Essex County Procedural Justice Shooting Response Pilot:
Summary of Implementation Approaches and Lessons Learned

Center for Court Innovation

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Introduction

On a recent Monday morning, the newspapers presented a grim statistic—a New York Times article began with the sentence, "The United States in 2020 experienced the biggest rise in murder since the start of national record-keeping in 1960, according to data gathered by the FBI for its annual report on crime" (Asher 2021). The statistic—murder rose around 29 percent from 2019 and affected all regions of the country. In spite of protests against police violence and calls to "defund the police," the role of homicide detectives investigating a murder is still clear—they need to figure out who committed the murder, preserve the evidence, and protect public safety.

2018, in Newark, New Jersey, homicide rates hovered at over a hundred per year. The clearance rate, or how many murders they solved, hovered much lower for the previous ten-year period at 38% (well below the national average of 62%) (Murder Accountability Project 2021). The Essex County Prosecutor's Office (ECPO), which is the agency responsible for investigating homicides (not the Newark Police Department), faced wide distrust from the community and roadblocks to solving cases with people unwilling to speak to law enforcement. A research study in Newark that year reflected the high level of community distrust of law enforcement. In particular, researchers found local concern around shooting responses. In the study, one young man described his experience observing law enforcement at the scene of his friend's homicide:

"My man died. He was sitting out there all night … He probably could have gotten saved but [the police] left him out there so long that he died on the scene. Everyone was out there seeing the body and it was horrible … His life was just ended because nobody responded." (Swaner et al. 2018)

The treatment of a victim's body is often one area of conflict between law enforcement and the victim's friends and family. While they are having a traumatic experience and may want to touch or cover the body, law enforcement nearly universally forbids that, viewing the body as evidence

(Reed et al. 2019). For the interviewee above, the perceived indifference towards the life of his friend undermined his confidence in the very agencies responsible for holding the perpetrator accountable.

Researchers have documented that the information received within the first 48 hours after a homicide is critical to closing the case quickly (Reed et al. 2019). However, when communities perceive police treatment of their loved ones as disrespectful, it decreases the likelihood of providing information to police. Lack of information in the short window following a homicide decreases the likelihood that detectives will solve the case. Failure to solve cases—or to do so very slowly—is also perceived as disrespectful to community members, further widening the divide. It is precisely this cycle that the Essex County Shooting Response Pilot hoped to end.

In 2018, the Center for Court Innovation was awarded a grant from the Bureau of Justice Assistance to work with the Essex (NJ) County Prosecutor's Office on a three-year project to implement and evaluate the Improving Shooting Response and Witness Engagement Initiative. This project sought to answer
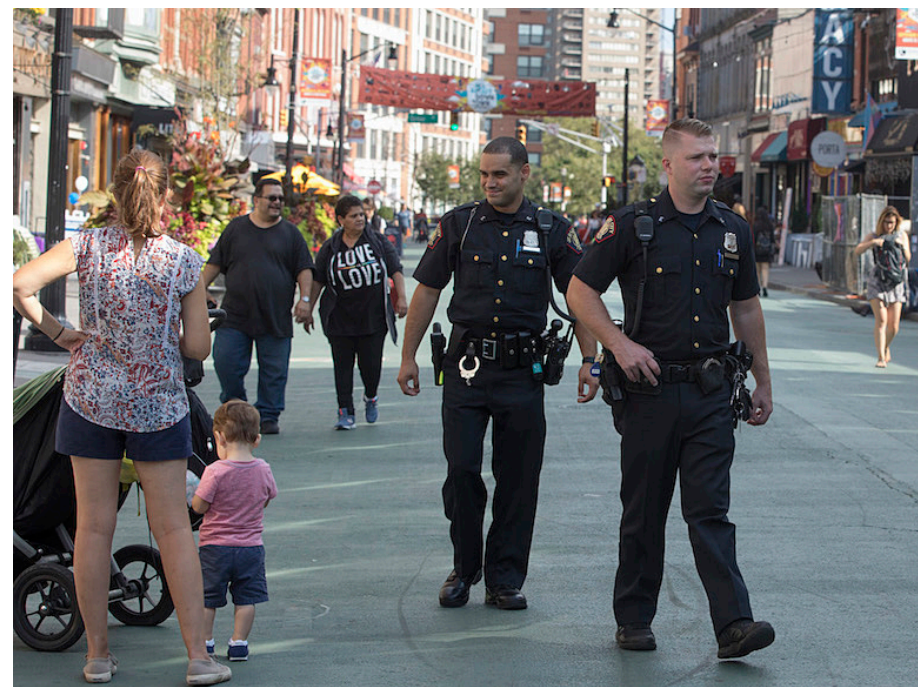
> *"My man died. He was sitting out there all night … He probably could have gotten saved but [the police] left him out there so long that he died on the scene. Everyone was out there seeing the body and it was horrible."*
>
> Swaner et al. 2018

a simple but powerful question: how can law enforcement maximize trust-building strategies in the critical 48 hours after a shooting or act of violence in support of other public safety objectives? To answer this question, the Center for Court Innovation and ECPO decided to apply procedural justice principles to training and tools designed for homicide unit detectives to treat people more fairly, provide them with greater understanding and transparency, and create a more cooperative and supportive environment. In turn, it was hypothesized that this would build trust and increase witness and community cooperation with law enforcement during homicide investigations and improve clearance rates (solved cases).

The Essex County Shooting Response Pilot was designed to test the application of procedural justice theory in the immediate aftermath of a homicide. The pilot framework included providing procedural justice training to all homicide unit staff and creating tools to reinforce the principles of procedural justice and increase legitimacy. To evaluate the pilot, researchers used a combination of surveys with detectives, focus groups with detectives, administrative data analysis, and interviews with directly-impacted community members. This report summarizes the findings from the pilot that may be useful to other law enforcement agencies seeking to build trust with community members in the immediate aftermath of a violent crime. Specifically, this report provides an overview of procedural justice theory, the implementation approaches used in the creation of the pilot tools, research findings, and lessons learned.

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1. In response to community concerns, the Essex County Prosecutor's Office has taken steps to increase dignity and privacy for homicide victims by using a screen to protect bodies from onlookers a screen during the investigation at the crime scene and expediting and respectfully removing victims once necessary forensic evidence has been gathered.

Essex County Context

Essex County, New Jersey, is one of many jurisdictions nationwide that have struggled with community violence, a poor community-police relationship, and low homicide clearance rates. A three-year investigation found "vast racial disparities in arrests, widespread corruption, and a long history of excessive force" (KSBY 2021), leading to a consent decree (an agreement between the local police and the Department of Justice) in 2016 to overhaul their police department. According to Uniform Crime Reporting, clearance rates for homicides in Essex County from 2008-2018, the ten years prior to the start of the pilot, was on average 38%. The number of murders in the county reached its highest level in 2013 with 147. In recent years, the number of murders in the county has decreased to below 100 since 2018, even bucking the national trend of increasing murders in 2020. However, the homicide rate still remains high (Murder Accountability Project 2021).

Figure 1: 38% Homicide Clearance Rate in Essex County, NJ, 2008-2018 (495 of 1,315 total homicides cleared)

The Essex County Prosecutor's office provided additional data on homicides that occurred from 2012 to mid-2021. The top cause of death by homicide during this period was gunshot wounds (83%). Three-quarters of county homicide cases (76%) occurred in Newark, and victims were predominantly Black and male. Homicides with white and Hispanic victims were significantly more likely to be successfully cleared than those with Black victims. There were 24 police-involved shootings in the time period, representing 2% of all cases. Homicide motivation data was largely missing, but available information suggests that disputes, domestic violence, drugs, robbery, and retaliation were top motivators.

Conversations with community members as part of the project planning process in Essex County reveal that community members and law enforcement often have conflicting priorities. Community members want to feel valued and to understand what is happening at crime scenes, while law enforcement wants to conduct their investigation without distractions and preserve the integrity of the crime scene. For example, the New Jersey Office of the Attorney General's guidelines for police investigations states:

> "An employee of a law enforcement agency shall not … share information learned in the course of the use-of-force investigation, including but not limited to police video recordings or information learned from reviewing such videos, with any principal or other law enforcement or civilian witness without such prior authorization." (State of New Jersey 2015)

The policy further dictates that the public release of video involving police use of deadly force can only occur "upon substantial completion of the initial investigation," which could delay the release for 20 days or more after the incident (State of New Jersey 2015). And yet, information like this is often what community members—in particular family and friends of the deceased—ask of crime scene investigators.

Community members want to feel valued and to understand what is happening at crime scenes, while law enforcement wants to conduct their investigation without distractions and preserve the integrity of the crime scene.

Table 1: Homicide Victim Characteristics in Essex County, 2012 2021	
Characteristics of the Case	
Number of victims	1,100
Victim gender	
Male	88%
Female	12%
Victim race	
Black	86%
Hispanic	9%
White	5%
Average age years	32
Cause of death gunshot wound	83%
Number of suspects identified	747%
City where incident occurred	
Newark	76%
Irvington	9%
East Orange	5%

2. For the Uniform Crime Report, an offense is considered cleared when three conditions are met: someone is (1) arrested, (2) charged with the committing of the offense, and (3) turned over to the court for prosecution. The clearance rate is the number of offenses cleared, not the number of people arrested, as the arrest of one person could clear multiple offenses (FBI 2018).
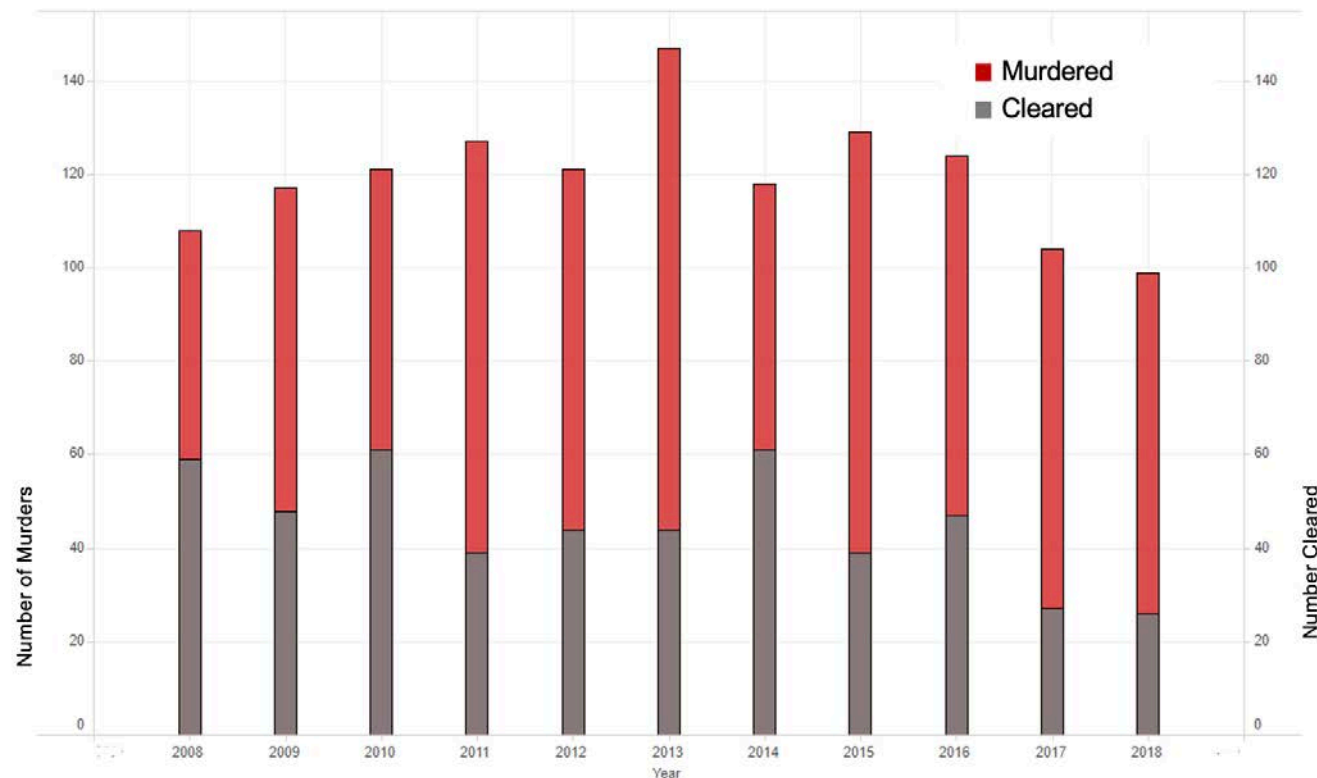
2. Testing Procedural Justice

Advancements in evidence collection and significant investment from agencies like the Bureau of Justice Assistance have improved the sophistication of law enforcement investigations and prosecution of violent crime. However, levels of trust between the public and law enforcement continue to erode. Community trust in the aftermath of homicides and other violent crimes can dramatically impact law enforcement's ability to gather pertinent information regarding victims and suspects, leading to their reliance on evidence such as video and other technological material. Acknowledging that trust-building

is necessary for case investigation and prosecution, many law enforcement agencies around the country are turning to procedural justice to connect with communities, build trust, and solve cases.

In criminal justice, procedural justice focuses on respectful interactions between justice system actors and community members and clearly explained processes in order to improve public trust and law-abiding behavior. Key elements of procedural justice embraced by practitioners and researchers have included voice, understanding, respect, and neutral decision-making. The Essex County Shooting Response pilot sought to test whether providing homicide unit staff with procedural justice training and resources if that could lead to changes in how they interact with community members in the aftermath of a homicide, and, if so, if that could lead to increased trust in the homicide task force and, ultimately, increased clearance rates.

