

SENATE, No. 4131

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 12, 2021

Sponsored by:

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

Establishes “Uniform Crash Investigation Protocol Task Force” to establish uniform crash investigation protocol for State, county, and municipal law enforcement agencies when investigating certain motor vehicle and vessel crashes.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT establishing the “Uniform Crash Investigation Protocol
2 Task Force” and supplementing Title 40A of the New Jersey
3 Statutes.

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

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8 1. a. There is established a task force to be known as the
9 “Uniform Crash Investigation Protocol Task Force” whose charge
10 shall be to establish a uniform crash investigation protocol for every
11 State, county, and municipal law enforcement agency to follow in
12 every case where a motor vehicle or vessel crash involving a fatality
13 or serious injury occurred and the law enforcement agency
14 determines that at least one of the following criteria are known or
15 suspected:

16 (1) alcohol;

17 (2) drugs;

18 (3) excessive speed, which is above the speed limit or too fast
19 for existing conditions;

20 (4) distracted driving, including the use of a wireless device or
21 electronic communication device,

22 (5) hit and run;

23 (6) two or more moving violations;

24 (7) a person with a revoked or suspended operator’s license;

25 (8) a pursuit where the pursued party causes death or serious
26 injury;

27 (9) an emergency vehicle is involved or was responding to an
28 emergency call;

29 (10) multiple fatalities or serious injuries to more than one
30 person, including the operator or passenger of any motor vehicle or
31 vessel involved in the crash or a pedestrian;

32 (11) purposeful use of a vehicle or vessel to inflict death or
33 injury;

34 (12) any other evidence of reckless operation, regardless of
35 whether there is a known risk or deviation from the conduct of a
36 reasonably prudent person;

37 (13) an active bench warrant that was issued for the operator of
38 the motor vehicle or vessel that is related to a motor vehicle
39 offense; or

40 (14) the operator of a motor vehicle involved in the crash has
41 previously been involved in a crash resulting in a fatality or serious
42 injury to another person.

43 b. The uniform crash investigation protocol established by the
44 task force shall include, but not be limited to, the following:

45 (1) technology advances, including vehicle event data recorders,
46 cellular telephone extraction software, video camera recording
47 devices, including body worn cameras and traffic or business
48 cameras;

1 (2) relevant State programs which may overlap with motor
2 vehicle crash investigations, including but not limited to the
3 Prescription Monitoring Program established pursuant to section 25
4 of P.L.2007, c.244 (C.45:1-45), the New Jersey Suspicious Activity
5 Reporting portal, or any other relevant programs or initiatives
6 implemented by the Division of Highway Traffic Safety in the
7 Department of Law and Public Safety;

8 (3) a process for providing relevant information to the victim or
9 family of the victim including, but not limited to, information
10 regarding the rights of the victim and the victim's family, organ and
11 tissue donation, the crash investigation protocol, the date and time
12 of the autopsy, provided in a timely manner, in order to allow
13 religious limitations to be taken into consideration and allow
14 representation at the autopsy. A web portal shall be established
15 through which a victim may track the progress of the investigation
16 to the extent it does not jeopardize the integrity of the investigation;

17 (4) provisions for ensuring transparency and accountability for
18 crash investigations, including requiring law enforcement officers
19 to complete self-assessments to ensure the officer is complying with
20 the crash investigation protocol, random reviews to ensure officers
21 are complying with the protocol, and a process for an individual to
22 report suspected noncompliance with the protocol; and provisions to
23 minimize confirmation bias;

24 (5) provisions providing for the use of Drug Recognition
25 Experts and addressing the investigation of a crash where a person
26 was operating a motor vehicle in violation of R.S.39:4-50, including
27 assessing the morphine milligram equivalent where the operator of
28 the motor vehicle possesses a prescription for an opioid; and

29 (6) provisions establishing timeframes for the investigation of
30 crashes that take into consideration the statute of limitations for
31 relevant criminal offenses in order to ensure that the investigation is
32 completed prior to the expiration of the statute of limitations.

33 When establishing the uniform crash investigation protocol, the
34 task force shall take into consideration the policies or protocols of
35 other states or the federal government.

36 c. The task force shall consist of seven members as follows:

37 (1) the Attorney General or a designee, who shall serve ex-
38 officio;

39 (2) the Director of the Division of Highway Traffic Safety or a
40 designee, who shall serve ex-officio;

41 (3) three public members with experience investigating motor
42 vehicle crashes, upon recommendation by the New Jersey State
43 Policemen's Benevolent Association, the New Jersey State
44 Fraternal Order of Police, and the State Troopers Fraternal
45 Association; and

46 (4) two public members with experience prosecuting cases
47 involving motor vehicle or vessel crashes, upon recommendation of
48 the County Prosecutors Association of New Jersey and the New
49 Jersey State Municipal Prosecutors' Association of New Jersey.

