to N.J.S.2C:3-7 and N.J.S.2C:3-9;

31 (4) in cases where the independent investigator and independent
32 supervisory reviewer agree that one or more principals should be
33 charged criminally for their role in the law enforcement incident,
34 direct the prosecutor to present the grand jury with a draft charging
35 document for the jurors' consideration and vote; and

36 (5) in cases where the independent investigator and independent
37 supervisory reviewer agree that none of the principals should be
38 charged criminally, authorize the prosecutor to refrain from
39 presenting the grand jury with a draft charging document. In this
40 case, the independent investigator may instruct the grand jury on its
41 ability to issue a presentment addressing matters of public policy in
42 cases in which no criminal charges are returned by the grand jury.

43 b. For all other cases involving law enforcement incidents, the
44 independent investigator shall present the matter to a grand jury,
45 except that the independent investigator may decline to do so in
46 cases where the independent investigator and the independent
47 supervisory reviewer agree that the undisputed facts indicate that

1 the principal's use of force in the law enforcement incident was
2 justified.

3 c. The underlying offense that gave rise to the law enforcement
4 incident shall be presented to a grand jury different than the grand
5 jury that will decide whether the principals should be charged
6 criminally.

7 d. In any instance where the matter is not presented to a grand
8 jury or where the matter is presented, but the grand jury declines to
9 criminally charge any of the principals, the independent investigator
10 shall prepare a statement for public dissemination, which shall
11 comply with all rules of grand jury secrecy and be reviewed by the
12 independent supervisory reviewer prior to release. The statement
13 shall include a summary of:

14 (1) the factual findings of the investigation;

15 (2) the legal analysis concerning the lawfulness of the
16 principal's use of force;

17 (3) the results of the conflicts review conducted pursuant to
18 section 4 of P.L. , c. (C.) (pending before the Legislature
19 as this bill); and

20 (4) an explanation that the matter was reviewed by the
21 independent investigator and the independent supervisory reviewer.

22 e. At the conclusion of the investigation, the independent
23 investigator shall determine whether any principal should be
24 referred to the appropriate law enforcement agency for
25 administrative review. The independent investigator shall monitor
26 any resulting review and take actions as are necessary to ensure that
27 the review is completed in a timely manner and that appropriate
28 actions are taken based upon the results of the review.

29

30 9. a. The OPIA shall investigate, pursuant to the protocols set
31 forth in P.L. , c. (C.) (pending before the Legislature as
32 this bill), matters in which a death of a person occurs while the
33 person is in the custody of law enforcement and could plausibly be
34 linked to the actions of the law enforcement officer, whether
35 through the intentional use of force or a reckless indifference to
36 human life.

37 b. Where a death of a person occurs while the person is in the
38 custody of law enforcement and cannot be plausibly linked to the
39 actions of the law enforcement officer, the OPIA shall supervise the
40 investigation of the matter as follows:

41 (1) The director shall assign the matter to personnel employed
42 by the county prosecutor's office in the county where the death
43 occurred, with the understanding that those personnel shall be
44 designated as Special Deputy Attorneys General or Special State
45 Investigators for the limited purpose of conducting the investigation
46 under the supervision of the OPIA.

1 (2) Subject to the approval of the director, the investigative
2 personnel assigned to the matter shall take any investigative steps
3 deemed necessary to determine whether:

4 (a) any law enforcement officer contributed to the death of a
5 person who was in the custody of law enforcement; or

6 (b) any person should be criminally charged in connection with
7 the death of a person who was in the custody of law enforcement.

8 (3) At the conclusion of the investigation, the investigative
9 personnel assigned to the matter shall report their findings to the
10 director. If the director concludes that a law enforcement officer
11 contributed to the death of a person who was in the custody of law
12 enforcement or any person should be criminally charged in
13 connection with the death, then the matter shall be presented to the
14 grand jury pursuant to subsection a. of section 8 of
15 P.L. , c. (C.) (pending before the Legislature as this bill).
16 If the director concludes that neither of these conditions exist, then
17 the matter shall not be presented to the grand jury.

18 (4) The director shall document the reasons for not bringing
19 criminal charges and shall ensure compliance with the Death in
20 Custody Reporting Act of 2013, 34 U.S.C. s.60105 et seq.

21
22 10. Each county prosecutor shall undertake efforts to educate
23 residents in the county about the provisions of P.L. , c. (C.)
24 (pending before the Legislature as this bill), with a specific focus on
25 strengthening trust between law enforcement and the public. Within
26 120 days of the effective date of P.L. , c. (C.) (pending
27 before the Legislature as this bill), each county prosecutor shall
28 report to the Attorney General on public education efforts.

