

June 23, 2016

**ASSEMBLY BILL NO. 1663
(First Reprint)**

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1663 (First Reprint) with my recommendations for reconsideration.

This bill would require each county and municipal law enforcement department, and each college or university that appoints campus police officers, to develop, adopt, and administer a cultural diversity training course. The bill would also require each department adopt a cultural diversity action plan that must include strategies to develop outreach programs to address social needs and concerns regarding crime in the community.

I agree with the sponsors that effective and responsible law enforcement requires a collaborative relationship between the police and all residents within their jurisdiction and that cultural diversity training assists in the promotion of positive interactions between police and the communities they serve. While I support the purpose of this bill, its specific requirements raise constitutional and practical concerns.

Law enforcement officers in the State currently receive a significant amount of cultural diversity education. Pursuant to existing law, the Police Training Commission in the Department of Law and Public Safety reviews and approves police academies' basic training courses. The basic training courses require trainees to receive detailed education in, and satisfy performance requirements relating to: the different cultures and subcultures in the State; the impact of prejudice on law enforcement behavior; how law enforcement behavior can result in positive or negative impacts on community relations; community

organizations in the trainee's area; and techniques that promote positive police-community relations. Officers also receive additional cultural diversity training through in-service training and online education during their employment.

Foremost, I am concerned that this bill violates the New Jersey Constitution's prohibition against unfunded mandates. Specifically, the bill's requirement that each municipal and county law enforcement department develop, adopt, and implement a cultural diversity training course and cultural diversity action plan will impose costs on these entities, thereby creating an unfunded mandate.

In addition, I am concerned about the bill's requirement that each law enforcement department develop its own, individual training course. Hundreds of unique training courses could result in significant inconsistencies in how law enforcement officers throughout the State are educated about, and address, issues relating to cultural diversity and community interactions.

Accordingly, I am recommending changes that will address these constitutional and practical impediments. To avoid the creation of more than 500 unique and potentially inconsistent plans, I propose that the Department of Law and Public Safety create or identify uniform cultural diversity training course materials and an online tutorial that shall be available to all county, municipal, and campus police departments, and every other law enforcement department in the State. The Department would then update these materials and the online tutorial as appropriate. Many local law enforcement departments already provide supplemental cultural diversity training, and these changes would enable these, and all other, law enforcement

agencies in the State to more easily and affordably access well-developed, uniform cultural diversity training materials.

The removal of the bill's requirement that local law enforcement entities create and adopt cultural diversity action plans should eliminate the constitutional implications of this unfunded mandate. Moreover, because the Attorney General already has the authority to require individual local law enforcement departments to abide by the basic components of such a plan, the cultural diversity action plan requirement in this bill is unnecessary. I am also recommending certain other changes to implement the bill's provisions and ensure that law enforcement has uniform cultural diversity training.

Accordingly, I herewith return Assembly Bill No. 1663 (First Reprint) and recommend that it be amended as follows:

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| <u>Page 2, Title, Line 3:</u> | After "Statutes" insert ", and amending P.L.1997, c.257" |
| <u>Page 2, Section 1, Lines 8-31:</u> | Delete in their entirety |
| <u>Page 2, Section 2, Line 33:</u> | Delete in its entirety and insert "1. a. The Department of Law and Public Safety" |
| <u>Page 2, Section 2, Line 34:</u> | Delete "and adopt a" and insert "or identify uniform" |
| <u>Page 2, Section 2, Line 34:</u> | After "course" insert "materials and an online tutorial" |
| <u>Page 2, Section 2, Line 35:</u> | Delete "includes" and insert "shall include" |
| <u>Page 2, Section 2, Line 35:</u> | Delete "and exercises" |
| <u>Page 2, Section 2, Line 36:</u> | Delete "the racial, ethnic, and religious communities" insert ", and community outreach to, all residents" |
| <u>Page 2, Section 2, Line 37:</u> | Delete "each department's respective jurisdiction. The" and insert "a community, including residents of all racial, ethnic, and religious backgrounds and lesbian, gay, bisexual, and transgender individuals residing within the community. Components of the" |

