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NEW JERSEY ADVISORY COMMITTEE
ON POLICE STANDARDS
PUBLIC HEARING

TRANSCRIPT OF PROCEEDINGS

Thursday, April 26, 2007
Rutgers University
Newark, New Jersey
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1 MR. JOHNSON: This is a large
2 table. Why don't we have members of the
3 Committee that are now here take their cards and
4 move towards the center and other members as
5 they arrive fill in.

6 Good morning and welcome to the
7 fifth public hearing of the Advisory Committee
8 on Police Standards. My name is Jim Johnson and
9 it has been my privilege to chair this
10 committee. For those of you joining us for the
11 first time, Governor Corzine established the
12 Advisory Committee in August of 2006 and asked
13 the committee to take on three main tasks.

14 First, the committee was asked to
15 recommend to the Governor whether and under what
16 circumstances the State of New Jersey should
17 join with the United States Department of
18 Justice in filing a motion to the United States
19 District Court to terminate the Consent Decree
20 that was entered in 1999 by the State of New
21 Jersey and the United States Department of
22 Justice. That Consent Decree was entered into
23 to address the problem of racial profiling by
24 some State Police officers. Under the terms of
25 the Consent Decree, the State Police have had to

1 implement a variety of reforms under the watch
2 of an independent monitoring team. These
3 reforms have included the installation of mobile
4 video recorders to document stops, the
5 institution of supervisory review of the tapes
6 of those stops, the development of a data
7 management system that, among other things,
8 flags troopers who are stopping more drivers of
9 a particular race and/or gender than their
10 peers, implementing procedures for the
11 investigation of misconduct claims and expanding
12 training to include areas such as cultural
13 diversity and nondiscrimination.

14 The second task that the Governor
15 asked us to make recommendations on how to
16 ensure that the practice of racial profiling is
17 not engaged in or tolerated in the future in the
18 event that the Consent Decree is terminated by
19 the United States District Court. That
20 particular task is often discussed as
21 sustainable, what can we do to make the forms
22 sustainable.

23 Third, and not least, the committee
24 was asked to make recommendations to the
25 Attorney General and the Governor on how the

1 programs developed by the New Jersey State
2 Police can assist other law enforcement agencies
3 throughout the state in preventing all forms of
4 racial profiling.

5 In our previous hearings we have
6 heard from the Superintendent of the State
7 Police, the independent monitors who have been
8 reviewing the procedures and actions of the
9 State Police for the last seven years. We've
10 heard from the Office of State Police Affairs,
11 State Police Unions and the National
12 Organization of Black Law Enforcement
13 Executives. We also heard from several experts
14 on police practice and monitorships. In
15 addition, we heard from community and social
16 activists and representatives of county and
17 local law enforcement. A full list of witnesses
18 is available on charts found throughout the room
19 in the back and also at the entrance.

20 These witnesses provided background
21 regarding the 1999 Consent Decree and brought us
22 up to date on the progress made by the State
23 Police towards fulfilling the Consent Decree
24 mandates. Those witnesses also suggested areas
25 for further development and identifying

1 continuing issues in law enforcement. Finally
2 they informed us about local law enforcement
3 practices.

4 We've heard from a wide variety of
5 perspectives on this from individuals who are
6 not necessarily within the State Police but have
7 information and views to share with the
8 committee -- had information and views to share
9 with the committee and help us in our work as we
10 respond to these three critical issues.

11 Now, our committee's work was
12 initially intended to last just four months.
13 Initially we were extended just a month to take
14 into account that the original deadline fell
15 within the winter holidays. Our work was
16 extended again following the most recent report
17 of the independent monitoring team. In that
18 report issued in late January the monitors
19 issued a warning to the State Police for failing
20 to complete two tasks under the decree - for those
21 of you very familiar with the tasks, that would
22 be tasks 50 and 51. According to the monitors'
23 report, the State Police missed its deadline for
24 providing data from Troop D, which is one of the
25 troops within the State Police, and they also

1 did not analyze data from Troop C and Troop D
2 through the Risk Assessment Group Process. The
3 Risk Assessment Group Process is a tool,
4 basically a group of individuals within the
5 State Police but a tool under the decree to
6 review data about incidents and to identify the
7 emergent issues before those issues become
8 problems. The monitors said in their 14th
9 report that these tasks were intended to insure
10 the sustainability of the progress under the
11 Consent Decree.

12 The monitors asked the State Police
13 to address these shortfalls before April 30,
14 2007. We anticipate that the monitors will
15 conduct further monitoring activities in May and
16 then issue a report in June. We will have eight
17 weeks after that report is issued to finish our
18 work. We asked that the deadlines for our work
19 be extended so that we can see the results of
20 the monitors' additional visits before we offer
21 our recommendations. We anticipate that we will
22 also have a hearing in which the monitors will
23 appear after they issued a report.

24 This has been a longer task than
25 anticipated and as chair, I'd like to thank all

1 committee members for their continued service in
2 this very important effort. The Governor and
3 his staff have said many times that they
4 appreciate the hard and diligent work that the
5 committee members have dedicated to this cause.
6 I'd also like to say that, like all of you,
7 members of this committee have been closely
8 following the Governor's health since his
9 accident and on the committee's behalf I can say
10 that all our hearts are with the Governor, his
11 family and his team and we wish him a speedy
12 recovery.

13 Now, our task is to make
14 recommendations. Among our task is to make
15 recommendations to help ensure that law
16 enforcement in New Jersey is conducted in a
17 nondiscriminatory fashion. The state police is
18 one focus. The second concern is local law
19 enforcement. As I mentioned earlier, one of the
20 things we must do is see whether any of the
21 lessons learned by the State Police can be
22 applied to local law enforcement throughout the
23 state. Step one is to find out what the current
24 local practices are which will enable us to
25 answer the question: what next. To that end,

1 we have met with and interviewed local law
2 enforcement officers and prosecutors. On
3 November 13th, 2006, this committee took public
4 testimony from the Union County prosecutor's
5 office and chiefs from Dover Township and Egg
6 Harbor, New Jersey. We have also conducted a
7 survey of selected police departments around the
8 state and we have sent a survey on local
9 practices to all county prosecutors. These
10 surveys should give us a rough baseline, and I
11 repeat, a rough baseline of local law
12 enforcement practices around the state and give
13 us a very good insight into what's achievable,
14 what's doable, what progress can be made.

15 While all the survey results are
16 not yet in, there seems to be support, in some
17 counties very strong support, for the use of a
18 number of Consent Decree reforms to increase law
19 enforcement and to minimize the risk of racial
20 profiling. Those tools are mobile video
21 recorders, enhanced stop data and the use of
22 computer aided dispatch systems. As many of you
23 know, mobile video recorders record the actual
24 interaction between law enforcement officers and
25 the public. Supervisory review is used to check

1 each stop, sometimes randomly used to check
2 stops and computer aided dispatch can be used to
3 analyze the trends of stops. We will hear more
4 about these devices and their utility from
5 today's witnesses.

6 Now, a couple of short housekeeping
7 matters then I will introduce our first witness.
8 First, we started at about 9:45 and we will
9 continue until approximately 11:45 or so, when
10 we will take a short 30-minute lunch break. We
11 will resume probably at 12:15 and continue until
12 about two when we will have another break. We
13 will go from 2:15 until 4:30 and as has been the
14 practice, I anticipate that if there are more --
15 if there is more testimony to be taken, we may
16 extend the committee hearing day somewhat.
17 Given the length of the sessions, I don't expect
18 that everyone will be able to keep their seats
19 throughout the entire proceedings but I ask that
20 if you anticipate having to leave during the
21 proceedings, you choose to sit close to the
22 aisles. To minimize disruption, please turn
23 your cell phones and pagers to silent mode now
24 and if for some reason you have a reaction to
25 testimony or need to discuss something with

1 colleagues that you have come with, I ask that
2 you have those conversations outside of this
3 hearing room. We have a court reporter who is
4 working very hard to transcribe these things and
5 the discussion and what we don't want to do is
6 create challenges for her to take down everything
7 that we try to discuss and record.

8 If anyone would like to ask a
9 question of the panels today, we are requesting
10 that you write your question on one of the index
11 cards that are available by the entrance and I
12 believe available from committee staff in the
13 front of the room and why don't you raise your
14 hand. You can then take the card, fill out the
15 card and leave it either with a staff member by
16 the entrance or with one of the other members
17 who will be circulating through the audience,
18 members of our staff. If time permits, I will
19 ask the panels to answer your questions. If we
20 run out of time, we will incorporate the
21 questions into the public record of the
22 committee's work.

23 He expect to hold at least one more
24 hearing when the monitors submit their next
25 report. We are asking people who wish to offer

1 testimony at that hearing to let us know. Even
2 if we cannot fit an individual into the hearing
3 schedule, that person's written testimony, if
4 they choose to submit written testimony, will be
5 made part of the record of the Committee's work
6 and will be considered by us as we deliberate.
7 You can share your comments or make a request to
8 testify through our website or via mail to the
9 office of the Governor, which is then forward to
10 me. Our website can be found at
11 <http://www.state.nj.us/acps>, that's
12 www.state.nj.us/acps.

13 On behalf of the Committee, I'd
14 like to sincerely thank today's panelists for
15 their time and testimony in advance and with
16 that, I'll get started with our first witness.

17 We initially were going to have a
18 panel of two witnesses to begin, only one of
19 those witnesses is here right now, a second has
20 been caught in traffic. I understand that there
21 was a traffic accident nearby, a pedestrian was
22 struck by a car but he believes he will be here
23 now within the next five minutes or so. So we
24 will start our first panel with John Molinelli,
25 the prosecutor from Bergen County.

1 Mr. Molinelli will describe the
2 approach taken by his county and municipalities
3 within his county on some of the issues that are
4 before the Committee. He is one of the leading
5 prosecutors within the state and we are happy to
6 have him with us.

7 MR. MOLINELLI: Thank you,
8 chairman, members of the Committee. Of course
9 I've been aware of the -- do you want me to
10 stand?

11 MR. JOHNSON: If you can stand or
12 grab hold of the microphone, it's cordless.

13 MR. MOLINELLI: Thank you.

14 MR. JOHNSON: Then there is a small
15 matter of turning it on. Can we turn the
16 microphone on up here, please?

17 MR. MOLINELLI: How's that? No.
18 It is on just not -- I can speak loud.

19 MR. JOHNSON: Okay.

20 MR. MOLINELLI: Of course I've been
21 aware of the work of this Committee for quite
22 some time as the Bergen County prosecutor. I
23 had the first opportunity to directly interact
24 with the work of this Committee at the last
25 County Prosecutor Association meeting, which was

1 held in Morris County just recently when I met
2 Chairman Johnson, and we talked about certain
3 issues that you are all dealing with. During
4 the course of our meeting, we got into a couple
5 of topics that I hope you find I am uniquely
6 qualified to offer you information on this
7 morning and that deals with the MVRs and police
8 cars and more specifically technical issues with
9 regard to the sharing and collaboration of data
10 and, of course, I'm offering this to you today
11 not with respect to the New Jersey State Police
12 but more so as it relates to municipal police
13 departments.

14 Bergen County is rather unique in
15 this state in that we have 69 municipalities.
16 We have a sheriffs department, we have a county
17 police department, we have the Port Authority
18 Police at Teterboro Airport and the George
19 Washington Bridge and the Palisades Interstate
20 Police Force, all total 73 police departments in
21 Bergen County. There is no other county that
22 has that many municipal departments. That is 73
23 departments, 73 chiefs or directors, 73 issues
24 regarding data, the collection of data and the
25 sharing of data.

1 The sharing of police services is
2 an enormous task in Bergen just based upon the
3 number of municipalities and police departments
4 that I am responsible to oversee. We are also
5 unique in Bergen County in that we are the only
6 county where there is one line that attaches
7 every single police department in Bergen County
8 as well as one private dispatch center although
9 they are in transition.

10 Historically I'll go back to the
11 late 1960s, Bergen County initiated a system
12 back then called MARS and what it was it was a
13 system where police arrest data was going to be
14 collected from all of the municipal departments.
15 This information would then be placed into a
16 central data base maintained by the Bergen
17 County Prosecutor's Office in a main frame
18 system. It has worked quite well for many years
19 although approximately four-years ago I
20 recognized it was becoming outdated in that the
21 closed main frame system was no longer fully
22 operable and exchangeable with other systems
23 throughout the state.

24 You can't just provide law
25 enforcement services in a town or a county now,

1 it's a global issue and one that we need to
2 start looking at, sharing on a more global
3 basis. So about three-years ago I dedicated a
4 substantial amount of seized asset funds for a
5 termination of a main frame system and movement
6 towards an open system. It's based upon, and
7 I'm not advocating any particular software,
8 there is a lot of vendors out there, but I want
9 to talk about vendor issues.

10 I use a system called CODY. It's
11 an open system now where a police officer in
12 Oakland enters data concerning a stop, a CAD
13 entry or arrest record, it goes on their hard
14 drive, their data, they own it, they protect it,
15 they maintain it but it is now searchable and
16 can be queried by all other departments within
17 Bergen County. That raises the trust level that
18 a department has in its own data dramatically.
19 So I find that that system is something that's
20 been readily accepted by all 73 police chiefs
21 and directors in Bergen County.

22 I say that because when you reach
23 your deliberations concerning municipalities and
24 municipal departments, you're going to deal with
25 566 different issues, different agendas and

1 different needs, different budgetary
2 constraints. Some towns have the funds, some
3 towns do not. It's an enormous issue to try to
4 build collaboration between all those
5 departments while at the same time enable them
6 to do what they have to do.

7 One advantage of an open system is
8 it is completely -- it could be collaborated
9 quite easily with other departments outside the
10 county. In the early stages of our development
11 of CODY we were trying to work with the State
12 Police and at that time they were installing and
13 had rolled out SIMS and were installing it in
14 all 566 departments in the State of New Jersey
15 and they were then going to train all of the
16 departments on how to enter data into the SIMS
17 system. I am going to share with you something
18 that I just know as a prosecutor - all departments
19 have to enter data into their system. When you
20 put another computer on the desk of a law
21 enforcement officer and you ask that law
22 enforcement officer to enter the same data
23 again, members of the Committee, Mr. Chairman, I
24 can tell you it will not happen, it will not
25 happen.

1 When you add a third computer to
2 the law enforcement officers and when I say law
3 enforcement officer, much of this data is also
4 entered by dispatchers. It will not happen. So
5 we have to find a way where the data can be
6 entered once and shared by all. When the State
7 Police was originally rolling out SIMS, they
8 indeed planned to come up and install it on 69
9 municipal department systems to train that
10 municipal department and although I supported
11 that, I was very vocal with the State Police,
12 particularly Colonel Fuentes who I add because
13 he did see the wisdom of seeing the way we did
14 things in Bergen County.

15 We have T-1 lines that go to every
16 single municipal line in Bergen. Why would you
17 install yet another piece of software on a
18 municipal department and train that officer to
19 enter SIMS data when we can take the data that
20 is entered already with the local program, and
21 I'm using that as a term of art, and share it
22 with SIMS and put it right into SIMS. It took
23 some time and Colonel Fuentes as well as now
24 retired Colonel Frank Rogers, a man who really
25 was one of the individuals that finally sat down

1 and said this makes sense for Bergen County. So
2 SIMS was never installed, it was installed on
3 some departments but SIMS has not been installed
4 on individual police departments in Bergen
5 County.

6 MR. JOHNSON: Can I interrupt for
7 just a second. This will not be usual but
8 you've referenced a couple of times T-1 lines
9 and that's an important part of the
10 infrastructure within the county, not everyone
11 here necessarily will -- many people may be like
12 me and they can't get the data on their DVD so
13 you may want to explain.