Theory

Research in procedural justice suggests that community members are more likely to accept and comply with justice system actors' decisions when they feel they are treated fairly (Schulhofer et al. 2011). Dozens of studies have outlined the specific components of improving trust and increasing compliance in various contexts, from policing to prisons (Tyler 2011; Farley et al. 2014; Bierie 2012). As defined by Yale researcher Tom Tyler, the leading researcher on the topic:

> The procedural justice approach is grounded in empirical research demonstrating that compliance with the law and willingness to cooperate with enforcement efforts are primarily shaped not by the threat of force or the fear of consequences, but rather by the strength of citizens' beliefs that law enforcement agencies are legitimate. (Tyler et al. 2011)

Studies consistently show that people are more likely to perceive the process to be fair when they:

1) feel they have a voice in the process,

2) are treated with dignity and respect,

3) understand the process, and

4) believe that decisions are made neutrally (Tyler 1990).

Studies consistently show that people are more likely to perceive the process to be fair when they: 1) feel they have a **voice** in the process, 2) are treated with dignity and **respect,** 3) **understand** the process, and 4) believe that decisions are made **neutrally** (Tyler 1990). However, researchers have also found limitations to procedural justice. A study testing the use of a procedural justice environmental design and training in a Manhattan courthouse found that many underlying concerns that people had with the justice system are beyond what can be addressed through procedural justice tools (Swaner et al. 2019).

Although procedural justice has been the subject of numerous studies, there have been few police- or prosecutor-led initiatives in this area. Some law enforcement agencies have partnered with local faith-based leaders or community-based providers to address their need to build trust and provide resources to victims. For example, the NYPD has a "God Squad" in a Brooklyn precinct that responds to shootings alongside investigators; and Newark, New Jersey, has created a "Newark Clergy Alliance," through which clergy members participate in police ride-alongs. Despite their best intentions, however, efforts like these are not easily scalable and are not integrated sufficiently into agency protocols in such a way that they can be deployed anywhere at any time. Additionally, they leave the relationship-building to external partners without changing local police culture.

3. Project Design & Implementation

For the purposes of this pilot, project management included extensive pre-implementation planning, creation of pilot tools (i.e., palm card, resource guide, tip line intake form, tip line voicemail), development and coordination of detective and prosecutor training workshops, and data collection, and overall management of the pilot.

Summary of Pilot Timeline

In November 2018, the project kicked off with a meeting with executives from the Essex County Prosecutor's Office and Center for Court Innovation project staff to discuss the award, determine who would staff the project, and finalize the time/task plan. Between November 2018 and November 2019, the project planning team met monthly to outline project goals and provide status updates following interviews with local and national stakeholders. In March 2019, the Center for Court Innovation coordinated a meeting with a local community group representing residents directly impacted by homicide and ECPO. During this meeting, community members expressed their feelings about law enforcement responses to homicide and trust-building. Recommendations from this meeting and from interviews are presented throughout the implementation sections.

In June 2019, Center staff presented a pilot menu to the ECPO outlining intervention ideas from which they selected a palm card, resource guide, and tip line form (all described in further detail below) as the tools they would like to implement. Between July 2019 and October 2019, the project management team (defined further in section 3.2) developed the pilot tools.

Between October 2019 and January 2020, the Center facilitated four training sessions on procedural justice and an introduction to the tools for detectives, one training session for prosecutors, and one training session for administrative staff. Following the final detective training in January 2020, the pilot period began.

The pilot period lasted until June 2021. During this time, detectives used the procedural justice tools in their work. The COVID-19 pandemic did affect the detectives' ability to implement the tools as much as expected. During this time, Center for Court Innovation researchers conducted evaluation activities, including a pre-implementation survey, two follow-up surveys, and a focus group with detectives near the end of the pilot period. They also conducted interviews with community members directly impacted by homicide and analyzed administrative data.

Summary of Implementation Approaches

A multidisciplinary project management team oversaw the development and execution of the project activities. The project management team consisted of leadership within the ECPO Homicide Unit, several Center for Court Innovation staff, including training and technical assistance staff, and a researcher. Prosecutors from around the country, community-based organizations who work to address gun violence in urban communities, local organizations, and community members helped during the planning phase with identifying procedural justice best practices in responding to homicides and gauging community response to pilot tools. Consultants assisted with areas requiring external technical assistance, such as the application of procedural justice theory to environmental design and graphic design of pilot tools and resources.

Implementation Approach

The project management team conducted a scan of local and national best practices to explore 1) approaches law enforcement and prosecuting agencies have successfully tested and 2) challenges they have faced when building trust with communities in the immediate aftermath of a homicide. Four key touch points emerged in standard procedure in the first 48 hours after a homicide. Detectives could implement procedural justice tenants at these four points, using the community-facing tools and resources, to build trust with community members.

1. **On-the-scene engagement.** Traditionally, the detective-community interaction has been the primary touch point when police are called to investigate a homicide. It is a critical moment for building trust due to the visibility of detective interactions with onlookers and one another. This may also include on-the-scene canvassing, which can happen immediately or in the following days. Canvassing brings detectives into door-to-door contact with communities, where interactions between homicide detectives and residents are more private and hold potential for trust-building. For the purposes of this pilot, a single resource was created for use during on-the-scene engagement and canvassing to test the effectiveness of improving procedural justice during these early interactions.

In those first few hours immediately following a homicide, law enforcement has an extensive list of priorities that they must accomplish, such as safeguarding the deceased, collecting and preserving evidence, limiting pedestrian exposure to danger, managing crowds, and canvassing the area for potential witnesses. The trust-building tool, therefore, needed to be small enough for detectives to carry in their pockets, easy to hand out, and contain useful information that would be difficult to explain during a brief encounter at the scene.

Due to the traumatic nature of a homicide, people often experience heightened emotions that influence their interactions with law enforcement at the scene. During planning conversations, community members expressed that the law enforcement responses were sometimes too harsh in light of what they were experiencing. For example, community members pointed out that the tone law enforcement uses when telling residents to stand behind a perimeter or to limit their reactions (e.g., crying, screaming, cursing) is too loud and aggressive. In addition, they explained that law enforcement sometimes forcibly moves residents behind a perimeter, which exacerbates the existing tensions and further fractures the relationship with the community.

While the ECPO homicide unit detectives are responsible for investigating the homicide, Newark Police Department (NPD) officers are usually the first ones on the scene to secure the perimeter. Community members on the scene might not know the difference between the two agencies, thus misidentifying the agency of the officer with whom they had a problematic interaction. A negative interaction with an NPD officer could reflect poorly on the ECPO homicide unit detectives during their investigation. During pilot planning meetings, ECPO detectives recounted frustration about this dynamic and felt it was a barrier to trust-building. Therefore, it was important for the tool to distinguish the ECPO, the second law enforcement agency to arrive on the scene, from the Newark Police Department, which provides immediate response to 9-1-1 calls or ShotSpotter notification(s). Additionally, the tool needed to provide transparency around the process residents were observing, as community members expressed a lack of understanding around law enforcement protocols and the role of the ECPO.

Finally, there were concerns from both community members and ECPO detectives that individuals who accept materials handed out by law enforcement (such as detective's business cards) at the scene could be viewed as having cooperated with (or "snitched" to) police and be at risk of retaliation. When there is significant concern about retaliation, detectives discreetly tell community members to meet them somewhere else to have their discussions in private. The risk of being seen with a document from the homicide task force could be fatal; thus, it was important to ensure

Prosecutors versus Police: Essex County is one jurisdiction where the prosecutor's office's own detectives investigate homicides, as opposed to the police department. By contrast, homicide investigations in New York City are carried out by the New York Police Department, not by prosecutors. Often both agencies (detectives from the ECPO homicide unit and officers from the Newark Police Department) will be represented at the scene of a homicide, with the detectives investigating and speaking to witnesses while NPD provides a secure perimeter. NPD will also be the first to arrive at the scene, while detectives might first come to the hospital.

that any document provided to community members at the scene of a homicide or during canvassing was discrete.

2. **Next of kin notification.** Next of kin notification is an extremely important touch point for both the ECPO detectives and prosecutors. Detectives providing this notification have the difficult job of letting a person know their father, mother, son, daughter, or other loved one was murdered. Not only do the detectives need to be prepared for any reaction to that news, but they also have to gather information about the deceased that will aid in the investigation. As previously noted, the trust between the ECPO detective and family members can greatly impact the detective's ability to gain pertinent information. The resource created for this touchpoint needed to convey empathy for the loss suffered and provide resources to help navigate the next steps.

Detectives identified several challenges that occur during these notifications. Family members are often in a state of shock. Detectives have found that families often forget the information provided once the detectives leave; they frequently have to repeat the information during later meetings at the ECPO office. The resource designed for this touchpoint needed to include commonly asked questions and answers that loved ones could review to prepare themselves for the initial meeting at the ECPO office.

Another challenge is difficulty gathering information from loved ones during the notification. Homicide investigators gather a variety of information about the deceased to assist in solving their cases. With the expansion of social media, cell phone passwords, social media handles, and the like become increasingly important to understanding the victim's life. When detectives ask loved ones for this information, it can be difficult to locate it immediately, and it is, most likely, not the family member's priority. The resource, therefore, needed to provide space for capturing this kind of information to share with the detectives later.

3. **Meeting with detectives at the ECPO.** Detectives attempt to schedule subsequent meetings with witnesses and loved ones of the deceased as soon as possible after their first communication. Often this means a meeting at the Essex County Prosecutor's Office within 24 hours of the initial meeting. During a tour of the ECPO facility, detectives raised several concerns about how witnesses came into the building. One of the concerns included difficulty finding the office. Although the Essex County Prosecutor's Office is accessible by train, bus, and car, it is not easy for visitors to find their way into the building. Even GPS is not a reliable solution because the office address does not place visitors at the correct entrance. In addition, the ECPO is in a shared municipal building, which makes internal navigation difficult as the signage does not clearly provide directions to the various agencies within.

Once inside the homicide unit office, the detectives raised concerns about the waiting area. Detectives explained that the safety of witnesses and loved ones was compromised because the waiting area does not have a door and those waiting are therefore visible to passersby. Suspects and others questioned by detectives walk past the same waiting area where witnesses and loved ones sit. Simply waiting to speak to a detective is, therefore, a high-risk gamble for witnesses. Additionally, witnesses and loved ones meet with detectives in the suspect interrogation rooms. These rooms lack windows, have poor lighting, and have handcuffs and/or chains on the ground. Detectives expressed that the mere sight of the room

can cause many witnesses to cease their participation in an investigation. Moreover, a mannequin used to display wound trajectory to witnesses and prepare for trial was on display in the office. The mannequin had several hundred holes from the repeated use of trajectory rods. Prosecutors and detectives raised concerns about the visual impact of the mannequin on witnesses.

The majority of the concerns raised by the detectives and prosecutors on the project management team were about the architectural and environmental aesthetics of the municipal building that housed the ECPO office. Although the pilot project did not include an environmental design component, the significance of environmental design became a priority during the walkthrough with the project management team. The expert assistance of Designing Justice Designing Spaces (DJDS), an architectural nonprofit organization that builds infrastructure to address the root causes of mass incarceration, was engaged to address the architectural and environmental concerns. The project management team worked with DJDS to create a toolkit demonstrating how procedural justice theory can be applied to environmental design, allowing for trust-building and healing for victims, survivors, and loved ones. The full toolkit is included in Part II of this report.

4. **Tip Line:** During the local and national best-practice scan, the project management team learned of different techniques the ECPO Homicide Task Force uses to connect with community members who may have

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information about unsolved homicide investigations. One of these techniques is the use of a tip line. The tip line is a toll-free number that goes directly to the Homicide Task Force administrative assistant's desk. Though the line is open 24 hours a day, seven days a week, a live person is only available during traditional business hours (weekdays between 9:00 a.m. and 5:00 p.m.). Outside of those hours, the tip line has a voicemail system that the administrative staff or an on-call detective routinely checks. Information collected from incoming calls was collected using a tip line form and shared with the lead detective on the case. For the pilot, the tip line touch point was broken into two parts: the voicemail greeting and the tip line form.

The voicemail message is potentially one of the first interactions a community member has with ECPO Personnel explained that once the caller is on the line, the goal is to get as much information as quickly as possible because of the low probability that the caller will stay on a call for an extended period. For the pilot, the tip line greeting, therefore, needed to be welcoming, reassuring callers that their message would be returned, and expressing the confidential nature of the call.

The tip line forms, last modified in 2008, did not provide enough space to collect all the information that staff needed to collect, leading them to use the back of the page to collect additional pertinent information. The tip line forms also must be redacted and logged within case files, then turned

over to defense counsel in a trial. The pilot tip line form needed to provide ample space for administrative staff to collect pertinent information and include prompts to encourage callers to provide the specific information experienced staff know to ask for.

Pilot Tools and Resources

The information gathered from the local and national scan influenced the development of the pilot tools, resources, and training materials. The project management team worked on several iterations of the tools and resources. Four tools and resources were created and used to infuse detective and community member interactions with procedural justice principles to increase trust and cooperation with law enforcement.

