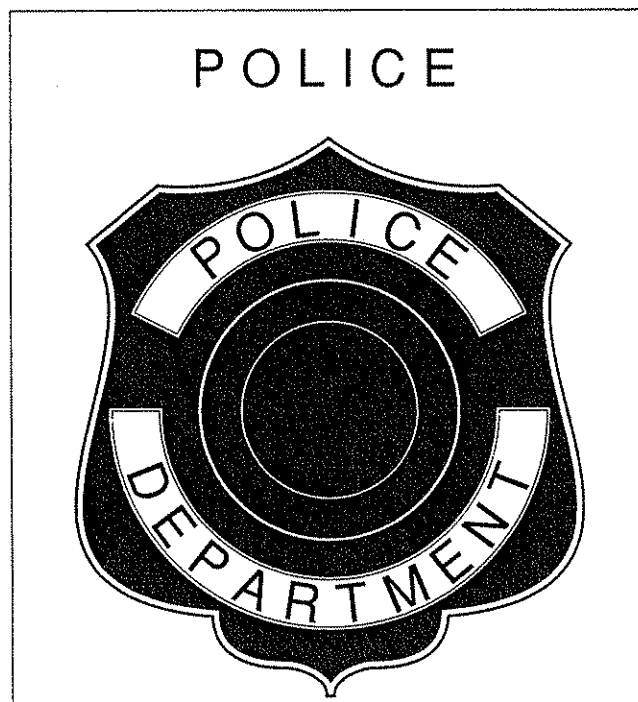


# ***LAW ENFORCEMENT OFFICERS STUDY COMMISSION***



**FINAL REPORT**  
October 26, 1995





**Chairman Lee A. Solomon**

**Vice-Chairman Thomas Smith**

**Assemblyman George Geist**

**Assemblyman Ernie Oros**

**Assemblywoman Joann Smith**

**Assemblyman Sean Dalton**

**Assemblyman Charles Zisa**

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GENERAL ASSEMBLY

LEE SOLOMON  
*Chairman*

TOM SMITH  
*Vice-Chairman*

GEORGE GEIST  
ERNEST OROS  
JOANN SMITH  
SEAN DALTON  
CHARLES K. ZISA



*New Jersey State Legislature*  
**LAW ENFORCEMENT OFFICERS STUDY COMMISSION**

STATE HOUSE ANNEX, CN-068  
TRENTON, NJ 08625-0068  
(609) 984-0231

October 26, 1995

Speaker of the General Assembly Garabed "Chuck" Haytaian  
Members of the General Assembly

Speaker Haytaian, Assemblywomen and Assemblymen:

The Law Enforcement Officers Study Commission, created by Assembly Resolution No. 156, to study issues relating to the protection, personal safety and profession well-being of law enforcement officers in this State hereby respectfully submits its final report in compliance with the provisions of its enabling legislation.

A handwritten signature in black ink, appearing to read "Lee Solomon", written over a horizontal line.

Assemblyman Lee Solomon  
Chairman

GENERAL ASSEMBLY

LEE SOLOMON  
*Chairman*

TOM SMITH  
*Vice-Chairman*

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October 26, 1995

Speaker of the General Assembly Garabed "Chuck" Haytaian  
Members of the General Assembly

Speaker Haytaian, Assemblywomen and Assemblymen:

I am pleased to transmit with this letter the report of the Law Enforcement Officers Study Commission. The commission was created to study issues relating to the protection, personal safety and professional well-being of law enforcement officers in this State.

This report represents a thorough review of the various statutory protections and immunities afforded law enforcement officers and the adequacy of, those protections and immunities; the ready availability of proper and adequate law enforcement equipment and personal safety gear; the funding sources for such equipment and gear; the availability of specialized and supplemental training programs; and other issues relating to the protection, personal safety and professional well-being of law enforcement officers.

I would like to thank the commission members: Assemblyman Tom Smith who served as commission vice-chairman, Assemblyman Ernest Oros, Assemblyman George Geist, Assemblywoman Joann Smith, Assemblyman Charles "Ken" Zisa, and Assemblyman Sean Dalton for the time and effort they invested in this project.

I also would like to thank the representatives of the Attorney General's office and all the law enforcement officers and officials who appeared before the commission. Their expertise, professional insights and thoughtful analyses were invaluable.

Respectfully,

A handwritten signature in black ink, appearing to read "Lee Solomon", written over a horizontal line.

Assemblyman Lee Solomon  
Chairman

**COMMISSION MEMBERS**

**ASSEMBLYMAN LEE SOLOMON, Chairman**

**ASSEMBLYMAN TOM SMITH, Vice-Chairman**

**ASSEMBLYMAN GEORGE GEIST**

**ASSEMBLYMAN ERNEST OROS**

**ASSEMBLYWOMAN JOANN SMITH**

**ASSEMBLYMAN SEAN DALTON**

**ASSEMBLYMAN CHARLES “KEN” ZISA**

Assembly Resolution No. 156, approved May 22, 1995, established the Law Enforcement Officers Study Commission "to study issues relating to the protection, personal safety and professional well-being of law enforcement officers in this State." The commission, which was comprised of seven members of the General Assembly appointed by the Speaker, was instructed to review "the various statutory protections and immunities afforded law enforcement officers and the adequacy of those protections and immunities; the ready availability of proper and adequate law enforcement equipment and personal safety gear; the funding source for such equipment and gear; the availability of specialized, supplemental training programs and such other issues as the commission may deem important or relevant to the protection, personal safety, and professional well-being of law enforcement officers." Speaker Garabed "Chuck" Haytaian appointed Assemblyman Lee Solomon to chair the commission and Assemblyman Tom Smith to serve as vice-chairman.