14 MR. MOLINELLI: First of all, it's
15 probably good that I'm explaining it because I'm
16 not a technical person either but a T-1 line is
17 a piece of hard wire, a wire if you will,
18 provided by a lot of companies. Ours are done
19 by Verizon and carries data, voice, video, text
20 and other information across a system. The
21 advantage of T-1 is it is -- other than certain
22 fiber optics, it is at this time one of the
23 ultimate tools because of its speed and high
24 capacity. Today most departments are still
25 transferring data. Data does not take a lot of

1 room to transmit but when we start rolling out
2 video and when I say video, I mean real time DVR
3 video or video that's currently taking place or
4 graphics, it takes a lot more room, a lot more
5 speed so T-1, in my judgment, is the future, is
6 the now for law enforcement for the exchange of
7 information.

8 Prior to two-years ago the State
9 Police had 13 or 14 individual 46K, very small
10 capacity, very slow lines that went to
11 individual police departments in Bergen County
12 and I said, Colonel , cut them, you don't need
13 them, tie in once to the Bergen County
14 prosecutor's office and from there you have T-1
15 connectability to all 73. He agreed that was
16 the wiser way to go and has since cut all
17 individual direct connections in Bergen County
18 because they were just ultimately going to be
19 too slow. SIMS now runs through a collaborative
20 system in Bergen County.

21 I can tell you it has saved the
22 State Police over \$1 million in doing it this
23 way but what it has also done, if I can get one
24 point across to the Committee, that I believe is
25 really needed to collect this data and to begin

1 to review this data so the purpose of this
2 Committee can be more clarified, can municipal
3 departments implement many of the monitoring
4 principles established by the New Jersey State
5 Police at the direction of the monitoring under
6 the Consent Order, can the municipal governments
7 do it. You need to collect data before you can
8 examine it. You need to collect -- it needs to
9 be reliable.

10 The way to collect it is take it as
11 it is currently being assembled within the law
12 enforcement community and that's exactly what
13 the plan now is in Bergen. And one thing I
14 would note from prior testimony, one of the
15 issues out there is that a lot of what we do is
16 vendor driven. A municipal department will want
17 to buy product A, another municipal department
18 will want to buy product B.

19 Right now we're installing a system
20 called CODY, I think it's Morris County or
21 Middlesex County right now is trying to enforce.
22 There are many different products out there but
23 when you sit down and when you're negotiating
24 with these vendors, and this is something that
25 should come from the Attorney General, you need

1 to sit down and tell these vendors, okay, you
2 are going CODY, you are going to put CODY in
3 Bergen County, you are going to install it and
4 you are going to allow us to assemble but you
5 are going to do something else. If there is
6 another product out there, A product, B product,
7 C product, you will also write software so that
8 the data that the police department enters into
9 their system with their product will also be
10 readable by all of the departments and
11 transferrable down to SIMS down to the State
12 Police and once it's there, then it can be
13 rolled out statewide and reviewable statewide.
14 That is the key.

15 It is vendor driven, and I don't
16 think anyone in this room is ever going to
17 change that because it's the market, it's just
18 the way it is but what you can do, what we do
19 have the power to do, municipal governments,
20 is to make sure whatever we do buy, we make sure
21 we buy it and can speak to any other product.
22 I've been so far pretty successful in doing that
23 because there are I can tell you six different
24 data products in Bergen County and so far with
25 one exception all of them are cooperating with

1 CODY and with one another to make sure that the
2 data entered in Town A is reviewable by Town B.
3 If an arrest takes place in Oakland, New Jersey,
4 in realtime that arrest can be observable by a
5 police officer in Lyndhurst, New Jersey in the
6 south part of the county even though they may be
7 utilizing different products.

8 This also becomes important because
9 the main data, the initial data as it comes in,
10 the stop data, the important data for purposes
11 of this Committee is often from computer aided
12 dispatch. I've been given the benefit of some
13 preliminary numbers on the survey taken on how
14 many departments use CAD, and I can't speak for
15 other counties but I can tell you in Bergen
16 County substantially all municipal departments
17 use computer aided dispatch in some form or
18 another. It may not be coming from their
19 municipal department, a lot of departments,
20 particularly in Bergen, regionalize their CAD
21 efforts. Town one will buy the CAD program and
22 will handle dispatch services for four or five
23 other towns. There are actual regional
24 consortiums that have started in Bergen.

25 Ultimately my feeling is I believe

1 the County of Bergen will become the central
2 dispatch center for all police centers in Bergen
3 County. Probably five years down the road but
4 that's where I see it coming. So I believe that
5 and that things are vendor driven in terms of my
6 recommendation for this Committee that is not
7 going to change but mandate or find a way to
8 make sure that whatever purchase, whatever is
9 bought can speak to one another because that's
10 where the information can be obtained.

11 Now, costs involved. T-1 line
12 costs approximately \$5700 per year, that's \$5700
13 per year times 73 police agencies, that is a lot
14 of money. What I do is each year I collect
15 \$6,000 per year from each of the municipal
16 departments called the MARS maintenance fee,
17 everyone pays it each year. Per the opinion
18 from the Attorney General's office, it is
19 appropriate for a municipality to use seized
20 asset money to pay for it and I generally don't
21 have an issue with regard to it.

22 The balance of it we also operate a
23 help desk, a 24-hour a day help desk, 24-hour
24 monitoring for this system, which I think would
25 also be required. I mean, that is what I offer

1 to you from data collection because the bigger
2 job obviously is data analysis but data
3 collection it can be done because if it can be
4 done among 73 municipalities in Bergen, I
5 believe it can be done throughout the state.

6 The second and final issue that I
7 present to you is my experience with regard to
8 mobile video recording at the municipal level.
9 It is a substantial different issue at the
10 municipal level than it is at the State Police
11 level. If one believes that all we have to do
12 is compel municipal departments to have mobile
13 video systems in their cars, we are going to
14 present these municipal departments with
15 substantial issues, namely dealing with budget
16 issues, maintenance and replacement.

17 In 2002 our office spent a little
18 bit over a million dollars to offer video
19 systems in all police cars in Bergen County.
20 Issue number one, it's offered to them, it was
21 not mandated I would add and it was done by my
22 predecessor, it was not mandated, it was
23 offered. Sixty-six percent of the municipal
24 departments took advantage of it, others did
25 not. Some did not take advantage of it because

1 they were concerned about the procedural issues,
2 some can't take advantage of it because they did
3 not feel that video systems should be in the
4 cars, they didn't feel it was necessary. In my
5 judgment of the 34 percent five-years ago that
6 did not avail themselves of video in the car, if
7 they were offered the chance again to take the
8 videos, 90 percent of them would take them.

9 We have had significant positive
10 experience with MVRs in Bergen County. They are
11 protecting the public as well as the individual
12 police officer that operates them. A week does
13 not go by that I do not hear of a situation that
14 involves an MVR where an issue is -- in fact, we
15 recently had a situation where a mayor was
16 involved in one of my towns and it dealt with
17 what was shown on an MVR.

18 Now, five-years ago the original
19 purchases of VHS format, the VHS system was in
20 the trunk, the camera was in the car. We do
21 have a written SOP, standard operating
22 procedure, in Bergen County that emulates the
23 State Police but it was tweaked a little bit but
24 any time the overheads are activated, any time
25 there is a stop, it is on. When an individual

1 is placed in the back of the car, the camera is
2 turned on so as to point to the person in the
3 back of the car, which kind of led -- is a
4 little glitch because, you know, you had to make
5 sure there were other cars with the cameras if
6 something was going on but nevertheless those
7 cameras were rolling and it was VHS format.

8 Problem with VHS what do you do with the tapes,
9 they accumulate very quickly, a little bit less
10 reliable, over time the quality is not quite as
11 good and it's bulky so about two-years ago I
12 still had about -- and by the way, the average
13 cost of a VHS installation is \$3600.

14 Problem, towns are not inclined to
15 replace them when they break, towns are not
16 inclined to maintain them once the initial
17 maintenance expires on them and I'm just
18 testifying or giving you this information based
19 upon my experience, and I believe that this is
20 something that you would experience statewide if
21 it happened. When it was originally adopted and
22 when the money was put out there, probably if it
23 could be done again it should have been a pool,
24 a fund to ensure replacement because a lot of
25 these municipalities cannot afford to just

1 simply replace these. This piece of equipment
2 essentially since today I am not recommending
3 that VHS format video installations be done in
4 cars. Today it is my recommendation that
5 digital video systems be put in.

6 What happened was about
7 two-and-a-half-years ago I recommended to the
8 departments that had not as of yet had their
9 cameras installed, said, look, if you want your
10 VHS system, I'll put it in but I'll put your
11 money aside that I had allocated for your cars,
12 \$3500, whatever, to utilize that toward the
13 installation of digital. Digital is
14 approximately 8500 to \$9,000 per vehicle, that
15 includes a two-year maintenance contract,
16 usually you try to negotiate a one or two-year
17 maintenance contract with the initial capital
18 purchase. They are generally more reliable, the
19 space requirements are much more palatable for a
20 local system to take care of because generally
21 what it is is the removal of the hard disk and
22 you bring it into headquarters and upload it
23 from the -- into a central system and it just
24 generally will work better because everything
25 now is digital. What's coming across is

1 digital.

2 We have some schools in Bergen
3 County, in fact, I'm working on a system now in
4 Bergen County where there is a homeland security
5 issue. There is a freshwater reservoir and we
6 are installing DVR or video system. This video
7 will be observable by police in their mobile
8 units in realtime so that's why in terms of the
9 capacity, you need that capacity.

10 By the way, this digital switch,
11 this wireless information requires a piece of
12 equipment called a mobile video switch, we have
13 five of them in our office. We maintain them
14 because not every department is going to use the
15 same mobile client, mobile system. Some people
16 use a product called Data Max, some people use
17 Infocop, some use the original Motorola switch,
18 this is a piece of equipment that takes
19 information from the hard system and sends it
20 out wireless so they could be viewable by a
21 police officer that's operating a laptop in his
22 or her police vehicle. We have four or five
23 switches in our office. We had to do that
24 because we tried to facilitate what each
25 department is trying to accomplish.

1 I am not sure of my authority under
2 the Criminal Justice Act of 1970 for me to come
3 out with a directive to say all of your
4 departments you will buy the following product,
5 you will buy the following switch, you will buy
6 the following piece of equipment, I don't have
7 that authority. I can offer it, I can say
8 here's the money, this is what I'm providing to
9 you but that money doesn't last forever and
10 that's one of the issues and it deals with
11 replacement and repairs and maintenance so
12 that's a big issue that the Committee has to
13 consider because just saying let's put cameras
14 in the car it's not as simple as that. There
15 has to be a funding source and the funding
16 source is going to be a huge one but there are
17 many many advantages to the video.

18 I am a strong, strong proponent of
19 it. I think it allows supervisory personnel to
20 see stop information in realtime to view it.
21 Again, it protects the public, it gives the
22 public an extremely high level of confidence in
23 the system and most certainly also protects the
24 police officer at the same time. So those are
25 the two primary municipal issues.

1 I try to address things I know have
2 come up under a prior system. I know you are
3 aware that things are vendor driven, that's all
4 right, we live in the United States, everything
5 is market based. We have to live around that
6 market demand and we have to understand that
7 what can we do to make sure that if this town,
8 this Chief Tom wants to buy this product and the
9 town right next door which somehow can't get
10 together wants to buy a different product, how
11 do we facilitate that because you will be
12 priced, I mean, by the way, we speced out a
13 digital system.

14 I'm going to give you this by way
15 of information. The Panasonic digital system,
16 it's a very good system, the state contract on
17 this system was out of date and we got
18 information that there was not any plan of the
19 state to offer a new state contract based upon a
20 new system any time in the near future. So I
21 came up with specs, and I have the county
22 freeholder's issue out and bid a blanket
23 contract with any department within the county
24 could buy these digital cameras off of a blanket
25 contract entered into by the County of Bergen

1 because the state was even behind in offering
2 these digital cameras out there. Just wanted
3 you to be aware of that, that as a state we also
4 need to keep up with these things in terms of
5 what we're offering.

6 MR. JOHNSON: Thank you very much.
7 That was very helpful and before we start with
8 questions from the Committee members, I just
9 want to know has Chief O'Neal arrived yet?

10 MR. O'NEAL: Yes.

11 MR. JOHNSON: If you could step
12 forward. I think it would make sense. I
13 believe you've been here to hear at least a
14 substantial chunk of the testimony but not all
15 but if you could give whatever statement -- you
16 can sit at this table, both mikes seem to be
17 live right now, apparently our T-1 line was
18 installed, and if there is any statement that
19 you would like to give, you can do that now and
20 then what we will do we will simply go down the
21 line. The members of the Committee would ask
22 either of the panelists questions related to
23 their testimony. Each member of the Committee
24 will have that five minutes to ask questions of
25 each of the two witnesses. So, sir, you may

1 proceed.

2 MR. O'NEAL: Thank you very much.

3 Good morning.

4 MR. JOHNSON: We're one line short.

5 Could we try to turn his microphone on?

6 MR. MOLINELLI: Chief, you can sit

7 over here.

8 MR. JOHNSON: You can sit side by

9 side.

10 MR. MOLINELLI: I was a little

11 nervous when you sat at the other table anyway,

12 that's not a good sign.

13 MR. O'NEAL: I'm sitting on your

14 right, I feel better now.

15 Good morning, I'm Chief Howard

16 O'Neal, Chief of Police of Neptune Township,

17 Monmouth County. I was invited here by

18 Mr. Johnson to come and explain what our

19 township does as far as contacts with motor

20 vehicle stops and also personal stops, civilian

21 stops. What I've done is I've got our Mission

22 Statement here and our Vision Statement. May I

23 read that?

24 MR. JOHNSON: Certainly, sir.

25 MR. O'NEAL: This mission

1 statement. Neptune Police Department. "The
2 mission of the Neptune Police Department is to
3 consistently work to improve the quality of life
4 of all citizens and visitors to our community to
5 promote the effective partnerships, encourage
6 community involvement to address crime, the fear
7 of crime and other community concerns. To work
8 cooperatively to solve problems and improve the
9 livability in our community."

10 Our vision statement. "The vision
11 in Neptune Police Department is to maintain our
12 leadership role in law by employing innovative,
13 creativity and quality service to enhance the
14 public safety. We strive to excellence and how
15 to deal with the application of sound velocity.
16 Our goals reflect the many strengths of our
17 officers and citizens. Our core value is
18 respect. We are dedicated to fair,
19 compassionate and consistent treatment of all
20 people, integrity, we are committed to the trust
21 of our community through honest and ethical
22 behavior by our entire work force, cooperation
23 as community partners, we strive to provide
24 quality of service through team work, problem
25 solving and personal accountability."

1 That's what our police department
2 works by and our philosophy is a community
3 policing philosophy within the Township of
4 Neptune. I heard you speaking about the digital
5 cameras. Did you want me to address that at
6 all?

7 MR. JOHNSON: That would be
8 helpful, yes.

9 MR. O'NEAL: We have 25 marked
10 police vehicles. Our police department has 74
11 sworn. We have 25 marked police cars, they all
12 have cameras, the mobile cameras in them. We
13 just got new cars, we don't put new cars out
14 there unless they are equipped with that and we
15 also have computers within all our police cars.
16 We document every motor vehicle stop and we
17 document every civilian contact that we have,
18 other than your normal every day community
19 police stopping saying hello to somebody who is
20 out raking or whatever they may be doing so that
21 we are able to gather that information.

22 We review the tapes. If there is a
23 complaint, we review the tapes as we change
24 them. Sometimes the shift commander will just
25 review them, the captain of patrol will review

1 tapes, myself, the deputy chief and also the
2 captain of patrol. We read every report every
3 day and re-evaluate what we are doing on a
4 continuing basis.