1 All appointments shall be made by the Governor.

2 d. All appointments to the task force shall be made within 90
3 days of the effective date of this act. Vacancies shall be filled in
4 the same manner as the original appointments. The task force shall
5 choose a chairperson from among its members. The chairperson
6 shall appoint a secretary who need not be a member of the task
7 force. The members of the task force shall serve without
8 compensation but may be reimbursed, within the limits of funds
9 made available to the task force, for necessary travel expenses
10 incurred in the performance of their duties.

11 e. The chairperson shall call an initial meeting of the task force
12 within seven days of the appointment of a majority of its members
13 and hold hearings at the times and in the places it may deem
14 appropriate and necessary to fulfill its charge. The task force shall
15 be entitled to call to its assistance and avail itself of the services of
16 the employees of any State, county or municipal department, board,
17 bureau, commission, or agency as it may require and as may be
18 available to it for its purposes.

19 f. The task force may seek the advice of experts as deemed
20 appropriate by the membership of the task force.

21 g. The task force shall hold three public hearings: one hearing
22 in each of the northern, central, and southern regions of the State
23 regarding the establishment of the uniform crash investigation
24 protocol.

25 h. A report containing the uniform crash investigation protocol
26 established by the task force shall be submitted to the Attorney
27 General, who shall issue an Attorney General Law Enforcement
28 Directive consistent with the uniform crash investigation protocol
29 established by the task force, no later than one year after the
30 appointment of all of the members of the task force.

31 i. After submission of the report to the Attorney General
32 pursuant to subsection h. of this section, the task force shall meet
33 two times per year for the purpose of receiving feedback on the
34 implementation of the uniform crash investigation protocol
35 established by the task force. In addition, the task force shall hold
36 three public hearings and update the uniform crash investigation
37 protocols as necessary, with an updated report being submitted to
38 the Attorney General. The Attorney General shall revise the
39 Attorney General Law Enforcement Directive regarding the uniform
40 crash investigation protocol as appropriate.

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42 2. This act shall take effect immediately.

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STATEMENT

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47 This bill establishes the “Uniform Crime Investigation Protocol
48 Task Force” to establish a uniform crash investigation protocol for

1 State, county, and municipal law enforcement agencies when
2 investigating certain motor vehicle and vessel crashes.

3 The bill establishes a task force known as the “Uniform Crash
4 Investigation Protocol Task Force” to establish a uniform crash
5 investigation protocol for every State, county, and municipal law
6 enforcement agency to follow in every case where a motor vehicle
7 or vessel crash involving a fatality or serious injury occurred and
8 the law enforcement agency determines that at least one of the
9 following criteria are known or suspected: 1) alcohol; 2) drugs; 3)
10 excessive speed which is above the speed limit or too fast for
11 existing conditions; 4) distracted driving, including the use of a
12 wireless device or electronic communication device, 5) hit and run;
13 6) two or more moving violations; 7) a person with a revoked or
14 suspended operator’s license; 8) a pursuit where the pursued party
15 causes death or serious injury; 9) an emergency vehicle is involved
16 or was responding to an emergency call; 10) multiple fatalities or
17 serious injuries to more than one person, including the operator or
18 passenger of any motor vehicle or vessel involved in the crash or a
19 pedestrian; 11) purposeful use of a vehicle or vessel to inflict death
20 or injury; 12) any other evidence of reckless operation, regardless
21 of whether there is a known risk or deviation from the conduct of a
22 reasonably prudent person; 13) an active bench warrant that was
23 issued for the operator of the motor vehicle or vessel that is related
24 to a motor vehicle offense; or 14) the operator of a motor vehicle
25 involved in the crash has previously been involved in a crash
26 resulting in a fatality or serious injury to another person.

27 The task force is to consist of the following seven members: 1)
28 the Attorney General or a designee, who shall serve ex-officio; 2)
29 the Director of the Division of Highway Traffic Safety or a
30 designee, who shall serve ex-officio; 3) three public members with
31 experience investigating motor vehicle crashes, upon
32 recommendation by the New Jersey State Policemen’s Benevolent
33 Association, the New Jersey State Fraternal Order of Police, and the
34 State Troopers Fraternal Association; and 4) two public members
35 with experience prosecuting cases involving motor vehicle or vessel
36 crashes, upon recommendation of the County Prosecutors
37 Association of New Jersey and the New Jersey State Municipal
38 Prosecutors’ Association of New Jersey. All appointments are to be
39 made by the Governor.

40 Under the bill, a report containing the uniform crash
41 investigation protocol established by the task force is required to be
42 submitted to the Attorney General, who is to issue an Attorney
43 General Law Enforcement Directive consistent with the uniform
44 crash investigation protocol established by the task force, no later
45 than one year after the appointment of all of the members of the
46 task force.

47 In addition, the bill provides that after submission of the report
48 to the Attorney General, the task force is required to meet two times
49 per year for the purpose of receiving feedback on the

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1 implementation of the uniform crash investigation protocol
2 established by the task force. In addition, the bill requires the task
3 force to hold three public hearings and update the uniform crash
4 investigation protocols as necessary, with an updated report being
5 submitted to the Attorney General. The Attorney General is to
6 revise the Attorney General Law Enforcement Directive regarding
7 the uniform crash investigation protocol as appropriate.