

SENATE, No. 2295

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED MARCH 21, 2022

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator RONALD L. RICE

District 28 (Essex)

Co-Sponsored by:

Senators Stack and Burgess

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: 11/27/2023)

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
49 county commissioners or, if the county is organized pursuant to the

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

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

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

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

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

46
47 3. (New section) a. It shall be the duty of a civilian review
48 board established pursuant to section 1 or section 2 of P.L. , c.
49 (C.) (pending before the Legislature as this bill) to:

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

5 (2) recommend the establishment of policies by the appropriate
6 authority;

7 (3) review and investigate the conduct of any law enforcement
8 officer; and

9 (4) recommend the imposition of discipline of such officer
10 consistent with any tenure or civil service laws and contractual
11 agreements.

12 b. A civilian review board may only initiate an action pursuant
13 to subsection a. of this section in response to a civilian complaint of
14 excessive or unnecessary force, abuse of authority, discourtesy, or
15 offensive language.

16 c. A civilian review board shall have the power to subpoena
17 witnesses and documentary evidence, which subpoenas shall be
18 enforceable in the Superior Court. The governing body of the
19 municipality or the board of chosen freeholders of the county, as
20 applicable, may delegate to a civilian review board such other
21 powers of inquiry authorized by law as deemed necessary for the
22 conduct of any hearing or investigation. The powers granted and
23 authorized by this subsection shall not be exercised if limited
24 pursuant to subsection d. of this section.

25 d. A civilian review board investigation may run concurrent to
26 an internal affairs investigation of related conduct by law
27 enforcement, provided that the civilian review board investigation
28 shall cease upon the initiation of a criminal prosecution concerning
29 the related conduct, and provided further that a law enforcement
30 agency may refrain from sharing evidence, or may direct a civilian
31 review board to cease an investigation, if the law enforcement
32 agency determines that evidence sharing, or the investigation itself,
33 would be significantly detrimental to its disciplinary process due to
34 the existence of a related criminal investigation.

35 e. An ordinance or resolution establishing a civilian review
36 board may set forth guidelines for the operation of the civilian
37 review board consistent with the provisions of P.L. , c. (C.)
38 (pending before the Legislature as this bill). The guidelines may
39 adopt any relevant guidelines issued by the Attorney General.

40 f. A civilian review board shall report any findings and
41 recommendations concerning police operations or conduct to the
42 mayor or other chief executive officer of the municipality, the
43 governing body of the municipality, the chief of police or other
44 chief law enforcement officer of the municipality, the county
45 prosecutor, and, in the case of a municipality in which the State
46 Police serves in the capacity of a municipal police force for the
47 municipality, the Superintendent of State Police and the Attorney
48 General.

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

11

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

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

34

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

36 40A:14-118. The governing body of any municipality, by
37 ordinance, may create and establish, as an executive and
38 enforcement function of municipal government, a police force,
39 whether as a department or as a division, bureau or other agency
40 thereof, and provide for the maintenance, regulation and control
41 thereof. Any such ordinance shall, in a manner consistent with the
42 form of government adopted by the municipality and with general
43 law, provide for a line of authority relating to the police function
44 and for the adoption and promulgation by the appropriate authority
45 of rules and regulations for the government of the force and for the
46 discipline of its members. The ordinance may provide for the
47 appointment of a chief of police and such members, officers and
48 personnel as shall be deemed necessary, the determination of their
49 terms of office, the fixing of their compensation and the

1 prescription of their powers, functions and duties, all as the
2 governing body shall deem necessary for the effective government
3 of the force. Any such ordinance, or rules and regulations, shall
4 provide that the chief of police, if such position is established, shall
5 be the head of the police force and that he shall be directly
6 responsible to the appropriate authority for the efficiency and
7 routine day to day operations thereof, and that he shall, pursuant to
8 policies established by the appropriate authority:

9 a. Administer and enforce rules and regulations and special
10 emergency directives for the disposition and discipline of the force
11 and its officers and personnel;

12 b. Have, exercise, and discharge the functions, powers and
13 duties of the force;

14 c. Prescribe the duties and assignments of all subordinates and
15 other personnel;

16 d. Delegate such of his authority as he may deem necessary for
17 the efficient operation of the force to be exercised under his
18 direction and supervision; and

19 e. Report at least monthly to the appropriate authority in such
20 form as shall be prescribed by such authority on the operation of the
21 force during the preceding month, and make such other reports as
22 may be requested by such authority.

