

# SENATE, No. 2963

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED SEPTEMBER 24, 2020

**Sponsored by:**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**Senator SHIRLEY K. TURNER**

**District 15 (Hunterdon and Mercer)**

**Co-Sponsored by:**

**Senators Singleton, Stack and Cunningham**

**SYNOPSIS**

Authorizes creation of local civilian review boards to review police operations and conduct; appropriates \$600,000.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/1/2021)**

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 1. (New section) a. A municipality may, by ordinance,  
10 establish a municipal civilian review board.

11 b. A municipal civilian review board shall consist of at least  
12 seven members appointed by the mayor or other chief executive  
13 officer of the municipality with the consent of the governing body  
14 of the municipality. The members shall be residents of the  
15 municipality with training or experience in community relations,  
16 civil rights, law enforcement, sociology, or other relevant fields.  
17 The members shall serve for terms of six years, except for the initial  
18 appointees, of whom, two shall serve initial terms of two years, two  
19 shall serve initial terms of four years, and the remaining members  
20 shall serve initial terms of six years. Members of a municipal  
21 civilian review board shall serve until their successors are appointed  
22 and qualified. A member may be reappointed to a municipal  
23 civilian review board.

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

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

**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.**

1 e. Members of a municipal civilian review board shall serve  
2 without compensation, but shall be entitled to reimbursement for  
3 actual expenses of serving, to the extent that funds are made  
4 available for that purpose.

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

11 g. Each member of a municipal civilian review board shall,  
12 within six months of appointment, complete the training course  
13 established or approved pursuant to section 4 of P.L. ,  
14 c. (C. ) (pending before the Legislature as this bill). A  
15 municipal civilian review board shall not review or investigate the  
16 conduct of any law enforcement officers, or recommend the  
17 imposition of discipline of such officers, pursuant to paragraphs (3)  
18 and (4) of subsection a. of section 3 of P.L. , c. (C. )  
19 (pending before the Legislature as this bill), without a quorum of  
20 municipal civilian review board members who have completed the  
21 training required by this subsection.

22  
23 2. (New section) a. A county may, by resolution, establish a  
24 county civilian review board that shall have jurisdiction in any  
25 participating municipality. A municipality may, by ordinance, elect  
26 to be a participating municipality subject to the civilian review  
27 board established by the county within which it is located. Upon  
28 adoption of such ordinance, the clerk of the municipality shall  
29 submit copies of the ordinance to the county civilian review board.

30 b. A county civilian review board shall consist of at least seven  
31 members appointed by the board of county commissioners or, if the  
32 county is organized pursuant to the provisions of the "Optional  
33 County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the  
34 county executive, the county supervisor, or the county manager, as  
35 applicable, with the consent of the board of county commissioners.  
36 The members shall be residents of the county with training or  
37 experience in community relations, civil rights, law enforcement,  
38 sociology, or other relevant fields. The members shall serve for  
39 terms of six years, except for the initial appointees, of whom, two  
40 shall serve initial terms of two years, two shall serve initial terms of  
41 four years, and the remaining members shall serve initial terms of  
42 six years. Members of a county civilian review board shall serve  
43 until their successors are appointed and qualified. A member may  
44 be reappointed to a county civilian review board.

45 c. The presence of four members of a county civilian review  
46 board shall constitute a quorum, except that the number of members  
47 required to form a quorum shall increase by one for each additional  
48 member of a county civilian review board over seven. The board of

1 county commissioners or, if the county is organized pursuant to the  
2 provisions of the "Optional County Charter Law," P.L.1972, c.154  
3 (C.40:41A-1 et seq.), the county executive, the county supervisor,  
4 or the county manager, as applicable, shall appoint a chairperson  
5 and a vice-chairperson from among the members of the county  
6 civilian review board. The chairperson and vice-chairperson shall  
7 serve for terms of two years and may be reappointed. The vice-  
8 chairperson shall assume the duties of the chairperson when the  
9 chairperson is absent or otherwise incapable of performing the  
10 duties of chairperson or, in the case of removal or a permanent  
11 incapacity, until the appointment of a successor chairperson by the  
12 board of county commissioners or, if the county is organized  
13 pursuant to the provisions of the "Optional County Charter Law,"  
14 P.L.1972, c.154 (C.40:41A-1 et seq.), the county executive, the  
15 county supervisor, or the county manager, as applicable.

