

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/CL

P.L. 2020, CHAPTER 107, *approved October 19, 2020*
Assembly, No. 2394 (*First Reprint*)

1 AN ACT requiring State, county, and municipal law enforcement
2 agencies to establish minority recruitment and selection
3 programs and 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. For the purposes of this act:

9 "Law enforcement agency" means a department, division,
10 bureau, commission, board or other authority of the State or of any
11 political subdivision thereof which has by statute or ordinance the
12 responsibility of detecting and enforcing the general criminal laws
13 of this State.

14 "Law enforcement officer" means any person who is employed
15 as a permanent full-time member of an enforcement agency, who is
16 statutorily empowered to act for the detection, investigation, arrest,
17 and conviction of persons violating the criminal laws of this State
18 and statutorily required to successfully complete a training course
19 approved, or certified as being substantially equivalent to an
20 approved course, by the Police Training Commission pursuant to
21 P.L.1961, c.56 (C.52:17B-66 et seq.).

22

23 2. a. Each law enforcement agency in this State shall establish
24 a minority recruitment and selection program in accordance with
25 guidelines established by the Attorney General pursuant to section 4
26 of this act. The program shall ¹**[ensure that]** seek to remedy past
27 discrimination in furtherance of the goal of¹ the agency ¹**[is]** being¹
28 comprised of law enforcement officers who reflect the diversity of
29 the population of the community the agency is charged with
30 protecting ¹**[by:**

31 (1) setting] . In implementing the program, the law
32 enforcement agency shall make a good faith effort to meet¹ specific
33 goals for recruiting and hiring minorities and females¹**];**

34 (2) establishing] within established¹ time frames ¹**[for meeting**
35 these goals;

36 (3) describing] . The program shall include¹ methods of
37 evaluating whether these goals are met ¹**];**¹ and

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted July 28, 2020.

1 ~~[(4) setting forth corrective action]~~ provide for additional
2 contingent measures¹ to be taken if the ~~[agency]~~ program¹ fails to
3 meet ~~[these]~~ its specific¹ goals.

4 b. The minority recruitment and selection program established
5 pursuant to subsection a. of this section shall be posted on the
6 official Internet website of each law enforcement agency.

7 c. The county prosecutor shall monitor the results of the
8 minority recruitment and selection programs established by county
9 and municipal law enforcement agencies within the jurisdiction of
10 the prosecutor as required in subsection a. of this section. The
11 county prosecutor shall annually report this information to the
12 Attorney General.

13 d. The Attorney General shall monitor the results of the
14 minority recruitment and selection ~~[programs]~~ program¹
15 established by the Division of State Police and ¹, in consultation
16 with the respective commissioner of any other State department that
17 maintains a law enforcement agency, the programs established by¹
18 other State law enforcement agencies as required in subsection a. of
19 this section.

20 e. The Attorney General shall annually report to the Governor
21 and, pursuant to section 2 of P.L.1991, c.164 ~~[(C:52:14-19.1)]~~
22 (C.52:14-19.1)¹, to the President of the Senate and the Speaker of
23 the General Assembly a summary of the results obtained pursuant to
24 subsection d. of this section and the results reported by the county
25 prosecutors pursuant to subsection c. of this section. The Attorney
26 General also shall post this summary on the official Internet website
27 of the Department of Law and Public Safety.

28
29 3. a. Each State law enforcement agency, including the
30 Division of State Police, shall annually report to the Attorney
31 General and each municipal and county law enforcement agency in
32 this State shall annually report to the county prosecutor with
33 jurisdiction over the agency a report containing:

34 (1) the age, gender, race, and ethnicity of the law enforcement
35 officers currently appointed to the law enforcement agency;

36 (2) the age, gender, race, and ethnicity of applicants for a law
37 enforcement officer position in the preceding calendar year;

38 (3) the age, gender, race, and ethnicity of applicants appointed
39 to the agency in the preceding calendar year;

40 (4) the reasons for denying applicants an appointment to the law
41 enforcement agency; and

42 (5) the age, gender, race, and ethnicity of each law enforcement
43 officer promoted within the agency in the preceding calendar year,
44 including the position to which the officer was promoted.

45 b. Each municipal law enforcement agency shall publish in the
46 agency's annual report the information required by subsection a. of
47 this section.

1 c. Each county prosecutor shall publish in the county
2 prosecutor's annual report the information required by subsection a.
3 of this section for each county law enforcement agency within the
4 jurisdiction of the county prosecutor.

5 d. Each State law enforcement agency shall publish in the
6 agency's annual report the information required by subsection a. of
7 this section.

8 e. The county prosecutor shall forward the information
9 required in subsection a. of this section to the Attorney General.
10 The Attorney General shall collect, gather, assemble, and collate the
11 information required in subsection a. of this section into an annual
12 report to be issued to the Governor and, pursuant to section 2 of
13 P.L.1991, c.164 (C:52:14-19.1), to the President of the Senate and
14 the Speaker of the General Assembly.

15 f. The Attorney General shall post on the official Internet web
16 site of the Department of Law and Public Safety each annual report
17 required by subsection e. of this section.

18

19 4. The Attorney General shall develop for dissemination to law
20 enforcement agencies and county prosecutors throughout this State
21 those guidelines or directives deemed necessary or appropriate to
22 ensure the uniform application of this act.

23

24 5. This act shall take effect on the first day of the fourth month
25 next following enactment.

26

27

28

29

30 _____
31 Requires law enforcement agencies in this State to establish
32 minority recruitment and selection programs; establishes reporting
requirement.

ASSEMBLY, No. 2394

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Co-Sponsored by:

Assemblywoman Timberlake, Assemblyman Spearman, Assemblywoman Speight, Assemblyman Verrelli, Assemblywomen Reynolds-Jackson, Quijano, Assemblyman Danielsen, Assemblywomen Jasey and Tucker

SYNOPSIS

Requires law enforcement agencies in this State to establish minority recruitment and selection programs; establishes reporting requirement.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/18/2020)

1 AN ACT requiring State, county, and municipal law enforcement
2 agencies to establish minority recruitment and selection
3 programs and 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. For the purposes of this act:

9 "Law enforcement agency" means a department, division,
10 bureau, commission, board or other authority of the State or of any
11 political subdivision thereof which has by statute or ordinance the
12 responsibility of detecting and enforcing the general criminal laws
13 of this State.

14 "Law enforcement officer" means any person who is employed
15 as a permanent full-time member of an enforcement agency, who is
16 statutorily empowered to act for the detection, investigation, arrest,
17 and conviction of persons violating the criminal laws of this State
18 and statutorily required to successfully complete a training course
19 approved, or certified as being substantially equivalent to an
20 approved course, by the Police Training Commission pursuant to
21 P.L.1961, c.56 (C.52:17B-66 et seq.).

22
23 2. a. Each law enforcement agency in this State shall establish
24 a minority recruitment and selection program in accordance with
25 guidelines established by the Attorney General pursuant to section 4
26 of this act. The program shall ensure that the agency is comprised
27 of law enforcement officers who reflect the diversity of the
28 population of the community the agency is charged with protecting
29 by:

30 (1) setting specific goals for recruiting and hiring minorities and
31 females;

32 (2) establishing time frames for meeting these goals;

33 (3) describing methods of evaluating whether these goals are
34 met; and

35 (4) setting forth corrective action to be taken if the agency fails
36 to meet these goals.

37 b. The minority recruitment and selection program established
38 pursuant to subsection a. of this section shall be posted on the
39 official Internet website of each law enforcement agency.

40 c. The county prosecutor shall monitor the results of the
41 minority recruitment and selection programs established by county
42 and municipal law enforcement agencies within the jurisdiction of
43 the prosecutor as required in subsection a. of this section. The
44 county prosecutor shall annually report this information to the
45 Attorney General.

46 d. The Attorney General shall monitor the results of the
47 minority recruitment and selection programs established by the

1 Division of State Police and other State law enforcement agencies
2 as required in subsection a. of this section.

3 e. The Attorney General shall annually report to the Governor
4 and, pursuant to section 2 of P.L.1991, c.164 (C:52:14-19.1), to the
5 President of the Senate and the Speaker of the General Assembly a
6 summary of the results obtained pursuant to subsection d. of this
7 section and the results reported by the county prosecutors pursuant
8 to subsection c. of this section. The Attorney General also shall
9 post this summary on the official Internet website of the
10 Department of Law and Public Safety.

11

12 3. a. Each State law enforcement agency, including the
13 Division of State Police, shall annually report to the Attorney
14 General and each municipal and county law enforcement agency in
15 this State shall annually report to the county prosecutor with
16 jurisdiction over the agency a report containing:

17 (1) the age, gender, race, and ethnicity of the law enforcement
18 officers currently appointed to the law enforcement agency;

19 (2) the age, gender, race, and ethnicity of applicants for a law
20 enforcement officer position in the preceding calendar year;

21 (3) the age, gender, race, and ethnicity of applicants appointed
22 to the agency in the preceding calendar year;

23 (4) the reasons for denying applicants an appointment to the law
24 enforcement agency; and

25 (5) the age, gender, race, and ethnicity of each law enforcement
26 officer promoted within the agency in the preceding calendar year,
27 including the position to which the officer was promoted.

28 b. Each municipal law enforcement agency shall publish in the
29 agency's annual report the information required by subsection a. of
30 this section.

31 c. Each county prosecutor shall publish in the county
32 prosecutor's annual report the information required by subsection a.
33 of this section for each county law enforcement agency within the
34 jurisdiction of the county prosecutor.

35 d. Each State law enforcement agency shall publish in the
36 agency's annual report the information required by subsection a. of
37 this section.

38 e. The county prosecutor shall forward the information
39 required in subsection a. of this section to the Attorney General.
40 The Attorney General shall collect, gather, assemble, and collate the
41 information required in subsection a. of this section into an annual
42 report to be issued to the Governor and, pursuant to section 2 of
43 P.L.1991, c.164 (C:52:14-19.1), to the President of the Senate and
44 the Speaker of the General Assembly.

45 f. The Attorney General shall post on the official Internet web
46 site of the Department of Law and Public Safety each annual report
47 required by subsection e. of this section.