29
30 11. The provisions of P.L. , c. (C.) (pending before the
31 Legislature as this bill) shall apply to criminal investigations
32 involving any State, county, or municipal law enforcement officer,
33 regardless of whether the officer was acting in the performance of
34 their official duties or in the officer's personal capacity.

35
36 12. This act shall take effect immediately.

37

38

39 STATEMENT

40

41 This bill codifies an Attorney General Directive concerning
42 criminal investigations of law enforcement use-of-force and in-
43 custody deaths.

44 Under the bill, when a law enforcement incident occurs, every
45 State, county, and municipal law enforcement agency is required to
46 notify the county prosecutor's office of the county in which the
47 incident occurred, who is required to immediately notify the

1 Director of the Office of Public Integrity and Accountability
2 (OPIA).

3 The bill defines a “law enforcement incident” as any of the
4 following: 1) use of force by a law enforcement officer resulting in
5 death or serious bodily injury; 2) use of deadly force, including the
6 discharge of a firearm, by a law enforcement officer regardless of
7 whether the force resulted in injury; 3) the death of any civilian
8 during an encounter with a law enforcement officer; and 4) the
9 death of any civilian while in the custody of law enforcement.

10 The bill provides that the Director of the OPIA is required to
11 determine which State or county law enforcement agency is to serve
12 as the independent investigator, unless that agency has a conflict.
13 In the case of a conflict, the director is to mitigate the conflict or
14 seek another agency to serve as the independent investigator. The
15 bill also sets forth certain standards for appointing an independent
16 investigator.

17 In addition, under the bill, prior to the Director of the OPIA
18 appointing a law enforcement agency as the independent
19 investigator, the office is to conduct a comprehensive inquiry to
20 determine whether it has any actual, potential, or perceived
21 conflicts of interest that might undermine public confidence in the
22 impartiality and independence of the investigation. If the director
23 becomes aware of a conflict, the director is to take certain remedial
24 measures.

25 Upon selection by the director, the independent investigator is
26 required to promptly begin investigating the law enforcement
27 incident. As part of the initial investigation, the independent
28 investigator is required to make all reasonable efforts to preserve
29 and obtain any video or audio recordings that depict any aspect of
30 the law enforcement incident. To ensure the independence of the
31 investigation, only law enforcement officers working under the
32 direct supervision of the independent investigator may participate in
33 the investigation or share or receive information about the
34 investigation, with certain exceptions.

35 The bill establishes certain personnel that may assist the
36 independent investigator in the investigation of a law enforcement
37 incident and with whom the independent investigator is permitted to
38 share investigative information.

39 Further, the bill sets forth the standards for releasing law
40 enforcement footage. The bill defines “law enforcement footage”
41 as recordings captured by a law enforcement officers’ body-worn
42 camera, a camera mounted in an officer’s patrol car, a camera
43 embedded in an officer’s conductive energy device, a surveillance
44 or security camera, or a camera or smartphone belonging to a
45 witness.

46 Under the bill, at the conclusion of the investigation, the
47 independent investigator is to prepare a summary of their factual
48 findings, legal analysis, and preliminary recommendations as to

1 whether any principal of the investigation should be criminally
2 charged for their involvement in the law enforcement incident.
3 The findings, legal analysis, and preliminary charging
4 recommendation are required to be submitted for an independent
5 assessment by the independent supervisory reviewer.

6 The bill also sets forth the cases which require the independent
7 investigator to present evidence to the grand jury concerning the
8 law enforcement incident and sets forth the actions required by the
9 independent investigator. In cases where the matter is not presented
10 to the grand jury or where the matter is presented, but the grand jury
11 declines to criminally charge any of the principals of the
12 investigation, the independent investigator is to prepare a statement
13 for public dissemination which is to comply with all rules of grand
14 jury secrecy and be reviewed by the independent supervisory
15 reviewer prior to release.

16 Under the bill, where a death of a person occurs while the person
17 is in the custody of law enforcement and plausibly could be linked
18 to the actions of the law enforcement officer, whether through the
19 intentional use of force or a reckless indifference to human life, the
20 OPIA is required to investigate the matter in accordance with the
21 provisions of this bill. Where the death cannot be plausibly linked
22 to the actions of the law enforcement officer, the office is to
23 supervise the investigation according to procedures established in
24 the bill.

25 Finally, the bill requires each county prosecutor to undertake
26 efforts to educate residents in the county about the bill's provisions
27 and report to the Attorney General on public education efforts.