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

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

38 Nothing herein contained shall prevent the appointment by the
39 governing body of committees or commissions, including any
40 civilian review board, to conduct investigations of the operation of
41 the police force, and the delegation to such committees or
42 commissions of such powers of inquiry as the governing body
43 deems necessary or to conduct such hearing or investigation
44 authorized by law , and nothing herein shall infringe on or limit the
45 power or duty of such committee, commission, or civilian review
46 board. Nothing herein contained shall prevent the appropriate
47 authority, or any executive or administrative officer charged with
48 the general administrative responsibilities within the municipality,
49 from examining at any time the operations of the police force or the

1 performance of any officer or member thereof. In addition, nothing
2 herein contained shall infringe on or limit the power or duty of the
3 appropriate authority to act to provide for the health, safety or
4 welfare of the municipality in an emergency situation through
5 special emergency directives.

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

7
8 6. Section 10 of P.L.1996, c.115 (C.40A:14-181) is amended to
9 read as follows:

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

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

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

26
27 7. There is appropriated \$600,000 from the General Fund to the
28 Attorney General, which shall be used to fund the civilian review
29 board training course established, and any reimbursements for
30 alternative training courses approved, pursuant to section 4 of
31 P.L. , c. (C.) (pending before the Legislature as this bill).

32
33 8. This act shall take effect immediately.

34 35 36 STATEMENT

37
38 This bill would authorize municipalities and counties to establish
39 civilian review boards to review police operations and conduct.
40 These boards would serve to foster transparency, fairness, and
41 equality in policing practices and policies, which in turn will help
42 promote positive relations between police and the local
43 communities they serve.

44 A municipal civilian review board would consist of at least seven
45 members who are appointed by the mayor or other chief executive
46 officer of the municipality with the consent of the governing body
47 of the municipality. A county civilian review board would consist
48 of at least seven members appointed by the board of county
49 commissioners or, if the county is organized pursuant to the

1 provisions of the "Optional County Charter Law," P.L.1972, c.154
2 (C.40:41A-1 et seq.), the county executive, the county supervisor,
3 or the county manager, as applicable, with the consent of the board
4 of county commissioners. A county civilian review board would
5 operate in municipalities that opt to participate with such board.

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

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

22 A civilian review board would be permitted to utilize resources
23 of the municipality or county to the extent that funds for the
24 utilization of such resources are made available by the municipality,
25 county, State, or other entity.

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

28 (1) conduct an investigation of the operation of the police force
29 of the municipality, or other law enforcement officers that serve in
30 the capacity of a municipal police force for the municipality, as
31 applicable;

32 (2) recommend the establishment of policies by the appropriate
33 authority;

34 (3) review and investigate the conduct of any law enforcement
35 officer; and

36 (4) recommend the imposition of discipline of such officer
37 consistent with any tenure or civil service laws and contractual
38 agreements.

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

42 A civilian review board would have the power to subpoena
43 witnesses and documentary evidence. The board would also have
44 any additional powers of inquiry delegated to the board by the
45 municipality or county as deemed necessary for the conduct of any
46 hearing or investigation.

47 A civilian review board investigation may run concurrent to an
48 internal affairs investigation of related conduct by law enforcement,
49 but the civilian review board investigation would have to cease

1 upon the initiation of a criminal prosecution concerning the related
2 conduct. Further, a law enforcement agency may refrain from
3 sharing evidence, or may direct a civilian review board to cease an
4 investigation, if the law enforcement agency determines that
5 evidence sharing, or the investigation itself, would be significantly
6 detrimental to its disciplinary process due to the existence of a
7 related criminal investigation.

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

12 A civilian review board would report its findings and
13 recommendations concerning police operations and conduct to the
14 mayor or other chief executive officer of the municipality, the
15 governing body of the municipality, the chief of police or other
16 chief law enforcement officer of the municipality, the county
17 prosecutor, and, in the case of a municipality in which the State
18 Police serves in the capacity of a municipal police force for the
19 municipality, the Superintendent of State Police and the Attorney
20 General.

21 Under the bill, all records made, maintained, or kept on file by a
22 civilian review board would be confidential and unavailable to the
23 public while an investigation is pending, and all personal
24 identifying information contained in all records made, maintained,
25 or kept on file by a civilian review board would be confidential and
26 unavailable to the public at all times.

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

34 Lastly, the bill would appropriate \$600,000 from the General
35 Fund to the Attorney General to fund the civilian review board
36 training course, or any reimbursements for the alternative training
37 course, required by the bill.