A2394 WIMBERLY, JOHNSON

5

1 concerning State law enforcement agencies, including the Division
2 of State Police, into an annual report to be reported to the Governor,
3 President of the Senate, and Speaker of the General Assembly. The
4 bill also requires this information to be posted on the official
5 Internet website of the Department of Law and Public Safety. Each
6 State, county, and municipal law enforcement agency also is
7 required to publish this information in its annual report.

ASSEMBLY COMMUNITY DEVELOPMENT AND AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2394

STATE OF NEW JERSEY

DATED: JUNE 15, 2020

The Assembly Community Development and Affairs Committee reports favorably Assembly Bill No. 2394.

This bill requires each State, county, and municipal law enforcement agency in New Jersey to establish a minority recruitment and selection program in accordance with guidelines issued by the Attorney General. The purpose of these programs is to ensure that law enforcement agencies in this State reflect the diversity of the population of the community the agency protects.

Under the bill, each minority recruitment and selection program is required to set specific goals for recruiting and hiring minorities and females, establishing time frames for meeting these goals, and describing methods of evaluating whether these goals are met. Each program also is required to set forth corrective action to be taken if the agency fails to meet the goals of the program. The bill requires each law enforcement agency to post the recruitment and selection program on the agency's official Internet website.

The county prosecutors are responsible for monitoring the results of the recruitment and selection programs established by county and municipal law enforcement agencies. The Attorney General is responsible for monitoring the results of the programs established by the State Police and other State law enforcement agencies. The bill also establishes reporting requirements concerning the overall diversity of the law enforcement agencies throughout the State. The bill requires each State, county, and municipal law enforcement agency in this State to annually report on: (1) the age, gender, race, and ethnicity of the law enforcement officers currently appointed to the law enforcement agency; (2) the age, gender, race, and ethnicity of applicants for a law enforcement officer position in the preceding calendar year; (3) the age, gender, race, and ethnicity of applicants appointed to the agency in the preceding calendar year; (4) the reasons for denying applicants an appointment to the law enforcement agency; and (5) the age, gender, race, and ethnicity of each law enforcement officer promoted within the agency in the preceding calendar year, including the position to which the officer was promoted.

The county prosecutor is required by the bill to forward this information to the Attorney General. The Attorney General is required

to collect, gather, assemble, and collate the information forwarded by the county prosecutors and the information concerning State law enforcement agencies, including the Division of State Police, into an annual report to be reported to the Governor, President of the Senate, and Speaker of the General Assembly. The bill also requires this information to be posted on the official Internet website of the Department of Law and Public Safety. Each State, county, and municipal law enforcement agency also is required to publish this information in its annual report.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO ASSEMBLY, No. 2394

with committee amendments

STATE OF NEW JERSEY

DATED: JULY 28, 2020

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2394.

As amended and reported by the committee, Assembly Bill No. 2394 requires each State, county, and municipal law enforcement agency in New Jersey to establish a minority recruitment and selection program in accordance with guidelines issued by the Attorney General. The purpose of these programs is to seek to remedy past discrimination in furtherance of the goal that these agencies reflect the diversity of the population of the community the agency protects.

Under the amended bill, the law enforcement agency is to make a good faith effort to meet specific goals for recruiting and hiring minorities and females within established time frames. The program is to include methods of evaluating whether these goals are met and provide for additional contingent measures to be taken if the agency fails to meet its specific goals. The amended bill requires each law enforcement agency to post the minority recruitment and selection program on the agency's official Internet website.

The county prosecutors are responsible for monitoring the results of the minority recruitment and selection programs established by county and municipal law enforcement agencies. The Attorney General is responsible for monitoring the results of the program established by the State Police and, in consultation with the respective commissioner of any other State department that maintains a law enforcement agency, the programs established by other State law enforcement agencies. The amended bill also establishes reporting requirements concerning the overall diversity of the law enforcement agencies throughout the State. The bill requires each State, county, and municipal law enforcement agency in this State to annually report on: (1) the age, gender, race, and ethnicity of the law enforcement officers currently appointed to the law enforcement agency; (2) the age, gender, race, and ethnicity of applicants for a law enforcement officer position in the preceding calendar year; (3) the age, gender, race, and ethnicity of applicants appointed to the agency in the preceding calendar year; (4) the reasons for denying applicants an appointment to the law enforcement agency; and (5) the age, gender, race, and ethnicity of each law enforcement officer promoted

within the agency in the preceding calendar year, including the position to which the officer was promoted.

The county prosecutor is required by the amended bill to forward this information to the Attorney General. The Attorney General is required to collect, gather, assemble, and collate the information forwarded by the county prosecutors and the information concerning State law enforcement agencies, including the Division of State Police, into an annual report to be reported to the Governor, President of the Senate, and Speaker of the General Assembly. The amended bill also requires this information to be posted on the official Internet website of the Department of Law and Public Safety. Each State, county, and municipal law enforcement agency also is required to publish this information in its annual report.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended and reported by the committee, Assembly Bill No. 2394 is identical to Senate Bill No. 401, which also was amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) require the programs to seek to remedy past discrimination with the goal of the agency reflecting the diversity of the community rather than ensure this outcome;

(2) require the agency to make a “good-faith” effort to meet specific goals for recruiting and hiring minorities and females;

(3) require additional contingent measures rather than corrective action if the goals are not met;

(4) clarify that the Attorney General is to monitor programs established by State law enforcement agencies, in consultation with the appropriate commissioner; and

(5) other clarifying and technical amendments.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 2394
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JUNE 24, 2020

SUMMARY

- Synopsis:** Requires law enforcement agencies in this State to establish minority recruitment and selection programs; establishes reporting requirement.
- Type of Impact:** Annual State and local government expenditure increases.
- Agencies Affected:** Department of Law and Public Safety; county and municipal law enforcement agencies

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2021 & Thereafter</u>
State Cost Increase	Indeterminate
Local Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) finds the bill will result in annual expenditure increases for the State and local governments, but the costs to implement, monitor, and report on minority and female recruitment and selection programs to meet the requirements of this bill are indeterminate. The OLS does not have specific information concerning the guidelines the Attorney General may promulgate to law enforcement agencies in the State or how the office will enforce the requirements of this bill.
- Additionally, it is unknown whether and to what extent State, county, and municipal law enforcement agencies may currently comply with the bill's requirements. A law enforcement agency that has an existing program similar to that proposed in this bill will presumably incur fewer costs to meet the bill's requirements.

BILL DESCRIPTION

This bill requires each State, county, and municipal law enforcement agency to establish a minority recruitment and selection program in accordance with guidelines issued by the Attorney General.

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

determine corrective action to be taken if the agency fails to meet the goals of the program. The bill requires each law enforcement agency to post the recruitment and selection program on the agency's official website.

The county prosecutors are responsible for monitoring the results of programs established by county and municipal law enforcement agencies. The Attorney General is responsible for monitoring the results of the programs established by the State Police and other State law enforcement agencies. The bill requires the Attorney General to annually report to the Governor and the Legislature a summary of the results of the State, county, and municipal programs and to post this information on the Department of Law and Public Safety's website. The bill also establishes reporting requirements concerning the overall diversity of the law enforcement agencies throughout the State.

The county prosecutor is required by the bill to forward this information to the Attorney General. The Attorney General is required to collect, gather, assemble, and collate the information forwarded by the county prosecutors and the information concerning State law enforcement agencies, including the Division of State Police, into an annual report to be reported to the Governor, President of the Senate, and Speaker of the General Assembly. The bill also requires this information to be posted on the official website of the Department of Law and Public Safety. Each State, county, and municipal law enforcement agency is required to also publish this information in its annual report.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the bill will result in annual expenditure increases for the State and local governments, but the costs to implement, monitor, and report on minority and female recruitment and selection programs to meet the requirements of this bill are indeterminate. The OLS does not have specific information concerning the guidelines the Attorney General may promulgate or how the office will enforce the requirements of this bill; therefore, the OLS cannot determine the costs associated with the bill.

The OLS also does not know whether or to what extent State, county, and municipal law enforcement agencies may currently comply with the bill's requirements. Annually, the Division of State Police provides employee ethnicity and gender data to the Senate and Assembly budget committees at the request of the OLS and committee members. Additionally, the NJ Uniform Crime Report, issued by the Division of State Police, provides employee data, including gender information, for State, county, and municipal law enforcement agencies.

It is unknown whether any New Jersey law enforcement agencies currently have recruitment procedures to increase employment of minorities and women. Research indicates that the recruitment of minorities and women into law enforcement positions has been an ongoing concern of law enforcement agencies nationwide. In order to comply with this legislation, law enforcement agencies may consult with the "*Law Enforcement Recruitment Toolkit*" published by the U.S. Department of Justice and the International Association of Chiefs of Police in 2009. The toolkit established guidelines for law enforcement agencies recruiting minority and women police officers.

The Bureau of Justice Statistics, in the U.S. Department of Justice, released a survey reflecting that the total number of sworn police officers at more than 12,000 local departments across the US in 2013 was 477,000. The survey showed that the total percentage of minority officers nationally has increased, rising to 27.3 percent in 2013 compared to 25.3 percent in 2007; this increase is specifically linked to growing numbers of both Hispanic and Asian officers. The percentage of Hispanic officers rose from 10.3 percent in 2007 to 11.6 percent in 2013, almost equal to the percentage of African American officers nationwide. The percentage of African American officers as a share of the total number of police remained flat at about 12 percent.

Section: Law and Public Safety
Analyst: Kristin Brunner Santos
Senior Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

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

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

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 2394

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: AUGUST 28, 2020

SUMMARY

- Synopsis:** Requires law enforcement agencies in this State to establish minority recruitment and selection programs; establishes reporting requirement.
- Type of Impact:** Annual State and local government expenditure increases.
- Agencies Affected:** Department of Law and Public Safety; county and municipal law enforcement agencies

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2021 & Thereafter</u>
State Cost Increase	Indeterminate
Local Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) finds the bill will result in annual expenditure increases for the State and local governments, but the costs to implement, monitor, and report on minority and female recruitment and selection programs to meet the requirements of this bill are indeterminate. The OLS does not have specific information concerning the guidelines the Attorney General may promulgate to ensure uniform application of the bill's provisions by law enforcement agencies in the State or how the office will enforce the requirements of this bill.
- Additionally, it is unknown whether and to what extent State, county, and municipal law enforcement agencies may currently comply with the bill's requirements. A law enforcement agency that has an existing program similar to that proposed in this bill will presumably incur fewer costs to meet the bill's requirements.

