

**52:17B-222**  
**LEGISLATIVE HISTORY CHECKLIST**  
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**LAWS OF:** 2009                      **CHAPTER:** 121

**NJSA:** 52:17B-222      (Codifies recommendations of Governor's Advisory Committee on Police Standards)

**BILL NO:** A3935 (Substituted for S2868)

**SPONSOR(S)** Johnson and Others

**DATE INTRODUCED:** May 11, 2009

**COMMITTEE:**                      **ASSEMBLY:** Budget

**SENATE:** ---

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                      **ASSEMBLY:** June 25, 2009

**SENATE:** June 25, 2009

**DATE OF APPROVAL:** August 27, 2009

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Assembly Committee Substitute enacted)

**A3935**

<b>SPONSOR'S STATEMENT:</b> (Begins on page 10 of original bill)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> Yes
	<b>SENATE:</b> No

(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](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**S2868**

<b>SPONSOR'S STATEMENT:</b> (Begins on page 11 of original bill)	Yes
<b>COMMITTEE STATEMENT:</b>	<b>ASSEMBLY:</b> No
	<b>SENATE:</b> Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

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**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

LAW/RWH

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
**ASSEMBLY, No. 3935**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

ADOPTED JUNE 22, 2009

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman L. HARVEY SMITH**

**District 31 (Hudson)**

**Co-Sponsored by:**

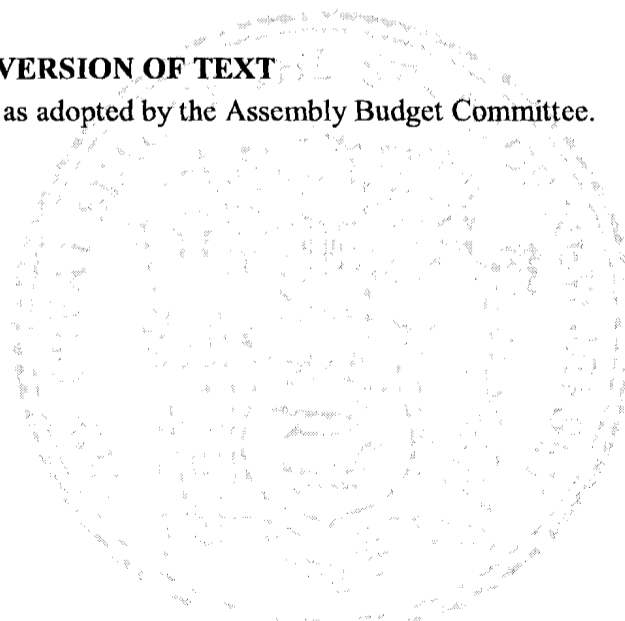
**Senators Rice, Turner and Ruiz**

**SYNOPSIS**

Codifies recommendations of Governor's Advisory Committee on Police Standards.

**CURRENT VERSION OF TEXT**

Substitute as adopted by the Assembly Budget Committee.



**(Sponsorship Updated As Of: 6/26/2009)**

1 AN ACT concerning the codification of certain recommendations of  
2 the Governor's Advisory Committee on Police Standards and  
3 supplementing Title 52 of the Revised Statutes.

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

7  
8 1. This act shall be known and may be cited as the "Law  
9 Enforcement Professional Standards Act of 2009."

10  
11 2. The Legislature finds and declares:

12 a. The citizens of the State of New Jersey are entitled to be  
13 protected and served by law enforcement professionals who conduct  
14 themselves in accordance with the highest standards of integrity,  
15 proficiency, and accountability.

16 b. In December 1999, the State of New Jersey entered into a  
17 consent decree with the Civil Rights Division of the United States  
18 Department of Justice, No. 99-5970 (MLC).

19 c. The Governor's Advisory Committee on Police Standards,  
20 established pursuant to Executive Order No. 29, issued by Governor  
21 Corzine on August 23, 2006, conducted a thorough examination of  
22 the policies and practices of the State Police and its compliance  
23 with the terms of the consent decree and of the Attorney General's  
24 Office's oversight and direction. The Advisory Committee on  
25 Police Standards concluded that the State Police, the Office of State  
26 Police Affairs, and the Attorney General had worked cooperatively  
27 to rebuild public trust through significant revisions of State Police  
28 standing operating procedures, by changing the relationship  
29 between the Attorney General's Office and the State Police, and  
30 through the development of innovative management techniques.  
31 Based upon these findings, the Advisory Committee recommended  
32 that the State join in a motion with the United States Department of  
33 Justice to terminate the consent decree, subject to the condition that  
34 the significant reforms accomplished during the term of the consent  
35 decree would be institutionalized, and, as appropriate, codified by  
36 statute.

37 d. The objective monitoring and independent oversight  
38 functions performed by the independent monitoring team appointed  
39 by the United States District Court pursuant to the consent decree  
40 have helped to promote and support the vigorous, lawful, and non-  
41 discriminatory implementation of law enforcement practices and  
42 procedures. In recognition of the strong public interest in  
43 perpetuating the quality and standards established under the consent  
44 decree, it is necessary and appropriate to maintain an office to  
45 assume the functions that had been performed by the independent  
46 monitoring team under the consent decree and to perform other

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1 duties in support of county and municipal law enforcement  
2 agencies.

3 e. Many of the reforms accomplished under the consent decree  
4 have been codified in rules, regulations, standing operating  
5 procedures or operations instructions promulgated by the  
6 superintendent and approved by the independent monitoring team  
7 appointed by the United States District Court. However, the need  
8 for flexibility to account for developments in constitutional law, the  
9 advent of new technologies, and the development of new best  
10 practices in policing, makes it impracticable and inappropriate to  
11 codify all consent decree-related rules, regulations, standing  
12 operating procedures and operations instructions in statutory law.  
13 Rather, the reforms achieved under the consent decree can best be  
14 institutionalized by mandating that any future changes to State  
15 Police rules, regulations, standing operating procedures and  
16 operations instructions relating to the consent decree are approved  
17 in writing by the Attorney General prior to issuance or adoption by  
18 the superintendent, and by ensuring the issuance or modification of  
19 any rule, regulation, standing operating procedure or operations  
20 instruction deemed necessary to maintain or enhance the practices  
21 of the Division of State Police on matters pertaining to any  
22 applicable non-discrimination policy established by the Attorney  
23 General; the law of arrest, search and seizure; and the  
24 documentation of motor vehicle stops and law enforcement  
25 activities occurring during the course of motor vehicle stops.

26

27 3. As used in this act:

28 "Consent decree" means the consent decree the State of New  
29 Jersey entered into with the United States Department of Justice,  
30 Civil Rights Division, in December 1999.

31 "Director" means the Director of the Office of Law Enforcement  
32 Professional Standards.

33 "Mobile video recording system" means any device or system  
34 installed or used in a police vehicle that electronically records  
35 visual images depicting activities that take place during a motor  
36 vehicle stop or other law enforcement action.

37 "Office" means the Office of Law Enforcement Professional  
38 Standards established pursuant to section 4 of P.L. , c. (C. )  
39 (pending before the Legislature as this bill).

40 "Personnel performance information system" means a  
41 computerized system that collects, uses and analyzes information  
42 relating to motor vehicle stops and law enforcement actions taken  
43 during the course of those stops; allegations of misconduct and  
44 investigations of those allegations; and any other information that is  
45 used to assist supervisors to evaluate the performance of State  
46 Police members and their compliance with applicable laws, rules,  
47 regulations and standing operating procedures. This term shall

1 include, but is not limited to, the State Police Management  
2 Awareness and Personnel Performance System in operation on the  
3 effective date of this act and any successor system.

4  
5 4. a. There is created in the Department of Law and Public  
6 Safety an Office of Law Enforcement Professional Standards which  
7 shall perform such administrative, investigative, policy and training  
8 oversight, and monitoring functions, as the Attorney General shall  
9 direct, to assure and maintain the integrity of law enforcement  
10 activities performed by Division of State Police personnel, and to  
11 assist and provide guidance to other law enforcement entities  
12 statewide.

13 b. In carrying out its duties and responsibilities, the office, and  
14 its constituent organizational units, shall exercise the Attorney  
15 General's constitutional, statutory and common law authority to act  
16 in the public interest, and shall have the authority to attend  
17 generally to legal matters in which the State or any of its officers or  
18 instrumentalities have an interest, and to execute the Attorney  
19 General's powers under the "Department of Law and Public Safety  
20 Act of 1948," P.L.1948, c.439 (C.52:17B-1 et seq.).

21 c. Nothing in this section shall be construed to limit the  
22 authority of the superintendent under Title 53 of the Revised  
23 Statutes or the authority of the Attorney General.

24  
25 5. The Attorney General shall appoint an individual qualified  
26 by education, experience, or professional background in the fields  
27 of law, investigation, criminal practice, and administration to serve  
28 as Director of the Office of Law Enforcement Professional  
29 Standards. The director shall operate under the authority and direct  
30 supervision of the Attorney General, and shall serve at the pleasure  
31 of the Attorney General.

32  
33 6. Subject to the provisions of P.L. , c. (C. )(pending  
34 before the Legislature as this bill), the director may, with the  
35 approval of the Attorney General, organize the work of the office  
36 into such bureaus and other organizational units as may be  
37 necessary for its efficient and effective operation. The director may  
38 delegate to employees in the office, and its constituent  
39 organizational units, such powers as are authorized under this act  
40 that the director deems appropriate, to be exercised subject to the  
41 supervision and control of the director. The Attorney General may  
42 assign to the office such employees of the Department of Law and  
43 Public Safety as may be necessary to assist the director in the  
44 performance of his duties. The office shall be authorized to call  
45 upon the expertise and assistance of every division, agency, office,  
46 bureau and unit within the Department of Law and Public Safety in  
47 order to carry out its mission. Each division, agency, office, bureau

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1 and unit within the Department of Law and Public Safety is hereby  
2 required, to the extent not inconsistent with any other law, to  
3 cooperate with the office and to provide such assistance the office  
4 may require to accomplish the purposes of P.L. , c. (C. )  
5 (pending before the Legislature as this bill). It shall be the duty of  
6 all law enforcement agencies operating under the authority of the  
7 law of the State of New Jersey to cooperate with and aid the office  
8 in the performance of its duties.

