

[First Reprint]

ASSEMBLY, No. 4656

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:

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District 31 (Hudson)

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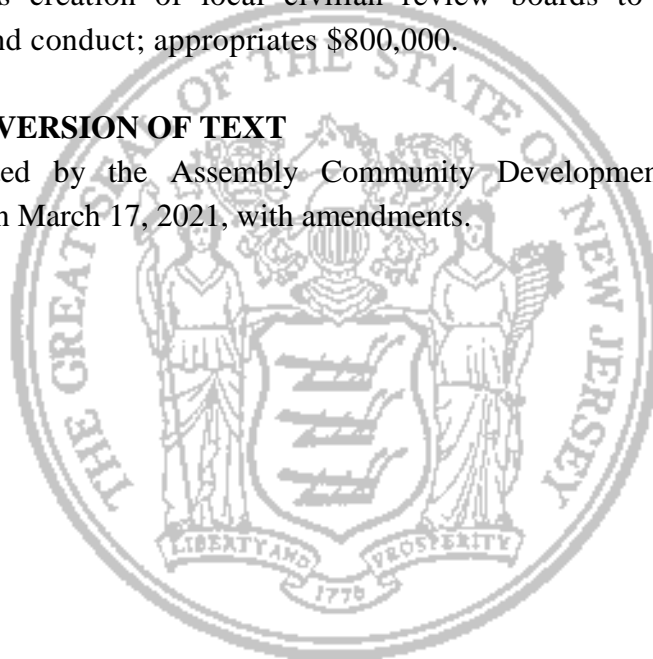
**Assemblywomen Reynolds-Jackson, Tucker, Timberlake, Assemblymen
Caputo, Holley, Assemblywomen Vainieri Huttle, Jasey, Assemblymen
Johnson and Spearman**

SYNOPSIS

Authorizes creation of local civilian review boards to review police operations and conduct; appropriates \$800,000.

CURRENT VERSION OF TEXT

As reported by the Assembly Community Development and Affairs Committee on March 17, 2021, with amendments.



(Sponsorship Updated As Of: 5/5/2021)

1 AN ACT authorizing the creation of local civilian review boards to
2 review police operations and conduct, supplementing Title 40A
3 of the New Jersey Statutes, amending N.J.S.40A:14-118 and
4 P.L.1996, c.115, and making an appropriation.

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

8
9 ¹1. (New section) The Legislature finds and declares that:

10 a. Civilian review boards are oversight mechanisms whereby
11 victims of police misconduct may raise complaints and seek redress,
12 and civilian review boards consist of civilians, rather than sworn
13 police officers, as a means to provide an external check mechanism
14 to police department internal affairs units;

15 b. Civilian review boards vary in structure and power, ranging
16 from only making recommendations to police directors about
17 disciplinary action to having the power to subpoena officers;

18 c. The first civilian review board in the United States was
19 created in Washington, DC in 1948, and today, there exist over 100
20 civilian review boards across the country;

21 d. On April 30, 2015, Mayor Ras Baraka of Newark, New Jersey
22 signed an executive order establishing a Civilian Complaint Review
23 Board (CCRB) to monitor the Newark Police Department;

24 e. On March 17, 2016, the Newark Municipal Council passed an
25 ordinance that authorized the CCRB to conduct its own
26 investigations of civilian complaints of police misconduct, as well
27 as review the Newark Police Division's Internal Affairs Unit's
28 investigations of police misconduct, and make discipline
29 recommendations to the city's Public Safety Director;

30 f. On August 19, 2020, the Supreme Court of New Jersey struck
31 down key parts of Newark's 2016 ordinance and ruled that the
32 CCRB cannot be granted subpoena power, the CCRB may not
33 conduct investigations at the same time as the police department's
34 internal affairs office is conducting its own; and that only
35 legislative action could grant Newark's CCRB with these powers;

36 g. In recognition of the Court's ruling, the Legislature is taking
37 legislative action to grant necessary subpoena and investigative
38 authority to existing and future civilian review boards, throughout
39 the State, in order to foster transparency, fairness, and equality in
40 policing practices and policies, which in turn will help promote
41 positive relations between police and the local communities they
42 serve.¹

43
44 ¹[1.] 2.¹ (New section) a. A municipality may, by ordinance,
45 establish a municipal civilian review board.

