

SENATE, No. 2353

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED MAY 14, 2001

Sponsored by:

Senator LOUIS F. KOSCO

District 38 (Bergen)

Senator JAMES S. CAFIERO

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

Senator Allen, Assemblymen Holzapfel, Moran and Gear

SYNOPSIS

Requires internal complaint against member of State Police to be filed within 45 days.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/8/2002)

S2353 KOSCO, CAFIERO

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1 AN ACT concerning complaints against State Police officers and
2 supplementing Title 53 of the Revised Statutes.

3

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

6

7 1. Except as otherwise provided by law, no permanent officer or
8 trooper of the New Jersey State Police shall be removed from his
9 office, employment or position for political reasons or for any cause
10 other than incapacity, misconduct, or disobedience of rules and
11 regulations established for the State Police, nor shall an officer or
12 trooper be suspended, removed, fined or reduced in rank from or in
13 office, employment, or position therein, except for just cause as
14 hereinbefore provided and then only upon a written complaint setting
15 forth the charge or charges against the officer or trooper. The
16 complaint shall be filed in the office of the Superintendent or with the
17 officer or officers having charge of the unit of the State Police wherein
18 the complaint is made and a copy shall be served upon the officer or
19 trooper so charged, with notice of a designated hearing thereon by the
20 proper authorities, which shall be not less than 10 or more than 30
21 days from date of service of the complaint.

22 A complaint charging a violation of the internal rules and
23 regulations established for the conduct of the State Police shall be
24 filed no later than the 45th day after the date on which the person
25 filing the complaint obtained sufficient information to file the matter
26 upon which the complaint is based. The 45-day time limit shall not
27 apply if an investigation of an officer or trooper for a violation of the
28 internal rules or regulations of the law enforcement unit is included
29 directly or indirectly within a concurrent investigation of that person
30 for a violation of the criminal laws of this State. The 45-day limit shall
31 begin on the day after the disposition of the criminal investigation.
32 The 45-day requirement of this section for the filing of a complaint
33 against an officer or trooper shall not apply to a filing of a complaint
34 by a private individual.

35 A failure to comply with the provisions of this section concerning
36 the service of the complaint and the time within which a complaint is
37 to be filed shall require a dismissal of the complaint.

38 The officer or trooper may waive the right to a hearing and may
39 appeal the charges directly to any available authority specified by law
40 or regulation, or follow any other procedure recognized by a contract,
41 as permitted by law.

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43 2. This act shall take effect immediately.

STATEMENT

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This bill would provide to members of the State Police certain statutory protections presently enjoyed by local law enforcement officers.

The bill specifies that, except as otherwise provided by law, a member of the State Police shall not be removed for any cause other than incapacity, misconduct or disobedience of the rules governing the State Police. Under the bill, no member could be suspended, removed or reduced in rank except for just cause and upon a written complaint that must be shared with the member. The bill further provides that a complaint charging a violation by a member of the State Police of the internal rules or regulations of the State Police be filed within 45 days of the date that the person bringing the complaint had sufficient information to file the complaint. A complaint filed after this time would be dismissed.

The 45-day time limit would not apply to complaints against State Police officers or troopers filed by a private individual.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2353

STATE OF NEW JERSEY

DATED: MAY 31, 2001

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 2353.

This bill would provide to members of the State Police certain statutory protections presently enjoyed by local law enforcement officers.

The bill specifies that, except as otherwise provided by law, a member of the State Police shall not be removed for any cause other than incapacity, misconduct or disobedience of the rules governing the State Police. Under the bill, no member could be suspended, removed or reduced in rank except for just cause and upon a written complaint that must be shared with the member. The bill further provides that a complaint charging a violation by a member of the State Police of the internal rules or regulations of the State Police be filed within 45 days of the date that the person bringing the complaint had sufficient information to file the complaint. A complaint filed after this time would be dismissed.

The 45-day time limit would not apply to complaints against State Police officers or troopers filed by a private individual.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2353

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Assembly Law and Public Safety Committee reports favorably Senate Bill No. 2353.

Senate Bill No. 2353 provides to members of the State Police certain statutory protections presently enjoyed by local law enforcement officers.

