

[Second Reprint]

ASSEMBLY, No. 4656

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

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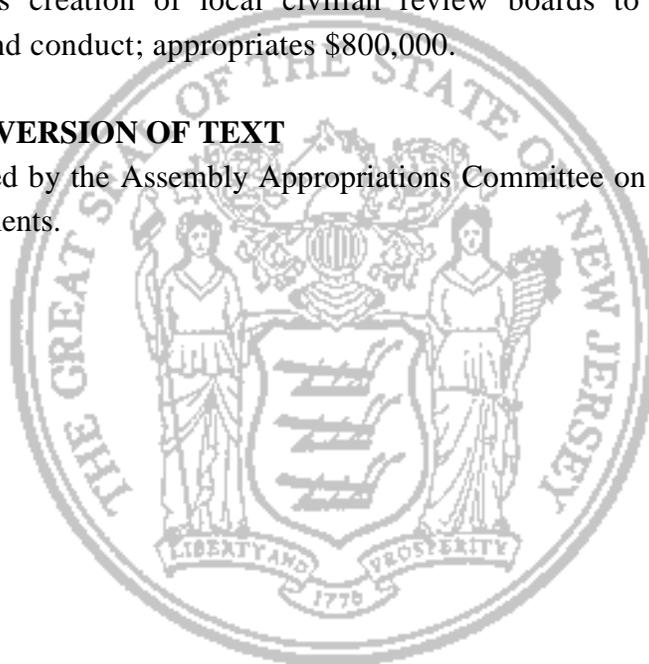
Assemblywomen Reynolds-Jackson, Tucker, Timberlake, Assemblymen Caputo, Holley, Assemblywomen Vainieri Huttle, Jasey, Assemblymen Johnson, Spearman, Chiaravalloti, McKeon and Assemblywoman Carter

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 Appropriations Committee on June 16, 2021, with amendments.



(Sponsorship Updated As Of: 6/21/2021)

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 ²and
18 witnesses who are directly related to the investigation²;

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

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

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

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

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

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.

²Assembly AAP committee amendments adopted June 16, 2021.

- 1 ¹~~[1.]~~ 2.¹ (New section) a. A municipality may, by ordinance,
2 establish a municipal civilian review board ², establish a joint
3 municipal civilian review board pursuant to paragraph (2)
4 subsection h. of this section, join a county civilian review board
5 pursuant to subsection a. of section 3 of
6 P.L. , c. (C.) (pending before the Legislature as this bill),
7 or choose to not establish or join a civilian review board².
- 8 b. A municipal civilian review board shall consist of ¹an odd
9 number of¹ at least ¹~~[seven]~~ three¹ members appointed by the
10 mayor or other chief executive officer of the municipality with the
11 consent of the governing body of the municipality. ¹The mayor or
12 other chief executive officer of the municipality shall solicit
13 recommendations for members to be appointed to the municipal
14 civilian review board from members of organizations concerned
15 with the issues of civil rights; human rights; or racial, social, or
16 economic justice and equality.¹ The members shall be residents of
17 the municipality with training or experience in community relations,
18 civil rights, law enforcement, sociology, or other relevant fields.
19 The ¹~~[members shall serve for terms of six years, except for the~~
20 ~~initial appointees, of whom, two shall serve initial terms of two~~
21 ~~years, two shall serve initial terms of four years, and the remaining~~
22 ~~members shall serve initial terms of six years]~~ ordinance shall
23 specify the term length for each member¹. Members of a municipal
24 civilian review board shall serve until their successors are appointed
25 and qualified. A member may be reappointed to a municipal
26 civilian review board.
- 27 c. The presence of ¹~~[four]~~ a majority of¹ members of a
28 municipal civilian review board shall constitute a quorum ¹~~[~~, except
29 that the number of members required to form a quorum shall
30 increase by one for each additional member of a municipal civilian
31 review board over seven¹. The mayor or other chief executive
32 officer of the municipality shall appoint a chairperson and a vice-
33 chairperson from among the members of the municipal civilian
34 review board. ¹~~[The chairperson and vice-chairperson shall serve~~
35 ~~for terms of two years and may be reappointed.]~~¹ The vice-
36 chairperson shall assume the duties of the chairperson when the
37 chairperson is absent or otherwise incapable of performing the
38 duties of chairperson or, in the case of removal or a permanent
39 incapacity, until the appointment of a successor chairperson by the
40 mayor or other chief executive officer of the municipality.
- 41 d. Vacancies in the membership of a municipal civilian review
42 board shall be filled for the unexpired terms in the same manner as
43 the original appointments. In the event that any member of a
44 municipal civilian review board is rendered incapable of performing
45 the duties of a member, the mayor or other chief executive officer
46 of the municipality shall appoint a qualified person to serve in that
47 member's stead during the period of incapacity. ¹~~[Any member~~

