

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes 6/21/2021

LEGISLATIVE FISCAL ESTIMATE: Yes 6/24/2021
6/30/2021

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government
Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

Gabrielle Saulsbery, 'Murphy appoints diversity, equity, inclusion and belonging head', NJBIZ (online), 29 Sep 2021

'Murphy signs bill aimed at increasing diversity among police', Associated Press State Wire: New Jersey (online), 28 Sep2021

RH/CL

§§1,2
C.11A:4-1.4 and
11A:4-1.5
§3
T & E

P.L. 2021, CHAPTER 236, *approved September 28, 2021*
Senate, No. 2767 (*Second Reprint*)

1 AN ACT establishing an ²**[oversight]**² database to aid in the civil
2 service hiring process for ²certain² law enforcement officers and
3 requiring a Statewide diversity analysis of law enforcement, and
4 supplementing Title 11A of the New Jersey Statutes.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. a. The Civil Service Commission shall oversee ²and manage²
10 the development and maintenance of a database, which shall collect
11 and track the background information received from a law
12 enforcement agency of the State, or a political subdivision of the State
13 that has adopted the provisions of Title 11A of the New Jersey
14 Statutes, regarding candidates for the position of ²entry-level² law
15 enforcement officer ²in any county or municipal police department.
16 All such law enforcement agencies shall participate and provide to the
17 commission any requested information².

18 b. The database shall be considered confidential and shall be used
19 only by the commission and participating law enforcement agencies
20 across the State. The database shall not be subject to public access,
21 inspection, or copying pursuant to P.L.1963, c.73 (C.47:1A-1 et
22 seq.)¹**[**, or the common law concerning access to public records]¹.

23 c. (1) The information maintained in the database shall be
24 determined by the commission, in consultation with various national
25 and State law enforcement organizations, and shall include:

26 (a) all background information received from all candidates; and
27 (b) threshold decisions made for selection or disqualification of
28 candidates by law enforcement agencies.

29 (2) The information maintained in the database shall exclude
30 personal identifying information of candidates to prevent
31 compromising personal privacy and security and to ensure a non-
32 biased selection process.

33 d. The commission, in consultation with various national and State
34 law enforcement organizations, shall develop universal guidelines and
35 best practices for background investigations relating to threshold
36 decisions for removal from the candidate list. The guidelines and best
37 practices shall include training for background investigations to better

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate floor amendments adopted August 27, 2020.

²Assembly floor amendments adopted June 21, 2021.

1 understand the challenges underrepresented groups disproportionately
2 face to prevent a failure to adequately account for such challenges
3 during the selection or disqualification process.

4 e. The commission, in consultation with various national and State
5 law enforcement organizations, ²local appointing authorities, and
6 applicable employee collective negotiations agents,² shall establish a
7 universal background application to be utilized in the hiring process
8 for police officers by all law enforcement agencies. The universal
9 application shall be used to provide the information contained in the
10 database established pursuant to subsection a. of this section.

11 f. The Chair of the Civil Service Commission may adopt rules and
12 regulations to effectuate the provisions of P.L. , c. (C.)(pending
13 before the Legislature as this bill). The rules and regulations shall be
14 effective immediately upon filing with the Office of Administrative
15 Law for a period not to exceed 18 months, and may, thereafter, be
16 amended, adopted or readopted in accordance with the provisions of
17 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
18 seq.).

19 g. As used in this section:

20 ²"Law enforcement agency" means and includes any county or
21 municipal police department.²

22 "National and State law enforcement organizations" means
23 organizations such as the National Organization of Black Law
24 Enforcement Executives (NOBLE), the New Jersey chapter of
25 NOBLE, and the Hispanic American Law Enforcement Association.

26 "Personal identifying information" means information that may be
27 used, alone or in conjunction with any other information, to identify a
28 specific individual and includes, but is not limited to, the name,
29 address, e-mail address, social media address, telephone number, fax
30 number, date of birth, social security number, driver's license number,
31 official State issued identification number, employer or taxpayer
32 number, place of employment, telephone number of employment,
33 employee identification number, school address, school phone number,
34 student identification number, mother's maiden name, unique
35 biometric data, such as fingerprint, voice print, retina, or iris image, or
36 other unique physical representation, unique electronic identification
37 number, medical diagnoses, treatments, or other medical information
38 concerning an identifiable person.

39
40 2. Timely notifications of candidate status and certification
41 notifications shall be disseminated by the Civil Service Commission
42 electronically via ²mail,² e-mail or text message, dependent on the
43 candidate's preferred option, to be indicated on the universal
44 application established pursuant to subsection e. of section 1 of P.L. ,
45 c. (C.)(pending before the Legislature as this bill). Responses
46 from candidates to certification notifications shall be submitted
47 electronically to the commission via e-mail ²or by mail². Status

1 notifications and certifications from the commission and responses
2 from candidates shall be accurately logged and received in the
3 database established pursuant to subsection a. of section 1 of P.L. , c.
4 (C.)(pending before the Legislature as this bill).

5
6 3. a. The ²【Division of Equal Employment Opportunity and
7 Affirmative Action in the】² Civil Service Commission, in consultation
8 with various national and State law enforcement agencies, as defined
9 in section 1 of P.L. , c. (C.)(pending before the Legislature as this
10 bill), shall conduct ², or select a qualified vendor to conduct,² a
11 Statewide diversity analysis of the ethnic and racial make-up of all law
12 enforcement agencies in the State.

13 ²All law enforcement agencies in this State shall participate and
14 provide to the commission any requested information, whether or not
15 the agency operates pursuant to the provisions of Title 11A of the New
16 Jersey Statutes.²

17 b. The ²【division】 commission² shall prepare and submit a
18 written report within one year of ²【the effective date of this act,】
19 completion of the study² to the Governor and, pursuant to section 2 of
20 P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

21
22 4. This act shall take effect immediately.

23
24
25 _____
26
27 Establishes database to aid in civil service hiring process for
28 certain law enforcement officers; requires Statewide diversity
29 analysis of law enforcement.

CHAPTER 236

AN ACT establishing an database to aid in the civil service hiring process for certain law enforcement officers and requiring a Statewide diversity analysis of law enforcement, and supplementing Title 11A of the New Jersey Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.11A:4-1.4 Development, maintenance of database of entry-level law enforcement officer candidates.

1. a. The Civil Service Commission shall oversee and manage the development and maintenance of a database, which shall collect and track the background information received from a law enforcement agency of the State, or a political subdivision of the State that has adopted the provisions of Title 11A of the New Jersey Statutes, regarding candidates for the position of entry-level law enforcement officer in any county or municipal police department. All such law enforcement agencies shall participate and provide to the commission any requested information.

b. The database shall be considered confidential and shall be used only by the commission and participating law enforcement agencies across the State. The database shall not be subject to public access, inspection, or copying pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.).

c. (1) The information maintained in the database shall be determined by the commission, in consultation with various national and State law enforcement organizations, and shall include:

(a) all background information received from all candidates; and

(b) threshold decisions made for selection or disqualification of candidates by law enforcement agencies.

