

# TOWNSHIP OF MAPLEWOOD



## ORDINANCE

# 2901-18

**AN ORDINANCE  
TO CREATE  
THE MAPLEWOOD COMMUNITY BOARD  
ON  
POLICE**

*"Interpretive Statement"*

*This ordinance will create a committee to review designated police activity within the Township of Maplewood and to make recommendations to the Township Committee on improving the relationship between the Maplewood Community and the Maplewood Police Department.*

**WHEREAS**, the foundation of trust and transparency is imperative for a positive relationship between the Maplewood Police Department (the "Department") and individuals who live in, work in, or visit the Township of Maplewood (the "Township"); and

**WHEREAS**, residents, community organizations, elected leaders, Department personnel, and independent consultant, Hillard Heintze, have all called for more Community engagement and stronger Community relationships; and

**WHEREAS**, a centralized and organized source for the Community, government officials, and the Department to collaborate with will provide long-lasting roots for successful Community engagement and stronger Community relationships; and

**WHEREAS**, the Maplewood Community, the Township, and the Department are committed to the fairness and respect of all individuals within the Township including insuring there are safeguards against bias and disparate treatment as required by New Jersey Attorney General Directives and Guidelines, the mission of the Department, and applicable federal, state, and local laws and as demonstrated by the civic activity and Community service by individuals who live, work, and visit within the Township; and

**WHEREAS**, members of the Department have stated, and the Hillard Heintze report detailed, that the Department lacks regular and effective training to best serve individuals within

the Township including training and support necessary to rebuild relations with the greater Community; and

**WHEREAS**, the transparency of the Community examining publicly available data, trends, and evidence based practices and Community supported best practices, is imperative to insure the success of the Department in its work to serve and safeguard all people within the Township in a fair, safe, professional, and considerate manner consistent with the law and established goals of the Community; and

**WHEREAS**, the Department and the Township in the interest of transparency and partnership desire active Community input on training, Community engagement and interaction, and Community education programs to enhance the Department; and

**WHEREAS**, until applicable state laws and guidelines change, the Community including the Community Board shall not be involved in personnel or Internal Affairs decision making of the Department; and

**WHEREAS**, a collaborative Community Board on Police can serve as a central source for the Community and work on behalf of the Community to speak with the Township's elected officials and to the Department for resource allocation that address concerns and enhance the service of the Department.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Maplewood, County of Essex, State of New Jersey as follows:

**FIRST:**

**Article I – Title**

There is hereby created the Maplewood Community Board on Police (the "Board")

**Article II - Purpose/Objectives of the Board**

The purpose of Board shall include but not be limited to:

- A. Promoting a culture of transparency and accountability with the Maplewood Police Department ("Department").
- B. Advocating on behalf of the community with relation to their concerns about the Department.
- C. Researching and suggesting training and best practices to the Maplewood Township Committee ("Township Committee") and Maplewood Police Department.
- D. Advocating for funding for specific training opportunities for Maplewood Police officers ("Officers").
- E. Reviewing data from the Department in order to set mutually agreed upon benchmarks and measure changes and progress with regards to the Department's non-discrimination and welcoming policies, and interaction and relationship with the community.

- F. Public reporting to the Township Committee on aggregate data.
- G. Engaging with the community through surveys and public forums to help identify which crime problems are priorities for civilians and gauge how improvements are being reflected by the community.
- H. Working to ensure a relationship of respect between the Department and Community.
- I. Providing an avenue to publicly recognize the Department for officers who complete additional trainings in line with recommendations of the Board.
- J. Educating the public on laws, public safety protocols, the complaint and resolution process, and other matters as deemed necessary.

### **Article III - Composition of the Board**

**Section 1 - Board Composition:** The Board will be comprised of seven (7) voting members. Voting members will be one (1) Maplewood resident who is a designee from SOMA Justice, one (1) Maplewood resident who is a designee from SOMA Action, one (1) Maplewood resident who is a designee from the South Orange/Maplewood Community Coalition on Race, (1) Maplewood resident who is between the ages of 16 and 21 at the time of appointment, (this individual shall be a non-voting member) and three (3) Maplewood residents selected from the community. Ex-officio members without a vote will be two (2) members of the Township Committee, the Township Administrator and/or a designee of the Township Administrator, and a designee from the Department.