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 ACD committee amendments adopted March 17, 2021.

1 b. A municipal civilian review board shall consist of ¹an odd
2 number of¹ at least ¹~~seven~~ three¹ members appointed by the
3 mayor or other chief executive officer of the municipality with the
4 consent of the governing body of the municipality. ¹The mayor or
5 other chief executive officer of the municipality shall solicit
6 recommendations for members to be appointed to the municipal
7 civilian review board from members of organizations concerned
8 with the issues of civil rights; human rights; or racial, social, or
9 economic justice and equality.¹ The members shall be residents of
10 the municipality with training or experience in community relations,
11 civil rights, law enforcement, sociology, or other relevant fields.
12 The ¹~~members shall serve for terms of six years, except for the~~
13 ~~initial appointees, of whom, two shall serve initial terms of two~~
14 ~~years, two shall serve initial terms of four years, and the remaining~~
15 ~~members shall serve initial terms of six years~~ ordinance shall
16 specify the term length for each member¹. Members of a municipal
17 civilian review board shall serve until their successors are appointed
18 and qualified. A member may be reappointed to a municipal
19 civilian review board.

20 c. The presence of ¹~~four~~ a majority of¹ members of a
21 municipal civilian review board shall constitute a quorum ¹~~, except~~
22 ~~that the number of members required to form a quorum shall~~
23 ~~increase by one for each additional member of a municipal civilian~~
24 ~~review board over seven~~¹. The mayor or other chief executive
25 officer of the municipality shall appoint a chairperson and a vice-
26 chairperson from among the members of the municipal civilian
27 review board. ¹~~The chairperson and vice-chairperson shall serve~~
28 ~~for terms of two years and may be reappointed.~~¹ The vice-
29 chairperson shall assume the duties of the chairperson when the
30 chairperson is absent or otherwise incapable of performing the
31 duties of chairperson or, in the case of removal or a permanent
32 incapacity, until the appointment of a successor chairperson by the
33 mayor or other chief executive officer of the municipality.

34 d. Vacancies in the membership of a municipal civilian review
35 board shall be filled for the unexpired terms in the same manner as
36 the original appointments. In the event that any member of a
37 municipal civilian review board is rendered incapable of performing
38 the duties of a member, the mayor or other chief executive officer
39 of the municipality shall appoint a qualified person to serve in that
40 member's stead during the period of incapacity. ¹~~Any member~~
41 ~~may be removed by a~~ The mayor or other chief executive officer
42 of the municipality, with the consent of the governing body of the
43 municipality, may remove any member of the¹ municipal civilian
44 review board for cause.

45 e. Members of a municipal civilian review board ¹~~shall~~ may
46 receive compensation for their services as provided in the

1 ordinance. If the members are to¹ serve without compensation,
2 ~~1~~**[but]** the members¹ shall be entitled to reimbursement for actual
3 expenses of serving, to the extent that funds are made available for
4 that purpose.

5 f. ~~1~~**[The]** If the¹ governing body of a municipality establishes
6 a municipal civilian review board, the governing body¹ shall ~~1~~**[**, of
7 the extent that funds are made available by the municipality, the
8 State, or other entity,**]**¹ provide such office facilities and assign
9 such professional and clerical staff as are necessary for the
10 municipal civilian review board to properly perform its duties and
11 to keep and maintain appropriate records.

12 g. ~~1~~**(1)**¹ Each member and employee¹ of a municipal civilian
13 review board shall ~~1~~**[**, within six months of appointment,**]**¹
14 complete the training course established ¹, designated,¹ or approved
15 pursuant to section ~~1~~**[4]** 6¹ of P.L. , c. (C.) (pending before
16 the Legislature as this bill) ¹, and shall complete a review course
17 established, designated, or approved pursuant to section 6 of
18 P.L. , c. (C.) (pending before the Legislature as this bill) no
19 less than once every two years thereafter¹.