The commission held four public meetings. The first meeting was held in Cherry Hill at Cherry Hill High School East on August 15, 1995. At this meeting, the commission took testimony on the statutory protections and immunities currently afforded New Jersey's law enforcement officers. Representatives from five law enforcement officers associations, the Attorney General's office, and a community group addressed the commission.

The commission learned that certain segments of the law enforcement community

are concerned about a new, more "defensive" attitude and approach some law enforcement officers are exhibiting in the performance of their professional

**Assaults on law enforcement officers should be a matter of serious public concern, for each such attack on an officer represents an attack on the community and the collective well-being of the society that officer is pledged to serve and protect.**

duties. In large part, this new attitude and approach is due to a sense of vulnerability on the part of law enforcement officers. More than ever before, law enforcement officers are the subject of lawsuits. Some are justified; many are not. Frivolous and baseless suits, such as those filed by criminals hopeful of using a countersuit as leverage against an arresting officer and those nuisance suits initiated by parties seeking to harass individual officers, have led some officers to "hesitate" in certain situations due to concerns about potential litigation and personal liability. In such an atmosphere, it is the law-abiding public that suffers. The commission was urged to review the existing statutory immunities afforded law enforcement officers, clarify any ambiguities, and extend absolute civil immunity to all officers "acting in good faith, while in the performance of their duties."

The public perception that there has been an increase in the number of assaults against law enforcement officers is supported by the data published in the most recent Uniform Crime Report: Crime in New Jersey. In 1994, 3,898 law enforcement officers were assaulted, an increase of two percent when compared with the 3,819 assaults reported in 1993. Even more distressing and deplorable is another increase. In 1993, one law enforcement officer was killed while in the performance of his duties; in 1994, two law enforcement officers were killed. During the first six months of 1995, four officers were



killed. Assaults on law enforcement officers should be a matter of serious public concern, for each such attack on an officer represents an attack on the community and the collective well-

**It sends "the wrong signal" to both the criminal elements in our society and to the law-abiding public, by suggesting that society considers law enforcement officers to be second class citizens and that their safety, protection, and well-being is not a priority or concern.**

being of the society that officer is pledged to serve and protect.

One of the greatest concerns of the law enforcement community is the apparent willingness on the part of some prosecutors to downgrade the charges against defendants who have committed offenses against law enforcement officers. As explained to the commission, some prosecutors routinely treat assaults against law enforcement officers as disorderly persons offenses. This practice is troublesome. It sends "the wrong signal" to both the criminal elements in our society and to the law-abiding public, by suggesting that society considers law enforcement officers to be second class citizens and that their safety, protection, and well-being is not a priority or concern. In some instances, it even may expose law enforcement officers to greater dangers because there is no fear of criminal punishment. In addition, the practice violates current law. Under N.J.S.2C:12-1, a simple assault against a law enforcement officer is to be upgraded to aggravated assault--a criminal offense. If the officer suffers bodily injury, the offense is a crime of the third degree, otherwise it is a crime of the fourth degree.

At its second meeting, held in the auditorium of the Atlantic County Administration

Building in Atlantic City on August 22, 1995, the commission heard testimony on the availability of proper and adequate law enforcement equipment and personal safety gear. Representatives from five law enforcement associations, the State

**There are a variety of vests available, and the quality and cost of those vests vary greatly. An officer showed the commission fire-tested vests. The penetration resistant qualities of the vests were distinctively different. One brand of vest stopped the test fired bullets; another (a very popular and well-known brand) failed to stop the same caliber bullets fired from the same distance.**

Police, and a local law enforcement agency addressed the commission.

In their presentations on equipment and personal safety gear, the spokespersons identified two primary concerns of the law enforcement community-- standards and costs. As an example, the representatives pointed out that there are no State guidelines or standards to assist law enforcement agencies in selecting body armor (bullet proof vests) for their officers. There are a variety of vests available, and the quality and cost of those vests vary greatly. An officer showed the commission fire-tested vests. The penetration resistant qualities of the vests were distinctively different. One brand of vest stopped the test fired bullets; another (a very popular and well-known brand) failed to stop the same caliber bullets fired from the same distance. Law enforcement agencies should not have to rely on their own research or the "sales pitches" of the various vest companies. State guidelines and standards should be promulgated to assist law enforcement agencies in obtaining the best quality of vest for their officers.