BILL DESCRIPTION

This bill requires each State, county, and municipal law enforcement agency to establish a minority recruitment and selection program in accordance with guidelines issued by the Attorney General.

Under the bill, the law enforcement agency is to make a good faith effort to meet specific goals for recruiting and hiring minorities and females within established time frames. The program is to include methods of evaluating whether these goals are met and provide for additional contingent measures to be taken if the agency fails to meet its specific goals. The bill requires each law enforcement agency to post the minority recruitment and selection program on the agency's official website.

The county prosecutors are responsible for monitoring the results of programs established by county and municipal law enforcement agencies. The Attorney General is responsible for monitoring the results of the programs established by the Division of State Police, in consultation with the respective commissioner of any other State department that maintains a law enforcement agency. The bill requires the Attorney General to annually report to the Governor and the Legislature a summary of the results of the State, county, and municipal programs and to post this information on the Department of Law and Public Safety's website. The bill also establishes reporting requirements concerning the overall diversity of the law enforcement agencies throughout the State.

The county prosecutor is required by the bill to forward this information to the Attorney General. The Attorney General is required to collect, gather, assemble, and collate the information forwarded by the county prosecutors and the information concerning State law enforcement agencies, including the Division of State Police, into an annual report to be reported to the Governor, President of the Senate, and Speaker of the General Assembly. The bill also requires this information to be posted on the official website of the Department of Law and Public Safety. Each State, county, and municipal law enforcement agency is required to also publish this information in its annual report.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the bill will result in annual expenditure increases for the State and local governments, but the costs to implement, monitor, and report on minority and female recruitment and selection programs to meet the requirements of this bill are indeterminate. The OLS does not have specific information concerning the guidelines the Attorney General may promulgate or how the office will enforce the requirements of this bill; therefore, the OLS cannot determine the costs associated with the bill.

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agencies may consult with the “*Law Enforcement Recruitment Toolkit*” published by the U.S. Department of Justice and the International Association of Chiefs of Police in 2009. The toolkit established guidelines for law enforcement agencies recruiting minority and women police officers.

The Bureau of Justice Statistics, in the U.S. Department of Justice, released a survey reflecting that the total number of sworn police officers at more than 12,000 local departments across the US in 2013 was 477,000. The survey showed that the total percentage of minority officers nationally has increased, rising to 27.3 percent in 2013 compared to 25.3 percent in 2007; this increase is specifically linked to growing numbers of both Hispanic and Asian officers. The percentage of Hispanic officers rose from 10.3 percent in 2007 to 11.6 percent in 2013, almost equal to the percentage of African American officers nationwide. The percentage of African American officers as a share of the total number of police remained flat at about 12 percent.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

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

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

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

SENATE, No. 401

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Co-Sponsored by:

Senators Rice and Pou

SYNOPSIS

Requires law enforcement agencies in this State to establish minority recruitment and selection programs; establishes reporting requirement.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/29/2020)

S401 TURNER, CUNNINGHAM

2

1 AN ACT requiring State, county, and municipal law enforcement
2 agencies to establish minority recruitment and selection
3 programs and supplementing Title 52 of the New Jersey Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
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8 1. For the purposes of this act:

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10 bureau, commission, board, or other authority of the State or of any
11 political subdivision thereof which has by statute or ordinance the
12 responsibility of detecting and enforcing the general criminal laws
13 of this State.

14 "Law enforcement officer" means any person who is employed
15 as a permanent full-time member of an enforcement agency, who is
16 statutorily empowered to act for the detection, investigation, arrest,
17 and conviction of persons violating the criminal laws of this State
18 and statutorily required to successfully complete a training course
19 approved, or certified as being substantially equivalent to an
20 approved course, by the Police Training Commission pursuant to
21 P.L.1961, c.56 (C.52:17B-66 et seq.).
22

23 2. a. Each law enforcement agency in this State shall establish
24 a minority recruitment and selection program in accordance with
25 guidelines established by the Attorney General pursuant to section 4
26 of this act. The program shall ensure that the agency is comprised
27 of law enforcement officers who reflect the diversity of the
28 population of the community the agency is charged with protecting
29 by:

30 (1) setting specific goals for recruiting and hiring minorities and
31 females;

32 (2) establishing time frames for meeting these goals;

33 (3) describing methods of evaluating whether these goals are
34 met; and

35 (4) setting forth corrective action to be taken if the agency fails
36 to meet these goals.

37 b. The minority recruitment and selection program established
38 pursuant to subsection a. of this section shall be posted on the
39 official Internet website of each law enforcement agency.

40 c. The county prosecutor shall monitor the results of the
41 minority recruitment and selection programs established by county
42 and municipal law enforcement agencies within the jurisdiction of
43 the prosecutor as required in subsection a. of this section. The
44 county prosecutor shall annually report this information to the
45 Attorney General.

46 d. The Attorney General shall monitor the results of the
47 minority recruitment and selection programs established by the

1 Division of State Police and other State law enforcement agencies
2 as required in subsection a. of this section.

3 e. The Attorney General shall annually report to the Governor
4 and, pursuant to section 2 of P.L.1991, c.164 (C:52:14-19.1), to the
5 President of the Senate and the Speaker of the General Assembly a
6 summary of the results obtained pursuant to subsection d. of this
7 section and the results reported by the county prosecutors pursuant
8 to subsection c. of this section. The Attorney General also shall
9 post this summary on the official Internet website of the
10 Department of Law and Public Safety.

11

12 3. a. Each State law enforcement agency, including the
13 Division of State Police, shall annually submit to the Attorney
14 General and each municipal and county law enforcement agency in
15 this State shall annually submit to the county prosecutor with
16 jurisdiction over the agency a report containing:

17 (1) the age, gender, race, and ethnicity of the law enforcement
18 officers currently appointed to the law enforcement agency;

19 (2) the age, gender, race, and ethnicity of applicants for a law
20 enforcement officer position in the preceding calendar year;

21 (3) the age, gender, race, and ethnicity of applicants appointed
22 to the agency in the preceding calendar year;

23 (4) the reasons for denying applicants an appointment to the law
24 enforcement agency; and

25 (5) the age, gender, race, and ethnicity of each law enforcement
26 officer promoted within the agency in the preceding calendar year,
27 including the position to which the officer was promoted.

28 b. Each municipal law enforcement agency shall publish in the
29 agency's annual report the information required by subsection a. of
30 this section.

31 c. Each county prosecutor shall publish in the county
32 prosecutor's annual report the information required by subsection a.
33 of this section for each county law enforcement agency within the
34 jurisdiction of the county prosecutor.

35 d. Each State law enforcement agency shall publish in the
36 agency's annual report the information required by subsection a. of
37 this section.

38 e. The county prosecutor shall forward the information
39 required in subsection a. of this section to the Attorney General.
40 The Attorney General shall collect, gather, assemble, and collate the
41 information required in subsection a. of this section into an annual
42 report to be issued to the Governor and, pursuant to section 2 of
43 P.L.1991, c.164 (C:52:14-19.1), to the President of the Senate and
44 the Speaker of the General Assembly.

45 f. The Attorney General shall post on the official Internet
46 website of the Department of Law and Public Safety each annual
47 report required by subsection e. of this section.

1 4. The Attorney General shall develop for dissemination to law
2 enforcement agencies and county prosecutors throughout this State
3 those guidelines or directives deemed necessary or appropriate to
4 ensure the uniform application of this act.

5

6 5. This act shall take effect on the first day of the fourth month
7 next following enactment.

8

9

10 STATEMENT

11

12 This bill requires each State, county, and municipal law
13 enforcement agency in New Jersey to establish a minority
14 recruitment and selection program in accordance with guidelines
15 issued by the Attorney General. The purpose of these programs is
16 to ensure that law enforcement agencies in this State reflect the
17 diversity of the population of the community the agency protects.

18 Under the bill, each minority recruitment and selection program
19 is required to: (1) set specific goals for recruiting and hiring
20 minorities and females; (2) establish time frames for meeting these
21 goals; (3) describe methods of evaluating whether these goals are
22 met; and (4) set forth corrective to be taken if the agency fails to
23 meet the goals of the program. In addition, the bill requires each
24 law enforcement agency to post the recruitment and selection
25 program on the agency's official Internet website.

26 The county prosecutors are responsible for monitoring the results
27 of the recruitment and selection programs established by county and
28 municipal law enforcement agencies. The Attorney General is
29 responsible for monitoring the results of the programs established
30 by the State Police and other State law enforcement agencies. The
31 bill requires the Attorney General to annually report to the
32 Governor and the Legislature a summary of the results of the State,
33 county, and municipal programs and to post this information on the
34 Department of Law and Public Safety's website.

35 The bill also establishes reporting requirements concerning the
36 overall diversity of the law enforcement agencies throughout the
37 State. The bill requires each State, county, and municipal law
38 enforcement agency in this State to annually report on: (1) the age,
39 gender, race, and ethnicity of the law enforcement officers currently
40 appointed to the law enforcement agency; (2) the age, gender, race,
41 and ethnicity of applicants for a law enforcement officer position in
42 the preceding calendar year; (3) the age, gender, race, and ethnicity
43 of applicants appointed to the agency in the preceding calendar
44 year; (4) the reasons for denying applicants an appointment to the
45 law enforcement agency; and (5) the age, gender, race, and ethnicity
46 of each law enforcement officer promoted within the agency in the
47 preceding calendar year, including the position to which the officer
48 was promoted.

S401 TURNER, CUNNINGHAM

1 The county prosecutor is required by the bill to forward this
2 information to the Attorney General. The Attorney General is
3 required to collect, gather, assemble, and collate the information
4 forwarded by the county prosecutors and the information
5 concerning State law enforcement agencies, including the Division
6 of State Police, into an annual report to be issued to the Governor,
7 President of the Senate, and Speaker of the General Assembly. The
8 bill also requires this information to be posted on the official
9 Internet website of the Department of Law and Public Safety. Each
10 State, county, and municipal law enforcement agency also is
11 required to publish this information in its annual report.