1. **Palm Card.** The project staff created this tool for use during the first touchpoint—on-the-scene/canvassing. The Homicide Task Force would distribute palm cards to anyone present at the scene of a homicide or

Community Palm Card
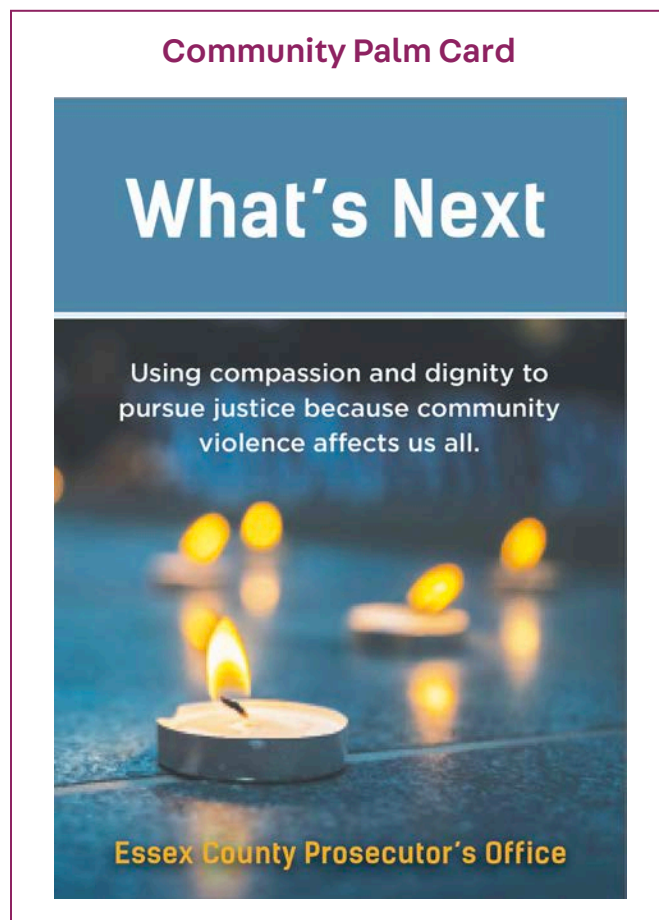
anyone they encountered during canvassing in the aftermath of a homicide. The palm card was small enough to fit inside a person's pocket (when folded, approximately the size of a business card). This way, it was discrete, and hopefully more people would keep it as a reference. We selected the imagery on the card to convey understanding and empathy for the loss felt by the deceased's loved ones and the community. Equally important was making the palm card a useful victim-witness resource, inviting community members to contact the Homicide Task Force with information. The ECPO Homicide Task Force wanted to convey **respect** for the friends, family, and community of the victim through the palm cards.

Crucial to building individualized trust on-the-scene was providing the community with information about the homicide investigation process. This information would help community members recognize who was on the scene and give them an **understanding** of what to expect next. The card provided an overview of the expected process and phone numbers for commonly requested resources. It was also an opportunity for the ECPO detectives to provide transparency about their mission.

The palm card needed to give community members several ways to **voice** their concerns or provide information. Our scan of best practices found that the homicide unit typically receives three types of information, so we designed the palm card to direct people to the appropriate phone numbers. The main number was displayed for community members seeking information about a case. Each card included lines for the lead detective to provide their cell phone number, giving the caller a direct line to the detective in charge. Additionally, the card provided the tip line number for community members to share information about the incident.

2. **Resource Guide.** The second critical touchpoint was the next-of-kin notification. The project team sought to provide a resource that could build trust after notifying a family member of their loved one's death. The idea for the resource guide came from the booklets women receive after giving birth at a hospital which contain helpful information parents can refer back to when questions arise.

Community Resource Guide
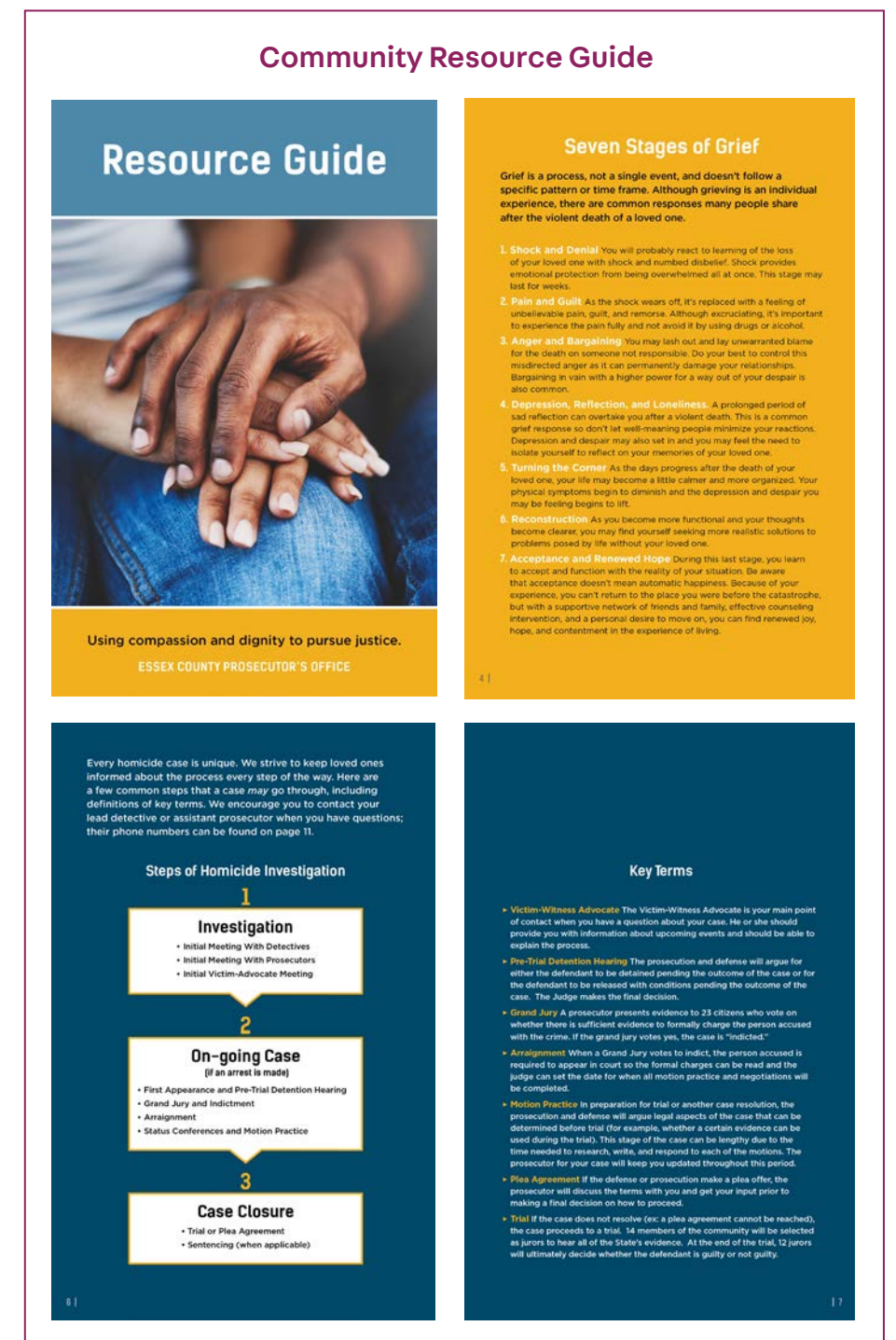
In recognition of the sensitivity of the interaction, and ECPO's respect and empathy for the loved one receiving the notification, we created the tool to provide information that would be pertinent for the recipient's **understanding** and processing during the days and weeks following the homicide. A note from the ECPO Homicide Unit expressing condolences and explaining the unit's goals set a tone of empathy similar to the palm

card, the resource guide served as both a victim-witness resource and a way to gather information for the investigation. It provided information about where loved ones could seek funeral assistance, responses to frequently asked questions, and contact information for therapeutic and legal services. We intended these sections to show the recipient respect for their loss and useful information to help them navigate the next steps. The frequently asked questions, in particular, promoted transparency by providing information that is not readily available and by identifying who community members should contact for more information.

Our second goal for the resource guide was to increase community members' **understanding** of the investigation process. This was done by being **transparent** about the stages of a homicide investigation and defining legal terms that may be unfamiliar to the general public. Homicide investigations can vary based on factors outside the control of the detective or prosecutor. To limit the potential of raising false hope about a case's outcome, the resource guide provided a basic overview of the stages without any specific timeline or expectation of when the stages would occur.

Third, the resource guide needed to provide family members with autonomy. It showed **respect** for community members' autonomy by giving them a choice to provide information to the detective *after* the notification, rather than expecting them to locate information immediately after learning of their loved one's passing. The resource guide contained prompts to help people remember as much information as possible about the deceased. Recognizing that loved ones and witnesses preferred to arrive at ECPO on their own rather than being escorted by detectives, the resource guide showed **respect** by providing clear and accurate directions to the office.

3. **Tip Line Voicemail and Tip Intake Form.** Both the palm card and resource guide directed individuals to call the tip line number. Originally, the tip line greeting was unintelligible except for the word "homicide." It

was important to re-record a new and improved greeting to maintain any trust that may have been built by the detectives while on the scene or at next-of-kin notifications. The new greeting promoted the same sense of security and confidentiality that the tools aimed to convey.

The new message aimed to show respect by providing the message in English and Spanish, thanking the caller, and offering options for how to provide the information: either receiving a call back or providing information anonymously. In addition, the message promoted **understanding** by providing information about investigator availability and the hours when a live person was available. This was also an important factor in providing **transparency** to ensure that callers knew that if they decided to have a detective call them back, the information would not be anonymous because they would be providing their name and phone number.

We expanded the tip line form to include space for common information ECPO administrative staff collect during calls. Initially, the project team sought to create a script to guide the administrative staff through tip line calls. However, the complexity and nuance of each call would not allow for a script to be effective. Therefore, the project management team settled on incorporating several prompts to encourage a caller to continue providing information while conveying appreciation for the details already provided. These prompts were meant to let the caller know that their **voice** had been heard and that the information that they provided was valuable.

Tip Line Voicemail Message

Hello. Thank you for calling the Essex County Prosecutor's Office Tip Line. If this is an emergency, please hang up and dial 911. Our investigators are available 24/7 to serve you. If you are calling to provide confidential information about an investigation, please leave your name and phone number and an investigator will call you back as soon as possible. You can also call us Monday to Friday from 9:00 am to 5:00 pm to anonymously speak with a team member.

Tip Line Information Form

★ **Essex County Prosecutor's Office - Tip Line Information Form**

Today's Date: ___ / ___ / _____   Call Receiver: _____ (print)

Date of call: ___ / ___ / _____   Time of Call: ___: ____   ☐ Voicemail ☐ Live Call ☐ Tip ☐ Other

*I want to remind you that this is an anonymous call and I won't ask for your name or phone number. We encourage you to share as much information as you feel comfortable. *

We appreciate your call, what would you like to share with us? (who, what, when, where, and why)

☐ Voicemail ☐ Live Call
☐ Tip ☐ Other

Thank you for this information. Can you please describe the person and/ or location you referred to?

First Name: _____   Last Name: _____

Nickname/ Alias: _____

Address: _____

Sex: _____   Race: _____   Age: _____   Complexion: _____   Weight: _____

Eye Color: _____   Hair Color: _____

Identifying Characteristics (ie., tattoos, piercings, scars, etc.): _____

Location of Incident:

Bldg. / House Number: _____   Street Name/ Number: _____   Apt.: _____

City: _____   State: _____   Zip Code: _____

Additional description of location:
_____
_____

Thank you for sharing. Can you please describe the weapon and/ or vehicle you referred to?

Weapon type: ☐ Firearm ☐ Knife ☐ Sharp Instrument ☐ Blunt Object ☐ Explosive Devise

If firearm, what type: _____

Vehicle Type: _____   Vehicle Color: _____   Vehicle Registration State: ___

Vehicle License Plate: _____

Additional description of vehicle:
_____
_____

Caller name: _____   Phone Number: _____
Address: _____   ☐ **Refused to Provide**

Case Detective: _____   Supervisor: _____
Assistant Prosecutor Assigned to case: _____   HOM/SI #: _____
Submitting Person _____   Date Submitted: _____

4. **Pilot Training.** Once the pilot materials were designed, the project management team designed a three-hour training for the Homicide Task Force and augmented that training for the homicide unit prosecutors and administrative staff. Each training followed the same agenda: 1) introduction and project overview; 2) local and national challenges; 3) procedural justice; 4) understanding your audience; 5) on-the-scene engagement; 6) next-of-kin notifications; 7) initial meetings; 8) tip line and tip form; 9) research design; 10) questions and answers; and 11) conclusion. Prior to walking through the pilot materials and how to use them, the project management team provided a solid understanding of what the pilot was seeking to study, what procedural justice theory was and how to incorporate it into their work, and what trauma was and how it could affect interactions between the ECPO staff and community members. Once the trainers discussed those foundational concepts, participants received a sample of the pilot materials, and trainers walked through their design and intended uses. Finally, trainers explained the accompanying practice guide that would be provided to everyone participating in the pilot.

> Practice Guides were created for each of the detectives to use as a reference to reinforce the training workshops

Implementation Lessons Learned

Community feedback on tools prior to design is critical to trust building. The local and national scan focused on understanding practices undertaken by prosecutorial agencies, law enforcement agencies, nonprofits, and academics who work to build trust with communities impacted by violence. With the exception of community meetings that project staff attended to understand resident concerns, the project management team did not seek feedback from community members regarding the tools once they were designed. Due to research limitations, the project management team did not receive community feedback on the actual use of the tools in the field.

Staff participation in the development of pilot activities is critical to the success of the pilot. The executive leadership of the homicide unit constructed the pilot with staff from the Center for Court Innovation. The team iteratively developed the pilot materials over weeks before finalizing the prototype for the pilot. Although the project management team represented detectives, prosecutors, and administrative staff who would be implementing the pilot tools, line prosecutors and detectives were not made aware of the pilot, nor were they consulted on the materials before the training. As a result, at the training, they raised many questions and concerns about the content and messages conveyed by the tools. The project management team recreated some of the materials to incorporate the comments and concerns raised by detectives. This caused several weeks of delays in implementing the pilot.