Those guidelines and standards also should include a vest replacement schedule. The commission was informed that vests have an "effective life span." Perspiration and dampness, for example, can breakdown the fiber composition of certain vest materials, significantly decreasing their penetration resistance qualities. Most vests have warranties of five to seven years. A schedule setting forth the effective life spans of each type of vest would help protect this State's law enforcement officers.

Vests are costly pieces of equipment. On average it costs more than \$500 to provide an officer with a properly fitted vest. In 1994, there were 24,791 county and municipal law enforcement officers in New Jersey. It would cost approximately \$2,479,000 a year to undertake a five year replacement cycle in which 20 percent of those officer's vests were replaced each year. Although seemingly a modest amount on a Statewide basis, concern was expressed that many municipalities simply did not have the funds to undertake any type of replacement program. (It is important to note that these vests are individually fitted and are not considered interchangeable among officers.)

It was also suggested that the State promulgate guidelines outlining the basic equipment every law enforcement vehicle should have. One representative of a law enforcement officers association recommended the adoption of guidelines for handguns for officers, informing the commission that in one northern New Jersey municipality the uniformed officers carried six different types of handguns.

The replacement of older, high mileage Trooper vehicles was a major concern of the representative of the State Troopers Fraternal Association.

The commission was advised that the

**During the Haddon Heights incident in which two law enforcement officers were killed, field commanders and officers had difficulty in communicating "because of radios which lacked a common operating frequency" and were, as a result, "unable to adequately coordinate field operations and strategies."**

trooper vehicles which are used to patrol the State's limited-access highways can be driven more than 600 miles a day. Even though the division has an excellent vehicle maintenance program, vehicles breakdown and must be temporarily taken out of service. When this occurs, additional mileage is built up on the replacement vehicle which compounds the problem. It was pointed out that some of the older vehicles do not have safety features such as airbags.

A spokesperson for the Camden County Police Chiefs' Association pointed out an equipment/communications problem that warranted the commission's attention. During the Haddon Heights incident in which two law enforcement officers were killed, field commanders and officers had difficulty in communicating "because of radios which lacked a common operating frequency" and were, as a result, "unable to adequately coordinate field operations and strategies." "It is, therefore, critically important that each agency in a specified regional area, if not the State, have the capability to operate on the same frequency, when necessary, as was the case when SPEN (State Police Emergency Network) was instituted, although that frequency range is now outdated with the proliferation of 500-800 MHz radio equipment in the law enforcement community."

It is interesting to note that this same point was raised by the Passaic County Grand Jury in 1986 after its investigation of the September, 1985 blaze which destroyed 40 acres of the City of Passaic. The Grand Jury found that police and fire departments from nearby towns were severely hindered by their inability to communicate. "The issue of greatest concern to this Grand Jury, however, was the apparent absence of a central (staging) reporting area and the lack of radio communication among the various departments." Persuaded that the radio communication difficulties were largely responsible for the lack of a central staging area, the Grand Jury recommended that the City of Passaic "establish a system of radio communication so that at a minimum, a Passaic command post will be able to communicate with those municipalities most often called upon to assist in the suppression of large fires."

Finally, a representative of the Fraternal Order of Police reminded the commission that the equipment and personal safety gear an officer needs "depends on what types of weapons are available to criminals." Referring to the flurry of newspaper stories that appeared last winter about the development of a new type of super bullets, known as "Rhinos" and "Black Rhinos", which supposedly were capable of cutting through the Kevlar vests law enforcement officers wear for protection, the FOP representative told the commission: "The last thing police officers and the citizens of New Jersey need to face are more lethal bullets designed to pierce body armor and inflict maximum tissue damage." He urged the commission to prohibit such bullets in New Jersey. "Law-abiding citizens have no need for these bullets. If these bullets become available, they will quickly become the

bullet of choice for juvenile gangs, drug dealers and organized crime.”

**One major area of concern is the need to institute a mandatory continuing training program for New Jersey's law enforcement officers. Police officers in 26 other states are required to complete annual training programs beyond a simple firearms re-qualification.**

The third commission meeting was held in the Asbury Park Municipal complex in Asbury Park on August 29, 1995. At this meeting, the commission focused on police training. The first witness, Dr. Wayne Fisher, the Deputy Director of the Division of Criminal Justice, outlined the Police Training Commission's responsibilities. New Jersey has 22 certified police training academies. The training programs at these academies run from 16 to 24 weeks. Although New Jersey's police training requirements and programs are well respected nationally, Dr. Fisher pointed out some areas of concern. One major area of concern is the need to institute a mandatory continuing training program for New Jersey's law enforcement officers. Police officers in 26 other states are required to complete annual training programs beyond a simple firearms re-qualification. New Jersey does not have any such comprehensive requirement, but does mandate (either by statute or Attorney General guideline) some continuing education. New Jersey officers, for example, are required to participate in biannual in service training courses on domestic violence, car chases and firearms/deadly force. Citing the changing world in which New Jersey's law enforcement officers must perform their duties, Dr. Fisher urged the commission to recommend the development and adoption of a comprehensive, mandatory continuing training requirement.