20 ~~1~~**[A]** (2) Except as otherwise provided in this paragraph, a¹
21 municipal civilian review board member or employee¹ shall not
22 review or investigate the conduct of any law enforcement officers,
23 or recommend the imposition of discipline of such officers,
24 pursuant to paragraphs (3) and (4) of subsection a. of section ~~1~~**[3]**
25 4¹ of P.L. , c. (C.) (pending before the Legislature as this
26 bill), ~~1~~**[**without a quorum of municipal civilian review board
27 members who have competed**]** unless the member or employee has
28 completed¹ the training required by this subsection.
29 Notwithstanding the foregoing, members and employees of a
30 municipal civilian review board established by ordinance adopted
31 prior to January 1, 2020 may review or investigate the conduct of
32 law enforcement officers subject to their jurisdiction, or recommend
33 the imposition of discipline of such officers pursuant to paragraphs
34 (3) and (4) of subsection a. of section 4 of P.L. , c. (C.)
35 (pending before the Legislature as this bill), for up to six months
36 following the effective date of P.L. , c. (C.) (pending
37 before the Legislature as this bill) if those members and employees
38 have complied with any training requirements established under the
39 municipal ordinance, so that the civilian review board may continue
40 to function while allowing members and employees sufficient time
41 to complete the training required by this section following the
42 implementation of section 6 of P.L. , c. (C.) (pending before
43 the Legislature as this bill).¹

44
45 ~~1~~**[2.]** 3.¹ (New section) a. A county may, by resolution,
46 establish a county civilian review board that shall have jurisdiction

1 ~~1~~in any participating municipality. A municipality may, by
2 ordinance, elect to be a participating municipality subject to the
3 civilian review board established by the county within which it is
4 located. Upon adoption of such ordinance, the clerk of the
5 municipality shall submit copies of the ordinance to the county
6 civilian review board ~~over only county-run police departments or~~
7 ~~its sheriffs' departments. If no county civilian review board exists,~~
8 ~~a county sheriff's officer shall be subject to investigation by the~~
9 ~~municipal civilian review board for incidents that take place within~~
10 ~~the municipality~~¹.

11 b. A county civilian review board shall consist of ~~an odd~~
12 ~~number of~~¹ at least ~~seven~~ ~~three~~¹ members appointed by the
13 board of county commissioners or, if the county is organized
14 pursuant to the provisions of the "Optional County Charter Law,"
15 P.L.1972, c.154 (C.40:41A-1 et seq.), the county executive, the
16 county supervisor, or the county manager, as applicable, with the
17 consent of the board of county commissioners. ~~The board of~~
18 ~~county commissioners or, if the county is organized pursuant to the~~
19 ~~provisions of the "Optional County Charter Law," P.L.1972, c.154~~
20 ~~(C.40:41A-1 et seq.), the county executive, the county supervisor,~~
21 ~~or the county manager, as applicable, shall solicit recommendations~~
22 ~~for members to be appointed to the civilian review board from~~
23 ~~members of organizations concerned with the issues of civil rights;~~
24 ~~human rights; or racial, social, or economic justice and equality.~~¹
25 The members shall be residents of the county with training or
26 experience in community relations, civil rights, law enforcement,
27 sociology, or other relevant fields. The ~~members shall serve for~~
28 ~~terms of six years, except for the initial appointees, of whom, two~~
29 ~~shall serve initial terms of two years, two shall serve initial terms of~~
30 ~~four years, and the remaining members shall serve initial terms of~~
31 ~~six years~~ ~~resolution shall specify the term length for each~~
32 ~~member~~¹. Members of a county civilian review board shall serve
33 until their successors are appointed and qualified. A member may
34 be reappointed to a county civilian review board.

35 c. The presence of ~~four~~ ~~a majority of~~¹ members of a county
36 civilian review board shall constitute a quorum ~~four~~, except that the
37 number of members required to form a quorum shall increase by
38 one for each additional member of a county civilian review board
39 over seven¹. The board of county commissioners or, if the county
40 is organized pursuant to the provisions of the "Optional County
41 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the county
42 executive, the county supervisor, or the county manager, as
43 applicable, shall appoint a chairperson and a vice-chairperson from
44 among the members of the county civilian review board. ~~The~~
45 ~~chairperson and vice-chairperson shall serve for terms of two years~~
46 ~~and may be reappointed.~~¹ The vice-chairperson shall assume the
47 duties of the chairperson when the chairperson is absent or

1 otherwise incapable of performing the duties of chairperson or, in
2 the case of removal or a permanent incapacity, until the
3 appointment of a successor chairperson by the board of county
4 commissioners or, if the county is organized pursuant to the
5 provisions of the "Optional County Charter Law," P.L.1972, c.154
6 (C.40:41A-1 et seq.), the county executive, the county supervisor,
7 or the county manager, as applicable.