1 may be removed by a **]** The mayor or other chief executive officer
2 of the municipality, with the consent of the governing body of the
3 municipality, may remove any member of the¹ municipal civilian
4 review board for cause.

5 e. Members of a municipal civilian review board **1[shall]** may
6 receive compensation for their services as provided in the
7 ordinance. If the members are to¹ serve without compensation,
8 **1[but]** the members¹ shall be entitled to reimbursement for actual
9 expenses of serving, to the extent that funds are made available for
10 that purpose.

11 f. **1[The]** If the¹ governing body of a municipality¹ establishes
12 a municipal civilian review board, the governing body¹ shall¹ **1[**, to
13 the extent that funds are made available by the municipality, the
14 State, or other entity,¹ **]** provide such office facilities and assign
15 such professional and clerical staff as are necessary for the
16 municipal civilian review board to properly perform its duties and
17 to keep and maintain appropriate records.

18 g. ¹(1)¹ Each member¹ and employee¹ of a municipal civilian
19 review board shall¹ **1[**, within six months of appointment,**]**¹
20 complete the training course established¹ , designated,¹ or approved
21 pursuant to section¹ **1[4]** 6¹ of P.L. , c. (C.) (pending before
22 the Legislature as this bill)¹ , and shall complete a review course
23 established, designated, or approved pursuant to section 6 of
24 P.L. , c. (C.) (pending before the Legislature as this bill) no
25 less than once every two years thereafter¹.

26 **1[A]** (2) Except as otherwise provided in this paragraph, a¹
27 municipal civilian review board¹ member or employee¹ shall not
28 review or investigate the conduct of any law enforcement officers,
29 or recommend the imposition of discipline of such officers,
30 pursuant to paragraphs (3) and (4) of subsection a. of section¹ **1[3]**
31 4¹ of P.L. , c. (C.) (pending before the Legislature as this
32 bill),¹ **1[without a quorum of municipal civilian review board**
33 members who have competed] unless the member or employee has
34 completed¹ the training required by this subsection.
35 Notwithstanding the foregoing, members and employees of a
36 municipal civilian review board established by ordinance adopted
37 prior to January 1, 2020 may review or investigate the conduct of
38 law enforcement officers subject to their jurisdiction, or recommend
39 the imposition of discipline of such officers pursuant to paragraphs
40 (3) and (4) of subsection a. of section 4 of P.L. , c. (C.)
41 (pending before the Legislature as this bill), for up to six months
42 following the effective date of P.L. , c. (C.) (pending
43 before the Legislature as this bill) if those members and employees
44 have complied with any training requirements established under the
45 municipal ordinance, so that the civilian review board may continue
46 to function while allowing members and employees sufficient time

1 to complete the training required by this section following the
2 implementation of section 6 of P.L. , c. (C.) (pending before
3 the Legislature as this bill).¹

4 ²h. (1) Notwithstanding the requirements of subsection b. of
5 this section to the contrary, a municipality with less than 2,500
6 inhabitants may fill seats on the municipal civilian review board
7 with individuals who reside in that municipality or who reside in a
8 contiguous municipality.