The New Jersey Association of Chiefs of Police believes that the basic training program the State requires of all law enforcement officers is adequate. They did, however, suggest that the Police Training Commission be encouraged to develop and make available more specialized training programs, especially programs focusing on management and supervisory issues and skills.

Corporal David J. Zurawski of the Wall Township Police Department addressed the commission on behalf of the New Jersey Division of the International Association for Identification (IAI). Corporal Zurawski stressed the importance of developing specialized training programs involving forensic identification and crime detection. The Corporal indicated that the IAI would be willing to assist in establishing specialized training curricula for law enforcement officers interested in developing expertise in topics such as finger print identification, crime scene investigation, firearms/toolmark identification, document examination, forensic photography, voice identification and acoustic analysis, forensic art, polygraph examination, DNA identification, and laboratory procedures.

The commission held its fourth and final public meeting in the State House Annex in Trenton on September 7, 1995. Representatives of the Fraternal Order of Police and the Probation Association of New Jersey addressed the commission. The Policemen's Benevolent Association submitted written testimony.

In their presentation, the spokesmen for the Fraternal Order of Police supplemented

their earlier suggestions concerning the adequacy of statutory protections and immunities afforded New Jersey's law enforcement officers. Included among their suggestions were: (1) a proposal to require that in instances where an accused offender institutes a countersuit against the arresting officer, the criminal case is heard first; (2) a proposal to institute an effective appeal process for non-civil service municipalities, specifically a *de nova* proceeding before an Administrative Law Judge; and (3) a proposal which would require each municipality to adopt all Attorney General promulgated law enforcement policy guidelines by providing that a municipality which fails to adopt them may be held liable in an action involving a matter covered by an unadopted guideline.

The representatives of the New Jersey Probation Association of New Jersey urged the commission to grant New Jersey's probation officers "police powers for the detection, enforcement and apprehension of violators of the criminal laws of the State, including the ability to carry a weapon while on duty." Historically, and it would appear statutorily, probation officers exercised basic law enforcement powers. They had the power to arrest, to conduct investigations, and to carry a weapon. Beginning in 1976, with a Supreme Court directive prohibiting probation officers from carrying weapons, this changed.\* In the majority of localities today, probation officers are forbidden by their administrators to make arrests, to conduct searches, or confiscate items which are clearly violations of probation, such as drugs and weapons. "Probation Officers are not permitted to investigate suspicious or criminal activity by probationers nor can they arrest a person who violates the terms of probation in their presence." Reestablishing the police powers of probation officers is both



logical and necessary, the commission was told. "Police officers primarily deal with the law-abiding citizens. They perform traffic duty and general patrol for the greatest part of their shift. However, when they are called to stop a crime, they need all the support they can get. Probation Officers on the other hand spend almost all of their work day supervising and monitoring criminals. The commonality of purpose and goals is basic and undeniable."

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\*The policy adopted by the Court in 1976 was reaffirmed in an Administrative Ruling issued by the Supreme Court on July 8, 1994:

"Probation is an integral part of the judiciary; everything that probation does it does as an arm of the judiciary... Given the nature and functions of probation, it must be as impartial as the rest of the judiciary, totally so and scrupulously so.... It has no more right to become allied with a public defender's office than with prosecutors or police. Probation represents no special interest in society and government but one: the courts."

"Police and police organizations have but one interest and one role: law enforcement. Everything they do serves that interest:.... The police stand firmly and properly on one side of the scales of criminal justice--the prosecution's side."

"Put simply, the functions of police and probation--one serving the prosecution the other serving the courts--are not only different, but incompatible. Separation of the two is essential to the impartiality of the probation function and to the integrity of the judiciary." (See p. 3-4)

## FINDINGS AND RECOMMENDATIONS:

**FINDING:** *\*The practice of downgrading charges against defendants who have assaulted law enforcement officers should be stopped. Downgrading is bad policy and practice for it suggests that society considers law enforcement officers to be second class citizens, that their safety, protection, and well-being are not a priority concern.*

**RECOMMENDATION:** The commission urges County Prosecutors to abandon the practice of downgrading charges against defendants who have assaulted law enforcement officers and, consistent with N.J.S.2C:12-1, vigorously prosecute anyone guilty of assaulting a law enforcement officer as a criminal offender, not as a disorderly person or petty disorder person.

**FINDING:** *\*Law enforcement officers are experiencing a greater sense of vulnerability. Concerns about personal liability and potential litigation may lead some law enforcement officers to adopt a more "defensive" approach toward their professional duties. To a greater extent, defendants are filing counter complaints against arresting officers to gain leverage. In such an atmosphere, it is not unfair to expect some officers to pause before acting in certain situations. It is the law-abiding public that suffers when the law enforcement community feels unduly constrained in the performance of its professional duties.*

**RECOMMENDATION:** The commission recommends that the Attorney General

promulgate guidelines to assist prosecutors in identifying and then dismissing and dispensing with frivolous and baseless complaints against law enforcement officers. In instances where a counter complaint is filed against an officer, the original complaint filed by the officer should be disposed of first, and the final disposition of the complaint should determine the credibility and disposition of the counter complaint against the officer.