(2) The information maintained in the database shall exclude personal identifying information of candidates to prevent compromising personal privacy and security and to ensure a non-biased selection process.

d. The commission, in consultation with various national and State law enforcement organizations, shall develop universal guidelines and best practices for background investigations relating to threshold decisions for removal from the candidate list. The guidelines and best practices shall include training for background investigations to better understand the challenges underrepresented groups disproportionately face to prevent a failure to adequately account for such challenges during the selection or disqualification process.

e. The commission, in consultation with various national and State law enforcement organizations, local appointing authorities, and applicable employee collective negotiations agents, shall establish a universal background application to be utilized in the hiring process for police officers by all law enforcement agencies. The universal application shall be used to provide the information contained in the database established pursuant to subsection a. of this section.

f. The Chair of the Civil Service Commission may adopt rules and regulations to effectuate the provisions of P.L.2021, c.236 (C.11A:4-1.4 et seq.). The rules and regulations shall be effective immediately upon filing with the Office of Administrative Law for a period not to exceed 18 months, and may, thereafter, be amended, adopted or readopted in accordance with the provisions of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

g. As used in this section:

“Law enforcement agency” means and includes any county or municipal police department.

“National and State law enforcement organizations” means organizations such as the National Organization of Black Law Enforcement Executives (NOBLE), the New Jersey chapter of NOBLE, and the Hispanic American Law Enforcement Association.

“Personal identifying information” means information that may be used, alone or in conjunction with any other information, to identify a specific individual and includes, but is not limited to, the name, address, e-mail address, social media address, telephone number, fax number, date of birth, social security number, driver's license number, official State issued identification number, employer or taxpayer number, place of employment, telephone number of employment, employee identification number, school address, school phone number, student identification number, mother's maiden name, unique biometric data, such as fingerprint, voice print, retina, or iris image, or other unique physical representation, unique electronic identification number, medical diagnoses, treatments, or other medical information concerning an identifiable person.

C.11A:4-1.5 Notification of candidate status; certification notifications.

2. Timely notifications of candidate status and certification notifications shall be disseminated by the Civil Service Commission electronically via mail, e-mail or text message, dependent on the candidate's preferred option, to be indicated on the universal application established pursuant to subsection e. of section 1 of P.L.2021, c.236 (C.11A:4-1.4). Responses from candidates to certification notifications shall be submitted electronically to the commission via e-mail or by mail. Status notifications and certifications from the commission and responses from candidates shall be accurately logged and received in the database established pursuant to subsection a. of section 1 of P.L.2021, c.236 (C.11A:4-1.4).

3. a. The Civil Service Commission, in consultation with various national and State law enforcement agencies, as defined in section 1 of P.L.2021, c.236 (C.11A:4-1.4), shall conduct, or select a qualified vendor to conduct, a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State.

All law enforcement agencies in this State shall participate and provide to the commission any requested information, whether or not the agency operates pursuant to the provisions of Title 11A of the New Jersey Statutes.

b. The commission shall prepare and submit a written report within one year of completion of the study to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature.

4. This act shall take effect immediately.

Approved September 28, 2021.

SENATE, No. 2767

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED AUGUST 3, 2020

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator RONALD L. RICE

District 28 (Essex)

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator M. TERESA RUIZ

District 29 (Essex)

Co-Sponsored by:

Senators Pou, Turner and Greenstein

SYNOPSIS

Establishes oversight database to aid in civil service hiring process for law enforcement officers; requires Statewide diversity analysis of law enforcement.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 8/27/2020)

1 AN ACT establishing an oversight database to aid in the civil service
2 hiring process for law enforcement officers and requiring a
3 Statewide diversity analysis of law enforcement, and
4 supplementing Title 11A of the New Jersey Statutes.
5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:
8

9 1. a. The Civil Service Commission shall oversee the
10 development and maintenance of a database, which shall collect and
11 track the background information received from a law enforcement
12 agency of the State, or a political subdivision of the State that has
13 adopted the provisions of Title 11A of the New Jersey Statutes,
14 regarding candidates for the position of law enforcement officer.

15 b. The database shall be considered confidential and shall be
16 used only by the commission and participating law enforcement
17 agencies across the State. The database shall not be subject to
18 public access, inspection, or copying pursuant to P.L.1963, c.73
19 (C.47:1A-1 et seq.), or the common law concerning access to public
20 records.

21 c. (1) The information maintained in the database shall be
22 determined by the commission, in consultation with various
23 national and State law enforcement organizations, and shall include:

24 (a) all background information received from all candidates; and

25 (b) threshold decisions made for selection or disqualification of
26 candidates by law enforcement agencies.

27 (2) The information maintained in the database shall exclude
28 personal identifying information of candidates to prevent
29 compromising personal privacy and security and to ensure a non-
30 biased selection process.

31 d. The commission, in consultation with various national and
32 State law enforcement organizations, shall develop universal
33 guidelines and best practices for background investigations relating
34 to threshold decisions for removal from the candidate list. The
35 guidelines and best practices shall include training for background
36 investigations to better understand the challenges underrepresented
37 groups disproportionately face to prevent a failure to adequately
38 account for such challenges during the selection or disqualification
39 process.

40 e. The commission, in consultation with various national and
41 State law enforcement organizations, shall establish a universal
42 background application to be utilized in the hiring process for
43 police officers by all law enforcement agencies. The universal
44 application shall be used to provide the information contained in the
45 database established pursuant to subsection a. of this section.

46 f. The Chair of the Civil Service Commission may adopt rules
47 and regulations to effectuate the provisions of P.L. , c.
48 (C.)(pending before the Legislature as this bill). The rules and

1 regulations shall be effective immediately upon filing with the
2 Office of Administrative Law for a period not to exceed 18 months,
3 and may, thereafter, be amended, adopted or readopted in
4 accordance with the provisions of the "Administrative Procedure
5 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

6 g. As used in this section:

7 "National and State law enforcement organizations" means
8 organizations such as the National Organization of Black Law
9 Enforcement Executives (NOBLE), the New Jersey chapter of
10 NOBLE, and the Hispanic American Law Enforcement Association.