9 (2) A municipality with less than 2,500 inhabitants may form a
10 joint municipal civilian review board with a contiguous
11 municipality, of any size, provided that each municipality has at
12 least one seat on the joint municipal civilian review board and the
13 number of seats on the joint municipal civilian review board shall
14 be proportionately allocated based on the population size of each
15 municipality.²

16
17 ¹[2.] 3.¹ (New section) a. A county may, by resolution,
18 establish a county civilian review board that shall have jurisdiction
19 ¹in any participating municipality. A municipality may, by
20 ordinance, elect to be a participating municipality subject to the
21 civilian review board established by the county within which it is
22 located. Upon adoption of such ordinance, the clerk of the
23 municipality shall submit copies of the ordinance to the county
24 civilian review board] over only county-run police departments or
25 its sheriffs' departments. If no county civilian review board exists,
26 a county sheriff's officer shall be subject to investigation by the
27 municipal civilian review board for incidents that take place within
28 the municipality¹. ²A municipality may, however elect by
29 ordinance to be a participating municipality and subject law
30 enforcement officers of the municipality to the jurisdiction of the
31 county civilian review board established by the county within which
32 the municipality is located. Upon adoption of such ordinance, the
33 clerk of the municipality shall submit copies of the ordinance to the
34 county civilian review board.²

35 b. A county civilian review board shall consist of ¹an odd
36 number of¹ at least ¹[seven] three¹ members appointed by the
37 board of county commissioners or, if the county is organized
38 pursuant to the provisions of the "Optional County Charter Law,"
39 P.L.1972, c.154 (C.40:41A-1 et seq.), the county executive, the
40 county supervisor, or the county manager, as applicable, with the
41 consent of the board of county commissioners. ¹The board of
42 county commissioners or, if the county is organized pursuant to the
43 provisions of the "Optional County Charter Law," P.L.1972, c.154
44 (C.40:41A-1 et seq.), the county executive, the county supervisor,
45 or the county manager, as applicable, shall solicit recommendations
46 for members to be appointed to the civilian review board from
47 members of organizations concerned with the issues of civil rights;

1 human rights; or racial, social, or economic justice and equality.¹
2 The members shall be residents of the county with training or
3 experience in community relations, civil rights, law enforcement,
4 sociology, or other relevant fields. The ¹members shall serve for
5 terms of six years, except for the initial appointees, of whom, two
6 shall serve initial terms of two years, two shall serve initial terms of
7 four years, and the remaining members shall serve initial terms of
8 six years] resolution shall specify the term length for each
9 member¹. Members of a county civilian review board shall serve
10 until their successors are appointed and qualified. A member may
11 be reappointed to a county civilian review board.

12 c. The presence of ¹four] a majority of¹ members of a county
13 civilian review board shall constitute a quorum ¹], except that the
14 number of members required to form a quorum shall increase by
15 one for each additional member of a county civilian review board
16 over seven]¹. The board of county commissioners or, if the county
17 is organized pursuant to the provisions of the "Optional County
18 Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the county
19 executive, the county supervisor, or the county manager, as
20 applicable, shall appoint a chairperson and a vice-chairperson from
21 among the members of the county civilian review board. ¹The
22 chairperson and vice-chairperson shall serve for terms of two years
23 and may be reappointed.]¹ The vice-chairperson shall assume the
24 duties of the chairperson when the chairperson is absent or
25 otherwise incapable of performing the duties of chairperson or, in
26 the case of removal or a permanent incapacity, until the
27 appointment of a successor chairperson by the board of county
28 commissioners or, if the county is organized pursuant to the
29 provisions of the "Optional County Charter Law," P.L.1972, c.154
30 (C.40:41A-1 et seq.), the county executive, the county supervisor,
31 or the county manager, as applicable.

32 d. Vacancies in the membership of a county civilian review
33 board shall be filled for the unexpired terms in the same manner as
34 the original appointments. In the event that any member of a
35 county civilian review board is rendered incapable of performing
36 the duties of a member, the board of county commissioners or, if
37 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 qualified person to serve in that
41 member's stead during the period of incapacity. ¹Any member
42 may be removed by a] The board of county commissioners or, if the
43 county is organized pursuant to the provisions of the "Optional
44 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the
45 county executive, the county supervisor, or the county manager, as
46 applicable, with the consent of the board of county commissioners,

1 may remove any member of the¹ county civilian review board for
2 cause.