Staff turnover can have varied impacts on the project implementation team. Detective buy-in and enthusiasm for using the pilot materials was largely the result of their trust in their captain, who had supported the project. Unfortunately, at the start of the pilot period, the captain retired. This change brought about an unanticipated restructuring of the project management team, as the departure of the captain resulted in the loss of a direct line to the detectives. However, the change did bring increased transparency in the form of quicker access to needed data and information.

The pandemic impacted trust-building activities. The pilot period began in January 2020 during a period where shootings were at a record low. Two months later and due to the rapid spread of COVID-19 in Newark and neighboring cities in New Jersey, Mayor Baraka issued a stay-at-home order for all non-essential residents and workers starting March 2020. Like much of the country during this time, the Essex County Prosecutor's Office developed a COVID-19 response protocol to ensure the safety of their staff and the communities they serve. As part of the protocol, the leadership instructed detectives on the homicide task force to limit their contact with individuals while canvassing, responding to homicides, and during other investigative activities. Additionally, detectives were required to wear personal protective equipment (PPE) and practice six-foot social distancing while on duty and when working with the general public. The pilot required human interaction and relied heavily on the passing of materials from one person's hands to another—activities that were strongly discouraged during the height of the pandemic. Unfortunately, pilot activities were not adaptable for distanced or virtual interaction.

Social unrest and mistrust of law enforcement on the national level affects local sentiments. In addition to COVID-19, several police-involved shootings occurred nationally throughout the year resulting in heightened levels of social unrest. Although the ECPO staff were confident that their relationship with the community was not comparable with media portrayals, attempts to build trust through palm cards and resource guides did not take into account the sensitive nature of community/law enforcement relationship building. Authentic and consistent community engagement—not just in response to a homicide—is needed to lay the foundation for meaningful trust-building.

4. Pilot Evaluation

Our findings and recommendations drew on the results of surveys with detectives at three time points (baseline, four, and eight months into the implementation); focus groups with detectives; analysis of administrative homicide data; and interviews with directly impacted community members. All research protocols were reviewed and approved by the Center for Court Innovation's Institutional Review Board.

Methodology

1. **Pre/post surveys with detectives.** The project staff provided an initial presentation of the materials and training in procedural justice to detectives over three sessions from October 2019 to January 2020. Twenty-nine out of 34 detectives (85%) participated in those sessions. Before each session, the researcher asked participating detectives to complete a survey to gauge how they might already apply procedural justice tenets and describe their work. The survey included questions about detectives' interactions with witnesses, family members, and the general community after their most recent homicide. Twenty-five detectives completed the survey (86% of those who completed the training). The survey consisted of 70 questions and took approximately fifteen minutes to complete. Detectives received two follow-up electronic surveys in May and September 2020, after the pilot began. Researchers designed the survey to follow up on respondents' use of the materials and training in their everyday work. We sent the survey to all 34 detectives regardless of their attendance in one of the training sessions; however, only 12 completed the first follow-up survey and 13 completed the second. Since no significant differences were found between the responses from the first and second round of surveys, responses from the second survey (n=13) are reported here. The survey was similar to the one administered at the beginning of the program with a few added questions about materials application. Less than half (43%) of the detectives responding to the follow-up surveys said they remembered participating in the initial training.

2. **Detective focus groups**. In April 2021, near the end of the pilot, researchers conducted two focus groups with detectives from the homicide task force, speaking with a total of 12 detectives. The focus groups lasted for 90 minutes and took place remotely via Zoom. The discussion during the focus group provided further information about how the task force members felt about using the materials, understood procedural justice concepts, and built relationships with the families of victims and witnesses.

3. **Analysis of administrative data on homicides in Essex County.** The ECPO homicide task force provided data on homicides during the nine-year period from January 2012 through August 23, 2021, including records for 1,100 victims. This data includes general information about the incident (date, time, location); victim characteristics (age, race, gender); cause of death; suspect name, gender, and race; detective assigned; and potential motive. Researchers from the team analyzed the data using SPSS for descriptive statistics.

4. **Interviews with directly impacted community members**. Despite our best efforts, we had only limited success incorporating the perspectives of those directly impacted by homicide in the community. Challenges largely due to COVID-19, along with stipulations made by partner agencies, resulted in hampered outreach and recruitment efforts. Ultimately, we interviewed a total of six people who met the study criteria: that they had a friend or family member killed in an adjudicated case in Essex County since 2012 and were at least 18 years old. Prosecutors requested that researcher not interview people who might have information about an open case. As cases can take years to be closed, we decided to include anyone in the study where the case was closed and the homicide occurred within the last eight years. The individuals who were interviewed provided feedback on their interactions with law enforcement after the death of their loved ones. Researchers abandoned initial plans to recruit interviewees through the ECPO victims' services office and local advocacy groups due to restrictions imposed by the potential collaborating agencies. Instead, two researchers with connections to the community recruited potential interviewees through a combination of personal contacts and collaboration with a local court-based community organization.

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3. There were 34 detectives at the beginning of the pilot but because of personnel changes, this number fluctuated throughout the pilot period and some new detectives joined the task force who were never trained.

4. The data provided by ECPO differs from those reported previously from the Uniform Crime Report (UCR) due to different reporting requirements. Clearance rates reported over the years from ECPO are higher than those reported in the UCR as homicide unit data does not include suspect arrest information.

Findings: Use of Tools

During the pilot, the project team initially sought to train all 34 detectives and provide them with the relevant materials. Ultimately, however, less than half of the detectives adopted the materials during the 18-month pilot period. As with department leadership, there was also some turnover among the detectives, so some who participated in the follow-up surveys or focus groups came to the department after the initial training sessions and did not receive the training. Most of the survey respondents and focus group participants who reported using the materials as intended found them helpful. However, this finding should be interpreted with caution; both the survey and focus groups suffered from low participation rates and those who participated may likely be predisposed in favor of the pilot (selection bias). Further, only two participants said that they used the materials all the time or as fully intended (described further below).

1. **Palm cards.** Each detective on the ECPO homicide task force was given one hundred palm cards for distribution. However, only 7 of the 13 survey respondents said that they received the palm cards. Of those, two reported that they handed out all of their palm cards and one did not distribute any; the remaining four distributed *some* cards.

   In both the survey and the focus groups, detectives reported that the community response to the cards was positive and generally receptive. Six of them reported that they distributed palm cards at the scene of their last homicide investigation. The detectives themselves had ambivalent feelings towards using the palm cards; their sentiments in the survey ranged from positive ("good," "helpful," "comfortable carrying them,"

> *In both the survey and the focus groups, detectives reported that the community response to the cards was positive and generally receptive.*

"great") to neutral or negative ("I do what I'm told," "burdensome to carry two sets of cards," "have not seen an impact," "include too much information"). One of those who did not distribute any said it was because they were newly assigned. During focus groups, detectives shared that it was easier to use the palm cards at the beginning of the pilot when everything was face-to-face, but COVID made it more challenging to distribute the cards since detectives were required to socially distance, limiting their interactions with the public.

Two detectives surveyed responded affirmatively to the question that someone contacted them as a result of the information provided on the palm card, though it is unclear if the contact can be attributed to the palm cards or business cards many of the detectives distributed along with the palm cards. One detective said, "People almost always take the palm card. I don't know how effective it is—I wouldn't say that they've turned around and called me. I have a good track history with people calling my phone directly. There was no influx in calls; palm cards did not help or hurt." The primary reasons people contacted the detectives were to check on the status of a vehicle release, for an update on the investigation, or other investigative information. As described in the prior section, one of the reasons the palm cards were developed was specifically because the planning team had heard that detectives did not use their business cards and community members were hesitant to carry a detective's business card for fear of being considered a "snitch"; however, detectives reported in focus groups that they ***did*** actually distribute their business cards to community members and had no problem using them.

Some detectives recommended that the palm cards and resource guides would be more appropriately distributed by the victim/witness office since that office interacts more closely with the families to determine needs while detectives are focused on solving the murders.

2. **Resource Guide.** Of those detectives surveyed who received resource guides (N=7), most (N=5) reported sharing these guides with families. Overall, the detectives who completed the survey provided positive feed-

back (e.g., "helpful," "good," "I felt it provides useful information"). Only one respondent gave a negative assessment ("people aren't sure what it is"). None of them knew if family members had actually used the guide.

Some focus group participants suggested that the resource guides were helpful to leave with the families that might have additional questions after the detectives left. However, at least one detective doubted whether families used the information; this individual maintained that people did not actually look at the resources provided but just wanted detectives to tell them the next steps. "The questions that they ask are answered in the resource guide. Maybe they find comfort in speaking to me. I don't know. But I still pick up the calls and answer the questions." Another detective who had found the materials helpful suggested that rather than just giving the resource guides to a single family member, the materials should be shared with anyone involved, as the information helps them understand the next steps of the investigation. No one mentioned in the surveys or in the focus group that they used the resource guide to collect information from the family.

3. **Tip Line.** The tip line voice message was re-recorded to be clearer and more welcoming, and to let people know what to expect if they left a message. ECPO hoped that the 2020 changes to the tip line would result in more people using the line to reach out to detectives. More than half of the detectives who completed the survey had received tips through the tip line since the beginning of 2020. The type of information gathered through the tip line was reported to include possible suspects/motives, leads, and suspect location. Survey respondents did not believe that the number of tips or quality of information received had changed following the implementation of the pilot project.

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5. A closed case is one where the prosecution of the case is completed with a conviction or administrative closure. This is difference from a cleared case, which usually occurs when the police investigation is completed with the arrest and charging of a suspect. For detectives in the homicide unit, the case is cleared once there is an arrest and the case is passed on to the prosecutors, who then continue to prosecute the case until they can close it with a conviction (Brookman et al. 2019).

Findings: Clearance Rates

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Table 4.1
Declining Homicide Numbers and Increasing Clearance Rates in Essex County, 2012-2021

Year	Number killed	Clearance rate
2012	125	51%
2013	155	53%
2014	121	56%
2015	142	53%
2016	126	52%
2017	112	50%
2018	104	51%
2019	83	61%
2020	79	73%
2021*	53	57%
Total	1,100	55%

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* Data available only through 8/23/21

The ECPO homicide unit provided homicide data to the researchers to identify trends and impact of the pilot on clearance rates. From 2012 through 2018, over a hundred people were killed annually, with a peak in 2013 (155). The clearance rate (percent of all homicides solved by the police) for homicide cases from 2012 to 2018 was just over half (52%). Following 2018, homicides declined and clearance rates rose (2019: 83 homicides, 61% clearance; 2020: 79 homicides, 73% clearance). While we initially hoped that the use of materials and training on procedural justice would contribute to increased clearance rates, it is not possible to attribute the increase in clearance rates to the pilot project, especially considering the limited use of the materials by the detectives due to COVID 19. Many other factors contributed to increasing clearance rates, including an increase in video evidence (due to prevalence of cell phones), improvements in investigative technology, and the relatively fewer cases to investigate resulting in more resources to dedicate to each case.

Findings: Detectives Perceptions of Procedures

Overall, respondents to the pre-training survey felt that they already applied many elements of trust-building and procedural justice in their work. The follow-up surveys and focus groups explored how much detectives understood and used the elements of procedural justice from the training and materials. The detectives who filled in the survey at the follow-up periods were asked how often they thought about procedural justice from the training. Nearly all (10 out of 13) said that they considered **respect** daily in their actions with the community. Nearly the same number of those who completed the survey considered **understanding** (9), **neutral decision-making** (8) and **helpfulness** (9) or **understanding** (8) during daily interactions. Fewer (5) reported that they consider giving voice to those they interact with daily.

1. **Respect.** At baseline, most detectives considered themselves to be respectful or very respectful to everyone (20 out of 25 respondents). In the focus groups, detectives described how they try to be respectful in their interactions with the community. "Well, I try to be as courteous as I can be, to try to change the stigma our profession has. You try to be courteous until it's time not to be. Even if the interaction begins negatively, I try to make it as positive as possible." One detective shared an experience he had helping a witness who came forward to find a job; to this detective, this type of helpfulness was an important element of respect.

2. **Voice.** Survey respondents reported considering voice more at follow-up than at baseline (50% versus 43%), suggesting a possible influence of the training and materials. The detectives often viewed voice as allowing people to "vent" to them about the case or "get things off their chest," even if their anger was directed at the detectives.

   Survey respondents reported that they invited people to speak more often at the next-of-kin notification (6 out of 13) than at the scene of the homicide (10 out of 13), suggesting that opportunities for voice may differ depending upon the type and location of the interaction.

3. **Neutral decision-making.** Most survey respondents (10 out of 13) felt that they were neutral in their decision-making and treated all cases the same. One focus group participant explained, "[It] doesn't matter who my victim is. Lots of times we're familiar with the family, or they are suspects from other homicides... The victim is always someone's son, father, friend. I treat everyone the same." Another stated, "We work with people from all different backgrounds. No matter if the victim was dealing drugs or in a gang—[my job is] treating everyone with the same respect."

4. **Understanding.** Understanding was the one procedural justice concept that the detectives appeared to resist. They acknowledged the importance of providing information about the case to the family and answering questions, but also felt that there were limits to the amount of information they could share with the public. The detectives in the focus group all agreed that their primary job was to get information to solve cases; while providing transparency to the family may be helpful, detectives regarded providing too much information suspiciously. While they were not able to share everything with victim families, focus group participants did find that explaining the process was helpful. One detective described how he tries to explain the system to families:

   > Usually when I interact with families, I note that we're on the same team. In light of what's going on—a lot of people do not trust law enforcement—I try to assure [families] that 'you can trust me. I will do my best to get justice.' A lot of people don't understand how the system works or how law enforcement works. I try to build a rapport with people. We understand that their loved one was murdered. We try to make it as comfortable for them [as possible] without jeopardizing the investigation.