8 d. Vacancies in the membership of a county civilian review
9 board shall be filled for the unexpired terms in the same manner as
10 the original appointments. In the event that any member of a
11 county civilian review board is rendered incapable of performing
12 the duties of a member, the board of county commissioners or, if
13 the county is organized pursuant to the provisions of the "Optional
14 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the
15 county executive, the county supervisor, or the county manager, as
16 applicable, shall appoint a qualified person to serve in that
17 member's stead during the period of incapacity. ¹~~Any member~~
18 ~~may be removed by a~~ The board of county commissioners or, if the
19 county is organized pursuant to the provisions of the "Optional
20 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the
21 county executive, the county supervisor, or the county manager, as
22 applicable, with the consent of the board of county commissioners,
23 may remove any member of the¹ county civilian review board for
24 cause.

25 e. Members of a county civilian review board ¹~~shall~~ may
26 receive compensation for their services as provided in the
27 resolution. If the members are to¹ serve without compensation,
28 ¹~~but~~ the members¹ shall be entitled to reimbursement for actual
29 expenses of serving, to the extent that funds are made available for
30 that purpose.

31 f. ¹~~The~~ If the¹ board of county commissioners ¹establishes a
32 county civilian review board, the governing body¹ shall ¹~~],~~ to the
33 extent that funds are made available by the municipality, the
34 county, the State, or other entity,¹ provide such office facilities
35 and assign such professional and clerical staff as are necessary for
36 the county civilian review board to properly perform its duties and
37 to keep and maintain appropriate records.

38 g. ¹~~(1)~~¹ Each member ¹and employee¹ of a county civilian
39 review board shall ¹~~],~~ within six months of appointment,¹
40 complete the training course established¹, designated,¹ or approved
41 pursuant to section ¹~~4~~ 6¹ of P.L. , c. (C.) (pending before
42 the Legislature as this bill) ¹, and shall complete a review course
43 established, designated, or approved pursuant to section 6 of
44 P.L. , c. (C.) (pending before the Legislature as this bill) no
45 less than once every two years thereafter¹. A county civilian review
46 board ¹member or employee¹ shall not review or investigate the
47 conduct of any law enforcement officers, or recommend the

1 imposition of discipline of such officers, pursuant to paragraphs (3)
2 and (4) of subsection a. of section ¹~~3~~⁴ of P.L. , c. (C.)
3 (pending before the Legislature as this bill) ¹~~],~~ without a quorum of
4 county civilian review board members who have competed] unless
5 the member or employee has completed¹ the training required by
6 this subsection.

7
8 ¹~~3.~~^{4.} (New section) a. ¹~~It shall be the duty of]~~ A
9 municipality or county, may by ordinance or resolution, as
10 applicable, authorize¹ a civilian review board established ¹by such
11 entity¹ pursuant to section ¹~~1~~² or section ¹~~2~~³ of
12 P.L. , c. (C. ¹or C. _____¹) (pending before the Legislature as
13 this bill) to ¹perform any or all of the following duties¹:

14 (1) conduct an investigation of the operation of the police force
15 of the municipality, or ¹~~other law enforcement officers that serve]~~
16 of the operation conducted in the municipality by the State Police to
17 the extent it serves¹ in the capacity of a municipal police force for
18 the municipality, as applicable;

19 (2) recommend the establishment of policies by the appropriate
20 authority;

21 (3) review and investigate ¹~~the conduct of any law enforcement~~
22 ~~officer]~~ complaints filed with the civilian review board concerning
23 the conduct of any officers or members of the police force of the
24 municipality or county, or those members of the State Police
25 undertaken while serving in the capacity of a municipal police force
26 for the municipality, as applicable¹; ¹~~and]~~¹

27 (4) recommend the imposition of discipline of such officer
28 consistent with any tenure or civil service laws and contractual
29 agreements ¹; and

30 (5) review any completed internal affairs investigation that is
31 alleged to have missed evidence of police misconduct or failed to
32 properly discipline law enforcement officer misconduct¹.