3 e. Members of a county civilian review board ~~1[shall]~~ may
4 receive compensation for their services as provided in the
5 resolution. If the members are to¹ serve without compensation,
6 ~~1[but]~~ the members¹ shall be entitled to reimbursement for actual
7 expenses of serving, to the extent that funds are made available for
8 that purpose.

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

16 g. ~~1(1)~~¹ Each member and employee¹ of a county civilian
17 review board shall ~~1[, within six months of appointment,]~~¹
18 complete the training course established 1, designated,¹ or approved
19 pursuant to section ~~1[4]~~ 6¹ of P.L. , c. (C.) (pending before
20 the Legislature as this bill) ¹, and shall complete a review course
21 established, designated, or approved pursuant to section 6 of
22 P.L. , c. (C.) (pending before the Legislature as this bill) no
23 less than once every two years thereafter¹. A county civilian review
24 board member or employee¹ shall not review or investigate the
25 conduct of any law enforcement officers, or recommend the
26 imposition of discipline of such officers, pursuant to paragraphs (3)
27 and (4) of subsection a. of section ~~1[3]~~ 4¹ of P.L. , c. (C.)
28 (pending before the Legislature as this bill) ~~1[, without a quorum of~~
29 county civilian review board members who have competed] unless
30 the member or employee has completed¹ the training required by
31 this subsection.
32

33 ~~1[3.]~~ 4.¹ (New section) a. ~~1[It shall be the duty of]~~ A
34 municipality or county, may by ordinance or resolution, as
35 applicable, authorize¹ a civilian review board established 1by such
36 entity¹ pursuant to section ~~1[1]~~ 2¹ or section ~~1[2]~~ 3¹ of
37 P.L. , c. (C. ¹or C. ¹) (pending before the Legislature as
38 this bill) to perform any or all of the following duties¹:

39 (1) conduct an investigation of the operation of the police force
40 of the municipality ²or county², or ²recommend that the Attorney
41 General conduct an investigation² ~~1[other law enforcement officers~~
42 that serve] of the operation conducted in the municipality by the
43 State Police to the extent it serves¹ in the capacity of a municipal
44 police force for the municipality, as applicable;

- 1 (2) recommend the establishment of policies by the appropriate
2 authority;
- 3 (3) review and investigate ¹the conduct of any law enforcement
4 officer] complaints filed with the civilian review board concerning
5 the conduct of any officers or members of the police force of the
6 municipality or county, or ²recommend that the Attorney General
7 conduct an investigation² those members of the State Police
8 undertaken while serving in the capacity of a municipal police force
9 for the municipality, as applicable¹; ¹[and]¹
- 10 (4) recommend the imposition of discipline of such officer ²,
11 which the municipal official or entity responsible for disciplinary
12 decisions must consider utilizing a standard of review provided by
13 the governing ordinance or resolution,² consistent with any tenure
14 or civil service laws and contractual agreements ¹; and
- 15 (5) review any completed internal affairs investigation that is
16 alleged to have missed evidence of police misconduct or failed to
17 properly discipline law enforcement officer misconduct¹.
- 18 b. A civilian review board may only initiate an action pursuant
19 to ¹paragraphs (3) and (4) of¹ subsection a. of this section in
20 response to a ¹[civilian] civilian-filed¹ complaint of excessive or
21 unnecessary force, abuse of authority,²[discourtesy,]² ¹[or]¹
22 offensive language ¹, or false or misleading statements made during
23 an investigation. A civilian review board may also initiate an action
24 after the initial review is undertaken by a department's internal
25 affairs unit pursuant to paragraph (1) of subsection d. of this
26 section¹.
- 27 c. A ¹department's internal affairs unit shall provide their
28 entire case file to the civilian review board for the case under the
29 board's review. If the board determines that additional information
30 or witness testimony is needed, a¹ civilian review board shall have
31 the power to subpoena witnesses and documentary evidence,
32 ²limited and² ¹directly related to the inquiry,¹ which subpoenas
33 shall be enforceable ², or subject to an appropriate motion to
34 quash,² in the Superior Court ¹; provided, however, that a civilian
35 review board may not subpoena any information or record that is
36 related to a pending federal, state, or county criminal investigation
37 ²[. The board shall be required to make a motion before the
38 Superior Court for permission to issue any subpoena¹]². The
39 governing body of the municipality or the board of ¹[chosen
40 freeholders] county commissioners¹ of the county, as applicable,
41 may delegate to a civilian review board such other powers of
42 inquiry authorized by law as deemed necessary for the conduct of
43 any hearing or investigation. The powers granted and authorized by
44 this subsection shall not be exercised if limited pursuant to
45 subsection d. of this section.