9  
10 7. a. The office shall be authorized to perform the duties and  
11 functions previously performed under the consent decree by the  
12 independent monitors and the Office of State Police Affairs, which  
13 general and specific duties and functions are codified in this act,  
14 and such other duties and functions as may otherwise be established  
15 or assigned by the Attorney General.

16 b. The office shall be authorized to conduct operations audits  
17 and independent analyses of data, as necessary and appropriate, to  
18 identify any potential disparity in enforcement and systemic  
19 problems that may exist that affect the integrity of motor vehicle  
20 stops and post-stop enforcement actions, supervision of patrol  
21 activities, training provided to Division of State Police members  
22 assigned to patrol duties, investigations of alleged misconduct, and  
23 any other matters that may affect the integrity of the Division of  
24 State Police, and shall make recommendations for appropriate  
25 actions by the superintendent or the Attorney General to remedy  
26 any identified problems.

27 c. The office shall have timely access to all data stored in the  
28 personnel performance information system maintained by the  
29 Division of State Police and any other records or data that are  
30 deemed necessary by the director to conduct independent analyses  
31 and to perform the functions authorized by P.L. , c. (C. )  
32 (pending before the Legislature as this bill). Nothing herein shall  
33 be deemed to require the disclosure of records or data in violation  
34 of any constitutional or statutory privacy protections or any  
35 collectively bargained rights.

36 d. The office shall have specific authority to perform the  
37 following functions:

38 (1) review the substance, procedures and implementation related  
39 to Division of State Police policies concerning motor vehicle stops  
40 and post-stop enforcement actions, supervision of patrol activities,  
41 training provided to State Police members assigned to patrol duties,  
42 and the conduct of investigations of alleged misconduct and other  
43 internal affairs matters by the Division of State Police;

44 (2) monitor, review and evaluate the quality and timeliness of  
45 the Division of State Police's conduct of investigations of alleged  
46 misconduct, disciplinary actions and interventions, supervisory  
47 actions, personnel performance information system data and

1 reports, consent search forms and reports, non-consensual search  
2 and drug detection canine reports, motor vehicle stop reports and  
3 logs, mobile video recording system tapes, and supervisory reviews;

4 (3) approve the curricula, prescribe trainer qualifications, and  
5 review the training of State Police troopers and trooper candidates  
6 on cultural awareness, law enforcement ethics and leadership,  
7 constitutional law pertaining to arrest, search and seizure, equal  
8 protection, and other relevant law enforcement issues the director  
9 deems necessary or appropriate to effectuate the purposes of this  
10 act;

11 (4) monitor, evaluate, require, and provide assistance or  
12 direction in effectuating any modifications to the design,  
13 implementation or use of the personnel performance information  
14 system, any mobile video recording system, any computer-aided  
15 dispatch system, or other system that records data concerning traffic  
16 stops and post-stop enforcement actions, used or proposed for use  
17 by the Division of State Police; and

18 (5) review all Division of State Police internal affairs  
19 investigations and dispositions, including any decision by the  
20 Division of State Police not to refer a complaint, from a citizen or  
21 any other source, to the office, or its successor, to ascertain whether  
22 the Division of State Police has complied with applicable standing  
23 operating procedures, whether the outcomes of those investigations  
24 are supported by the evidence, whether any discipline imposed was  
25 appropriate and proportionate, and make recommendations to the  
26 superintendent and the Attorney General for appropriate remedial  
27 action.

28  
29 8. On the first day of the sixth month after the issuance of the  
30 final report by the independent monitoring team appointed by the  
31 United States District Court pursuant to the consent decree, the  
32 office shall prepare a report that evaluates the Division of State  
33 Police's compliance with relevant performance standards and  
34 procedures and that is comparable substantively to the independent  
35 monitoring team's report. The initial report prepared by the office  
36 pursuant to this section shall evaluate the division's compliance  
37 during the period beginning on the day immediately following the  
38 last day of the period covered by the independent monitoring team's  
39 final report. The office shall thereafter prepare and issue such  
40 reports on a biannual basis. The reports required pursuant to this  
41 section shall be made available to the public.

42 The reports required by this section are not intended to evaluate  
43 compliance by the Division of State Police and the office with the  
44 provisions of P.L. , c. (C. )(pending before the Legislature as  
45 this bill). That evaluative function shall be performed by the State  
46 Comptroller in conducting the audits and performance reviews



1 required under the provisions of section 15 of  
2 P.L. , c. (C. )(pending before the Legislature as this bill).

3

4 9. The office shall have specific authority to provide advice  
5 and technical assistance to county and municipal law enforcement  
6 agencies concerning best practices for: the use of mobile video  
7 recording systems; supervisor reviews of mobile video recordings;  
8 data collection and documentation of investigative detentions,  
9 including but not limited to traffic stops and post-stop enforcement  
10 actions; in-service training on any applicable non-discrimination  
11 policy established by the Attorney General; the law of arrest, search  
12 and seizure, and equal protection; and the development and use of  
13 personnel performance information systems.

14

15 10. The office shall take appropriate steps to promote and ensure  
16 compliance with the general policy that all law enforcement officers  
17 not rely to any degree on the race or national or ethnic origin of  
18 motorists in selecting vehicles for traffic stops, or in deciding upon  
19 the scope and substance of post-stop actions, except in those  
20 instances where law enforcement officers are on the lookout for a  
21 specific suspect who has been identified in part by their race or  
22 their national or ethnic origin.

23

24 11. The Division of State Police shall maintain a personnel  
25 performance information system that meets or exceeds the  
26 specifications of the system in place upon termination of the  
27 consent decree. Funding for the purposes of maintaining, upgrading  
28 or modifying such systems shall be requested in the annual  
29 appropriations of the Department of Law and Public Safety  
30 independent of and in addition to any other requested funding.

31

32 12. The Superintendent of State Police shall ensure that no  
33 member of the State Police attends or participates in any training  
34 course or program relating to any applicable non-discrimination  
35 policy established by the Attorney General, the law of arrest, search  
36 and seizure or equal protection, or the manner for conducting motor  
37 vehicle stops or post-stop enforcement actions, unless the  
38 superintendent, or his designee, determines that attendance or  
39 participation in the training course or program is appropriate,  
40 considering the member's experience and present or pending duty  
41 assignment. This requirement shall apply to training provided by  
42 the Division of State Police, by any other law enforcement agency,  
43 by an association representing law enforcement offices or agencies,  
44 or by a private vendor. A member of the State Police attending a  
45 training course or program shall promptly report to the  
46 superintendent, through the chain of command, if the member  
47 knows or reasonably should know that the instruction provided

1 during the course contradicts any Division of State Police rule,  
2 regulation, standing operating procedure, or operations instruction  
3 relating to any applicable non-discrimination policy established by  
4 the Attorney General; the law of arrest, search, seizure or equal  
5 protection; or the manner for lawfully conducting motor vehicle  
6 stops or post-stop enforcement actions. Nothing in this section  
7 shall be construed to limit the authority of the office under  
8 paragraph (2) of subsection d. of section 7 of P.L. , c. (C. )  
9 (pending before the Legislature as this bill). Nothing in this section  
10 shall be construed to abrogate any applicable constitutional or  
11 collectively bargained rights.

12

13 13. a. The superintendent shall, on a semi-annual basis, certify  
14 to the Attorney General that the Division of State Police has  
15 complied with the requirements of P.L. , c. (C. ) (pending  
16 before the Legislature as this bill). Each troop commander shall, on  
17 a semi-annual basis, certify to the superintendent that the troop has  
18 complied with the requirements of P.L. , c. (C. ) (pending  
19 before the Legislature as this bill).

20 b. The Attorney General and the superintendent shall be  
21 responsible for ensuring the issuance or modification of any rule,  
22 regulation, standing operation procedure or operations instructions,  
23 training program or bulletin, interoffice communication or any other  
24 document or communication deemed necessary to effectuate the  
25 purposes of P.L. , c. (C. ) (pending before the Legislature  
26 as this bill). Nothing in this section shall be construed to limit the  
27 existing powers or authority of the Attorney General, including the  
28 authority to issue directives to any or all law enforcement and  
29 prosecuting agencies in the State, or the authority of the  
30 superintendent under Title 53 of the Revised Statutes.

31

32 14. a. The office shall prepare semi-annual public reports that  
33 include aggregate statistics on State Police traffic enforcement  
34 activities and procedures, segregated by State Police station and  
35 providing aggregate data on the race and ethnicity of the civilians  
36 involved. These reports shall include aggregate statistics on the  
37 number of motor vehicle stops, reason for the motor vehicle stop,  
38 enforcement actions, including, but not limited to, summonses,  
39 warnings, and arrests, requests for consent to search, consent  
40 searches conducted, non-consensual searches, and the use of force.  
41 The reports shall also include aggregate statistics of the number of  
42 criminal charges filed, contraband seizures and wanted persons  
43 taken into custody related to motor vehicle stops, and such  
44 additional data as may be jointly directed by the superintendent and  
45 Attorney General.

46 b. The office shall prepare semi-annual public reports  
47 providing aggregate data regarding misconduct investigations, and

1 the number of external, internal, and total complaints received and  
2 the disposition of those complaints.

