

**GOVERNOR'S STATEMENT UPON SIGNING  
SENATE BILL NO. 1036**

Today, I am signing Senate Bill No. 1036 into law, providing that the Attorney General handle the investigation and prosecution of a crime involving a person's death that occurs during an encounter with a law enforcement officer acting in their official capacity or while the decedent was in custody.

To be clear, this bill is a limited solution to a challenging issue. By only applying to deaths that occur during an encounter with law enforcement or when an individual is in police custody, the bill would have only governed 14 cases last year. In his testimony last month, Attorney General Grewal appropriately identified several issues that may arise in the implementation of this law. He noted that county law enforcement personnel are typically better situated to conduct an initial investigation than detectives from the Attorney General's Office, who may be coming from other corners of the State with little familiarity with the scene of the incident. Additionally, requiring that all of these cases be handled by the Attorney General's Office, which has staffing constraints, creates the risk of slower investigations and outcomes. And requiring the presentment of evidence to a grand jury, even if a prosecutor does not believe the evidence to be credible, raises difficult questions regarding prosecutors' ethical and professional responsibilities.

While I am mindful of these challenges, I have full confidence that Attorney General Grewal will work within the parameters set forth by the law to ensure that these investigations will be conducted in light of practical realities and will proceed without unnecessary barriers and constraints. I understand that Attorney General Grewal will likely issue guidance outlining how these investigations will be conducted going forward, and I believe that guidance will be enormously helpful in minimizing confusion and clarifying the responsibilities and roles of different levels of law enforcement.

I remain troubled by the mandatory presentment of evidence to a grand jury, and would not be supportive of extending this requirement beyond the small subset of cases contemplated by the bill. Extending mandatory grand-jury presentment to other allegations would be in line with other failed efforts to crack down on crime that have harmed too many communities in this State. Future extensions may lead to an increase in criminal indictments, which could disproportionately and detrimentally impact individuals in communities -- often communities of color -- that have higher instances of interactions with law enforcement. Indeed, extending mandatory grand-jury presentment to other crimes would be a step backwards in our journey to remedy the devastation that resulted from overly harsh and punitive policies from the 1980s and 1990s.

Attorney General Grewal also noted his concern that passage of the bill would send a message to our county prosecutors that they cannot be trusted to impartially handle these highly visible cases. I reject that message. In carrying out my primary responsibility as Governor of

ensuring the safety of all New Jersey residents, I have consistently witnessed that the vast majority of law enforcement officers, from county prosecutors to police officers, act in accordance with the highest professional and ethical standards of their professions. Law enforcement officers put their lives at risk every day to protect the people of our State, and I am enormously grateful for their efforts and sacrifices. Even in the small subset of cases contemplated by the bill, I am confident that law enforcement officers would discharge their responsibilities fairly and in the interests of justice, as they would do in any case.

At the same time, we must acknowledge that there are communities in our State who have raised doubts and voiced concerns with the way police-involved deaths are handled. Many of these doubts can only be understood in the context of our nation's history, which saw state-sanctioned violence against individuals of color for hundreds of years. This history has, at times, produced a lack of trust between law enforcement and some of the communities they serve -- a gap that cannot be erased overnight and that has unfortunately been exacerbated by the irresponsible rhetoric of some of our nation's political leaders. Most of our law enforcement officers have played no role in the development of this gap and work to bridge it every day, but this rift continues to exist and create challenges for law enforcement in its mission of protecting all communities.

A number of communities believe that the enactment of this bill would help ensure impartial investigations of the few instances when a death occurs during an encounter with law enforcement or while an individual is in custody. I have concluded that by eliminating even the appearance of a conflict of interest in this subset of cases, signing this bill will be an important step in improving police-community relations in New Jersey. I know that Attorney General Grewal has spent much of his tenure in office working towards this goal, and I applaud his efforts and stand ready to assist them in any way I can. And I will continue to speak out against those who seek to inflame divisions in our society, because I know we are a stronger and safer State when every law enforcement officer feels respected and every community feels valued.

Date: January 30, 2019

/s/ Philip D. Murphy

Governor

Attest:

/s/ Kate E. McDonnell

Deputy Chief Counsel to the Governor