The bill specifies that, except as otherwise provided by law, a member of the State Police shall not be removed for any cause other than incapacity, misconduct or disobedience of the rules governing the State Police. Under the bill, no member could be suspended, removed or reduced in rank except for just cause and upon a written complaint that must be shared with the member. The bill further provides that a complaint charging a violation by a member of the State Police of the internal rules or regulations of the State Police be filed within 45 days of the date that the person bringing the complaint had sufficient information to file the complaint. A complaint filed after this time would be dismissed.

The 45-day time limit would not apply to complaints against State Police officers or troopers filed by a private individual.

As reported by the committee, this bill is identical to Assembly Bill No. 3615, also reported by the committee on this same date.

[First Reprint]

SENATE, No. 2353

STATE OF NEW JERSEY
209th LEGISLATURE

INTRODUCED MAY 14, 2001

Sponsored by:

Senator LOUIS F. KOSCO

District 38 (Bergen)

Senator JAMES S. CAFIERO

District 1 (Cape May, Atlantic and Cumberland)

Co-Sponsored by:

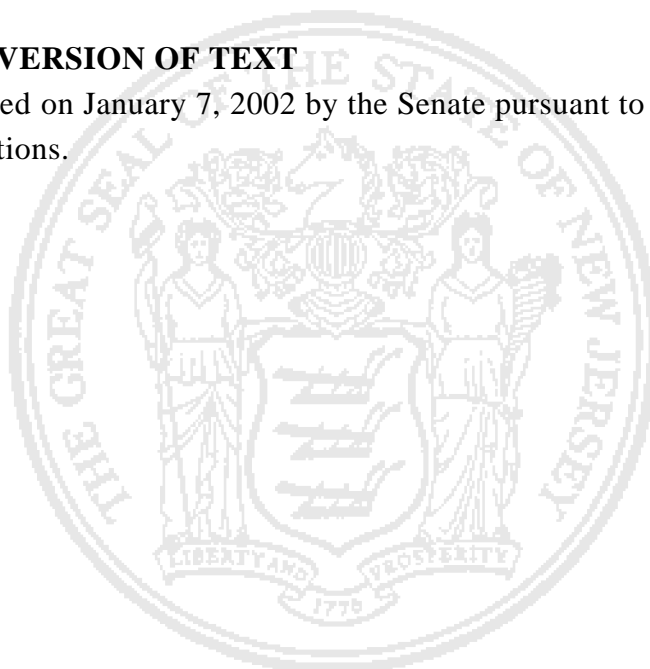
Senator Allen, Assemblymen Holzapfel, Moran and Gear

SYNOPSIS

Requires internal complaint against member of State Police to be filed within 45 days.

CURRENT VERSION OF TEXT

As amended on January 7, 2002 by the Senate pursuant to the Governor's recommendations.



(Sponsorship Updated As Of: 1/8/2002)

1 AN ACT concerning complaints against State Police officers and
2 supplementing Title 53 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Except as otherwise provided by law, no permanent officer or
8 trooper of the New Jersey State Police shall be removed from his
9 office, employment or position for political reasons or for any cause
10 other than incapacity, misconduct, or disobedience of rules and
11 regulations established for the State Police, nor shall an officer or
12 trooper be suspended, removed, fined or reduced in rank from or in
13 office, employment, or position therein, except for just cause as
14 hereinbefore provided and then only upon a written complaint setting
15 forth the charge or charges against the officer or trooper. The
16 complaint shall be filed in the office of the Superintendent or with the
17 officer or officers having charge of the unit of the State Police wherein
18 the complaint is made and a copy shall be served upon the officer or
19 trooper so charged, with notice of a designated hearing thereon by the
20 proper authorities, which shall be not less than 10 or more than 30
21 days from date of service of the complaint.