3 c. The Attorney General shall, on an annual basis, report to the  
4 Governor, the Legislature and the public on the implementation of  
5 P.L. , c. (C. ) (pending before the Legislature as this bill).  
6 The Attorney General shall annually provide the State Treasurer  
7 and the Office of Management and Budget with an estimate of the  
8 funds needed to be appropriated to implement the provisions of this  
9 act, including but not limited to, estimates of funds needed to  
10 maintain adequate information technology and data analysis staffing  
11 and to provide adequate training.

12 d. The reports required by this section are not intended to  
13 evaluate compliance by the Division of State Police and the office  
14 with the provisions of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill). That evaluative function shall be  
16 performed by the State Comptroller in conducting the audits and  
17 performance reviews required under the provisions of section 15 of  
18 P.L. , c. (C. ) (pending before the Legislature as this bill).

19  
20 15. a. The State Comptroller, established pursuant to P.L.2007,  
21 c.52 (C.52:15C-1 et seq.), shall conduct risk-based audits and  
22 performance reviews of the Division of State Police and the office  
23 to examine stops, post-stop enforcement activities, internal affairs  
24 and discipline, decisions not to refer a trooper to internal affairs  
25 notwithstanding the existence of a complaint, and training. The  
26 State Comptroller may also make recommendations on the funding  
27 and staffing levels of the office and the State Police.

28 b. The State Comptroller shall report to the Governor, the  
29 Legislature and the public on the results of the audits and  
30 performance reviews. The State Comptroller shall conduct an audit  
31 and performance review on a semi-annual basis during the first 18  
32 months following the enactment of P.L. , c. (C. ) (pending  
33 before the Legislature as this bill), and thereafter shall conduct an  
34 audit and performance review on an annual basis.

35 c. Within the limits of funds appropriated for such purposes,  
36 the State Comptroller may obtain the services of consultants and  
37 other professionals necessary to conduct the risk-based audits and  
38 performance reviews required by this section.

39 d. The Division of State Police, the office, and the Department  
40 of Law and Public Safety shall cooperate with the State Comptroller  
41 and provide to the State Comptroller such information, resources,  
42 and other assistance deemed necessary by the State Comptroller to  
43 conduct the audits and performance reviews required by this  
44 section.

45  
46 16. On the first day of the 37th month following the effective  
47 date of P.L. , c. (C. ) (pending before the Legislature as this

1 bill), the Attorney General shall submit to the Governor, the  
2 Legislature pursuant to the provisions of section 2 of P.L.1991,  
3 c.164 (C.52:14-19.1), and the public a comprehensive report on the  
4 steps taken to comply with the provisions of this act, the  
5 institutionalization of the reforms achieved during the consent  
6 decree, and the efforts to maintain and enhance law enforcement  
7 professionalism and a commitment to non-discriminatory policing.

8  
9 17. This act shall take effect on the first day of the second month  
10 following enactment.

# **ASSEMBLY, No. 3935**

## **STATE OF NEW JERSEY**

### **213th LEGISLATURE**

INTRODUCED MAY 11, 2009

**Sponsored by:**

**Assemblyman GORDON M. JOHNSON**

**District 37 (Bergen)**

**Assemblyman L. HARVEY SMITH**

**District 31 (Hudson)**

**SYNOPSIS**

Codifies recommendations of Governor's Advisory Committee on Police Standards.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/22/2009)**

1 AN ACT concerning the codification of certain recommendations of  
2 the Governor's Advisory Committee on Police Standards and  
3 supplementing Title 52 of the Revised Statutes

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

7  
8 1. This act shall be known and may be cited as the "Law  
9 Enforcement Professional Standards Act of 2009."

10  
11 2. The Legislature finds and declares:

12 a. The citizens of the State of New Jersey are entitled to be  
13 protected and served by law enforcement professionals who conduct  
14 themselves in accordance with the highest standards of integrity,  
15 proficiency, and accountability.

16 b. The Attorney General, as the head of the Department of Law  
17 and Public Safety, is responsible for that department, directing and  
18 coordinating all of the law enforcement activities, pursuant to section 2  
19 of P.L.1948, c.439 (C.52:17B-2), and is empowered to establish  
20 procedures and implement administrative strategies to enhance and  
21 assure integrity in the performance of law enforcement functions. The  
22 Attorney General, pursuant to the "Criminal Justice Act of 1970",  
23 P.L.1970, c.74 (C.52:17B-97 et seq.), is also the chief law enforcement  
24 officer of the State, responsible for ensuring the uniform and efficient  
25 enforcement of laws by all law enforcement agencies.

26 c. In December 1999, in order to promote law enforcement  
27 integrity, deter misconduct, foster community support for the New  
28 Jersey Division of State Police and its troopers, and to achieve and  
29 maintain good practices and procedures for trooper supervision and  
30 management, the State of New Jersey entered into a consent decree  
31 with the Civil Rights Division of the United States Department of  
32 Justice. The consent decree provided for the creation by the Attorney  
33 General of the Office of State Police Affairs in order to facilitate  
34 implementation of the terms of the consent decree; audit the manner in  
35 which the State receives, investigates, and adjudicates misconduct  
36 allegations involving State Troopers; and coordinate State Police  
37 reform efforts with the United States Department of Justice and  
38 independent monitors appointed by the United States District Court  
39 pursuant to the consent decree.

40 d. The Governor's Advisory Committee on Police Standards,  
41 established pursuant to Executive Order No. 29, issued by Governor  
42 Corzine on August 23, 2006, conducted a thorough examination of the  
43 policies and practices of the State Police and its compliance with the  
44 terms of the consent decree. The Advisory Committee on Police  
45 Standards concluded that the State Police, the Office of State Police  
46 Affairs, and the Attorney General had worked cooperatively to rebuild  
47 public trust and restore honor through significant revisions of State  
48 Police standing operating procedures, by changing the relationship

1 between the Attorney General's Office and the State Police, and  
2 through the development of innovative management techniques.  
3 Based upon these findings, the Advisory Committee recommended  
4 that the State join in a motion with the United States Department of  
5 Justice to terminate the consent decree, subject to the condition that the  
6 significant reforms accomplished during the term of the consent decree  
7 would be institutionalized, and, as appropriate, codified by statute.

8 e. The objective monitoring and independent oversight functions  
9 performed by the independent monitoring team appointed by the  
10 United States District Court pursuant to the consent decree have  
11 helped to promote and support the vigorous, lawful, and non-  
12 discriminatory implementation of law enforcement practices and  
13 procedures by the Division of State Police. In recognition of the  
14 strong public interest in perpetuating an appropriate oversight  
15 mechanism to serve the salutary purposes of helping to maintain, if not  
16 exceed, the quality and standards established under the consent decree,  
17 it is necessary and appropriate to maintain within the Office of the  
18 Attorney General an office to assume the oversight and monitoring  
19 functions that had been performed by the independent monitoring team  
20 under the consent decree.

21 f. Many of the reforms accomplished under the consent decree  
22 have been codified in rules, regulations, standing operating procedures  
23 or operations instructions promulgated by the superintendent and  
24 approved by the independent monitoring team appointed by the United  
25 States District Court. However, the need for flexibility to account for  
26 developments in constitutional law, the advent of new technologies,  
27 and the development of new best practices in policing, makes it  
28 impracticable and inappropriate to codify all consent decree-related  
29 rules, regulations, standing operating procedures and operations  
30 instructions in statutory law. Rather, the reforms achieved under the  
31 consent decree can best be institutionalized by mandating that any  
32 future changes to State Police rules, regulations, standing operating  
33 procedures and operations instructions relating to the consent decree  
34 are approved in writing by the Attorney General, and by affirming the  
35 authority of the Attorney General to direct the Superintendent to issue  
36 or amend any rule, regulation, standing operating procedure or  
37 operations instruction as may be deemed necessary by the Attorney  
38 General to maintain or enhance the practices of the Division of State  
39 Police on matters pertaining to any non-discrimination policy  
40 established by the Attorney General; the law of arrest, search and  
41 seizure; and the documentation of motor vehicle stops and law  
42 enforcement activities occurring during the course of motor vehicle  
43 stops.

44  
45 3. As used in this act:

46 "Consent Decree" means the consent decree the State of New  
47 Jersey entered into with the United States Department of Justice, Civil  
48 Rights Division, in December 1999.

1       “Director” means the Director of the Office of Law Enforcement  
2 Professional Standards.

3       “Mobile video recording system” means any device or system  
4 installed or used in a police vehicle that electronically records visual  
5 images depicting activities that take place during a motor vehicle stop  
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8 Standards established pursuant to section 4 of P.L.     , c.     (C.     )  
9 (pending before the Legislature as this bill).

10       “Personnel performance information system” means a  
11 computerized system that collects, uses and analyzes information  
12 relating to motor vehicle stops and law enforcement actions taken  
13 during the course of those stops; allegations of misconduct and  
14 investigations of those allegations; and any other information that is  
15 used to assist supervisors to evaluate the performance of State Police  
16 members and their compliance with applicable laws, rules, regulations  
17 and standing operating procedures. This term shall include, but is not  
18 limited to, the State Police Management Awareness and Personnel  
19 Performance System in operation on the effective date of this act and  
20 any successor system.

21

22       4. a. There is created in the Department of Law and Public Safety  
23 an Office of Law Enforcement Professional Standards to perform such  
24 administrative, investigative, policy and training oversight, and  
25 monitoring functions, as the Attorney General shall direct, to assure  
26 and maintain the integrity of law enforcement activities performed by  
27 Division of State Police personnel, and to assist and provide guidance  
28 to other law enforcement entities.

29       b. In carrying out its duties and responsibilities, the office, and its  
30 constituent organizational units, shall exercise the Attorney General’s  
31 constitutional, statutory and common law authority to act in the public  
32 interest, and shall have the authority to attend generally to legal  
33 matters in which the State or any of its officers or instrumentalities  
34 have an interest, and to execute the Attorney General’s powers under  
35 the “Department of Law and Public Safety Act of 1948,” P.L.1948,  
36 c.439 (C.52:17B-1 et seq.).

