

AN ORDINANCE SUPPLEMENTING CHAPTER 4, AND ESTABLISHING CHAPTER 4, SECTION 40 OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF WEST ORANGE, ENTITLED “WEST ORANGE TOWNSHIP CIVILIAN COMPLAINT REVIEW BOARD”

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex and State of New Jersey that Chapter 4, Section 40 of the Revised General Ordinances of the Township of West Orange is hereby established as follows:

I. PURPOSE

The purpose of this Ordinance is to create a Civilian Complaint Review Board (“CCRB”) within the Township of West Orange (“Township”) to review complaints concerning police actions to promote unbiased, fair, equitable and just conduct.

II. CHAPTER 4 SHALL BE AND HEREBY IS ESTABLISHED TO READ AS FOLLOWS:

4-40.1 Creation and Composition.

The body will be known as the West Orange Township Civilian Complaint Review Board.

III. CHAPTER 4 SHALL BE AND HEREBY IS ESTABLISHED TO READ AS FOLLOWS:

4-40.2 Appointment of Members; Terms and Meetings.

The Civilian Complaint Review Board shall consist of seven (7) members chosen as follows:

- a. Three (3) members shall be selected by the Council as a whole by majority vote;
- b. Four (4) members shall be selected by the Mayor;
- c. The chair of the Board shall be selected by the Mayor from the seven (7) members;
- d. All members shall undergo a criminal history background check. No person shall serve on the CCRB if convicted of a crime or offense as set forth in the Attorney General Guidelines;

- e. Prior to serving on the Board, Members shall go through a training process approved by the County Prosecutor's office on the confidentiality of internal affairs records.
- f. A quorum of five (5) members must be present to meet;
- g. Members shall sign a sworn statement that they will comply strictly to confidentiality policies and agree no social media posts of any kind shall occur during his/her term of service related to the Township;
- h. Violations of confidentiality will result in removal from the CCRB and may subject the individual to civil and criminal penalties without indemnification from the Township;
- i. No person shall serve on the CCRB if they have a conflict under the Attorney General Guidelines or N.J.S.A. 52:13D-21.2(2)(d) or any other law, regulation or ordinance; and
- j. All Board members shall have term limits of four (4) years and may not be reappointed unless a break in service of at least four (4) years occurs.

Terms for Board members shall be four (4) years. Meetings shall take place in a closed session whenever the content of internal affairs are discussed. The review shall take place only in a secure location designated by the Chief of Police or Mayor.

IV. CHAPTER 4 SHALL BE AND HEREBY IS ESTABLISHED TO READ AS FOLLOWS:

4-40.3 Responsibilities.

Board members are entitled to review complaints and present their conclusions to both the Mayor and the Chief of Police ("Chief"). They may also request additional information or clarification regarding the findings or decisions made in the course of the internal affairs investigations, or request that the internal affairs investigation be re-opened. The Board may not override any finding or decision made as a result of the internal affairs process, nor do they have the power to impose discipline, require another official to impose discipline, immunize any person from prosecution or render any finding or decision that requires deference from any other official. They may not commence an investigation of a particular civilian complaint or incident until after any criminal and/or internal affairs investigations have concluded and any resulting discipline has been imposed. Information will be public in thirty (30) days.

VI. REPEAL OF CONFLICTING ORDINANCES

Any Ordinances of the Township, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

VII. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

VIII. EFFECTIVE DATE

This Ordinance shall take effect upon final passage and publication in accordance with the law.

ROBERT D. PARISI, MAYOR

**CINDY MATUTE-BROWN
COUNCIL PRESIDENT**

KAREN J. CARNEVALE, R.M.C., MUNICIPAL CLERK

INTRODUCED: August 17, 2021

ADOPTED: September 14, 2021

LEGISLATIVE HISTORY

New Jersey Statutes (“N.J.S.”) Title 40A. Municipalities and Counties, 40A § 14-118 permits the creation of a Civilian Complaint Review Board by ordinance with its overall beneficial oversight purpose to conduct investigations of police operations and conduct, to delegate powers of inquiry to them as governing bodies deem necessary, and to conduct hearings as authorized by law. This ordinance is designed to increase transparency and build public trust by having citizens of the Township of West Orange review and investigate complaints against members of the police force serving within the municipality in order to prevent future instances of discriminatory behavior, unwarranted searches and arrests, and other wrongful conduct.

The Ordinance does **not** permit the CCRB to have subpoena power. In Fraternal Order of Police, Newark Lodge No. 12 v. City of Newark, A-15-19 (083197) (August 19, 2020), the New Jersey Supreme Court overturned the portion of Newark’s ordinance which delegated subpoena power to the CCRB. The Court specifically held that the New Jersey State Legislature “would have to act in order for the City to have the ability to confer subpoena power on its CCRB.” Id. at 51.