5 MR. JOHNSON: Thank you. We'll
6 start with Ms. Brown and work our way down the
7 line. You have five minutes.

8 MS. BROWN: Okay. Thank you very
9 much and thank you both for your testimony this
10 morning and it was good to get a sense of the
11 infrastructure needs in order to maintain
12 something like the MVRs and computer, really
13 workable and I think we all take that point on
14 the cost of maintenance and replacement, which
15 is often left off of that purchase decision but
16 can you tell us something more about the actual
17 data that's selected that goes into these
18 systems from the standpoint of our issue on
19 racial profiling? What kind of information is
20 captured and then is it consistent or is the
21 same data required in each municipality in
22 Bergen and the same question for Monmouth.

23 MR. MOLINELLI: On just a motor
24 vehicle stop without a summons or complaint,
25 generally the information is pretty consistent

1 and your question is a highly relevant one
2 because the MVRs only record what happens when a
3 stop takes place. It's not going to be the data
4 that you need to even examine whether or not
5 there is a pattern that we in law enforcement at
6 the supervisory level need to be concerned
7 about. The data that is collected would
8 certainly be data that would be relevant towards
9 such a review.

10 The data is certainly based upon
11 circumstances surrounding the stop, allegations
12 of preliminary wrong doing, age, race, sex,
13 religion. I'm not sure but generally a lot of
14 the data that is collected precomplaint,
15 prearrest is certainly data that is relevant and
16 would be relevant for a -- either a cursory,
17 random or centralized review. With a complaint
18 on arrest, once you hit the ACS system, then
19 generally it's the data that is entered by the
20 local police officer or dispatcher or sometimes
21 court clerk into the judicial area system.

22 That data based upon their new
23 type, their new ACS system is enormous in terms
24 of the size of the data and which also includes
25 the information I just gave you and more. That

1 information, of course, is entered by law
2 enforcement but once it's entered, it generally
3 belongs to the judiciary. So far to my
4 knowledge there is no sharing arrangement
5 between the judiciary back to law enforcement,
6 Attorney General's office or government,
7 something that I would strongly advocate for but
8 that's something that needs to be done at a
9 level much higher than me. So that's where the
10 data would come from and that's exactly the type
11 of data that would be needed if there is a
12 recommendation and ultimate adoption of a
13 centralized or noncentralized system at the
14 municipal level.

15 MR. O'NEAL: I've got an SOP on
16 vehicle, bicycle and pedestrian stops and I have
17 one for everybody if you would like to have a
18 copy. This is my deputy chief, Bob Adams.
19 Also, Bob, why don't you give them a copy. We
20 also have an SOP on the mobile data recorders.
21 I'll give you a copy of those.

22 What we do and what I did, I had --
23 our record here just takes six months of the
24 last six months of stops and breaks them down
25 into African American, white, Hispanic cops so

1 we can see what percentage. Our Township of
2 Neptune is 56 white and 38 percent African
3 American and six percent Hispanic, and I think
4 our -- what we try to do with reading the
5 reports and making sure that our police officers
6 aren't picking on one type of race and -- Bob,
7 why don't you give these out, too. You can take
8 a look at our stops and our percentages and
9 that's what we try to do all the time is review
10 every day what is going out there.

11 We have never had a complaint that
12 any of our motor vehicle stops was racially
13 motivated. We have had complaints about, you
14 know, maybe the attitude of a police officer,
15 which we investigate right away. In one case we
16 had a white police officer with a white person
17 that was stopped and we ended up reviewing that
18 tape. We brought the officer up on charges and
19 fired him and I can't really say too much, he's
20 appealing that. We just don't put up with bad
21 motor vehicle stops and things like that in
22 Neptune Township, it's just not going to happen.

23 The philosophy is everybody is
24 treated the same, and I believe if you look at
25 what we have, our SOPs on that, you will

1 probably concur with what we're doing. We're
2 trying to do what is fair for everybody, and I
3 would say that I don't want my child stopped any
4 more than anybody else's child and unless
5 they've done something wrong, and it's very
6 clear, if you do commit a violation, you are
7 going to be stopped and you are going to be
8 spoken to but you are not going to be taken out
9 of the car and searched unless there is probable
10 cause and it can be articulated by that officer
11 and put on a report.

12 MS. BROWN: Thank you very much.

13 MR. JOHNSON: Mr. Huertas.

14 MR. HUERTAS: Thank you. I just
15 had a couple of questions. On the data stop
16 that is collected, age, race, sex as you
17 mentioned, how is that data determined? Is it
18 determined by the police officers perceived
19 Hispanic male, black male?

20 MR. O'NEAL: When the motor vehicle
21 stop takes place, you will have all the
22 information. There is three types of reports, a
23 dispatch card what we call, an operations and an
24 invest. A normal motor vehicle stop would be
25 covered under dispatch and it would take all the

1 information: what the stop was about, who they
2 stopped, what the race was, their age and that
3 is put on a dispatch.

4 If say the police officer felt
5 there was a crime that was going to be committed
6 or possibly there was something in that motor
7 vehicle, it would raise to a different level but
8 they would have to articulate on the report what
9 caused them to get to that next stage. Once
10 that report is made out, it goes into our record
11 bureau and that information is put into a
12 computer, which the main computer is in Monmouth
13 County and all that information goes in there
14 and is stored.

15 Just like our audio tapes, our
16 video tapes -- our video tapes we started
17 actually in some of our cars in 1996, we still
18 have those video tapes from 1996. We never
19 destroyed a video tape because you never know
20 when it could come back. I think you have to
21 keep them a couple of years, we keep them
22 forever. And that's what he's talking about
23 digital, digital would be much better. The
24 problem is, of course, the cost of that and, you
25 know, our town felt it was very important that

1 we do expend the money to put the recorders in
2 the cars because in the long run it's going to
3 save you money as far as any lawsuit or whatever
4 and we have had people come in and view the
5 tapes and walk out after they said, well, this
6 police officer said this, this and this and we
7 put the video tape in and, in fact, the officer
8 said may I help you and this and that and it
9 really is a real good tool for the law
10 enforcement community.

11 MR. HUERTAS: Mr. Prosecutor,
12 Mr. Molinelli, in the 73 departments you have,
13 you control, I would imagine that the
14 information is gathered the same as the chief
15 has indicated that is simply based on the
16 officer's judgment, whether it's in terms of
17 racial but more importantly once that
18 information is collected independently and
19 forwarded and documented, is there any trend
20 analysis conducted by utilizing that data?

21 MR. MOLINELLI: Each department
22 most certainly does that. At my office's level
23 we do so based upon either the receipt of a
24 complaint or something that comes to our
25 attention that causes us to conduct that type of

1 analysis and I can tell you we have done it
2 twice over the last two years where we have
3 reason to take a review of a pattern of stops by
4 a particular municipal department. One did not
5 deal with race, the other did. We do not
6 utilize social scientists or systems where we
7 have the ability to review across the entire
8 county how this data is coming to us, in fact,
9 it's something that would have to be reviewed on
10 an individual municipal basis because you
11 wouldn't want to make a judgment call on
12 patterns that go across municipality lines. You
13 are dealing with individual police officers so
14 you look at it on an individual basis and we do
15 not possess the capability nor the expertise to
16 do that to the extent it would require a social
17 scientific review.

18 MR. HUERTAS: So each department is
19 basically placing itself on -- when it comes to
20 those type of matters and your review would be
21 if it's brought to your attention or if there is
22 a complaint?

23 MR. MOLINELLI: It is my job to
24 make sure those individual departments are
25 conducting their individual supervisory review,

1 which I do.

2 MR. HUERTAS: I think the other
3 question was I believe you answered you only had
4 two complaints of racial profiling?

5 MR. MOLINELLI: No, we get
6 complaints of racial profiling. We have -- I
7 personally at my office have conducted two
8 independent reviews and monitorings of two
9 police departments based upon allegations that
10 we received which even to this day are ongoing.
11 I don't just take a look at the complaint and
12 look at something in a vacuum and say nothing
13 wrong happened here, you got to expand the
14 process.

15 One is a pretty limited review so
16 I'm almost discounting that but there is one
17 department that I've actually -- I have a
18 committee of lawyers in my office that we have
19 continued to review their pattern but I've also
20 communicated this to the chief and discussed
21 this with the chief and asked him to address
22 certain issues not based upon a particular
23 occurrence but to make sure that he is aware of
24 what his responsibility is and to make sure he
25 makes his individual officers aware of what his

1 responsibility is. I'm not there to make for
2 hurt to occur so from a supervisory function and
3 I need to make sure they are educating
4 themselves, whatever they need to happen,
5 training, retraining, but certainly at the
6 supervisory level that's my responsibility and
7 that continues today. I continue to
8 periodically monitor stops in a particular town.

9 MR. HUERTAS: How many complaints
10 from those 73 departments -- I realize these are
11 rough figures -- would you say are racial
12 profiling received from those departments,
13 lodged against those departments for racial
14 profiling and how many of those would be
15 substantiated as racial profiling?

16 MR. MOLINELLI: Other than the
17 cases that we continue even now dismissing that
18 were based upon the historical racial profiling
19 in the State Police level because we continue to
20 dismiss cases based upon that, other than that I
21 do not recall any sustained internal affairs
22 investigation that was based upon racial
23 profiling in Bergen County during my term but
24 there have been allegations. If they come to
25 me, I make sure that the internal affairs

1 investigation is taking place at the local
2 level.

3 MR. HUERTAS: You oversee that?

4 MR. MOLINELLI: Yes, I do.

5 MR. JOHNSON: I'm going to move on
6 to Mr. Justice. Reverend Justice.

7 REV. JUSTICE: Thank you,
8 Mr. Molinelli, for the information you gave.

9 MR. JOHNSON: I know you don't need
10 this but I'll give it to you anyway.

11 REV. JUSTICE: Thank you, sir. A
12 lot of information, and I can appreciate the
13 connectness related to the system you mentioned
14 in an instance where MVR was not mandated in
15 66 percent use because of procedural problems.
16 One, what were they because you went from
17 66 percent to 90 something percent. Were they
18 addressed? And then secondly, did you see a
19 difference between those who were police cars
20 that were using MVRs and others who said they
21 didn't want them, did you see any difference in
22 the SOPs and all that?

23 MR. MOLINELLI: First question, the
24 procedural issues. There were chiefs that were
25 concerned about how they were going to store the

1 tapes, how they were going to maintain the
2 system because when you were given an MVR
3 system, you were told when it breaks, you need
4 to fix it after the maintenance period, of
5 course. A lot of departments did not want to
6 take upon themselves that responsibility and I'm
7 sure that was a reason why they didn't want it.
8 There are also some chiefs that said I don't
9 want cameras in the car, old school perhaps,
10 didn't see the benefits that most chiefs today
11 see and that's why today of those 34 percent
12 that never elected it probably 90 percent would
13 now see the benefit so that's the first one.

14 On the second one I think most
15 departments have realized the benefits of the
16 MVR and it's two fold, you know, it enhanced
17 confidence level of the public and the
18 protection to the individual police officer has
19 been enormous. I can't pinpoint those
20 situations where an officer in a town that did
21 not have the camera somehow got embroiled in a
22 situation that might have been corrected if
23 there had been a camera, I think that was your
24 question. I'm not aware of any differences
25 between the towns that have them and don't have

1 them other than the fact that I do know that
2 most of the towns that do not have them wish
3 they had opted for them in the very beginning
4 because there was a sunset date, you can't keep
5 a bond encumbrance open more than five years so
6 after a while the money just wasn't there
7 anymore and they cannot elect to get them today.

8 REV. JUSTICE: The other question.
9 The MVR and all the other equipment that you
10 use, were they purchased for the most part with
11 money that came from seized merchandise?

12 MR. MOLINELLI: Yes. The initial,
13 the 2002 purchase, was done through seized
14 assets. It took a lot, it exhausted the account
15 at that time but it did -- it was utilized.

16 REV. JUSTICE: What is the tenure
17 of an MVR?

18 MR. MOLINELLI: The life expectancy
19 on the digital side three-and-a-half to four
20 years assuming it's maintained. These companies
21 sell you a two-year maintenance contract and
22 usually the life expectancy is a day after the
23 expiration of that but three-and-a-half to four
24 years on the digital, the hard drive may be a
25 little bit smaller, it depends on wear and tear.

1 It's certainly much longer if it's sitting in
2 your house but when it's in a patrol vehicle and
3 bouncing around, that impacts on its useful life
4 but it's still much better than VHS, much
5 better.

6 REV. JUSTICE: Thank you.

7 MR. JOHNSON: Mr. Susswein.

8 MR. SUSSWEIN: Thank you, that's
9 very useful. In terms of the use of the data,
10 both of you spoke of looking for patterns of
11 departments as it were. Is there any process in
12 place for looking at patterns of individual
13 officers, something similar to the MAPP system
14 in State Police that it would alert a supervisor
15 that an individual officer stopped or other
16 activities seemed to be out of line with some
17 benchmark?

18 MR. O'NEAL: Let me touch on that.
19 What we have is we have patrol ledgers. A
20 patrolman comes in, he hands a patrol ledger to
21 the shift commander, every day shift commander
22 checks that and signs off on it so every officer
23 that is coming in has a shift commander or
24 sergeant is looking at that and reviewing it.
25 If you had one particular officer doing

1 something out of the ordinary, we have 74 sworn,
2 we're not a large police department but we're
3 larger than quite a few but it's not unwieldy
4 to check and you would see right away.

5 I mean, we review every report,
6 myself, deputy and captain of patrols. So all
7 of a sudden if you saw this police officer motor
8 vehicle, motor vehicle stop, plus we're a busy
9 town, we're not what I would consider a motor
10 vehicle town effort, we have a myriad of
11 problems in Neptune Township so you can kind of
12 identify pretty quickly if somebody is going
13 over the edge but they are putting all the
14 information down and, I mean, nobody is giving
15 out thousands of summonses in Neptune Township
16 that's for sure but we review that plus the
17 Traffic Bureau gives me a printout at the end of
18 every month. So I know how many summonses you
19 are giving out by each officer, the parking and
20 the moving violations, and we look at that and
21 we look at that not just to see about motor
22 vehicle stops but to evaluate what he's actually
23 doing out there.

24 MR. MOLINELLI: Even though this is
25 vendor driven, when you are going to spend a

1 million dollars, and this relates back to your
2 question, when you are going to spend a million
3 dollars on a piece of software, you are not told
4 this is what we offer you for a million dollars,
5 you sit down and say this is what I want to do
6 and certainly, Mr. Susswein, I think this is
7 what you are getting at. We have the ability to
8 say this is what I want, this program to give me
9 and certainly one of the things it could give me
10 is not just a pattern from a department but a
11 pattern relating to an individual officer. I
12 don't have that now, we're a long ways away from
13 that. Certainly at a state level we're a long
14 way away from that but that ability is out
15 there, that technology does exist.

16 MR. SUSSWEIN: And I think it's a
17 very important distinction comparing the State
18 Police to local that so much of a common officer
19 is not on discretion every time for motor
20 vehicle summons. My only other question is when
21 you select these numbers you talked about,
22 collecting stop numbers, do you also collect
23 that data for post stop activity, in other
24 words, ordering someone to exit the vehicle, a
25 frisk, a request for a consent search?

1 MR. O'NEAL: In our department we
2 would go to the operations report. If
3 somebody -- if a police officer gets somebody
4 out of a car, he's got to explain on that
5 operations report exactly why he got him out of
6 that motor vehicle, why he frisked him, why he
7 looked into the car. If there is not probable
8 cause to do that, and we have training all the
9 time on search and seizure, don't get him out of
10 the car. That's the whole idea, and I think
11 back when San Diego started their reporting
12 system and we started at the same time, I think
13 that's the whole discussion was why do police
14 officers get people out of the cars. Can you
15 articulate in a report why you did that and
16 that's exactly what we do and we've never, you
17 know, we've never had a complaint about that so
18 I think we're doing it the right way.

