

NEW JERSEY
LAW ENFORCEMENT STUDY COMMISSION
REPORT

MARCH 1992

Law Enforcement Study Commission

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On February 14, 1991, the Law Enforcement Study Commission was established by the Governor on the recommendation of the Attorney General to study New Jersey's police services and to recommend changes for greater effectiveness and economy. At that time, the Attorney General announced the members of the Commission and explained that the Commission would examine and analyze law enforcement services, regionalization of law enforcement functions, improvements in training and specialization. Overall, it was believed that a planned, coordinated approach to the allocation of law enforcement services to specific agencies would provide the most efficient and economical means of ensuring that both basic and specialized services are available statewide when needed.

The Commission has met several times to discuss concerns involving the provision of law enforcement services statewide. Two subcommittees were formed to assist the Commission in examining these complex issues. As a result of these efforts, the Commission is at this time issuing recommendations in five areas. Implementation of these recommendations can take place while the Commission continues efforts to further accomplish its goals in this important area. In that regard, the Commission has not to date addressed the issue of regionalization. In general, the recommendations pertain to:

- . the identification of core law enforcement functions and specialized law enforcement services;
- . the establishment of a statewide core function plan, whereby certain law enforcement services are identified as core functions of a specific, designated law enforcement agency or agencies;
- . the establishment of county law enforcement service review boards; and
- . the enactment of a requirement for mandatory in-service law enforcement training.
- . long term system change requiring legislative action.

Core Law Enforcement Functions and Specialized Services

Initially, the Commission conducted a statewide survey to determine the types of services being provided by law enforcement agencies throughout New Jersey. After examining the information gathered, the Commission determined that certain vital functions are necessary for the basic provision of law enforcement service. These core law enforcement functions should be the primary responsibility of a specified agency or agencies. The Commission recognizes that core functions are obviously not the only functions performed by law enforcement agencies at any level of government. The core functions have been allocated to that agency the Commission thinks is most capable of performing the function. These functions include such basic services as primary patrol, initial response to calls for service, major crimes investigation, prisoner transportation and processing, and operation of the grand jury. Other functions or responsibilities, such as missing persons investigations, polygraph services, hostage negotiations, and crime prevention education, were defined as specialized services.

The Commission developed a Core Function Plan to ensure the efficient and effective delivery of these functions by allocating responsibility to a specific law enforcement agency or agencies. Core function responsibilities were allocated to those agencies best suited to perform the function. For example, the primary patrol function was allocated to municipal police, while responsibility for prisoner transport was allocated to the sheriffs. The Commission recognizes that while specialized services are important to effective law enforcement, an agency's primary responsibility is the adequate provision of its core functions. Core functions should be an agency's first order of business; specialized services should not be conducted when doing so means that the core functions cannot be adequately performed. An outline of the Commission's allocation plan or "Core Function Plan" follows.

CORE FUNCTION PLAN

Municipal Police Core Functions.

- . Primary patrol.
- . Initial response to all calls for law enforcement service.
- . Arrest fingerprinting and processing.
- . Criminal investigations (initial investigations of all criminal incidents and follow-up investigations consistent with policies of county prosecutor).

Sheriffs' Department Core Functions.

- . County jail system operations.
- . Security for the courthouse and courtrooms and all other county property such as hospitals and parks.
- . Extradition (transportation).
- . Fugitive bench warrant execution.
- . Prisoner transport from municipal lockup to the county jail.
- . Arrest fingerprinting and processing (countywide identification and records bureau).

Prosecutors Offices Core Functions.

- . Criminal investigations (major crimes as well as other criminal activity consistent with procedures established for municipal police agencies).
- . Extraditions (legal process).
- . General oversight of county and municipal police training academies.

State Police Core Functions.

- . Primary patrol in jurisdictions where there is no police department.
- . Patrol on state highways, interstate highways and turnpikes.
- . Criminal Investigations (consistent with policies listed for municipal police in jurisdictions where such agencies are not present).
- . Automatic fingerprinting identification system (AFIS).
- . Truck size and weight enforcement.
- . Forensic laboratory services in those jurisdictions where there are no laboratory services available.

The Commission recognizes that the agency type to which core functions are appropriately assigned ordinarily should not vary statewide. It recognizes further, however, that due to individual county differences other agencies may be contributing to the core function, or in the unusual case may be actually performing the function. In the long term, the Commission thinks that law enforcement statewide should move in the direction set by this plan. Nonetheless, in the short term it remains important that all components of the criminal justice system in our state work to eliminate duplication of effort.

Functions or responsibilities identified as specialized law enforcement services include those that follow. It is recognized that as a result of law enforcement needs in individual counties specialized services beyond those listed here might be required.