22 A complaint charging a violation of the internal rules and
23 regulations established for the conduct of the State Police shall be
24 filed no later than the 45th day after the date on which the person
25 filing the complaint obtained sufficient information to file the matter
26 upon which the complaint is based ¹, except that a complaint charging
27 a violation of the internal rules and regulations established for the
28 conduct of the State Police involving (1) prohibited discrimination, (2)
29 unreasonable use of force or threat of force, or (3) an intentional
30 constitutional violation shall be filed no later than the 120th day after
31 the date on which the person filing the complaint obtained sufficient
32 information to file the matter upon which the complaint is based, until
33 such time as the consent decree entered into between the United States
34 and this State in Civil No. 99-5970 (MLC), ordered by United States
35 District Court Judge Mary Cooper on December 30, 1999, has expired
36 on such matter and all discipline issues will be governed by the 45-day
37 limit thereafter¹. The ¹[45-day] applicable¹ time limit shall not apply
38 if an investigation of an officer or trooper for a violation of the internal
39 rules or regulations of the law enforcement unit is included directly or
40 indirectly within a concurrent investigation of that person for a
41 violation of the criminal laws of this State. The ¹[45-day] applicable
42 time¹ limit shall begin on the day after the disposition of the criminal
43 investigation. The ¹[45-day] time¹ requirement of this section for the

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate amendments adopted in accordance with Governor's recommendations
January 7, 2002.

1 filing of a complaint against an officer or trooper shall not apply to a
2 filing of a complaint by a private individual.

3 A failure to comply with the provisions of this section concerning
4 the service of the complaint and the time within which a complaint is
5 to be filed shall require a dismissal of the complaint.

6 The officer or trooper may waive the right to a hearing and may
7 appeal the charges directly to any available authority specified by law
8 or regulation, or follow any other procedure recognized by a contract,
9 as permitted by law.

10

11 2. This act shall take effect immediately ¹as to any complaint
12 pending at the time of enactment of this act which charges a member
13 of the State Police with a violation of the internal rules and regulations
14 established for the conduct of the State Police involving prohibited
15 discrimination, unreasonable use of force or threat of force, or an
16 intentional constitutional violation which complaint, if unresolved, will
17 result in the delay of a listed promotional opportunity for that member,
18 and shall take effect on the 75th day after enactment as to any
19 complaint pending at the time of enactment of this act which charges
20 a member of the State Police with a violation of the internal rules and
21 regulations established for the conduct of the State Police which does
22 not involve prohibited discrimination, unreasonable use of force or
23 threat of force, or an intentional constitutional violation which
24 complaint, if unresolved, will result in the delay of a listed promotional
25 opportunity for that member, and shall take effect on the 120th day
26 after enactment as to all other complaints against a member of the
27 State Police¹.

ASSEMBLY, No. 3615

STATE OF NEW JERSEY 209th LEGISLATURE

INTRODUCED JUNE 4, 2001

Sponsored by:

Assemblyman JAMES W. HOLZAPFEL

District 10 (Monmouth and Ocean)

Assemblyman JEFFREY W. MORAN

District 9 (Atlantic, Burlington and Ocean)

Co-Sponsored by:

Assemblyman Gear

SYNOPSIS

Requires internal complaint against member of State Police to be filed within 45 days.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/4/2002)

1 AN ACT concerning complaints against State Police officers and
2 supplementing Title 53 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Except as otherwise provided by law, no permanent officer or
8 trooper of the New Jersey State Police shall be removed from his
9 office, employment or position for political reasons or for any cause
10 other than incapacity, misconduct, or disobedience of rules and
11 regulations established for the State Police, nor shall an officer or
12 trooper be suspended, removed, fined or reduced in rank from or in
13 office, employment, or position therein, except for just cause as
14 hereinbefore provided and then only upon a written complaint setting
15 forth the charge or charges against the officer or trooper. The
16 complaint shall be filed in the office of the Superintendent or with the
17 officer or officers having charge of the unit of the State Police wherein
18 the complaint is made and a copy shall be served upon the officer or
19 trooper so charged, with notice of a designated hearing thereon by the
20 proper authorities, which shall be not less than 10 nor more than 30
21 days from date of service of the complaint.