19 MR. JOHNSON: Thank you.
20 Mr. Weber.

21 MR. WEBER: Prosecutor Molinelli,
22 are you advocating a county based system where
23 in all the jurisdictions within that county
24 would plug into a central dispatch and then you
25 could plug the county into the state level?

1 MR. MOLINELLI: I am a strong
2 advocate of making sure that data coming in from
3 a county at one point and another is
4 centralized. I am also an advocate of making
5 sure that data is provided to the State Police.
6 I believe that the way that you need to address
7 this issue is a centralized way because to look
8 at things --

9 MR. JOHNSON: Let me interrupt for
10 a second. To the technicians in the back I want
11 to conduct an informal survey. Five-minutes ago
12 we seemed to have pretty good sound, was
13 everybody in the room able to hear five-minutes
14 ago? Anybody that was not able to hear
15 five-minutes ago? So maybe if we could go to
16 the settings we had five-minutes ago and desist
17 from adjusting them, we could move on fairly
18 smoothly. Thank you.

19 MR. MOLINELLI: The collection and
20 collaboration of data I am a definite strong
21 advocate of. I am also a strong advocate of
22 making it available statewide. I am a proponent
23 of throwing another computer and another piece
24 of software on a police officer's desk and
25 asking that police officer I want you to enter

1 the data again. I am a strong strong proponent
2 of attempting to glean a lot of the data that is
3 entered through the judiciary's ACS system and
4 utilize that data as a beginning gesture of the
5 way that we can begin to get all of this
6 information collected, not to intermingle it but
7 when somebody sits down in a computer and is
8 typing out what's the person's date of birth,
9 what's the person's sex, what's the person's
10 race, let's do it once and take that information
11 and let's make sure it's available to everyone.

12 MR. WEBER: But am I to understand
13 at least in Bergen County you figured out a way
14 to plug all the municipalities into the Bergen
15 County prosecutor's office?

16 MR. MOLINELLI: Yes.

17 MR. WEBER: Is that through one
18 system or multiple vendors?

19 MR. MOLINELLI: Multiple vendors.
20 It used to be one system and it just builds
21 mistrust, it just does in my experience. When
22 you let a town buy whatever it wants to buy but
23 you make sure that what you are buying that they
24 can speak to one another.

25 MR. WEBER: Interface.

1 MR. MOLINELLI: That's when you are
2 going to get all data because the problem is I
3 have 73 towns and you might say to me, well,
4 Molinelli, you got one town that's not giving it
5 to you, the information. What if that one town
6 is Hackensack, what if that town is Neptune?
7 That raises serious issues over the integrity.
8 You have to make sure.

9 MR. WEBER: Aren't there systems
10 within Bergen County that are totally automated
11 so when you pull over an individual and you run
12 them through the system, you are going to
13 capture things like date of birth, the time that
14 you pulled him over, the race, the sex and then
15 can't you then take that information and do some
16 relatively simple data to see if there are any
17 patterns?

18 MR. MOLINELLI: You can. You have
19 to understand how the information flows. If
20 it's just a stop, you have a CAD entry very
21 similar with what the chief indicated. If that
22 stop turns into an inquiry or investigation, the
23 person getting out of the car, now it becomes a
24 record. Now we move from what's called CAD to
25 RMS, a record management system.

1 MR. WEBER: At the CAD stage don't
2 you capture things like the driver's name,
3 driver's license number, their sex, their race?

4 MR. MOLINELLI: Yes.

5 MR. WEBER: Just by virtue of the
6 CAD entry, can't you do some data mining to do
7 pattern development and run a search based upon
8 an officer or search --

9 MR. MOLINELLI: We can do data
10 mining to get the data. We do not have the
11 ability -- this is a software issue and
12 scientifically one to do pattern inquiries we
13 just don't have that capability. We don't have
14 the skill set for it, we don't have the
15 education to examine patterns the way social
16 scientists do. I'm sure that Dr. Eckert could
17 do it if she sat down in a desk in my office and
18 took a lot of this data. She would still have
19 to do a lot of work but I don't know if any
20 software program that is going to do -- I mean,
21 MAPPS obviously is a different issue but I don't
22 know of any software program out there that can
23 or should just pop out something that says this
24 is racial profiling, I don't think it should be
25 that.

1 MR. WEBER: I think you're missing
2 the point and might be I'm being inarticulate.
3 The point I'm trying to make is if you have the
4 ability to mine the data, you can then within a
5 jurisdiction, you said Hackensack, I'm not
6 picking on Hackensack, you could then try and
7 develop what are the medians within the
8 Hackensack Police Department on a monthly basis
9 of the percentage of African American males who
10 are stopped, the percentage of African females,
11 Hispanic.

12 MR. MOLINELLI: Yes, that can be
13 done.

14 MR. WEBER: And based upon your
15 ability to do that, which should be a relatively
16 automated process, you could then figure out
17 sort of where your center is and then who is
18 above that center, who is pulling over
19 disproportionate to the rest of the department,
20 who is pulling over more African American
21 motors, who is pulling over --

22 MR. MOLINELLI: Yes.

23 MR. WEBER: You have the capability
24 of doing that?

25 MR. MOLINELLI: Yes.

1 MR. JOHNSON: They do need to be
2 quick so --

3 MR. WEBER: I'm sorry, I'm in
4 cross-examination mode. The six-month motor
5 vehicle stop survey was this a manual survey or
6 was this based upon some automated process?

7 MR. O'NEAL: Automated.

8 MR. WEBER: And the shift ledgers
9 that you talked about, is that a manual form
10 that's filled out at the end of each shift?

11 MR. O'NEAL: Here are the --

12 MR. WEBER: Does it reflect any
13 stops that an officer would have made during
14 that --

15 MR. O'NEAL: Yes.

16 MR. WEBER: Does it reflect race of
17 drivers?

18 MR. O'NEAL: That would be
19 reflected within a report he has done.

20 MR. WEBER: Are you still in a sort
21 of quasi manual process or is there an automated
22 process you have at the end of the month, maybe
23 your monthly printout that you talked about,
24 that show the race of all the drivers?

25 MR. O'NEAL: I would have to ask

1 the record bureau. We asked for the six month,
2 I can ask for it monthly. It's just like we
3 sent a violence report in a timely fashion to
4 the -- if they ask for that, we could send
5 monthly reports in on motor stops.

6 MR. WEBER: Do you currently do
7 that?

8 MR. O'NEAL: We don't do that.

9 MR. JOHNSON: This will be the last
10 one.

11 MR. WEBER: The population
12 breakdown.

13 MR. O'NEAL: Fifty-six percent.

14 MR. WEBER: It's not on --

15 MR. O'NEAL: Fifty-six percent
16 white, 38 percent African American and six
17 percent Hispanic in Neptune.

18 MR. WEBER: Mr. Johnson, can I have
19 one --

20 MR. JOHNSON: Let us get this
21 through Ms. Yang.

22 MS. YANG: Thank you, prosecutor
23 and chief for testifying today. I just had a
24 couple of questions. Prosecutor, in Bergen
25 County for instance, and I apologize if this

1 question is redundant, I did leave the room,
2 maybe it was answered already, you obviously
3 said there is the statistic I believe is 73
4 police departments, correct?

5 MR. MOLINELLI: Correct.

6 MS. YANG: Does each department
7 have the sole discretion on how to react to --
8 let's say there was someone who accused a police
9 officer of a racially motivated incident or
10 racial profiling, does that chief or supervisor
11 have complete discretion on how to handle it or
12 there is no conformity?

13 MR. MOLINELLI: There is
14 uniformity, there is strict guidelines
15 established by the Attorney General's office and
16 every one of the chiefs other than probably the
17 port authority chief, they have their own
18 guidelines based upon the interstate impact but
19 all the departments follow Attorney General
20 guidelines, that would be an IA investigation.

21 MS. YANG: Not to get too much into
22 the details of it but let's say the police
23 officer had the MVR or the equipment, the
24 vehicle that would be reviewed and then they
25 would speak to the police officer accused of

1 that incident, right?

2 MR. MOLINELLI: Well, the
3 procedures would be -- there would be a local
4 officer within the department that would be the
5 IA officer and that officer would conduct an
6 actual formal investigation, they would assign a
7 complaint number, there would be evidence
8 obtained, there would be testimony or witnesses
9 taking oath. If during the course of the
10 investigation an issue arose of whether or not
11 it could be criminal, our office has to be
12 immediately notified. I mean, the procedures
13 under the Attorney General's guidelines for IA
14 are very very thorough and very detailed and
15 they must follow all those procedures, must.

16 MS. YANG: Prosecutor, within the
17 last year to your knowledge how many incidents
18 of racial profiling investigations have there
19 been within your county that you are aware of?

20 MR. MOLINELLI: I am aware of
21 within the last year probably eight or nine. I
22 am sure that there are more only because usually
23 the only time our office would be notified of an
24 IA investigation is if something came up during
25 the investigation that pointed to direct

1 criminality by the police officer. The police
2 officer committed a crime whether it be assault
3 or something else, not that racial profiling is
4 not a crime, it is, but our office normally gets
5 notified when there is a crime associated with
6 an IA investigation. I would probably say there
7 are probably more. I am not aware of any
8 sustained investigations for racial profiling.

9 MS. YANG: Chief O'Neal, within
10 Neptune Township I believe that the Prosecutor
11 Molinelli testified that the cost of the digital
12 technology is paid for through seizures of
13 merchandise, is that how --

14 MR. MOLINELLI: Back in 2002 when
15 our office provided the technology to the
16 departments, back then it was done through
17 seized assets. I do not have -- just to give
18 you an idea, I would probably say Mr. Susswein
19 would know better than I am, Bergen County is
20 within the top three for the amount of seized
21 assets that come in during the year and we could
22 not have enough seized assets to keep a rolling
23 account going to replace these things. There is
24 just not enough money even on the seized assets.

25 MS. YANG: In Neptune how is that

1 funds -- how is that data technology you said 25
2 vehicles, how are you guys funding that?

3 MR. O'NEAL: Right now we fund it
4 through the budget. Originally it was grants,
5 it was forfeiture money and the budget. We just
6 felt it was so important it was something that
7 we had to expend.

8 MS. YANG: One last question that I
9 perhaps could direct to both of you gentlemen.
10 With the stops, the data that's being collected,
11 do you distinguish between residents and
12 nonresidents?

13 MR. O'NEAL: No.

14 MS. YANG: Thank you.

15 MR. JOHNSON: Mr. Rambert.

16 MR. RAMBERT: Thank you, gentlemen,
17 for your testimony. I have a couple of very
18 quick questions. Mr. Molinelli, with respect to
19 the system that you have technology is one
20 thing, for people to be able to communicate
21 human nature is another. What has been
22 experienced with the various police departments
23 actually communicating and sharing information
24 with each other?

25 MR. MOLINELLI: My experience is I

1 have to be the spearhead of that, I mean, they
2 communicate cases, they communicate with one
3 another, I mean, there is a case in Town A and
4 assistance needed from Town B, police
5 departments throughout the state are the
6 ultimate but when it comes to sharing of data,
7 it becomes a difficult issue because
8 technologies are different, competencies are
9 different and that's why I kind of spearhead and
10 shepherd that along if you will, I'm the conduit
11 if you will. Because it is not easy to directly
12 share the data from one department to another so
13 that's where they are done, through my office.

14 MR. RAMBERT: The data is shareable
15 because you have different mayors, you have
16 different towns.

17 MR. MOLINELLI: We try not to
18 involve the mayors and council, we try to keep
19 it the law enforcement. As Mr. Weber suggested
20 before, information is mined, it exists, the
21 data exists and then a query is made by anyone
22 in the department anywhere throughout the
23 county, that query goes to the data maintained
24 by all the police departments throughout the
25 county, the information is mined, it is

1 collected and then assembled and that's how the
2 information is shared and it could be shared in
3 a lot of ways. If an arrest is made in Fort Lee
4 and it's a red vehicle, a station wagon,
5 20 minutes later if a police officer in Oakland,
6 New Jersey pulls over a red station wagon, at
7 that moment in time that officer knows that just
8 a half hour ago that red station wagon was
9 pulled over in Fort Lee and that type of
10 information is tremendous for police officers,
11 for law enforcement and police officers to
12 protect and safety.

13 MR. RAMBERT: Chief, with respect
14 to the data that you have been collecting on the
15 various stops and ethnicity of people being
16 stopped and it looks like very good data here,
17 is there any monitoring of the data that you
18 captured by independent parties?

19 MR. O'NEAL: No.

20 MR. RAMBERT: Thank you.

21 MR. JOHNSON: Moving back to the
22 right, Reverend Floyd.

23 REV. FLOYD: No questions.

24 MR. JOHNSON: Mr. Harris.

25 MR. JEROME HARRIS: No questions.

1 MR. JOHNSON: Then I will ask a few
2 questions and we will thank the panel.

3 Mr. Molinelli, the data collection that's been
4 going on in the county has not been focused on
5 racial profiling but it serves a broader law
6 enforcement purpose, does it not?

7 MR. MOLINELLI: Correct.

8 MR. JOHNSON: Can you explain what
9 that purpose has been?

10 MR. MOLINELLI: To assemble a data
11 base of all law enforcement information,
12 particularly arrests, I mean, just, you know,
13 we've been doing this since 1967. We have
14 40 years of information, law enforcement
15 information in the MARS system. Generally it's
16 arrest records, MARS is municipal arrest records
17 system, that's exactly what it was assembled
18 for.

19 MR. JOHNSON: So there is a
20 substantial general benefit to the gathering of
21 this data and it can be mined for this purpose
22 as Mr. Weber was discussing.

23 MR. MOLINELLI: Right now it exists
24 as a central data base on a main frame. Right
25 now we're in the process of making it an open

1 system which will then be data mining. You
2 don't mine data when it exists on a main frame
3 because it exists in one location. The open
4 system it exists on all of the hard drives and
5 serves the memory of each of the departments and
6 mined by other departments. What it does is it
7 keeps you from not having to go out and buy
8 these massive main frame systems. I think the
9 judiciary they are getting away from a closed
10 main frame system, it's -- with all due respect
11 it's IBM, it's not the way to go today.

12 MR. JOHNSON: Putting together this
13 system, was there any challenge that you face in
14 actually getting the municipalities to buy into
15 connecting to this system?

16 MR. MOLINELLI: Yes, egos.

17 MR. JOHNSON: How are you able to
18 get them to the point --

19 MR. MOLINELLI: Making sure that
20 what I purchased, the CODY system, when I sat
21 down and negotiated with them, part of the
22 contract I have with them is if CODY is not
23 installed in Hackensack, if Hackensack chooses
24 to use a different product, you will then
25 instead of installing CODY, you will then write

1 an API, a software that would allow the data to
2 be mined from Hackensack and viewable by every
3 other department. That is the key component
4 that needs to be done statewide so that we are
5 not driven by vendors and that we are not
6 dictated to buy what the market bears for a
7 product.

8 MR. JOHNSON: Then the next issue
9 relates to MVRs and this question is for both of
10 you. Mr. Molinelli, you described actually
11 putting together specs for MVR systems. Would
12 you be willing to provide those to the Committee
13 so we can take a look at them?

14 MR. MOLINELLI: Sure, it's public
15 record, we advertised it. The winner was the
16 Panasonic arbitrator but it could be anywhere
17 else so I'll be happy --

18 MR. JOHNSON: Then you mentioned
19 the need potentially for a fund to take care of
20 ongoing maintenance costs and replacement costs
21 within the county. Do you have a sense of a
22 size that would be needed for such a fund?