The integrity and credibility of the law enforcement community is an integral and indispensable element of our society. In those instances where there exist legitimate grounds for an action against an officer, the matter should be handled swiftly and fairly. Investigations should be conducted in a manner prescribed by the Attorney General.

In light of the recent Supreme Court finding in Fielder v. Stonack (A-115-94), which appears to follow, and extend, the principal of Tice v. Cramer, 133 N.J. 347 (1993) concerning the immunities afforded law enforcement officers under the "New Jersey Tort Claims Act" (N.J.S. 59:1-1 et seq.), it may be appropriate to further clarify the general immunity afforded law enforcement officers in the performance of their duties. The Fielder v. Stonack decision will require a plaintiff to show willful misconduct, which the court defined in guidelines as any action that would subject the officer to discipline. The commission recommends the statutory incorporation of the Fielder standard as the general guideline for affording law enforcement officers immunity while in the performance of their duties.

**FINDING:** *\*The commission was surprised to learn that there are no State guidelines to assist law enforcement agencies in selecting body armor (bullet resistant vests) for officers. An exhibit revealing the noticeably different penetration resistant qualities of several vests underscored the need for such guidelines.*

**RECOMMENDATION:** The commission recommends that the Attorney General direct the Superintendent of State Police to undertake a comparative analysis of the various brands of vests available and, based on the results of that research, which should include a review of the analysis done by the National Institute of Justice, promulgate guidelines and standards to assist law enforcement agencies in obtaining the highest quality body armor for their officers.

The commission further recommends that those guidelines include a replacement schedule for vests. Body armor has, on average, an effective life span of five to seven years. By setting forth the effective life spans of each type and brand of vest, these guidelines could significantly contribute to the protection and well-being of New Jersey's law enforcement officers.

**FINDING:** *\*Vests are costly. On average, it costs more than \$500 to provide an officer with a properly fitted vest. In 1994, there were 24,791 county and municipal law enforcement officers in New Jersey. A five year replacement cycle in which 20 percent of those officers' vests are replaced each year would cost approximately \$2,479,000.*

*Although a seemingly modest amount on a Statewide basis, concern was expressed that many municipalities simply would not have the budgetary flexibility to implement such a replacement program.*

**RECOMMENDATION:** The commission recommends the establishment of a Body Armor Replacement Fund. By dedicating approximately \$2,500,000 a year to the fund from the forfeiture moneys that devolve to the Attorney General, the State could establish a revolving grant program designed to effectuate a five year vest replacement cycle for all local law enforcement officers.

An alternative suggestion was to include body armor as an item on the State contract list and permit officers to buy their own vests from that list at a reduced cost. At this time, the commission will not endorse this proposal. The commission's position is that New Jersey's law enforcement officers are public servants, dedicated to serving and protecting the public well-being. It is inappropriate to expect the men and women of New Jersey's law enforcement agencies whose sworn duty is to preserve the public safety to purchase equipment essential to their personal safety.

**FINDING:** *\*During a recent incident in which two law enforcement officers were killed the commission was advised that the field commanders and officers apparently encountered communications difficulties because their radios lack a common operating frequency. As a result, they were unable to coordinate their field operations and*

*strategies. In its research, the commission discovered that the Passaic County Grand Jury identified the same problem in the report of its 1986 investigation of the terrible fire which destroyed approximately 40 acres of the City of Passaic in September, 1985.*

**RECOMMENDATION:** The commission recommends that the Attorney General direct the Superintendent of State Police to review and evaluate the effectiveness of the State's emergency communications network and, if appropriate, to develop a system which would provide regional and Statewide dedicated communication frequencies which law enforcement agencies and other emergency agencies could use during multi-jurisdictional incidents to coordinate their operations and strategies.

**FINDING:** *\*As the commission was reminded, the equipment and personal safety gear an officer needs "depends on what types of weapons are available to criminals."*

**RECOMMENDATION:** The commission, therefore, recommends:

1) While all law enforcement agencies do not have a need for specialized equipment such as Kevlar shields, external body armor vests, and ballistic helmets, some agencies do. To assist those agencies which do need such equipment, a specialized equipment fund should be established in the "Safe and Security Communities" program. The fund would be operated as a low-interest loan program under which law enforcement agencies could borrow up to 100 percent of the amount required to purchase specialized equipment.

2) Prohibiting the addition of any tinting material to the windshield and the windows to the immediate left and right of the driver of a vehicle. Supplemental tinting of the front windows of motor vehicles can pose a danger to law enforcement officers, since those tinting materials can hinder or obscure an officer's ability to observe what is taking place within the vehicle.

3) Prohibiting the sale of handguns having a melting point of less than 800 degrees F. "Saturday Night Specials" are cheap handguns that young criminals use. These inexpensive weapons (some sell for as little as \$35) appear to be the weapon used in a disproportionate number of robberies and murders. One of the stumbling blocks in attempting to prohibit the sales and possession of these types of handguns is developing a statutorily valid definition. Two states, however, have enacted statutes to eliminate "Saturday Night Specials." South Carolina and Illinois prohibit the sale of handguns which have melt down points of less than 800 degrees F. The rationale is simple. "Saturday Night Specials" are cheap because they are made of cheap materials (zinc alloy rather than the stainless steel used in quality handguns). The melting point of a stainless steel handgun is approximately 2400 degrees F.