"What I've always done, I don't know if the training helped, but I find that talking to people, allowing them to vent, telling me what they're feeling … usually leads to a call from them or a family member and leads to more information. People feel like we care more. They think 'He took a few more minutes to walk me to my car, he's not like the rest of them.'"

Findings: Interviews with family of homicide victims

In addition to the information provided by detectives, we attempted to hear from directly impacted community members, specifically the family members and friends of homicide victims, about their interactions with law enforcement surrounding the homicide death of a loved one. Since the ECPO office required that we only speak to those involved in a closed case and it takes years to close a case, none of the interviewees had direct experience with the trained detectives or new materials. They did, however, provide us with information about how they felt during the time of the homicide about law enforcement and what would have been helpful. It can also be helpful for informing future adaptations of the pilot.

Of the six directly impacted community members interviewed, only one had spoken with law enforcement in connection to the death of their loved one. One was never even approached by detectives, though the person killed was their live-in partner. Another interviewee said he would have spoken with police if they had asked him, despite feeling uncomfortable, because he knew they were just doing their job. The rest decided that they did not want to make a formal statement or be interrogated or involved. Two supported family members who spoke with the detectives but did not speak with detectives themselves. A final interviewee had lost many friends to violence; he chose

not to speak with the police in this instance because they had not solved the other cases.

The one interviewee who did speak with detectives expressed frustration with their communication. She received phone numbers to call for information about the investigation, but no one ever answered the numbers or responded to messages. She wanted to talk to the detectives, but they "just ignor[ed] us during the whole process. It was already hard for us to deal with and that made it harder. Not having any answers." While she reported that they generally treated her with respect, she felt that the detectives did not explain things clearly and frequently left her in the dark without any resources. "A lot of the time, officers treat us like we're just another case. It would be better for them and us if they treated us as if the victims of these crimes are their family members. They did their job, but I would change some of the interactions we had."
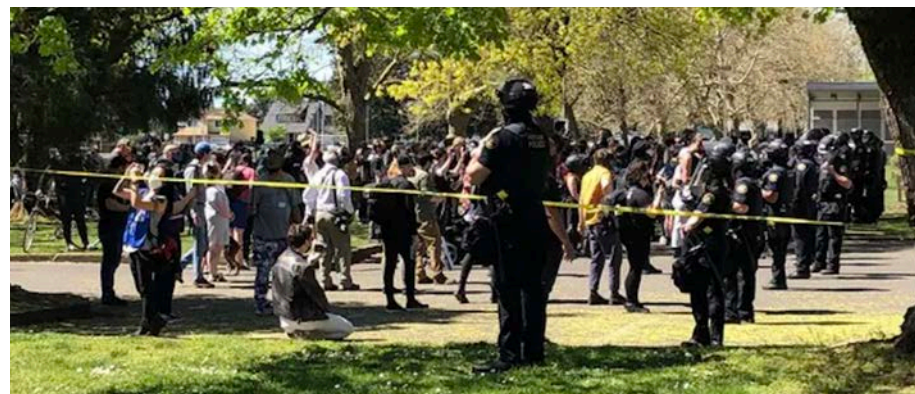
Community perspectives on procedural justice

These interviews revealed areas that community members felt should be addressed to build trust. Although first and foremost the family members interviewed said that solving the case was the most important thing detectives could do to build trust, procedural justice suggestions peppered their responses.

1. **Respect.** As noted at the beginning of this report, one issue mentioned was the need to cover bodies immediately, rather than leaving them in view of the public, as people considered that to be highly disrespectful.

2. **Voice.** One community member emphasized the corollary to the procedural justice concept of voice—listening. Whereas procedural justice emphasizes authorities giving people the opportunity to speak and share their thoughts, this person emphasized active listening to understand what people are saying and responding accordingly. "They should be more open-minded and listen more… that's where it starts. You got to listen to know the problems." Relatedly, one interviewee expressed that although the case was closed, it would have gone a long way towards building trust if someone from ECPO had reached out to her on the anniversary of her loved one's death.

3. **Neutral decision-making.** One family was left with questions about the circumstances surrounding the shooting death of a nephew. They believed the detectives' failure to help them understand was because he died during the commission of a crime. While they understood that police might view him as a perpetrator instead of a victim, they still wished that police had treated the family with compassion after losing a family member.

4. **Understanding.** In at least two of the interviews, people mentioned that improved communication and updates on the case would build trust. The community organization also recommended that it would help them to trust ECPO more if there were better access to task force representatives to answer questions about current homicide cases. In the interviews, another family member echoed this sentiment and the need for better access/awareness of victim benefits.

"A lot of the time, officers treat us like we're just another case. It would be better for them and us if they treated us as if the victims of these crimes are their family members. They did their job, but I would change some of the interactions we had."

Findings: Building Trust Beyond the Pilot

During the initial training, detectives offered several different reasons why community members did not cooperate with investigations. These reasons included fear of reprisal for cooperation, possible involvement with other crimes, and a culture of "no snitching." The detectives also acknowledged that prior negative experiences with law enforcement made it difficult for community members to trust the homicide task force detectives.

While many of them felt that they were individually trying to implement procedural justice and treat people fairly, they also felt that no matter what they did individually, the negative interactions with other members of law enforcement and representations in the media challenged their own narrative. "Unfortunately, we can try to change the narrative every day—that we're human too, good people, etc.," one officer reported. "As soon as people turn on the TV, there are some bad apples that make it hard to have a breakthrough. It's other areas that make it hard for us."

"I can't control what happened in Minnesota. What other cops do in Newark. Will that change the narrative? Probably not. But if they see ME again … I know I've left with a positive experience. People's past experience with law enforcement and the current climate impact trust. People watch the news, they see what goes on … and you know a lot of people have a lot of distrust. I don't blame them. But I know the team of people I work with; no one has ever done anything to make anyone uncomfortable. Working with the men and women in the homicide unit, they try to explain as much as possible. As much as we can. The community, in general, has a lot of distrust and that's where the problem is."

Recommendations for Building Trust

Detectives nearly unanimously believed that the most critical step to building trust is for them to do their jobs and arrest the people responsible for homicides in the community. Detectives mentioned additional methods for building trust, including moderating their tone of voice, showing empathy, and gaining support from community leaders.

1. Tone of voice

"How you talk to people, the tone you use. If you remain calm, they remain calm… They understand that you have a job to do."

"People generally want a voice of compassion, to make them feel better."

2. Empathy

"If the victim trusts you, they will talk to you. I try to put myself in the family's shoes; to go forward in their shoes. I try to relate to them. I try to put myself on their level, so they understand that I know what they're going through … If the [case] is solved or not, they will know you did your best to do right by them."

3. Support from local community leaders

"I don't think we need to add more people to the physical investigation. But if community leaders can get the community to rally around us. We're the good guys. If someone took someone else's life, and we're here to find out who that was. 90% of suspects are people who live in that community… I think if community leaders did a little bit more it may help bridge the gap between community and police. I like to think we have a good relationship [with community leaders]."

Community members suggested that if detectives were more present in the community and active beyond just investigating homicides, they would have better relationships with people when it came to conduct investigations. They also wanted everyone involved in the investigation (not just the victim services office) to be trauma-informed and better equipped to interact with families in the aftermath of the homicide.

4. More (positive) community interactions

"They should come around to talk, get to know the neighborhood, not just when they want something."

Another recommended that they "have meetings with the community, get to know one another. So it won't just be a job. It'd be more friends in a community and a work in there."

"I think that if police officers were more invested in our community, it will make us trust them more."

One detective made a similar comment, "There are roles in our office that are specific to homicide. I am from the community. I am here on the weekends. I have not once seen people from our office out in the community on the weekends. We should be there."

5. Trauma-informed care

Another recommendation from both groups was for anyone speaking with victims' families to receive special training in trauma-informed care and communication. Feedback further supported the development of a standard operating procedure for approaching work through a trauma-informed lens. Some detectives also expressed interested in this during the initial training session.

"Community members suggested that if detectives were more present in the community and active beyond just investigating homicides, they would have better relationships with people when it came time to conduct investigations."

Evaluation Challenges & Lessons Learned

This evaluation faced several challenges. Some challenges, such as the COVID-19 pandemic and national protests over police brutality, affected people across the country; other challenges were more specific to the Essex County Prosecutor's Office and Newark.

The evaluation itself suffered from a low response rate to the survey and no real comparison group. Only about a third of the detectives completed the follow-up surveys each time and of those, only half attended or recalled attending the training or receiving the materials. In addition to the other challenges noted above, there were also quite a few personnel changes in the task force that made it difficult to follow up with everyone in the pilot.

Understanding potential research constraints at the proposal phase is critical. Homicide investigations can be a lengthy and layered process. Due to the nature of our research inquiries and concerns by prosecutors over creating information that could potentially be subject to subpoena or discovery during trial, research was limited to closed cases. The pilot tools and resources were designed for use during the first 48 hours after a homicide. Assessing the impact of these tools on the community—though the palm card and resource guide were distributed by the detectives as the pilot required—was ultimately not feasible, as anyone receiving the tools may have been a witness to or have knowledge of the incidents and therefore could not be interviewed.

Both the pandemic and the deep community mistrust of the Essex County Prosecutor's Office contributed to difficulty evaluating the pilot. As part of the research, we hoped to interview people directly impacted by the homicide death of a loved one. However, few community members were interested in participating in the research. Staff who were helping to recruit for the study identified some issues that they felt prevented successful recruitment.

- The Newark community was hit particularly hard by COVID-19. Study staff were asking people to give time and emotional energy that they did not have during a time that people had lost their jobs and could not pay the rent.

- People were hesitant to participate because they did not see any benefit to their families in reopening old wounds.

- Researchers offered potential participants a cash stipend to reimburse for their time, but potential participants felt the stipend was insufficient for the amount of emotional energy they would spend on the project.

- Not everyone had access to technology for a virtual interview and establishing a reliable internet connection was often difficult. The sensitive nature of the topic added further complications for those without a secure, private location from which to connect.

- Many people mistrusted the researchers and were unwilling to participate when they heard that the project was connected in any way to ECPO, often without allowing for an opportunity for the researcher to explain the purpose of the research.

- Few people met the requirements set by ECPO for inclusion in the study. Low clearance rates meant that many cases remained open and thus ineligible to participate. Even if someone was charged with the murder, it could then take years before anyone was convicted of it. Thus, most of those interested in participating were ineligible. All of the incidents took place between three and seven years ago, which might have affected the ability of people to recall what happened.

- Finally, in light of the tragic murders of Breonna Taylor, George Floyd, and Elijah McClain, among others, at the hands of police officers and the national wave of social unrest in their wake, the project team felt that the materials developed to enhance procedural justice were not enough to bridge the deep distrust between law enforcement and Black communities.

The project management team was motivated by a desire to build trust in law enforcement in a community where deep distrust exists. The perceived connection between the research team and the prosecutor's office (or any law enforcement) was an obstacle to reaching the community with research questions. For future research in a similar setting, we recommend that the community research portion be entirely separate from the agency involved. This will allow researchers to maintain their independence and have control over who can participate. It will also reduce mistrust. We also recommend building more time and resources into the budget and project timeline for developing and fostering relationships within the community to establish legitimacy. Although we were in a unique circumstance with the COVID-19 pandemic, and we were unable to roll out the research as intended, a more established relationship with the community would have helped our work move forward more quickly. Our reliance on community organizations with existing relationships in the community meant that we did not allocate enough resources to develop our own relationships, which was necessary for such a sensitive project.

Summary & Conclusions

This project sought to answer the question: Can procedural justice be used as a framework to increase trust between law enforcement and community member in the critical 48 hours following a homicide? The goals were to help law enforcement agencies build trust and increase witness and community cooperation with law enforcement during homicide investigations, reduce violent crime, and improve clearance rates. Unfortunately, unforeseen circumstances (the COVID 19 pandemic, nationwide protests against police) hindered the project management team's ability to conduct and test the pilot as intended.

Summary & Conclusions

Despite an inability to measure the influence of the tools on the clearance rate and trust-building, there were positive outcomes. Due to Center project staff raising issues with the ECPO leadership team, they developed a new protocol for shielding the body at the scene of a homicide when they arrive. The prosecutor's office received a new mannequin in response to criticism about the old, well-used one they had. The ECPO provided more information and resources to the community through the palm cards and resource guide. Members of the ECPO staff realized that they have work to do towards developing greater trust in community. They incorporated some procedural justice practices into their work, especially trying to help people understand the process better.

One takeaway emphasized by the ECPO detectives was that they wanted the community to know that they were not the same as the Newark Police Department. Stating that on the materials is a first step, but a priority for the ECPO next step is to establish their own, independent identity and relationships within the communities where their investigations primarily happen. They have fewer opportunities to interact with people casually in the course of their daily activities, but by their own admission an improved relationship does not come from one-off interactions. Trust-building comes from sustained relationships and long-term interactions with families even after the homicides are solved. While the number of interviews conducted with community members who had had a loved one killed in Essex County was small, all of those interviewed had either experienced multiple people dying by homicide or knew others who had lost family members similarly. Sadly, often the people who have lost loved ones to homicide in Essex County are not experiencing isolated incidents. Building long-term relationships with people in the community as a department would be a step towards building trust that could potentially lead to solving future homicides.

