



Legislation Text

File #: 20-1204, Version: 4

AN ORDINANCE AMENDING TITLE II ADMINISTRATION, CHAPTER 2 OFFICE OF THE MAYOR AND AGENCIES, ARTICLE 5 OFFICES, BOARDS, COMMISSIONS AND AUTHORITIES, SECTION 86 CIVILIAN COMPLAINT REVIEW BOARD (CCRB) OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY INCREASING THE NUMBER OF BOARD MEMBERS AND CHANGING THE STRUCTURE AND PROCESS OF NOMINATING BOARD MEMBERS.

Deferred 6PSF-s 102120

PUBLIC HEARING WAS TO BE HELD ON NOVEMBER 5, 2020

Deferred 6PSF-a 110520

PUBLIC HEARING WAS TO BE HELD ON NOVEMBER 10, 2020

Deferred 6PSF-a (s) 111020

PUBLIC HEARING WAS TO BE HELD ON NOVEMBER 18, 2020

Deferred 6PSF-a 111820

PUBLIC HEARING TO BE HELD ON DECEMBER 2, 2020

WHEREAS, on March 16, 2016, the Municipal Council adopted Ordinance 6PSF-b creating a Civilian Complaint Review Board ("CCRB") for the City of Newark; and

WHEREAS, the CCRB is currently comprised of eleven (11) members, none of which are required to be young adults, which is a segment of Newark's population that has an important voice in the community and that have significant contact and interaction with law enforcement; and

WHEREAS, adding young adults to the CCRB would include the voices and point of view that is critical to a CCRB that is truly a comprehensive representation of Newark's residents; and

WHEREAS, the Mayor desires to increase the number of Board Members from eleven (11) to thirteen (13), and require that two (2) of the CCRB's Board Members are young adults between the ages of eighteen (18) and twenty-five (25).

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

Note: Additions are shown as **underlined and bold**. Deletions are shown as ~~strikethroughs~~.

SECTION 1: Title II Administration, Chapter 2 Office of the Mayor and Agencies, Article 5 Offices, Board, Commissions and Authorities, Section 86 Civilian Complaint Review Board of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, is amended as follows:

2:2-86. CIVILIAN COMPLAINT REVIEW BOARD.

2:2-86.1. Establishment and Structure; Civilian Complaint Review Board.

a. Establishment and Structure.

1. Established - Civilian Complaint Review Board. There is established in the Office of the Mayor, a Civilian Complaint Review Board to address and participate in the resolution of complaints filed by citizens against the Department of Public Safety, Division of Police and/or its officers and members. Public complaints against members of the NPD shall be investigated and discipline, if any, shall be recommended to the Public Safety Director by a Civilian Complaint Review Board.

2. Structure-Civilian Complaint Review Board. The Civilian Complaint Review Board will have the following structure:

(a) Members, Selection Process. The Civilian Complaint Review Board (hereinafter referred to as the "CCRB" or the "Board", shall consist of ~~eleven (11)~~ **thirteen (13)** members of the public, all appointed by the Mayor with the advice and consent of the Municipal Council: ~~One (1) of which shall be the appointment, by the Mayor, of the City of Newark's Inspector General, three (3) shall be elected members of the Municipal Council or their designees, who shall be nominated by the Municipal Council and recommended to the Mayor; the Mayor shall accept ten (10) nominations, two (2) of which shall be young adults between the ages of eighteen (18) and twenty-five (25), from the seven (7) organizations below that shall form the standing Nominating Committee of the CCRB, one (1) from each of the organizations listed below, which individuals shall be members or representatives in good standing with said organizations, for consideration for appointment to the Board by the Mayor with the advice and consent of the Municipal Council.~~

(1) American Civil Liberties Union ("ACLU") - New Jersey

(2) National Association for the Advancement of Colored People ("NAACP") - New Jersey

(3) People's Organization for Progress ("POP")

(4) La Casa de Don Pedro

(5) Ironbound Community Corporation ("ICC")

(6) Newark Anti Violence Coalition ("NAVC")

(7) Representatives of the Clergy (referring to any person who provides moral, spiritual, or philosophical guidance as a profession.)

