

SENATE, No. 2767

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED AUGUST 3, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator RONALD L. RICE

District 28 (Essex)

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator M. TERESA RUIZ

District 29 (Essex)

Co-Sponsored by:

Senators Pou, Turner and Greenstein

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: 8/27/2020)

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

1 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
47 one year of the effective date of this act, to the Governor and,

1 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
2 Legislature.

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4 4. This act shall take effect immediately.

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STATEMENT

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

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

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