

[Second Reprint]

ASSEMBLY, No. 5326

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MARCH 20, 2023

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

Assemblywoman SHAVONDA E. SUMTER

District 35 (Bergen and Passaic)

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Senator M. TERESA RUIZ

District 29 (Essex)

Co-Sponsored by:

Assemblywomen Carter, McKnight, Assemblyman Wimberly and Senator Turner

SYNOPSIS

Establishes Community Crisis Response Advisory Council and community crisis response teams pilot program; designates “Seabrooks-Washington Community-Led Crisis Response Act;” appropriates \$12 million.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on January 4, 2024, with amendments.

(Sponsorship Updated As Of: 1/8/2024)

1 AN ACT concerning community crisis response ², designated as the
2 “Seabrooks-Washington Community-Led Crisis Response Act.”²
3 and supplementing Title ²**[26]** 52² of the Revised Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 ²1. This act shall be known and may be cited as the “Seabrooks-
9 Washington Community-Led Crisis Response Act.”²

10
11 ²**[1.]** 2.² The Legislature finds and declares that:

12 a. New Jersey’s system of policing and incarceration has
13 staggering racial disparities.

14 b. Since 2015, fatal police encounters in New Jersey have
15 resulted in the deaths at least 86 members of the public. Almost
16 half, or 48 percent, of those who lost their lives were Black.

17 c. New Jersey has one of the highest racial disparities among
18 victims of police violence in the country: Black New Jersey
19 residents are killed at a rate 8.3 times higher than white residents.

20 d. Between October of 2020 and February of 2021, there have
21 been over 3,500 documented police use-of-force incidents across
22 the State. Of these incidents, at least 46 percent involved police
23 using force on Black individuals.

24 e. According to studies, individuals with untreated severe
25 mental illness are involved in one-fourth of all fatal police
26 encounters, making those with untreated mental illness 16 times
27 more likely to be killed by a police officer.

28 f. Over the last few years, 911 calls for mental health crises in
29 New Jersey have increased exponentially.

30 g. In 2012, New Jersey passed the Overdose Prevention Act,
31 which includes Good Samaritan protections that are intended to
32 encourage people to call 911 if they are with a person who is
33 experiencing an overdose. Yet, research on the effectiveness of
34 Good Samaritan laws shows that overdose bystanders continue to
35 delay or refrain from calling 911 due to fear of police involvement,
36 social penalties, and stigma.

37 h. According to national studies, the majority of all police
38 killings in the United States escalate from nonviolent situations,
39 such as traffic stops, mental health checks, and domestic disputes.

40 i. Current research demonstrates that police-centered models
41 of public safety have far-reaching harms, especially for young
42 Black men. Even in the absence of violence, frequent police stops
43 are linked to adverse mental health outcomes, including anxiety,
44 depression, and post-traumatic stress disorder.

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ALP committee amendments adopted May 18, 2023.

²Senate SBA committee amendments adopted January 4, 2024.

1 j. Other jurisdictions have found that responding to a variety of
2 calls for service, especially those that involve a mental health crisis,
3 with an alternative crisis response team not only reduces the
4 possibility of escalation and thus, use of force, but also provides
5 monetary savings to the cities implementing these models.

6 k. Research on the state of policing shows that front-line
7 officers are experiencing physical and mental health challenges
8 related to burnout and the cumulative stress of responding to
9 behavioral health incidents.

10
11 ²[2.] 3.² As used in this act:

12 ²“Behavioral health” means mental health, substance abuse, or
13 co-occurring mental health and substance abuse diagnoses, and the
14 continuum of mental health, substance abuse, or co-occurring
15 mental health and substance abuse treatment.²

16 “Community crisis response team” means a team that provides
17 professional on-site community-based intervention such as
18 outreach, de-escalation, stabilization, resource connection, and
19 follow-up support for individuals who are experiencing a behavioral
20 health crisis, that shall include certified peer counselors as a best
21 practice to the extent practicable.

22 ²“Community-based organization” means a public or private
23 nonprofit organization that is representative of a community or a
24 significant segment of a community, and is engaged in meeting
25 human, educational, environmental, or public safety community
26 needs.²

27 “Crisis response services” mean short-term individualized crisis
28 stabilization services which follow a crisis screening or assessment
29 and which are designed to restore the individual to a prior
30 functional level.