37

38       5. The Attorney General shall appoint an individual qualified by  
39 education, experience, or professional background in the fields of law,  
40 investigation, criminal practice, and administration to serve as Director  
41 of the Office of Law Enforcement Professional Standards. The  
42 director shall operate under the authority and direct supervision of the  
43 Attorney General, and shall serve at the pleasure of the Attorney  
44 General. The director shall direct and supervise the work of the office,  
45 and its constituent organizational units, and shall devote his entire time  
46 to the duties of the office.



1       6. Subject to the provisions of P.L. , c. (C. )(pending  
2 before the Legislature as this bill), the director may, with the approval  
3 of the Attorney General, organize the work of the office into such  
4 bureaus and other organizational units as may be necessary for its  
5 efficient and effective operation. The director may delegate to  
6 employees in the office, and its constituent organizational units, such  
7 powers as the director deems appropriate, to be exercised subject to the  
8 supervision and control of the director. The Attorney General may  
9 assign to the office such employees of the Department of Law and  
10 Public Safety as may be necessary to assist the director in the  
11 performance of his duties. The office shall be authorized to call upon  
12 the expertise and assistance of every division, agency, office, bureau  
13 and unit within the Department of Law and Public Safety in order to  
14 carry out its mission. Each division, agency, office, bureau and unit  
15 within the Department of Law and Public Safety is hereby required, to  
16 the extent not inconsistent with any other law, to cooperate with the  
17 office and to provide such assistance the office may require to  
18 accomplish the purposes of P.L. , c. (C. ) (pending before the  
19 Legislature as this bill). It shall be the duty of all law enforcement  
20 agencies operating under the authority of the law of the State of New  
21 Jersey to cooperate with and aid the office in the performance of its  
22 duties.

23  
24       7. a. The office shall be authorized to perform such general and  
25 specific duties and functions as are set forth in this act and as may  
26 otherwise be established or assigned by the Attorney General.

27       b. The office shall be authorized to conduct operations audits and  
28 independent analyses of data, as necessary and appropriate, to identify  
29 any potential disparity in enforcement and systemic problems that may  
30 exist that affect the integrity of motor vehicle stops and post-stop  
31 enforcement actions, supervision of patrol activities, training provided  
32 to Division of State Police members assigned to patrol duties,  
33 investigations of alleged misconduct, and any other matters that may  
34 affect the integrity of the Division of State Police, and shall make  
35 recommendations for appropriate actions by the Attorney General to  
36 remedy any identified problems.

37       c. The office shall have timely access to all data stored in the  
38 personnel performance information system maintained by the Division  
39 of State Police and any other records or data that are deemed necessary  
40 by the director to conduct independent analyses and to perform the  
41 functions authorized by P.L. , c. (C. ) (pending before the  
42 Legislature as this bill).

43       d. The office shall have specific authority to perform the  
44 following functions:

45       (1) review the substance, procedures and implementation related to  
46 Division of State Police policies concerning motor vehicle stops and  
47 post-stop enforcement actions, supervision of patrol activities, training  
48 provided to State Police members assigned to patrol duties, and the

1 conduct of investigations of alleged misconduct and other internal  
2 affairs matters by the Division of State Police;

3 (2) monitor, review, evaluate and report to the Attorney General  
4 on the quality and timeliness of the Division of State Police's conduct  
5 of investigations of alleged misconduct, disciplinary actions and  
6 interventions, supervisory actions, personnel performance information  
7 system data and reports, consent search forms and reports, non-  
8 consensual search and drug detection canine reports, motor vehicle  
9 stop reports and logs, mobile video recording system tapes, and  
10 supervisory reviews;

11 (3) approve the curricula, prescribe trainer qualifications, and  
12 oversee the training of State Police troopers and trooper candidates on  
13 cultural awareness, law enforcement ethics and leadership,  
14 constitutional law pertaining to arrest, search and seizure, equal  
15 protection, and other relevant law enforcement issues the director  
16 deems necessary or appropriate to effectuate the purposes of this act;

17 (4) monitor, evaluate, require, and provide assistance or direction  
18 in effectuating any modifications to the design, implementation or use  
19 of the personnel performance information system, any mobile video  
20 recording system, any computer-aided dispatch system, or other  
21 system that records data concerning traffic stops and post-stop  
22 enforcement actions, used or proposed for use by the Division of State  
23 Police; and

24 (5) review all Division of State Police internal affairs  
25 investigations and dispositions, including any decision by the Division  
26 of State Police not to refer a complaint, from a citizen or any other  
27 source, to the office, or its successor, to ascertain whether the Division  
28 of State Police has complied with applicable standing operating  
29 procedures, whether the outcomes of those investigations are  
30 supported by the evidence, whether any discipline imposed was  
31 appropriate and proportionate, and make recommendations to the  
32 Attorney General for appropriate remedial action.

33

34 8. On the first day of the sixth month after the issuance of the  
35 final report by the independent monitoring team appointed by the  
36 United States District Court pursuant to the consent decree, the office  
37 shall prepare a report that evaluates the Division of State Police's  
38 compliance with relevant performance standards and procedures and  
39 that is comparable substantively to the independent monitoring team's  
40 report. The initial report prepared by the office pursuant to this section  
41 shall evaluate the division's compliance during the period beginning  
42 on the day immediately following the last day of the period covered  
43 by the independent monitoring team's final report. The office shall  
44 thereafter prepare and issue such reports on a biannual basis. The  
45 reports required pursuant to this section shall be made available to the  
46 public.

47 The reports required by this section are not intended to evaluate  
48 compliance by the Division of State Police and the office with the

1 provisions of P.L. , c. (C. )(pending before the Legislature as  
2 this bill). That evaluative function shall be performed by the State  
3 Comptroller in conducting the audits and performance reviews  
4 required under the provisions of section 15 of  
5 P.L. , c. (C. )(pending before the Legislature as this bill).

6

7 9. The office shall have specific authority to provide advice and  
8 technical assistance to county and municipal law enforcement agencies  
9 concerning best practices for: the use of mobile video recording  
10 systems; supervisor reviews of mobile video recordings; data  
11 collection and documentation of investigative detentions, including but  
12 not limited to traffic stops and post-stop enforcement actions; in-  
13 service training on any applicable non-discrimination policy  
14 established by the Attorney General; the law of arrest, search and  
15 seizure, and equal protection; and the development and use of  
16 personnel performance information systems.

17

18 10. The office shall take appropriate steps to promote and ensure  
19 compliance with the general policy that law enforcement officers not  
20 rely to any degree on the race or national or ethnic origin of motorists  
21 in selecting vehicles for traffic stops, or in deciding upon the scope  
22 and substance of post-stop actions, except in those instances where law  
23 enforcement officers are on the lookout for a specific suspect who has  
24 been identified in part by their race or their national or ethnic origin.

25

26 11. The Attorney General shall ensure that the Division of State  
27 Police maintains a personnel performance information system that  
28 meets or exceeds the specifications of the system in place upon  
29 termination of the consent decree.

30

31 12. The Superintendent of State Police shall ensure that no member  
32 of the State Police attends or participates in any training course or  
33 program relating to any applicable non-discrimination policy  
34 established by the Attorney General, the law of arrest, search and  
35 seizure or equal protection, or the manner for conducting motor  
36 vehicle stops or post-stop enforcement actions, unless the  
37 superintendent, or his designee, determines that attendance or  
38 participation in the training course or program is appropriate,  
39 considering the member's experience and present or pending duty  
40 assignment. This requirement shall apply to training provided by the  
41 Division of State Police, by any other law enforcement agency, by an  
42 association representing law enforcement offices or agencies, or by a  
43 private vendor. A member of the State Police attending a training  
44 course or program shall promptly report to the superintendent, through  
45 the chain of command, if instruction provided during the course  
46 contradicts any Division of State Police rule, regulation, standing  
47 operating procedure, or operations instruction relating to any  
48 applicable non-discrimination policy established by the Attorney

1 General; the law of arrest, search, seizure or equal protection; or the  
2 manner for lawfully conducting motor vehicle stops or post-stop  
3 enforcement actions. Nothing in this section shall be construed to  
4 limit the authority of the office to oversee and monitor the training of  
5 troopers and trooper candidates pursuant to the provisions of  
6 paragraph (2) of subsection d. of section 7 of P.L. , c. (C. )  
7 (pending before the Legislature as this bill).

8  
9 13. a. The superintendent shall, on a semi-annual basis, certify to  
10 the Attorney General that the Division of State Police has complied  
11 with the requirements of P.L. , c. (C. ) (pending before the  
12 Legislature as this bill). Each troop commander shall, on a semi-  
13 annual basis, certify to the superintendent that the troop has complied  
14 with the requirements of P.L. , c. (C. ) (pending before the  
15 Legislature as this bill).

16 b. The Attorney General may direct the superintendent to issue or  
17 modify any rule, regulation, standing operation procedure or  
18 operations instructions, training program or bulletin, interoffice  
19 communication or any other document or communication as deemed  
20 necessary by the Attorney General to effectuate the purposes of  
21 P.L. , c. (C. ) (pending before the Legislature as this bill).  
22 Nothing in this section shall be construed to limit the existing powers  
23 or authority of the Attorney General.

24  
25 14. a. The office shall prepare semi-annual public reports that  
26 include aggregate statistics on State Police traffic enforcement  
27 activities and procedures, segregated by State Police station and  
28 providing aggregate data on the race and ethnicity of the civilians  
29 involved. These reports shall include aggregate statistics on the  
30 number of motor vehicle stops, reason for the motor vehicle stop,  
31 enforcement actions, including, but not limited to, summonses,  
32 warnings, and arrests, requests for consent to search, consent searches  
33 conducted, non-consensual searches, and the use of force.