11 "Personal identifying information" means information that may
12 be used, alone or in conjunction with any other information, to
13 identify a specific individual and includes, but is not limited to, the
14 name, address, e-mail address, social media address, telephone
15 number, fax number, date of birth, social security number, driver's
16 license number, official State issued identification number,
17 employer or taxpayer number, place of employment, telephone
18 number of employment, employee identification number, school
19 address, school phone number, student identification number,
20 mother's maiden name, unique biometric data, such as fingerprint,
21 voice print, retina, or iris image, or other unique physical
22 representation, unique electronic identification number, medical
23 diagnoses, treatments, or other medical information concerning an
24 identifiable person.

25

26 2. Timely notifications of candidate status and certification
27 notifications shall be disseminated by the Civil Service Commission
28 electronically via e-mail or text message, dependent on the
29 candidate's preferred option, to be indicated on the universal
30 application established pursuant to subsection e. of section 1 of
31 P.L. , c. (C.)(pending before the Legislature as this bill).
32 Responses from candidates to certification notifications shall be
33 submitted electronically to the commission via e-mail. Status
34 notifications and certifications from the commission and responses
35 from candidates shall be accurately logged and received in the
36 database established pursuant to subsection a. of section 1 of
37 P.L. , c. (C.)(pending before the Legislature as this bill).

38

39 3. a. The Division of Equal Employment Opportunity and
40 Affirmative Action in the Civil Service Commission, in
41 consultation with various national and State law enforcement
42 agencies, as defined in section 1 of P.L. , c. (C.)(pending
43 before the Legislature as this bill), shall conduct a Statewide
44 diversity analysis of the ethnic and racial make-up of all law
45 enforcement agencies in the State.

46 b. The division shall prepare and submit a written report within
47 one year of the effective date of this act, to the Governor and,

1 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
2 Legislature.

3

4 4. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 The bill requires the Civil Service Commission to oversee the
10 development and maintenance of a database, which would collect
11 and track the background information received from a law
12 enforcement agency of the State or a political subdivision of the
13 State regarding candidates for the position of law enforcement
14 officer. The database would include all background information
15 received from all candidates and all threshold decisions made for
16 selection or disqualification of candidates by participating law
17 enforcement agencies. The database would exclude any personal
18 identifying information to prevent compromising personal security
19 and privacy and to ensure a non-biased process. The purpose of the
20 database is to ensure that the commission would have all relevant
21 information from all candidates to better understand the reasoning
22 behind a candidate's selection or disqualification during the hiring
23 process. The bill would also require the commission to develop a
24 universal background application to be used by all law enforcement
25 agencies. The information in the application would be used to
26 uniformly fill in the fields of the database.

27 The bill requires the commission to develop universal guidelines
28 and best practices for background investigations relating to
29 thresholds for removal from the candidate list. The guidelines and
30 best practices will include training for background investigations to
31 better understand the challenges underrepresented groups
32 disproportionately face. The purpose of the guidelines and best
33 practices is to prevent a failure to adequately account for such
34 challenges during the selection or disqualification process. The bill
35 also requires the commission to switch to a paperless system
36 concerning status updates to candidates and certification
37 notifications. Candidates would also be permitted to submit
38 responses electronically. Studies have shown that going to a
39 paperless system has made hiring processes much easier and could
40 help prevent exclusionary practices.

41 The bill also requires the Division of Equal Employment
42 Opportunity and Affirmative Action in the Civil Service
43 Commission, in consultation with various national and State law
44 enforcement agencies, to conduct a Statewide diversity analysis of
45 the ethnic and racial make-up of all law enforcement agencies in the
46 State. The division will submit a written report to the Governor and
47 the Legislature one year after the effective date of the bill.

ASSEMBLY COMMUNITY DEVELOPMENT AND AFFAIRS
COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2767

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 2021

The Assembly Community Development and Affairs Committee reports favorably Senate Bill No. 2767 (1R).

This bill requires the Civil Service Commission to oversee the development and maintenance of a database, which would collect and track the background information received from a law enforcement agency of the State or a political subdivision of the State regarding candidates for the position of law enforcement officer. The database would include all background information received from all candidates and all threshold decisions made for selection or disqualification of candidates by participating law enforcement agencies. The database would exclude any personal identifying information to prevent compromising personal security and privacy and to ensure a non-biased process. The purpose of the database is to ensure that the commission would have all relevant information from all candidates to better understand the reasoning behind a candidate's selection or disqualification during the hiring process. The bill would also require the commission to develop a universal background application to be used by all law enforcement agencies. The information in the application would be used to uniformly fill in the fields of the database.

The bill requires the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list. The guidelines and best practices will include training for background investigations to better understand the challenges underrepresented groups disproportionately face. The purpose of the guidelines and best practices is to prevent a failure to adequately account for such challenges during the selection or disqualification process. The bill also requires the commission to switch to a paperless system concerning status updates to candidates and certification notifications. Candidates would also be permitted to submit responses electronically. Studies have shown that going to a paperless system has made hiring processes much easier and could help prevent exclusionary practices.

The bill also requires the Division of Equal Employment Opportunity and Affirmative Action in the Civil Service Commission,

in consultation with various national and State law enforcement agencies, to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State. The division will submit a written report to the Governor and the Legislature one year after the effective date of the bill.

As reported by the committee, this bill is identical to Assembly Bill No. 4598, which the committee also reported on this date with committee amendments.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 2767

STATE OF NEW JERSEY

DATED: JUNE 16, 2021

The Assembly Appropriations Committee reports favorably Senate Bill No. 2767 (1R).

This bill requires the Civil Service Commission to oversee the development and maintenance of a database, which would collect and track the background information received from a law enforcement agency of the State or a political subdivision of the State regarding candidates for the position of law enforcement officer. The database would include all background information received from all candidates and all threshold decisions made for selection or disqualification of candidates by participating law enforcement agencies. The database would exclude any personal identifying information to prevent compromising personal security and privacy and to ensure a non-biased process. The purpose of the database is to ensure that the commission would have all relevant information from all candidates to better understand the reasoning behind a candidate's selection or disqualification during the hiring process. The bill would also require the commission to develop a universal background application to be used by all law enforcement agencies. The information in the application would be used to uniformly fill in the fields of the database.

The bill requires the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list. The guidelines and best practices will include training for background investigations to better understand the challenges underrepresented groups disproportionately face. The purpose of the guidelines and best practices is to prevent a failure to adequately account for such challenges during the selection or disqualification process. The bill also requires the commission to switch to a paperless system concerning status updates to candidates and certification notifications. Candidates would also be permitted to submit responses electronically. Studies have shown that going to a paperless system has made hiring processes much easier and could help prevent exclusionary practices.

The bill also requires the Division of Equal Employment Opportunity and Affirmative Action in the Civil Service Commission, in consultation with various national and State law enforcement

agencies, to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State. The division will submit a written report to the Governor and the Legislature one year after the effective date of the bill.

