SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 401

with committee amendments

STATE OF NEW JERSEY

DATED: JULY 28, 2020

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 401.

As amended and reported by the committee, this bill requires each State, county, and municipal law enforcement agency in New Jersey to establish a minority recruitment and selection program in accordance with guidelines issued by the Attorney General. The purpose of these programs is to seek to remedy past discrimination in furtherance of the goal that these agencies reflect the diversity of the population of the community the agency protects.

Under the amended bill, the law enforcement agency is to make a good faith effort to meet specific goals for recruiting and hiring minorities and females within established time frames. The program is to include methods of evaluating whether these goals are met and provide for additional contingent measures to be taken if the agency fails to meet its specific goals. The amended bill requires each law enforcement agency to post the minority recruitment and selection program on the agency's official Internet website.

The county prosecutors are responsible for monitoring the results of the minority recruitment and selection programs established by county and municipal law enforcement agencies. The Attorney General is responsible for monitoring the results of the program established by the State Police and, in consultation with the respective commissioner of any other State department that maintains a law enforcement agency, the programs established by other State law enforcement agencies. The amended bill also establishes reporting requirements concerning the overall diversity of the law enforcement agencies throughout the State. The bill requires each State, county, and municipal law enforcement agency in this State to annually report on: (1) the age, gender, race, and ethnicity of the law enforcement officers currently appointed to the law enforcement agency; (2) the age, gender, race, and ethnicity of applicants for a law enforcement officer position in the preceding calendar year; (3) the age, gender, race, and ethnicity of applicants appointed to the agency in the preceding calendar year; (4) the reasons for denying applicants an appointment to the law enforcement agency; and (5) the age, gender, race, and ethnicity of each law enforcement officer promoted

within the agency in the preceding calendar year, including the position to which the officer was promoted.

The county prosecutor is required by the amended bill to forward this information to the Attorney General. The Attorney General is required to collect, gather, assemble, and collate the information forwarded by the county prosecutors and the information concerning State law enforcement agencies, including the Division of State Police, into an annual report to be reported to the Governor, President of the Senate, and Speaker of the General Assembly. The amended bill also requires this information to be posted on the official Internet website of the Department of Law and Public Safety. Each State, county, and municipal law enforcement agency also is required to publish this information in its annual report.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended and reported by the committee, Senate Bill No. 401 is identical to Assembly Bill No. 2394, which also was amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) require the programs to seek to remedy past discrimination with the goal of the agency reflecting the diversity of the community rather than ensure this outcome;

(2) require the agency to make a "good-faith" effort to meet specific goals for recruiting and hiring minorities and females;

(3) require additional contingent measures rather than corrective action if the goals are not met;

(4) clarify that the Attorney General is to monitor programs established by State law enforcement agencies, in consultation with the appropriate commissioner; and

(5) other clarifying and technical amendments.