33 b. A civilian review board may only initiate an action pursuant
34 to ¹paragraphs (3) and (4) of¹ subsection a. of this section in
35 response to a ¹~~civilian]~~ civilian-filed¹ complaint of excessive or
36 unnecessary force, abuse of authority, discourtesy, ¹~~or]~~¹ offensive
37 language ¹, or false or misleading statements made during an
38 investigation. A civilian review board may also initiate an action
39 after the initial review is undertaken by a department's internal
40 affairs unit pursuant to paragraph (1) of subsection d. of this
41 section¹.

42 c. A ¹department's internal affairs unit shall provide their
43 entire case file to the civilian review board for the case under the
44 board's review. If the board determines that additional information
45 or witness testimony is needed, a¹ civilian review board shall have
46 the power to subpoena witnesses and documentary evidence,

1 'directly related to the inquiry,'¹ which subpoenas shall be
2 enforceable in the Superior Court ¹; provided, however, that a
3 civilian review board may not subpoena any information or record
4 that is related to a pending federal, state, or county criminal
5 investigation. The board shall be required to make a motion before
6 the Superior Court for permission to issue any subpoena¹. The
7 governing body of the municipality or the board of ¹chosen
8 freeholders county commissioners¹ of the county, as applicable,
9 may delegate to a civilian review board such other powers of
10 inquiry authorized by law as deemed necessary for the conduct of
11 any hearing or investigation. The powers granted and authorized by
12 this subsection shall not be exercised if limited pursuant to
13 subsection d. of this section.

14 d. ¹【A civilian review board investigation may run concurrent
15 to an internal affairs investigation of related conduct by law
16 enforcement, provided that the civilian review board investigation
17 shall cease upon the initiation of a criminal prosecution concerning
18 the related conduct, and provided further that a law enforcement
19 agency may refrain from sharing evidence, or may direct a civilian
20 review board to cease an investigation, if the law enforcement
21 agency determines that evidence sharing, or the investigation itself,
22 would be significantly detrimental to its disciplinary process due to
23 the existence of a related criminal investigation.】 (1) Upon receipt
24 of a complaint, a civilian review board shall refer it to the internal
25 affairs unit of the applicable law enforcement agency. If the
26 internal affairs unit does not complete an investigation within 120
27 days of receipt of the complaint, the civilian review board may
28 initiate an investigation over the subject of the complaint.
29 Furthermore, if the internal affairs unit of the applicable law
30 enforcement agency completes their investigation, a civilian review
31 board may proceed in initiating an investigation over the subject of
32 the complaint.

33 (2) Upon request by a federal, state, county, or local law
34 enforcement agency conducting a criminal investigation into or
35 prosecution against an individual who is the subject of a complaint
36 filed with a civilian review board, the civilian review board shall
37 stay its investigation until the criminal investigation or prosecution
38 is complete, provided that if a criminal investigation remains
39 pending for more than one year, the head of the federal, state,
40 county, or local law enforcement agency, as the case may be, shall
41 certify to the civilian review board on a quarterly basis that the
42 investigation remains active and shall document actions taken to
43 advance the criminal investigation. The outcome of the criminal
44 investigation or prosecution shall not otherwise limit the civilian
45 review board's ability to investigate a matter or recommend
46 administrative sanctions for conduct that was the subject of criminal

1 investigation or prosecution by a federal, state, county, or local law
2 enforcement agency.¹

3 e. ¹(1)¹ An ordinance or resolution establishing a civilian
4 review board may set forth guidelines for the operation of the
5 civilian review board consistent with the provisions of P.L. ,
6 c. (C.) (pending before the Legislature as this bill). The
7 guidelines may adopt any relevant guidelines issued by the Attorney
8 General.

9 ¹(2) If an allegation or complaint contains evidence that an
10 officer or member of the police force of the municipality or county
11 violated State or federal criminal law, the civilian review board
12 shall promptly report such allegation or complaint to the county
13 prosecutor or, in the case of a municipality in which the State Police
14 serves in the capacity of a municipal police force for the
15 municipality, the Attorney General.