Authentic and consistent community engagement, not just in response to a homicide, but throughout the year by the ECPO is required to lay the foundation for trust-building. Once that foundation is established, the use of palm cards, resource guides, and procedural justice could work to bolster that trust in the aftermath of a homicide.

Bibliography

Asher, J. 2021. "Murder Rose by Almost 30% in 2020. It's Rising at a Slower Rate in 2021," The New York Time, September 22. Retrieved Sept. 28, 2021(https://www.nytimes.com/2021/09/22/upshot/murder-rise-2020.html).

Bierie, D. M. 2012. Procedural Justice and Prison Violence: Examining Complaints Among Federal Inmates (2000–2007). Psychology, Public Policy, and Law 19(1): 15-29.

Brookman, F., Maguire, E.R., and Maguire, M. 2019. "What Factors Influence Whether Homicide Cases are Solved? Insights from Qualitative Research With Detectives in Great Britain and the United States." Homicide Studies 23(2): 145-174.

Farley, E., Jensen, E., & Rempel, M. 2014. "Improving Courtroom Communication: A Procedural Justice Experiment in Milwaukee." New York: Center for Court Innovation.

FBI. 2018. "2018 Crime in the United States." Retrieved Sept. 16, 2021 (https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/clearances).

KSBY. 2021. "With no police shootings in 2020, Newark makes case for consent decrees," May 6, 2021. Retrieved Sept. 28, 2021 (https://www.ksby.com/national/newsy/with-no-police-shootings-in-2020-newark-makes-case-for-consent-decrees).

Murder Accountability Project. 2021. Uniform Crime Report for Homicides: 1965-2019. Retrieved Sept. 22, 2021 (http://www.murderdata.org/p/blog-page.html).

Reed, M.D., Dabney, D.A., Tapp, S.N., and Ishoy, G.A. 2019. "Tense Relationships between Homicide Co-Victims and Detectives in the Wake of Murder." Deviant Behavior 41(5): 543-561.

Schulhofer, S.J., Tyler, T.R., Huq, A.Z. 2011. "American Policing at a Crossroads: Unsustainable Policies and the Procedural Justice Alternative." Journal of Criminal Law and Criminology 101(2): 335-374.

State of New Jersey. 2015. Supplemental Law Enforcement Directive Amending Attorney General Law Enforcement Directive No. 2006-5. Trenton, NJ: Office of the Attorney General. Retrieved Sept. 22, 2021 (https://www.nj.gov/oag/dcj/agguide/directives/2006-5_SRT_OIS.pdf).

Swaner, R., Ramdath, C., Martinez, A., Hahn, J., and Walker, S. 2018. What Do Defendants Really Think?: Procedural Justice and Legitimacy in the Criminal Justice System. New York, NY: Center for Court Innovation.

Swaner, R., White, E., Kralstein, D., Lyons, L. 2019. Procedural Justice at the Manhattan Criminal Court: Impact, Limitations, and Implications. New York, NY: Center for Court Innovation.

Tyler, T.R. 2011. "Trust and Legitimacy: Policing in the USA and Europe." European Journal of Criminology 8(4): 254-266.

Tyler, T.R. 1990. Why People Obey the Law. Yale University: New Haven, CT.

Appendices

Local and National Advisors

1. **Maureen Curtis**
   Safe Horizon

2. **Lorie Fridell**
   Associate Professor of Criminology, University of South Florida

3. **Jesse Jannetta**
   Senior Policy Fellow, Urban Institute

4. **Jackie Lacey**
   District Attorney, Los Angeles, CA

5. **Karen Loebel**
   Deputy District Attorney, Milwaukee, WI

6. **Kent Lovern**
   Chief Deputy District Attorney, Milwaukee, WI

7. **Charlene Luma**
   Program Director, Boston Trauma Response Team

8. **Ed McCann**
   First Assistant District Attorney, Montgomery County District Attorney's Office

9. **Cynthia R. Micklem**
   Assistant Common Wealth Attorney, Office of the City Attorney, Richmond County, VA

10. **Charlene Moe**
    National Senior Program Coordinator, Center for Public Safety and Justice

11. **Mitchell Roth**
    Prosecuting Attorney, County of Hawaii

12. **Andrew Woods**
    Executive Director, Hartford Communities That Care, Inc.

13. **Captain Zutic**
    Newark Police Department

14. **Captain MacPhee**
    Newark Police Department
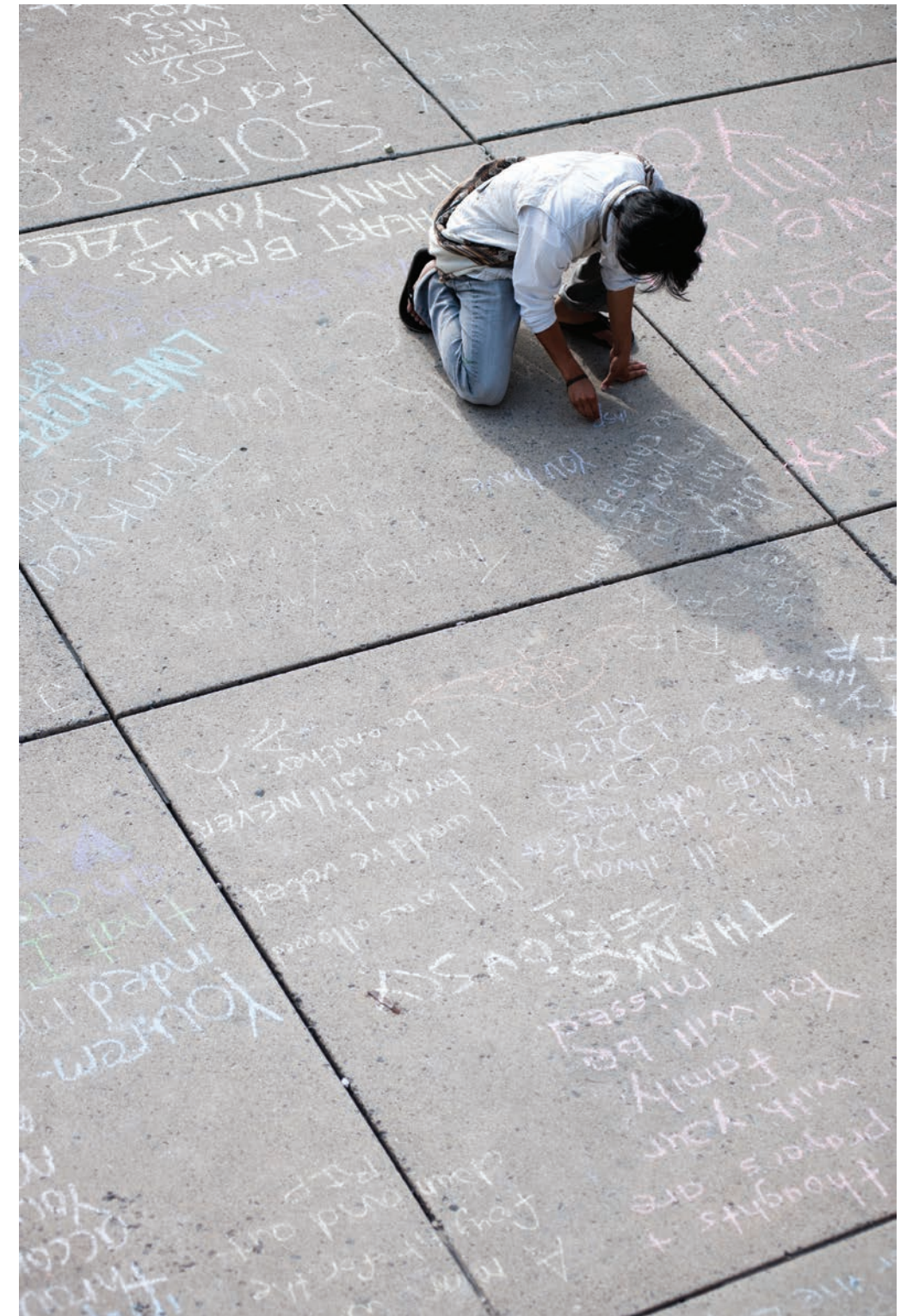
PROCEDURAL JUSTICE SHOOTING RESPONSE PILOT
— Trust-Building After Homicides —

TRAINING AGENDA

Goal: Review and plan for 12-month pilot of enhanced trust-building tools & practices following homicides

1. Detective Survey
2. Introductions + Project Overview
3. Local & National Challenges
4. Procedural Justice
   < 10 minute break >
1. On-the-Scene Engagement
2. Death Notifications
3. Initial Meetings
4. Tip Lines & Phone/ Email Contact
5. Understanding Your Audience
6. Research Plan
7. Recap & Next Steps

Introductions

- Chloe Aquart
- Emily LaGratta
- Walla Elshekh
- Colleen Smith

Center for Court Innovation

A non-profit organization that seeks to reform the justice system by:
- Original research
- Testing new ideas
- Providing tools to launch new strategies

RESEARCH → OPERATING PROGRAMS → EXPERT ASSISTANCE

Can public trust be generated with victims, witnesses, and on-lookers in the first 48 hours after a homicide?

Public Perceptions

Figure 2.2. Satisfaction with Criminal Justice Agents and Agencies*

(bar chart: Judges 38%, Defense Attorneys 34%, Court System 25%, Prosecutors 24%, Police 24%, People Who Run the Jail 15%)

* Includes those who are satisfied or somewhat satisfied.
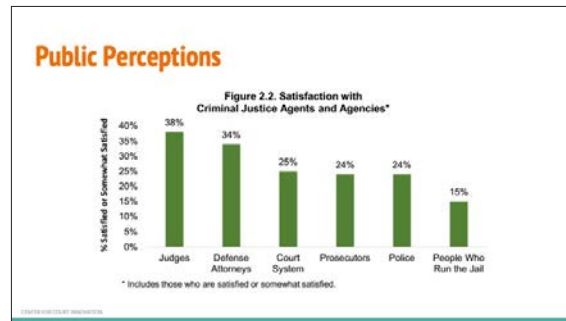
Public Perceptions

	% Agree or Strongly Agree
N	807*
I would call the police if I were in trouble.	58%
The police are usually trying to protect and look out for people.	47%
The police generally have the same sense of right and wrong as you do.	45%
The police are generally respectful.	37%
I can trust police to arrive quickly at the scene of a violent crime near where I live.	34%

Project Overview

- Federal Funding: "Supporting Innovation: Field-Initiated Programs to Improve Officer and Public Safety"
- Problem Statement (nationally)
  - Lack of community trust in legal authorities
  - Lack of voluntary compliance with the law and law enforcement
  - Low levels of perceived legitimacy
  - Low reporting rates & clearance rates, due in part to limited witness engagement
  - Few efforts targeted at building trust within prosecutor offices, especially at critical incidents like homicides

---

Project Design

- Local + National Needs assessment: What's being done? What additional supports are needed?
- Pilot design meetings (Jan-Sept 2019)
- Pilot kick-off & trainings (October 2019)
- 12-month pilot project + data collection and research (October 2019 - September 2020): What changes were made and what are the lessons for the national field?
- National toolkit (2021): What can others learn from Essex County's pilot?

Local & National Challenges

Potential Challenges

What gets in the way of trust-building in Essex County?

Potential Challenges

- **Investigation** goals are **paramount**, especially in first 48 hours
- **Community mistrust** of law enforcement and perceptions of snitching
- Homicide **victims' family** members are **grieving** and may be hard to engage, especially in immediate aftermath
- Community questions/concern about shooting response **policies, transparency,** inc. **covering of deceased**

Potential Challenges

- **Witness safety** and exposed meeting/waiting spaces
- **Delay** in ECPO Victim/Witness Advocate **meeting**
- **Quality** of witness **information** varies widely
- Few prosecutor offices investigate non-OIS shootings/ homicides and have shooting response protocols for detective community engagement

---

What are the costs of low levels of trust?

What are the costs of low levels of trust?

- Decreased cooperation, participation
- Confrontation and conflict
- Other mechanisms of compliance are needed
- Lower levels of job satisfaction

Newark study:
58%: "I would call the police if I were in trouble"

Can public trust be generated with victims, witnesses, and on-lookers in the first 48 hours after a homicide?

Other Procedural Justice Projects & Studies

- **National Initiative for Building Community Trust & Justice:**
  - increased perceptions of **procedural justice**
  - increased perceptions of **legitimacy**
  - increased willingness to **partner with police**
  - decreased perceptions of **racial bias**
  - decreased use of force

Procedural Justice

What is "Procedural Justice"?

What do members of the public want from law enforcement?

What is "Procedural Justice"?

Procedural justice research says: people want to be treated fairly, even more so than they want a favorable outcome

---

Elements of Procedural Justice

- **Voice:** Inviting individual's side of the story and their questions
- **Neutral Decision-Making:** Consistently applied, unbiased practices and transparency about how decisions are made
- **Respect:** Treating individuals with dignity and respecting their rights
- **Understanding:** Ensuring understanding of the justice system process
- **Helpfulness:** Providing individualized assistance

Elements of Procedural Justice in practice

What does this look like in your line of work?
- **Voice:**
- **Neutral Decision-Making:**
- **Respect:**
- **Understanding:**
- **Helpfulness:**

Procedural Justice practice challenges

What are the barriers to ensuring voice, respect, understanding, neutrality/transparency, and helpfulness?

Can public trust be generated with victims, witnesses, and on-lookers in the first 48 hours after a homicide?

