

ASSEMBLY, No. 1769

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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District 21 (Morris, Somerset and Union)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Assemblyman LOUIS D. GREENWALD

District 6 (Burlington and Camden)

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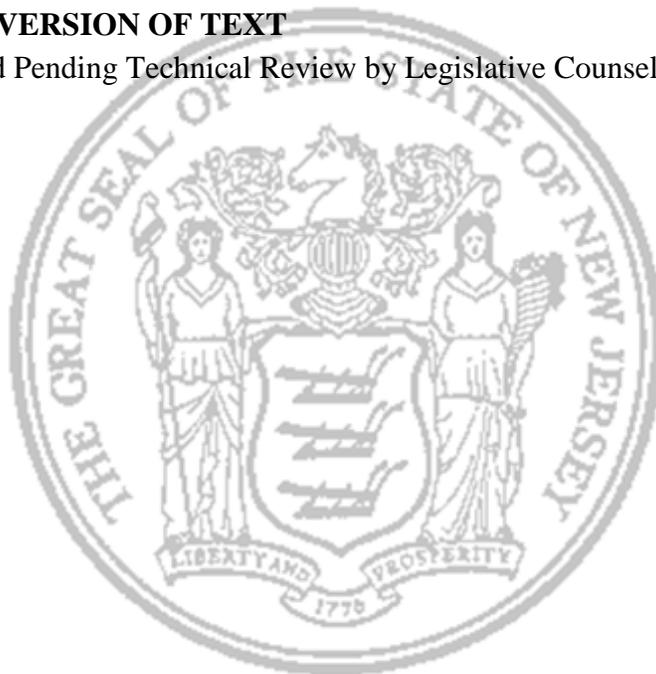
Assemblyman Dancer, Assemblywomen Vainieri Huttle and Murphy

SYNOPSIS

Requires uniform response procedures for all domestic crisis teams established or participated in by law enforcement agencies, and strengthens Statewide supervision over teams.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the training and oversight of domestic crisis
2 teams established or participated in by law enforcement
3 agencies, and amending P.L.1991, c.261.
4

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

7
8 1. Section 4 of P.L.1991, c.261 (C.2C:25-20) is amended to
9 read as follows:

10 4. a. (1) The Division of Criminal Justice shall develop
11 and approve a training course and curriculum on the handling,
12 investigation and response procedures concerning reports of
13 domestic violence and abuse and neglect of the elderly and
14 disabled. This training course and curriculum shall include
15 procedures to be followed in activating the services of domestic
16 violence crisis teams established or participated in by law
17 enforcement agencies pursuant to paragraph (3) of subsection b. of
18 this section.

19 (2) The domestic violence crisis team shall be activated in
20 response to any incident related to domestic violence unless any of
21 the following circumstances apply, in which case activation of the
22 domestic violence crisis team is in the discretion of the law
23 enforcement agency:

24 (a) any dispute concerning child custody or parenting time that
25 does not result in an act of domestic violence;

26 (b) if the victim is intoxicated, under the influence of a
27 controlled dangerous substance, or otherwise incoherent;

28 (c) if both parties are arrested for an offense related to domestic
29 violence;

30 (d) if the victim exhibits behavior that is violent, combative, or
31 abusive and may put the responder at risk;

32 (e) if a party is a victim of sexual assault that requires the
33 activation of the Sexual Assault Nurse Examiner Program (SANE)
34 or Sexual Assault Response Team (SART) at an approved SANE or
35 SART location; or

36 (f) if the victim will not be returning to law enforcement
37 headquarters or another designated area.

38 The training course and curriculum shall be reviewed at least
39 every two years and modified by the Division of Criminal Justice
40 from time to time as need may require. The Division of Criminal
41 Justice shall distribute the curriculum to all local police agencies.

42 **[(2)]** (3) The Attorney General shall be responsible for
43 ensuring that all law enforcement officers attend initial training
44 within 90 days of appointment or transfer and annual in-service
45 training of at least four hours as described in this section.

EXPLANATION – Matter enclosed in bold-faced brackets **[(2)]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 b. (1) The Administrative Office of the Courts shall develop
2 and approve a training course and a curriculum on the handling,
3 investigation and response procedures concerning allegations of
4 domestic violence. This training course shall be reviewed at least
5 every two years and modified by the Administrative Office of the
6 Courts from time to time as need may require.