34 b. The office shall prepare semi-annual public reports providing  
35 aggregate data regarding misconduct investigations, and the number of  
36 external, internal, and total complaints received and sustained.

37 c. The Attorney General shall, on an annual basis, report to the  
38 Governor, the Legislature and the public on the implementation of  
39 P.L. , c. (C. ) (pending before the Legislature as this bill).  
40 The Attorney General shall annually provide the State Treasurer and  
41 the Office of Management and Budget with an estimate of the funds  
42 needed to be appropriated to implement the provisions of this act,  
43 including but not limited to, estimates of funds needed to maintain  
44 adequate information technology and data analysis staffing and to  
45 provide adequate training.

46 d. The reports required by this section are not intended to  
47 evaluate compliance by the Division of State Police and the office  
48 with the provisions of P.L. , c. (C. ) (pending before the

1 Legislature as this bill). That evaluative function shall be  
2 performed by the State Comptroller in conducting the audits and  
3 performance reviews required under the provisions of section 15 of  
4 P.L. , c. (C. ) (pending before the Legislature as this bill).

5  
6 15. a. The State Comptroller, established pursuant to P.L.2007,  
7 c.52 (C.52:15C-1 et seq.), shall conduct audits and performance  
8 reviews of the Division of State Police and the office to evaluate  
9 compliance with the provisions of P.L. , c. (C. ) (pending  
10 before the Legislature as this bill). An audit and performance review  
11 required by this section may include, but need not be limited to, an  
12 examination, using such tests and sampling techniques as the State  
13 Comptroller deems appropriate, of State Police investigative  
14 detentions, including but not limited to traffic stops and post-stop  
15 enforcement actions; the handling of complaints and internal affairs  
16 investigations and dispositions, including a review of any decision by  
17 the Division of State Police not to refer a complaint to the Office of  
18 Professional Standards; and State Police training programs relating to  
19 motor vehicle stops and safeguards to ensure that all training provided  
20 to State Police members is appropriate and consistent with the  
21 purposes of P.L. , c. (C. ) (pending before the Legislature as  
22 this bill).

23 b. The State Comptroller shall report to the Governor, the  
24 Legislature and the public on the results of the audits and performance  
25 reviews. The State Comptroller shall conduct an audit and  
26 performance review on a semi-annual basis during the first 18 months  
27 following the enactment of P.L. , c. (C. ) (pending before the  
28 Legislature as this bill), and thereafter shall conduct an audit and  
29 performance review on an annual basis.

30 c. Within the limits of funds appropriated for such purposes, the  
31 State Comptroller may obtain the services of consultants and other  
32 professionals necessary to conduct the audits and performance reviews  
33 required by this section.

34 d. The Division of State Police, the office, and the Department of  
35 Law and Public Safety shall cooperate with the State Comptroller and  
36 provide to the State Comptroller such information, resources, and  
37 other assistance deemed necessary by the State Comptroller to conduct  
38 the audits and performance reviews required by this section.

39  
40 16. On the first day of the 37th month following the effective date  
41 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
42 the Attorney General shall submit to the Governor, the Legislature  
43 pursuant to the provisions of section 2 of P.L.1991, c.164 (C.52:14-  
44 19.1), and the public a comprehensive report on the steps taken to  
45 comply with the provisions of this act, the institutionalization of the  
46 State Police reforms achieved during the consent decree, and the  
47 efforts to maintain and enhance law enforcement professionalism and  
48 a commitment to non-discriminatory policing.

1       17. The act shall take effect on the first day of the second month  
2 following enactment.

3  
4  
5           SPONSOR'S       STATEMENT  
6

7       This bill codifies certain recommendations of the Governor's  
8 Committee on Police Standards.

9       The Advisory Committee was established on August 23, 2006,  
10 pursuant to Executive Order No. 29, to conduct a thorough  
11 examination of the police and practices of the Division of State  
12 Police and its compliance with the terms of the consent decree the  
13 State entered into with the Civil Rights Division of the United  
14 States Department of Justice.

15       The Advisory Committee concluded that the Division of State  
16 Police, the Office of State Police Affairs, and the Attorney General  
17 had effectively worked to rebuild public trust and restore the high  
18 standards of integrity, proficiency and accountability thorough  
19 significant revisions of State Police standing operating procedures,  
20 changing the relationship between the Attorney General's Office  
21 and the Division of State Police, and through the development of  
22 innovative management techniques.

23       Based on these findings, the Advisory Committee recommended  
24 that the State and the United States Department of Justice terminate  
25 the consent decree, provided the reforms instituted during the term  
26 of the consent decree be institutionalized and, where appropriate,  
27 codified by statute.

28       This bill accomplishes that codification by establishing within  
29 the Office of the Attorney General an office to assume the oversight  
30 and monitoring functions that had been performed by the  
31 independent monitoring team under the consent decree.

ASSEMBLY BUDGET COMMITTEE

STATEMENT TO

ASSEMBLY COMMITTEE SUBSTITUTE FOR  
ASSEMBLY, No. 3935

**STATE OF NEW JERSEY**

DATED: JUNE 22, 2009

The Assembly Budget Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 3935.

This substitute codifies certain recommendations of the Governor's Committee on Police Standards.

The Advisory Committee was established on August 23, 2006, pursuant to Executive Order No. 29, to conduct a thorough examination of the police and practices of the Division of State Police and its compliance with the terms of the consent decree the State entered into with the Civil Rights Division of the United States Department of Justice.

The Advisory Committee concluded that the Division of State Police, the Office of State Police Affairs, and the Attorney General had effectively worked to rebuild public trust through significant revisions of State Police standing operating procedures, changing the relationship between the Attorney General's Office and the Division of State Police, and through the development of innovative management techniques.

Based on these findings, the Advisory Committee recommended that the State and the United States Department of Justice terminate the consent decree, provided the reforms instituted during the term of the consent decree be institutionalized and, where appropriate, codified by statute.

This substitute accomplishes that codification by establishing within the Office of the Attorney General an office to assume the oversight and monitoring functions that had been performed by the independent monitoring team under the consent decree.

FISCAL IMPACT:

This legislation was not certified as requiring a fiscal note.

**SENATE, No. 2868**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED JUNE 11, 2009

**Sponsored by:**

**Senator RONALD L. RICE**

**District 28 (Essex)**

**Senator SHIRLEY K. TURNER**

**District 15 (Mercer)**

**SYNOPSIS**

Codifies recommendations of Governor's Advisory Committee on Police Standards; reconstitutes committee to evaluate existence of racial profiling by local law enforcement agencies.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/19/2009)**



1 AN ACT concerning the codification of certain recommendations of  
2 the Governor's Advisory Committee on Police Standards,  
3 reconstituting the committee to evaluate the existence of racial  
4 profiling or racially influenced policing by local law  
5 enforcement agencies, and supplementing Title 52 of the Revised  
6 Statutes.

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

10  
11 1. This act shall be known and may be cited as the "Law  
12 Enforcement Professional Standards Act of 2009."

13  
14 2. The Legislature finds and declares:

15 a. The citizens of the State of New Jersey are entitled to be  
16 protected and served by law enforcement professionals who conduct  
17 themselves in accordance with the highest standards of integrity,  
18 proficiency, and accountability.

19 b. The Attorney General, as the head of the Department of Law and  
20 Public Safety, is responsible for that department, directing and  
21 coordinating all of the law enforcement activities, pursuant to section 2  
22 of P.L.1948, c.439 (C.52:17B-2), and is empowered to establish  
23 procedures and implement administrative strategies to enhance and  
24 assure integrity in the performance of law enforcement functions. The  
25 Attorney General, pursuant to the "Criminal Justice Act of 1970",  
26 P.L.1970, c.74 (C.52:17B-97 et seq.), is also the chief law enforcement  
27 officer of the State, responsible for ensuring the uniform and efficient  
28 enforcement of laws by all law enforcement agencies.

29 c. In December 1999, in order to promote law enforcement  
30 integrity, deter misconduct, foster community support for the New  
31 Jersey Division of State Police and its troopers, and to achieve and  
32 maintain good practices and procedures for trooper supervision and  
33 management, the State of New Jersey entered into a consent decree  
34 with the Civil Rights Division of the United States Department of  
35 Justice. The consent decree provided for the creation by the Attorney  
36 General of the Office of State Police Affairs in order to facilitate  
37 implementation of the terms of the consent decree; audit the manner in  
38 which the State receives, investigates, and adjudicates misconduct  
39 allegations involving State Troopers; and coordinate State Police  
40 reform efforts with the United States Department of Justice and  
41 independent monitors appointed by the United States District Court  
42 pursuant to the consent decree.

43 d. The Governor's Advisory Committee on Police Standards,  
44 established pursuant to Executive Order No. 29, issued by Governor  
45 Corzine on August 23, 2006, conducted a thorough examination of the  
46 policies and practices of the State Police and its compliance with the  
47 terms of the consent decree. The Advisory Committee on Police  
48 Standards concluded that the State Police, the Office of State Police

1   Affairs, and the Attorney General had worked cooperatively to rebuild  
2   public trust and restore honor through significant revisions of State  
3   Police standing operating procedures, by changing the relationship  
4   between the Attorney General's Office and the State Police, and  
5   through the development of innovative management techniques.  
6   Based upon these findings, the Advisory Committee recommended  
7   that the State join in a motion with the United States Department of  
8   Justice to terminate the consent decree, subject to the condition that the  
9   significant reforms accomplished during the term of the consent decree  
10   would be institutionalized, and, as appropriate, codified by statute.