31 ²[“Community-based organization” means a public or private
32 nonprofit organization that is representative of a community or a
33 significant segment of a community, and is engaged in meeting
34 human, educational, environmental, or public safety community
35 needs.

36 “Substance use disorders” means the recurrent use of alcohol,
37 drugs, or both that causes clinically significant impairment,
38 including health problems, disability, and failure to meet major
39 responsibilities at work, school, or home.]²

40 “Harm reduction services” means policies, programs, and
41 practices that aim to reduce or minimize the adverse consequences
42 associated with the use of substances.

43 “Law enforcement agency” means a State, county or municipal
44 law enforcement agency, department, division, or instrumentality
45 thereof that is statutorily empowered to act for the detection,
46 investigation, arrest, conviction, detention, or rehabilitation of
47 persons violating the criminal laws of the State.

1 ²["Behavioral health" means mental health, substance abuse, or
2 co-occurring mental health and substance abuse diagnoses, and the
3 continuum of mental health, substance abuse, or co-occurring
4 mental health and substance abuse treatment.] "Substance use
5 disorders" means the recurrent use of alcohol, drugs, or both that
6 causes clinically significant impairment, including health problems,
7 disability, and failure to meet major responsibilities at work, school,
8 or home.

9 "Violence interrupter community street team" means a non-profit
10 community service provider who develops and implements violence
11 intervention and prevention programming for communities
12 impacted by higher-than-average rates of violence, with a focus on
13 gun violence, and works with groups and individuals to build their
14 capacity to seek healthy methods for addressing and resolving
15 conflict.²

16
17 ²[3.] ^{4,2} a. There is established in the Department of
18 ²[Health] Law and Public Safety² the Community Crisis Response
19 Advisory Council to provide the department with best practices and
20 recommendations concerning the development of a community
21 crisis response program in the form of an annual report to the
22 department. ²In developing the best practices and recommendations,
23 the council shall assess and determine a viable pipeline to train and
24 resource mental health screeners from within directly impacted
25 communities.² Upon submission to the council, the report
26 immediately shall be made available to the public.

27 b. The council shall consist of 13 members, as follows:

28 (1) the Deputy Commissioner of Public Health Services ¹[and]
29 ¹, ¹the Assistant Commissioner of the Division of HIV, STD and TB
30 Services ¹, and the Director of Emergency Medical Services¹ in the
31 Department of Health, or their designees, who shall serve ex
32 officio;

33 (2) the Attorney General or a designee, who shall serve ex
34 officio;

35 ¹(3) the Executive Director of the Division of Violence
36 Intervention and Victim Assistance in the Department of Law and
37 Public Safety, or a designee, serving ex officio;

38 (4) the Director of the Division of Fire Safety in the Department
39 of Community Affairs, or a designee, serving ex officio;¹ and

40 ¹[(3) Ten] (5) seven¹ public members of the council who shall
41 be appointed by the Governor, with two members appointed upon
42 recommendation of the Senate President and two members
43 appointed upon recommendation of the Speaker of the General
44 Assembly.

45 c. The ¹[ten] seven¹ public members shall consist of one or
46 more members: who have prior involvement with the criminal
47 justice system; who have expertise in crisis response, harm

1 reduction services, or both; who have experience advocating for
2 their communities; ¹who are members the New Jersey Association
3 of State Chiefs of Police; who are members of the County
4 Prosecutor's Association of New Jersey; ¹and who represent New
5 Jersey-based social justice and civil rights organizations
6 specializing in criminal justice reform.

7 d. The ²Deputy Commissioner of Public Health Services]
8 Attorney General² shall serve as chairperson of the council. The
9 members of the council shall serve without compensation but shall
10 be reimbursed for the reasonable expenses necessarily incurred in
11 the performance of their duties within the limits of funds
12 appropriated or otherwise made available to the council for its
13 purposes.