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

27 e. Members of a county civilian review board shall serve  
28 without compensation, but shall be entitled to reimbursement for  
29 actual expenses of serving, to the extent that funds are made  
30 available for that purpose.

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

37 g. Each member of a county civilian review board shall, within  
38 six months of appointment, complete the training course established  
39 or approved pursuant to section 4 of P.L. , c. (C. ) (pending  
40 before the Legislature as this bill). A county civilian review board  
41 shall not review or investigate the conduct of any law enforcement  
42 officers, or recommend the imposition of discipline of such officers,  
43 pursuant to paragraphs (3) and (4) of subsection a. of section 3 of  
44 P.L. , c. (C. ) (pending before the Legislature as this bill),  
45 without a quorum of county civilian review board members who  
46 have completed the training required by this subsection.

1       3. (New section) a. It shall be the duty of a civilian review  
2 board established pursuant to section 1 or section 2 of P.L.     , ,  
3 c. (C.     ) (pending before the Legislature as this bill) to:  
4       (1) conduct an investigation of the operation of the police force  
5 of the municipality, or other law enforcement officers that serve in  
6 the capacity of a municipal police force for the municipality, as  
7 applicable;  
8       (2) recommend the establishment of policies by the appropriate  
9 authority;  
10       (3) review and investigate the conduct of any law enforcement  
11 officer; and  
12       (4) recommend the imposition of discipline of such officer  
13 consistent with any tenure or civil service laws and contractual  
14 agreements.  
15       b. A civilian review board may only initiate an action pursuant  
16 to subsection a. of this section in response to a civilian complaint of  
17 excessive or unnecessary force, abuse of authority, discourtesy, or  
18 offensive language.  
19       c. A civilian review board shall have the power to subpoena  
20 witnesses and documentary evidence, which subpoenas shall be  
21 enforceable in the Superior Court. The governing body of the  
22 municipality or the board of chosen freeholders of the county, as  
23 applicable, may delegate to a civilian review board such other  
24 powers of inquiry authorized by law as deemed necessary for the  
25 conduct of any hearing or investigation. The powers granted and  
26 authorized by this subsection shall not be exercised if limited  
27 pursuant to subsection d. of this section.  
28       d. A civilian review board investigation may run concurrent to  
29 an internal affairs investigation of related conduct by law  
30 enforcement, provided that the civilian review board investigation  
31 shall cease upon the initiation of a criminal prosecution concerning  
32 the related conduct, and provided further that a law enforcement  
33 agency may refrain from sharing evidence, or may direct a civilian  
34 review board to cease an investigation, if the law enforcement  
35 agency determines that evidence sharing, or the investigation itself,  
36 would be significantly detrimental to its disciplinary process due to  
37 the existence of a related criminal investigation.  
38       e. An ordinance or resolution establishing a civilian review  
39 board may set forth guidelines for the operation of the civilian  
40 review board consistent with the provisions of P.L.     , c. (C.     )  
41 (pending before the Legislature as this bill). The guidelines may  
42 adopt any relevant guidelines issued by the Attorney General.  
43       f. A civilian review board shall report any findings and  
44 recommendations concerning police operations or conduct to the  
45 mayor or other chief executive officer of the municipality, the  
46 governing body of the municipality, the chief of police or other  
47 chief law enforcement officer of the municipality, the county  
48 prosecutor, and, in the case of a municipality in which the State

1 Police serves in the capacity of a municipal police force for the  
2 municipality, the Superintendent of State Police and the Attorney  
3 General.