11    e. The objective monitoring and independent oversight functions  
12   performed by the independent monitoring team appointed by the  
13   United States District Court pursuant to the consent decree have  
14   helped to promote and support the vigorous, lawful, and non-  
15   discriminatory implementation of law enforcement practices and  
16   procedures by the Division of State Police. In recognition of the  
17   strong public interest in perpetuating an appropriate oversight  
18   mechanism to serve the salutary purposes of helping to maintain, if not  
19   exceed, the quality and standards established under the consent decree,  
20   it is necessary and appropriate to maintain within the Office of the  
21   Attorney General an office to assume the oversight and monitoring  
22   functions that had been performed by the independent monitoring team  
23   under the consent decree.

24    f. Many of the reforms accomplished under the consent decree  
25   have been codified in rules, regulations, standing operating procedures  
26   or operations instructions promulgated by the superintendent and  
27   approved by the independent monitoring team appointed by the United  
28   States District Court. However, the need for flexibility to account for  
29   developments in constitutional law, the advent of new technologies,  
30   and the development of new best practices in policing, makes it  
31   impracticable and inappropriate to codify all consent decree-related  
32   rules, regulations, standing operating procedures and operations  
33   instructions in statutory law. Rather, the reforms achieved under the  
34   consent decree can best be institutionalized by mandating that any  
35   future changes to State Police rules, regulations, standing operating  
36   procedures and operations instructions relating to the consent decree  
37   are approved in writing by the Attorney General, and by affirming the  
38   authority of the Attorney General to direct the Superintendent to issue  
39   or amend any rule, regulation, standing operating procedure or  
40   operations instruction as may be deemed necessary by the Attorney  
41   General to maintain or enhance the practices of the Division of State  
42   Police on matters pertaining to any non-discrimination policy  
43   established by the Attorney General; the law of arrest, search and  
44   seizure; and the documentation of motor vehicle stops and law  
45   enforcement activities occurring during the course of motor vehicle  
46   stops.

47    g. Consistent with these objectives and purposes, it is altogether  
48   fitting and proper, and within the public interest, to reconstitute the

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1 Governor's Advisory Commission on Police Standards and direct that  
2 committee to evaluate the existence of racial profiling and racially  
3 influenced policing by local law enforcement agencies and, if  
4 appropriate, to recommend reforms to ensure community support and  
5 confidence that local law enforcement agencies are performing, in a  
6 totally nondiscriminatory, uniform and efficient manner, their law  
7 enforcement duties and responsibilities.

8

9 3. As used in this act:

10 "Consent Decree" means the consent decree the State of New  
11 Jersey entered into with the United States Department of Justice, Civil  
12 Rights Division, in December 1999.

13 "Director" means the Director of the Office of Law Enforcement  
14 Professional Standards.

15 "Mobile video recording system" means any device or system  
16 installed or used in a police vehicle that electronically records visual  
17 images depicting activities that take place during a motor vehicle stop  
18 or other law enforcement action.

19 "Office" means the Office of Law Enforcement Professional  
20 Standards established pursuant to section 4 of P.L. , c. (C. )  
21 (pending before the Legislature as this bill).

22 "Personnel performance information system" means a  
23 computerized system that collects, uses and analyzes information  
24 relating to motor vehicle stops and law enforcement actions taken  
25 during the course of those stops; allegations of misconduct and  
26 investigations of those allegations; and any other information that is  
27 used to assist supervisors to evaluate the performance of State Police  
28 members and their compliance with applicable laws, rules, regulations  
29 and standing operating procedures. This term shall include, but is not  
30 limited to, the State Police Management Awareness and Personnel  
31 Performance System in operation on the effective date of this act and  
32 any successor system.

33

34 4. a. There is created in the Department of Law and Public Safety  
35 an Office of Law Enforcement Professional Standards to perform such  
36 administrative, investigative, policy and training oversight, and  
37 monitoring functions, as the Attorney General shall direct, to assure  
38 and maintain the integrity of law enforcement activities performed by  
39 Division of State Police personnel, and to assist and provide guidance  
40 to other law enforcement entities.

41 b. In carrying out its duties and responsibilities, the office, and its  
42 constituent organizational units, shall exercise the Attorney General's  
43 constitutional, statutory and common law authority to act in the public  
44 interest, and shall have the authority to attend generally to legal  
45 matters in which the State or any of its officers or instrumentalities  
46 have an interest, and to execute the Attorney General's powers under  
47 the "Department of Law and Public Safety Act of 1948," P.L.1948,  
48 c.439 (C.52:17B-1 et seq.).

1       5. The Attorney General shall appoint an individual qualified by  
2 education, experience, or professional background in the fields of law,  
3 investigation, criminal practice, and administration to serve as Director  
4 of the Office of Law Enforcement Professional Standards. The  
5 director shall operate under the authority and direct supervision of the  
6 Attorney General, and shall serve at the pleasure of the Attorney  
7 General. The director shall direct and supervise the work of the office,  
8 and its constituent organizational units, and shall devote his entire time  
9 to the duties of the office.

10  
11       6. Subject to the provisions of P.L.     , c.     (C.     )(pending  
12 before the Legislature as this bill), the director may, with the approval  
13 of the Attorney General, organize the work of the office into such  
14 bureaus and other organizational units as may be necessary for its  
15 efficient and effective operation. The director may delegate to  
16 employees in the office, and its constituent organizational units, such  
17 powers as the director deems appropriate, to be exercised subject to the  
18 supervision and control of the director. The Attorney General may  
19 assign to the office such employees of the Department of Law and  
20 Public Safety as may be necessary to assist the director in the  
21 performance of his duties. The office shall be authorized to call upon  
22 the expertise and assistance of every division, agency, office, bureau  
23 and unit within the Department of Law and Public Safety in order to  
24 carry out its mission. Each division, agency, office, bureau and unit  
25 within the Department of Law and Public Safety is hereby required, to  
26 the extent not inconsistent with any other law, to cooperate with the  
27 office and to provide such assistance the office may require to  
28 accomplish the purposes of P.L.     , c.     (C.     ) (pending before the  
29 Legislature as this bill). It shall be the duty of all law enforcement  
30 agencies operating under the authority of the law of the State of New  
31 Jersey to cooperate with and aid the office in the performance of its  
32 duties.

33  
34       7. a. The office shall be authorized to perform such general and  
35 specific duties and functions as are set forth in this act and as may  
36 otherwise be established or assigned by the Attorney General.

37       b. The office shall be authorized to conduct operations audits and  
38 independent analyses of data, as necessary and appropriate, to identify  
39 any potential disparity in enforcement and systemic problems that may  
40 exist that affect the integrity of motor vehicle stops and post-stop  
41 enforcement actions, supervision of patrol activities, training provided  
42 to Division of State Police members assigned to patrol duties,  
43 investigations of alleged misconduct, and any other matters that may  
44 affect the integrity of the Division of State Police, and shall make  
45 recommendations for appropriate actions by the Attorney General to  
46 remedy any identified problems.

47       c. The office shall have timely access to all data stored in the  
48 personnel performance information system maintained by the Division

1 of State Police and any other records or data that are deemed necessary  
2 by the director to conduct independent analyses and to perform the  
3 functions authorized by P.L. , c. (C. ) (pending before the  
4 Legislature as this bill).

5 d. The office shall have specific authority to perform the following  
6 functions:

7 (1) review the substance, procedures and implementation related to  
8 Division of State Police policies concerning motor vehicle stops and  
9 post-stop enforcement actions, supervision of patrol activities, training  
10 provided to State Police members assigned to patrol duties, and the  
11 conduct of investigations of alleged misconduct and other internal  
12 affairs matters by the Division of State Police;

13 (2) monitor, review, evaluate and report to the Attorney General on  
14 the quality and timeliness of the Division of State Police's conduct of  
15 investigations of alleged misconduct, disciplinary actions and  
16 interventions, supervisory actions, personnel performance information  
17 system data and reports, consent search forms and reports, non-  
18 consensual search and drug detection canine reports, motor vehicle  
19 stop reports and logs, mobile video recording system tapes, and  
20 supervisory reviews;

21 (3) approve the curricula, prescribe trainer qualifications, and  
22 oversee the training of State Police troopers and trooper candidates on  
23 cultural awareness, law enforcement ethics and leadership,  
24 constitutional law pertaining to arrest, search and seizure, equal  
25 protection, and other relevant law enforcement issues the director  
26 deems necessary or appropriate to effectuate the purposes of this act;

27 (4) monitor, evaluate, require, and provide assistance or direction in  
28 effectuating any modifications to the design, implementation or use of  
29 the personnel performance information system, any mobile video  
30 recording system, any computer-aided dispatch system, or other  
31 system that records data concerning traffic stops and post-stop  
32 enforcement actions, used or proposed for use by the Division of State  
33 Police; and

34 (5) review all Division of State Police internal affairs investigations  
35 and dispositions, including any decision by the Division of State  
36 Police not to refer a complaint, from a citizen or any other source, to  
37 the office, or its successor, to ascertain whether the Division of State  
38 Police has complied with applicable standing operating procedures,  
39 whether the outcomes of those investigations are supported by the  
40 evidence, whether any discipline imposed was appropriate and  
41 proportionate, and make recommendations to the Attorney General for  
42 appropriate remedial action.

43

44 8. On the first day of the sixth month after the issuance of the final  
45 report by the independent monitoring team appointed by the United  
46 States District Court pursuant to the consent decree, the office shall  
47 prepare a report that evaluates the Division of State Police's  
48 compliance with relevant performance standards and procedures and

1 that is comparable substantively to the independent monitoring team's  
2 report. The initial report prepared by the office pursuant to this section  
3 shall evaluate the division's compliance during the period beginning  
4 on the day immediately following the last day of the period covered by  
5 the independent monitoring team's final report. The office shall  
6 thereafter prepare and issue such reports on a biannual basis. The  
7 reports required pursuant to this section shall be made available to the  
8 public.