22 A complaint charging a violation of the internal rules and
23 regulations established for the conduct of the State Police shall be filed
24 no later than the 45th day after the date on which the person filing the
25 complaint obtained sufficient information to file the matter upon which
26 the complaint is based. The 45-day time limit shall not apply if an
27 investigation of an officer or trooper for a violation of the internal
28 rules or regulations of the law enforcement unit is included directly or
29 indirectly within a concurrent investigation of that person for a
30 violation of the criminal laws of this State. The 45-day limit shall
31 begin on the day after the disposition of the criminal investigation.
32 The 45-day requirement of this section for the filing of a complaint
33 against an officer or trooper shall not apply to a filing of a complaint
34 by a private individual.

35 A failure to comply with the provisions of this section concerning
36 the service of the complaint and the time within which a complaint is
37 to be filed shall require a dismissal of the complaint.

38 The officer or trooper may waive the right to a hearing and may
39 appeal the charges directly to any available authority specified by law
40 or regulation, or follow any other procedure recognized by a contract,
41 as permitted by law.

42
43 2. This act shall take effect immediately.

STATEMENT

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3 This bill would provide to members of the State Police certain
4 statutory protections presently enjoyed by local law enforcement
5 officers.

6 The bill specifies that, except as otherwise provided by law, a
7 member of the State Police shall not be removed any cause other than
8 incapacity, misconduct or disobedience of the rules governing the
9 State Police. Under the bill, no member could be suspended, removed
10 or reduced in rank except for just cause and upon a written complaint
11 that must be shared with the member. The bill further provides that a
12 complaint charging a violation by a member of the State Police of the
13 internal rules or regulations of the State Police be filed within 45 days
14 of the date that the person bringing the complaint had sufficient
15 information to file the complaint. A complaint filed after this time
16 would be dismissed.

17 The 45-day time limit would not apply to complaints against State
18 Police officers or troopers filed by a private individual.

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3615

STATE OF NEW JERSEY

DATED: DECEMBER 13, 2001

The Assembly Law and Public Safety Committee reports favorably Assembly Bill No. 3615.

Assembly Bill No. 3615 provides to members of the State Police certain statutory protections presently enjoyed by local law enforcement officers.

The bill specifies that, except as otherwise provided by law, a member of the State Police shall not be removed for any cause other than incapacity, misconduct or disobedience of the rules governing the State Police. Under the bill, no member could be suspended, removed or reduced in rank except for just cause and upon a written complaint that must be shared with the member. The bill further provides that a complaint charging a violation by a member of the State Police of the internal rules or regulations of the State Police be filed within 45 days of the date that the person bringing the complaint had sufficient information to file the complaint. A complaint filed after this time would be dismissed.

The 45-day time limit would not apply to complaints against State Police officers or troopers filed by a private individual.

As reported by the committee, this bill is identical to Senate Bill No. 2353, also reported by the committee on this same date.

SENATE BILL NO. 2353

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2353 with my recommendations for reconsideration.

Summary of Bill

The bill specifies that, except as otherwise provided by law, a member of the State Police shall not be removed for any cause other than incapacity, misconduct or disobedience of the rules governing the State Police. Under the bill, no member could be suspended, removed or reduced in rank except for just cause and upon a written complaint that must be shared with the member. The bill further provides that a complaint charging a violation by a member of the State Police of the internal rules or regulations of the State Police be filed within 45 days of the date that the person bringing the complaint had sufficient information to file the complaint. A complaint filed after this time would be dismissed.

The 45-day time limit would not apply to complaints against State Police officers or troopers filed by a private individual.

B. Recommended Action

I commend the sponsors for securing passage of this significant legislation. I am concerned over the inequity of undue delay in the filing of disciplinary charges against a member of the State Police. This concern, however, must be counterbalanced against the interest in conducting thorough and complete investigations as a precursor to filing any such charges, as well as the public interest in assuring appropriate discipline is provided for substantiated misconduct.

Therefore, I herewith return Senate Bill No. 2353 and recommend that it be amended as follows:

Page 2, Section 1, Line 26:

After "based" insert ", except that a complaint charging a violation of the internal rules and regulations established for the conduct of the State Police involving (1) prohibited discrimination, (2) unreasonable use of force or threat of force, or (3) an intentional constitutional violation shall be filed no later than the 120th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based, until such time as the consent decree entered into between the United States and this State in Civil No. 99-5970 (MLC), ordered by United States District Court Judge Mary Cooper on December 30, 1999, has expired on such matter and all discipline issues will be governed by the 45 day limit thereafter".