1 d. ¹[A civilian review board investigation may run concurrent
2 to an internal affairs investigation of related conduct by law
3 enforcement, provided that the civilian review board investigation
4 shall cease upon the initiation of a criminal prosecution concerning
5 the related conduct, and provided further that a law enforcement
6 agency may refrain from sharing evidence, or may direct a civilian
7 review board to cease an investigation, if the law enforcement
8 agency determines that evidence sharing, or the investigation itself,
9 would be significantly detrimental to its disciplinary process due to
10 the existence of a related criminal investigation.] (1) Upon receipt
11 of a complaint, a civilian review board ²may initiate an
12 investigation over the subject of the complaint, and ²shall ²[refer
13 it] also provide the complaint ² to the internal affairs unit of the
14 applicable law enforcement agency. If the internal affairs unit does
15 not complete an investigation within 120 days of receipt of the
16 complaint, the civilian review board may initiate an investigation
17 over the subject of the complaint. Furthermore, if the internal
18 affairs unit of the applicable law enforcement agency completes
19 their investigation, a civilian review board may proceed in initiating
20 an investigation over the subject of the complaint. ²Any concurrent
21 investigations conducted by the civilian review board and the
22 internal affairs unit of the applicable law enforcement agency shall
23 comply with any protocols for such concurrent investigations that
24 are adopted pursuant to paragraph (3) of subsection e. of this
25 section. If the internal affairs unit, upon receipt of a complaint
26 pursuant to this section, decides not to investigate a complaint, the
27 internal affairs unit shall within 14 days provide in writing a notice
28 to the civilian review board of the unit's decision. Upon receiving
29 this notice from the internal affairs unit, a civilian review board
30 may proceed to immediately investigate the complaint. ²

31 (2) Upon request by a federal, state, county, or local law
32 enforcement agency conducting a criminal investigation into or
33 prosecution against an individual who is the subject of a complaint
34 filed with a civilian review board, the civilian review board shall
35 stay its investigation until the criminal investigation or prosecution
36 is complete, provided that if a criminal investigation remains
37 pending for more than one year, the head of the federal, state,
38 county, or local law enforcement agency, as the case may be, shall
39 certify to the civilian review board on a quarterly basis that the
40 investigation remains active and shall document actions taken to
41 advance the criminal investigation. The outcome of the criminal
42 investigation or prosecution shall not otherwise limit the civilian
43 review board's ability to ²[investigate] review ² a matter or
44 recommend administrative sanctions for conduct that was the
45 subject of criminal investigation or prosecution by a federal, state,
46 county, or local law enforcement agency. ¹

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

7 ¹(2) If an allegation or complaint contains evidence that an
8 officer or member of the police force of the municipality or county
9 violated State ²[or federal]² criminal law, the civilian review board
10 shall promptly report such allegation or complaint to the county
11 prosecutor or, in the case of a municipality in which the State Police
12 serves in the capacity of a municipal police force for the
13 municipality, the Attorney General. ²If an allegation or complaint
14 contains evidence that an officer or member of the State Police
15 violated State or federal criminal law, the civilian review board
16 shall promptly report such allegation or complaint to the Attorney
17 General's Office. If an allegation or complaint contains evidence
18 that an officer or member of the police force of the municipality or
19 county violated federal criminal law, the civilian review board shall
20 promptly report such allegation or complaint to the United States
21 Attorney's Office.²

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

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

39 ¹(2) The chief of police or other chief law enforcement officer of
40 the municipality or county, ²Attorney General,² or the
41 Superintendent of State Police, as applicable, shall, within 60 days
42 after the receipt of recommendations provided by a civilian review
43 board, provide a written response to the civilian review board on
44 whether the police force of the municipality or county, or the
45 operation conducted in the municipality by the State Police to the
46 extent it serves in the capacity of a municipal police force for the
47 municipality, will follow the recommendations of the civilian