- . Missing persons investigations.
- . Crime scene services.
- . Patrol supplement to municipal police.
- . K-9 services.
- . Radar enforcement.
- . Driving while intoxicated (DWI) task force.
- . Polygraph services.
- . Child fingerprinting for identification purposes.
- . Composite artists or artistry.
- . Bomb squad.
- . Hostage negotiations.
- . Special weapons and tactical team (SWAT) services.
- . Emergency management.

- . Dive team.
- . County or multi-municipal communications.
- . Hotlines and tip lines.
- . Crime prevention education.
- . Training for citizen or student groups.
- . Involuntary civil commitment transportation.
- . Alcoholism Treatment and Rehabilitation Act (ATRA) services.
- . Prisoner security in hospitals.
- . Enforcement of hazardous materials regulations.
- . Environmental crimes investigations.
- . Alcoholic Beverage Commission (ABC) enforcement undercover operations.

County Law Enforcement Service Review Boards

This Commission recommends that the Attorney General issue an executive directive establishing county law enforcement service review boards. The directive should require that a review board be established in every county to examine all law enforcement services undertaken by all county and municipal agencies within the county jurisdiction. County review boards would also examine the provision of law enforcement services using the scheme developed and recommended by the Commission for the delivery of core law enforcement functions. A county-based board is recommended for this purpose to ensure that regional differences and needs are considered. These boards shall be comprised of the prosecutor, chief law enforcement officer in the county, serving as chairperson, the incumbent president or duly

designated representative of the county association of chiefs of police, the county sheriff, the chief law enforcement executive of a major municipal police agency designated by the prosecutor, and a representative of the State Police in those counties where they deliver a significant portion of law enforcement services. An additional member, possibly a principal county law enforcement administrator, may be designated by the prosecutor after consultation with the other members of the review board. The Commission recognizes that the need for an additional board member will depend on factors unique to individual counties. Characteristics of the existing framework for the delivery of law enforcement services should be considered in each county in determining if an additional member is warranted, and if so, who that member should be.

To ensure that all core functions are being adequately performed and provided in accordance with the Commission's core function plan, review boards would be responsible for assessing existing services and developing countywide law enforcement service plans. These plans would identify those agencies performing core functions and provide recommendations regarding the allocation of specialized law enforcement functions as appropriate. In addition to examining present services and circumstances, the review boards would be responsible for evaluating future service delivery. In developing countywide law enforcement service plans, the Commission recognizes that all core services should be adequately provided before agencies direct resources to the delivery of specialized services. In

general, the Commission's overall core function plan should serve as a blueprint or a model for the allocation of law enforcement services. It is recognized that this cannot be accomplished immediately and may have to be phased in over a period of time because of fiscal considerations or other factors not readily identifiable.

The initial countywide law enforcement service plans and recommendations regarding the allocation of law enforcement functions among the various law enforcement agencies throughout the county should be submitted to the Law Enforcement Study Commission for review. This review would enable the Commission to determine the need for future recommendations pertaining to the provision of law enforcement services. Upon completion of its review, the Commission would forward the plans to the Attorney General for approval. Annually, thereafter, county plans would be submitted directly to the Attorney General for review and approval.

Law Enforcement Training

The Commission recognizes that each individual law enforcement agency has a responsibility for seeing that its officers receive the necessary or required training. The Commission further recognizes that all law enforcement agencies are responsible for both basic and in-service training of their personnel. Each agency should either provide the training itself or see that the training is received through other means.

Currently, there are 22 police training facilities in New Jersey which are certified by the Police Training Commission. The Law Enforcement Study Commission believes that all these facilities should provide training consistent with the requirements of existing statutes, directives, regulations and certification standards. Recognizing that these training facilities are administered by a variety of agencies or officials, both law enforcement and non-law enforcement, the Commission recommends that the county prosecutor exercise general oversight to ensure that course content satisfies existing legal standards. Further, the Commission believes that the provision of law enforcement training within each county should be evaluated by individual county law enforcement service review boards.

The Commission noted that basic law enforcement training provided in New Jersey is generally adequate and consistent with statutory requirements. However, the same cannot be said for in-service training. Existing in-service training mandates pertain to only firearms requalification and radar operations. While some jurisdictions within New Jersey ensure that other types of in-service training are available, many other jurisdictions do not. The Commission, recognizing the central importance of in-service training, believes that this shortcoming should be addressed by legislation mandating statewide in-service training and authorizing the Police Training Commission to establish statewide in-service training requirements. This Commission

recognizes that while some in-service training needs will be unique to individual police departments, other training needs are shared by all law enforcement officers statewide.