12 To enhance the public's trust in the police officers who protect
13 the residents of this State, law enforcement workforces need to
14 more closely mirror the population of the community. Therefore,
15 law enforcement agencies need to increase the number of minority
16 and female law enforcement officers they recruit and hire. It is the
17 sponsor's intent to increase minority and female representation in
18 law enforcement agencies in this State by requiring each agency to
19 establish a minority recruitment and selection program and to make
20 available to the public the results of these programs.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 401

with committee amendments

STATE OF NEW JERSEY

DATED: JULY 28, 2020

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 401.

As amended and reported by the committee, this bill requires each State, county, and municipal law enforcement agency in New Jersey to establish a minority recruitment and selection program in accordance with guidelines issued by the Attorney General. The purpose of these programs is to seek to remedy past discrimination in furtherance of the goal that these agencies reflect the diversity of the population of the community the agency protects.

Under the amended bill, the law enforcement agency is to make a good faith effort to meet specific goals for recruiting and hiring minorities and females within established time frames. The program is to include methods of evaluating whether these goals are met and provide for additional contingent measures to be taken if the agency fails to meet its specific goals. The amended bill requires each law enforcement agency to post the minority recruitment and selection program on the agency's official Internet website.

The county prosecutors are responsible for monitoring the results of the minority recruitment and selection programs established by county and municipal law enforcement agencies. The Attorney General is responsible for monitoring the results of the program established by the State Police and, in consultation with the respective commissioner of any other State department that maintains a law enforcement agency, the programs established by other State law enforcement agencies. The amended bill also establishes reporting requirements concerning the overall diversity of the law enforcement agencies throughout the State. The bill requires each State, county, and municipal law enforcement agency in this State to annually report on: (1) the age, gender, race, and ethnicity of the law enforcement officers currently appointed to the law enforcement agency; (2) the age, gender, race, and ethnicity of applicants for a law enforcement officer position in the preceding calendar year; (3) the age, gender, race, and ethnicity of applicants appointed to the agency in the preceding calendar year; (4) the reasons for denying applicants an appointment to the law enforcement agency; and (5) the age, gender, race, and ethnicity of each law enforcement officer promoted

within the agency in the preceding calendar year, including the position to which the officer was promoted.

The county prosecutor is required by the amended bill to forward this information to the Attorney General. The Attorney General is required to collect, gather, assemble, and collate the information forwarded by the county prosecutors and the information concerning State law enforcement agencies, including the Division of State Police, into an annual report to be reported to the Governor, President of the Senate, and Speaker of the General Assembly. The amended bill also requires this information to be posted on the official Internet website of the Department of Law and Public Safety. Each State, county, and municipal law enforcement agency also is required to publish this information in its annual report.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended and reported by the committee, Senate Bill No. 401 is identical to Assembly Bill No. 2394, which also was amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) require the programs to seek to remedy past discrimination with the goal of the agency reflecting the diversity of the community rather than ensure this outcome;

(2) require the agency to make a “good-faith” effort to meet specific goals for recruiting and hiring minorities and females;

(3) require additional contingent measures rather than corrective action if the goals are not met;

(4) clarify that the Attorney General is to monitor programs established by State law enforcement agencies, in consultation with the appropriate commissioner; and

(5) other clarifying and technical amendments.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 401
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JULY 29, 2020

SUMMARY

- Synopsis:** Requires law enforcement agencies in this State to establish minority recruitment and selection programs; establishes reporting requirement.
- Type of Impact:** Annual State and local government expenditure increases.
- Agencies Affected:** Department of Law and Public Safety; county and municipal law enforcement agencies

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2021 & Thereafter</u>
State Cost Increase	Indeterminate
Local Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) finds the bill will result in annual expenditure increases for the State and local governments, but the costs to implement, monitor, and report on minority and female recruitment and selection programs to meet the requirements of this bill are indeterminate. The OLS does not have specific information concerning the guidelines the Attorney General may promulgate to law enforcement agencies in the State or how the office will enforce the requirements of this bill.
- Additionally, it is unknown whether and to what extent State, county, and municipal law enforcement agencies may currently comply with the bill's requirements. A law enforcement agency that has an existing program similar to that proposed in this bill will presumably incur fewer costs to meet the bill's requirements.

BILL DESCRIPTION

This bill requires each State, county, and municipal law enforcement agency to establish a minority recruitment and selection program in accordance with guidelines issued by the Attorney General.

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

determine corrective action to be taken if the agency fails to meet the goals of the program. The bill requires each law enforcement agency to post the recruitment and selection program on the agency's official website.

The county prosecutors are responsible for monitoring the results of programs established by county and municipal law enforcement agencies. The Attorney General is responsible for monitoring the results of the programs established by the State Police and other State law enforcement agencies. The bill requires the Attorney General to annually report to the Governor and the Legislature a summary of the results of the State, county, and municipal programs and to post this information on the Department of Law and Public Safety's website. The bill also establishes reporting requirements concerning the overall diversity of the law enforcement agencies throughout the State.

The county prosecutor is required by the bill to forward this information to the Attorney General. The Attorney General is required to collect, gather, assemble, and collate the information forwarded by the county prosecutors and the information concerning State law enforcement agencies, including the Division of State Police, into an annual report to be reported to the Governor, President of the Senate, and Speaker of the General Assembly. The bill also requires this information to be posted on the official website of the Department of Law and Public Safety. Each State, county, and municipal law enforcement agency is required to also publish this information in its annual report.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the bill will result in annual expenditure increases for the State and local governments, but the costs to implement, monitor, and report on minority and female recruitment and selection programs to meet the requirements of this bill are indeterminate. The OLS does not have specific information concerning the guidelines the Attorney General may promulgate or how the office will enforce the requirements of this bill; therefore, the OLS cannot determine the costs associated with the bill.

The OLS also does not know whether or to what extent State, county, and municipal law enforcement agencies may currently comply with the bill's requirements. Annually, the Division of State Police provides employee ethnicity and gender data to the Senate and Assembly budget committees at the request of the OLS and committee members. Additionally, the NJ Uniform Crime Report, issued by the Division of State Police, provides employee data, including gender information, for State, county, and municipal law enforcement agencies.

It is unknown whether any New Jersey law enforcement agencies currently have recruitment procedures to increase employment of minorities and women. Research indicates that the recruitment of minorities and women into law enforcement positions has been an ongoing concern of law enforcement agencies nationwide. In order to comply with this legislation, law enforcement agencies may consult with the "*Law Enforcement Recruitment Toolkit*" published by the U.S. Department of Justice and the International Association of Chiefs of Police in 2009. The toolkit established guidelines for law enforcement agencies recruiting minority and women police officers.

The Bureau of Justice Statistics, in the U.S. Department of Justice, released a survey reflecting that the total number of sworn police officers at more than 12,000 local departments across the US in 2013 was 477,000. The survey showed that the total percentage of minority officers nationally has increased, rising to 27.3 percent in 2013 compared to 25.3 percent in 2007; this increase is specifically linked to growing numbers of both Hispanic and Asian officers. The percentage of Hispanic officers rose from 10.3 percent in 2007 to 11.6 percent in 2013, almost equal to the percentage of African American officers nationwide. The percentage of African American officers as a share of the total number of police remained flat at about 12 percent.

Section: Law and Public Safety

Analyst: Kristin Brunner Santos
Senior Fiscal Analyst

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

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

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

Governor Murphy Takes Action on Legislation

10/19/2020

TRENTON – Today, Governor Phil Murphy signed the following bills and resolutions into law

S-2584/A-3622 (Cunningham, Pou/Quijano, Vainieri Huttie, Murphy) – Makes changes to membership and responsibilities of Campus Sexual Assault Commission

A-1263/S-1914 (Schaer, Johnson/Pou, Cardinale) – Prohibits act, practice or arrangement constituting stranger-originated life insurance

A-2394/S-401 (Wimberly, Johnson, Holley/Turner, Cunningham) – Requires law enforcement agencies in this State to establish minority recruitment and selection programs; establishes reporting requirement

A-3367/S-1951 (Johnson, Kennedy, Benson/Smith, Codey) – Concerns installation of electric vehicle charging stations in common interest communities

Governor Murphy conditionally vetoed the following bills:

S-1163/A-4271 (Turner/Tucker, Conaway) - Requires law enforcement officers to wear body cameras

[Copy of Statement](#)

S-2842/A-4625 (Sarlo/Egan) - Permits raffles to be conducted remotely at large sporting venues

[Copy of Statement](#)

A-4312/S-101 (Reynolds-Jackson, Sumter, Tucker/Gill, Turner) - Regulates use of body cameras worn by law enforcement officers

[Copy of Statement](#)

Governor Murphy absolute vetoed the following bills:

S-2704/A-4413 (Sweeney, Gopal, A.M. Bucco, Cruz-Perez/Bramnick, Burzichelli, DeCroce) - Appropriates \$30 million to EDA from federal "Coronavirus Relief Fund" to assist food establishments impacted by Executive Order No. 158

[Copy of Statement](#)

A-4006/S-2404 (Chiaravalloti, Caputo, Mejia/Pou, Turner) - Postpones New Jersey Quality Single Accountability Continuum (NJQSAC) review for certain school districts to accommodate disruption due to COVID-19 pandemic

[Copy of Statement](#)

P.L. 2020, CHAPTER 107, *approved October 19, 2020*
Assembly, No. 2394 (*First Reprint*)

1 AN ACT requiring State, county, and municipal law enforcement
2 agencies to establish minority recruitment and selection
3 programs and 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. For the purposes of this act:

9 "Law enforcement agency" means a department, division,
10 bureau, commission, board or other authority of the State or of any
11 political subdivision thereof which has by statute or ordinance the
12 responsibility of detecting and enforcing the general criminal laws
13 of this State.