In selecting representatives to serve on the CCRB, nominators are encouraged to **The Nominating Committee shall consider potential nominees to the CCRB members' from its ranks or from the community at large, and shall consider such nominees' demonstrated commitment to community improvement, professional experience in law, civil rights or law enforcement and other qualifications.** Nominators **The Nominating Committee** shall provide the

Mayor with the resumes and any other submissions that establish the nominee's qualifications to be appointed to the Board and such information shall be provided to the Municipal Council for its review and consideration.

In the event any of the organizations, for any reason, declines to recommend a member or any one or more of the organizations cease to exist, the Mayor may designate another organization which may in turn recommend a representative in good standing for membership which appointment shall be with the advice and consent of the Municipal Council. The Mayor shall retain the authority to remove an organization and its representative for cause and designate another organization which can then recommend a representative in good standing for membership on the CCRB which appointment shall be with the advice and consent of the Municipal Council.

The Mayor shall designate which organization will serve as the Nominating Committee's Chairperson on an annual basis. Organizations serving on the Nominating Committee may propose members from its organization, but the nominee need not be a member of such organization, to be considered for selection by the Nominating Committee and presented to the Mayor for appointment. Only one (1) member from each organization may serve at any given time as a Board Member. No Board Member shall serve on the Nominating Committee.

The Mayor has the authority to remove a Board Member for cause, and to request that the Nominating Committee make recommendations for a replacement. The Mayor has the authority to remove the Nominating Committee Chairperson for cause, and to designate another member to complete the Chairperson term. The Mayor also has the authority to remove an organization for cause and designate another organization to serve on the CCRB Nominating Committee.

Any member of the clergy appointed to the Board shall represent the public interest and may not render decisions based on any personal religious belief.

(b) Chairperson, Term of Membership. The Mayor shall designate one of the members to be the Chairperson. The Inspector General shall not be eligible to serve as Chairperson of the Board. The term of the members shall be three (3) years, except that of the members first appointed, five (5) shall be appointed for terms of one (1) year, the Municipal Council members shall be appointed for terms of two (2) years, and the Inspector General shall be a permanent appointment to the Board.

(c) Restrictions **and Administrator** and Inspector General. No member of the Board, excluding the Inspector General, shall be former employees of the Newark Police Department. The Inspector General **Administrator** shall serve as the administrative head of the Board, assist the Board with supervision of civilian employees, supervise intake and communications on behalf of the Board with complainants and victims, as well as serve as a voting member. The Inspector General **Administrator** shall provide such assistance as the Board needs to receive complaints, perform investigations, hire and assign civilian staff, and ensure the training of Board members and staff.

The Inspector General **Administrator** shall review completed investigations, sit in on ongoing cases and may ask questions and may make policy recommendations to the Board as a whole. The Inspector General shall also serve in an audit role, reporting on the fairness of the investigations conducted (by the NPD) as opposed to the behavior of individual officers. Any civilian staff used to assist the Inspector General in his audit role, shall not engage in investigations.

(d) Vacancy. In the event of a vacancy on the Board during the term of office of a member, by reason or removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for the

balance of the unexpired term.

(e) Within forty-five (45) days of the effective date of this ordinance, the CCRB Board shall create a confidentiality policy for documents and all information received or created by the CCRB. Each Board Member and employee shall sign acknowledgement that he or she has received and read the confidentiality policy before his or her respective service to the CCRB commences. Current Board Members shall sign for receipt of the confidentiality policy within ten (10) days of adoption by the Board. Failure to sign the confidentiality policy is grounds for automatic retraction of board appointment or employment.

(f) Within forty-five (45) days of appointment or employment, each board member or employee shall complete CCRB training. Failure to complete training within forty-five (45), unless an extension is granted by the Administrator, is grounds for removal from the Board or termination of employment.

SECTION 2: To the extent that any previous ordinance is inconsistent with or contradictory hereto, said ordinance is hereby repealed or amended to the extent necessary to make it consistent herewith.

SECTION 3: The provisions of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal, or unconstitutional, the remaining provisions shall continue in full force and effect.

SECTION 4: This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This ordinance amends Title II Administration, Chapter 2 Office of the Mayor and Agencies, Article 5 Offices, Board, Commissions and Authorities, Section 86 Civilian Complaint Review Board (CCRB) of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, by increasing the number of Board Members and changing the structure and process of nominating Board Members.