23 MR. MOLINELLI: I would need some
24 time, about a week but I could probably come up
25 with an estimate of what it would be in Bergen.

1 MR. JOHNSON: We would appreciate
2 that.

3 MR. MOLINELLI: That you could
4 probably extrapolate into the state if you
5 wanted to. We have a million people in Bergen
6 so you could probably use it as a guide.

7 MR. JOHNSON: And, Chief O'Neal,
8 you have given us a sense that there has been
9 substantial benefit to Neptune for using the
10 MVRs. Do you have a sense of what Neptune has
11 actually been able to save in terms of
12 litigation as a result of the existence of some
13 of these systems?

14 MR. O'NEAL: Lawyers are very
15 expensive.

16 MR. JOHNSON: And worth every
17 penny.

18 MR. RAMBERT: Thank you.

19 MR. O'NEAL: But, you know, it's a
20 lot of times it's the frivolous lawsuits that
21 really hurt you and we've had several people
22 come in and say, well, this happened and that
23 happened and when you put that in, it's right
24 there in black and white what transpired out on
25 the street. I couldn't give you a dollar figure

1 but it certainly has stopped and not just the
2 cost of the town but when somebody says
3 something and you start getting something in the
4 paper that this police department is doing
5 something wrong when, in fact, it's not, that's
6 really a cost to the police department and also
7 the residents, too, and that's, you know, it's
8 very important to us that everybody has the
9 perception that they all have an equal shot out
10 there and we don't have to say, well, Neptune is
11 this and Neptune is that, it's right there and
12 it's just been tremendous for us and we've been
13 doing it now for 11 years so. . .

14 MR. JOHNSON: Thank you. Chief
15 O'Neal, this is my last question for you because
16 I need to abide by my own rules. You described
17 your review process for MVRs and stop data and
18 we have heard from a number of law enforcement
19 officials in a variety of agencies that these
20 review processes can be extensive. Can you
21 describe in a little more detail how this is
22 done so it's not an overburden on your
23 supervisory staff?

24 MR. O'NEAL: Any type of tape has
25 to be changed. The shift commander must change

1 that tape. What they will do is they -- the car
2 comes in, they take it out, they will take that
3 tape and they will throw it in and just play it
4 a little while to see what's going on. The
5 captain of patrol will sometimes pull different
6 tapes and he'll view them. If there is any
7 complaints or if we felt that a particular
8 officer, and not even on racial profiling, just
9 an attitude problem, we would be reviewing
10 different tapes. We also have audio tapes of
11 every call, every radio call and we do the same
12 thing with that. The captain of patrol will
13 listen to the audio tapes to see how or
14 communications operators are operating and also
15 what the response is by the patrols. We do that
16 not every day but, you know, in a fashion where
17 we're reviewing almost all the police officers
18 at some time or another plus like I said if
19 somebody complains about an officer, right away
20 that video tape is reviewed.

21 MR. JOHNSON: Thank you.
22 Prosecutor Molinelli, Chief O'Neal, I want to
23 thank both of you. Do we have a question or
24 two? And before, thank you, you let me put two
25 questions to you. Let's see, one for Chief

1 O'Neal. How many police officers are in Neptune
2 Township?

3 MR. O'NEAL: Seventy-four sworn.

4 MR. JOHNSON: And could you break
5 down the demographics of your police force?

6 MR. O'NEAL: Yes, we have I believe
7 60 -- let me get this right, 75 percent I
8 believe are white, we have 16 percent African
9 American and we have two Hispanic officers and
10 one Asian officer.

11 MR. JOHNSON: And another question
12 for Chief O'Neal with respect to complaints
13 about racial discrimination or racial profiling.
14 How many complaints have actually been received?
15 Has there been any action taken on any of those
16 complaints and then there is some additional
17 follow-up questions.

18 MR. O'NEAL: We've never had a
19 racial profiling complaint.

20 MR. JOHNSON: Have you had a
21 complaint involving any form of race, improperly
22 race based police activity?

23 MR. O'NEAL: No.

24 MR. JOHNSON: Can you describe the
25 system that -- is the public aware of the system

1 for actually filing such complaints?

2 MR. O'NEAL: Yes, they are.

3 MR. JOHNSON: And how do --

4 MR. O'NEAL: We have that on our
5 website, Neptune Township website and anybody
6 that comes in we have the complaints right at
7 the desk and they are given complaints. Anybody
8 that walks in the Neptune Police Department has
9 any kind of complaint, right away they are given
10 a form which outlines -- I believe I gave you
11 the form -- that outlines the procedure and
12 that's immediately looked at.

13 MR. JOHNSON: And then in terms of
14 data collection, we have heard a lot of
15 testimony about data collection that's broken
16 down by race of people that are stopped. With
17 respect to people that complained, is there a
18 data collection process that also breaks that
19 down by race?

20 MR. O'NEAL: We actually haven't
21 had any complaints as far as racial profiling.
22 The only complaints that we've had is maybe the
23 attitude of the police officer, they didn't
24 think he was friendly enough or this and that
25 and that's where the MVR has come right into

1 place.

2 MR. JOHNSON: Based on that there
3 was one police officer, at least one that has --

4 MR. O'NEAL: We had one police
5 officer that we let go because he didn't come up
6 to the standards that we have set. We believe,
7 you know, we believe we're on the cutting edge.

8 MR. JOHNSON: Thank you both. We
9 appreciate the time. Do I say you've waived
10 your right to question?

11 MR. JEROME HARRIS: You could say
12 that.

13 MR. JOHNSON: Go ahead.

14 MR. JEROME HARRIS: I apologize for
15 coming late and I didn't hear the testimony. I
16 was wondering whether or not the training
17 implemented by Attorney General Harvey what
18 impact did it have on your operations. I'm just
19 curious. I haven't heard any testimony with
20 regard to that.

21 MR. O'NEAL: We've had training a
22 long time before Attorney General Harvey was in
23 office on this and we do it on a continuing
24 basis. I've been on -- I'm in my 37th year in
25 Neptune Township and where I grew up when you

1 walked in the door, you were taught or trained
2 to treat everybody the same and that's been our
3 career and that goes back to Chief Ward when I
4 was hired. That's the expectation of our police
5 department.

6 MR. JEROME HARRIS: Mr. Molinelli,
7 could you comment on your experience in Bergen
8 in that regard?

9 MR. MOLINELLI: Certainly. The DVD
10 I thought was a worthwhile project, I commended
11 him then I'll commend him now, former Attorney
12 General Harvey, for his proactiveness in that
13 area. The Division of Criminal Justice has
14 never stopped at that I should note. They've
15 been a very good partner with all the
16 prosecutor's office throughout the state to
17 continue to provide diversity and
18 antidiscriminatory practice among law
19 enforcement. We had an incident in Bergen
20 involving a Native American Indian community
21 that has for probably hundreds of years alleged
22 racial profiling and discrimination and we
23 brought in experts from the Cherokee nation in
24 Oklahoma in conjunction with the Division of
25 Criminal Justice and provided training to a

1 substantial number of police officers in the
2 county so it goes on today. It was -- that
3 program was terrific from Attorney General
4 Harvey but it continues today.

5 MR. JEROME HARRIS: Thank you.

6 MR. JOHNSON: I was told you can
7 never say thank you too much but for the third
8 time thank you for the time you've given us
9 particularly given the challenges of getting
10 here through quite heavy traffic.

11 Our next panel will be from the
12 State Police and they will offer testimony
13 regarding the Camden and Irvington initiatives
14 and ceasefire partnerships of Lieutenant Colonel
15 Juan Mattos, operations branch commander,
16 Captain Christopher O'Shea who is at OSPA and
17 Captain Christopher Andreychak, please come
18 forward. When you are ready, you may proceed.

19 MR. MATTOS: Good morning,
20 everyone. My name is Juan Mattos and I'm the
21 deputy superintendent for the operations for the
22 State Police. With me are Chris O'Shea from the
23 Office of State Police Affairs and Chris
24 Andreychak, statewide operation ceasefire. We
25 are going to hopefully answer the questions that

1 you have regarding this statewide initiative
2 that is currently implemented in about 12
3 different cities throughout the state. We'll
4 talk about the Metro North operations and the
5 Metro South operations, which are located in
6 Camden and Irvington and Newark and hopefully be
7 able to provide you some information that will
8 be useful to you.

9 Having said that, I would like for
10 Captain Chris Andreychak to give you an overview
11 of the statewide initiative on operation
12 ceasefire.

13 MR. ANDREYCHAK: Thank you and good
14 morning. In October of 2005 Colonel Rick
15 Juanechez and Director Ambrose of the Newark
16 Police Department and Chief Michael Chase and
17 Director Demiano of the Irvington Police
18 Department were recognizing a disturbing trend,
19 disturbing problem along the Newark border
20 particularly the northeast section of Irvington
21 and the Vailsburg section of Newark and that
22 disturbing trend was the perception and the
23 reality that aggravated assaults and violent
24 crime were escalating particularly street level
25 shootings.

1 The other problem that was
2 occurring is that Irvington as it sticks up into
3 the City of Newark at the northern boundaries is
4 only a block wide and goes to two blocks, three
5 blocks, four blocks as it spreads out and
6 presents a particularly difficult policing
7 problem because just stepping across the street
8 places a person in another jurisdiction. So an
9 agreement was made that I would go up there with
10 experience from our major crime unit and we
11 spent the majority of my time to form a shooting
12 task force to blend or create a blending of
13 Irvington officers and Newark officers, state
14 troopers, county sheriffs, investigators, county
15 prosecutors and some investigators from other
16 state agencies particularly Division of Criminal
17 Justice, Juvenile Justice Department and we
18 began to investigate the shootings as a shooting
19 team. At the same time the Rutgers University
20 Police Institute began working with a professor
21 from Harvard, David Kennedy, and from Chicago,
22 Dr. Gary Slutkin, in a program called Operation
23 Ceasefire.

24 It's a blending of community
25 outreach activities working in partnership with

1 law enforcement and in my meetings with
2 Dr. George Cowling and executive police Michael
3 Wagers we thought that a unique situation
4 presented itself and that would be to blend my
5 shooting team with the outreach efforts
6 coordinated by Rutgers University, the police
7 institute and we created a New Jersey ceasefire
8 operation. We became operational in May of
9 2000 -- excuse me -- we started October of 2004
10 with the shooting team became operational as a
11 ceasefire group in May of 2005 and have been
12 operational in Newark and Irvington since that
13 time.

14 In the spring of last year there
15 were several very serious shootings, a number of
16 serious of shootings in the City of Trenton and
17 Governor Corzine approached Colonel Fuentes and
18 asked what can we do about this, how can we stem
19 this street violence particularly in our urban
20 centers and Colonel Fuentes said we have been in
21 operation in Newark and Irvington with success
22 in our target area and we've seen a significant
23 increase in investigative clearance rate. At
24 that time Governor Corzine made a decision that
25 we would roll out Operation Ceasefire and we

1 would incorporate cities that were willing to
2 participate in this that had a need for this
3 type of operation and we began working through
4 the Office of the Attorney General with 14
5 cities. Those cities are Newark, Irvington,
6 Camden, Paterson, Plainfield and Trenton, and I
7 put that block up front for a second. The
8 second block of cities are Jersey City,
9 Elizabeth, New Brunswick, Atlantic City,
10 Lakewood, Millville, Vineland and Asbury Park.

11 We've been operational now in
12 Newark and Irvington since May of 2005. When a
13 shooting occurs in our target zone, which now
14 has expanded to nearly four square miles, Newark
15 and Irvington, a proper police investigation is
16 conducted combining the resources of the New
17 Jersey State Police, the Irvington Police
18 Department and other agencies that I had
19 mentioned. We try to respond as rapidly as
20 possible to the hospital to discuss the shooting
21 and the incident with the victim as well as to
22 the crime scene to interview witnesses,
23 apprehend suspects if they happen to still be
24 present.

25 That was something because of the

1 volume of shootings beyond the capability of the
2 Irvington Newark Police Department and that's
3 not a statement about the Irvington Newark
4 Police Departments it was a capacity issue but
5 now with this task force we were able to respond
6 to these incidents properly and conduct a proper
7 investigation. What we do then is we meet every
8 Tuesday morning here at Rutgers University at
9 the police institute and the investigators that
10 worked on these violent incidents will present
11 that violent incident in an open meeting that is
12 chaired or hosted by the police institute. Also
13 present at that meeting are two outreach groups -
14 operating in the City of Newark, Bethel
15 Ministries, and operating in the City of
16 Irvington is the Irvington Neighborhood
17 Improvement Corporation under the guidance of
18 the Irvington mayor's office.

19 After we present those shooting
20 events, we present information to the outreach
21 workers that may assist them in providing
22 outreach to the community specifically where the
23 event took place, if the victim is interested in
24 speaking with the outreach worker or the
25 victim's family could use some assistance. At

1 that point there is an outline between law
2 enforcement and outreach but we as will you be
3 held accountable to the outreach workers. We
4 are able to look down and say we are conducting
5 a proper investigation.

6 At the same time the outreach
7 workers -- now, if we go back weeks and bringing
8 now, they have a -- they trained them following
9 these incidents, they will present to law
10 enforcement and to the neutral convener what
11 they are doing to try to return neighborhoods
12 that have experienced the violent event to
13 normalcy and together we work out a strategy to
14 stop the mantra, to stop the next shooting. We
15 are now in the process of establishing this
16 operation and these other cities, however, the
17 City of Camden is the only other city that will
18 have actual state police officers conducting
19 these investigations. The remaining 11 cities
20 are conducting these operations with their own
21 law enforcement resources and with county or
22 other local agencies surrounding their city.

23 However, we have one state police
24 detective assigned to each of these cities that
25 we call an imbedded intelligence detective. The

1 purpose of that intelligent detective is to link
2 State Police resources with that city's crime
3 fighting efforts and to tie, for example, if
4 Elizabeth has an event and Newark has an event,
5 hopefully those imbedded detectives will be able
6 to make that link and we're using our ROC as a
7 central clearing house for this information.

8 Two other things that are operating, and I'll be
9 done very briefly but two other things operating
10 within the New Jersey State Police is we
11 recently signed a memorandum of understanding
12 with the ATF whereby all guns that come into
13 police custody in the State of New Jersey will
14 be traced through the ATF and the information
15 will be returned to the ROC. The ROC will then
16 begin to mine that information, correlate that
17 information and look to stem the flow of illegal
18 weapons into our state.

19 We have found the vast majority in
20 the State of New Jersey have not originated from
21 this state, they were purchased elsewhere within
22 states that have much more lenient gun
23 purchasing regulations and then they are
24 transported to this state and used on our
25 streets. The second major effort under

1 operation is NIBIN and please forgive me, I mess
2 up the acronym every time. I try to say it but
3 looks up a list of evidence collected from one.

4 MR. JOHNSON: National
5 integrated ballistic --

6 MR. ANDREYCHAK: You have it.
7 Thank you. And compare it to crime scene
8 ballistics throughout the region and throughout
9 the country. We found that when we started this
10 program, there were several thousand weapons in
11 local police department evidence lockers
12 throughout the state that were not submitted
13 into NIBIN. We hired ten retired law
14 enforcement officers to go to these police
15 agencies, they had to be range masters so they
16 can withdraw the weapon from the police
17 departments, test fire it and bring down
18 ballistic evidence from our laboratory and
19 submitted into NIBIN, that is another program
20 operating under ceasefire.

21 MR. JOHNSON: Before you start,
22 there have been a number of conversations going
23 on in the audience. Every one little
24 conversation doesn't make a big difference but
25 if we have multiple conversations going on, it

1 gets to be pretty loud so I would ask if people
2 do have conversations they want to take place,
3 that you step out of the room as a courtesy to
4 the court reporter and the members of the panel
5 and this committee. Sir.