As reported by the committee, Senate Bill No. 2767 (1R) is identical to Assembly Bill No. 4598 (1R), which also was reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) projects that the enactment of this bill will result in indeterminate increase expenditures to the State due to the bill's requirement for the Civil Service Commission to establish and maintain a law enforcement background database.

The OLS notes that this bill may increase annual State expenditures owing to the bill's provisions requiring the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list; and for the Division of Equal Employment Opportunity and Affirmative Action in the commission to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2767

STATE OF NEW JERSEY

DATED: AUGUST 21, 2020

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2767.

As reported by the committee, Senate Bill No. 2767 requires the Civil Service Commission to oversee the development and maintenance of a database, which would collect and track the background information received from a law enforcement agency of the State or a political subdivision of the State regarding candidates for the position of law enforcement officer. The database would include all background information received from all candidates and all threshold decisions made for selection or disqualification of candidates by participating law enforcement agencies. The database would exclude any personal identifying information to prevent compromising personal security and privacy and to ensure a non-biased process. The purpose of the database is to ensure that the commission would have all relevant information from all candidates to better understand the reasoning behind a candidate's selection or disqualification during the hiring process. The bill also requires the commission to develop a universal background application to be used by all law enforcement agencies. The information in the application would be used to uniformly fill in the fields of the database.

The bill requires the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list. The guidelines and best practices will include training for background investigations to better understand the challenges underrepresented groups disproportionately face. The purpose of the guidelines and best practices is to prevent a failure to adequately account for such challenges during the selection or disqualification process. The bill also requires the commission to switch to a paperless system concerning status updates to candidates and certification notifications. Candidates would also be permitted to submit responses electronically. Studies have shown that going to a paperless system has made hiring processes much easier and could help prevent exclusionary practices.

The bill also requires the Division of Equal Employment Opportunity and Affirmative Action in the Civil Service Commission, in consultation with various national and State law

enforcement agencies, to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State. The division will submit a written report to the Governor and the Legislature one year after the effective date of the bill.

STATEMENT TO
SENATE, No. 2767

with Senate Floor Amendments
(Proposed by Senator CRYAN)

ADOPTED: AUGUST 27, 2020

These Senate amendments remove a provision exempting information in the database from disclosure under the common law.

STATEMENT TO
[First Reprint]
SENATE, No. 2767

with Assembly Floor Amendments
(Proposed by Assemblywoman REYNOLDS-JACKSON)

ADOPTED: JUNE 21, 2021

These Assembly amendments:

- (1) define law enforcement agency;
- (2) clarify that the provisions of the bill refers to the position of entry-level law enforcement officer;
- (3) change the reporting requirement on Statewide diversity analysis study;
- (4) require all law enforcement agencies to provide the commission with the relevant data;
- (5) add appointing authorities and collective negotiations agents in the development of the universal background application for the hiring process;
- (6) add that candidates may have their status and certification notices mailed in addition to having the notices e-mailed or texted; and
- (7) allow the commission to select a qualified vendor to conduct a Statewide diversity analysis.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2767
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: SEPTEMBER 1, 2020

SUMMARY

- Synopsis:** Establishes oversight database to aid in civil service hiring process for law enforcement officers; requires Statewide diversity analysis of law enforcement.
- Type of Impact:** State Expenditure Increase.
- Agencies Affected:** New Jersey Civil Service Commission.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) projects that the enactment of this bill will result in indeterminate increase expenditures to the State due to the bill's requirement for the Civil Service Commission to establish and maintain a law enforcement background database.
- The OLS notes that this bill may increase annual State expenditures owing to the bill's provisions requiring the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list; and for the Division of Equal Employment Opportunity and Affirmative Action in the commission to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State.

BILL DESCRIPTION

The bill requires the Civil Service Commission to oversee the development and maintenance of a database, which would collect and track the background information received from a law enforcement agency of the State or a political subdivision of the State regarding candidates for the position of law enforcement officer. The database would include all background information received from all candidates and all threshold decisions made for selection or disqualification of candidates by participating law enforcement agencies. The database would exclude any personal identifying information to prevent compromising personal security and privacy and to ensure a

non-biased process. The purpose of the database is to ensure that the commission would have all relevant information from all candidates to better understand the reasoning behind a candidate's selection or disqualification during the hiring process. The bill would also require the commission to develop a universal background application to be used by all law enforcement agencies. The information in the application would be used to uniformly fill in the fields of the database.

The bill requires the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list. The guidelines and best practices will include training for background investigations to better understand the challenges underrepresented groups disproportionately face. The purpose of the guidelines and best practices is to prevent a failure to adequately account for such challenges during the selection or disqualification process. The bill also requires the commission to switch to a paperless system concerning status updates to candidates and certification notifications. Candidates would also be permitted to submit responses electronically. Studies have shown that going to a paperless system has made hiring processes much easier and could help prevent exclusionary practices.

The bill also requires the Division of Equal Employment Opportunity and Affirmative Action in the Civil Service Commission, in consultation with various national and State law enforcement agencies, to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State. The division will submit a written report to the Governor and the Legislature one year after the effective date of the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that the enactment of this bill will result in indeterminate increase expenditures to the State due to the bill's requirement for the Civil Service Commission to establish and maintain a law enforcement background database.

The OLS notes that this bill may increase annual State expenditures owing to the bill's provisions requiring the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list; and for the Division of Equal Employment Opportunity and Affirmative Action in the commission to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State.

For purposes of illustration, the Uniform Crime Reporting Program of New Jersey (crime report) incorporates the collection of pertinent data relating to the police of this State. The latest crime report issued stated that, in 2016, there were approximately 47,000 police employees, which included about 10,000 civilian employees.

The OLS notes that the magnitude of the expenditure increases will depend on operating and regulatory decisions by the commission.

Section: Commerce, Labor and Industry

Analyst: Juan C. Rodriguez
Senior Fiscal Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 2767

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JUNE 28, 2021

SUMMARY

- Synopsis:** Establishes oversight database to aid in civil service hiring process for law enforcement officers; requires Statewide diversity analysis of law enforcement.
- Type of Impact:** State Expenditure Increase.
- Agencies Affected:** New Jersey Civil Service Commission.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) projects that the enactment of this bill will result in indeterminate increase expenditures to the State due to the bill's requirement for the Civil Service Commission to establish and maintain a law enforcement background database.
- The OLS notes that this bill may increase annual State expenditures owing to the bill's provisions requiring the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list; and for the Civil Service Commission, or a qualified vendor, to conduct a Statewide diversity analysis a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State.

