

SPECIAL POLICE REFORM ISSUE



The State of Police Reform in New Jersey

Before the tragic death of George Floyd which has raised serious concerns about policing in the United States, New Jersey was working on police reform. In December 2019, Attorney General Girbur Grewal announced the "Excellence in Policing Initiative." The "Initiative" is "intended to promote the culture of professionalism, accountability, and transparency," for all law enforcement across the state. Some of the most important goals include the following:

- Improving law enforcement training
- Identifying early warning signs for at-risk officers.
- Creating a more robust police disciplinary process
- Developing a proposal for police licensure
- Setting minimum standards for Civilian Review Boards
- Transparency measures related to use-of-force, disclosure of disciplinary records and more.

The two initiatives which have received the most attention since the death of Mr. Floyd have been the AG's reforms for reporting of disciplinary actions taken against officers and reform of use-of-force guidelines.

Some of these reform areas are addressed separately in this edition.

In addition to the Attorney General's initiatives, a number of legislative initiatives have also been introduced during the current legislative session. Some are highlighted in this edition.

New Jersey Planning on Police Officer Licensing

New Jersey is one of the few states in the country which does not require licensing of officers. Part of Attorney General Grewal's police reform initiative is licensing of officers. A June 24, 2020 press release reported that the New Jersey Police Training Commission unanimously approved a process to implement licensing of police officers.

The press release states:

Under the licensure proposal, any individual seeking to become a law enforcement officer in New Jersey will need to meet certain uniform professional standards. Officers will be required to maintain these standards in order to maintain their license and continue working as a law enforcement officer in the state.

The timing for implementation of the proposal has not been announced. Many have said this proposal is overdue given that most professionals in New Jersey are required to qualify for licensure and maintain standards approved by the various licensing boards.

The full press release may be found at this link:

<https://www.nj.gov/oag/newsreleases20/pr20200624b.html>



Plan to Release Police Disciplinary Reports Proposed by AG and Blocked by Court

On June 15, 2020, Attorney General Gurbir S. Grewal ordered all law enforcement agencies in New Jersey to begin publicly identifying officers who commit serious disciplinary violations. All law enforcement agencies will be required to annually publish a list of officers who were fired, demoted, or suspended for more than five days due to a disciplinary violation.

Currently no officer's disciplinary record is required to be made public unless the officer faced criminal charges.

The first report is scheduled to be released on December 31, 2020. In addition, the Directive also permits law enforcement agencies to report past disciplinary records as far back as twenty years. This practice has only been proposed by Colonel Patrick J. Callahan, Superintendent of the New Jersey State Police.

The Directive was quickly challenged in court by a coalition of police unions representing local and state police groups. As a result, a New Jersey appeals court temporarily blocked the initiative until oral arguments could be heard in October 2020. Judge Allison E. Accurso focused on the Directive's provisions allowing disclosure of previous disciplinary actions as her primary reason for the stay.

The arguments from the AG's office and the Unions, including the State PBA, are extensive and will be discussed over the next few months. The court ruling would appear to ensure that the proposed reforms will remain on hold until 2021.

See related police disciplinary record article.

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Governor Murphy signs police reform forcing disciplinary records transfer for applicants

On July 1, 2020, Gov. Murphy signed into law a reform which requires all police agencies to share an officer's personnel files when the officer is applying to work for a new department. The legislation was sponsored by Assemblyman, Gordan Johnson, D-Bergen, and others. Johnson stated that a reform in "police culture" was needed and that to do so "we must ensure agencies are first aware of any disciplinary history." This reform will prevent an officer from moving from one department to another without revealing their disciplinary record. New Jersey was one of a small number of states that did not permit sharing of records between police agencies.

Records of officer's disciplinary history remain hidden from the public.

New Providence NJ Use-Of-Force Report

Reports related to use-of-force for each municipality throughout the state are made available online. The reports are not current. Latest information is for the period covering 2012 through 2016.

Each report includes data covering a number of areas.

Included in the report are the number of use-of-force reports, 25 for New Providence. Number of officers involved, 15. Names of the officers. Race and ethnicity of the officers and the subjects. Type of force, reasons and reports.

The New Providence report may be found at this link:

<https://force.nj.com/database/pd-dept/new-providence-union>



Union County Prosecutor's Office Takes Over Three Police Departments

There are 21 municipalities in Union County, NJ. Three of those municipalities no longer control their police departments. Hillside, Clark and Fanwood police departments have all been placed under the control of the Union County Prosecutor's Office (UCPO). Hillside was taken over in June over turmoil caused by a dispute between the Mayor and the police chief. The UCPO took over the Clark police department on July 22nd over what they described as "credible allegations of misconduct." Finally, the Fanwood police chief resigned his office after the release of an audio recording, allegedly of him making racist and sexist remarks.

As of this report, no additional information regarding these situations has been available.

More Reforms

"Crisis Intervention Team" Expansion

In an effort to decrease use-of-force there is a plan to expand the use of Crisis Intervention Teams (CITs) which help officers respond to situations involving individuals with mental health issues.

Division on Civil Rights Incident Response Team

Development of a team of community-relations specialists who can respond in the community following a major civil rights incident. The intent is for the Attorney General's Office to develop such a team within the Division of Civil Rights in the near future.

NJ Assembly Takes Up Minority Recruitment Bill

The New Jersey Assembly is taking up Assembly, No. 2394. The bill is the companion to Senate bill 401 which passed 39-1 on July 30, 2020. For clarity purposes, portions of the description of the bill are taken directly from the NJ State Assembly. The description follows:

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

Under the bill, each minority recruitment and selection program is required to set specific goals for recruiting and hiring minorities and females, establishing time frames for meeting these goals, and describing methods of evaluating whether these goals are met.

The bill requires each law enforcement agency to post the recruitment and selection program on the agency's official Internet website

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 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.