14 "Law enforcement officer" means any person who is employed
15 as a permanent full-time member of an enforcement agency, who is
16 statutorily empowered to act for the detection, investigation, arrest,
17 and conviction of persons violating the criminal laws of this State
18 and statutorily required to successfully complete a training course
19 approved, or certified as being substantially equivalent to an
20 approved course, by the Police Training Commission pursuant to
21 P.L.1961, c.56 (C.52:17B-66 et seq.).

22

23 2. a. Each law enforcement agency in this State shall establish
24 a minority recruitment and selection program in accordance with
25 guidelines established by the Attorney General pursuant to section 4
26 of this act. The program shall ¹**[ensure that]** seek to remedy past
27 discrimination in furtherance of the goal of¹ the agency ¹**[is]** being¹
28 comprised of law enforcement officers who reflect the diversity of
29 the population of the community the agency is charged with
30 protecting ¹**[by:**

31 (1) setting] . In implementing the program, the law
32 enforcement agency shall make a good faith effort to meet¹ specific
33 goals for recruiting and hiring minorities and females¹**];**

34 (2) establishing] within established¹ time frames ¹**[for meeting**
35 these goals;

36 (3) describing] . The program shall include¹ methods of
37 evaluating whether these goals are met ¹**];**¹ and

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SLP committee amendments adopted July 28, 2020.

1 ~~[(4) setting forth corrective action]~~ provide for additional
2 contingent measures¹ to be taken if the ~~[agency]~~ program¹ fails to
3 meet ~~[these]~~ its specific¹ goals.

4 b. The minority recruitment and selection program established
5 pursuant to subsection a. of this section shall be posted on the
6 official Internet website of each law enforcement agency.

7 c. The county prosecutor shall monitor the results of the
8 minority recruitment and selection programs established by county
9 and municipal law enforcement agencies within the jurisdiction of
10 the prosecutor as required in subsection a. of this section. The
11 county prosecutor shall annually report this information to the
12 Attorney General.

13 d. The Attorney General shall monitor the results of the
14 minority recruitment and selection ~~[programs]~~ program¹
15 established by the Division of State Police and ¹, in consultation
16 with the respective commissioner of any other State department that
17 maintains a law enforcement agency, the programs established by¹
18 other State law enforcement agencies as required in subsection a. of
19 this section.

20 e. The Attorney General shall annually report to the Governor
21 and, pursuant to section 2 of P.L.1991, c.164 ~~[(C:52:14-19.1)]~~
22 (C.52:14-19.1)¹, to the President of the Senate and the Speaker of
23 the General Assembly a summary of the results obtained pursuant to
24 subsection d. of this section and the results reported by the county
25 prosecutors pursuant to subsection c. of this section. The Attorney
26 General also shall post this summary on the official Internet website
27 of the Department of Law and Public Safety.

28
29 3. a. Each State law enforcement agency, including the
30 Division of State Police, shall annually report to the Attorney
31 General and each municipal and county law enforcement agency in
32 this State shall annually report to the county prosecutor with
33 jurisdiction over the agency a report containing:

34 (1) the age, gender, race, and ethnicity of the law enforcement
35 officers currently appointed to the law enforcement agency;

36 (2) the age, gender, race, and ethnicity of applicants for a law
37 enforcement officer position in the preceding calendar year;

38 (3) the age, gender, race, and ethnicity of applicants appointed
39 to the agency in the preceding calendar year;

40 (4) the reasons for denying applicants an appointment to the law
41 enforcement agency; and

42 (5) the age, gender, race, and ethnicity of each law enforcement
43 officer promoted within the agency in the preceding calendar year,
44 including the position to which the officer was promoted.

45 b. Each municipal law enforcement agency shall publish in the
46 agency's annual report the information required by subsection a. of
47 this section.

1 c. Each county prosecutor shall publish in the county
2 prosecutor's annual report the information required by subsection a.
3 of this section for each county law enforcement agency within the
4 jurisdiction of the county prosecutor.

5 d. Each State law enforcement agency shall publish in the
6 agency's annual report the information required by subsection a. of
7 this section.

8 e. The county prosecutor shall forward the information
9 required in subsection a. of this section to the Attorney General.
10 The Attorney General shall collect, gather, assemble, and collate the
11 information required in subsection a. of this section into an annual
12 report to be issued to the Governor and, pursuant to section 2 of
13 P.L.1991, c.164 (C:52:14-19.1), to the President of the Senate and
14 the Speaker of the General Assembly.

15 f. The Attorney General shall post on the official Internet web
16 site of the Department of Law and Public Safety each annual report
17 required by subsection e. of this section.

18

19 4. The Attorney General shall develop for dissemination to law
20 enforcement agencies and county prosecutors throughout this State
21 those guidelines or directives deemed necessary or appropriate to
22 ensure the uniform application of this act.

23

24 5. This act shall take effect on the first day of the fourth month
25 next following enactment.

26

27

28

29

30 _____
31 Requires law enforcement agencies in this State to establish
32 minority recruitment and selection programs; establishes reporting
requirement.

ASSEMBLY, No. 2394

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 3, 2020

Sponsored by:

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman JAMEL C. HOLLEY

District 20 (Union)

Co-Sponsored by:

Assemblywoman Timberlake, Assemblyman Spearman, Assemblywoman Speight, Assemblyman Verrelli, Assemblywomen Reynolds-Jackson, Quijano, Assemblyman Danielsen, Assemblywomen Jasey and Tucker

SYNOPSIS

Requires law enforcement agencies in this State to establish minority recruitment and selection programs; establishes reporting requirement.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/18/2020)

1 AN ACT requiring State, county, and municipal law enforcement
2 agencies to establish minority recruitment and selection
3 programs and 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. For the purposes of this act:

9 "Law enforcement agency" means a department, division,
10 bureau, commission, board or other authority of the State or of any
11 political subdivision thereof which has by statute or ordinance the
12 responsibility of detecting and enforcing the general criminal laws
13 of this State.

14 "Law enforcement officer" means any person who is employed
15 as a permanent full-time member of an enforcement agency, who is
16 statutorily empowered to act for the detection, investigation, arrest,
17 and conviction of persons violating the criminal laws of this State
18 and statutorily required to successfully complete a training course
19 approved, or certified as being substantially equivalent to an
20 approved course, by the Police Training Commission pursuant to
21 P.L.1961, c.56 (C.52:17B-66 et seq.).

22
23 2. a. Each law enforcement agency in this State shall establish
24 a minority recruitment and selection program in accordance with
25 guidelines established by the Attorney General pursuant to section 4
26 of this act. The program shall ensure that the agency is comprised
27 of law enforcement officers who reflect the diversity of the
28 population of the community the agency is charged with protecting
29 by:

30 (1) setting specific goals for recruiting and hiring minorities and
31 females;

32 (2) establishing time frames for meeting these goals;

33 (3) describing methods of evaluating whether these goals are
34 met; and

35 (4) setting forth corrective action to be taken if the agency fails
36 to meet these goals.

37 b. The minority recruitment and selection program established
38 pursuant to subsection a. of this section shall be posted on the
39 official Internet website of each law enforcement agency.

40 c. The county prosecutor shall monitor the results of the
41 minority recruitment and selection programs established by county
42 and municipal law enforcement agencies within the jurisdiction of
43 the prosecutor as required in subsection a. of this section. The
44 county prosecutor shall annually report this information to the
45 Attorney General.

46 d. The Attorney General shall monitor the results of the
47 minority recruitment and selection programs established by the

1 Division of State Police and other State law enforcement agencies
2 as required in subsection a. of this section.

3 e. The Attorney General shall annually report to the Governor
4 and, pursuant to section 2 of P.L.1991, c.164 (C:52:14-19.1), to the
5 President of the Senate and the Speaker of the General Assembly a
6 summary of the results obtained pursuant to subsection d. of this
7 section and the results reported by the county prosecutors pursuant
8 to subsection c. of this section. The Attorney General also shall
9 post this summary on the official Internet website of the
10 Department of Law and Public Safety.

11

12 3. a. Each State law enforcement agency, including the
13 Division of State Police, shall annually report to the Attorney
14 General and each municipal and county law enforcement agency in
15 this State shall annually report to the county prosecutor with
16 jurisdiction over the agency a report containing:

17 (1) the age, gender, race, and ethnicity of the law enforcement
18 officers currently appointed to the law enforcement agency;

19 (2) the age, gender, race, and ethnicity of applicants for a law
20 enforcement officer position in the preceding calendar year;

21 (3) the age, gender, race, and ethnicity of applicants appointed
22 to the agency in the preceding calendar year;

23 (4) the reasons for denying applicants an appointment to the law
24 enforcement agency; and

25 (5) the age, gender, race, and ethnicity of each law enforcement
26 officer promoted within the agency in the preceding calendar year,
27 including the position to which the officer was promoted.

28 b. Each municipal law enforcement agency shall publish in the
29 agency's annual report the information required by subsection a. of
30 this section.

31 c. Each county prosecutor shall publish in the county
32 prosecutor's annual report the information required by subsection a.
33 of this section for each county law enforcement agency within the
34 jurisdiction of the county prosecutor.

35 d. Each State law enforcement agency shall publish in the
36 agency's annual report the information required by subsection a. of
37 this section.

38 e. The county prosecutor shall forward the information
39 required in subsection a. of this section to the Attorney General.
40 The Attorney General shall collect, gather, assemble, and collate the
41 information required in subsection a. of this section into an annual
42 report to be issued to the Governor and, pursuant to section 2 of
43 P.L.1991, c.164 (C:52:14-19.1), to the President of the Senate and
44 the Speaker of the General Assembly.

45 f. The Attorney General shall post on the official Internet web
46 site of the Department of Law and Public Safety each annual report
47 required by subsection e. of this section.

1 4. The Attorney General shall develop for dissemination to law
 2 enforcement agencies and county prosecutors throughout this State
 3 those guidelines or directives deemed necessary or appropriate to
 4 ensure the uniform application of this act.
 5

6 5. This act shall take effect on the first day of the fourth month
 7 next following enactment.
 8
 9

10 STATEMENT
 11

12 This bill requires each State, county, and municipal law
 13 enforcement agency in New Jersey to establish a minority
 14 recruitment and selection program in accordance with guidelines
 15 issued by the Attorney General. The purpose of these programs is to
 16 ensure that law enforcement agencies in this State reflect the
 17 diversity of the population of the community the agency protects.

