

Close
Print
Resize:

Township of Irvington, NJ
Wednesday, April 21, 2021

Chapter 22. Commissions, Committees, Councils and Other Agencies

Article X. Civilian Complaint Review Board

[Adopted 8-14-2001 by Ord. No. MC 3174 (Ch. 89, Art. III, of the 1981 Revised Code)]

§ 22-47. Board established; purpose.

[Amended 10-14-2015 by Ord. No. MC 3553]

The Civilian Complaint Review Board (hereinafter referred to as the "CCRB") is hereby established as an independent agency with the authority to receive, investigate, hear, make findings, and recommend action upon complaints by any member or members of the public against members of the Irvington Public Safety Department that allege misconduct involving the use of excessive or unnecessary force, abuse of authority, harassment, or the use of offensive language. The Board shall have subpoena power.

§ 22-48. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ABUSE OF AUTHORITY

A deviation from the ordinary powers and/or authority bestowed upon law enforcement personnel in the Department of Public Safety by state statute and municipal ordinances. This includes an officer acting in a manner which is beyond the scope of his authority as defined in law.

[Amended 10-14-2015 by Ord. No. MC 3553]

HARASSMENT

Actions or words used to significantly or repetitively restrain or restrict the freedom of movement of a person or to interrogate a person, without reasonable suspicion that a crime, quasi-crime or act of juvenile delinquency has been or is about to be committed by that person or without reasonable suspicion that the person has knowledge of the commission of any such crime, quasi-crime or act of juvenile delinquency.

USE OF ABUSIVE LANGUAGE

Use of profane or derogatory language, including racial, ethnic or sexist slurs, which, if heard by a reasonable person under the circumstances, would offend.

USE OF EXCESSIVE FORCE

In a situation which calls for the use of force, greater physical force than is reasonably necessary under the circumstances to repel an attacker or terminate resistance.

USE OF UNNECESSARY FORCE

Physical force used by law enforcement personnel in the Department of Public Safety in a situation where the use of such force is not justified under the circumstances.

[Amended 10-14-2015 by Ord. No. MC 3553]

§ 22-49. Appointment of members; term.

The Municipal Council shall appoint four members of the Board. One member shall be chosen by the Mayor and two from a random drawing emanating from a pool of applicants desiring to sit as CCRB members. The Municipal Council shall select two alternates. Each member shall sit for a two-year term.

§ 22-50. Budget; secretary and attorney.

Any budget created for the CCRB shall be approved by the Municipal Council. The Board shall have a secretary, who shall be paid a stipend, and an attorney.

§ 22-51. Qualifications of members; alternate members.

A.

All regular and alternate members shall be chosen by the respective appointing authority based upon their known and consistent reputation for integrity, impartiality and fair-mindedness. They shall be residents of the Township and may be officers or employees of the Township.

B.

Alternate members may participate in discussions of the proceedings but may not vote except in the absence, disqualification or vacancy in office of a regular member. The appointing authority shall designate the alternates as "No. 1" and "No. 2." In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

C.

The Director of Public Safety is authorized to submit applicant fingerprint cards and receive state criminal history record information from the Division of State Police, State Bureau of Identification, for use in considering the suitability of all applicants covered under this article.

[Amended 1-12-2016 by Ord. No. MC 3562]

§ 22-52. Filing of complaints.

Any person claiming to be aggrieved pursuant to any of the acts of conduct outlined in §§ **22-47** and **22-48** of this article shall sign a verified complaint either on his or her own or through their attorney and file same with the CCRB. The complaint must be in writing, shall set forth the name and/or badge number of the person alleged to have committed the acts complained of and must set forth in detail all facts which make up the content of the complaint.

§ 22-53. Investigation of complaints.

After the receipt of such a complaint, the Board (CCRB) shall, within a reasonable time, cause an investigation to take place regarding such complaint.

§ 22-54. Review by Internal Affairs Division and Township Attorney; action to be taken.

[Amended 10-14-2015 by Ord. No. MC 3553]

Only upon a finding of probable cause, the CCRB shall refer the complaint to the Internal Affairs Division of the Irvington Public Safety Department and the Township Attorney for recommended action. The Internal Affairs Division and/or the Township Attorney may, after review and determination, take appropriate legal action against the person or persons of whom such complaint was filed. If deemed warranted, a referral by the CCRB may be made to the appropriate county, state or federal law enforcement agency.

§ 22-55. Initiation of civil suit or criminal complaint.

[Amended 10-14-2015 by Ord. No. MC 3553]

The CCRB's jurisdiction shall not become operative, or shall terminate after it becomes operative, if, at any time the complainant initiates a civil suit or criminal complaint against the law enforcement personnel in the Department of Public Safety, alleging the same or similar misconduct relating to the same transaction or occurrence.