

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:

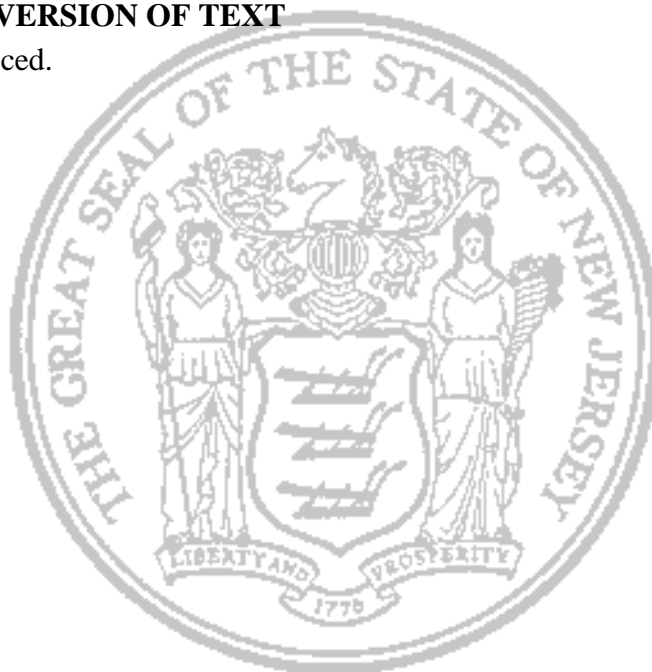
**Assemblywomen Vainieri Huttle, Timberlake, Tucker, Assemblyman
Holley, Assemblywoman Reynolds-Jackson and Assemblyman Caputo**

SYNOPSIS

Establishes civilian review boards to review complaints against police officers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/14/2020)

1 AN ACT establishing civilian review boards to review complaints
2 against police officers and supplementing Title 40A of the New
3 Jersey Statutes.

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

7
8 1. a. In every municipality, there shall be a civilian review board
9 that shall review and investigate complaints about the conduct of
10 members of the police force of the municipality, or members of the
11 State Police that serve in the capacity of a municipal police force for
12 the municipality, as applicable.

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

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

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

46 e. Members of the civilian review board shall serve without
47 compensation, but shall be entitled to reimbursement for actual

1 expenses of serving, to the extent that funds are made available for
2 that purpose.

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

8
9 2. a. A county may, by resolution, establish a civilian review
10 board that shall review and investigate complaints about the conduct
11 of members of the police force of a participating municipality, or
12 members of the State Police that serve in the capacity of a municipal
13 police force for a participating municipality, as applicable. A
14 municipality may satisfy the requirements of section 1 of P.L. , c.
15 (C.) (pending before the Legislature as this bill) by electing, by
16 resolution, to be a participating municipality subject to the civilian
17 review board established by the county within which it is located.

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

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

1 Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the county executive,
2 the county supervisor, or the county manager, as applicable.

3 d. Vacancies in the membership of the board shall be filled for
4 the unexpired terms in the same manner as the original appointments.
5 In the event that any member of the board shall be rendered incapable
6 of performing the duties of a member, the board of chosen
7 freeholders or, if the county is organized pursuant to the provisions
8 of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1
9 et seq.), the county executive, the county supervisor, or the county
10 manager, as applicable, shall appoint a qualified person to serve in
11 that member's stead during the period of incapacity. Any member
12 may be removed by the civilian review board for cause.

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

17 f. The board of chosen freeholders shall, to the extent that funds
18 are made available by the municipality, the county, the State, or other
19 entity, provide such office facilities and assign such professional and
20 clerical staff as are necessary for the civilian review board to properly
21 perform its duties and to keep and maintain appropriate records.

22
23 3. It shall be the duty of a civilian review board established
24 pursuant to section 1 or section 2 of P.L. , c. (C.) (pending
25 before the Legislature as this bill) to review and investigate
26 allegations or complaints about the conduct of members of the police
27 force of the municipality, or members of the State Police that serve
28 in the capacity of a municipal police force for the municipality, as
29 applicable. Such allegations or complaints may be submitted by
30 members of the public or by other law enforcement officers who, for
31 reasons of confidentiality or anonymity, are unable to report such
32 allegations or complaints openly or in person to the appropriate
33 governmental entity. The civilian review board shall report any
34 findings and recommendations concerning complaints to the mayor
35 or other chief executive officer of the municipality, the governing
36 body of the municipality, the county prosecutor, and, in the case of a
37 municipality in which the State Police serves in the capacity of a
38 municipal police force for the municipality, to the Attorney General.

39

40 4. This act shall take effect immediately.

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STATEMENT

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45 This bill would establish a civilian review board in every
46 municipality to review and investigate complaints against members
47 of the police force of the municipality. In those municipalities that
48 have State Police serve in the role of the municipal police force, the

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

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

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

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

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