Based on a survey conducted by this Commission, 26 out of 50 states require in-service training through legislative mandate. Overall, the amount and type of training required varies from state to state. For example, the minimum number of hours required for in-service training ranges from 8 to 40 hours annually. In those cases where firearms training is part of the overall annual in-service training, the number of hours which can be devoted to firearms is limited. Moreover, while the curriculum content is generally optional or flexible, the state agency responsible for developing and administering police standards is also responsible for developing and approving in-service training programs within the state.

The Commission also recognizes that the provision of in-service training is not without cost. This cost includes the salaries of officers attending training and the salaries of the officers needed to replace those who are attending training. Therefore, the Commission considered various funding methods for inclusion in the proposed legislation. In specific, forfeiture funds, criminal and motor vehicle fines, and penalty assessments were considered by the Commission.

While the Commission is aware of the existence of forfeiture funds, it is convinced that a more stable, ongoing funding base is necessary to adequately provide for inservice training. Dedicated funds through fines or penalty assessments should

provide a continuing source of financial support for law enforcement training. The Commission, having surveyed states nationwide, is aware that at least 17 states provide some means of dedicated funding for law enforcement training through criminal or motor vehicle fines or penalty assessments. For the most part, these dedicated funds are used to cover the administrative and operational costs of a state central training academy or the state agency responsible for establishing police standards. In at least four instances, however, dedicated funds are distributed to local law enforcement agencies to conduct training or to reimburse trainee expenses such as tuition, travel and salary.

Long Term Recommendations

Clearly, steps can be taken in the near future to initiate implementation of some recommendations forwarded in this report. The Commission recognizes, however, that the nature of other matters it has considered is such that recommendations must be viewed as establishing longer term direction for the state's criminal justice system. Among the Commission's recommendations are two which could entail major legislative initiatives and contemplate change involving agencies and offices outside the usual boundaries of the criminal justice framework such as county freeholders and county executives. As mentioned, the proposed core function plan for law enforcement is grounded in the Commission's examination of the current provision of law enforcement services statewide. Implementation of this plan over

time is intended to ensure maximum availability of services while at the same time minimizing cost through the elimination of duplicative management and support structures.

Toward that end, the Commission's long term recommendation is that law enforcement responsibilities which by necessity must be performed at the county level and are not performed by the prosecutor should be placed under one agency. Statewide each of the 21 counties has a sheriff's department, four of the 21 also have a county police department, while three others have a park police department. The Commission noted that the sheriff's department was substantially larger than any of the county or park police departments in those seven counties where such agencies exist. It is also recognized that funding for the sheriffs and the county and park police departments are drawn from the same revenue source involving the same process of budget approval. The sheriff is present as a constitutional officer in all 21 counties, and the sheriff's department is larger than the County Park or County Police in those counties that have them. The Commission also noted that sheriff's officers are required by the Police Training Act to complete the same training as all other police officers in this state.

Considering these factors, it is the Commission's belief that the sheriff's department is the agency best suited, on a statewide basis, to assume responsibility for those law enforcement functions which are performed by a countywide agency and cannot be performed by the prosecutor. The Commission recognizes that this assumption might not be entirely accurate in

specific counties where major county police departments have historically been responsible for a broad spectrum of law enforcement responsibilities. The Commission is convinced, however, that this recommendation is a measure consistent with its efforts to avoid duplication of law enforcement services and to promote the statewide goal of effective and efficient operation of the criminal justice system. The Commission understands that its presumption that the sheriff's department is the agency best suited statewide to fill this role may not be the case or be possible in each and every county at this time. As with other matters subject to factors unique to individual counties, the Commission believes that the County Boards will play a pivotal role in charting specific direction for the provision of law enforcement functions in those counties. If a decision is made to eliminate an agency, the functions performed by that agency should be allocated consistent with the core function plan.

The Commission recognizes that legislative action may provide a means of assigning the duties and functions of existing county and park police departments to the county sheriffs. If this legislation is proposed, the Commission recommends that it include provisions for the transfer of incumbent officers to comparable positions in the sheriffs' offices and should specifically take into consideration factors of current employment such as salary and seniority.

The Commission also considered issues involving the operation of county correctional facilities. Consistent with this report's emphasis on coordination of criminal justice functions countywide, the Commission recommends that legislation be proposed designating that the county sheriff be responsible for the operation of all county correctional facilities. As with the prior recommendation, the Commission recognizes that the complexity of such a transition in specific counties is such that this too is a matter of longer term implementation.

The Law Enforcement Study Commission will continue to meet in the future to discuss the recommendations set forth to improve law enforcement services. The Commission also anticipates reviewing law enforcement service plans prepared by the county review boards.