7 (2) The Administrative Director of the Courts shall be
8 responsible for ensuring that all judges and judicial personnel attend
9 initial training within 90 days of appointment or transfer and annual
10 in-service training as described in this section.

11 (3) The Division of Criminal Justice and the Administrative
12 Office of the Courts shall provide that all training on the handling
13 of domestic violence matters shall include information concerning
14 the impact of domestic violence on society, the dynamics of
15 domestic violence, the statutory and case law concerning domestic
16 violence, the necessary elements of a protection order, policies and
17 procedures as promulgated or ordered by the Attorney General or
18 the Supreme Court, and the use of available community resources,
19 support services, available sanctions and treatment options. Law
20 enforcement agencies, under the supervision of the Division of
21 Criminal Justice, shall: [(1)] (a) establish domestic violence crisis
22 teams or participate in established domestic violence crisis teams,
23 which, in the discretion of the law enforcement agency, may be
24 made available to victims whenever law enforcement responds to
25 reports of domestic violence and to reports of abuse and neglect of
26 the elderly and disabled related to domestic violence; and [(2)
27 shall] (b) train, in accordance with the training course and
28 curriculum developed pursuant to paragraph (1) of subsection a. of
29 this section, all individual officers participating in domestic
30 violence crisis teams in methods of dealing with domestic violence
31 and neglect and abuse of the elderly and disabled. The teams may
32 include social workers, clergy or other persons trained in
33 counseling, crisis intervention or in the treatment of domestic
34 violence and neglect and abuse of the elderly and disabled victims.
35 (cf: P.L.1999, c.433, s.1)

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37 2. This act shall take effect on the first day of the fourth month
38 next following enactment.

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STATEMENT

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43 This bill concerns the training and oversight of domestic crisis
44 teams established or participated in by law enforcement agencies.
45 Domestic crisis teams may include social workers, clergy, or other
46 persons trained in counseling, crisis intervention, or treating
47 domestic violence victims, or elderly or disabled victims of neglect
48 or abuse.

1 The bill would require that procedures for activating domestic
2 violence crisis teams would be included in the training course and
3 curriculum on handling, investigating, and responding to reports of
4 domestic violence and abuse and neglect of the elderly and
5 disabled, that was previously prepared, and is revised from time to
6 time as needed, by the State's Division of Criminal Justice in the
7 Department of Law and Public Safety. With respect to the new
8 response procedures to be developed, the bill as amended would
9 establish greater uniformity for future domestic crisis team
10 responses. Currently, there are inconsistencies in how and when the
11 services of domestic crisis teams are made available to victims.

12 The bill provides that the training course and curriculum would
13 include procedures to be followed in activating the services of
14 domestic violence crisis teams.

15 Under the bill, the domestic violence crisis team would be
16 activated in response to any incident related to domestic violence
17 unless any of the following circumstances apply, in which case
18 activation of the domestic violence crisis team would be in the
19 discretion of the law enforcement agency:

20 (a) any dispute concerning child custody or parenting time that
21 does not result in an act of domestic violence;

22 (b) if the victim is intoxicated, under the influence of a
23 controlled dangerous substance, or otherwise incoherent;

24 (c) if both parties are arrested for an offense related to domestic
25 violence;

26 (d) if the victim exhibits behavior that is violent, combative, or
27 abusive and may put the responder at risk;

28 (e) if a party is a victim of sexual assault that requires the
29 activation of the Sexual Assault Nurse Examiner Program (SANE)
30 or Sexual Assault Response Team (SART) at an approved SANE or
31 SART location; or

32 (f) if the victim will not be returning to law enforcement
33 headquarters or another designated area.

34 The bill would also strengthen oversight over domestic violence
35 crisis teams by providing that law enforcement agency actions to
36 (1) establish or participate in a domestic violence crisis team, and
37 (2) train all individual officers participating in a team, would be
38 done under the supervision of the State's Division of Criminal
39 Justice.

40 The bill provides that, in the discretion of the law enforcement
41 agency, domestic violence crisis teams may be made available to
42 victims whenever law enforcement responds to reports of domestic
43 violence and to reports of abuse and neglect of the elderly and
44 disabled related to domestic violence.

45 The bill also correct several technical references to the teams,
46 changing the term "domestic crisis team" to the more precise
47 "domestic violence crisis team."

A1769 N.MUNOZ, MOSQUERA

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1 This bill embodies recommendation 9 of the Report of the
2 Supreme Court Ad Hoc Committee on Domestic Violence issued
3 June 2016.