ASSEMBLY, No. 4272

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED JUNE 15, 2020

Sponsored by:
Assemblywoman ANGELA V. MCKNIGHT
District 31 (Hudson)
Assemblyman BENJIE E. WIMBERLY
District 35 (Bergen and Passaic)
Assemblywoman SHAVONDA E. SUMTER
District 35 (Bergen and Passaic)

Co-Sponsored by:
Assemblywomen Vainieri Huttle, Timberlake, Tucker, Assemblyman Holley, Assemblywoman Reynolds-Jackson and Assemblyman Caputo

SYNOPSIS
Establishes civilian review boards to review complaints against police officers.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 9/14/2020)
AN ACT establishing civilian review boards to review complaints
against police officers and supplementing Title 40A of the New
Jersey Statutes.

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

1. a. In every municipality, there shall be a civilian review board
that shall review and investigate complaints about the conduct of
members of the police force of the municipality, or members of the
State Police that serve in the capacity of a municipal police force for
the municipality, as applicable.

b. The civilian review board shall consist of seven members
appointed by the mayor or other chief executive officer of the
municipality with the consent of the governing body of the
municipality. The members shall be residents of the municipality
with training or experience in community relations, civil rights, law
enforcement, sociology, or other relevant fields. The members shall
serve for terms of six years, except for the initial appointees, of
whom, two shall serve initial terms of two years, two shall serve
initial terms of four years, and three shall serve initial terms of six
years. Members of the civilian review board shall serve until their
successors are appointed and qualified. A member may be
reappointed to the board.

c. The initial members shall be appointed within 60 days
following the effective date of P.L. , c. (C. ) (pending before
the Legislature as this bill). The board shall organize as soon as
practicable after the appointment of its members. The presence of
four members of the board shall constitute a quorum. The mayor or
other chief executive officer of the municipality shall appoint a
chairperson and a vice-chairperson from among the members of the
civilian review board. The chairperson and vice-chairperson shall
serve for terms of two years and may be reappointed. The vice-
chairperson shall assume the duties of the chairperson when the
chairperson is absent or otherwise incapable of performing the duties
of chairperson or, in the case of removal or a permanent incapacity,
until the appointment of a successor chairperson by the mayor or
other chief executive officer of the municipality.

d. Vacancies in the membership of the board shall be filled for
the unexpired terms in the same manner as the original appointments.
In the event that any member of the board shall be rendered incapable
of performing the duties of a member, the mayor or other chief
executive officer of the municipality shall appoint a qualified person
to serve in that member’s stead during the period of incapacity. Any
member may be removed by the civilian review board for cause.

e. Members of the civilian review board shall serve without
compensation, but shall be entitled to reimbursement for actual
expenses of serving, to the extent that funds are made available for that purpose.

f. The governing body of a municipality shall, to the extent that funds are made available by the municipality, the State, or other entity, provide such office facilities and assign such professional and clerical staff as are necessary for the civilian review board to properly perform its duties and to keep and maintain appropriate records.

2. a. A county may, by resolution, establish a civilian review board that shall review and investigate complaints about the conduct of members of the police force of a participating municipality, or members of the State Police that serve in the capacity of a municipal police force for a participating municipality, as applicable. A municipality may satisfy the requirements of section 1 of P.L. , c. (C. ) (pending before the Legislature as this bill) by electing, by resolution, to be a participating municipality subject to the civilian review board established by the county within which it is located.

b. A county civilian review board shall consist of seven members appointed by the board of chosen freeholders or, if the county is organized pursuant to the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the county executive, the county supervisor, or the county manager, as applicable, with the consent of the board of chosen freeholders. The members shall be residents of the county with training or experience in community relations, civil rights, law enforcement, sociology, or other relevant fields. The members shall serve for terms of six years, except for the initial appointees, of whom, two shall serve initial terms of two years, two shall serve initial terms of four years, and three shall serve initial terms of six years. Members of the civilian review board shall serve until their successors are appointed and qualified. A member may be reappointed to the board.