4 g. Notwithstanding any provision of P.L.1963, c.73 (C.47:1A-1  
5 et seq.) to the contrary, all records made, maintained, or kept on file  
6 by a civilian review board pursuant to P.L. , c. (C. )  
7 (pending before the Legislature as this bill) shall be confidential  
8 and unavailable to the public while an investigation is pending, and  
9 all personal identifying information contained in all records made,  
10 maintained, or kept on file by a civilian review board pursuant to  
11 P.L. , c. (C. ) (pending before the Legislature as this bill),  
12 including in any reports issued pursuant to subsection f. of this  
13 section, shall be confidential and unavailable to the public.  
14

15 4. (New section) a. The Attorney General shall, within 45  
16 days of the effective date of P.L. , c. (C. ) (pending before  
17 the Legislature as this bill), develop a training course for members  
18 of civilian review boards established pursuant to section 1 or  
19 section 2 of P.L. , c. (C. ) (pending before the Legislature  
20 as this bill). The training course shall first be offered as soon as  
21 practicable after its development and thereafter offered on a  
22 biannual basis. The training course shall be provided at no cost to  
23 members of a civilian review board or the applicable municipality  
24 or county. The training course shall be designed to help civilian  
25 review board members fairly and effectively carry out their duties  
26 under section 3 of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill).

28 b. The Attorney General shall authorize that one or more  
29 civilian review board training courses, offered by the National  
30 Association for Civilian Oversight of Law Enforcement or similar  
31 entities, may serve as a training alternative to the course established  
32 pursuant to subsection a. of this section. If a civilian review board  
33 member takes an alternative training course, the Attorney General  
34 may pay for a portion of the member's course-related costs. The  
35 Attorney General shall adopt standards for when such payments  
36 shall be made.  
37

38 5. N.J.S.40A:14-118 is amended to read as follows:

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

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.

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

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

42 Nothing herein contained shall prevent the appointment by the  
43 governing body of committees or commissions , including any  
44 civilian review board, to conduct investigations of the operation of  
45 the police force, and the delegation to such committees or  
46 commissions of such powers of inquiry as the governing body  
47 deems necessary or to conduct such hearing or investigation  
48 authorized by law , and nothing herein shall infringe on or limit the

1 power or duty of such committee, commission, or civilian review  
2 board. Nothing herein contained shall prevent the appropriate  
3 authority, or any executive or administrative officer charged with  
4 the general administrative responsibilities within the municipality,  
5 from examining at any time the operations of the police force or the  
6 performance of any officer or member thereof. In addition, nothing  
7 herein contained shall infringe on or limit the power or duty of the  
8 appropriate authority to act to provide for the health, safety or  
9 welfare of the municipality in an emergency situation through  
10 special emergency directives.

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

12

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

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

24 The "Internal Affairs Policy and Procedures" shall require the  
25 disclosure of reports, complaints, and other investigative materials,  
26 including video, sound, or other recording, to the appropriate  
27 authority, as defined in N.J.S.40A:14-118, as well as any civilian  
28 review board established pursuant to P.L. , c. (C. ) (pending  
29 before the Legislature as this bill).

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

31

32 7. There is appropriated \$600,000 from the General Fund to the  
33 Attorney General, which shall be used to fund the civilian review  
34 board training course established, and any reimbursements for  
35 alternative training courses approved, pursuant to section 4 of  
36 P.L. , c. (C. ) (pending before the Legislature as this bill).

37

38 8. This act shall take effect immediately.

39

40

41

#### STATEMENT

42

43 This bill would authorize municipalities and counties to establish  
44 civilian review boards to review police operations and conduct.  
45 These boards would serve to foster transparency, fairness, and  
46 equality in policing practices and policies, which in turn will help  
47 promote positive relations between police and the local  
48 communities they serve.



1 A municipal civilian review board would consist of at least seven  
2 members who are appointed by the mayor or other chief executive  
3 officer of the municipality with the consent of the governing body  
4 of the municipality. A county civilian review board would consist  
5 of at least seven members appointed by the board of county  
6 commissioners or, if the county is organized pursuant to the  
7 provisions of the "Optional County Charter Law," P.L.1972, c.154  
8 (C.40:41A-1 et seq.), the county executive, the county supervisor,  
9 or the county manager, as applicable, with the consent of the board  
10 of county commissioners. A county civilian review board would  
11 operate in municipalities that opt to participate with such board.

