

BOROUGH OF HIGHLAND PARK
NO. 6-21-165

RESOLUTION IN SUPPORT OF ASSEMBLY BILL NO. 4656/SENATE BILL
NO. S2963 THAT WOULD AUTHORIZE MUNICIPALITIES AND
COUNTIES TO ESTABLISH CIVILIAN REVIEW BOARDS WITH
SUBPOENA POWER TO REVIEW POLICE OPERATIONS & CONDUCT

RESOLUTION: Public Safety Committee

WHEREAS, Highland Park holds a deep commitment to government and police oversight, accountability, and transparency in order to further and advance effective, accountable government and law enforcement practices; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 would authorize municipalities and counties to establish Civilian Review Boards to review police operations and conduct; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 provides that Civilian Review Boards would serve to foster transparency, fairness, and equality in policing practices and policies, which in turn will help promote positive relations between police and the local communities they serve; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 provides that a municipal Civilian Review Board would consist of at least seven members who are appointed by the Mayor or other Chief Executive Officer of the Municipality with the consent of the Governing Body of the Municipality; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 provides that a County Civilian Review Board would consist of at least seven members appointed by the Board of County Commissioners or, if the County is organized pursuant to the provisions of the "Optional County Charter Law," P.L.1972, c.154 (C.40:41A-1 et seq.), the County Executive, the County Supervisor, or the County Manager, as applicable, with the consent of the Board of County Commissioners; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 provides that a County Civilian Review Board would operate in municipalities that opt to participate with such a board; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 provides that the members of a Civilian Review Board would be residents of the Municipality or County, as applicable, who are qualified persons with training or experience in community relations, civil rights, law enforcement, juvenile justice, sociology, or other relevant fields. They would serve for terms of six years, with certain shorter terms for some of the initial board members to allow for staggered terms; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 provides that members of a Civilian Review Board would be required to take a training course developed and provided by the Attorney General, or an alternative course approved by the Attorney General, within six months of appointment. The Attorney General would be required to develop its training course within 45 days of the bill's effective date and offer the first course as soon as practicable thereafter; and

WHEREAS, a Civilian Review Board could not investigate the conduct of any law enforcement officers, or recommend the imposition of discipline of such officers or members, without a quorum of members who have completed this training; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 provides that a Civilian Review Board would be permitted to utilize resources of the Municipality or County to the extent that funds for the utilization of such resources are made available by the Municipality, County, State, or other entity; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 provides that it would be the duty of a Civilian Review Board to: (1) conduct an investigation of the operation of the police force of the Municipality, or other law enforcement officers that serve in the capacity of a municipal police force for the Municipality, as applicable; (2) recommend the establishment of policies by the appropriate authority; (3) review and investigate the conduct of any law enforcement officer; and (4) recommend the imposition of discipline of such officer consistent with any tenure or civil service laws and contractual agreements. A Civilian Review Board could only initiate one of these actions in response to a civilian complaint of excessive or unnecessary force, abuse of authority, discourtesy, or offensive language; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 provides that a Civilian Review Board would have the power to subpoena witnesses and documentary evidence. The board would also have any additional powers of inquiry delegated to the board by the Municipality or County as deemed necessary for the conduct of any hearing or investigation; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 provides that a Civilian Review Board investigation may run concurrent to an internal affairs investigation of related conduct by law enforcement, but the Civilian Review Board investigation would have to cease upon the initiation of a criminal prosecution concerning the related conduct. Further, a law enforcement agency may refrain from sharing evidence, or may direct a Civilian Review Board to cease an investigation, if the law enforcement agency determines that evidence sharing, or the investigation itself, would be significantly detrimental to its disciplinary process due to the existence of a related criminal investigation; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 permits an ordinance or resolution establishing a Civilian Review Board to set forth guidelines for the operation of the board consistent with the provisions of the bill. The guidelines may adopt any relevant guidelines issued by the Attorney General; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 provides that a Civilian Review Board whether it is housed by a municipality or within the County would report its findings and recommendations concerning police operations and conduct to the Mayor or other Chief Executive Officer of the Municipality, the Governing Body of the Municipality, the chief of police or other chief law enforcement officer of the Municipality where the incident in question occurred, the County Prosecutor, and, in the case of a Municipality in which the State Police serves in the capacity of a municipal police force for the Municipality, the Superintendent of State Police and the Attorney General; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 provides that, all records made, maintained, or kept on file by a Civilian Review Board would be confidential and unavailable to the public while an investigation is pending, and all personal identifying information contained in all records made, maintained, or kept on file by a Civilian Review Board would be confidential and unavailable to the public at all times.

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 provides that the bill also provides that the "Internal Affairs Policy and Procedures" of the Police Management Manual promulgated by the Police Bureau of the Division of Criminal Justice in the Department of Law and Public Safety be revised to require the disclosure of reports, complaints, and other investigative materials, including video, sound, or other recording, to the appropriate authority, as defined in N.J.S.40A:14-118, as well as any Civilian Review Board; and

WHEREAS, Assembly Bill No. 4656/Senate Bill No. S2963 provides that the bill would appropriate \$600,000.00 from the General Fund to the Attorney General to fund the Civilian Review Board training course, or any reimbursements for the alternative training course, required by the bill; and

WHEREAS, the Governing Body of the Borough of Highland Park discussed this legislation with Assemblywoman McKnight at the work session of their June 1, 2021 Council Meeting; and

WHEREAS, the Governing Body of the Borough of Highland Park wishes to urge State lawmakers to adopt Assembly Bill No. 4656/Senate Bill No. S2963, which would establish Civilian Review Boards to review complaints against Police Officers.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Highland Park, as follows:

1. They hereby urge the elected representatives in the New Jersey State Legislature to adopt Assembly Bill No. 4656/Senate Bill No. S2963.
2. A copy of this Resolution upon its adoption shall be furnished to Assemblyman Robert Karabinchak, Assemblyman Sterley Stanley and State Senator Patrick J. Diegan, Jr.
3. A copy of this Resolution upon its adoption shall also be furnished to the Governor of the State of New Jersey.

ADOPTED: June 15, 2021

ATTEST:

Joan Hullings, BOROUGH CLERK

I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 15th day of June, 2021.

Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				