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Civilians would have more power to investigate N.J. cops under bill, one of several proposed since George Floyd's death

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A New Jersey lawmaker introduced a bill Monday to give residents more power to investigate local cops, according to a draft copy obtained by NJ Advance Media, and it joins a host of proposals that, if passed, could dramatically affect policing in the state.

The bill (A4656) would give civilians the ability to subpoena witnesses and documents and run investigations at the same time a police department was conducting its own investigation, two changes pushed for by police reform advocates and Newark officials since the state Supreme Court said those powers were limited under current law. The bill would also set aside \$600,000 for training.

"Now is the time," said Assemblywoman Angela McKnight, D-Hudson, who sponsored the proposal.

Invoking both George Floyd, who died in Minneapolis police custody, and Breonna Taylor, who was shot and killed in Louisville, McKnight said an "independent" board could both give community members a say in how they were policed and foster "transparency" and "accountability."

Gov. Phil Murphy has already signaled support for part of the proposal.

"To be clear, the Governor supports granting civilian review boards subpoena power," Murphy spokesman Jerrel Harvey wrote Friday in an email.

Many police reform bills have gained new traction since Floyd's death triggered dozens of protests in New Jersey. The Legislature has advanced some proposals, but many changes that advocates want, and some law enforcement groups do not, remain stalled.

Civilian boards

Both cities and counties would have the option of creating civilian boards under McKnight's bill.

A board could investigate an officer only after someone complained of "excessive or unnecessary force, abuse of authority, discourtesy, or offensive language," and the inquiry would stop if the cop also faced a criminal investigation, according to the proposal.

While departments currently don't have to share internal files with civilian boards, the bill would force agencies to hand over "reports, complaints, and other investigative materials, including video, sound, or other recording."

A board could recommend discipline, but a police chief would not be bound by its suggestions.

A Fraternal Order of Police lodge previously sued to limit Newark's board, arguing that outside investigators would hinder a department's ability to effectively discipline officers, and could deprive cops of due process.

After McKnight introduced a similar bill (A4272) earlier in the summer, the state Policemen's Benevolent Association wrote a letter to the lawmaker raising some of the same concerns, especially that simultaneous investigations could make it difficult for a department to effectively run its own review.

McKnight did adopt some of the union's requests, such as making boards optional for a town.

The bill will have to pass both the state Assembly and Senate before it can head to the governor.

Other big proposals

Two other bills would also lead to big changes.

One (S2656) would make internal disciplinary records public.

"It's going to be a difficult bill," said state Senate Majority Leader Loretta Weinberg, who sponsored the proposal. "It's going to take some more lobbying."

In a letter to the senator, PBA President Pat Colligan suggested several amendments. Records should only be released in certain circumstances, he said, including if the officer was fired for "official misconduct" or a felony, if an excessive force or racial bias complaint was sustained, or when someone was suspended for at least 20 days.

"We fear that opening every IA file ... will lead to a document dump online that will burden local government staff and harass officers," Colligan wrote.

Weinberg expressed hope that a negotiated version of the bill could pass by the end of the year.

Another (A4526) would limit when cops could use deadly force.

Under the proposal, making an arrest or preventing an escape would generally not be acceptable reasons.

“Turning your back should not be justification for a death sentence,” the nonprofit Salvation and Social Justice wrote in a mass email in support of the proposal.

Rob Nixon, the state PBA’s government affairs director, said lawmakers should hold off for now. The state attorney general’s office is already rolling out a new tracking system while simultaneously re-writing the rules for when officers can use force, and those reforms should first be given a chance to work, Nixon said.

Neither of the last two bills have made it out of committee.

Smaller reforms

Bills that propose less sweeping changes have made more progress.

One bill (S1163) would generally require officers to wear body cameras, while another (A4312) says footage of police force should be stored for at least three years, among other regulations.

The pair passed both chambers overwhelmingly, and are now at the governor’s desk.

While individual cameras range from \$120 to nearly \$2,000, storage costs can be very expensive, making the total budget impact unknown, legislative researchers wrote in a fiscal note.

Two bills (S2765 and S2767) direct the Civil Service Commission to make police departments more diverse. The bipartisan agency oversees public employment, examinations, promotions and disputes in the state. A third (S2590) would require civil service exams to screen applicants about potential implicit racial biases.

All three passed the Senate without a single “no” vote.

One (A4511) pushes cops to quickly transport injured suspects to hospitals. It passed the Assembly 55-17, with five abstentions, but it still needs a vote in the Senate.

Another (A3871) would have anyone taking a driver’s permit test watch a video about their rights and responsibilities if pulled over by an officer. It passed the Assembly 78-0 but has not yet been voted on in the Senate.

Other proposals would push departments to hire more minority officers and beef up mental health training.