**Section 2 - Application Process:** All individuals seeking nomination to the Board shall submit: (a) a completed application as detailed in Appendix I attached hereto; (b) a current resume detailing professional, educational, and civic involvement; and (c) a completed conflict of interest form. The application materials detailed in Article II, Section 2 shall be submitted to the Township Committee by any individual being considered for voting seats.

**Section 3 - Nomination Process for Voting Members:** SOMA Justice, SOMA Action, and the South Orange/Maplewood Community Coalition on Race (together the "Charter Organizations") shall each submit to the Township Clerk a slate of three (3) to five (5) individuals together with the application materials detailed in Article III, Section 2 for selection by the Township Committee pursuant to Article III, Section 4. The Charter Organizations are charged with ensuring their nominees are both reflective of both the Maplewood community and committed to the purpose and time commitment of the Board. Should the Charter Organizations decide not to nominate a slate of designees, the Township Committee may fill those seat(s) with an at-large designee. Nominees for the three (3) community seats and the one (1) 16 to 21 year old seat as detailed in Article III, Section 1 shall submit the application materials detailed in Article III, Section 2 to the Township Clerk for selection pursuant to Article III, Section 4. Maplewood together with the Charter Organizations shall work, to ensure promotion of the opportunity to join the Board reaches a wide range of Maplewood residents.

**Section 4 - Selection Process for Voting Members:** Each Nominee for a Voting Member seat on the Board will be reviewed and considered by the Township Committee. Each nominee will be examined for their (a) demonstrated commitment to the matters addressed by the Board; (b) ability to be fair and thoughtful; (c) overall integrity; (d) engagement in community affairs; (e) skill set to help complete the work of the Board; (f) conflicts of interest; and (g) agreement to sign and adhere to a non-disclosure/confidentiality policy. Each Voting Members will be selected by at least a majority vote of the Township Committee to fill the Board seats outlined in Article III, Section 1. The Township Committee will strive to ensure the Board is reflective of the Maplewood community.

**Section 5 - Vacancies:** Should a vacancy arise on the Board, the Township Committee shall promptly act to fill the seat by advertising the opening to the Maplewood community. In the

event the vacancy is from one of the Charter Organizations, the Township Committee will work with the organization with the vacancy, to fill the seat. Nominations and selections shall follow Article III Sections 3 and 4 to fill a vacancy.

#### **Article IV - Governance of the Board**

**Section 1 - Terms:** The Board will be staggered with Voting Members appointed by the Township Committee to Class A, Class B, or Class C seats. For the inaugural Board, the Voting Members will be divided by last name to Class A (expiring December 31, 2019), Class B (expiring December 31, 2020), and Class C (expiring December 31, 2021). Starting in 2019, upon the expiration of a term, the Voting Members for each class going forward will be appointed to a three (3) year term. A Voting Member may serve for a maximum of two (2) full terms before rotating off the Board for at least one (1) year, provided however that Class A and Class B Voting Members from the inaugural Board may complete two (2) full terms in addition to the partial term before being subject to the term limit.

**Section 2 - Meetings:** The Board will meet monthly. Minutes will be taken, and a copy supplied to the Township Clerk as the work of the Board demands. The Board may schedule special meetings. Notice of all meetings must comply with the Open Public Meeting Act. Meetings open to the public will include on the agenda one public comment period where any person may comment on Agenda items or other topics related to police and public safety. It is understood that the work of the Board requires a significant amount of time, and that Voting Members should prepare for research and review time outside of scheduled meetings.

**Section 3 - Quorum:** With proper notice as outlined in Article IV Section 2, a meeting of the Board may proceed if a majority of the voting members are present. From time-to-time due to a schedule conflict, Board members may be permitted to join by teleconference and may vote on any issues presented. Voting by proxy is not permitted.