18 Under the bill, each minority recruitment and selection program
 19 is required to set specific goals for recruiting and hiring minorities
 20 and females, establishing time frames for meeting these goals, and
 21 describing methods of evaluating whether these goals are met. Each
 22 program also is required to set forth corrective action to be taken if
 23 the agency fails to meet the goals of the program. The bill requires
 24 each law enforcement agency to post the recruitment and selection
 25 program on the agency's official Internet website.

26 The county prosecutors are responsible for monitoring the results
 27 of the recruitment and selection programs established by county and
 28 municipal law enforcement agencies. The Attorney General is
 29 responsible for monitoring the results of the programs established
 30 by the State Police and other State law enforcement agencies. The
 31 bill also establishes reporting requirements concerning the overall
 32 diversity of the law enforcement agencies throughout the State. The
 33 bill requires each State, county, and municipal law enforcement
 34 agency in this State to annually report on: (1) the age, gender, race,
 35 and ethnicity of the law enforcement officers currently appointed to
 36 the law enforcement agency; (2) the age, gender, race, and ethnicity
 37 of applicants for a law enforcement officer position in the preceding
 38 calendar year; (3) the age, gender, race, and ethnicity of applicants
 39 appointed to the agency in the preceding calendar year; (4) the
 40 reasons for denying applicants an appointment to the law
 41 enforcement agency; and (5) the age, gender, race, and ethnicity of
 42 each law enforcement officer promoted within the agency in the
 43 preceding calendar year, including the position to which the officer
 44 was promoted.

45 The county prosecutor is required by the bill to forward this
 46 information to the Attorney General. The Attorney General is
 47 required to collect, gather, assemble, and collate the information
 48 forwarded by the county prosecutors and the information

A2394 WIMBERLY, JOHNSON

5

1 concerning State law enforcement agencies, including the Division
2 of State Police, into an annual report to be reported to the Governor,
3 President of the Senate, and Speaker of the General Assembly. The
4 bill also requires this information to be posted on the official
5 Internet website of the Department of Law and Public Safety. Each
6 State, county, and municipal law enforcement agency also is
7 required to publish this information in its annual report.

ASSEMBLY COMMUNITY DEVELOPMENT AND AFFAIRS
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2394

STATE OF NEW JERSEY

DATED: JUNE 15, 2020

The Assembly Community Development and Affairs Committee reports favorably Assembly Bill No. 2394.

This bill requires each State, county, and municipal law enforcement agency in New Jersey to establish a minority recruitment and selection program in accordance with guidelines issued by the Attorney General. The purpose of these programs is to ensure that law enforcement agencies in this State reflect the diversity of the population of the community the agency protects.

Under the bill, each minority recruitment and selection program is required to set specific goals for recruiting and hiring minorities and females, establishing time frames for meeting these goals, and describing methods of evaluating whether these goals are met. Each program also is required to set forth corrective action to be taken if the agency fails to meet the goals of the program. The bill requires each law enforcement agency to post the recruitment and selection program on the agency's official Internet website.

The county prosecutors are responsible for monitoring the results of the recruitment and selection programs established by county and municipal law enforcement agencies. The Attorney General is responsible for monitoring the results of the programs established by the State Police and other State law enforcement agencies. The bill also establishes reporting requirements concerning the overall diversity of the law enforcement agencies throughout the State. The bill requires each State, county, and municipal law enforcement agency in this State to annually report on: (1) the age, gender, race, and ethnicity of the law enforcement officers currently appointed to the law enforcement agency; (2) the age, gender, race, and ethnicity of applicants for a law enforcement officer position in the preceding calendar year; (3) the age, gender, race, and ethnicity of applicants appointed to the agency in the preceding calendar year; (4) the reasons for denying applicants an appointment to the law enforcement agency; and (5) the age, gender, race, and ethnicity of each law enforcement officer promoted within the agency in the preceding calendar year, including the position to which the officer was promoted.

The county prosecutor is required by the bill to forward this information to the Attorney General. The Attorney General is required

to collect, gather, assemble, and collate the information forwarded by the county prosecutors and the information concerning State law enforcement agencies, including the Division of State Police, into an annual report to be reported to the Governor, President of the Senate, and Speaker of the General Assembly. The bill also requires this information to be posted on the official Internet website of the Department of Law and Public Safety. Each State, county, and municipal law enforcement agency also is required to publish this information in its annual report.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO ASSEMBLY, No. 2394

with committee amendments

STATE OF NEW JERSEY

DATED: JULY 28, 2020

The Senate Law and Public Safety Committee reports favorably and with committee amendments Assembly Bill No. 2394.

As amended and reported by the committee, Assembly Bill No. 2394 requires each State, county, and municipal law enforcement agency in New Jersey to establish a minority recruitment and selection program in accordance with guidelines issued by the Attorney General. The purpose of these programs is to seek to remedy past discrimination in furtherance of the goal that these agencies reflect the diversity of the population of the community the agency protects.

Under the amended bill, the law enforcement agency is to make a good faith effort to meet specific goals for recruiting and hiring minorities and females within established time frames. The program is to include methods of evaluating whether these goals are met and provide for additional contingent measures to be taken if the agency fails to meet its specific goals. The amended bill requires each law enforcement agency to post the minority recruitment and selection program on the agency's official Internet website.

The county prosecutors are responsible for monitoring the results of the minority recruitment and selection programs established by county and municipal law enforcement agencies. The Attorney General is responsible for monitoring the results of the program established by the State Police and, in consultation with the respective commissioner of any other State department that maintains a law enforcement agency, the programs established by other State law enforcement agencies. The amended bill also establishes reporting requirements concerning the overall diversity of the law enforcement agencies throughout the State. The bill requires each State, county, and municipal law enforcement agency in this State to annually report on: (1) the age, gender, race, and ethnicity of the law enforcement officers currently appointed to the law enforcement agency; (2) the age, gender, race, and ethnicity of applicants for a law enforcement officer position in the preceding calendar year; (3) the age, gender, race, and ethnicity of applicants appointed to the agency in the preceding calendar year; (4) the reasons for denying applicants an appointment to the law enforcement agency; and (5) the age, gender, race, and ethnicity of each law enforcement officer promoted

within the agency in the preceding calendar year, including the position to which the officer was promoted.

The county prosecutor is required by the amended bill to forward this information to the Attorney General. The Attorney General is required to collect, gather, assemble, and collate the information forwarded by the county prosecutors and the information concerning State law enforcement agencies, including the Division of State Police, into an annual report to be reported to the Governor, President of the Senate, and Speaker of the General Assembly. The amended bill also requires this information to be posted on the official Internet website of the Department of Law and Public Safety. Each State, county, and municipal law enforcement agency also is required to publish this information in its annual report.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended and reported by the committee, Assembly Bill No. 2394 is identical to Senate Bill No. 401, which also was amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) require the programs to seek to remedy past discrimination with the goal of the agency reflecting the diversity of the community rather than ensure this outcome;

(2) require the agency to make a “good-faith” effort to meet specific goals for recruiting and hiring minorities and females;

(3) require additional contingent measures rather than corrective action if the goals are not met;

(4) clarify that the Attorney General is to monitor programs established by State law enforcement agencies, in consultation with the appropriate commissioner; and

(5) other clarifying and technical amendments.

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 2394
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JUNE 24, 2020

SUMMARY

- Synopsis:** Requires law enforcement agencies in this State to establish minority recruitment and selection programs; establishes reporting requirement.
- Type of Impact:** Annual State and local government expenditure increases.
- Agencies Affected:** Department of Law and Public Safety; county and municipal law enforcement agencies

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2021 & Thereafter</u>
State Cost Increase	Indeterminate
Local Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) finds the bill will result in annual expenditure increases for the State and local governments, but the costs to implement, monitor, and report on minority and female recruitment and selection programs to meet the requirements of this bill are indeterminate. The OLS does not have specific information concerning the guidelines the Attorney General may promulgate to law enforcement agencies in the State or how the office will enforce the requirements of this bill.
- Additionally, it is unknown whether and to what extent State, county, and municipal law enforcement agencies may currently comply with the bill's requirements. A law enforcement agency that has an existing program similar to that proposed in this bill will presumably incur fewer costs to meet the bill's requirements.

BILL DESCRIPTION

This bill requires each State, county, and municipal law enforcement agency to establish a minority recruitment and selection program in accordance with guidelines issued by the Attorney General.

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

determine corrective action to be taken if the agency fails to meet the goals of the program. The bill requires each law enforcement agency to post the recruitment and selection program on the agency's official website.

The county prosecutors are responsible for monitoring the results of programs established by county and municipal law enforcement agencies. The Attorney General is responsible for monitoring the results of the programs established by the State Police and other State law enforcement agencies. The bill requires the Attorney General to annually report to the Governor and the Legislature a summary of the results of the State, county, and municipal programs and to post this information on the Department of Law and Public Safety's website. The bill also establishes reporting requirements concerning the overall diversity of the law enforcement agencies throughout the State.

The county prosecutor is required by the bill to forward this information to the Attorney General. The Attorney General is required to collect, gather, assemble, and collate the information forwarded by the county prosecutors and the information concerning State law enforcement agencies, including the Division of State Police, into an annual report to be reported to the Governor, President of the Senate, and Speaker of the General Assembly. The bill also requires this information to be posted on the official website of the Department of Law and Public Safety. Each State, county, and municipal law enforcement agency is required to also publish this information in its annual report.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the bill will result in annual expenditure increases for the State and local governments, but the costs to implement, monitor, and report on minority and female recruitment and selection programs to meet the requirements of this bill are indeterminate. The OLS does not have specific information concerning the guidelines the Attorney General may promulgate or how the office will enforce the requirements of this bill; therefore, the OLS cannot determine the costs associated with the bill.

The OLS also does not know whether or to what extent State, county, and municipal law enforcement agencies may currently comply with the bill's requirements. Annually, the Division of State Police provides employee ethnicity and gender data to the Senate and Assembly budget committees at the request of the OLS and committee members. Additionally, the NJ Uniform Crime Report, issued by the Division of State Police, provides employee data, including gender information, for State, county, and municipal law enforcement agencies.