9 The reports required by this section are not intended to evaluate  
10 compliance by the Division of State Police and the office with the  
11 provisions of P.L. , c. (C. )(pending before the Legislature as  
12 this bill). That evaluative function shall be performed by the State  
13 Comptroller in conducting the audits and performance reviews  
14 required under the provisions of section 15 of P.L. , c.  
15 (C. )(pending before the Legislature as this bill).

16  
17 9. The office shall have specific authority to provide advice and  
18 technical assistance to county and municipal law enforcement agencies  
19 concerning best practices for: the use of mobile video recording  
20 systems; supervisor reviews of mobile video recordings; data  
21 collection and documentation of investigative detentions, including but  
22 not limited to traffic stops and post-stop enforcement actions; in-  
23 service training on any applicable non-discrimination policy  
24 established by the Attorney General; the law of arrest, search and  
25 seizure, and equal protection; and the development and use of  
26 personnel performance information systems.

27  
28 10. The office shall take appropriate steps to promote and ensure  
29 compliance with the general policy that law enforcement officers not  
30 rely to any degree on the race or national or ethnic origin of motorists  
31 in selecting vehicles for traffic stops, or in deciding upon the scope  
32 and substance of post-stop actions, except in those instances where law  
33 enforcement officers are on the lookout for a specific suspect who has  
34 been identified in part by their race or their national or ethnic origin.

35  
36 11. The Attorney General shall ensure that the Division of State  
37 Police maintains a personnel performance information system that  
38 meets or exceeds the specifications of the system in place upon  
39 termination of the consent decree.

40  
41 12. The Superintendent of State Police shall ensure that no member  
42 of the State Police attends or participates in any training course or  
43 program relating to any applicable non-discrimination policy  
44 established by the Attorney General, the law of arrest, search and  
45 seizure or equal protection, or the manner for conducting motor  
46 vehicle stops or post-stop enforcement actions, unless the  
47 superintendent, or his designee, determines that attendance or  
48 participation in the training course or program is appropriate,

1 considering the member's experience and present or pending duty  
2 assignment. This requirement shall apply to training provided by the  
3 Division of State Police, by any other law enforcement agency, by an  
4 association representing law enforcement offices or agencies, or by a  
5 private vendor. A member of the State Police attending a training  
6 course or program shall promptly report to the superintendent, through  
7 the chain of command, if instruction provided during the course  
8 contradicts any Division of State Police rule, regulation, standing  
9 operating procedure, or operations instruction relating to any  
10 applicable non-discrimination policy established by the Attorney  
11 General; the law of arrest, search, seizure or equal protection; or the  
12 manner for lawfully conducting motor vehicle stops or post-stop  
13 enforcement actions. Nothing in this section shall be construed to  
14 limit the authority of the office to oversee and monitor the training of  
15 troopers and trooper candidates pursuant to the provisions of  
16 paragraph (2) of subsection d. of section 7 of P.L. , c. (C. )  
17 (pending before the Legislature as this bill).

18

19 13. a. The superintendent shall, on a semi-annual basis, certify to  
20 the Attorney General that the Division of State Police has complied  
21 with the requirements of P.L. , c. (C. ) (pending before the  
22 Legislature as this bill). Each troop commander shall, on a semi-  
23 annual basis, certify to the superintendent that the troop has complied  
24 with the requirements of P.L. , c. (C. ) (pending before the  
25 Legislature as this bill).

26 b. The Attorney General may direct the superintendent to issue or  
27 modify any rule, regulation, standing operation procedure or  
28 operations instructions, training program or bulletin, interoffice  
29 communication or any other document or communication as deemed  
30 necessary by the Attorney General to effectuate the purposes of  
31 P.L. , c. (C. ) (pending before the Legislature as this bill).  
32 Nothing in this section shall be construed to limit the existing powers  
33 or authority of the Attorney General.

34

35 14. a. The office shall prepare semi-annual public reports that  
36 include aggregate statistics on State Police traffic enforcement  
37 activities and procedures, segregated by State Police station and  
38 providing aggregate data on the race and ethnicity of the civilians  
39 involved. These reports shall include aggregate statistics on the  
40 number of motor vehicle stops, reason for the motor vehicle stop,  
41 enforcement actions, including, but not limited to, summonses,  
42 warnings, and arrests, requests for consent to search, consent searches  
43 conducted, non-consensual searches, and the use of force.

44 b. The office shall prepare semi-annual public reports providing  
45 aggregate data regarding misconduct investigations, and the number of  
46 external, internal, and total complaints received and sustained.

47 c. The Attorney General shall, on an annual basis, report to the  
48 Governor, the Legislature and the public on the implementation of

1 P.L. , c. (C. ) (pending before the Legislature as this bill).  
2 The Attorney General shall annually provide the State Treasurer and  
3 the Office of Management and Budget with an estimate of the funds  
4 needed to be appropriated to implement the provisions of this act,  
5 including but not limited to, estimates of funds needed to maintain  
6 adequate information technology and data analysis staffing and to  
7 provide adequate training.

8 d. The reports required by this section are not intended to  
9 evaluate compliance by the Division of State Police and the office  
10 with the provisions of P.L. , c. (C. ) (pending before the  
11 Legislature as this bill). That evaluative function shall be  
12 performed by the State Comptroller in conducting the audits and  
13 performance reviews required under the provisions of section 15 of  
14 P.L. , c. (C. ) (pending before the Legislature as this bill).

15

16 15. a. The State Comptroller, established pursuant to P.L.2007,  
17 c.52 (C.52:15C-1 et seq.), shall conduct audits and performance  
18 reviews of the Division of State Police and the office to evaluate  
19 compliance with the provisions of P.L. , c. (C. ) (pending  
20 before the Legislature as this bill). An audit and performance review  
21 required by this section may include, but need not be limited to, an  
22 examination, using such tests and sampling techniques as the State  
23 Comptroller deems appropriate, of State Police investigative  
24 detentions, including but not limited to traffic stops and post-stop  
25 enforcement actions; the handling of complaints and internal affairs  
26 investigations and dispositions, including a review of any decision by  
27 the Division of State Police not to refer a complaint to the Office of  
28 Professional Standards; and State Police training programs relating to  
29 motor vehicle stops and safeguards to ensure that all training provided  
30 to State Police members is appropriate and consistent with the  
31 purposes of P.L. , c. (C. ) (pending before the Legislature as  
32 this bill).

33 b. The State Comptroller shall report to the Governor, the  
34 Legislature and the public on the results of the audits and performance  
35 reviews. The State Comptroller shall conduct an audit and  
36 performance review on a semi-annual basis during the first 18 months  
37 following the enactment of P.L. , c. (C. ) (pending before the  
38 Legislature as this bill), and thereafter shall conduct an audit and  
39 performance review on an annual basis.

40 c. Within the limits of funds appropriated for such purposes, the  
41 State Comptroller may obtain the services of consultants and other  
42 professionals necessary to conduct the audits and performance reviews  
43 required by this section.

44 d. The Division of State Police, the office, and the Department of  
45 Law and Public Safety shall cooperate with the State Comptroller and  
46 provide to the State Comptroller such information, resources, and  
47 other assistance deemed necessary by the State Comptroller to conduct  
48 the audits and performance reviews required by this section.



1       16. On the first day of the 37th month following the effective date  
2 of P.L. , c. (C. ) (pending before the Legislature as this bill),  
3 the Attorney General shall submit to the Governor, the Legislature  
4 pursuant to the provisions of section 2 of P.L.1991, c.164 (C.52:14-  
5 19.1), and the public a comprehensive report on the steps taken to  
6 comply with the provisions of this act, the institutionalization of the  
7 State Police reforms achieved during the consent decree, and the  
8 efforts to maintain and enhance law enforcement professionalism and  
9 a commitment to non-discriminatory policing.

10  
11       17. The Governor's Advisory Commission on Police Standards,  
12 established pursuant to Executive Order No. 29 of 2006, is hereby  
13 reconstituted for the purpose of conducting a thorough examination of  
14 the policies and practices of the various local law enforcement  
15 agencies of this State in order to evaluate the existence of racial  
16 profiling and racially influenced policing by those agencies in order to  
17 ensure public trust and community support and confidence that local  
18 law enforcement agencies are performing, in a totally  
19 nondiscriminatory, uniform and efficient manner, their law  
20 enforcement duties and responsibilities.

21       If warranted by its examination, the committee shall recommend to  
22 the Governor and the Legislature appropriate proposals for reform,  
23 including, but not limited to, any legislation, administrative regulations  
24 or operating protocols.

25  
26       18. The reconstituted Advisory Committee shall consist of 21  
27 members who shall be appointed by the Governor. Six of those  
28 appointees shall be recommended by the Senate President; and six by  
29 the Speaker of the General Assembly. The Attorney General shall be a  
30 member of the Advisory Committee. The other members of the  
31 Advisory Committee shall be recommended and appointed based on  
32 their experience and expertise in matters concerning law, criminal  
33 justice, law enforcement practices, and the principles of equal  
34 protection and non-discrimination in the enforcement of the law.

35       A person appointed to the Advisory Committee, as established in  
36 2006, may be reappointed to the reconstituted committee.

37       a. The Governor shall appoint the Chair of the Advisory  
38 Committee. Vacancies on the Advisory Committee shall be filled in  
39 the same manner as the original appointment

40       b. The Advisory Committee shall organize and meet within 60  
41 days of the effective date of this act and shall complete its work and  
42 issue a final report, along with any recommendations it might deem  
43 appropriate, to the Governor and the Legislature within 180 days of its  
44 organizational meeting. All reports of the Advisory Committee shall  
45 made available to the public.

46       c. The Advisory Committee shall conduct at least one public  
47 hearing to provide an opportunity for interested parties, including the  
48 public, to provide relevant testimony. The Advisory Committee shall

1 also provide the means for citizens and others to submit comments by  
2 mail and by the internet.