6 MR. MATTOS: Thank you very much.
7 With regards to the compliance with constitutional
8 mandates and the contents of the Consent Decree,
9 I would like to have Captain O'Shea report to
10 that matter.

11 MR. JOHNSON: Thank you.

12 MR. O'SHEA: Good morning,
13 Mr. Chairman, ladies and gentlemen. I've
14 testified before you before on the MAP system
15 and the Office of State Police and the MVRs, the
16 short end of the story as far as Camden is that
17 they are mandated by the Consent Decree to use
18 MVRs when our troopers are on patrol and
19 conducting motor vehicle stops in those issues,
20 Metro North and Metro South. The supervisory
21 mandates or review of these tapes are core just
22 like any other station mandates, supervisors are
23 mandated reviews by SOP, those reviews do take
24 place. If there is a critical incident, the
25 Office of State Police Affairs does go and does

1 review that tape at the Metro North or Metro
2 South location. The IMT, the independent
3 monitoring team, when it does come up for
4 visits, has access to those tapes and, in fact,
5 does view those tapes when they come up. So the
6 short story is they comply fully with the
7 mandate of the Consent Decree with respect to
8 MVR use and SOP for the New Jersey State Police.

9 MR. JOHNSON: Thank you.

10 MR. MATTOS: Mr. Chairman, with
11 respect to the assignment of personnel, there
12 are currently 23 uniformed troopers and eight
13 detectives assigned to the Metro South detail
14 working alongside eight additional Camden
15 detectives. Metro North unit we have 23
16 uniformed troopers in addition to 12 detectives
17 and 15 investigators from the Newark Irvington
18 and the County of Essex prosecutor's office
19 working alongside with the troopers in those two
20 areas.

21 MR. JOHNSON: Thank you. Shall we
22 begin our questions? Reverend Floyd.

23 REV. FLOYD: No questions.

24 MR. JOHNSON: Mr. Harris.

25 MR. JEROME HARRIS: Thank you,

1 gentlemen, for your testimony. A number of
2 concerns might be raised as it relates to
3 understanding whether or not outside of motor
4 vehicle stops there is any data collected as it
5 relates to any potential allegations regarding
6 biased policing by State Police in Newark --
7 excuse me -- in either Irvington or Camden. As
8 far as these operations, do we have any
9 complaints, any data, has there been any
10 analysis?

11 MR. O'SHEA: As far as -- Mr.
12 Harris, as far as ceasefire or as far as the
13 overall?

14 MR. JEROME HARRIS: The presence of
15 State Police in Camden and Irvington as part of
16 those operations inside of ceasefire. I mean,
17 Camden is my understanding that the State Police
18 have been in there and really integrated into
19 the local police operations. The concern, the
20 potential concern I think would be of interest
21 to this Committee would be whether or not in
22 terms of allegations of biased policing
23 activities that might cover areas other than
24 motor vehicle stops, were there any allegations,
25 is there any data available, did you track that?

1 MR. O'SHEA: That data is
2 collected, it is flowed through the Office of
3 Professional Standards in a corresponding
4 fashion that any data for any normal station and
5 will use normal traditional State Police
6 barracks, all that data is captured. If there
7 is a complaint involving a New Jersey state
8 trooper, it goes to the Office of Professional
9 Standards. They would be better suited to have
10 the actual data as to Metro North, Metro South
11 details but there is no different track that
12 that information or data takes.

13 MR. JEROME HARRIS: Mr. Chairman,
14 I'd ask they provide that information that would
15 be used, see if there is anything that we might
16 see inside of that.

17 MR. JOHNSON: Yes. Ms. Brown.

18 MS. BROWN: Thank you,
19 Mr. Chairman, and thank you again for your
20 testimony. Just a question about these blended
21 units. Are the troopers and local police
22 officers are they riding in the same vehicles
23 and that sort of thing or do the local police
24 still stay in their vehicles and the troopers in
25 the other -- where my question is leading and

1 let me ask it all together. Is the same kind of
2 information that you collect as a matter of
3 course for the State Police now is that being
4 collected in these ceasefire areas by the local
5 police?

6 MR. ANDREYCHAK: Typically the
7 uniformed officers there is two components,
8 there is a uniformed branch and detective
9 branch. Typically the uniformed officer patrol
10 as a State Police agency and the local police
11 officers patrol as their agency. From time to
12 time they will double up in cars combining
13 agencies.

14 Whenever there is a state trooper
15 in the car, we'll use the State Police vehicle
16 and the MVR rules will be followed. The
17 detectives from time to time are -- usually they
18 will respond in a pair, in a partnership, there
19 will be a detective and local police officer,
20 there may be two local police officers there is
21 various combinations of detectives and we try to
22 blend those detectives based on investigative
23 skill sets. Again, when any trooper is present,
24 we would follow the regulations as per the
25 Consent Decree in the New Jersey State Police

1 rules and regulations.

2 There are times when, for example,
3 two Irvington officers would go out together and
4 follow Irvington's guidelines in terms of
5 investigative policy and how logistically how
6 things work. When we are operating in the City
7 of Irvington or Township of Irvington, we use
8 Irvington police procedures for reporting, for
9 the storage of evidence, that type of thing.
10 When we are in Newark, we use Newark's reporting
11 procedures and the same goes for Camden.
12 However, all reports are then covered with a New
13 Jersey State Police report so we can maintain
14 data across the jurisdictions if that answers.

15 MS. BROWN: You said all of those
16 reports you have covered by then with the State
17 Police?

18 MR. ANDREYCHAK: We do what's
19 called a cooperative report. We take -- if an
20 incident were to occur in Irvington, we take an
21 Irvington police number but we do a parallel and
22 take a New Jersey State Police number so when it
23 comes time to count data and look at statistics,
24 then we have Irvington and Newark. Instead of
25 going through all the Irvington and Newark files

1 it's covered under the New Jersey State Police
2 report.

3 MR. JOHNSON: Reverend Justice.

4 REV. JUSTICE: Captain O'Shea, you
5 mentioned with regard to MVRs, who did you say
6 determines the critical --

7 MR. O'SHEA: A criminal incident
8 has been recognized, identified early on as any
9 incident, motor vehicle stop which results in a
10 use of force, a canine deployment for narcotic
11 detection or a consent to search request of a
12 motorist, those are the three areas identified
13 by the Department of Justice and the independent
14 monitoring team as a criminal incident. Any
15 time a criminal incident occurs, notifications
16 are made and it is mandated additional level of
17 review by the New Jersey State Police and is
18 mandated review by the Office of State Police
19 Affairs as well as the independent monitoring
20 team.

21 MR. JOHNSON: Mr. Weber.

22 MR. WEBER: I'll address this to
23 whoever wants to take the question and I take it
24 that all three of you were here for the
25 testimony of Prosecutor Molinelli and Chief

1 O'Neal and I posed the question to Prosecutor
2 Molinelli whether he was advocating the county
3 wide system in which each of the municipalities
4 within the county would use whatever technology
5 they have but plug into the county a sort of
6 central dispatch and don't use the word dispatch
7 as traditional dispatch but central repository
8 that can then get plugged into the State Police.
9 Based upon the State Police's experience through
10 what Bergen County has done in that regard,
11 number one, do you view it as successful, and
12 number two, do you perceive there to be any
13 possible problems in setting up a statewide
14 system that way so you have municipalities
15 plugging into their county and the county
16 plugging into the State Police?

17 MR. MATTOS: With regards to a
18 statewide data base, centralized data base, the
19 State Police has implemented the SIMS project,
20 which is the statewide intelligence system and
21 the goal there to have all 21 counties connected
22 to one central location where information can be
23 entered, data mined, analyzed by our analytical
24 unit down at the ROC, which is regional
25 operations intelligence center, and then be able

1 to connect to respective agencies and some type
2 of product that would be useful to them in the
3 course of conducting their investigations. So,
4 yes, we do support a statewide initiative to
5 gather data, realizing that in a state such as
6 ours where home rule does apply. There are
7 other data bases out there but our goal is to be
8 able to allow those different prosecutors'
9 office to maintain their current data base but
10 have the capability through SIMS to have access
11 or data mine their data bases as well.

12 MR. WEBER: Lieutenant Colonel
13 Mattos, the thought is to allow each county to
14 develop whatever system they want to develop so
15 long as it properly interfaces with SIMS and
16 then all that data from every county would then
17 get dumped into SIMS so the State Police can
18 have that statewide intelligence mining
19 capability as well as pushing back to the county
20 officials whatever information they need; is
21 that correct?

22 MR. MATTOS: Correct.

23 MR. WEBER: Thank you.

24 MR. JOHNSON: Ms. Yang.

25 MS. YANG: Thank you, gentlemen,

1 for your testimony this morning. I did have one
2 question perhaps any of the three of you can
3 take this question. If there is an allegation
4 of racial profiling in regard to a weapon
5 seizure, is that -- are you basically saying
6 that the same -- that would be treated the same
7 as a regular motor vehicle stop, that
8 information would be put through CAD and MAPPS
9 and that would be documented the same way and if
10 a civilian had a complaint, they could make the
11 same type of complaint as would someone who got
12 just stopped for speeding, am I to understand
13 that that's the correct procedure?

14 MR. ANDREYCHAK: Yes. When an
15 allegation like that is made, it doesn't matter
16 how that is made, it's an allegation and taken
17 very seriously. To give you an example of how
18 far we've gone with this, is we had a couple of
19 troopers a few months back backing up an
20 Irvington police officer that called for
21 assistance and in the response to the call there
22 was a physical altercation that involved the
23 Irvington police officer. The troopers were not
24 involved in the physical altercation and the
25 individuals made an internal complaint.

1 Naturally the Irvington Police Department came
2 to New Jersey State Police to look for names and
3 reports, whatever. We actually initiated a
4 parallel internal state police investigation
5 report so that we could ensure that our troopers
6 were not involved in this or mistakenly excluded
7 from the event so we would follow the exact same
8 procedures.

9 If I may very quickly go back to
10 Mr. Weber's statement about a central system,
11 one problem I will point out that we are
12 experiencing and that is radio communications.
13 We talked about information sharing. In the
14 Township of Irvington the video frequency that
15 they use is compatible with the New Jersey State
16 Police in that we can install the radio
17 frequencies on our radio and vice versa, which
18 is very convenient. The Newark Police
19 Department uses an entirely different frequency
20 so our police officers have to carry two radios
21 and if you are trying to -- if you are in
22 pursuit, whatever, across town lines, it
23 presents a dangerous situation for both the
24 public and for our officers.

25 MS. YANG: Thank you.

1 MR. JOHNSON: Mr. Rambert.

2 MR. RAMBERT: Thank you, gentlemen,
3 for your testimony today. My question is
4 related to the question I had earlier for
5 Mr. Molinelli. With respect to local police,
6 your Irvington and Newark working together, how
7 well do these different police departments or
8 different townships or different municipalities
9 work together or do they tend to be more
10 territorial?

11 MR. ANDREYCHAK: I think they work
12 together very well actually. Where we run into
13 problems is more in the logistic where one
14 police department uses another reporting system
15 than another. One police, the Newark, tends to
16 do their police reports on a typewriter paper
17 based reporting system, the Irvington uses a
18 computer based program but then they printout a
19 report and store it. So there tends to be an
20 incompatibility in the process but as far as
21 individual police officers working together,
22 there is a surprising -- for being a state
23 trooper now working with city police departments
24 a surprising amount of comradery. One of the
25 things I was particularly pleased with when we

1 put this task force -- we are dealing with cops
2 here and we all sat in the room the first two
3 weeks and everybody kind of looked at each other
4 and within two, three weeks we found that
5 friendships developed, individuals were going
6 out to lunch together, partnerships -- one
7 partnership in particular comes to mind, two
8 individuals happened to be named Joe, one is Joe
9 Brennan, a state trooper; Joe Zetnowsky (sic) is
10 a Newark cop that is one of our's so that if we
11 look at Newark and Irvington there is a lot of
12 sharing that crosses the border. The problem is
13 in some of the processes beyond the
14 interpersonal relationships.

15 MR. RAMBERT: That's a very
16 interesting case, thank you.

17 MR. JOHNSON: Mr. Sklar.

18 MR. SKLAR: I missed it, the
19 testimony, so I don't want to ask the
20 inappropriate question but you do have -- did
21 you talk about Camden's initiative, have you
22 covered any of this? I apologize. Have you
23 found there to be any impediment to the process,
24 the current status of the Camden Police
25 Department sort of quasi under the state --

1 under the county, has there -- has that impeded
2 you or the project in any way?

3 MR. ANDREYCHAK: No, surprisingly
4 not and the relationship fully between the
5 Office of Attorney General and the director but
6 we meet regularly with the director of the
7 Camden Police Department. Also Deputy Hargis
8 (sic) is often times in close contact with me
9 and Colonel Fuentes. We've had him at the ROC
10 for meetings. The task force that we're using
11 in Camden right now on the investigative side is
12 headed by Lieutenant McEwen the New Jersey State
13 Police and Lieutenant Quavis (sic) and they have
14 an excellent relationship so that really has not
15 been a problem but again we do run into the same
16 logistical problems, Newark reports one way and
17 Camden reports another and we are --

18 MR. SKLAR: What are your plans to
19 try to attempt --

20 MR. ANDREYCHAK: I think the
21 ultimate answer is going to be some type of
22 record management system and not that any --
23 there is one central vendor in the entire state
24 but there is some type of where the systems can
25 be linked and mined for data but that is a

1 problem and you have one police department using
2 typewriters and another police department doing
3 the computer based work even just the quality of
4 the report is much different. You type a ten or
5 12-page shooting investigative report, you make
6 a mistake on page three then you have three
7 carbons that you have to go to, you have to do
8 some thinking before you type, where we don't
9 have those problems.

10 MR. SKLAR: Thank you very much.

11 MR. JOHNSON: Captain O'Shea, you
12 heard this morning's testimony about the uses by
13 the county prosecutor's office but also by the
14 Neptune chief. Data that's received from each
15 stop request and one question that as we move
16 our way forward that we have to answer is how
17 the state police's lessons can be used to the
18 benefit of municipalities. Do you see ways that
19 the CAD systems can be modified or questions can
20 be asked of the computer aided dispatch systems
21 currently in place so that they can get some of
22 the benefits, if not all of the benefits, that
23 the state police get from the MAPP system.

24 MR. O'SHEA: Mr. Chairman I do see
25 a lot of portability of some of our systems to

1 the municipality and county level. The
2 underlying theme that we've heard all morning
3 including Captain Andreychak, logistically and
4 financially had we accomplished these things.
5 New Jersey State Police is in the process of
6 rolling out a new CAD system being the guinea
7 pigs of every time you collect one piece of
8 information, it brings three other pieces that
9 you really needed to collect in order to maybe
10 even address and ask some questions.

11 The CAD systems that capture stops,
12 race, time of day, gender, age, these are all
13 we've come to learn baseline questions. As we
14 start to break out the data and analyze the data
15 for the New Jersey State Police, we need to
16 break out as we look at searches, the difference
17 between the probable cause search and the
18 consent search. Not only that but the consent
19 search itself, what promulgated the initial
20 action of the officer or trooper to even go down
21 the trail of requesting a consent search. So
22 the CAD systems in themselves need to be able to
23 capture these particular blocks.

24 The IMT has been very helpful along
25 with OSPA in identifying some issues, and I can

1 actually tell you the biggest issue we're going
2 to try and capture in the New Jersey State
3 Police CAD system is something as straight
4 forward as the actual summons. We currently
5 capture moving and nonmoving and another we are
6 going to capture is the actual statute in the
7 new CAD system and degree such as speeding
8 because we have conversations down the road of
9 discretionary speeding summonses versus not
10 discretionary, how fast does a car travelling
11 become like a nondiscretionary stop. We need to
12 capture that type of information.