BILL DESCRIPTION

The bill requires the Civil Service Commission to oversee and manage the development and maintenance of a database, which would collect and track the background information received from a law enforcement agency of the State or a political subdivision of the State regarding candidates for the position of entry-level law enforcement officer in county or municipal police department. The database would include all background information received from all candidates

and all threshold decisions made for selection or disqualification of candidates by participating law enforcement agencies. The database would exclude any personal identifying information to prevent compromising personal security and privacy and to ensure a non-biased process. The purpose of the database is to ensure that the commission would have all relevant information from all candidates to better understand the reasoning behind a candidate's selection or disqualification during the hiring process. The bill would also require the commission to develop a universal background application to be used by all law enforcement agencies. The information in the application would be used to uniformly fill in the fields of the database.

The bill requires the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list. The guidelines and best practices will include training for background investigations to better understand the challenges underrepresented groups disproportionately face. The purpose of the guidelines and best practices is to prevent a failure to adequately account for such challenges during the selection or disqualification process. The bill also requires the commission to switch to a paperless system concerning status updates to candidates and certification notifications. Candidates would also be permitted to submit responses electronically.

The bill also requires the Civil Service Commission, in consultation with various national and State law enforcement agencies, or a qualified vendor, to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State. The division will submit a written report to the Governor and the Legislature one year after the effective date of the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that the enactment of this bill will result in indeterminate increase expenditures to the State due to the bill's requirement for the Civil Service Commission to establish and maintain a law enforcement background database.

The OLS notes that this bill may increase annual State expenditures owing to the bill's provisions requiring the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list; and for the Civil Service Commission, or a qualified vendor, to conduct a Statewide diversity analysis a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State.

For purposes of illustration, the Uniform Crime Reporting Program of New Jersey (crime report) incorporates the collection of pertinent data relating to the police of this State. The latest crime report issued stated that, in 2016, there were approximately 47,000 police employees, which included about 10,000 civilian employees.

The OLS notes that the magnitude of the expenditure increases will depend on operating and regulatory decisions by the commission.

Section: Commerce, Labor and Industry

Analyst: Juan C. Rodriguez
Senior Fiscal Analyst

Approved: Thomas Koenig
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 4598

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED AUGUST 27, 2020

Sponsored by:

Assemblywoman VERLINA REYNOLDS-JACKSON

District 15 (Hunterdon and Mercer)

Assemblywoman LINDA S. CARTER

District 22 (Middlesex, Somerset and Union)

Co-Sponsored by:

Assemblywoman Murphy

SYNOPSIS

Establishes oversight database to aid in civil service hiring process for law enforcement officers; requires Statewide diversity analysis of law enforcement.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/22/2021)

1 AN ACT establishing an oversight database to aid in the civil service
2 hiring process for law enforcement officers and requiring a
3 Statewide diversity analysis of law enforcement, and
4 supplementing Title 11A of the New Jersey Statutes.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. a. The Civil Service Commission shall oversee the
10 development and maintenance of a database, which shall collect and
11 track the background information received from a law enforcement
12 agency of the State, or a political subdivision of the State that has
13 adopted the provisions of Title 11A of the New Jersey Statutes,
14 regarding candidates for the position of law enforcement officer.

15 b. The database shall be considered confidential and shall be
16 used only by the commission and participating law enforcement
17 agencies across the State. The database shall not be subject to
18 public access, inspection, or copying pursuant to P.L.1963, c.73
19 (C.47:1A-1 et seq.), or the common law concerning access to public
20 records.

21 c. (1) The information maintained in the database shall be
22 determined by the commission, in consultation with various
23 national and State law enforcement organizations, and shall include:

24 (a) all background information received from all candidates; and
25 (b) threshold decisions made for selection or disqualification of
26 candidates by law enforcement agencies.

27 (2) The information maintained in the database shall exclude
28 personal identifying information of candidates to prevent
29 compromising personal privacy and security and to ensure a non-
30 biased selection process.

31 d. The commission, in consultation with various national and
32 State law enforcement organizations, shall develop universal
33 guidelines and best practices for background investigations relating
34 to threshold decisions for removal from the candidate list. The
35 guidelines and best practices shall include training for background
36 investigations to better understand the challenges underrepresented
37 groups disproportionately face to prevent a failure to adequately
38 account for such challenges during the selection or disqualification
39 process.

40 e. The commission, in consultation with various national and
41 State law enforcement organizations, shall establish a universal
42 background application to be utilized in the hiring process for
43 police officers by all law enforcement agencies. The universal
44 application shall be used to provide the information contained in the
45 database established pursuant to subsection a. of this section.

46 f. The Chair of the Civil Service Commission may adopt rules
47 and regulations to effectuate the provisions of P.L. ,

48 c. (C.)(pending before the Legislature as this bill). The rules

1 and regulations shall be effective immediately upon filing with the
2 Office of Administrative Law for a period not to exceed 18 months,
3 and may, thereafter, be amended, adopted or readopted in
4 accordance with the provisions of the "Administrative Procedure
5 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

6 g. As used in this section:

7 "National and State law enforcement organizations" means
8 organizations such as the National Organization of Black Law
9 Enforcement Executives (NOBLE), the New Jersey chapter of
10 NOBLE, and the Hispanic American Law Enforcement Association.

11 "Personal identifying information" means information that may
12 be used, alone or in conjunction with any other information, to
13 identify a specific individual and includes, but is not limited to, the
14 name, address, e-mail address, social media address, telephone
15 number, fax number, date of birth, social security number, driver's
16 license number, official State issued identification number,
17 employer or taxpayer number, place of employment, telephone
18 number of employment, employee identification number, school
19 address, school phone number, student identification number,
20 mother's maiden name, unique biometric data, such as fingerprint,
21 voice print, retina, or iris image, or other unique physical
22 representation, unique electronic identification number, medical
23 diagnoses, treatments, or other medical information concerning an
24 identifiable person.

25

26 2. Timely notifications of candidate status and certification
27 notifications shall be disseminated by the Civil Service Commission
28 electronically via e-mail or text message, dependent on the
29 candidate's preferred option, to be indicated on the universal
30 application established pursuant to subsection e. of section 1 of
31 P.L. , c. (C.)(pending before the Legislature as this bill).
32 Responses from candidates to certification notifications shall be
33 submitted electronically to the commission via e-mail. Status
34 notifications and certifications from the commission and responses
35 from candidates shall be accurately logged and received in the
36 database established pursuant to subsection a. of section 1 of
37 P.L. , c. (C.)(pending before the Legislature as this bill).

38

39 3. a. The Division of Equal Employment Opportunity and
40 Affirmative Action in the Civil Service Commission, in
41 consultation with various national and State law enforcement
42 agencies, as defined in section 1 of P.L. , c. (C.)(pending
43 before the Legislature as this bill), shall conduct a Statewide
44 diversity analysis of the ethnic and racial make-up of all law
45 enforcement agencies in the State.