Page 2, Section 1, Line 26:

Delete "45-day" insert "applicable".

Page 2, Section 1, Line 30:

Delete "45-day" insert "applicable time".

Page 2, Section 1, Line 32:

Delete "45-day" insert "time".

Page 2, Section 2, Line 43:

After "immediately" insert "as to any complaint pending at the time of enactment of this act which charges a member of the State Police with a violation of the internal rules and regulations established for the conduct of the State Police involving prohibited discrimination, unreasonable use of force or threat of force, or an intentional constitutional violation which complaint, if unresolved, will result in the delay of a listed promotional opportunity for that member, and shall take effect on the 75th day after enactment as to any complaint pending at the time of enactment of this act which charges a member of the State Police with a violation of the internal rules and regulations established for the conduct of the State Police which does not involve prohibited discrimination, unreasonable use of force or threat of force, or an intentional constitutional violation which complaint, if unresolved, will result in the delay of a listed promotional opportunity for that member, and shall take effect on the 120th day after enactment as to all other complaints against a member of the State Police."

Respectfully,

Donald T. DiFrancesco
President of the Senate, Acting Governor

Attest:

James A. Harkness
Chief Counsel to the Governor

P.L. 2001, CHAPTER 380, *approved January 8, 2002*
Senate, No. 2353 (*First Reprint*)

1 **AN ACT** concerning complaints against State Police officers and
2 supplementing Title 53 of the Revised Statutes.

3

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

6

7 1. Except as otherwise provided by law, no permanent officer or
8 trooper of the New Jersey State Police shall be removed from his
9 office, employment or position for political reasons or for any cause
10 other than incapacity, misconduct, or disobedience of rules and
11 regulations established for the State Police, nor shall an officer or
12 trooper be suspended, removed, fined or reduced in rank from or in
13 office, employment, or position therein, except for just cause as
14 hereinbefore provided and then only upon a written complaint setting
15 forth the charge or charges against the officer or trooper. The
16 complaint shall be filed in the office of the Superintendent or with the
17 officer or officers having charge of the unit of the State Police wherein
18 the complaint is made and a copy shall be served upon the officer or
19 trooper so charged, with notice of a designated hearing thereon by the
20 proper authorities, which shall be not less than 10 or more than 30
21 days from date of service of the complaint.

22 A complaint charging a violation of the internal rules and
23 regulations established for the conduct of the State Police shall be
24 filed no later than the 45th day after the date on which the person
25 filing the complaint obtained sufficient information to file the matter
26 upon which the complaint is based ¹, except that a complaint charging
27 a violation of the internal rules and regulations established for the
28 conduct of the State Police involving (1) prohibited discrimination, (2)
29 unreasonable use of force or threat of force, or (3) an intentional
30 constitutional violation shall be filed no later than the 120th day after
31 the date on which the person filing the complaint obtained sufficient
32 information to file the matter upon which the complaint is based, until
33 such time as the consent decree entered into between the United States
34 and this State in Civil No. 99-5970 (MLC), ordered by United States
35 District Court Judge Mary Cooper on December 30, 1999, has expired
36 on such matter and all discipline issues will be governed by the 45-day
37 limit thereafter¹. The ¹[45-day] applicable¹ time limit shall not apply
38 if an investigation of an officer or trooper for a violation of the internal
39 rules or regulations of the law enforcement unit is included directly or

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate amendments adopted in accordance with Governor's recommendations
January 7, 2002.

1 indirectly within a concurrent investigation of that person for a
2 violation of the criminal laws of this State. The ¹[45-day] applicable
3 time¹ limit shall begin on the day after the disposition of the criminal
4 investigation. The ¹[45-day] time¹ requirement of this section for the
5 filing of a complaint against an officer or trooper shall not apply to a
6 filing of a complaint by a private individual.

7 A failure to comply with the provisions of this section concerning
8 the service of the complaint and the time within which a complaint is
9 to be filed shall require a dismissal of the complaint.

