

**SENATE CONCURRENT
RESOLUTION No. 132**

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 19, 2020

Sponsored by:
Senator RONALD L. RICE
District 28 (Essex)

SYNOPSIS

Calls for federal investigation of law enforcement misconduct under certain circumstances.

CURRENT VERSION OF TEXT

As introduced.



1 **A CONCURRENT RESOLUTION** calling for federal investigation of
2 law enforcement misconduct.
3
4 **WHEREAS**, The State of New Jersey has a history of policy regarding
5 the need for equitable, fair, and safe community policing that
6 allows the community and local law enforcement agencies to work
7 together to improve our communities; and
8 **WHEREAS**, Our nation is engaged in a critical discussion on gun
9 violence and police misconduct, and the men, women, and children
10 whose lives are lost in law enforcement officer involved shootings
11 should not be ignored; and
12 **WHEREAS**, African Americans make up less than 13 percent of the
13 total United States population, but accounted for 23 percent of those
14 whose lives were lost in law enforcement involved shootings since
15 2015, according to the Washington Post; and
16 **WHEREAS**, The deaths of Michael Brown, Eric Garner, Walter Scott,
17 Freddie Gray, Alton Sterling, Philando Castille, Tamir Rice,
18 Laquan McDonald, and Stephon Clark are tragic losses of life that
19 are unacceptable, and have damaged the community's relationship
20 with those that are charged with their protection; and
21 **WHEREAS**, The Federal Bureau of Investigation has long been charged
22 with protecting civil rights in America, and is responsible for
23 investigating color of law violations including those involving
24 excessive use of force; and
25 **WHEREAS**, Color of law investigations also include sexual assault by
26 police officers, false arrest, obstruction of justice, false testimony,
27 deprivation of medical care, and failure to keep a citizen from
28 harm; and
29 **WHEREAS**, In many of the communities throughout the United States
30 where high-profile cases have taken place, there is a lack of trust in
31 local law enforcement to perform a fair and impartial investigation
32 of these incidences or an honest investigation on systematic issues
33 that may be present in the department; and
34 **WHEREAS**, An investigation into a local law enforcement agency
35 cannot be impartially handled by the local law enforcement agency
36 itself, and an outside body is needed to perform a fair and impartial
37 evaluation; and
38 **WHEREAS**, In New Jersey, the Office of Public Integrity &
39 Accountability appoints an independent investigator to investigate
40 criminal cases involving law enforcement use-of-force or in-
41 custody deaths; and
42 **WHEREAS**, In those jurisdictions that do not require an independent
43 investigation of alleged color of law violations, the federal
44 government has a duty to conduct an independent investigation to
45 protect civil rights; and
46 **WHEREAS**, These investigations can begin real change that could
47 identify areas in need of improvement or allow the local law

SCR132 RICE

3

1 enforcement agency to begin a dialogue on how to improve
2 policing and restore faith in the department; and

3 **WHEREAS**, A positive relationship between local law enforcement
4 agencies and the communities that they represent is essential; and

5 **WHEREAS**, As law enforcement officer involved shootings can
6 irreparably harm these relationships, communities and local law
7 enforcement agencies need to work together to address any unjust
8 actions by law enforcement officers immediately; now, therefore,

9
10 **BE IT RESOLVED** *by the Senate of the State of New Jersey (the*
11 *General Assembly concurring):*

12

13 1. The Senate of the State of New Jersey calls for
14 congressional action to ensure timely and independent federal
15 investigations of alleged law enforcement misconduct in those
16 jurisdictions that do not require independent investigations, and to
17 work with those local law enforcement agencies that it identifies as
18 having cultural or institutional biases that lead to strife with the
19 communities they serve.

20

21 2. Copies of this resolution, as filed with the Secretary of State,
22 shall be transmitted by the Clerk of the General Assembly or the
23 Secretary of the Senate to the President of the United States, the
24 Vice President of the United States, the Majority and Minority
25 Leader of the United States Senate, the Speaker and Minority
26 Leader of the United States House of Representatives, and each
27 member of the United States Congress elected from New Jersey.

28

29

30 STATEMENT

31

32 This concurrent resolution calls for federal investigation into
33 instances of alleged law enforcement misconduct in those
34 jurisdictions that do not require independent investigations.

35 The State of New Jersey has a history of policy regarding the
36 need for equitable, fair, and safe community policing that allows the
37 community and local law enforcement agencies to work together to
38 improve our communities. Our nation is engaged in a critical
39 discussion on gun violence and police misconduct, and the men,
40 women, and children whose lives are lost in law enforcement
41 officer involved shootings should not be ignored. African
42 Americans make up less than 13 percent of the total United States
43 population, but accounted for 23 percent of those whose lives were
44 lost in law enforcement involved shootings since 2015, according to
45 the Washington Post. The deaths of Michael Brown, Eric Garner,
46 Walter Scott, Freddie Gray, Alton Sterling, Philando Castille, Tamir
47 Rice, Laquan McDonald, and Stephon Clark are tragic losses of life

1 that are unacceptable, and have damaged the community's
2 relationship with those that are charged with their protection.

3 The Federal Bureau of Investigation has long been charged with
4 protecting civil rights in America, and is responsible for
5 investigating color of law violations including those involving
6 excessive use of force. Color of law investigations also include
7 sexual assault by police officers, false arrest, obstruction of justice,
8 false testimony, deprivation of medical care, and failure to keep a
9 citizen from harm. In many of the communities where high-profile
10 cases have taken place, there is a lack of trust in local law
11 enforcement to perform a fair and impartial investigation of these
12 incidences or an honest investigation on systematic issues that may
13 be present in the department.

14 An investigation into a local law enforcement agency cannot be
15 impartially handled by the local law enforcement agency itself, and
16 an outside body is needed to perform a fair and impartial
17 evaluation. In New Jersey, the Office of Public Integrity &
18 Accountability appoints an independent investigator to investigate
19 criminal cases involving law enforcement use-of-force or in-
20 custody deaths. In those jurisdictions that do not require an
21 independent investigation of alleged color of law violations, the
22 federal government has a duty to conduct an independent
23 investigation to protect civil rights. These investigations could
24 identify areas in need of improvement or allow the local law
25 enforcement agency to begin a dialogue on how to improve policing
26 and restore faith in the department.

27 A positive relationship between local law enforcement agencies
28 and the communities that they represent is essential. As law
29 enforcement officer involved shootings can irreparably harm these
30 relationships, communities and local law enforcement agencies
31 need to work together to address any unjust actions by law
32 enforcement officers immediately.