46 b. The division shall prepare and submit a written report within

1 one year of the effective date of this act, to the Governor and,
2 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
3 Legislature.

4
5 4. This act shall take effect immediately.
6
7

8 STATEMENT
9

10 The bill requires the Civil Service Commission to oversee the
11 development and maintenance of a database, which would collect
12 and track the background information received from a law
13 enforcement agency of the State or a political subdivision of the
14 State regarding candidates for the position of law enforcement
15 officer. The database would include all background information
16 received from all candidates and all threshold decisions made for
17 selection or disqualification of candidates by participating law
18 enforcement agencies. The database would exclude any personal
19 identifying information to prevent compromising personal security
20 and privacy and to ensure a non-biased process. The purpose of the
21 database is to ensure that the commission would have all relevant
22 information from all candidates to better understand the reasoning
23 behind a candidate's selection or disqualification during the hiring
24 process. The bill would also require the commission to develop a
25 universal background application to be used by all law enforcement
26 agencies. The information in the application would be used to
27 uniformly fill in the fields of the database.

28 The bill requires the commission to develop universal guidelines
29 and best practices for background investigations relating to
30 thresholds for removal from the candidate list. The guidelines and
31 best practices will include training for background investigations to
32 better understand the challenges underrepresented groups
33 disproportionately face. The purpose of the guidelines and best
34 practices is to prevent a failure to adequately account for such
35 challenges during the selection or disqualification process. The bill
36 also requires the commission to switch to a paperless system
37 concerning status updates to candidates and certification
38 notifications. Candidates would also be permitted to submit
39 responses electronically. Studies have shown that going to a
40 paperless system has made hiring processes much easier and could
41 help prevent exclusionary practices.

42 The bill also requires the Division of Equal Employment
43 Opportunity and Affirmative Action in the Civil Service
44 Commission, in consultation with various national and State law
45 enforcement agencies, to conduct a Statewide diversity analysis of
46 the ethnic and racial make-up of all law enforcement agencies in the
47 State. The division will submit a written report to the Governor and
48 the Legislature one year after the effective date of the bill.

ASSEMBLY COMMUNITY DEVELOPMENT AND AFFAIRS
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 4598

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 24, 2021

The Assembly Community Development and Affairs Committee reports favorably and with committee amendments Assembly Bill No. 4598.

As amended, this bill requires the Civil Service Commission to oversee the development and maintenance of a database, which would collect and track the background information received from a law enforcement agency of the State or a political subdivision of the State regarding candidates for the position of law enforcement officer. The database would include all background information received from all candidates and all threshold decisions made for selection or disqualification of candidates by participating law enforcement agencies. The database would exclude any personal identifying information to prevent compromising personal security and privacy and to ensure a non-biased process. The purpose of the database is to ensure that the commission would have all relevant information from all candidates to better understand the reasoning behind a candidate's selection or disqualification during the hiring process. The bill would also require the commission to develop a universal background application to be used by all law enforcement agencies. The information in the application would be used to uniformly fill in the fields of the database.

The bill requires the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list. The guidelines and best practices will include training for background investigations to better understand the challenges underrepresented groups disproportionately face. The purpose of the guidelines and best practices is to prevent a failure to adequately account for such challenges during the selection or disqualification process. The bill also requires the commission to switch to a paperless system concerning status updates to candidates and certification notifications. Candidates would also be permitted to submit responses electronically. Studies have shown that going to a paperless system has made hiring processes much easier and could help prevent exclusionary practices.

The bill also requires the Division of Equal Employment Opportunity and Affirmative Action in the Civil Service Commission, in consultation with various national and State law enforcement agencies, to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State. The division will submit a written report to the Governor and the Legislature one year after the effective date of the bill.

As amended and reported by the committee, this bill is identical to Senate Bill No. 2767 (1R), which the committee also reported on this date.

COMMITTEE AMENDMENTS:

The committee amendments remove a provision exempting information in the database from disclosure under the common law.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4598

STATE OF NEW JERSEY

DATED: JUNE 16, 2021

The Assembly Appropriations Committee reports favorably Assembly Bill No. 4598 (1R).

this bill requires the Civil Service Commission to oversee the development and maintenance of a database, which would collect and track the background information received from a law enforcement agency of the State or a political subdivision of the State regarding candidates for the position of law enforcement officer. The database would include all background information received from all candidates and all threshold decisions made for selection or disqualification of candidates by participating law enforcement agencies. The database would exclude any personal identifying information to prevent compromising personal security and privacy and to ensure a non-biased process. The purpose of the database is to ensure that the commission would have all relevant information from all candidates to better understand the reasoning behind a candidate's selection or disqualification during the hiring process. The bill would also require the commission to develop a universal background application to be used by all law enforcement agencies. The information in the application would be used to uniformly fill in the fields of the database.

The bill requires the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list. The guidelines and best practices will include training for background investigations to better understand the challenges underrepresented groups disproportionately face. The purpose of the guidelines and best practices is to prevent a failure to adequately account for such challenges during the selection or disqualification process. The bill also requires the commission to switch to a paperless system concerning status updates to candidates and certification notifications. Candidates would also be permitted to submit responses electronically. Studies have shown that going to a paperless system has made hiring processes much easier and could help prevent exclusionary practices.

The bill also requires the Division of Equal Employment Opportunity and Affirmative Action in the Civil Service Commission, in consultation with various national and State law enforcement

agencies, to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State. The division will submit a written report to the Governor and the Legislature one year after the effective date of the bill.

As reported by the committee, Assembly Bill No. 4598 (1R) is identical to Senate Bill No. 2767 (1R), which also was reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services (OLS) projects that the enactment of this bill will result in indeterminate increase expenditures to the State due to the bill's requirement for the Civil Service Commission to establish and maintain a law enforcement background database.

The OLS notes that this bill may increase annual State expenditures owing to the bill's provisions requiring the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list; and for the Division of Equal Employment Opportunity and Affirmative Action in the commission to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 4598

with Assembly Floor Amendments
(Proposed by Assemblywoman REYNOLDS-JACKSON)

ADOPTED: JUNE 21, 2021

These Assembly amendments:

- (1) define law enforcement agency;
- (2) clarify that the provisions of the bill refers to the position of entry-level law enforcement officer;
- (3) change the reporting requirement on Statewide diversity analysis study;
- (4) require all law enforcement agencies to provide the commission with the relevant data;
- (5) add appointing authorities and collective negotiations agents in the development of the universal background application for the hiring process;
- (6) add that candidates may have their status and certification notices mailed in addition to having the notices e-mailed or texted; and
- (7) allow the commission to select a qualified vendor to conduct a Statewide diversity analysis.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4598

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: JUNE 24, 2021

SUMMARY

- Synopsis:** Establishes oversight database to aid in civil service hiring process for law enforcement officers; requires Statewide diversity analysis of law enforcement.
- Type of Impact:** State Expenditure Increase.
- Agencies Affected:** New Jersey Civil Service Commission.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) projects that the enactment of this bill will result in indeterminate increase expenditures to the State due to the bill's requirement for the Civil Service Commission to establish and maintain a law enforcement background database.
- The OLS notes that this bill may increase annual State expenditures owing to the bill's provisions requiring the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list; and for the Division of Equal Employment Opportunity and Affirmative Action in the commission to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State.