4) Revise the definition setting forth the criteria for determining what constitutes an illegal body armor penetrating bullet. Last winter stories of a super-cop killer bullet hit the newspapers. It was asserted that these bullets, known as "Rhinos" and "Black Rhinos" were capable of cutting through the Kevlar vest law enforcement officers wear. More disturbing

was the fact that these bullets were technically “legal” because they were comprised of carbon-based plastics called polymers. In current State law, the criteria for determining whether a bullet is an illegal body armor penetrating bullet is “hardness.” A bullet is illegal in New Jersey if it is composed of tungsten carbide, hard bronze or some other material that has a rating of 72 on the Rockwell B. Hardness scale. Although the manufacturer’s claims turned out to be somewhat exaggerated, the incident does suggest that the criteria for defining an illegal bullet should be revised. Rather than a “hardness” standard, the commission recommends a definition which relies on a “performance” standard. A bullet would be deemed illegal in New Jersey if it “performed” as a body armor penetrating bullet, hardness and composition would not matter.

**FINDING:** *\*The Attorney General has promulgated various Standard Operating Procedures (SOP) to provide guidance to law enforcement agencies. The commission was advised that not all law enforcement agencies adopt the Attorney General’s SOP’s.*

**RECOMMENDATION:** It is the commission’s recommendation that all law enforcement agencies be statutorily required to adopt and follow any Standard Operating Procedure promulgated or issued by the Attorney General. While recognizing the intent of the suggestion, the commission cannot at this time endorse the proposal that a local governmental unit which fails to adopt an Attorney General SOP lose its protection under the “New Jersey Tort Claims Act” and be liable in an action involving a matter covered by that unadopted SOP.



**FINDING:** *\*Disciplinary actions, internal investigations and procedures are of concern to both labor and management.*

**RECOMMENDATION:** The commission recommends that all employers be statutorily required to follow the Attorney General's Standard Operating Procedures for these matters. To provide a fair appeal hearing for the parties to a disciplinary action in a non-civil service local unit, the commission recommends that an aggrieved party have the right to appeal the disposition to the Office of Administrative Law or some other impartial arbitration panel. Finally, the commission recommends that the Attorney General, in consultation with the Police Training Commission, develop and make available mandatory specialized training programs which focus on management skills and supervisory issues.

**FINDING:** *\*In 26 states, law enforcement officers are required to participate in annual continuing education programs. New Jersey does not have a similar general requirement, but does require officers to participate in biannual in-service training courses on domestic violence, car chases and the use of fire arms/deadly force.*

**RECOMMENDATION:** The commission recommends that the Police Training Commission be directed to develop and implement a comprehensive, mandatory continuing training program for all law enforcement officers. This recommendation should not be misconstrued to suggest that the commission believes that the current basic training program developed and certified by the Police Training Commission is in any way inadequate. On

the contrary, the commission is fully convinced that the basic training program required of all New Jersey law enforcement officers is comprehensive and of the highest quality. Today's law enforcement officer, however, must function in an ever changing, and rapidly changing, world. A comprehensive, mandatory continuing training program would be, therefore, helpful and appropriate.

During its meetings, the commission learned most law enforcement officers view domestic violence situations as one of their most dangerous and threatening duties. Although the "Prevention of Domestic Violence Act of 1991" (P.L. 1991, c.261; C.2C:25-17 et seq.) directs the Division of Criminal Justice to develop and approve a training course on "the handling, investigation and response procedures concerning reports of domestic violence" and requires that the course curriculum be reviewed every two years, the commission strongly encourages the division to undertake a comprehensive review of that training program and those procedures. The commission also suggests that in conducting that review the division consult with experienced local law enforcement officers.

**FINDING:** *\*Recently, a retired chief of police was gunned down when he attempted to come to the aid of an elderly couple who were being accosted. Men and women who have been trained and have spent their entire professional lives protecting the safety and well being of others find it difficult, if not impossible, to "not get involved" when they see others being threatened or in danger.*

**RECOMMENDATION:** The commission recommends the enactment of Assembly Bill No. 760 which permits certain retired law enforcement officers to carry handguns under certain conditions. The commission does, however, suggest that the definition of law enforcement officer be revised to include certain other types of law enforcement officers, such as retired federal officers and agents.

**FINDING:** *\*The replacement of older, high-mileage patrol cars is essential. Despite the best of maintenance programs, patrol vehicles wear out and can become unreliable. Older patrol vehicles should also be replaced for safety reasons.*

**RECOMMENDATION:** The commission recommends the enactment of Assembly Bill No. 783 which imposes a \$5 surcharge on all motor vehicle and traffic citations issued by the State Police and is to be used by the State Police for the periodic replacement, maintenance and operation of its motor vehicle fleet. The commission also recommends the enactment of Assembly Bill 794 which permits municipalities to impose a \$5 surcharge on motor vehicle and traffic violations in order to provide funds to replace their public safety vehicles.