10 The officer or trooper may waive the right to a hearing and may
11 appeal the charges directly to any available authority specified by law
12 or regulation, or follow any other procedure recognized by a contract,
13 as permitted by law.

14
15 2. This act shall take effect immediately ¹as to any complaint
16 pending at the time of enactment of this act which charges a member
17 of the State Police with a violation of the internal rules and regulations
18 established for the conduct of the State Police involving prohibited
19 discrimination, unreasonable use of force or threat of force, or an
20 intentional constitutional violation which complaint, if unresolved, will
21 result in the delay of a listed promotional opportunity for that member,
22 and shall take effect on the 75th day after enactment as to any
23 complaint pending at the time of enactment of this act which charges
24 a member of the State Police with a violation of the internal rules and
25 regulations established for the conduct of the State Police which does
26 not involve prohibited discrimination, unreasonable use of force or
27 threat of force, or an intentional constitutional violation which
28 complaint, if unresolved, will result in the delay of a listed promotional
29 opportunity for that member, and shall take effect on the 120th day
30 after enactment as to all other complaints against a member of the
31 State Police¹.

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35
36 Requires internal complaint against member of State Police to be filed
37 within 45 days.

CHAPTER 380

AN ACT concerning complaints against State Police officers and supplementing Title 53 of the Revised Statutes.

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

C.53:1-33 Complaints against State Police officers, process.

1. Except as otherwise provided by law, no permanent officer or trooper of the New Jersey State Police shall be removed from his office, employment or position for political reasons or for any cause other than incapacity, misconduct, or disobedience of rules and regulations established for the State Police, nor shall an officer or trooper be suspended, removed, fined or reduced in rank from or in office, employment, or position therein, except for just cause as hereinbefore provided and then only upon a written complaint setting forth the charge or charges against the officer or trooper. The complaint shall be filed in the office of the Superintendent or with the officer or officers having charge of the unit of the State Police wherein the complaint is made and a copy shall be served upon the officer or trooper so charged, with notice of a designated hearing thereon by the proper authorities, which shall be not less than 10 or more than 30 days from date of service of the complaint.

A complaint charging a violation of the internal rules and regulations established for the conduct of the State Police shall be filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based, except that a complaint charging a violation of the internal rules and regulations established for the conduct of the State Police involving (1) prohibited discrimination, (2) unreasonable use of force or threat of force, or (3) an intentional constitutional violation shall be filed no later than the 120th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based, until such time as the consent decree entered into between the United States and this State in Civil No. 99-5970 (MLC), ordered by United States District Court Judge Mary Cooper on December 30, 1999, has expired on such matter and all discipline issues will be governed by the 45-day limit thereafter. The applicable time limit shall not apply if an investigation of an officer or trooper for a violation of the internal rules or regulations of the law enforcement unit is included directly or indirectly within a concurrent investigation of that person for a violation of the criminal laws of this State. The applicable time limit shall begin on the day after the disposition of the criminal investigation. The time requirement of this section for the filing of a complaint against an officer or trooper shall not apply to a filing of a complaint by a private individual.

A failure to comply with the provisions of this section concerning the service of the complaint and the time within which a complaint is to be filed shall require a dismissal of the complaint.

The officer or trooper may waive the right to a hearing and may appeal the charges directly to any available authority specified by law or regulation, or follow any other procedure recognized by a contract, as permitted by law.

2. This act shall take effect immediately as to any complaint pending at the time of enactment of this act which charges a member of the State Police with a violation of the internal rules and regulations established for the conduct of the State Police involving prohibited discrimination, unreasonable use of force or threat of force, or an intentional constitutional violation which complaint, if unresolved, will result in the delay of a listed promotional opportunity for that member, and shall take effect on the 75th day after enactment as to any complaint pending at the time of enactment of this act which charges a member of the State Police with a violation of the internal rules and regulations established for the conduct of the State Police which does not involve prohibited discrimination, unreasonable use of force or threat of force, or an intentional constitutional violation which complaint, if unresolved, will result in the delay of a listed promotional opportunity for that member, and shall take effect on the 120th day after enactment as to all other complaints against a member of the State Police

Approved January 8, 2002.