BILL DESCRIPTION

The bill requires the Civil Service Commission to oversee the development and maintenance of a database, which would collect and track the background information received from a law enforcement agency of the State or a political subdivision of the State regarding candidates for the position of law enforcement officer. The database would include all background information received from all candidates and all threshold decisions made for selection or disqualification of candidates by participating law enforcement agencies. The database would exclude any personal

identifying information to prevent compromising personal security and privacy and to ensure a non-biased process. The purpose of the database is to ensure that the commission would have all relevant information from all candidates to better understand the reasoning behind a candidate's selection or disqualification during the hiring process. The bill would also require the commission to develop a universal background application to be used by all law enforcement agencies. The information in the application would be used to uniformly fill in the fields of the database.

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The bill also requires the Division of Equal Employment Opportunity and Affirmative Action in the Civil Service Commission, in consultation with various national and State law enforcement agencies, to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State. The division will submit a written report to the Governor and the Legislature one year after the effective date of the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that the enactment of this bill will result in indeterminate increase expenditures to the State due to the bill's requirement for the Civil Service Commission to establish and maintain a law enforcement background database.

The OLS notes that this bill may increase annual State expenditures owing to the bill's provisions requiring the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list; and for the Division of Equal Employment Opportunity and Affirmative Action in the commission to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State.

For purposes of illustration, the Uniform Crime Reporting Program of New Jersey (crime report) incorporates the collection of pertinent data relating to the police of this State. The latest crime report issued stated that, in 2016, there were approximately 47,000 police employees, which included about 10,000 civilian employees.

The OLS notes that the magnitude of the expenditure increases will depend on operating and regulatory decisions by the commission.

Section: Commerce, Labor and Industry
Analyst: Juan C. Rodriguez
Senior Fiscal Analyst
Approved: Thomas Koenig
Legislative Budget and Finance Officer

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LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 4598

**STATE OF NEW JERSEY
219th LEGISLATURE**

DATED: JUNE 30, 2021

SUMMARY

- Synopsis:** Establishes oversight database to aid in civil service hiring process for law enforcement officers; requires Statewide diversity analysis of law enforcement.
- Type of Impact:** State Expenditure Increase.
- Agencies Affected:** New Jersey Civil Service Commission.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) projects that the enactment of this bill will result in indeterminate increase expenditures to the State due to the bill's requirement for the Civil Service Commission to establish and maintain a law enforcement background database.
- The OLS notes that this bill may increase annual State expenditures owing to the bill's provisions requiring the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list; and for the Civil Service Commission, or a qualified vendor, to conduct a Statewide diversity analysis a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State.

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law enforcement agencies. The database would exclude any personal identifying information to prevent compromising personal security and privacy and to ensure a non-biased process. The purpose of the database is to ensure that the commission would have all relevant information from all candidates to better understand the reasoning behind a candidate's selection or disqualification during the hiring process. The bill would also require the commission to develop a universal background application to be used by all law enforcement agencies. The information in the application would be used to uniformly fill in the fields of the database.

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The bill also requires the Civil Service Commission, in consultation with various national and State law enforcement agencies, or a qualified vendor, to conduct a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State. The division will submit a written report to the Governor and the Legislature one year after the effective date of the bill.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS projects that the enactment of this bill will result in indeterminate increase expenditures to the State due to the bill's requirement for the Civil Service Commission to establish and maintain a law enforcement background database.

The OLS notes that this bill may increase annual State expenditures owing to the bill's provisions requiring the commission to develop universal guidelines and best practices for background investigations relating to thresholds for removal from the candidate list; and for the Civil Service Commission, or a qualified vendor, to conduct a Statewide diversity analysis a Statewide diversity analysis of the ethnic and racial make-up of all law enforcement agencies in the State.

For purposes of illustration, the Uniform Crime Reporting Program of New Jersey (crime report) incorporates the collection of pertinent data relating to the police of this State. The latest crime report issued stated that, in 2016, there were approximately 47,000 police employees, which included about 10,000 civilian employees.

The OLS notes that the magnitude of the expenditure increases will depend on operating and regulatory decisions by the commission.

Section: Commerce, Labor and Industry

Analyst: Juan C. Rodriguez
Senior Fiscal Analyst

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

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This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Announces Appointment of Jayné Johnson as Director of the Office of Diversity, Equity, Inclusion, and Belonging

09/28/2021

Governor Also Signs Sweeping Legislative Package to Bolster Diversity Within Law Enforcement

TRENTON – Governor Phil Murphy today signed Executive Order No. 265 to create the Office of Diversity, Equity, Inclusion, and Belonging in the Governor’s Office. This new internal office, led by Jayné Johnson, aims to dismantle inequity within State government based on race, ethnicity, and other protected characteristics and to expand opportunities for communities of color and other underserved New Jerseyans. The office will also be committed to fostering greater inclusion and understanding of issues of diversity, equity, and belonging.

Additionally, the Governor signed a legislative package to bring greater diversity to the ranks of law enforcement. The bills direct the Civil Service Commission to implement several programs to promote diversity in law enforcement. The programs include a mentorship program for law enforcement applicants as well as the creation of a statewide database to assist the Commission in understanding the reason for an applicant’s selection or disqualification during the hiring process. “With today’s executive order and bill signings, we are building on our commitment to advance equity for New Jerseyans who have been left behind for far too long,” **said Governor Murphy**. “Jayné’s wealth of experience advocating for social justice and prior work crafting policy solutions that promote equity will serve her well in this role. I am proud to appoint her as the Director of this important new office and to sign a legislative package to ensure a stronger and fairer New Jersey that works for all.”

“During my career, I have had the honor of serving in different leadership roles to achieve equity to combat the long-standing problem of systemic racism and discrimination in our laws, economy, and institutions,” **said Jayné Johnson, incoming Director of the Office of Diversity, Equity, Inclusion, and Belonging at the Governor’s office**. “My new position in the Governor’s Office will allow me to continue doing critical work to build a more equitable and inclusive future and I appreciate the Governor’s confidence in me and the opportunity to serve the people of New Jersey.”