- Page 2, Section 2, Line 37: Delete "also" and insert "materials and online tutorial"
- Page 2, Section 2, Lines 38-40: Delete in their entirety
- Page 2, Section 2, Line 41: Delete "jurisdiction. The curriculum for the training program"
- Page 2, Section 2, Line 42: Delete "a tutorial" and insert "instruction"
- Page 2, Section 2, Line 44: Delete "each law enforcement department's" and insert "a community;"
- Page 2, Section 2, Line 45: Delete in its entirety
- Page 3, Section 2, Line 6: After ";" insert "and"
- Page 3, Section 2, Line 8: Delete "; and" and insert "."
- Page 3, Section 2, Lines 9-19: Delete in their entirety and insert "b. The Department of Law and Public Safety shall cause the training course materials and online tutorial developed or identified pursuant to subsection a. of this section to be made available to every State, county, and municipal law enforcement department in the State and to each campus police department at an institution of higher education in the State that appoints police officers pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) for use in providing officer training and information promoting community outreach efforts within the law enforcement department's community.
c. The Department of Law and Public Safety shall periodically assess the training course materials and online tutorial developed or identified pursuant to subsection a. of this section and update them where the Department finds appropriate."
- Page 3, Line 20: Insert "2. Every State, county, and municipal law enforcement department in the State and every campus police department at an institution of higher education in the State that appoints police officers pursuant to P.L.1970, c.211 (C.18A:6-4.2 et seq.) may provide in-service training of its personnel utilizing the

training course materials and/or online tutorial developed or identified by the Department of Law and Public Safety pursuant to section 1 of P.L. , c. (C.) (pending before the Legislature as this bill)."

Page 3, Section 3, Lines 21-46:

Delete in their entirety

Page 4, Section 4, Lines 1-36:

Delete in their entirety

Page 4, Line 37:

Insert "3. Section 2 of P.L.1997, c.257 (C.52:9DD-9) is amended to read as follows:

It shall be the duty of the council:

a. to develop policy proposals for the State and assist with coordinating efforts to promote prejudice reduction and prevent and deter crimes based upon the victim's race, color, religion, national origin, sexual orientation, ethnicity, gender, or physical, mental or cognitive disability;

b. to assist in diffusing tensions in communities affected by such crimes;

c. to act as a clearinghouse for information and program ideas among the existing county human relations commissions;

d. to assist the efforts of the county human relations commissions in relieving tensions within the community;

e. to assist in providing training programs for members of the county human relations commissions and other interested community leaders;

f. to develop and present a biennial report to the Governor and Legislature on the status of bias and violence based upon race, color, religion, national origin, sexual orientation, ethnicity, gender, or physical, mental or cognitive disability;

g. to establish and maintain a listing of conflict resolution programs and experts to be available as a resource for communities in time of crisis;

h. [to develop in conjunction with law enforcement agencies, including the Office of Bias Crimes and Community Relations in the Division of Criminal Justice, and the educational community cultural diversity training for law enforcement personnel] Deleted by amendment, P.L. _____, c. _____)(pending before the Legislature as this bill);

i. to develop in conjunction with the Department of Education and the educational, civil rights and human relations communities educational programs intended to educate, encourage, develop, promote and strengthen respect for human rights and cultural diversity and prevent and combat racism, intolerance and bigotry;

j. to assist local communities in establishing local human relations commissions;

k. to assess changes in local demographics and assist communities in adapting to minority population shifts;

l. to assist State, county and local government agencies with multi-cultural awareness programs;

m. to require that the representatives from the county human relations commissions report back to the counties regarding the work and activities of the State council;

n. to provide conciliation assistance and conduct all activities in confidence and without publicity; and

o. to make recommendations to governmental entities for the development of policies and procedures in general and for

programs of formal and informal education that will aid in eliminating all types of discrimination based on race, color, religion, national origin, sexual orientation, ethnicity, gender, or physical, mental or cognitive disability."

Page 4, Section 5, Lines 38-48:

Delete in their entirety

Page 5, Section 5, Lines 1-18:

Delete in their entirety

Page 5, Section 6, Line 20:

Delete "6." and insert "4."

[seal]

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Thomas P. Scrivo

Chief Counsel to the Governor