**Section 4 - Executive Session:** A majority of the Voting Members present at a meeting (whether regular or special) may vote to enter Executive or Closed Session. Ex-Officio Members may only attend an Executive Session at the specific invitation of the majority of the Voting Board Members of the public and media are not permitted to attend Executive Sessions. The Board will provide the Township Committee and public with a short summary of the Executive Committee meeting.

**Section 5 - Leadership:** At the initial meeting each year, a majority of the Voting Members of the Board shall select a Chair, a Vice Chair, and a Recording Secretary. A Chair may not serve longer than two (2) consecutive years without a rotating from a leadership role for one (1) year. The Chair is responsible for organizing, leading meetings, and connecting with Non-Voting Members for information. The Vice Chair shall serve as Chair in the Chair's absence. The Chair and Vice Chair must be at least 18 years of age. The Recording Secretary shall keep the Minutes of each meeting.

**Section 6 - Training:** Each member of the Board, within six (6) months of appointment, shall participate in a police ride along, meet with the Chief of Police and/or Designee to understand the operations and data collection of the Maplewood Police Department, and commit to reading material in line with the purpose of the Board as articulated in Article I and the history, culture and concerns of the community. The appropriate authority, as defined by New Jersey Law, shall be responsible to insure that all members shall also receive additional education on laws governing public records and public meetings, confidentiality requirements, state and local laws that affect an officer's rights and privacy, case law on stops and detentions, search and seizure and the rights of an arrestee, as well as steps in the criminal justice process including arrest, booking, arraignment, bail, hearings, and trial.

**Section 7 - Confidentiality. Privacy/Non-Disclosure:** To ensure the purpose of the Board may be fulfilled, to protect the privacy of civilians, and to fully comply with Maplewood Police Department Policy, New Jersey Attorney General Directives, and obligations, strict confidentiality adherence to the confidentiality policy is required for all Board members. All Board members must sign a confidentiality/non-disclosure agreement. Board members must take due care with materials provided in connection with meetings. Matters of the Board may not be discussed with the public.

**Section 8 - Document/Data Requests:** The Committee may request, in writing, documents and data from the Department. To the extent permitted by law and regulation, the Department will promptly provide the material requested. The Board shall insure that all material is maintained in a secure manner.

**Section 9 - Resignation:** Board members are requested to give at least sixty (60) days' notice of their decision to resign in order to give time to identify a replacement. During this time the Board member who tendered a resignation notice should try in earnest to complete his/her obligation to the board.

**Section 10 - Removal:** Upon the majority vote of the Board, the Township Committee will consider removal of a Voting Board member. Grounds for removal includes but is not limited to: absenteeism, incomplete work product, non-residency, aggressive behavior, breach of Board policy, failure to adhere to the confidentiality policy, and failure to disclose conflicts of interest. All vacancies shall be filled promptly.

**Section 11 - Indemnification:** Pursuant to Maplewood Code Chapter 32, and absent a breach of the Confidentiality Agreement, all Board Members will be defended and indemnified by Maplewood.

## **Article V - Responsibilities of the Board**

### **Section 1 - Training**

- A. The Board will make recommendations to the Chief of the Police Department on trainings and create clusters of trainings that are recommended for all officers.
- B. The Board will review and provide feedback on different trainings at the request of the Chief.
- C. The Board will identify funding sources, such as grants, that can be applied for to cover training costs.
- D. The Board will advocate to the township committee for the allocation of funds for approved training programs.
- E. If a significant number of complaints are made regarding a practice which the department has been trained on, the Board will recommend additional trainings, or seeking out a new trainer.
- F. In reviewing collected data, the Board may make recommendations regarding trainings to prevent further issues with the community in the future.
- G. The Board after reporting publicly to the Township Committee may publicize to the community their recommendations for departmental training as a whole, and specialized trainings, such as management trainings.
- H. The Board can recommend training on a range of topics, and topics should include, but are not limited to: addressing racial bias, addressing LGBTQ bias, de-escalating those suffering in a mental health crisis, substance abuse, use of force, etc.

- I. The Board will work with the Police Chief, Township Administrator, and the Township Committee to determine barriers stopping the implementation of a specific recommendation to the Maplewood Police Department.