13 The new CAD system will do that.
14 As I think the prosecutor said earlier, the vast
15 majority of police departments in this county
16 have some type of CAD system. As they upgrade,
17 I would make the suggestion that programs -- the
18 Attorney General's office could garner or glean
19 information along with the New Jersey State
20 Police of the lessons we've learned and as they
21 upgrade their systems, be able to capture some
22 of the data to even ask some of these questions.

23 MR. JOHNSON: As one of the issues
24 that we are -- we have been focusing on hearing
25 testimony about is what's next for the Office of

1 State Police Affairs. As we tried to translate
2 some of the benefits from the State Police
3 experience to the municipalities, is there a
4 role for the Office of the State Police Affairs
5 in actually convening representatives from each
6 county to talk about ways that the CAD systems
7 could be enhanced and getting that information
8 out there?

9 MR. O'SHEA: I think probably there
10 is along with the New Jersey State Police there
11 probably is not a better venue for that, for the
12 Office of State Police Affairs than to learn, I
13 mean, the office as well as New Jersey State
14 Police is, I kind of stumbled along, the process
15 together and we've come up with the solutions
16 together. I think the MVRs -- we've heard
17 different SOPs, what the MVRs are to capture is
18 nearly 60-pages long from how it has to be
19 tested, how the -- how they have to be stored,
20 how they have to be reviewed, it's in depth
21 procedure that once it becomes routine, it is
22 portable to local police departments and
23 municipal and county level. I think the Office
24 of State Police Affairs along with the New
25 Jersey State Police is the appropriate venue to

1 get that information to the municipal
2 departments.

3 MR. JOHNSON: Last series of
4 questions. We have heard -- unless there are
5 questions from the audience -- we have heard
6 that there has been a great -- there have been
7 efforts to increase minority hires within the
8 State Police and one way to do that is that if
9 youngsters, particularly youngsters in the inner
10 cities see men and women with whom they share a
11 background as part of the State Police,
12 basically folks on the job. With respect to the
13 task force that are found in Camden and in
14 Irvington, can you describe for us the
15 demographics of those task force?

16 MR. MATTOS: Mr. Chairman, I don't
17 have exact numbers but I can assure you that
18 that is taken into account. The community
19 outreach component of our initiative is in the
20 Metro North, Metro South is a very critical
21 component working closely with community based
22 and the clergy. One of the things, for example,
23 up in the Metro North area we have the Spider
24 program. The Spider Youth Development Program
25 where our troopers are working closely with the

1 children and so there is a concerted effort to
2 try to make a difference and the men and women
3 who are selected for these assignments - we try
4 our best realizing our limited capabilities when
5 it comes to covering the entire state to assign
6 members that are representative of that
7 demographic environment that they are about to
8 work in.

9 MR. JOHNSON: Okay. Thank you.
10 Was there a question from the floor or no?
11 Thanks. The question is what is the composition
12 of the monitors, and I believe the supervisors
13 in the Metro North and Metro South projects,
14 which is a question that you just started to
15 address, but in terms of let's break it out
16 because I'd rather not make it too narrow of a
17 question. First of all, do you know with
18 respect to the monitors, the independent
19 monitoring teams, do you know what the racial
20 composition of the independent monitoring team
21 is?

22 MR. O'SHEA: The independent
23 monitoring team is comprised of two, Dr. James
24 Ginger and Burt Rivas, those are the two
25 independent monitors. They are in totality the

1 existence of the IMT. They were agreed to by
2 the Department of Justice, State Attorney
3 General's Office as the monitoring team at the
4 inception of the Consent Decree.

5 MR. JOHNSON: And then with respect
6 to the trooper, the demographics of the Metro
7 North and Metro South projects, you addressed
8 that but the question also goes to supervisors.
9 What do your supervisors look like in those two
10 projects?

11 MR. MATTOS: I don't have the exact
12 numbers for you, sir. I can get that
13 information for you. I would be -- I would feel
14 more comfortable in getting that information for
15 you.

16 MR. JOHNSON: We're going to be in
17 the hearing throughout the day so this is
18 actually something I would think that someone
19 from the State Police can call in and we can
20 report that by the closing of today's hearing.

21 MR. MATTOS: What would be the
22 number?

23 MR. JOHNSON: We're talking about
24 actually now two numbers with respect to both
25 Metro North and Metro South the demographics of

1 the troopers that are assigned to those projects
2 and then with respect to Metro North and Metro
3 South, the demographics of the supervisors
4 assigned to those projects.

5 MR. MATTOS: What number would I
6 call to get that information to you, sir?

7 MR. JOHNSON: Let's see. Why don't
8 you -- I believe Captain O'Shea has Ms.
9 Emehelu's e-mail address and the best thing is
10 send her an e-mail. She is equipped with a
11 Blackberry. Are there any further questions
12 from the members of the panel. Then, gentlemen,
13 I thank you for your appearances as witnesses.
14 We are a little bit behind schedule but we are
15 going to take a 30-minute lunch break and resume
16 at 12:25. Thank you.

17 (Whereupon, a lunch recess was
18 taken at 11:57 a.m.)

19 MR. JOHNSON: We'll call the
20 session to order and after a short lunch break
21 my apologies to the Committee but we're trying
22 to get as much time in for a variety of
23 witnesses.

24 Our next witness this afternoon is
25 Deborah Jacobs who is the executive director of

1 the American Civil Liberties Union of New
2 Jersey. Thank you, Ms. Jacobs, you may
3 proceed.

4 MS. JACOBS: Thank you. Thank you
5 so much for allowing me to speak today and for
6 your time and dedication in giving service to
7 this commission. I especially appreciate
8 Mr. Johnson's effort to say make sure you have
9 sufficient time and gathering to really consider
10 this most critical issue. We in the advocacy
11 community appreciate the care and thoughtfulness
12 to this matter.

13 My name is Deborah Jacobs. I run
14 the ACLU. We have 15,000 members in New Jersey
15 and half a million across the country. Our
16 members are people who believe in the nation's
17 founding principles of freedom, justice and
18 equality and for that reason police practices
19 has been a key priority as we have found that
20 policemen's conduct proportionately affects
21 women and minorities.

22 For decades ACLU has monitored
23 police practices and since our very first
24 profiling case, which was Frank Askin's (sic)
25 case of the long-haired travelers through New

1 Jersey, this was hippies obviously, in 1970 who
2 were profiled based on their appearance and
3 since that time we've handled countless cases
4 providing best practices. You've already heard
5 and read testimony from many experts about the
6 critical needs for systems of external oversight
7 of police in New Jersey, both state and local.
8 My associate, Ed Berokus, who is here with me,
9 and William Buckman, have provided both
10 statistical and anecdotal evidence to suggest
11 that we need ongoing and better oversight here
12 in New Jersey and experts like Roger Goldman and
13 Sam Walker have recommended systems of oversight
14 that have succeeded in other jurisdictions
15 resulting in changes in culture, increased
16 professionalism and most importantly fewer incidents
17 of abuse of citizens.

18 Today you will hear testimony that
19 will no doubt affirm the importance of any
20 measures recommended for law enforcement in New
21 Jersey must apply to both state and local police
22 departments. We share the view of the experts
23 that have come before you that the best system
24 for police oversight in New Jersey is a well
25 funded and staffed office of police oversight

1 located within the state government but
2 established as an independent office. This
3 could be an in but not of an independent agency
4 similar to the Public Employment Relations
5 Commission or Election Law Enforcement
6 Commission.

7 In addition, the critical step that
8 we need here in New Jersey to catch up with the
9 rest of the country is to make sure we license
10 our police as I believe Roger Goldman testified
11 about. New Jersey is one of the only seven states
12 that do not license police officers as
13 incredible as this sounds. In New Jersey the
14 public is better protected against reckless
15 manicurists or dentists than they are against
16 police officers. By licensing police officers
17 the most immediately powerful agents of the
18 state, we protect citizens, promote standards of
19 professionalism and address the problem of
20 police officers who are terminated from one
21 department for misconduct and move to another
22 department in the same state only to commit
23 misdeeds against a new community that they've
24 sworn to protect.

25 This system is so powerful that, in

1 fact, they are developing a national data base
2 and 23 states have already started to
3 participate, and I hate to see New Jersey left
4 behind in this important law. The ACLU receives
5 dozens of complaints against local police
6 departments. In recent years the highest number
7 of complaints we received involved the Newark
8 Police Department followed by Atlantic City and
9 Hackensack. These complaints range from racial
10 profiling to physical abuse to sexual
11 harassment.

12 With respect to sexual harassment,
13 the need to look at police oversight as a
14 woman's issue became most important after an Op
15 Ed I wrote about the need to license police
16 officers, which I've included with my testimony,
17 ran in the Star Ledger in February of 2006. The
18 morning after that Op Ed appeared my voicemail
19 box filled with messages mostly from citizens
20 and police officers who wanted to share stories
21 that supported the need for licensing and for
22 oversight. In particular I heard from women
23 police officers who complained of having endured
24 sexual misconduct by their fellow officers and
25 superiors as well as from women members of the

1 public who allege abuse and harassment by male
2 officers.

3 Unfortunately in many cases women
4 are too fearful or don't have confidence in the
5 system, and therefore, will not file a
6 complaint. Also as you know in the context of
7 sexual misconduct or sexual harassment or abuse,
8 there are a lot of elements that make people
9 reluctant to address the problem. Several calls
10 came from women police officers in Newark who
11 were subjected to retaliation by the Newark or
12 through the Newark Police Department internal
13 investigations section after they complained
14 about sexual harassment.

15 This really underscores the need
16 for an external oversight body as the very
17 system in place to protect these officers was
18 actually used as a tool against them. And while
19 I'm hopeful that Newark's new leadership is
20 addressing the corruption within the internal
21 investigation section, I think that given the
22 fact that nearly 40 percent of the new recruit
23 class for Newark Police Department are women,
24 there is a special urgency to this issue. There
25 is ample evidence to suggest that women are

1 victimized by policemen's conduct.

2 Sexual misconduct is among the most
3 common reasons for law enforcement officers to
4 lose their license in states where they've done
5 analysis on what they call decertifications
6 usually. For example, looking at all Florida
7 revocations are for decertifications within the
8 seven-year period, 25 percent of the cases
9 brought involved sexual misconduct, one of two
10 times -- one time is an assault on a citizen and
11 the other type is extortion, an officer
12 pulling -- usually pulling over a woman for
13 speeding and offering to not arrest or ticket
14 them in exchange for sexual favors. In Missouri
15 a study of their revocation showed the same kind
16 of statistics.

17 Concerning the fact that a lot of
18 the reason police officers lose their license
19 don't relate to an actual interaction with a
20 citizen meaning that they might relate to drug
21 abuse or other kinds of misconduct that aren't
22 directly upon a citizen, and I think 25 percent
23 is quite high. You know, we have a centralized
24 system for registering sex offenders, and I
25 think we need a similar system for police

1 officers who commit sex offenses and that's what
2 licensing would help provide. In contemplating
3 the next step for New Jersey and ensuring
4 our police are law abiding and fair, I really
5 urge you to make recommendations that will help
6 our state catch up with the rest of the country
7 on police accountability or even better take
8 leadership and establish stronger systems than
9 other states have.

10 New Jersey still wears the stain of
11 racial profiling and we still continue to get
12 complaints of racial profiling against the State
13 Police and local departments. We know it's an
14 ongoing problem and the Consent Decree even if
15 honestly informed, which I think is a question,
16 simply doesn't give citizens what we need to
17 ensure police accountability, and I know that,
18 Ed, my colleague here, has testified to some of
19 the reasons about what type of information is
20 collected and how it's processed. So I urge you
21 to recommend a strong independent funded body to
22 handle oversight of state and local police and
23 to establish a system for police licensing.

24 You know, women and minorities
25 deserve to feel safe and protected the way every

1 other citizen of New Jersey does, and I think
2 that it behooves us to ensure that we have --
3 considering our history of the very best systems
4 for accountability so that we have the highest
5 level of professionalism within our law
6 enforcement community.

7 Thank you very much for hearing me
8 and I'm happy to take questions.

9 MR. JOHNSON: Thank you, Miss
10 Jacobs. We will start actually at the other end
11 at this stage with Sam, Sam Khalaf. You're
12 fine? Mr. Sklar.

13 MR. SKLAR: Good afternoon. I just
14 have one question. You stated that we have a
15 centralized system for registered sex offenders,
16 are police officers exempt from that?

17 MS. JACOBS: Well, if they were
18 convicted of an offense, they would probably not
19 be exempt but the suggestion here about
20 licensing is that it's generally very hard and
21 very rare that a police officer is brought up on
22 charges and even rarer that they are convicted.
23 We need measures in between, you know, some kind
24 of internal punishment or nothing and conviction
25 where we can say, you know, this officer for

1 whatever reason especially in a sex assault
2 context, it can be very hard to have a victim
3 come forward or want to pursue it in a public
4 setting. It's also very hard to get a
5 conviction of a police officer in cases for a
6 variety of reasons so we need a system that will
7 take away the ability for an individual to
8 practice law enforcement when they have
9 committed misconduct regardless of whether there
10 is a conviction.

11 If they were convicted, then we
12 would -- they would presumably go into the sex
13 offender registration but as I said, that's
14 rare. We need to. These crimes are ones where
15 the victims are so reticent to come forward in a
16 public way, and I think that's why when I got
17 calls after my Op Ed was published, it was
18 basically all about women and people were doing
19 it anonymously.

20 MR. SKLAR: I'm curious how that
21 would work if they are not convicted of an
22 offense, how are they going into a register?

23 MS. JACOBS: I'm talking about
24 licensing police. I'm not talking about a
25 register. I'm likening the one system to

1 another but basically, Mitchell, as I think you
2 know, when it comes to licensing, you know, one
3 decision would be are we going to license
4 police. That's kind of an easy one. We should
5 but then you have to ask what types of offenses
6 are going to be considered for losing a license.
7 So in some states it could be like conduct
8 unbecoming an officer, which frankly I'm not
9 sure the ACLU would be comfortable because we
10 also defend employee rights and due process.

11 MR. SKLAR: That's already a
12 standard. You could be terminated for --

13 MS. JACOBS: You could be
14 terminated but there is nothing -- there is
15 nothing to stop you from getting a job in
16 another department and a lot of times when there
17 is reference checks, people are reluctant to say
18 more than this person worked here for this
19 period of time and if you go into anecdotal
20 evidence, when someone calls for the reference
21 check, even if an officer was discharged for
22 misconduct, the reference might say something
23 like, well, you know, he was a little
24 aggressive, you know, kind of code -- different
25 types of code language because people are afraid

1 of being sued for saying things when they give
2 reference checks so it's become more and more
3 limited. So we need some help in designing this
4 and at the state attorney general's, David Cole,
5 who specializes in systems design has been
6 Jessica Oppenheim has been looking at it trying
7 to figure out what would work for New Jersey. I
8 think that conviction of a crime as the only
9 basis for revocation is too high a standard, and
10 I think conduct unbecoming an officer is too low
11 and we need to make sure we have due process and
12 people, you know, of course the union should
13 weigh in on what the employee concerns are but
14 basically, you know, I just got an article from
15 a case in Arizona today where an officer lost
16 his license for a serious sexual misconduct but
17 there was not a conviction involved.

18 Conviction is not going to solve
19 our problems here in New Jersey and just to
20 ensure that we're doing what almost every other
21 state is and what the nationwide law enforcement
22 community has said is the right thing to do and
23 is acting upon it. We need to come up with a
24 system that makes sense for New Jersey taking
25 all those considerations into account.