Key Touchpoints

- On-the-scene interactions and activities
- Death notifications
- Initial meeting(s)
- Tip line and phone/email contacts

Theory of change: Improved engagement will yield higher-quality participation

Understanding Your Audience

What makes someone a crime victim?

- **Victim:** A person harmed, injured, or killed as a result of a crime, accident, or other event or action
- Key Considerations:
  - Concept of harm
  - Harm and injury present differently across individuals and across time
  - Victimization is a continuum, not a category

What is a trauma?

- **Definition:** An emotional response to a terrible event that has a lasting effect on functioning and wellbeing
  - Event → Experience → Effect
- **Traumatic Exposure:** Experiencing one or more events that involve death or threatened death, actual or threatened serious injury, or actual or threatened sexual violation in the following ways:
  - Direct experience
  - Witnessing the event occur to someone else
  - Learning about an experience of a close relative or friend
  - Repeated exposure to distressing details of said events

What does trauma look like?

- Individuals
- Communities
- Professionals

The Universal Assumption of Trauma: When interacting with individuals in close proximity to crime and violence, assume that they are experiencing some sort of traumatic reaction.

What can we do?

- Create space for
  - Respect
  - Information
  - Safety
  - Choice
- How can the materials distributed at the crime scene and next of kin notification help mitigate the negative impacts of traumatic exposure?

TOUCHPOINT 1: On-the-Scene Engagement

Participant Perceptions

[The police] left my buddy's body on the floor … everybody can see his body laying there. They put a white towel over his body, but he had his head blown off. Why was his body still laying there on the street? There's at least 100 people out there looking at it …that's a scene for everybody. People out there crying and stuff. His friends and family probably out here. Let's get his body out of here instead of leaving it out here soaking in blood. (Black man, 27)

On-the-Scene Engagement

- **SELF-ASSESSMENT EXERCISE:** Rate your personal strengths & challenges in enhancing each element of procedural justice at the scene.

  Consider benefits if these elements are enhanced.

☐ Voice
☐ Neutral decision-making
☐ Understanding
☐ Respect
☐ Helpfulness

On-the-Scene Engagement

How can the elements of procedural justice be enhanced?
  - COMMUNITY PALM CARD

☐ Voice
☐ Neutral decision-making
☐ Understanding
☐ Respect
☐ Helpfulness

On-the-Scene Engagement

How can the elements of procedural justice be enhanced?
  - PRACTICE GUIDE

☐ Voice
☐ Neutral decision-making
☐ Understanding
☐ Respect
☐ Helpfulness

TOUCHPOINT #2: Next-of-Kin Notifications

Next-of-Kin Notifications

- Who is your audience and what is their perspective?

Next-of-Kin Notifications

EXERCISE:
- In pairs, role play a recent notification
- Report out & review Practice Guide
- Switch roles

☐ Voice
☐ Neutral decision-making
☐ Understanding
☐ Respect
☐ Helpfulness

Next-of-Kin Notifications

How can the elements of procedural justice be enhanced?
  - RESOURCE GUIDE

☐ Voice
☐ Neutral decision-making
☐ Understanding
☐ Respect
☐ Helpfulness

Next-of-Kin Notifications

How can the elements of procedural justice be enhanced?
  - PRACTICE GUIDE

☐ Voice
☐ Neutral decision-making
☐ Understanding
☐ Respect
☐ Helpfulness

TOUCHPOINT #3: Initial Meetings

Initial Meeting

- Who is your audience and what is their perspective?
Possible first impressions/anxieties:

Initial Meeting

- Who is your audience and what is their perspective?
Possible first impressions/anxieties:

Initial Meeting

- **Perspective Taking**
  As a family member going through a homicide investigation, what questions or reservations do you have:
    - at the death notification?
   - at the initial meeting?

How could each of the elements of procedural justice be enhanced?

☐ Voice
☐ Neutral decision-making
☐ Understanding
☐ Respect
☐ Helpfulness

Initial Meeting

EXERCISE:
- Volunteer offers to demonstrate first few minutes of initial meeting
- Subsequent volunteers repeat initial demo but add at least one new element incorporating procedural justice
- Last volunteer must deliver the best of the demonstrated practices
- Review Practice Guide

☐ Voice
☐ Neutral decision-making
☐ Understanding
☐ Respect
☐ Helpfulness

Initial Meeting

How can the elements of procedural justice be enhanced?
  - PRACTICE GUIDE

☐ Voice
☐ Neutral decision-making
☐ Understanding
☐ Respect
☐ Helpfulness

Tip Line & Phone/ Email Contact

Tip Line & Phone/ Email Contact

Who else is serving as the face (or voice) of the agency?

BEFORE:
- simple outgoing message: "Homicide"
- unanswered voicemails and emails
- potentially inconsistent messaging to callers
- unknown # of hang-ups or voicemails

☐ Voice
☐ Neutral decision-making
☐ Understanding
☐ Respect
☐ Helpfulness

Tip Line & Phone/ Email Contact

Who else is serving as the face (or voice) of the agency?

NOW:
- New voicemail greeting
- Revised Tip Line Information Form with talking points

☐ Voice
☐ Neutral decision-making
☐ Understanding
☐ Respect
☐ Helpfulness

Research Plan

Detective Training Deck, *continued*

Research Plan

Theory of change: Improved engagement will yield higher-quality participation

- 12 Month Pilot
- Initial Detective Survey (today)
- Quarterly Surveys and Feedback Sessions
- Detective Focus Groups and Interviews
- Victim/Witness Interviews
- Data Tracking

Recap and Next Steps

Pilot Practices

☐ Voice
☐ Neutral decision-making
☐ Understanding
☐ Respect
☐ Helpfulness

- On-the-scene
  + Community Palm Card
- Death Notifications
  + Family Booklet
- Initial Meetings
- Tip Line & Phone/ Email Contact

Future Workshops

☐ Voice
☐ Neutral decision-making
☐ Understanding
☐ Respect
☐ Helpfulness

- Trauma
- Community perspectives
- Environmental design

Resources & Contacts

☐ Voice
☐ Neutral decision-making
☐ Understanding
☐ Respect
☐ Helpfulness

- "What is Procedural Justice?" video

www.courtinnovation.org/proceduraljustice
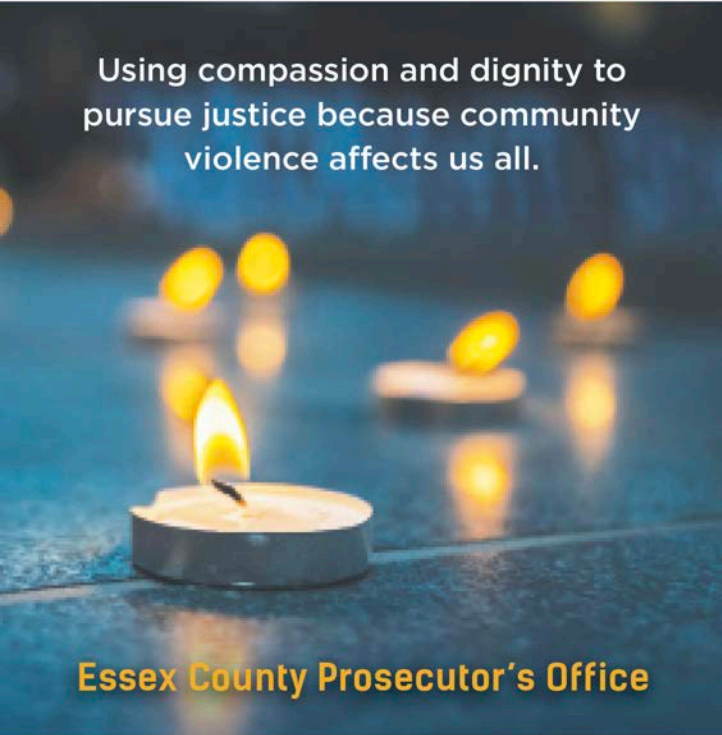
Chloe Aquart, aquartc@courtinnovation.org
Emily LaGratta, emily@lagratta.com

Community Palm Card

What's Next

Using compassion and dignity to pursue justice because community violence affects us all.

Essex County Prosecutor's Office

Process | Incident ▶ First Responders/ Police ▶ ECPO Homicide Detectives Begin Investigation ▶ Medical Examiner ▶ Ongoing Case

Essex County Prosecutor's Office Homicide Task Force

In partnership with local police agencies, Homicide Task Force detectives, prosecutors, and victim-witness advocates work with the community to seek justice, promote community safety, and support victims and witnesses.

Contact for on-going information:
Main: 973-621-4700

_____

_____

Helpful Contacts

▶ Crisis counseling:
973-972-6100

▶ Victim-Advocate Office (support for family/friends):
973-621-4687

▶ Essex County Family Justice Center (free and confidential walk-in center for domestic violence victims):
973-230-7229

▶ NJ Crime Victim's Law Center:
973-903-9848

▶ Confidential feedback about the investigation:
877-847-7432

Provided by
PROSECUTOR'S OFFICE ESSEX COUNTY NEW JERSEY

Resource Guide

Using compassion and dignity to pursue justice.

ESSEX COUNTY PROSECUTOR'S OFFICE

Our Condolences

We would like to express our deepest condolences during this very difficult time. The Essex County Prosecutor's Office is here to support you through the process that follows. This resource provides information and resources that may assist you in the coming months.

We strive to:

▸ Treat you with dignity, compassion and respect
▸ Listen to you and get your input throughout the case
▸ Keep you updated on matters related to this case
▸ Offer connections to services

| 3

Seven Stages of Grief

Grief is a process, not a single event, and doesn't follow a specific pattern or time frame. Although grieving is an individual experience, there are common responses many people share after the violent death of a loved one.

1. **Shock and Denial** You will probably react to learning of the loss of your loved one with shock and numbed disbelief. Shock provides emotional protection from being overwhelmed all at once. This stage may last for weeks.
2. **Pain and Guilt** As the shock wears off, it's replaced with a feeling of unbelievable pain, guilt, and remorse. Although excruciating, it's important to experience the pain fully and not avoid it by using drugs or alcohol.
3. **Anger and Bargaining** You may lash out and lay unwarranted blame for the death on someone not responsible. Do your best to control this misdirected anger as it can permanently damage your relationships. Bargaining in vain with a higher power for a way out of your despair is also common.
4. **Depression, Reflection, and Loneliness** A prolonged period of sad reflection can overtake you after a violent death. This is a common grief response so don't let well-meaning people minimize your reactions. Depression and despair may also set in and you may feel the need to isolate yourself to reflect on your memories of your loved one.
5. **Turning the Corner** As the days progress after the death of your loved one, your life may become a little calmer and more organized. Your physical symptoms begin to diminish and the depression and despair you may be feeling begins to lift.
6. **Reconstruction** As you become more functional and your thoughts become clearer, you may find yourself seeking more realistic solutions to problems posed by life without your loved one.
7. **Acceptance and Renewed Hope** During this last stage, you learn to accept and function with the reality of your situation. Be aware that acceptance doesn't mean automatic happiness. Because of your experience, you can't return to the place you were before the catastrophe, but with a supportive network of friends and family, effective counseling intervention, and a personal desire to move on, you can find renewed joy, hope, and contentment in the experience of living.

4 |

Funeral Assistance

The N.J. Victims of Crime Compensation Office (VCCO) may pay funeral costs in qualifying cases. The VCCO is run by the State of New Jersey. Your Victim-Witness Advocate can communicate with the VCCO by providing police reports and other information to help determine if you are eligible for compensation.

Call the Office of Victim-Witness Advocacy for more information and for help submitting an application: 973-621-4687.

Note that the Victims of Crime Compensation Office is independent from the Office of Victim-Witness Advocacy. www.nj.gov/oag/njvictims

| 5

Every homicide case is unique. We strive to keep loved ones informed about the process every step of the way. Here are a few common steps that a case *may* go through, including definitions of key terms. We encourage you to contact your lead detective or assistant prosecutor when you have questions; their phone numbers can be found on page 11.

Steps of Homicide Investigation

1

Investigation
• Initial Meeting With Detectives
• Initial Meeting With Prosecutors
• Initial Victim-Advocate Meeting

2

On-going Case
(if an arrest is made)
• First Appearance and Pre-Trial Detention Hearing
• Grand Jury and Indictment
• Arraignment
• Status Conferences and Motion Practice

3

Case Closure
• Trial or Plea Agreement
• Sentencing (when applicable)

Key Terms

▸ **Victim-Witness Advocate** The Victim-Witness Advocate is your main point of contact when you have a question about your case. He or she should provide you with information about upcoming events and should be able to explain the process.

▸ **Pre-Trial Detention Hearing** The prosecution and defense will argue for either the defendant to be detained pending the outcome of the case or for the defendant to be released with conditions pending the outcome of the case. The Judge makes the final decision.

▸ **Grand Jury** A prosecutor presents evidence to 23 citizens who vote on whether there is sufficient evidence to formally charge the person accused with the crime. If the grand jury votes yes, the case is "indicted."

▸ **Arraignment** When a Grand Jury votes to indict, the person accused is required to appear in court so the formal charges can be read and the judge can set the date for when all motion practice and negotiations will be completed.

▸ **Motion Practice** In preparation for trial or another case resolution, the prosecution and defense will argue legal aspects of the case that can be determined before trial (for example, whether a certain evidence can be used during the trial). This stage of the case can be lengthy due to the time needed to research, write, and respond to each of the motions. The prosecutor for your case will keep you updated throughout this period.

▸ **Plea Agreement** If the defense or prosecution make a plea offer, the prosecutor will discuss the terms with you and get your input prior to making a final decision on how to proceed.