14 e. The council first shall organize not later than 45 days after
15 the effective date of ¹this act] P.L. , c. (C.) (pending
16 before the Legislature as this bill¹. The council shall meet
17 periodically at the call of the chairperson, but not less than six times
18 in each ¹calendar¹ year. A majority of the members of the council
19 shall constitute a quorum for the purposes of the council taking
20 official action, but a lesser number may hold public hearings. All
21 meetings of the council shall be open to the public. Agendas,
22 minutes, documents, and testimony from each meeting shall be
23 posted on the Internet website of the ²Department of Health]
24 Office of the Attorney General².

25 f. Public members of the council shall serve for a term of three
26 years. Vacancies in the membership shall be filled in the same
27 manner in which the original appointments were made. Public
28 members shall be eligible for reappointment to the advisory council.

29 g. The council shall be entitled to receive assistance and
30 services from any State, county, or municipal department, board,
31 commission, or agency, as may be available to it for its purposes.
32 The Department of ²Health] Law and Public Safety² shall provide
33 staff and administrative support to the council.

34 h. The council shall hold public hearings throughout the State,
35 at which it may ask individuals to testify who can provide insight
36 into the need, design, and effectiveness of community-based crisis
37 intervention.

38

39 ²[4.] ^{5.2} a. The ²Commissioner of Health] Attorney
40 General² shall establish a pilot program ¹in Camden, Essex,
41 ²Hudson,² Mercer, Middlesex, and Passaic Counties¹ to permit
42 ¹eligible¹ municipalities and community-based organizations to
43 operate community crisis response teams in accordance with the
44 provisions of P.L. , c. (C.) (pending before the Legislature
45 as this bill).

46 b. The ²commissioner] Attorney General² shall develop a
47 request for proposals, in accordance with the minimum application

1 requirements outlined in section ²~~5~~ 6² of P.L. , c. (C.)
2 (pending before the Legislature as this bill), from municipalities and
3 organizations interested in participating in the pilot program, to
4 review completed proposals, create a scoring panel for submitted
5 proposals, and to issue grant awards to municipalities or
6 organizations to plan or implement a community crisis response
7 team, as defined in section ²~~2~~ 3² of P.L. , c. (C.)
8 (pending before the Legislature as this bill). The ²~~commissioner~~
9 Attorney General² shall publish a request for proposals pursuant to
10 this section not later than 90 days after the effective date of P.L. ,
11 c. (C.) (pending before the Legislature as this bill). The
12 ²~~commissioner~~ Attorney General² shall announce grants awards
13 not later than 90 days after the completion of the request for
14 proposals. The council shall not be involved in the grant award
15 process. Organizations represented by or affiliated with a member
16 of the council shall not be disqualified from applying for a grant
17 award.

18 c. Grants may be used for the following purposes:
19 (1) project planning and community engagement, including:
20 (a) research and assessment of need;
21 (b) development of staffing plans;
22 (c) resource mapping;
23 (d) training;
24 (e) development of community engagement plan;
25 (f) fiscal planning; ²~~and~~²
26 (g) engagement with technical assistance providers or consulting
27 services; and
28 ²~~(h)~~² evaluation planning; and
29 (2) project implementation, including:
30 (a) staffing and recruitment;
31 (b) facilities;
32 (c) operational costs, including costs of startup or expansion
33 activities, marketing, language translation, and transportation;
34 (d) engagement with technical assistance providers;
35 ²~~(e)~~² consulting services;
36 ²~~(e)~~ (f)² training;
37 ²~~(f)~~ g² program and project evaluation, including evaluation
38 of program and project efficacy, staff performance, and service
39 delivery; and
40 ²~~(g)~~ h² programming and service interventions that include
41 activities that prioritize human service interventions, by entities
42 other than law enforcement, over interventions by law enforcement,
43 or activities that include triaging emergencies, through emergency
44 dispatch operators, in a manner that results in a referral to a wholly
45 non-police entity.