c. The initial members shall be appointed within 60 days following the adoption of a resolution pursuant to subsection a. of this section. The board shall organize as soon as practicable after the appointment of its members. The presence of four members of the board shall constitute a quorum. The board of chosen freeholders or, if the county is organized pursuant to the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the county executive, the county supervisor, or the county manager, as applicable, shall appoint a chairperson and a vice-chairperson from among the members of the civilian review board. The chairperson and vice-chairperson shall serve for terms of two years and may be reappointed. The vice-chairperson shall assume the duties of the chairperson when the chairperson is absent or otherwise incapable of performing the duties of chairperson or, in the case of removal or a permanent incapacity, until the appointment of a successor chairperson by the board of chosen freeholders or, if the county is organized pursuant to the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the county executive, the county supervisor, or the county manager, as applicable, shall appoint a chairperson and a vice-chairperson from among the members of the civilian review board. The chairperson and vice-chairperson shall serve for terms of two years and may be reappointed. The vice-chairperson shall assume the duties of the chairperson when the chairperson is absent or otherwise incapable of performing the duties of chairperson or, in the case of removal or a permanent incapacity, until the appointment of a successor chairperson by the board of chosen freeholders or, if the county is organized pursuant to the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the county executive, the county supervisor, or the county manager, as applicable, shall appoint a chairperson and a vice-chairperson from among the members of the civilian review board. The chairperson and vice-chairperson shall serve for terms of two years and may be reappointed.
\[A4272\] MCKNIGHT, WIMBERLY

4

1 Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the county executive, the county supervisor, or the county manager, as applicable.
2
3 d. Vacancies in the membership of the board shall be filled for the unexpired terms in the same manner as the original appointments. In the event that any member of the board shall be rendered incapable of performing the duties of a member, the board of chosen freeholders or, if the county is organized pursuant to the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the county executive, the county supervisor, or the county manager, as applicable, shall appoint a qualified person to serve in that member's stead during the period of incapacity. Any member may be removed by the civilian review board for cause.
4
5 e. Members of the civilian review board shall serve without compensation, but shall be entitled to reimbursement for actual expenses of serving, to the extent that funds are made available for that purpose.
6
7 f. The board of chosen freeholders shall, to the extent that funds are made available by the municipality, the county, the State, or other entity, provide such office facilities and assign such professional and clerical staff as are necessary for the civilian review board to properly perform its duties and to keep and maintain appropriate records.
8
9 3. It shall be the duty of a civilian review board established pursuant to section 1 or section 2 of P.L. , c. (C. ) (pending before the Legislature as this bill) to review and investigate allegations or complaints about the conduct of members of the police force of the municipality, or members of the State Police that serve in the capacity of a municipal police force for the municipality, as applicable. Such allegations or complaints may be submitted by members of the public or by other law enforcement officers who, for reasons of confidentiality or anonymity, are unable to report such allegations or complaints openly or in person to the appropriate governmental entity. The civilian review board shall report any findings and recommendations concerning complaints to the mayor or other chief executive officer of the municipality, the governing body of the municipality, the county prosecutor, and, in the case of a municipality in which the State Police serves in the capacity of a municipal police force for the municipality, to the Attorney General.
10
11 4. This act shall take effect immediately.
12
13
14 STATEMENT
15
16 This bill would establish a civilian review board in every municipality to review and investigate complaints against members of the police force of the municipality. In those municipalities that have State Police serve in the role of the municipal police force, the
A4272 MCKNIGHT, WIMBERLY

civilian review board would review and investigate complaints against members of the State Police serving in that capacity within the municipality. These boards would serve to foster transparency, fairness, and equality in policing practices and policies, which in turn will help promote positive relations between police and the local communities they serve.

The bill also permits a county to establish a civilian review board to review and investigate complaints against members of the police force or the State police, as applicable, for a municipality that elects to be subject to its county civilian review board. Such municipality would not be required to have its own civilian review board.

A municipal civilian review board would consist of seven members who are appointed by the mayor or other chief executive officer of the municipality with the consent of the governing body of the municipality. A county civilian review board would consist of seven members appointed by the board of chosen freeholders or, if the county is organized pursuant to the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the county executive, the county supervisor, or the county manager, as applicable, with the consent of the board of chosen freeholders. The members would be residents of the municipality or county, as applicable, who are qualified persons with training or experience in community relations, civil rights, law enforcement, juvenile justice, sociology, or other relevant fields for terms of six years, with certain shorter terms for the initial board members to allow for staggered terms.

A civilian review board would be permitted to utilize resources of the municipality or county to the extent that funds for the utilization of such resources are made available by the municipality, county, State, or other entity.

A civilian review board would report any findings and recommendations concerning complaints to the mayor or other chief executive officer of the municipality, the governing body of the municipality, and the county prosecutor. In the case of a municipality in which the State Police serves in the capacity of a municipal police force for the municipality, the board also would report any findings and recommendations concerning complaints to the Attorney General.