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N.J. cops will only be able to use deadly force as an ‘absolute last resort’ under major changes to policy

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New Jersey police will soon have new guidelines on when they can hit, chase or shoot suspects under rules announced Monday by the state attorney general’s office, the first overhaul of the state’s use-of-force policy in two decades.

The rules prohibit cops from using force to speed up an arrest, ban using police dogs on suspects who are only resisting arrest and require departments to review every incident where force was used.

The policy applies to the state’s more than 38,000 officers and will take effect a year from now, on Dec. 31, 2021, but training will begin earlier.

“Today is another major step toward addressing the gap in trust between law enforcement and the communities they serve,” Gov. Phil Murphy said in a statement, adding that the changes would particularly help “Black and Brown communities who have suffered far too many incidents of improper and excessive force.”

The changes come two years after the The Force Report, an NJ Advance Media investigation into racial disparities and other problems involving police force in New Jersey. The investigation spurred community hearings around the state and sparked a criminal probe that led to the conviction of at least one officer.

At a virtual press conference with other law enforcement leaders, state Attorney General Gurbir Grewal said the rules were focused on protecting “the sanctity of human life.”

The position of attorney general is uniquely powerful in New Jersey because the duties of the office include direct oversight of all the state’s law enforcement officers, from neighborhood cops to county prosecutors. The process of rewriting the policy was announced a year ago and included input from law enforcement groups, civil rights and religious organizations and more than a thousand comments from the public.

Leaders of police unions, civil rights organizations and policing experts told NJ Advance Media they were in favor of the changes, but several cautioned that the rules will only be as strong as the training and enforcement behind them.

“This is a long overdue update,” said Wayne Fisher, a former Newark cop and an expert with Rutgers University’s Center on Policing who helped write the old policy.

While individual departments may have already adopted some of these reforms, like Camden County, the sweeping overhaul addresses a number of police practices that have drawn some criticism in New Jersey and around the United States.

All force, from physical restraints to firing a gun, must be reported within 24 hours to an online portal under the new policy. That will help departments track if individual officers are using force at higher rates than colleagues, or if a department is using force disproportionately against Black residents, officials said.

Grewal has previously said each of the state's more than 500 departments were using the portal as of Oct. 1. The portal will be at least partially available to the public early next year, and Grewal said it would include all information already available, which includes the names of individual officers.

Some changes expand on the former use-of-force policy, which also said officers should only use force as a last resort.

Cops will be required to explain their actions, respond to questions, "provide a clear warning that force will be used" and give someone "a reasonable opportunity" to respond.

Officers are also encouraged to bring in crisis intervention experts when dealing with someone in a mental health crisis, and Grewal ordered county prosecutors to create local committees to review how cops interact with residents with special needs.

While the rewrite of the rules began before the police killing of George Floyd in Minnesota, officials said Floyd's death added urgency to the process. The new rules explicitly say that "prolonged sitting, kneeling or standing on a person's chest, back, or neck" is considered "deadly force," and once a person is restrained they "must immediately be put in an upright position."

The rules also require cops to administer medical assistance after someone is injured.

The new policy also reins in the use of police chases on the road.

The former pursuit policy allowed officers to chase a motorist believed to pose "an immediate threat to the safety of the public or other police officers." An Asbury Park Press investigation found New Jersey police pursuits often started with simple traffic infractions and frequently caused bystander injuries, property damage and other hazards.

The new rules say speed alone isn't a good enough reason to continue a chase, and they limit what crimes can justify a pursuit.

Cops are also generally banned from firing at a moving vehicle, unless the driver is about to run somebody over or someone inside is shooting.

Officers must complete a two-day training on the rules by the end of next year, officials said.

The training will draw on two programs: The Active Bystandership for Law Enforcement Project, partially developed by Georgetown University, and the Integrated Communication and Tactics program, developed by the nonprofit Police Executive Research Forum.

After one department in Kentucky adopted the second program, researchers noted a “significant reduction” in the number of times officers used force, according to an initial review by the International Association of Chief of Police.

Officials also said a broader review of the state’s K-9 policy will be finished March 31.