- 1 ²~~5.~~ ^{6.}² a. To be eligible to receive a grant pursuant to the
2 pilot program established in section ²~~4~~ ⁵² of P.L. ,
3 c. (C.) (pending before the Legislature as this bill):
- 4 (1) a municipality shall ¹be a municipality of the first class in
5 Essex ², Hudson,² and Passaic Counties; a municipality of the
6 second class having a population of more than 70,000 and density
7 of 8,000 to 12,000 according to the 2020 federal decennial census in
8 Camden and Mercer Counties; and a municipality of the second
9 class having a population of more than 55,000 and density of
10 between 10,000 and 11,000 according to the 2020 federal decennial
11 census in Middlesex County; and¹ have an entity ¹authorized to
12 provide harm reduction services, pursuant to section 4 of P.L.2006,
13 c.99 (C.26:5C-25), operating¹ that operates as a violence interrupter
14 community street team¹ within its boundaries; and
- 15 (2) a community-based organization shall be located within
16 ¹~~the~~ ^a municipality ¹that meets the criteria set forth in paragraph
17 (1) of this subsection¹.
- 18 Additionally, an applicant is required to demonstrate an
19 established relationship with a State-approved harm reduction
20 center ²~~or reliable access to other harm reduction services~~ , be a
21 State-approved community violence intervention program, or both².
22 The Department of ²~~Health~~ Law and Public Safety² shall be
23 required to prioritize issuing grants to ¹~~applicants~~ an applicant¹
24 that ¹~~have~~ currently operates as a violence interrupter community
25 street team and has¹ ²demonstrated a process for engaging
26 members of the community and ¹~~for~~¹ receiving public comments
27 with respect to its community crisis response team¹ been State-
28 approved for a period of not less than two years².
- 29 b. An applicant shall submit an application to the Department
30 of ²~~Health~~ Law and Public Safety² as outlined in the request for
31 proposals that includes, at a minimum, the following:
- 32 (1) for planning grants:
- 33 (a) a list of stakeholders and potential stakeholders that will
34 participate in the planning process, which ²~~m~~ may² include
35 community-based organizations and government partners, and shall
36 include a state-approved harm reduction center or another
37 organization that provides harm reduction services; and
- 38 (b) strategies for sustained community engagement and
39 feedback processes; and
- 40 (2) for implementation grants:
- 41 (a) a list of stakeholders and potential stakeholders that will
42 participate in the project, which shall include a State-authorized
43 harm reduction center or another organization that provides harm
44 reduction services;

(b) a framework for how the program will be incorporated into a government department or work in cooperation with a government department;

(c) a dispatch model and flowchart;

(d) the metrics by which the program will be evaluated;

(e) strategies for peer staffing and retention;

(f) strategies for warm handoff and sustained follow-up of participants;

(g) a statement describing the manner in which a community crisis response team will divert behavioral health calls from the purview of law enforcement of response while ensuring rapid, sufficient medical response when needed;

(h) a statement describing the manner in which a community crisis response team will prevent and divert individuals from involvement in the criminal justice system;

(i) a statement describing the manner in which the program will prioritize racial and gender equity in the allocation of services and resources; and

(j) a proposed community crisis response team budget.

c. Grants awarded ¹under the pilot program¹ shall not exceed ¹**[\$2,000,000 per project per year]** a total of ²**[\$10,000,000]** \$12,000,000² and the amount awarded to applicants in each eligible municipality shall not exceed \$2,000,000 per municipality¹. A law enforcement agency shall not be the recipient of a grant.

²**[6.] 7.**² The ²**[commissioner]** council² shall submit an annual report to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on the status of the pilot program. Three years following the date of enactment, the ²**[commissioner in collaboration with the]** council, shall submit a final report to the Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), on the outcomes resulting from the pilot programs and recommendations for the actions necessary to support the continuation and expansion of community crisis response models in the State of New Jersey. The reports issued pursuant to this section shall be public.

²**[7.] 8.**² There is appropriated from the General Fund to the Department of ²**[Health]** Law and Public Safety² the sum of ¹**[\$20,000,000]** ²**[\$10,000,000]** \$12,000,000² for use by the department in supporting activities and staffing of the council and the awarding of grants to participants of the pilot program established in section 4 of P.L. , c. (C.) (pending before the Legislature as this bill).

²**[8.] 9.**² The department may adopt any regulations necessary to effectuate the purposes of this act on an expedited basis, which

1 regulations shall be effective immediately upon filing with the
2 Office of Administrative Law for a period not to exceed 18 months,
3 and may, thereafter, be amended, adopted, or readopted in
4 accordance with the provisions of the "Administrative Procedure
5 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

6

7 ²**[9.]** 10.² This act shall take effect immediately.