1 review board and if not, provide a written explanation of the
2 reasons therefor. If the chief of police or other chief law
3 enforcement officer cannot make a final determination whether to
4 follow the recommendations of the civilian review board within 60
5 days, the chief of police or other chief law enforcement officer shall
6 provide in writing to the civilian review board the reasons for delay
7 and anticipated time to fully comply, and provide the final
8 determination as soon as a determination is made.¹

9 g. ¹(1) Investigations of complaints filed with a civilian review
10 board shall be conducted in confidence and without publicity, and
11 the civilian review board shall hold confidential any information
12 obtained concerning an investigation while the investigation is
13 pending.

14 ²(2)¹ Notwithstanding any provision of P.L.1963, c.73 (C.47:1A-
15 1 et seq.) to the contrary, all records made, maintained, or kept on
16 file by a civilian review board pursuant to P.L. , c. (C.)
17 (pending before the Legislature as this bill) shall be confidential
18 and unavailable to the public while an investigation is pending, and
19 all personal identifying information contained in all records made,
20 maintained, or kept on file by a civilian review board pursuant to
21 P.L. , c. (C.) (pending before the Legislature as this bill),
22 including in any reports ¹【issued pursuant to subsection f. of this
23 section】 following an investigation into complaints filed with the
24 civilian review board concerning the conduct of an officer¹, shall be
25 confidential and unavailable to the public. ²【¹After an investigation
26 is concluded, all records made, maintained, or kept on file by a
27 civilian review board pursuant to P.L. , c. (C.) (pending
28 before the Legislature as this bill) shall be accessible to the public
29 in accordance with the provisions of P.L.1963, c.73 (C.47:1A-
30 1 et seq.), including the recommendation of the civilian review
31 board, the infraction that is the subject of the investigation, and the
32 name and rank of any law enforcement officer who is the subject of
33 a third or subsequent investigation, but excluding any identifying or
34 other information as provided in paragraph (3) of this subsection.】²

35 ³(3) In addition to the records and information subject to the
36 provisions of paragraph (2) of this subsection, the following
37 information shall be confidential and unavailable to the public,
38 regardless of the status of an investigation:

39 ⁴(a) any information that would disclose or reasonably lead to the
40 discovery of the identity of a complainant or witness;

41 ⁵(b) any information related to a law enforcement officer's
42 participation in mental health or drug or alcohol counseling or
43 treatment, resiliency programs, or corrective measures triggered by
44 an early warning system;

45 ⁶(c) any information about ongoing criminal investigations or
46 prosecutions not contained in a public court filing; and

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

3 ²h. A civilian review board shall expeditiously adopt a conflict
4 of interest policy that, at a minimum, describes inherent conflicts of
5 interest which shall entirely preclude a member or employee of a
6 board from serving the civilian review board and describes incident-
7 specific conflicts of interest which would require members or
8 employees of a board to recuse themselves from a particular matter
9 brought before the civilian review board. Civilian review board
10 members and employees shall sign a sworn statement affirming
11 compliance with the board's adopted conflict of interest policy prior
12 to the commencement of their service, or immediately upon the
13 civilian review board's adoption of the conflict of interest policy, if
14 such a policy has not been adopted at the time the member or
15 employee has commenced their service to the civilian review board.

16 i. A civilian review board member that has been convicted of
17 either a first or second degree crime during the past 10 years prior
18 to becoming a civilian review board member, which for the
19 purposes of P.L. , c. (C.) (pending before the Legislature as
20 this bill) shall mean any first or second degree crime that is a
21 violation of any of the provisions of the "New Jersey Code of
22 Criminal Justice," Title 2C of the New Jersey Statutes, or the
23 equivalent under the laws of any other jurisdiction, shall not be
24 eligible to serve on a civilian review board.²

25
26 ¹5. (New section) Any person who, with the intent to injure
27 another, purposely discloses any information concerning the
28 proceedings of a civilian review board, other than as authorized or
29 required by law, commits a crime of the fourth degree. A member
30 or employee of a civilian review board who is convicted of a
31 violation of this section shall be removed from that person's
32 position as a member or employee of the civilian review board.¹

