

ASSEMBLY, No. 5010

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 19, 2020

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

SYNOPSIS

Requires Attorney General to establish model duty-to-intervene policy for law enforcement officers; requires entities that employ law enforcement officers to adopt duty-to-intervene policy.

CURRENT VERSION OF TEXT

As introduced.



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

1 AN ACT concerning law enforcement officers and the duty to
2 intervene and 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. For the purposes of P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 “Criminal offense” means an act which constitutes a first,
10 second, third, or fourth degree crime, a disorderly persons offense,
11 and a petty disorderly persons offense.

12 “Intervene” means come between, whether verbally or
13 physically, in order to prevent or alter a result or course of events.

14 “Law enforcement officer” means a person whose public duties
15 include the power to act as an officer for the detection,
16 apprehension, arrest, and conviction of offenders against the laws of
17 this State.

18
19 2. a. The Attorney General shall promulgate a model policy
20 establishing a duty to intervene for law enforcement officers in this
21 State.

22 (1) The policy shall include an affirmative duty to intervene if a
23 law enforcement officer witnesses another law enforcement officer
24 engage in any of the following:

25 (a) an unjustifiable use of force pursuant to the provisions of
26 N.J.S.2C:3-7;

27 (b) a deprivation of civil rights pursuant to section 2 of P.L.
28 2003, c.3 (C.2C:30-6);

29 (c) any other act which constitutes a criminal offense in this
30 State; and

31 (d) any other act requiring intervention, as determined by the
32 Attorney General.

33 (2) The policy shall include disciplinary action for a law
34 enforcement officer who fails to intervene when required under the
35 provisions of the policy.

36 b. Each agency, department, or other entity that employs law
37 enforcement officers in this State shall:

38 (1) adopt the policy established by the Attorney General
39 pursuant to subsection a. of this section or a policy that is
40 substantially identical. An entity adopting its own policy shall make
41 application in a manner to be determined by the Attorney General
42 for approval of the policy prior to adoption; and

43 (2) report on a quarterly annual basis to the Attorney General
44 each incidence of an intervention committed by a law enforcement
45 officer employed by the agency, department, or other entity for that
46 time period, pursuant to the provisions set forth in the policy.

47 c. The Attorney General shall prepare and submit to the
48 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-

1 19.1), an annual report, which shall summarize the quarterly reports
2 received pursuant to subsection c. of this section.

3
4 3. This act shall take effect immediately.

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7 STATEMENT

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9 This bill requires the Attorney General to establish a model duty-
10 to-intervene policy for law enforcement officers, and requires each
11 agency, department, or other entity that employs law enforcement
12 officers in the State to adopt the policy or one that is substantially
13 identical.

14 Under the bill, the policy would be required to include an
15 affirmative duty to intervene if a law enforcement officer witnesses
16 another law enforcement officer engage in any of the following:

17 (1) an unjustifiable use of force;

18 (2) a deprivation of civil rights;

19 (3) any other act which constitutes a criminal offense in this
20 State; and

21 (4) any other act requiring intervention, as determined by the
22 Attorney General.

23 The bill also requires the policy to include disciplinary action for
24 a law enforcement officer who fails to intervene when required
25 under its provisions.

26 The bill further provides that each agency, department, or other
27 entity that employs law enforcement officers in this State would be
28 required to adopt the policy established by the Attorney General or
29 a policy that is substantially identical. An entity adopting its own
30 policy would be required to make application to the Attorney
31 General for approval of the policy prior to adoption.

32 Additionally, the bill contains reporting requirements. Under the
33 bill's provisions, entities that employ law enforcement officers
34 would be required to report on a quarterly annual basis to the
35 Attorney General each incidence of an intervention committed by a
36 law enforcement officer employed by the entity for that time period.
37 The Attorney General would be required to report annually to the
38 Legislature a summary of the quarterly reports.