▸ **Trial** If the case does not resolve (ex: a plea agreement cannot be reached), the case proceeds to a trial. 14 members of the community will be selected as jurors to hear all of the State's evidence. At the end of the trial, 12 jurors will ultimately decide whether the defendant is guilty or not guilty.

6 | | 7

Questions You May Have For Us

You likely have many questions about what happened and what will happen going forward. Here are some questions you may have:

▸ **Where and when did the death occur?** The lead detective on the case will provide as many details as possible. His/Her number can be found on page 10 of this booklet.

▸ **What happened and who is responsible?** Our primary goal in the coming hours and days is to collect as much information as possible to help answer those questions. The lead detective and prosecutor will do their best to notify you when major advances are made in the case. As noted below, we will notify you when any arrests are made on the case and keep you updated as the case unfolds.

▸ **Where is my loved one now? When can I see them?** We will do our best to help you see your loved one as soon as possible. Please contact the lead detective for more information.

▸ **When will I get back the personal property my loved one had with them at the time of the incident?** Your loved one's personal property, such as their wallet, cell phone, or jewelry, may be helpful for us to keep on file as evidence in the case. We understand that these items are likely to be important to you and we will be happy to answer any specific questions about where they are and why we need to store them during the case. Your lead detective can provide additional information.

▸ **What is an autopsy and why is it necessary?** An autopsy is an examination by the medical examiner that can help provide information about how, when, and why someone died. This is a critical step in our investigation and usually is completed in the days following an incident.

▸ **When can I make funeral arrangements?** Our office will let you know when you are able to make funeral arrangements. We apologize in advance for any delay and additional harm this may cause while we are conducting our investigation. As noted on page 5, please contact the Victim-Witness Advocate's Office for help requesting funeral assistance compensation.

▸ **When will you make an arrest?** We will do our best to keep you updated the status of our investigation and will let you know when an arrest is made.

▸ **Will this case go to trial?** It is difficult to predict whether a case will go to trial. If an arrest is made, we commit to keeping you updated and asking for your input at key stages of the case.

The lead detective for the case will do their best to answer these and any other questions you have.

8 |

Upcoming Appointments

Essex County Prosecutor's Office + Victim Advocate Meeting:

Date: _____

Time: _____

Place: _____

What to Bring/Prepare: _____

_____

_____

Investigation Update Meeting:

Date: _____

Time: _____

Place: _____

What to Bring/Prepare: _____

_____

_____

10 |

Key Contacts

GRIEF COUNSELING
▸ **Rutgers University Behavioral Health Center**
Emergency Intervention Support Services program: counseling and medication management
183 South Orange Ave, Newark, NJ, 07103
(on University Hospital campus)
Main: 973-972-6100

MEDICAL EXAMINER
▸ 325 Norfolk St, Newark, NJ 07103
973-648-4500

NJ CRIME VICTIMS' LAW CENTER
▸ 61 Spring Street, 4th Floor, Newton, NJ 07860
973-903-9848

ESSEX COUNTY BAR ASSOCIATION—LAWYER REFERRAL SERVICE
Referral service for residents to county and state attorneys
▸ 354 Eisenhower Pkwy, Plaza 2, Livingston, NJ 07039
Main: 973-533-6711

ESSEX COUNTY PROSECUTOR'S OFFICE
Main: 973-621-4700

▸ Lead Investigator Name _____

▸ Lead Investigator Phone _____

▸ Victim | Witness Advocate Phone _____

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Community Resource Guide

Anything Else You Want Us to Know

Use this space to make notes about your loved one's friends, work, school, or other interests that may help with our investigation. Information that can be helpful during the investigation includes, but is not limited to:

► The location of the victim's phone (if not at the hospital or on the person)
► Is the phone backed up on a cloud
► What is the password for the phone
► Account name and password of all social media accounts
► Who is the victim's best friend

► Does the victim have a significant other
► Occupation of the victim
► Recent whereabouts of the victim
► Number of phones victim has or phone number(s)
► Nicknames

_____
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Address + Directions to Essex County Prosecutor's Office

Essex County Government Complex/Veterans Courthouse
50 West Market Street, 3rd Floor
(Address for GPS and taxi dropoff: 19 South Orange Ave)

PUBLIC TRANSIT
The building is accessible via the Warren Street/NJIT Light Rail station and the following public bus lines:
► **Bus #21** (to/from East Orange-West Orange)

► **Bus #34** (to/from Bloomfield-Montclair)
Get off at West Market St. and MLK Jr. Blvd (coming from either direction). **Directions to the courthouse door:** Walk south on MLK Jr. Blvd (away from Essex County College) for 1/2 Block; Turn right onto the red brick footpath labeled "Legends Way" just past the Essex County Hall of Records (the building with two large flag poles in front), you may need to cross the street; Walk until the pathway ends and enter the courthouse through the glass doors under the sign that reads "Veterans Courthouse."

► **Bus #1** (to/from Ivy Hill)

► **Bus #25** (to/from Irvington/Maplewood)
Get off at Springfield Ave. and MLK Jr. Blvd (coming from either direction). **Directions to the courthouse door:** Walk North on MLK Jr. Blvd (towards Essex County College) for 1/2 Block; Turn left onto the red brick footpath labeled "Legends Way" just before the Essex County Hall of Records (the building with two large flag poles in front), you may need to cross the street; Walk until the pathway ends and enter the courthouse through the glass doors under the sign that reads "Veterans Courthouse."

FROM ROUTE 280 EAST
Take exit 14A to Dr. Martin Luther King Boulevard. At end of ramp, make a right onto Martin Luther King Blvd. Proceed about 3/4 mile, then make right on West Market Street (after passing under building overpass at Essex County College). Veterans Courthouse is on the left, past the County Hall of Records.

FROM GARDEN STATE PARKWAY
Use exit 148 for Route 280 East. Follow above directions.

ROUTE 280 WEST
Take exit 15, Broad St./King Blvd. Turn left at the bottom of the exit ramp. Turn left a second time onto Martin Luther King, Jr. Blvd. Proceed to West Market Street, as described above.

FROM NJ TURNPIKE
Use exit 15W for Route 280 West. Follow above directions.

FROM ROUTE 21 ("McCarter Highway") SOUTH
Take Route 21 South into downtown Newark, where it becomes McCarter Highway. Pass the NJ Performing Arts Center and Gateway office complex. At Market Street,

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just past overhead walkway, make right turn. Proceed about 3/4 mile, crossing Broad Street, bearing right where Springfield Ave. forks left, remaining on West Market Street. Pass Old Court House, cross traffic light for Martin Luther King Blvd., pass County Hall of Records and Essex County College. Veterans Courthouse follows on the left.

FROM BLOOMFIELD AVENUE EAST
Follow Bloomfield Avenue to its ending at Broad Street, make right on Broad Street and follow Broad Street to Interstate 280 bridge / NJ Transit bridge. Bear right at fork onto University Avenue, pass Rutgers University Campus. Proceed to West Market Street and make right turn (Essex County College is on the right at this point). Pass County Hall of Records, Veterans Courthouse follows on the left.

FROM ROUTE I-78 EAST
Get on Garden State Turnpike North, get off at GSP exit 148 for Route 280 East, follow above directions from Route 280. Or, stay on I-78 to Clinton Ave. exit (exit 56), follow ramp to Hillside Ave. north. Take Hillside Ave. one mile to end at T-intersection; take left and immediate right, onto Irvine Turner Blvd. north. After another mile, Irvine Turner Blvd. becomes Jones St. then Norfolk St. Cross Springfield and then South Orange Avenues (University of Medicine and Dentistry parking deck on left), make right onto 13th Avenue, go two blocks, Veterans Courthouse is on the left.

PARKING
The Essex County Prosecutor's Office will provide parking validation if you park in the Veterans Courthouse lot on South Orange Avenue. Take a ticket upon entering the lot and bring it to your meeting. Additional pay-lot parking is located on 13th Avenue across from the courthouse.

DIRECTIONS INSIDE THE BUILDING
At the building entrance, you will need to go through the metal detectors and security screening.

West Market St. Main Entrance at the Flag Poles: Once through security, take the elevator to the 3rd floor. Go to the Essex County Prosecutor's Office reception desk and tell them you have an appointment.

South Orange Ave. Parking Garage Entrance: Once through security, take the stairs or elevator to the 2nd floor. Walk through the mural walkway towards the main elevator bank. Take the elevator to the 3rd floor. Go to the Essex County Prosecutor's Office reception desk and tell them you have an appointment.

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Tip Line Form

EPCO Tip Line Form

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Essex County Prosecutor's Office - Tip Line Information Form

Today's Date: ___ / ___ / _____   Call Receiver: _____ *(print)*

Date of call: ___ / ___ / _____   Time of Call: ____ : _____   ☐ Voicemail ☐ Live Call   ☐ Tip
☐ Other

***I want to remind you that this is an anonymous call and I won't ask for your name or phone number. We encourage you to share as much information as you feel comfortable. ***

We appreciate your call, what would you like to share with us? *(who, what, when, where, and why)*

☐ Voicemail ☐ Live Call
☐ Tip ☐ Other

Thank you for this information. Can you please describe the person and/ or location you referred to?

First Name:_____   Last Name:_____

Nickname/ Alias: _____

Address: _____

Sex: _____   Race: _____   Age: _____   Complexion: _____   Weight: _____

Eye Color: _____   Hair Color: _____

Identifying Characteristics (ie., tattoos, piercings, scars, etc.):
_____

Location of Incident:

Bldg. / House Number: _____   Street Name/ Number: _____   Apt.: _____

City: _____   State: _____   Zip Code: _____

Additional description of location:
_____
_____

Thank you for sharing. Can you please describe the weapon and/ or vehicle you referred to?

Weapon type: ☐ Firearm ☐ Knife ☐ Sharp Instrument ☐ Blunt Object ☐ Explosive Devise

If firearm, what type: _____

Vehicle Type: _____   Vehicle Color: _____   Vehicle Registration State: ___

Vehicle License Plate: _____

Additional description of vehicle:
_____
_____

Caller name: _____   Phone Number: _____

Address: _____   ☐ Refused to Provide

Case Detective: _____   Supervisor: _____

Assistant Prosecutor Assigned to case: _____   HOM/SI #: _____

Submitting Person _____   Date Submitted: _____

Voicemail Message

Voicemail Message

English:

Hello,

Thank you for calling the Essex County Prosecutor's Office Tip Line. If this is an emergency, please hang up and dial 911.

Our investigators are available 24/7 to serve you. If you are calling to provide confidential information about an investigation, please leave your name and phone number and an investigator will call you back as soon as possible. You can also call us Monday to Friday from 9:00 am to 5:00 pm to anonymously speak with a team member.

Spanish:

Hola!

Gracias por llamar a la Fiscalía del Condado de Essex. Si tienes una emergencia, cuelgue y marque el 911.

Nuestros investigadores están disponibles 24/7 para servirle. Si está llamando para proporcionar información confidencial sobre una investigación, deje su nombre y número de teléfono y un investigador le llamará lo más antes posible. También puede llamarnos de lunes a viernes de 9:00 am a 5:00 pm para hablar anónimamente con un miembro del equipo.

Shooting Response Practice Guide

Center for Court Innovation — PROSECUTOR'S OFFICE ESSEX COUNTY NEW JERSEY

	Practice	Talking Points
On-the-Scene	▸ Cover victim's body (when appropriate) ▸ Hand out palm card (on-the-scene and when canvassing) ▸ Explain your role & what you are doing ▸ Work with community advocates (when present) ▸ Provide updates (when possible)	▸ "I'm with the Homicide Task Force. Here's a resource that may answer questions you have about what we're doing." ▸ "Does anyone need assistance?" ▸ "We can talk wherever you're most comfortable." ▸ "The medical examiner is on their way. We cannot move the deceased until they arrive." ▸ "Due to the (weather/location/other and the importance of a thorough investigation) we are unable to cover your loved one at this time."
Next-of-Kin Notification	▸ Arrive in discreet car ▸ Introduce yourself and explain your role in plain language ▸ Ask for permission to enter location (e.g., house/apartment) ▸ Hand out Resource Guide — *Point to your contact information within Resource Guide* ▸ Ask if they have any questions or if there are additional people your should inform ▸ Explain next steps and who to contact ▸ Conclude meeting with additional condolences	▸ "Good (morning/afternoon/evening), my name is _____ and I'm from the Essex County Prosecutor's Office. My job is to _____." ▸ "I'm sorry for your loss." ▸ "We can talk wherever you're most comfortable." ▸ "Are you willing to come to our office, or any place you feel comfortable, to discuss your loved one? It is very helpful to our investigation." ▸ "What questions do you have at the moment?"
Initial Meeting	▸ Introduce yourself and explain your role in plain language ▸ Explain purpose of meeting and how long it should take ▸ Ask if they have any questions prior to getting started ▸ Provide water and instructions to restroom ▸ Use an interpreter (when appropriate) ▸ Identify standard; explain atypical circumstances ▸ Value the information provided during your meeting ▸ Conclude meeting with recap and next steps; who/how to contact in the meantime	▸ "Good (morning/afternoon/evening), my name is _____ and I am a _____ at the Essex County Prosecutor's Office." ▸ "I'm sorry for your loss." ▸ "What questions do you have at this point?"
Tip Line	▸ Check voicemail every morning *Detectives will check on weekends* ▸ Log tips on revised Tip Line Information Form ▸ Answer all tip line calls during normal business hours	▸ "Thank you for taking the time to call. This is an anonymous call and I won't ask for your name or phone number. We encourage you to share as much information as you feel comfortable." ▸ "Thank you for this information. Can you please describe the person and/or location you referred to?" ▸ "Thank you for sharing. Can you please describe the weapon and/or vehicle you referred to?"

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