

ASSEMBLY, No. 4598

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED AUGUST 27, 2020

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman LINDA S. CARTER

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Assemblywoman Murphy

SYNOPSIS

Establishes oversight database to aid in civil service hiring process for law enforcement officers; requires Statewide diversity analysis of law enforcement.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/22/2021)

1 AN ACT establishing an oversight database to aid in the civil service
 2 hiring process for law enforcement officers and requiring a
 3 Statewide diversity analysis of law enforcement, and
 4 supplementing Title 11A of the New Jersey Statutes.

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

8
 9 1. a. The Civil Service Commission shall oversee the
 10 development and maintenance of a database, which shall collect and
 11 track the background information received from a law enforcement
 12 agency of the State, or a political subdivision of the State that has
 13 adopted the provisions of Title 11A of the New Jersey Statutes,
 14 regarding candidates for the position of law enforcement officer.

15 b. The database shall be considered confidential and shall be
 16 used only by the commission and participating law enforcement
 17 agencies across the State. The database shall not be subject to
 18 public access, inspection, or copying pursuant to P.L.1963, c.73
 19 (C.47:1A-1 et seq.), or the common law concerning access to public
 20 records.

21 c. (1) The information maintained in the database shall be
 22 determined by the commission, in consultation with various
 23 national and State law enforcement organizations, and shall include:

24 (a) all background information received from all candidates; and
 25 (b) threshold decisions made for selection or disqualification of
 26 candidates by law enforcement agencies.

27 (2) The information maintained in the database shall exclude
 28 personal identifying information of candidates to prevent
 29 compromising personal privacy and security and to ensure a non-
 30 biased selection process.

31 d. The commission, in consultation with various national and
 32 State law enforcement organizations, shall develop universal
 33 guidelines and best practices for background investigations relating
 34 to threshold decisions for removal from the candidate list. The
 35 guidelines and best practices shall include training for background
 36 investigations to better understand the challenges underrepresented
 37 groups disproportionately face to prevent a failure to adequately
 38 account for such challenges during the selection or disqualification
 39 process.

40 e. The commission, in consultation with various national and
 41 State law enforcement organizations, shall establish a universal
 42 background application to be utilized in the hiring process for
 43 police officers by all law enforcement agencies. The universal
 44 application shall be used to provide the information contained in the
 45 database established pursuant to subsection a. of this section.

46 f. The Chair of the Civil Service Commission may adopt rules
 47 and regulations to effectuate the provisions of P.L. ,

48 c. (C.)(pending before the Legislature as this bill). The rules

1 and 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 g. As used in this section:

7 "National and State law enforcement organizations" means
8 organizations such as the National Organization of Black Law
9 Enforcement Executives (NOBLE), the New Jersey chapter of
10 NOBLE, and the Hispanic American Law Enforcement Association.

11 "Personal identifying information" means information that may
12 be used, alone or in conjunction with any other information, to
13 identify a specific individual and includes, but is not limited to, the
14 name, address, e-mail address, social media address, telephone
15 number, fax number, date of birth, social security number, driver's
16 license number, official State issued identification number,
17 employer or taxpayer number, place of employment, telephone
18 number of employment, employee identification number, school
19 address, school phone number, student identification number,
20 mother's maiden name, unique biometric data, such as fingerprint,
21 voice print, retina, or iris image, or other unique physical
22 representation, unique electronic identification number, medical
23 diagnoses, treatments, or other medical information concerning an
24 identifiable person.

25
26 2. Timely notifications of candidate status and certification
27 notifications shall be disseminated by the Civil Service Commission
28 electronically via e-mail or text message, dependent on the
29 candidate's preferred option, to be indicated on the universal
30 application established pursuant to subsection e. of section 1 of
31 P.L. , c. (C.)(pending before the Legislature as this bill).
32 Responses from candidates to certification notifications shall be
33 submitted electronically to the commission via e-mail. Status
34 notifications and certifications from the commission and responses
35 from candidates shall be accurately logged and received in the
36 database established pursuant to subsection a. of section 1 of
37 P.L. , c. (C.)(pending before the Legislature as this bill).

38
39 3. a. The Division of Equal Employment Opportunity and
40 Affirmative Action in the Civil Service Commission, in
41 consultation with various national and State law enforcement
42 agencies, as defined in section 1 of P.L. , c. (C.)(pending
43 before the Legislature as this bill), shall conduct a Statewide
44 diversity analysis of the ethnic and racial make-up of all law
45 enforcement agencies in the State.

46 b. The division shall prepare and submit a written report within

1 one year of the effective date of this act, to the Governor and,
2 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
3 Legislature.

4
5 4. This act shall take effect immediately.
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8 STATEMENT 9

10 The bill requires the Civil Service Commission to oversee the
11 development and maintenance of a database, which would collect
12 and track the background information received from a law
13 enforcement agency of the State or a political subdivision of the
14 State regarding candidates for the position of law enforcement
15 officer. The database would include all background information
16 received from all candidates and all threshold decisions made for
17 selection or disqualification of candidates by participating law
18 enforcement agencies. The database would exclude any personal
19 identifying information to prevent compromising personal security
20 and privacy and to ensure a non-biased process. The purpose of the
21 database is to ensure that the commission would have all relevant
22 information from all candidates to better understand the reasoning
23 behind a candidate's selection or disqualification during the hiring
24 process. The bill would also require the commission to develop a
25 universal background application to be used by all law enforcement
26 agencies. The information in the application would be used to
27 uniformly fill in the fields of the database.

28 The bill requires the commission to develop universal guidelines
29 and best practices for background investigations relating to
30 thresholds for removal from the candidate list. The guidelines and
31 best practices will include training for background investigations to
32 better understand the challenges underrepresented groups
33 disproportionately face. The purpose of the guidelines and best
34 practices is to prevent a failure to adequately account for such
35 challenges during the selection or disqualification process. The bill
36 also requires the commission to switch to a paperless system
37 concerning status updates to candidates and certification
38 notifications. Candidates would also be permitted to submit
39 responses electronically. Studies have shown that going to a
40 paperless system has made hiring processes much easier and could
41 help prevent exclusionary practices.

42 The bill also requires the Division of Equal Employment
43 Opportunity and Affirmative Action in the Civil Service
44 Commission, in consultation with various national and State law
45 enforcement agencies, to conduct a Statewide diversity analysis of
46 the ethnic and racial make-up of all law enforcement agencies in the
47 State. The division will submit a written report to the Governor and
48 the Legislature one year after the effective date of the bill.