

# ASSEMBLY, No. 3756

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED OCTOBER 2, 2014

**Sponsored by:**

**Assemblyman REED GUSCIORA**

**District 15 (Hunterdon and Mercer)**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblywoman ELIZABETH MAHER MUOIO**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

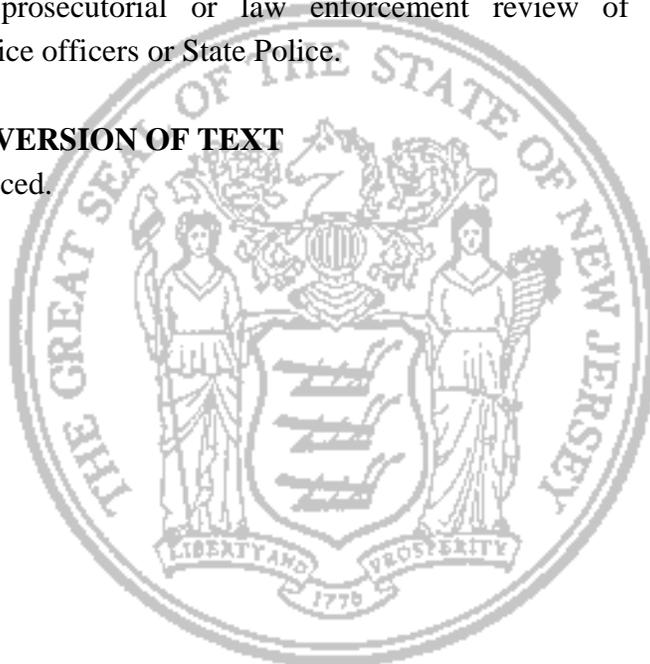
**Assemblywoman Spencer, Assemblyman McKeon, Assemblywoman Tucker, Assemblyman Garcia, Assemblywoman Watson Coleman, Assemblymen S.Kean, Green and Ciattarelli**

**SYNOPSIS**

Requires prosecutorial or law enforcement review of fatal incidents involving police officers or State Police.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 3/20/2015)

1 AN ACT concerning investigations of fatal incidents involving  
2 police officers, amending P.L.1996, c.115, and supplementing  
3 Title 53 of the Revised Statutes.

4

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

7

8 1. Section 10 of P.L.1996, c.115 (C.40A:14-181) is amended to  
9 read as follows:

10 10. a. Every law enforcement agency shall adopt and implement  
11 guidelines which shall be consistent with the guidelines governing  
12 the "Internal Affairs Policy and Procedures" of the Police  
13 Management Manual promulgated by the Police Bureau of the  
14 Division of Criminal Justice in the Department of Law and Public  
15 Safety, and shall be consistent with any tenure or civil service  
16 laws, and shall not supersede any existing contractual agreements.

17 b. A guideline shall be adopted pursuant to subsection a. of this  
18 section to require that at least two independent persons investigate  
19 any incident involving an act or omission by a police officer, while  
20 in the actual performance of the officer's official duties, which  
21 directly results in the death of an individual.

22 c. For purposes of this section:

23 "Independent person" means an individual who is qualified by  
24 training and experience to investigate a fatal incident, and who is  
25 employed by the county prosecutor of a county other than where the  
26 fatal incident occurred.

27 (cf: P.L.1996, c.115, s.10)

28

29 2. (New section) a. The Superintendent of the New Jersey State  
30 Police shall ensure that at least two independent persons investigate  
31 any incident involving an act or omission by a member of the New  
32 Jersey State Police, while in the actual performance of the  
33 member's official duties, which directly results in the death of an  
34 individual.

35 b. For purposes of this section:

36 "Independent person" means an individual who is qualified by  
37 training and experience to investigate a fatal incident, and who is  
38 not employed by the New Jersey State Police.

39

40 3. This act shall take effect on the first day of the third month  
41 after enactment.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

STATEMENT

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3       This bill requires county and municipal law enforcement  
4 agencies to adopt a guideline mandating that two independent  
5 persons investigate an incident where a person has died as a direct  
6 result of an act or omission by a police officer while in the actual  
7 performance of the officer's official duties. An "independent  
8 person" is defined as an individual qualified to investigate a fatal  
9 incident, and who is employed by the county prosecutor of a county  
10 other than where the fatal incident occurred.

11       The bill also requires the Superintendent of the State Police to  
12 ensure two independent persons investigate an incident in which an  
13 act or omission by a member of the New Jersey State Police, while  
14 in the actual performance of the member's duties, directly results in  
15 the death of an individual. An independent person is someone who  
16 is not employed by the New Jersey State Police.

17       In the view of the sponsor, the bill enhances accountability and  
18 transparency of a fatal incident investigation involving an act or  
19 omission by a police officer, and reduces the likelihood that a  
20 conflict of interest will arise during an investigation.