16 (3) A civilian review board and the State, county, or local law
17 enforcement agency subject to review by the civilian review board
18 shall jointly adopt protocols that facilitate the ability of each entity
19 to coordinate concurrent disciplinary investigations by the civilian
20 review board and the internal affairs unit of the law enforcement
21 agency. The Attorney General shall develop sample protocols for
22 this purpose, which shall be made available to law enforcement
23 agencies and civilian review boards.¹

24 f. ¹(1)¹ A civilian review board shall report any findings and
25 recommendations concerning police operations or conduct to the
26 mayor or other chief executive officer of the municipality, the
27 governing body of the municipality, the chief of police or other
28 chief law enforcement officer of the municipality, the county
29 prosecutor, and, in the case of a municipality in which the State
30 Police serves in the capacity of a municipal police force for the
31 municipality, the Superintendent of State Police and the Attorney
32 General.

33 ¹(2) The chief of police or other chief law enforcement officer of
34 the municipality or county, or the Superintendent of State Police, as
35 applicable, shall, within 60 days after the receipt of
36 recommendations provided by a civilian review board, provide a
37 written response to the civilian review board on whether the police
38 force of the municipality or county, or the operation conducted in
39 the municipality by the State Police to the extent it serves in the
40 capacity of a municipal police force for the municipality, will
41 follow the recommendations of the civilian review board and if not,
42 provide a written explanation of the reasons therefor. If the chief of
43 police or other chief law enforcement officer cannot make a final
44 determination whether to follow the recommendations of the
45 civilian review board within 60 days, the chief of police or other
46 chief law enforcement officer shall provide in writing to the civilian
47 review board the reasons for delay and anticipated time to fully

1 comply, and provide the final determination as soon as a
2 determination is made.¹

3 g. ¹(1) Investigations of complaints filed with a civilian review
4 board shall be conducted in confidence and without publicity, and
5 the civilian review board shall hold confidential any information
6 obtained concerning an investigation while the investigation is
7 pending.

8 (2)¹ Notwithstanding any provision of P.L.1963, c.73 (C.47:1A-
9 1 et seq.) to the contrary, all records made, maintained, or kept on
10 file by a civilian review board pursuant to P.L. , c. (C.)
11 (pending before the Legislature as this bill) shall be confidential
12 and unavailable to the public while an investigation is pending, and
13 all personal identifying information contained in all records made,
14 maintained, or kept on file by a civilian review board pursuant to
15 P.L. , c. (C.) (pending before the Legislature as this bill),
16 including in any reports ¹【issued pursuant to subsection f. of this
17 section】 following an investigation into complaints filed with the
18 civilian review board concerning the conduct of an officer¹, shall be
19 confidential and unavailable to the public. ¹After an investigation
20 is concluded, all records made, maintained, or kept on file by a
21 civilian review board pursuant to P.L. , c. (C.) (pending
22 before the Legislature as this bill) shall be accessible to the public
23 in accordance with the provisions of P.L.1963, c.73 (C.47:1A-
24 1 et seq.), including the recommendation of the civilian review
25 board, the infraction that is the subject of the investigation, and the
26 name and rank of any law enforcement officer who is the subject of
27 a third or subsequent investigation, but excluding any identifying or
28 other information as provided in paragraph (3) of this subsection.

29 (3) In addition to the records and information subject to the
30 provisions of paragraph (2) of this subsection, the following
31 information shall be confidential and unavailable to the public,
32 regardless of the status of an investigation:

33 (a) any information that would disclose or reasonably lead to the
34 discovery of the identity of a complainant or witness;

35 (b) any information related to a law enforcement officer's
36 participation in mental health or drug or alcohol counseling or
37 treatment, resiliency programs, or corrective measures triggered by
38 an early warning system;

39 (c) any information about ongoing criminal investigations or
40 prosecutions not contained in a public court filing; and

41 (d) any other information that would not be subject to disclosure
42 under P.L.1963, c.73 (C.47:1A-1 et seq.).¹

43
44 ¹5. (New section) Any person who, with the intent to injure
45 another, purposely discloses any information concerning the
46 proceedings of a civilian review board, other than as authorized or
47 required by law, commits a crime of the fourth degree. A member

1 or employee of a civilian review board who is convicted of a
2 violation of this section shall be removed from that person's
3 position as a member or employee of the civilian review board.¹