**FINDING:** *\*Law enforcement is a stressful profession. An effective support and counseling network should be available for officers.*

**RECOMMENDATION:** The commission recommends a review of Assembly Bill

No. 3046 and Assembly Bill No. 3045 for the purpose of developing and implementing a pilot program to provide such support and counseling services for law enforcement officers.

**FINDING:** *\*The personal security and job safety of New Jersey's law enforcement officers is a legislative priority. With that objective in mind, a comprehensive revision, both amendatory and supplementary in nature, of the statutes that directly and indirectly affect the personal security, job safety and professional well-being of our law enforcement officers is appropriate.*

**RECOMMENDATION:** The commission recommends the Legislature consider the comprehensive revisions proposed in Assembly Bill No. 2883, the "Law Enforcement Officer Protection Act." This legislation codifies certain law enforcement powers, protections, privileges and rights and should be reviewed in order to provide adequate protection to the law enforcement community.

**FINDING:** *\*The "Safe and Secure Communities" program is a good mechanism for funding law enforcement projects. The financial assistance available under the program can be used either to hire additional law enforcement officers, purchase necessary law enforcement equipment, or defray the costs of special law enforcement programs.*

**RECOMMENDATION:** The commission recommends that the Legislature review

the funding proposal set forth in Assembly Bill No. 2101. This legislation proposes \$38 million in additional funding for the “Safe and Secure Communities” program.

## **APPENDIX**

## **SUMMARY OF LEGISLATIVE RECOMMENDATIONS OF THE LAW ENFORCEMENT OFFICERS STUDY COMMISSION**

### ***RECOMMENDATION:***

Abandon practice of downgrading charges against defendants who have assaulted law enforcement officers.

### ***RECOMMENDATION:***

Legislation to incorporate the court's finding in Fielder v. Stonack (A-115-94) as the general guideline for affording law enforcement officers immunity while in the performance of their duties.

### ***RECOMMENDATION:***

Promulgate guidelines to assist prosecutors in identifying and dismissing frivolous and baseless complaints against law enforcement officers.

### ***RECOMMENDATION:***

Develop guidelines and standards for body armor (bullet resistant vests) to assist law enforcement agencies in obtaining the highest quality body armor for their officers.

### ***RECOMMENDATION:***

Establish a "Body Armor Replacement Fund" which would use State forfeiture moneys to fund a continuing vest replacement program for local law enforcement officers.

### ***RECOMMENDATION:***

Review and evaluate the effectiveness of the State's emergency communications network and, if appropriate, develop system providing regional and Statewide dedicated communication frequencies for law enforcement and emergency agencies.

### ***RECOMMENDATION:***

Establish a specialized equipment fund within the "Safe and Secure Communities" program.

***RECOMMENDATION:***

Legislation to prohibit the addition of any tinting material to the windshield and front passenger windows of motor vehicles.

***RECOMMENDATION:***

Legislation prohibiting the sale and possession of "Saturday Night Specials." These cheap handguns would be identified by their low melting points.

***RECOMMENDATION:***

Legislation revising the definition for identifying illegal body armor penetrating ammunition, using "performance" rather than "hardness" as the primary criterion.

***RECOMMENDATION:***

Legislation requiring all law enforcement agencies to adopt and follow any Standard Operation Procedure promulgated or issued by the Attorney General.

***RECOMMENDATION:***

All employers be statutorily required to follow the Attorney General's Standard Operation Procedures governing disciplinary actions and internal investigations and procedures.

***RECOMMENDATION:***

Legislation affording an aggrieved party in a non-civil service local unit the right to appeal an administrative disposition to the Office of Administrative Law or some other impartial arbitration panel.

***RECOMMENDATION:***

Develop more training programs which focus on management skills and supervisory issues.

***RECOMMENDATION:***

Legislation to develop and implement a comprehensive, mandatory continuing training program for all law enforcement officers.



***RECOMMENDATION:***

Review, in consultation with experienced law enforcement officers, the current domestic violence training program.

***RECOMMENDATION:***

Permit retired law enforcement officers to carry handguns under certain conditions.

***RECOMMENDATION:***

Legislation to establish a funding mechanism to provide moneys the periodic replacement of older, high-mileage vehicles used by the State Police and local law enforcement agencies patrol purposes.

***RECOMMENDATION:***

Legislation to establish a pilot program to provide support and counseling services law enforcement officers.

***RECOMMENDATION:***

Legislation codifying certain law enforcement powers, protections, privileges and rights.

***RECOMMENDATION:***

Legislation to provide additional funding for the "Safe and Secure Communities" program.

The Commission would like to thank the representatives of the Attorney General's Office and all the law enforcement officers and officials who testified. Their expertise, professional insights, and thoughtful analyses were invaluable.