3 d. The Advisory Committee is authorized to call upon any  
4 department, office, division or agency of this State to supply it with  
5 data and any other information, personnel or other assistance available  
6 to such agency as the Advisory Committee deems necessary to  
7 discharge its duties. Each department, office, division and agency of  
8 this State shall, to the extent not inconsistent with law, shall cooperate  
9 fully and promptly with the Advisory Committee. The Advisory  
10 Committee may consult with experts or other knowledgeable persons  
11 in the public or private sector on any aspect of its mission.

12  
13 19. The act shall take effect on the first day of the second month  
14 following enactment.

15  
16  
17 SPONSOR'S STATEMENT

18  
19 This bill codifies certain recommendations of the Governor's  
20 Committee on Police Standards.

21 The Advisory Committee was established on August 23, 2006,  
22 pursuant to Executive Order No. 29, to conduct a thorough  
23 examination of the police and practices of the Division of State  
24 Police and its compliance with the terms of the consent decree the  
25 State entered into with the Civil Rights Division of the United  
26 States Department of Justice.

27 The Advisory Committee concluded that the Division of State  
28 Police, the Office of State Police Affairs, and the Attorney General  
29 had effectively worked to rebuild public trust and restore the high  
30 standards of integrity, proficiency and accountability through  
31 significant revisions of State Police standing operating procedures,  
32 changing the relationship between the Attorney General's Office  
33 and the Division of State Police, and through the development of  
34 innovative management techniques.

35 Based on these findings, the Advisory Committee recommended  
36 that the State and the United States Department of Justice terminate  
37 the consent decree, provided the reforms instituted during the term  
38 of the consent decree be institutionalized and, where appropriate,  
39 codified by statute.

40 This bill accomplishes that codification by establishing within  
41 the Office of the Attorney General an office to assume the oversight  
42 and monitoring functions that had been performed by the  
43 independent monitoring team under the consent decree.

44 The bill also reconstitutes the Governor's Advisory Committee  
45 of Police Standards to evaluate the existence of racial profiling and  
46 racially influenced policing by local law enforcement agencies and,  
47 if appropriate, to recommend reforms to ensure community support  
48 and confidence that local law enforcement agencies are performing,

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1 in a totally nondiscriminatory, uniform and efficient manner, their  
2 law enforcement duties and responsibilities. The reconstituted  
3 Advisory Committee is to complete its examination and file its  
4 report with the Governor and the Legislature within 180 days of its  
5 organizational meeting.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE, No. 2868**

**STATE OF NEW JERSEY**

DATED: JUNE 22, 2009

The Senate Judiciary Committee reports favorably a committee substitute for Senate Bill No. 2868.

The substitute, titled the "Law Enforcement Professional Standards Act of 2009," codifies recommendations of the Governor's Advisory Committee on Police Standards. The committee was established in 2006, pursuant to Executive Order No. 29, to conduct a thorough examination of the policies and practices of the Division of State Police and its compliance with the terms of the 1999 consent decree entered into by the State of New Jersey and the United States Department of Justice concerning the practice of racial profiling by the State Police.

The Advisory Committee issued a final report and completed its work in December 2007. The report concluded that the Division of State Police, the Office of State Police Affairs, and the Attorney General had effectively worked to rebuild public trust and restore the high standards of integrity, proficiency and accountability through significant revisions of State Police standing operating procedures, changing the relationship between the Attorney General's Office and the Division of State Police, and through the development of innovative management techniques.

Based on these findings, the Advisory Committee recommended that the State and the United States Department of Justice terminate the consent decree, provided the reforms instituted during the term of the consent decree be institutionalized and, where appropriate, codified by statute.

This substitute accomplishes that codification by establishing within the Office of the Attorney General an Office of Law Enforcement Professional Standards. The director of the office, who would be appointed by the Attorney General and would be qualified by education, experience, or professional background in the fields of law, investigation, criminal practice, and administration. The director would operate under the authority and direct supervision of the Attorney General and serve at the pleasure of the Attorney General.

The substitute provides that it would be the duty of all law enforcement agencies operating under the authority of the law of the

State to cooperate with and aid the office in the performance of its duties.

The Office of Law Enforcement Professional Standards would perform the duties and functions previously performed under the consent decree by the independent monitors and the Office of State Police Affairs, and such other duties and functions as may otherwise be established or assigned by the Attorney General.

The office would be authorized to conduct operations audits and independent analyses of data to identify any potential disparity in enforcement and systemic problems that may exist that affect the integrity of motor vehicle stops and post-stop enforcement actions, supervision of patrol activities, training provided to Division of State Police members assigned to patrol duties, investigations of alleged misconduct, and any other matters that may affect the integrity of the Division of State Police, and make recommendations for appropriate actions by the superintendent or the Attorney General to remedy any identified problems.

The office would have specific authority to perform the following functions:

(1) review the substance, procedures and implementation related to Division of State Police policies concerning motor vehicle stops and post-stop enforcement actions, supervision of patrol activities, training provided to State Police members assigned to patrol duties, and the conduct of investigations of alleged misconduct and other internal affairs matters by the Division of State Police;

(2) monitor, review and evaluate the quality and timeliness of the Division of State Police's conduct of investigations of alleged misconduct, disciplinary actions and interventions, supervisory actions, personnel performance information system data and reports, consent search forms and reports, non-consensual search and drug detection canine reports, motor vehicle stop reports and logs, mobile video recording system tapes, and supervisory reviews;

(3) approve the curricula, prescribe trainer qualifications, and review the training of State Police troopers and trooper candidates on cultural awareness, law enforcement ethics and leadership, constitutional law pertaining to arrest, search and seizure, equal protection, and other relevant law enforcement issues the director deems necessary or appropriate to effectuate the purposes of this act;

(4) monitor, evaluate, require, and provide assistance or direction in effectuating any modifications to the design, implementation or use of the personnel performance information system, any mobile video recording system, any computer-aided dispatch system, or other system that records data concerning traffic stops and post-stop enforcement actions, used or proposed for use by the Division of State Police; and

(5) review all Division of State Police internal affairs investigations and dispositions, including any decision by the Division

of State Police not to refer a complaint, from a citizen or any other source, to the office, or its successor, to ascertain whether the Division of State Police has complied with applicable standing operating procedures, whether the outcomes of those investigations are supported by the evidence, whether any discipline imposed was appropriate and proportionate, and make recommendations to the superintendent and the Attorney General for appropriate remedial action.

Under the substitute, the Office of Law Enforcement Professional Standards would be required prepare a report that evaluates the Division of State Police's compliance with relevant performance standards and procedures and that is comparable substantively to the independent monitoring team's report. The office would be required to issue reports on a biannual basis afterwards.

The office would have specific authority to provide advice and technical assistance to county and municipal law enforcement agencies concerning best practices for: the use of mobile video recording systems; supervisor reviews of mobile video recordings; data collection and documentation of investigative detentions, including but not limited to traffic stops and post-stop enforcement actions; in-service training on any applicable non-discrimination policy established by the Attorney General; the law of arrest, search and seizure, and equal protection; and the development and use of personnel performance information systems.

The office would be required to take appropriate steps to promote and ensure compliance with the general policy that all law enforcement officers not rely to any degree on the race or national or ethnic origin of motorists in selecting vehicles for traffic stops, or in deciding upon the scope and substance of post-stop actions, except in those instances where law enforcement officers are on the lookout for a specific suspect who has been identified in part by their race or their national or ethnic origin.

The substitute requires the Division of State Police to maintain a personnel performance information system that meets or exceeds the specifications of the system in place upon termination of the consent decree. The substitute also requires the Superintendent of State Police to ensure that no member of the State Police attends or participates in any training course or program relating to any applicable non-discrimination policy established by the Attorney General, the law of arrest, search and seizure or equal protection, or the manner for conducting motor vehicle stops or post-stop enforcement actions, unless the superintendent, or his designee, determines that attendance or participation in the training course or program is appropriate.

The Attorney General and the superintendent would be responsible for ensuring the issuance or modification of any rule, regulation, standing operation procedure or operations instructions, training program or bulletin, interoffice communication or any other document

or communication deemed necessary to effectuate the purposes of the substitute.

Under the substitute, the office would be required to prepare semi-annual public reports that include statistics on State Police traffic enforcement activities and procedures and provide data on the race and ethnicity of the civilians involved. The office would also prepare semi-annual public reports providing data regarding misconduct investigations, and the number of external, internal, and total complaints received and the disposition of those complaints.

The substitute provides that the Attorney General would report annually to the Governor, the Legislature and the public on the implementation of the substitute, and annually provide the State Treasurer and the Office of Management and Budget with an estimate of the funds needed to be appropriated to implement the provisions of the substitute, including but not limited to, estimates of funds needed to maintain adequate information technology and data analysis staffing and to provide adequate training.

Under the substitute, the State Comptroller, established pursuant to P.L.2007, c.52 (C.52:15C-1 et seq.), would conduct risk-based audits and performance reviews of the Division of State Police and the Office of Law Enforcement Professional Standards to examine stops, post-stop enforcement activities, internal affairs and discipline, decisions not to refer a trooper to internal affairs notwithstanding the existence of a complaint, and training, and report to the Governor, the Legislature and the public on the results of the audits and performance reviews.

The substitute requires the Division of State Police, the Office of Law Enforcement Professional Standards, and the Department of Law and Public Safety to cooperate with the State Comptroller and provide necessary information, resources, and other assistance.

In addition, the substitute provides that on the first day of the 37th month following the effective date of the substitute, the Attorney General shall submit to the Governor, the Legislature, and the public a comprehensive report on the steps taken to comply with the provisions of the substitute, the institutionalization of the reforms achieved during the consent decree, and the efforts to maintain and enhance law enforcement professionalism and a commitment to non-discriminatory policing.

This substitute is identical to the Assembly Committee Substitute for Assembly No. 3935.