4
5 ¹~~4.~~ ^{6.} (New section) a. The Attorney General shall, within
6 45 days of the effective date of P.L. , c. (C.) (pending
7 before the Legislature as this bill), develop ¹~~1~~ ^{2.} designate, and
8 approve¹ training ¹~~1~~ ^{3.} courses¹ for members ¹and employees¹
9 of civilian review boards established pursuant to section ¹~~1~~ ^{2.} or
10 section ¹~~2~~ ^{3.} of P.L. , c. (C. ¹or C.¹) (pending
11 before the Legislature as this bill). The training ¹~~1~~ ^{3.} courses¹
12 shall first be offered as soon as practicable after its development
13 and thereafter offered on ¹at least¹ a biannual basis. The training
14 ¹~~1~~ ^{3.} courses provided by the Attorney General¹ shall be
15 provided at no cost to members ¹and employees¹ of a civilian
16 review board or the applicable municipality or county. The training
17 ¹~~1~~ ^{3.} courses¹ shall be designed to help ¹familiarize¹ civilian
18 review board members ¹and employees with applicable internal
19 affairs policies and procedures and help the civilian review board
20 members to¹ fairly and effectively carry out their duties under
21 section ¹~~3~~ ^{4.} of P.L. , c. (C.) (pending before the
22 Legislature as this bill).

23 b. The Attorney General shall authorize that one or more
24 civilian review board training courses, offered by the National
25 Association for Civilian Oversight of Law Enforcement or similar
26 entities, may serve as a training alternative to the course established
27 pursuant to subsection a. of this section. ¹~~1~~ ^{4.} If a civilian review
28 board member takes an alternative training course, the Attorney
29 General may pay for a portion of the member's course-related costs.
30 The Attorney General shall adopt standards for when such payments
31 shall be made.¹

32 c. The Attorney General shall, within 60 days of the effective
33 date of P.L. , c. (C.) (pending before the Legislature as this
34 bill), develop a uniform electronic civilian complaint system for all
35 police departments to conspicuously post on their municipal
36 Internet websites for members of the public to anonymously submit
37 complaints of law enforcement misconduct. The submitted
38 complaints shall be made solely available to the head of the
39 department's internal affairs unit, the municipal or county civilian
40 complaint review board if one exists, and the chief of police or
41 other chief law enforcement officer of the municipality.
42 Anonymous complaints shall be confidential and not subject to
43 disclosure under P.L.1963, c.73 (C.47:1A-1 et seq.).¹

44
45 ¹~~7.~~ (New section) There is established in the Department of
46 Law and Public Safety a special, dedicated nonlapsing fund to be

1 known as the "Civilian Review Board Training Fund." The fund
2 shall be credited with moneys made available from an appropriation
3 of \$800,000 pursuant to section 10 of P.L. , c. (C.)
4 (pending before the Legislature as this bill), to effectuate the
5 purposes of section 6 of P.L. , c. (C.) (pending before the
6 Legislature as this bill), and other moneys that the Legislature may
7 deem appropriate from time to time.¹

8
9 ¹**[5.] 8.**¹ N.J.S.40A:14-118 is amended to read as follows:

10 40A:14-118. The governing body of any municipality, by
11 ordinance, may create and establish, as an executive and
12 enforcement function of municipal government, a police force,
13 whether as a department or as a division, bureau or other agency
14 thereof, and provide for the maintenance, regulation and control
15 thereof. Any such ordinance shall, in a manner consistent with the
16 form of government adopted by the municipality and with general
17 law, provide for a line of authority relating to the police function
18 and for the adoption and promulgation by the appropriate authority
19 of rules and regulations for the government of the force and for the
20 discipline of its members. The ordinance may provide for the
21 appointment of a chief of police and such members, officers and
22 personnel as shall be deemed necessary, the determination of their
23 terms of office, the fixing of their compensation and the
24 prescription of their powers, functions and duties, all as the
25 governing body shall deem necessary for the effective government
26 of the force. Any such ordinance, or rules and regulations, shall
27 provide that the chief of police, if such position is established, shall
28 be the head of the police force and that he shall be directly
29 responsible to the appropriate authority for the efficiency and
30 routine day to day operations thereof, and that he shall, pursuant to
31 policies established by the appropriate authority:

32 a. Administer and enforce rules and regulations and special
33 emergency directives for the disposition and discipline of the force
34 and its officers and personnel;

35 b. Have, exercise, and discharge the functions, powers and
36 duties of the force;

37 c. Prescribe the duties and assignments of all subordinates and
38 other personnel;

39 d. Delegate such of his authority as he may deem necessary for
40 the efficient operation of the force to be exercised under his
41 direction and supervision; ¹**[and]**¹

42 e. Report at least monthly to the appropriate authority in such
43 form as shall be prescribed by such authority on the operation of the
44 force during the preceding month, and make such other reports as
45 may be requested by such authority ¹; and

46 f. Cooperate and coordinate with any municipal or county
47 civilian review board established pursuant to section 2 or section 3

1 of P.L. , c. (C. or C.) (pending before the Legislature as
2 this bill), in the exercise of its lawful authority¹.