12 The members of a civilian review board would be residents of  
13 the municipality or county, as applicable, who are qualified persons  
14 with training or experience in community relations, civil rights, law  
15 enforcement, juvenile justice, sociology, or other relevant fields.  
16 They would serve for terms of six years, with certain shorter terms  
17 for some of the initial board members to allow for staggered terms.

18 Members of a civilian review board would be required to take a  
19 training course developed and provided by the Attorney General, or  
20 an alternative course approved by the Attorney General, within six  
21 months of appointment. The Attorney General would be required to  
22 develop its training course within 45 days of the bill's effective date  
23 and offer the first course as soon as practicable thereafter. A  
24 civilian review board could not investigate the conduct of any law  
25 enforcement officers, or recommend the imposition of discipline of  
26 such officers or members, without a quorum of members who have  
27 competed this training.

28 A civilian review board would be permitted to utilize resources  
29 of the municipality or county to the extent that funds for the  
30 utilization of such resources are made available by the municipality,  
31 county, State, or other entity.

32 The bill provides that it would be the duty of a civilian review  
33 board to:

34 (1) conduct an investigation of the operation of the police force  
35 of the municipality, or other law enforcement officers that serve in  
36 the capacity of a municipal police force for the municipality, as  
37 applicable;

38 (2) recommend the establishment of policies by the appropriate  
39 authority;

40 (3) review and investigate the conduct of any law enforcement  
41 officer; and

42 (4) recommend the imposition of discipline of such officer  
43 consistent with any tenure or civil service laws and contractual  
44 agreements.

45 A civilian review board could only initiate one of these actions  
46 in response to a civilian complaint of excessive or unnecessary  
47 force, abuse of authority, discourtesy, or offensive language.

1 A civilian review board would have the power to subpoena  
2 witnesses and documentary evidence. The board would also have  
3 any additional powers of inquiry delegated to the board by the  
4 municipality or county as deemed necessary for the conduct of any  
5 hearing or investigation.

6 A civilian review board investigation may run concurrent to an  
7 internal affairs investigation of related conduct by law enforcement,  
8 but the civilian review board investigation would have to cease  
9 upon the initiation of a criminal prosecution concerning the related  
10 conduct. Further, a law enforcement agency may refrain from  
11 sharing evidence, or may direct a civilian review board to cease an  
12 investigation, if the law enforcement agency determines that  
13 evidence sharing, or the investigation itself, would be significantly  
14 detrimental to its disciplinary process due to the existence of a  
15 related criminal investigation.

16 The bill permits an ordinance or resolution establishing a civilian  
17 review board to set forth guidelines for the operation of the board  
18 consistent with the provisions of the bill. The guidelines may adopt  
19 any relevant guidelines issued by the Attorney General.

20 A civilian review board would report its findings and  
21 recommendations concerning police operations and conduct to the  
22 mayor or other chief executive officer of the municipality, the  
23 governing body of the municipality, the chief of police or other  
24 chief law enforcement officer of the municipality, the county  
25 prosecutor, and, in the case of a municipality in which the State  
26 Police serves in the capacity of a municipal police force for the  
27 municipality, the Superintendent of State Police and the Attorney  
28 General.

29 Under the bill, all records made, maintained, or kept on file by a  
30 civilian review board would be confidential and unavailable to the  
31 public while an investigation is pending, and all personal  
32 identifying information contained in all records made, maintained,  
33 or kept on file by a civilian review board would be confidential and  
34 unavailable to the public at all times.

35 The bill also provides that the "Internal Affairs Policy and  
36 Procedures" of the Police Management Manual promulgated by the  
37 Police Bureau of the Division of Criminal Justice in the Department  
38 of Law and Public Safety be revised to require the disclosure of  
39 reports, complaints, and other investigative materials, including  
40 video, sound, or other recording, to the appropriate authority, as  
41 defined in N.J.S.40A:14-118, as well as any civilian review board.

42 Lastly, the bill would appropriate \$600,000 from the General  
43 Fund to the Attorney General to fund the civilian review board  
44 training course, or any reimbursements for the alternative training  
45 course, required by the bill.