33
34 ¹[4.] 6.¹ (New section) a. The Attorney General shall, within
35 45 days of the effective date of P.L. , c. (C.) (pending
36 before the Legislature as this bill), develop ¹[a] , designate, and
37 approve¹ training ¹[course] courses¹ for members ¹and employees¹
38 of civilian review boards established pursuant to section ¹[1] ²¹ or
39 section ¹[2] ³¹ of P.L. , c. (C. ¹or C. ¹) (pending
40 before the Legislature as this bill). The training ¹[course] courses¹
41 shall first be offered as soon as practicable after its development
42 and thereafter offered on ¹at least¹ a biannual basis. The training
43 ¹[course] courses provided by the Attorney General¹ shall be
44 provided at no cost to members ¹and employees¹ of a civilian
45 review board or the applicable municipality or county. The training
46 ¹[course] courses¹ shall be designed to help ¹familiarize¹ civilian
47 review board members ¹and employees with applicable internal

1 affairs policies and procedures and help the civilian review board
2 members to¹ fairly and effectively carry out their duties under
3 section ¹**[3]** 4¹ of P.L. , c. (C.) (pending before the
4 Legislature as this bill).

5 b. The Attorney General shall authorize that one or more
6 civilian review board training courses, offered by the National
7 Association for Civilian Oversight of Law Enforcement or similar
8 entities, may serve as a training alternative to the course established
9 pursuant to subsection a. of this section. ¹**[If a civilian review**
10 **board member takes an alternative training course, the Attorney**
11 **General may pay for a portion of the member's course-related costs.**
12 **The Attorney General shall adopt standards for when such payments**
13 **shall be made.]**

14 c. The Attorney General shall, within 60 days of the effective
15 date of P.L. , c. (C.) (pending before the Legislature as this
16 bill), develop a uniform electronic civilian complaint system for all
17 police departments to conspicuously post on their municipal
18 Internet websites for members of the public to anonymously submit
19 complaints of law enforcement misconduct. The submitted
20 complaints shall be made solely available to the head of the
21 department's internal affairs unit, the municipal or county civilian
22 complaint review board if one exists, and the chief of police or
23 other chief law enforcement officer of the municipality.
24 Anonymous complaints shall be confidential and not subject to
25 disclosure under P.L.1963, c.73 (C.47:1A-1 et seq.).¹

26
27 ¹7. (New section) There is established in the Department of
28 Law and Public Safety a special, dedicated nonlapsing fund to be
29 known as the "Civilian Review Board Training Fund." The fund
30 shall be credited with moneys made available from an appropriation
31 of \$800,000 pursuant to section 10 of P.L. , c. (C.)
32 (pending before the Legislature as this bill), to effectuate the
33 purposes of section 6 of P.L. , c. (C.) (pending before the
34 Legislature as this bill), and other moneys that the Legislature may
35 deem appropriate from time to time.¹

36
37 ¹**[5.]** ¹**8.**¹ N.J.S.40A:14-118 is amended to read as follows:

38 40A:14-118. The governing body of any municipality, by
39 ordinance, may create and establish, as an executive and
40 enforcement function of municipal government, a police force,
41 whether as a department or as a division, bureau or other agency
42 thereof, and provide for the maintenance, regulation and control
43 thereof. Any such ordinance shall, in a manner consistent with the
44 form of government adopted by the municipality and with general
45 law, provide for a line of authority relating to the police function
46 and for the adoption and promulgation by the appropriate authority
47 of rules and regulations for the government of the force and for the

1 discipline of its members. The ordinance may provide for the
2 appointment of a chief of police and such members, officers and
3 personnel as shall be deemed necessary, the determination of their
4 terms of office, the fixing of their compensation and the
5 prescription of their powers, functions and duties, all as the
6 governing body shall deem necessary for the effective government
7 of the force. Any such ordinance, or rules and regulations, shall
8 provide that the chief of police, if such position is established, shall
9 be the head of the police force and that he shall be directly
10 responsible to the appropriate authority for the efficiency and
11 routine day to day operations thereof, and that he shall, pursuant to
12 policies established by the appropriate authority:

