

ASSEMBLY, No. 5009

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

SYNOPSIS

Requires Attorney General to revise law enforcement use of force policy; implements certain reforms.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/19/2020)

1 **AN ACT** concerning use of force by law enforcement officers and
2 supplementing Title 52 of the Revised Statutes

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

6
7 1. The Legislature finds and declares:

8 a. The highest priority of New Jersey's law enforcement officers
9 is to safeguard the life, dignity, and liberty of all persons, without
10 prejudice toward anyone.

11 b. Law enforcement officers shall be guided by the principle of
12 reverence for human life in all investigative, enforcement, and other
13 contacts between officers and members of the public.

14 c. When law enforcement officers are called upon to detain or
15 arrest a suspect who is uncooperative or actively resisting arrest,
16 may attempt to flee, poses a danger to others, or poses a danger to
17 themselves officers should consider tactics and techniques that may
18 persuade the suspect to voluntarily comply or may mitigate the need
19 to use a higher level of force to resolve the situation safely.

20 d. Vesting law enforcement officers with the authority to use
21 necessary force as determined by an objectively reasonable officer
22 and to protect the public welfare requires monitoring, evaluation,
23 and a careful balancing of all interests.

24 e. The authority to use force is a serious responsibility given to
25 law enforcement officers by the people who expect them to exercise
26 that authority judiciously and with respect for human rights,
27 dignity, and life.

28 f. The purpose of this act is to establish the minimum standard
29 for policies and reporting procedures regarding New Jersey law
30 enforcement agencies' use of force. The purpose of these use of
31 force policies is to provide law enforcement agencies with guidance
32 regarding the use and application of force to ensure such
33 applications only are used to effect arrests or lawful detentions,
34 overcome resistance, or bring a situation under legitimate control.

35
36 2. a. The Attorney General shall revise the policy for the use of
37 force by law enforcement officers. The revised use of force policy
38 shall include, but not be limited to, the following:

39 (1) a requirement that officers utilize deescalation techniques,
40 crisis intervention tactics, and other alternatives to force when
41 feasible;

42 (2) a requirement that officers only may use a level of force that
43 they reasonably believe is proportional to the seriousness of the
44 suspected offense or the reasonably perceived level of actual or
45 threatened resistance;

46 (3) a requirement that officers report potential excessive force to
47 a superior officer when present and observing another officer using
48 force that the officer believes to be beyond that which is necessary,
49 as determined by an objectively reasonable officer under the

- 1 circumstances based upon the totality of information actually
2 known to the officer;
- 3 (4) clear and specific guidelines regarding situations in which
4 officers may or may not draw a firearm or point a firearm at a
5 person;
- 6 (5) a requirement that officers consider their surroundings and
7 potential risks to bystanders, to the extent reasonable under the
8 circumstances, before discharging a firearm;
- 9 (6) procedures for the filing, investigation, and reporting of
10 citizen complaints regarding use of force incidents;
- 11 (7) a requirement that an officer intercede when present and
12 observing another officer using force that is clearly beyond that
13 which is necessary, as determined by an objectively reasonable
14 officer under the circumstances, taking into account the possibility
15 that other officers may have additional information regarding the
16 threat posed by a subject;
- 17 (8) comprehensive and specific guidelines regarding approved
18 methods and devices available for the application of force;
- 19 (9) an explicitly stated requirement that officers carry out their
20 duties, including use of force, in a manner that is fair and unbiased;
- 21 (10) comprehensive and specific guidelines for the application
22 of deadly force;
- 23 (11) a requirement that officers promptly provide, if properly
24 trained, or otherwise promptly procure medical assistance for
25 persons injured in a use of force incident, when reasonable and safe
26 to do so;
- 27 (12) training standards and requirements relating to demonstrated
28 knowledge and understanding of the law enforcement agency's use
29 of force policy by law enforcement officers;
- 30 (13) training and guidelines regarding vulnerable populations,
31 including, but not limited to, children, elderly persons, pregnant
32 persons, and those with physical, mental, and developmental
33 disabilities;
- 34 (14) factors for evaluating and reviewing all use of force
35 incidents;
- 36 (15) minimum training and course titles required to meet the
37 objectives in the use of force policy; and
- 38 (16) a requirement for the regular review and updating of the
39 policy to reflect developing practices and procedures.
- 40 b. The Attorney General shall publish the revised use of force
41 procedures established pursuant to this section on the first day of
42 the eighth month following the effective date of this act.
- 43 3. This act shall take effect on the first day of the seventh month
44 following the date of enactment.
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47 STATEMENT

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49 This bill requires the Attorney General to revise the policy for the

1 use of force by law enforcement officers. The current use of force
2 policy followed by law enforcement officers was last revised by the
3 Attorney General in 2001.

4 The bill enumerates specific requirements, factors, standards,
5 and reforms which are to be included in the revised use of force
6 policy. The Attorney General would be required to publish the
7 revised policy within seven months following the date of the bill's
8 enactment.