**Section 2 – Recognition:** The Board will create a process to formally and publicly recognize the Department for the number of officers who have completed additional trainings mentioned by the board. This recognition is noted to be outside of the scope of any workplace commendations.

**Section 3 - Community Education:** The Board will act as ambassadors to the community to explain the complaint and complaint resolution process. The Board will also publicize methods to reduce crime and increase public safety. The Board will educate the community about appropriate calls to the police and calls that are not police matters.

**Section 4 - Best Practices:** The Board shall recommend “best practices” adopted in other municipalities and to assist the Chief in determining whether those best practices can and should be adopted for Maplewood. The Board will work with the Police Chief, Township Administrator, and the Township Committee to determine barriers stopping the implementation of a specific “best practices” recommendation to the Department. The Board will produce a report for the Chief, Business Administrator, and Township Committee once a year highlighting where possible evidenced based practices, and where not yet identified best practices from a variety of established sources, including public policy journals and journals of policing.

**Section 5 - Data Tracking:**

- A. The Board has the authority to request data that will improve police community relations and policing in the town. That data will include, but is not limited to:
  - a. The number of traffic stops, the race of those stopped, the number of pedestrian stops, the race of those stopped, incident reports, the number of Emotionally Disturbed Person complaints responded to, the number of ICE detainers received and the response to them, the number of complaints against officers received and status of such complaints, the number of calls received and nature of calls to all schools in the district, as well as any general crime statistics normally released to the community and the Township.
  - b. For any specifically requested incident report via standard OPRA request process, the Board can review video (including from body cameras, dash cameras, and public safety cameras) and audio, and written documentations and hold voluntary meetings with the community and officers. When an incident report is requested, the Board may obtain information on the status of any incident report. Whereas numerous complaints are automatically deferred to the Essex County Prosecutor, the Board may request updates of the Maplewood Police Department as to the status of the OPRA request so as to determine when information will be available to them.
  - c. All names, addresses, telephone numbers, ID numbers, license numbers, badge numbers, information on minors must be appropriately redacted before being sent to the Board. Information regarding an incident report must be sent via town email or other secure server, as determined by the Township. No information regarding an incident report will be sent via personal email, or on unsecured servers. All members of the Board agree to adhere to the confidentiality practices outlined by the town. Board members who violate this will be subject to expulsion from the Board. The Board will comply with the current Attorney General Guidelines and

current collective bargaining agreement, and all other current laws and policies governing public safety matters.

- d. The Board will not engage in individual personnel matters with respect to any member of the Maplewood Police Department.
- B. The Board along with the Township Committee and Chief of Police will identify key areas of improvement, promote the development of new, non-discriminatory approaches to policing, and work together with the Police Department to track reductions in discrimination.
- C. The Board shall advise the Police Department and Township Committee on the establishment/ improvement of a data collection system.
- D. Once an established data tracking system is created, the Board shall use the data as part of a comprehensive system of trend analysis, in which the Board and the Police Department use the data to monitor the patterns of the Department.
- E. The Board is required to provide a comprehensive review of the data collected. The Board will present the review in a periodic summary of the findings as well as recommendations to the Chief of Police, the Business Administrator, Mayor, and the Township Committee.
- F. The Board will annually compile a comprehensive report on its activities. The Committee's annual report shall be submitted to the Chief of Police, the Mayor, and the Township Committee.

**SECOND: Severability**

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**THIRD: Repeal of Prior Ordinances**

Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of any such inconsistencies.

**FOURTH: Effective Date**

This Ordinance shall take effect after final passage and publication and as provided by law.

**PUBLIC NOTICE** is hereby given that the foregoing proposed Ordinance was introduced and read by title at a meeting of the Township Committee of the Township of Maplewood, held on April 3, 2018, and that the Township Committee met again on April 17, 2018, at the Municipal Building, 574 Valley Street, Maplewood, New Jersey, at which time and place the Township Committee held a hearing and proceeded to consider the said Ordinance on final reading and final passage.

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**ELIZABETH J. FRITZEN, R.M.C.**  
Township Clerk