13 a. Administer and enforce rules and regulations and special
14 emergency directives for the disposition and discipline of the force
15 and its officers and personnel;

16 b. Have, exercise, and discharge the functions, powers and
17 duties of the force;

18 c. Prescribe the duties and assignments of all subordinates and
19 other personnel;

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

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

27 f. Cooperate and coordinate with any municipal or county
28 civilian review board established pursuant to section 2 or section 3
29 of P.L. , c. (C. or C.) (pending before the Legislature as
30 this bill), in the exercise of its lawful authority¹.

31 As used in this section, "appropriate authority" means the mayor,
32 manager, or such other appropriate executive or administrative
33 officer, such as a full-time director of public safety, or the
34 governing body or any designated committee or member thereof, or
35 any municipal board or commission ¹**[, including any civilian**
36 **review board.]¹** established by ordinance for such purposes, as shall
37 be provided by ordinance in a manner consistent with the degree of
38 separation of executive and administrative powers from the
39 legislative powers provided for in the charter or form of
40 government either adopted by the municipality or under which the
41 governing body operates.

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

46 Nothing herein contained shall prevent the appointment by the
47 governing body of ¹a civilian review board established pursuant to
48 section 2 or section 3 of P.L. , c. (C. or C.) (pending

1 before the Legislature as this bill) or other¹ committees or
 2 commissions ¹["including any civilian review board,"]¹ to conduct
 3 investigations of the operation of the police force, and the
 4 delegation to ¹a civilian review board or¹ such committees or
 5 commissions of such powers of inquiry as the governing body
 6 deems necessary or to conduct such hearing or investigation
 7 authorized by law , and nothing herein shall infringe on or limit the
 8 power or duty of such committee, commission, or civilian review
 9 board. Nothing herein contained shall prevent the appropriate
 10 authority, or any executive or administrative officer charged with
 11 the general administrative responsibilities within the municipality,
 12 from examining at any time the operations of the police force or the
 13 performance of any officer or member thereof. In addition, nothing
 14 herein contained shall infringe on or limit the power or duty of the
 15 appropriate authority to act to provide for the health, safety or
 16 welfare of the municipality in an emergency situation through
 17 special emergency directives.

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

19

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

22 10. ¹a.¹ Every law enforcement agency, including a police
 23 department of an institution of higher education established
 24 pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.), shall adopt and
 25 implement guidelines which shall be consistent with the guidelines
 26 governing the "Internal Affairs Policy and Procedures" of the Police
 27 Management Manual promulgated by the Police Bureau of the
 28 Division of Criminal Justice in the Department of Law and Public
 29 Safety, and shall be consistent with any tenure or civil service
 30 laws, and shall not supersede any existing contractual agreements.

31 ¹b.¹ The "Internal Affairs Policy and Procedures" shall require
 32 ¹["the disclosure of reports, complaints, and other investigative
 33 materials, including video, sound, or other recording, to]" that, in
 34 adopting the guidelines required pursuant to subsection a. of this
 35 section, the law enforcement agency consult and coordinate with¹
 36 the appropriate authority, as defined in N.J.S.40A:14-118, as well
 37 as any civilian review board established pursuant to P.L. _____,
 38 c. (C. _____) (pending before the Legislature as this bill) ¹, to
 39 establish procedures and protocols governing the disclosure of
 40 reports, complaints, and other investigative materials, including
 41 video, sound, or any other recording requested by the appropriate
 42 authority or civilian review board¹.

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

44

45 ¹["7.]"¹ 10.¹ There is appropriated ¹["\$600,000]" \$800,000¹ from
 46 the General Fund to the ¹["Attorney General]" Civilian Review
 47 Board Training Fund¹, which shall be used to fund the civilian

1 review board training ¹**[course]** courses¹ established ¹**[**, and any
2 reimbursements for alternative training courses approved,**]**¹
3 pursuant to section ¹**[4]** 6¹ of P.L. , c. (C.) (pending before
4 the Legislature as this bill).

5

6 ¹**[8.]** 11.¹ This act shall take effect immediately.