3 As used in this section, "appropriate authority" means the mayor,
4 manager, or such other appropriate executive or administrative
5 officer, such as a full-time director of public safety, or the
6 governing body or any designated committee or member thereof, or
7 any municipal board or commission ¹[, including any civilian
8 review board.]¹ established by ordinance for such purposes, as shall
9 be provided by ordinance in a manner consistent with the degree of
10 separation of executive and administrative powers from the
11 legislative powers provided for in the charter or form of
12 government either adopted by the municipality or under which the
13 governing body operates.

14 Except as provided herein, the municipal governing body and
15 individual members thereof shall act in all matters relating to the
16 police function in the municipality as a body, or through the
17 appropriate authority if other than the governing body.

18 Nothing herein contained shall prevent the appointment by the
19 governing body of ¹a civilian review board established pursuant to
20 section 2 or section 3 of P.L. , c. (C. or C.) (pending
21 before the Legislature as this bill) or other¹ committees or
22 commissions ¹[, including any civilian review board.]¹ to conduct
23 investigations of the operation of the police force, and the
24 delegation to ¹a civilian review board or¹ such committees or
25 commissions of such powers of inquiry as the governing body
26 deems necessary or to conduct such hearing or investigation
27 authorized by law , and nothing herein shall infringe on or limit the
28 power or duty of such committee, commission, or civilian review
29 board. Nothing herein contained shall prevent the appropriate
30 authority, or any executive or administrative officer charged with
31 the general administrative responsibilities within the municipality,
32 from examining at any time the operations of the police force or the
33 performance of any officer or member thereof. In addition, nothing
34 herein contained shall infringe on or limit the power or duty of the
35 appropriate authority to act to provide for the health, safety or
36 welfare of the municipality in an emergency situation through
37 special emergency directives.

38 (cf: P.L.1981, c.266, s.1)

39

40 ¹[6.] 9.¹ Section 10 of P.L.1996, c.115 (C.40A:14-181) is
41 amended to read as follows:

42 10. ¹a.¹ Every law enforcement agency, including a police
43 department of an institution of higher education established
44 pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.), shall adopt and
45 implement guidelines which shall be consistent with the guidelines
46 governing the "Internal Affairs Policy and Procedures" of the Police
47 Management Manual promulgated by the Police Bureau of the

1 Division of Criminal Justice in the Department of Law and Public
2 Safety, and shall be consistent with any tenure or civil service
3 laws, and shall not supersede any existing contractual agreements.

4 ¹b.¹ The “Internal Affairs Policy and Procedures” shall require
5 1[the disclosure of reports, complaints, and other investigative
6 materials, including video, sound, or other recording, to] that, in
7 adopting the guidelines required pursuant to subsection a. of this
8 section, the law enforcement agency consult and coordinate with¹
9 the appropriate authority, as defined in N.J.S.40A:14-118, as well
10 as any civilian review board established pursuant to P.L. _____,
11 c. (C. _____) (pending before the Legislature as this bill) ¹, to
12 establish procedures and protocols governing the disclosure of
13 reports, complaints, and other investigative materials, including
14 video, sound, or any other recording requested by the appropriate
15 authority or civilian review board¹.

16 (cf: P.L.2015, c.52, s.1)

17

18 ¹[7.] 10.¹ There is appropriated ¹[\$600,000] \$800,000¹ from
19 the General Fund to the ¹[Attorney General] Civilian Review
20 Board Training Fund¹, which shall be used to fund the civilian
21 review board training ¹[course] courses¹ established ¹[, and any
22 reimbursements for alternative training courses approved,]¹
23 pursuant to section ¹[4] 6¹ of P.L. _____, c. (C. _____) (pending before
24 the Legislature as this bill).

25

26 ¹[8.] 11.¹ This act shall take effect immediately.