It is unknown whether any New Jersey law enforcement agencies currently have recruitment procedures to increase employment of minorities and women. Research indicates that the recruitment of minorities and women into law enforcement positions has been an ongoing concern of law enforcement agencies nationwide. In order to comply with this legislation, law enforcement agencies may consult with the "*Law Enforcement Recruitment Toolkit*" published by the U.S. Department of Justice and the International Association of Chiefs of Police in 2009. The toolkit established guidelines for law enforcement agencies recruiting minority and women police officers.

The Bureau of Justice Statistics, in the U.S. Department of Justice, released a survey reflecting that the total number of sworn police officers at more than 12,000 local departments across the US in 2013 was 477,000. The survey showed that the total percentage of minority officers nationally has increased, rising to 27.3 percent in 2013 compared to 25.3 percent in 2007; this increase is specifically linked to growing numbers of both Hispanic and Asian officers. The percentage of Hispanic officers rose from 10.3 percent in 2007 to 11.6 percent in 2013, almost equal to the percentage of African American officers nationwide. The percentage of African American officers as a share of the total number of police remained flat at about 12 percent.

Section: Law and Public Safety
Analyst: Kristin Brunner Santos
Senior Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

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

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

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 2394

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: AUGUST 28, 2020

SUMMARY

- Synopsis:** Requires law enforcement agencies in this State to establish minority recruitment and selection programs; establishes reporting requirement.
- Type of Impact:** Annual State and local government expenditure increases.
- Agencies Affected:** Department of Law and Public Safety; county and municipal law enforcement agencies

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2021 & Thereafter</u>
State Cost Increase	Indeterminate
Local Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) finds the bill will result in annual expenditure increases for the State and local governments, but the costs to implement, monitor, and report on minority and female recruitment and selection programs to meet the requirements of this bill are indeterminate. The OLS does not have specific information concerning the guidelines the Attorney General may promulgate to ensure uniform application of the bill's provisions by law enforcement agencies in the State or how the office will enforce the requirements of this bill.
- Additionally, it is unknown whether and to what extent State, county, and municipal law enforcement agencies may currently comply with the bill's requirements. A law enforcement agency that has an existing program similar to that proposed in this bill will presumably incur fewer costs to meet the bill's requirements.

BILL DESCRIPTION

This bill requires each State, county, and municipal law enforcement agency to establish a minority recruitment and selection program in accordance with guidelines issued by the Attorney General.

Under the bill, the law enforcement agency is to make a good faith effort to meet specific goals for recruiting and hiring minorities and females within established time frames. The program is to include methods of evaluating whether these goals are met and provide for additional contingent measures to be taken if the agency fails to meet its specific goals. The bill requires each law enforcement agency to post the minority recruitment and selection program on the agency's official website.

The county prosecutors are responsible for monitoring the results of programs established by county and municipal law enforcement agencies. The Attorney General is responsible for monitoring the results of the programs established by the Division of State Police, in consultation with the respective commissioner of any other State department that maintains a law enforcement agency. The bill requires the Attorney General to annually report to the Governor and the Legislature a summary of the results of the State, county, and municipal programs and to post this information on the Department of Law and Public Safety's website. The bill also establishes reporting requirements concerning the overall diversity of the law enforcement agencies throughout the State.

The county prosecutor is required by the bill to forward this information to the Attorney General. The Attorney General is required to collect, gather, assemble, and collate the information forwarded by the county prosecutors and the information concerning State law enforcement agencies, including the Division of State Police, into an annual report to be reported to the Governor, President of the Senate, and Speaker of the General Assembly. The bill also requires this information to be posted on the official website of the Department of Law and Public Safety. Each State, county, and municipal law enforcement agency is required to also publish this information in its annual report.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the bill will result in annual expenditure increases for the State and local governments, but the costs to implement, monitor, and report on minority and female recruitment and selection programs to meet the requirements of this bill are indeterminate. The OLS does not have specific information concerning the guidelines the Attorney General may promulgate or how the office will enforce the requirements of this bill; therefore, the OLS cannot determine the costs associated with the bill.

The OLS also does not know whether or to what extent State, county, and municipal law enforcement agencies may currently comply with the bill's requirements. Annually, the Division of State Police provides employee ethnicity and gender data to the Senate and Assembly budget committees at the request of the OLS and committee members. Additionally, the NJ Uniform Crime Report, issued by the Division of State Police, provides employee data, including gender information, for State, county, and municipal law enforcement agencies.

It is unknown whether any New Jersey law enforcement agencies currently have recruitment procedures to increase employment of minorities and women. Research indicates that the recruitment of minorities and women into law enforcement positions has been an ongoing concern of law enforcement agencies nationwide. In order to comply with this legislation, law enforcement

agencies may consult with the “*Law Enforcement Recruitment Toolkit*” published by the U.S. Department of Justice and the International Association of Chiefs of Police in 2009. The toolkit established guidelines for law enforcement agencies recruiting minority and women police officers.

The Bureau of Justice Statistics, in the U.S. Department of Justice, released a survey reflecting that the total number of sworn police officers at more than 12,000 local departments across the US in 2013 was 477,000. The survey showed that the total percentage of minority officers nationally has increased, rising to 27.3 percent in 2013 compared to 25.3 percent in 2007; this increase is specifically linked to growing numbers of both Hispanic and Asian officers. The percentage of Hispanic officers rose from 10.3 percent in 2007 to 11.6 percent in 2013, almost equal to the percentage of African American officers nationwide. The percentage of African American officers as a share of the total number of police remained flat at about 12 percent.

Section: Law and Public Safety

*Analyst: Kristin Brunner Santos
Senior Fiscal Analyst*

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

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

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

SENATE, No. 401

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Hunterdon and Mercer)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

Co-Sponsored by:

Senators Rice and Pou

SYNOPSIS

Requires law enforcement agencies in this State to establish minority recruitment and selection programs; establishes reporting requirement.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 6/29/2020)

S401 TURNER, CUNNINGHAM

2

1 AN ACT requiring State, county, and municipal law enforcement
2 agencies to establish minority recruitment and selection
3 programs and supplementing Title 52 of the New Jersey Statutes.
4

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

7
8 1. For the purposes of this act:

9 "Law enforcement agency" means a department, division,
10 bureau, commission, board, or other authority of the State or of any
11 political subdivision thereof which has by statute or ordinance the
12 responsibility of detecting and enforcing the general criminal laws
13 of this State.

14 "Law enforcement officer" means any person who is employed
15 as a permanent full-time member of an enforcement agency, who is
16 statutorily empowered to act for the detection, investigation, arrest,
17 and conviction of persons violating the criminal laws of this State
18 and statutorily required to successfully complete a training course
19 approved, or certified as being substantially equivalent to an
20 approved course, by the Police Training Commission pursuant to
21 P.L.1961, c.56 (C.52:17B-66 et seq.).
22

23 2. a. Each law enforcement agency in this State shall establish
24 a minority recruitment and selection program in accordance with
25 guidelines established by the Attorney General pursuant to section 4
26 of this act. The program shall ensure that the agency is comprised
27 of law enforcement officers who reflect the diversity of the
28 population of the community the agency is charged with protecting
29 by:

30 (1) setting specific goals for recruiting and hiring minorities and
31 females;

32 (2) establishing time frames for meeting these goals;

33 (3) describing methods of evaluating whether these goals are
34 met; and

35 (4) setting forth corrective action to be taken if the agency fails
36 to meet these goals.

37 b. The minority recruitment and selection program established
38 pursuant to subsection a. of this section shall be posted on the
39 official Internet website of each law enforcement agency.

40 c. The county prosecutor shall monitor the results of the
41 minority recruitment and selection programs established by county
42 and municipal law enforcement agencies within the jurisdiction of
43 the prosecutor as required in subsection a. of this section. The
44 county prosecutor shall annually report this information to the
45 Attorney General.

46 d. The Attorney General shall monitor the results of the
47 minority recruitment and selection programs established by the

1 Division of State Police and other State law enforcement agencies
2 as required in subsection a. of this section.

3 e. The Attorney General shall annually report to the Governor
4 and, pursuant to section 2 of P.L.1991, c.164 (C:52:14-19.1), to the
5 President of the Senate and the Speaker of the General Assembly a
6 summary of the results obtained pursuant to subsection d. of this
7 section and the results reported by the county prosecutors pursuant
8 to subsection c. of this section. The Attorney General also shall
9 post this summary on the official Internet website of the
10 Department of Law and Public Safety.

11

12 3. a. Each State law enforcement agency, including the
13 Division of State Police, shall annually submit to the Attorney
14 General and each municipal and county law enforcement agency in
15 this State shall annually submit to the county prosecutor with
16 jurisdiction over the agency a report containing:

17 (1) the age, gender, race, and ethnicity of the law enforcement
18 officers currently appointed to the law enforcement agency;

19 (2) the age, gender, race, and ethnicity of applicants for a law
20 enforcement officer position in the preceding calendar year;

21 (3) the age, gender, race, and ethnicity of applicants appointed
22 to the agency in the preceding calendar year;

23 (4) the reasons for denying applicants an appointment to the law
24 enforcement agency; and

25 (5) the age, gender, race, and ethnicity of each law enforcement
26 officer promoted within the agency in the preceding calendar year,
27 including the position to which the officer was promoted.

28 b. Each municipal law enforcement agency shall publish in the
29 agency's annual report the information required by subsection a. of
30 this section.

31 c. Each county prosecutor shall publish in the county
32 prosecutor's annual report the information required by subsection a.
33 of this section for each county law enforcement agency within the
34 jurisdiction of the county prosecutor.

35 d. Each State law enforcement agency shall publish in the
36 agency's annual report the information required by subsection a. of
37 this section.

38 e. The county prosecutor shall forward the information
39 required in subsection a. of this section to the Attorney General.
40 The Attorney General shall collect, gather, assemble, and collate the
41 information required in subsection a. of this section into an annual
42 report to be issued to the Governor and, pursuant to section 2 of
43 P.L.1991, c.164 (C:52:14-19.1), to the President of the Senate and
44 the Speaker of the General Assembly.