Johnson brings extensive advocacy, public service, and policy experience to the Governor’s Office. She previously served as a senior policy analyst at The Council of State Governments Justice Center where she provided strategic direction in launching the federally supported Justice Reinvestment Initiative. During her time at the Council of State Governments Justice Center, she was selected to join the urgent work in Minnesota, focusing on addressing the inequities in the state’s probation system, including the lack of uniformity in local administration and the overrepresentation of Native Americans and Blacks in the system. She also previously served as Senior Counsel at the New Jersey Institute for Social Justice where she championed workforce systems and housing reforms aimed at closing the racial wealth gap in New Jersey. Johnson received her Juris Doctor degree from Rutgers University Law School in Newark, New Jersey, and a Bachelor of Arts degree in international studies from Oakwood University.

The Office of Diversity, Equity, Inclusion, and Belonging in the Governor’s Office will focus on:

- Overseeing training, coordinating programing, and developing policies to advance equity across all of state government;

- Ensuring equity, anti-discrimination, and anti-racism considerations are integrated into all decision making across state government from specific policy matters to legislation;
- Establishing a statewide structure to ensure stakeholders and staff improve their ability to recognize and address structural inequities; and
- Working with the private sector to develop methods to ensure equity in their processes related to state engagements.

"Jayné is a true professional who is deeply respected by her colleagues," **said Megan Quattlebaum, Director of the Council of State Governments Justice Center.** "While at the CSG Justice Center, Jayné was able to bring diverse groups of stakeholders together for tough but important conversations. In Jayné, Governor Murphy is getting a dynamic leader who understands the moment and will make New Jersey a more inclusive state for everyone. We are proud and honored to have worked alongside her."

"The public health and economic crises of the past year and a half have laid bare the injustices that fall disproportionately on low-income residents, who are primarily Black and Brown people and women," **said Renee Koubiadis, Anti-Poverty Program Director of New Jersey Citizen Action.** "There is much that needs to be done to counteract the structural racism and systemic poverty that has grown over decades and centuries. The creation of the Office of Diversity, Equity, Inclusion, and Belonging is an important step in addressing structural inequities across state government."

"Prioritizing diversity, equity, inclusion, and belonging is necessary for New Jersey to advance racial justice and repair the harms of the past," **said Brandon McKoy, President of New Jersey Policy Perspective.** "Jayné Johnson is an incredible choice to spearhead these initiatives within the Murphy administration and brings an unparalleled depth of experience to the front office. Recognizing that personnel is policy, I commend Governor Murphy for this strong pick and look forward to seeing what Jayné accomplishes in her new role."

For a picture of Jayné Johnson, please click [here](#).

[Copy of Executive Order No. 265](#)

The Governor signed the following bills into law:

- **S-2765/A-4542 (Sweeney, Rice, Ruiz/Reynolds-Jackson, Johnson)** - Requires Civil Services Commission to undertake various initiatives to increase diversity and inclusivity within law enforcement agencies.
- **S-2766/A-4517 (Sweeney, Rice/Reynolds-Jackson, McKnight, Johnson)** - Requires Civil Service Commission establish mentoring program for certain civil service law enforcement applicants.
- **S-2767/A-4598 (Cryan, Rice, Sweeney, Ruiz/Reynolds-Jackson, Carter, Vainieri Huttle)** - Establishes database to aid in civil service hiring process for certain law enforcement officers; requires Statewide diversity analysis of law enforcement.

"We can bring more diversity to police forces and other law enforcement agencies by breaking down the barriers that make it much harder for minorities to join the ranks and to be treated fairly," **said Senate President Steve Sweeney.** "This will help applicants overcome some of the institutional obstacles and biases that minorities face at the same time we help make police departments better reflect the communities they serve. This is a matter of equal opportunity and social justice."

"If we are ever going to see our police forces and law enforcement truly reflect the diversity of our state, we must start by understanding their current make-up, collecting data, and tracking the progress so we can be more deliberative and intentional in our reforms," **said Senator Teresa Ruiz.** "Such provisions will lead to a more inclusive workforce at state and local law enforcement agencies. The more departments reflect the racial and ethnic make-up of the people they serve the better suited they will be to meet the needs of all communities."

"New Jersey is the most diverse state in the nation and we should have a police force that reflects the residents and communities they patrol," **said Senator Ronald Rice.** "As a former Newark police officer, I

understand that diversity in our departments is crucial for building trust between the police and the people. This will help us build that diversity in departments that so many municipalities need.”

“More diversity among law enforcement is a matter of equal opportunity and social justice, but it is also a means to more effective law enforcement,” **said Senator Joseph Cryan, the former Union County Sheriff.** “It will help improve the working relationship between police departments and the communities they serve by preventing crime, working effectively with victims and teaming up with residents to keep their communities safe.”

“Decades of systemic racism, inequality, and mistrust of law by the black community enforcement was further exacerbated last year by the onset of the Covid-19 pandemic and the public incidents of police brutality,” **said Assemblywoman Verlina Reynolds-Jackson, who sponsors all three bills.** “Communities, while battling a historic public health crisis, gathered in protest after the public deaths of George Floyd, Ahmaud Arbery, and Breonna Taylor and reignited a call for justice and fair policing around the country. These three bills were introduced in the spirit of social justice and equality. Promoting diversity with a focus on mentoring and recruitment of women and minorities in law enforcement is an important step. It will help foster better relations between and all communities.”

“The mentoring program will assist law enforcement applicants, women and people of color, through the civil service application and selection process, and help address obstacles unique to their circumstances,” **said Assemblywoman Angela McKnight.** “A more diverse cadre of police officers, that reflect all of the communities they serve, will be essential to repair the divide between communities and police. Through mentoring projects, and sharing information about civil service practices we can encourage and guide applicants, overcoming barriers to employment.”

“More diversity among law enforcement is a matter of equal opportunity and social justice, but it would also mean a more effective law enforcement,” **said Assemblyman Gordon Johnson.** “Laws such as this can bring more diversity to police forces and other law enforcement agencies by breaking down the barriers that are often institutional obstacles and biases that make it much harder for minorities to join the ranks and to be treated fairly. New Jersey is the most diverse state in the nation and we should have a police force that reflects the residents and communities they patrol.”

“The database will help ensure the Commission would have all relevant information from all candidates to better understand how new candidates are selected or not selected during the hiring process,” **said Assemblywoman Linda Carter.** “Keeping track of this process lets us see how we can bolster hiring of women and minorities to law enforcement positions. Diversity is the key to breaking the decades-long cycle of brutality, the lack of accountability, and cultural understanding of our communities by law enforcement.”

“Expanding diversity and inclusivity in law enforcement is crucial to ensuring equitable policing practices in our communities in the future,” **said Assemblywoman Valerie Vainieri Huttle.** “Putting a system in place such as this database will help us track any progress being made to hire diverse candidates throughout the state.”