## TESTIMONY

Attorney General's Office	Ron Susswein; Dr. Wayne Fisher
N.J. PBA	Rob Nixon
N.J. FOP	Rick Walen; Tony Fusco
N.J. State Police	Major Kevin McPartland; Mike Fedorko
N.J. Association of Police Chiefs	Al Lisicki
N.J. Sheriff Association	Jim Forcentino
N.J. State Troopers Fraternal Assoc.	Thomas Isryscki; Doug Jabloski
N.J. Forensic I.D. & Crime Detection Professional Association	Cpl. David Zuracio
U.S. Customs Service	Andrew Rakowsky
Vest-A-Cop Inc.	Sgt. Richard Grey
Barrington P.D.	Chief Jack Kaiser
Berlin Twp. P.D.	Chief Joseph Batten
Audubon P.D.	Chief William Tulane
Washington Twp. P.D.	James Murphy
Eatontown P.D.	Chief Varnshaw

# ASSEMBLY RESOLUTION No. 156

## STATE OF NEW JERSEY

INTRODUCED MAY 15, 1995

By Assemblymen SOLOMON, T. SMITH, Oros,  
Assemblywoman Heck and Assemblyman Geist

1 AN ASSEMBLY RESOLUTION to establish a commission to study  
2 issues relating to the protection, personal safety, and  
3 professional well-being of law enforcement officers in this  
4 State.

5  
6 WHEREAS, Law enforcement officers perform unique and  
7 essential services for the citizens of this State; and

8 WHEREAS, Empowered and sworn to uphold and enforce the laws  
9 of this State and the various ordinances and regulations of its  
10 counties and municipalities, the men and women of New  
11 Jersey's law enforcement agencies are on duty 24 hours a day,  
12 serving to protect, defend, and preserve the public well-being  
13 and safety; and

14 WHEREAS, Although fully cognizant of the life threatening  
15 dangers they regularly confront in the daily pursuit of their  
16 public mission, these public servants are unhesitating guardians  
17 and defenders of the law-abiding members of society; and

18 WHEREAS, The recent tragedies in Camden and Gloucester  
19 Counties where three local law enforcement officers were  
20 brutally and heinously gunned down while performing their  
21 official duties are grievous and painful examples of the perilous  
22 nature of law enforcement; and

23 WHEREAS, In recognition of the ever present dangers facing the  
24 men and women of New Jersey's law enforcement agencies, it  
25 is altogether fitting and proper, and within the public interest,  
26 to establish a commission to study issues relating to the  
27 protection, personal safety and professional well-being of law  
28 enforcement officers in this State; now, therefore

29  
30 BE IT RESOLVED by the General Assembly of the State of  
31 New Jersey:

32 1. a. There is hereby established a commission to study issues  
33 relating to the protection, personal safety and professional  
34 well-being of law enforcement officers in this State. The  
35 commission shall consist of seven members of the General  
36 Assembly to be appointed by the Speaker thereof. No more than  
37 five of the members shall be of the same political party.

38 b. The commission shall undertake a thorough review of issues  
39 relating to the protection, personal safety and professional  
40 well-being of law enforcement officers in this State. The issues  
41 reviewed by the commission may include the various statutory  
42 protections and immunities afforded law enforcement officers  
43 and the adequacy of those protections and immunities; the ready  
44 availability of proper and adequate law enforcement equipment  
45 and personal safety gear; the funding sources for such equipment

1 and gear; the availability of specialized, supplemental training  
2 programs; and such other issues as the commission may deem  
3 important or relevant to the protection, personal safety, and  
4 professional well-being of law enforcement officers.

5 2. a. The commission shall organize as soon as possible after  
6 the appointment of its members. The Speaker shall appoint a  
7 chairman and a vice-chairman from among its members. The  
8 chairman may appoint a secretary who need not be a member of  
9 the commission.

10 b. The commission may meet and conduct public hearings at  
11 such times and in such places as it may deem appropriate and  
12 necessary to fulfill its charge.

13 3. a. The commission shall be entitled to call to its assistance  
14 and avail itself of the services of employees of any State, county  
15 or municipal department, board, bureau, commission or agency as  
16 it may require and as may be available to it for its purposes.

17 b. The commission shall further be entitled to employ  
18 stenographic and clerical assistance and incur traveling and other  
19 miscellaneous expenses as it may deem necessary in order to  
20 perform its duties, within the limits of funds appropriated or  
21 otherwise made available to it for its purposes.

22 4. The commission shall file a report with the General  
23 Assembly, along with any recommendations it may have for  
24 legislative bills, within 90 days after it shall organize.

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#### STATEMENT

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29 This Assembly resolution establishes a seven-member  
30 commission to study issues relating to the protection, personal  
31 safety, and professional well-being of law enforcement officers  
32 in this State. The members, who are all to be members of the  
33 General Assembly, are to be appointed by the Speaker. No more  
34 than five of the appointees may be from the same political party.

35 The commission's responsibility is to study issues relating to  
36 the protection, personal safety, and professional well-being of  
37 law enforcement officers and to report its findings, along with  
38 any recommendations it may have for legislative bills, to the  
39 General Assembly within 90 days of its organizational meeting.

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43 Establishes a commission to study issues relating to protection,  
44 personal safety, and professional well-being of law enforcement  
45 officers.