45 f. The Attorney General shall post on the official Internet
46 website of the Department of Law and Public Safety each annual
47 report required by subsection e. of this section.

S401 TURNER, CUNNINGHAM

1 The county prosecutor is required by the bill to forward this
2 information to the Attorney General. The Attorney General is
3 required to collect, gather, assemble, and collate the information
4 forwarded by the county prosecutors and the information
5 concerning State law enforcement agencies, including the Division
6 of State Police, into an annual report to be issued to the Governor,
7 President of the Senate, and Speaker of the General Assembly. The
8 bill also requires this information to be posted on the official
9 Internet website of the Department of Law and Public Safety. Each
10 State, county, and municipal law enforcement agency also is
11 required to publish this information in its annual report.

12 To enhance the public's trust in the police officers who protect
13 the residents of this State, law enforcement workforces need to
14 more closely mirror the population of the community. Therefore,
15 law enforcement agencies need to increase the number of minority
16 and female law enforcement officers they recruit and hire. It is the
17 sponsor's intent to increase minority and female representation in
18 law enforcement agencies in this State by requiring each agency to
19 establish a minority recruitment and selection program and to make
20 available to the public the results of these programs.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 401

with committee amendments

STATE OF NEW JERSEY

DATED: JULY 28, 2020

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 401.

As amended and reported by the committee, this bill requires each State, county, and municipal law enforcement agency in New Jersey to establish a minority recruitment and selection program in accordance with guidelines issued by the Attorney General. The purpose of these programs is to seek to remedy past discrimination in furtherance of the goal that these agencies reflect the diversity of the population of the community the agency protects.

Under the amended bill, the law enforcement agency is to make a good faith effort to meet specific goals for recruiting and hiring minorities and females within established time frames. The program is to include methods of evaluating whether these goals are met and provide for additional contingent measures to be taken if the agency fails to meet its specific goals. The amended bill requires each law enforcement agency to post the minority recruitment and selection program on the agency's official Internet website.

The county prosecutors are responsible for monitoring the results of the minority recruitment and selection programs established by county and municipal law enforcement agencies. The Attorney General is responsible for monitoring the results of the program established by the State Police and, in consultation with the respective commissioner of any other State department that maintains a law enforcement agency, the programs established by other State law enforcement agencies. The amended bill also establishes reporting requirements concerning the overall diversity of the law enforcement agencies throughout the State. The bill requires each State, county, and municipal law enforcement agency in this State to annually report on: (1) the age, gender, race, and ethnicity of the law enforcement officers currently appointed to the law enforcement agency; (2) the age, gender, race, and ethnicity of applicants for a law enforcement officer position in the preceding calendar year; (3) the age, gender, race, and ethnicity of applicants appointed to the agency in the preceding calendar year; (4) the reasons for denying applicants an appointment to the law enforcement agency; and (5) the age, gender, race, and ethnicity of each law enforcement officer promoted

within the agency in the preceding calendar year, including the position to which the officer was promoted.

The county prosecutor is required by the amended bill to forward this information to the Attorney General. The Attorney General is required to collect, gather, assemble, and collate the information forwarded by the county prosecutors and the information concerning State law enforcement agencies, including the Division of State Police, into an annual report to be reported to the Governor, President of the Senate, and Speaker of the General Assembly. The amended bill also requires this information to be posted on the official Internet website of the Department of Law and Public Safety. Each State, county, and municipal law enforcement agency also is required to publish this information in its annual report.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

As amended and reported by the committee, Senate Bill No. 401 is identical to Assembly Bill No. 2394, which also was amended and reported by the committee on this same date.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

(1) require the programs to seek to remedy past discrimination with the goal of the agency reflecting the diversity of the community rather than ensure this outcome;

(2) require the agency to make a “good-faith” effort to meet specific goals for recruiting and hiring minorities and females;

(3) require additional contingent measures rather than corrective action if the goals are not met;

(4) clarify that the Attorney General is to monitor programs established by State law enforcement agencies, in consultation with the appropriate commissioner; and

(5) other clarifying and technical amendments.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 401
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: JULY 29, 2020

SUMMARY

- Synopsis:** Requires law enforcement agencies in this State to establish minority recruitment and selection programs; establishes reporting requirement.
- Type of Impact:** Annual State and local government expenditure increases.
- Agencies Affected:** Department of Law and Public Safety; county and municipal law enforcement agencies

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2021 & Thereafter</u>
State Cost Increase	Indeterminate
Local Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) finds the bill will result in annual expenditure increases for the State and local governments, but the costs to implement, monitor, and report on minority and female recruitment and selection programs to meet the requirements of this bill are indeterminate. The OLS does not have specific information concerning the guidelines the Attorney General may promulgate to law enforcement agencies in the State or how the office will enforce the requirements of this bill.
- Additionally, it is unknown whether and to what extent State, county, and municipal law enforcement agencies may currently comply with the bill's requirements. A law enforcement agency that has an existing program similar to that proposed in this bill will presumably incur fewer costs to meet the bill's requirements.

BILL DESCRIPTION

This bill requires each State, county, and municipal law enforcement agency to establish a minority recruitment and selection program in accordance with guidelines issued by the Attorney General.

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

determine corrective action to be taken if the agency fails to meet the goals of the program. The bill requires each law enforcement agency to post the recruitment and selection program on the agency's official website.

The county prosecutors are responsible for monitoring the results of programs established by county and municipal law enforcement agencies. The Attorney General is responsible for monitoring the results of the programs established by the State Police and other State law enforcement agencies. The bill requires the Attorney General to annually report to the Governor and the Legislature a summary of the results of the State, county, and municipal programs and to post this information on the Department of Law and Public Safety's website. The bill also establishes reporting requirements concerning the overall diversity of the law enforcement agencies throughout the State.

The county prosecutor is required by the bill to forward this information to the Attorney General. The Attorney General is required to collect, gather, assemble, and collate the information forwarded by the county prosecutors and the information concerning State law enforcement agencies, including the Division of State Police, into an annual report to be reported to the Governor, President of the Senate, and Speaker of the General Assembly. The bill also requires this information to be posted on the official website of the Department of Law and Public Safety. Each State, county, and municipal law enforcement agency is required to also publish this information in its annual report.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS finds the bill will result in annual expenditure increases for the State and local governments, but the costs to implement, monitor, and report on minority and female recruitment and selection programs to meet the requirements of this bill are indeterminate. The OLS does not have specific information concerning the guidelines the Attorney General may promulgate or how the office will enforce the requirements of this bill; therefore, the OLS cannot determine the costs associated with the bill.

The OLS also does not know whether or to what extent State, county, and municipal law enforcement agencies may currently comply with the bill's requirements. Annually, the Division of State Police provides employee ethnicity and gender data to the Senate and Assembly budget committees at the request of the OLS and committee members. Additionally, the NJ Uniform Crime Report, issued by the Division of State Police, provides employee data, including gender information, for State, county, and municipal law enforcement agencies.

It is unknown whether any New Jersey law enforcement agencies currently have recruitment procedures to increase employment of minorities and women. Research indicates that the recruitment of minorities and women into law enforcement positions has been an ongoing concern of law enforcement agencies nationwide. In order to comply with this legislation, law enforcement agencies may consult with the "*Law Enforcement Recruitment Toolkit*" published by the U.S. Department of Justice and the International Association of Chiefs of Police in 2009. The toolkit established guidelines for law enforcement agencies recruiting minority and women police officers.

The Bureau of Justice Statistics, in the U.S. Department of Justice, released a survey reflecting that the total number of sworn police officers at more than 12,000 local departments across the US in 2013 was 477,000. The survey showed that the total percentage of minority officers nationally has increased, rising to 27.3 percent in 2013 compared to 25.3 percent in 2007; this increase is specifically linked to growing numbers of both Hispanic and Asian officers. The percentage of Hispanic officers rose from 10.3 percent in 2007 to 11.6 percent in 2013, almost equal to the percentage of African American officers nationwide. The percentage of African American officers as a share of the total number of police remained flat at about 12 percent.

Section: Law and Public Safety
Analyst: Kristin Brunner Santos
Senior Fiscal Analyst
Approved: Frank W. Haines III
Legislative Budget and Finance Officer

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

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

Governor Murphy Takes Action on Legislation

10/19/2020

TRENTON – Today, Governor Phil Murphy signed the following bills and resolutions into law

S-2584/A-3622 (Cunningham, Pou/Quijano, Vainieri Huttie, Murphy) – Makes changes to membership and responsibilities of Campus Sexual Assault Commission

A-1263/S-1914 (Schaer, Johnson/Pou, Cardinale) – Prohibits act, practice or arrangement constituting stranger-originated life insurance

A-2394/S-401 (Wimberly, Johnson, Holley/Turner, Cunningham) – Requires law enforcement agencies in this State to establish minority recruitment and selection programs; establishes reporting requirement

A-3367/S-1951 (Johnson, Kennedy, Benson/Smith, Codey) – Concerns installation of electric vehicle charging stations in common interest communities

Governor Murphy conditionally vetoed the following bills:

S-1163/A-4271 (Turner/Tucker, Conaway) - Requires law enforcement officers to wear body cameras

[Copy of Statement](#)

S-2842/A-4625 (Sarlo/Egan) - Permits raffles to be conducted remotely at large sporting venues

[Copy of Statement](#)

A-4312/S-101 (Reynolds-Jackson, Sumter, Tucker/Gill, Turner) - Regulates use of body cameras worn by law enforcement officers

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Governor Murphy absolute vetoed the following bills:

S-2704/A-4413 (Sweeney, Gopal, A.M. Bucco, Cruz-Perez/Bramnick, Burzichelli, DeCroce) - Appropriates \$30 million to EDA from federal "Coronavirus Relief Fund" to assist food establishments impacted by Executive Order No. 158

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A-4006/S-2404 (Chiaravalloti, Caputo, Mejia/Pou, Turner) - Postpones New Jersey Quality Single Accountability Continuum (NJQSAC) review for certain school districts to accommodate disruption due to COVID-19 pandemic

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