1 MR. SKLAR: Thank you.

2 MR. JOHNSON: Mr. Rambert.

3 MR. RAMBERT: Good afternoon.

4 Thank you for your testimony. I have a
5 question. We've been getting testimony for
6 sometime from various police departments and
7 chiefs as well as the State Police and we asked
8 a question how many incidents of racial
9 profiling have they listed, either very few or
10 none at all. What you just mentioned that you
11 get several complaints about racial profiling,
12 and I was wondering of the complaints that you
13 get, what percentage of those individual
14 actually file formal police complaints with the
15 police departments?

16 MS. JACOBS: I probably can't and
17 that's a great question. I probably can't
18 answer because that's not something -- many of
19 the complaints we get we're not able to help
20 directly so we sort of provide them with
21 standard information and don't delve into their
22 process. We do have a project that we're
23 developing where we assist people in filing
24 complaints within internal investigations
25 because the process can be very intimidating.

1 In fact, one of our clients in the suit we had,
2 our big suit, again, about profiling on the
3 Turnpike, which was called Morca. When our
4 clients, who happened to be lawyers or law
5 students at the time, were stopped on the
6 Turnpike and went -- after they had a really
7 very intimidating and frightening experience
8 with the State Police, they said they would like
9 to file a complaint and where do they go. They
10 were sent to the nearest barracks and when they
11 got there, they were given post-it notes to
12 write their complaints on. So we think there is
13 a lot of room for improvement and we are trying
14 to help monitor that.

15 MR. RAMBERT: When people come in
16 with a complaint of racial profiling, what type
17 of statistics or information do you take from
18 them and do you keep a record of it?

19 MS. JACOBS: If we think there is
20 opportunity to act, we, you know, meet with them
21 and start developing all the information we can
22 to either send a letter or do a case. If not,
23 then we don't take any of that. We take what
24 they write us, a letter, and we see what they
25 provided us and we do keep a data base. We

1 don't share the actual numbers or statistics
2 particularly on our complaints because there
3 are -- complainants are confidential and they
4 like to keep it that way.

5 MR. RAMBERT: Why is it that
6 individuals would be confidential with actual
7 numbers?

8 MS. JACOBS: We also don't share
9 those because sometimes they relate to our
10 litigation strategies but I did highlight some
11 of the towns we heard the most from. Also to be
12 honest with you, Mr. Rambert, there is very
13 little correlation between the number of
14 complaints received by the ACLU and the number
15 of incidents, just like there are very little
16 correlation between the number of complaints
17 received by the State Police. You might have
18 seen an article recently which my colleague
19 responded to with the letter to an editor. They
20 were flaunting a small drop in the number of
21 complaints on racial profiling to the State
22 Police, Reverend Jackson said it looked
23 positive, and they dropped like 96 to 80
24 something.

25 None of the complaints has been

1 substantiated, none have taken action. So to
2 say there is a drop based on a response where
3 nobody gets their complaints upheld, I don't
4 think there is a correlation and I also think
5 that considering education and class and other
6 issues that a lot of people who are victims
7 wouldn't know to come to us or don't have the
8 wherewithall or skills or resources to be able
9 to kind of advocate for themselves.

10 MR. RAMBERT: I'm done.

11 MR. JOHNSON: Ms. Yang.

12 MS. YANG: Thank you for your
13 testimony. We've heard -- we've had numerous
14 rounds of testimony about all the information
15 technology that's available to our State Police,
16 which is the implementation of CAD and MAPPS.
17 What -- is the ACLU supportive of those
18 mechanisms and what's your position on that?

19 MS. JACOBS: I think that I can
20 sort of give you an umbrella answer. Here's the
21 thing with technology. Technology is happening
22 whatever the case. Technology moves at the
23 speed of light and our lives of protecting life
24 and in the stone age. We can't stop the
25 technology. What we support is to have a real

1 dialogue where there is a consideration of best
2 practices for privacy, how long will this
3 material be maintained or kept, how is it
4 protected from hackers, how do we limit its use
5 to make sure it's not being used for purposes
6 not intended or not legal or violative of other
7 rights. So I think with each case, you know,
8 this is the most common call I get from the
9 press, there is a new technology and the police
10 are out using it, what do you think? And, you
11 know, we really have to say it's about the
12 community having a dialogue and this is sort of
13 a privacy issue from my standpoint, it's about
14 really knowing what is being collected and
15 having input on how that information about us is
16 stored, protected, maintained and used.

17 MS. YANG: Thank you.

18 MS. JACOBS: But I will say I might
19 be able to give you some specific analysis of
20 individual programs if you want to, you know,
21 give me your card or whatever, I could see what
22 we have analyzed in the past.

23 MS. YANG: Thank you.

24 MR. WEBER: Thank you for your
25 testimony, Ms. Jacobs, a couple of quick

1 questions. Your testimony about receiving
2 dozens of complaints against local police
3 departments, you say they range from racial
4 profile and sexual abuse and can you give us a
5 percentage of what percentage of complaints
6 actually relate to racial profiling versus the
7 other categories? And while you're checking on
8 that, does the ACLU have sort of a national data
9 base of statistics? Would you be able to tell
10 us where New Jersey stands in number of
11 complaints related to racial profiling versus if
12 there is some sort of median around the country
13 or other states?

14 MS. JACOBS: No is the short answer
15 to that one, and I don't have the statistics in
16 front of me but my recollection is that more
17 than half are racial profiling.

18 MR. WEBER: When you say dozens of
19 complaints, is this on an annual basis?

20 MS. JACOBS: Yes, I think we could
21 average 75 to a hundred a year and spread out
22 all over the place in the states so. . .

23 MR. WEBER: I want to explore a
24 little bit a question that Ms. Yang asked you
25 about the mining of the data. Obviously there

1 needs to be a balance that we all need try to
2 address, the issue of racial profiling and
3 meaningful and substantive way and not taking
4 advantage of individual civil liberties but we
5 do have now in the state the ability to try and
6 do things like pattern development, to try and
7 be proactive and identify jurisdictions or
8 officers within the jurisdictions who are
9 inappropriately or unlawfully pulling over
10 motorists and subjecting them to racial
11 profiling. What is the ACLU's position on how
12 do we use data that is already there that's in
13 law enforcement data bases? Should we be mining
14 that data to try and develop patterns and try to
15 be proactive and read out individuals who are
16 engaging in practices that they shouldn't be?

17 MS. JACOBS: You're talking about,
18 for example, people with warrants out where the
19 officer might run it and --

20 MR. WEBER: No, you can -- there
21 are data bases that are available now where if a
22 police officer pulls somebody over in a car,
23 there will be an electronic record of that
24 encounter and don't even look to what happened
25 at the back end of the encounter but just the

1 end of the encounter itself. There are ways to
2 take that data and mine that data and do an
3 analysis to determine if there are patterns.

4 MS. JACOBS: Patterns of profiling.

5 MR. WEBER: And that's frankly one
6 of the things the State are doing with their
7 MAPP system, they are able to come up with a
8 median and see troopers are falling above and
9 below that median as far as the percentages of
10 minority motorists they are pulling aside or
11 asking --

12 MS. JACOBS: I think that there are
13 a lot of other states that have established
14 systems for keeping data on stops within the
15 interest of monitoring racial profiling or other
16 discriminatory practices, and I think that we
17 should look to those and, again, look at -- I
18 don't have an answer. I'd have to look at sort
19 of what's being kept and how it's being used and
20 how it's being stored and, again, as I said, you
21 can't fight the technology and the technology
22 can be very helpful to law enforcement but you
23 need to make sure those basic protections make
24 sense.

25 MR. BEROKUS: I think information

1 like that could be very important and, you know,
2 there has obviously been the statement there are
3 a few bad apples that skew the numbers and if we
4 can find those, make sure that they do, however
5 they lose their job and aren't able to simply if
6 they are fired from Newark go to Irvington or
7 East Orange, that is very important. The one
8 thing -- a couple of things I would caution, one
9 was, for example, in the testimony of troopers
10 Hogan and Kenna when they testified in 2002, one
11 thing that they explained was that they were
12 taught how to cover up the fact of racial
13 profiling by giving incorrect or false
14 information on the race of the person that they
15 stopped.

16 MR. WEBER: Respectfully that was
17 on paper documents. We now have a system in
18 place which is electronic so when you run the
19 driver's license, unless that driver's license
20 is false and somebody at DMV put me down as an
21 African American as opposed to a white male, the
22 information on the license is going to show
23 Weber was pulled over by exit nine on the
24 Turnpike, what my date of birth is, what my race
25 is, what my sex is. You can go into this system

1 and you can run statistics and do data mining to
2 determine if Ms. Yang as a trooper is
3 disproportionately pulling over minors from the
4 ACLU standpoint, is that improper use of --

5 MS. JACOBS: I think the short
6 answer is I want to look at the details but it
7 sounds okay to me is basically it. Again, this
8 kind of stuff can be a very useful tool but we
9 need to make sure that information is protected.
10 There are undue privacy violations that it's not
11 being used for if that's what they are using it
12 for or several purposes that that's discussed
13 and defined and known and documented.

14 MR. WEBER: Thank you.

15 MR. JOHNSON: Reverend Justice.

16 REV. JUSTICE: Thank you, Miss
17 Jacobs, for your testimony. Could you help me
18 with this licensing of police officers. What
19 does it entail? What would it entail? Is it
20 from the onset as part of the whole training
21 piece, et cetera, et cetera, and I ask this, if
22 you will, because as you know and the rest of us
23 know, this is not to excuse anybody but when we
24 talk about rank and file within the state
25 troopers' organization, there is not a whole lot

1 of us up there so could you help me out.

2 MS. JACOBS: One thing I would do
3 is absolutely refer you to the testimony of
4 Roger Goldman a professor at St. Louis
5 University, it's obviously been given to you, who
6 is the nationwide expert in it and is also by
7 the way speaking to the prosecutor's association
8 in May and that would be another opportunity to
9 hear him but essentially in other states what
10 they do is when a person goes through training
11 as a police officer, they go through a licensing
12 process just like a hundred other professions in
13 New Jersey that are licensed professions and
14 there is a statewide data base kept who has a
15 license to practice law enforcement and there
16 might be a renewal or something like that just
17 bureaucratically, not a test of any particular
18 nature and then if there is misconduct of some
19 kind and we kind of talked about the range that
20 that could cover from conduct unbecoming an
21 officer to a criminal or felony conviction, then
22 that person's license is challenged, it's
23 brought to the central -- maybe in the AG's
24 office or something and they can revoke a
25 license. In many states there is a hearing to

1 determine, some people fight it, some people
2 don't, there is something that could be
3 automatic. We haven't designed a system here so
4 it would have to be a real project for somebody
5 to figure out what's best for New Jersey but it
6 would work just the way any other, you know,
7 massage therapist, manicurist, barber, lawyer,
8 all these professions are licensed and it could
9 be designed in any number of ways but what you
10 do ensure is that if an officer commits a level
11 of conduct that through this policy we have
12 determined is unacceptable, they can't go to the
13 next town and frankly the most common place they
14 go is the next state now and that's why the
15 statewide data base is the nationwide -- I'm
16 sorry -- they go outside of state and that's why
17 the nationwide data base has developed because,
18 you know, Florida doesn't want our occasional
19 bad apple and we don't want their's.

20 REV. JUSTICE: I hear that, I hear
21 your analogy is kind of interesting with
22 manicurist but as it relates to monitoring,
23 that's where I think -- and the monitoring of it
24 and the whole standardization piece, you know,
25 just like Scott mentioned or somebody mentioned

1 about information and oversight, who is going to
2 make sure that it is reported and all that other
3 good stuff that's what my concern would be, you
4 see what I'm saying.

5 MS. JACOBS: We have over a hundred
6 models to do just that but I would invite you to
7 -- invite David Cole who is an expert in systems
8 to talk about what are the possibilities for New
9 Jersey, what makes sense in terms of what we
10 already have in law. I think for police
11 accountability the least of our problems is how
12 to establish a licensing system within the state
13 that will work, it's more, you know, putting
14 these steps in place that will help affect the
15 culture.

16 REV. JUSTICE: Thank you.

17 MR. HUERTAS: Thank you, Ms.
18 Jacobs. Mr. Berokus. I guess my question is
19 and Reverend Justice and Mr. Weber and Ms. Yang
20 were talking in terms of systems that allow us
21 to raise signals or flags in terms of behavior
22 pattern within a particular entity, law
23 enforcement entity. You recently, the ACLU,
24 defended a case against Manalapan Township in
25 which you were successful in that litigation.

1 My question is twofold, one, do you know how
2 many complaints have been filed against
3 Manalapan Township PD for racial profiling? Do
4 you have that figure or were you aware or did
5 you explore that?

6 MS. JACOBS: No.

7 MR. HUERTAS: Do you know how many
8 complaints were filed, again, based on attitude
9 and demeanor by minority groups?

10 MS. JACOBS: I don't think so.

11 MR. HUERTAS: My question would be
12 if we had a system in place that identified that
13 maybe Manalapan Township was stopping a large
14 number of minorities, do you think that would be
15 an effective tool in terms of being able to
16 interject this type of behavior because I gather
17 from your testimony it's over 50 percent of the
18 complaints that you receive are racial profiling
19 complaints.

20 MS. JACOBS: In the police realm,
21 yeah. Yes, I think a system would help and the
22 system we recommend is a semi-independent state
23 body. I think maybe Sam Walker suggested that
24 LA, City of LA has right now is a good model.
25 There are a few different ones.

1 You don't hear me up here talking
2 about citizen review panels, I'm not a big fan,
3 I really want to see it at a level where they
4 can have subpoena power, get the information
5 they need, be able to have strength and
6 authority to do their job and you have to work,
7 you know, of course you want people to go
8 through internal investigations at the local
9 level first but if they don't get satisfaction,
10 then just, again, looking at those state police
11 figures about there were, you know, 90, 80
12 complaints and not a single one of them were
13 upheld. People are discouraged by those systems
14 but nevertheless we have to exhaust our
15 administrative remedies but then to have another
16 layer and that could come out with the type of
17 reports that could be helpful but without
18 litigation because we don't like to litigate.
19 You might be surprised to hear this, we always
20 try to resolve issues short of litigation. We
21 find we often have city attorneys, counsels go
22 against the advice of their attorneys and decide
23 to fight cases anyway but we would much rather
24 see a state body be able to publicize and track
25 and discuss and offer remedies and exactly as

1 you are saying, I think that would be
2 tremendously helpful.

3 We're not the ones to do it.
4 Nobody knows to contact us. It's somewhat of a
5 miracle we get the hundred complaints a year we
6 do get.

7 MR. HUERTAS: And you're advocating
8 against a process that has applied uniformly to
9 every law enforcement agency with the same
10 reporting procedures and proponents throughout
11 in order to have a standardized look at
12 everything.

13 MS. JACOBS: Yeah, I think it's
14 important, you know, with so many different
15 police departments, and I know just the work of
16 the state's chiefs of police and, for example,
17 trying to get departments accredited, it's a lot
18 of people that sort of get up to where we want
19 them to be in this state. Every five people is
20 a kingdom so we have a lot of police departments
21 and I think we need to respond to that because
22 people have nowhere to turn.

23 MR. HUERTAS: Thank you.

24 MR. JOHNSON: Ms. Brown.

25 MS. BROWN: Thank you Mr. Chair and

1 thank you, Deborah and Ed, for your testimony
2 today. In fact, I was going to ask the question
3 about what the key features of an independent
4 oversight body ought to be so if there is
5 anything that you didn't include in that listing
6 that you just did, I think we would very much
7 like to hear that. The other question that I
8 have is whether or not there are specific states
9 that you think are good models for us to
10 consider in terms of in use of data to indicate
11 trends and also enforcement mechanisms that can
12 begin to change those trends.

13 MS. JACOBS: I would really refer
14 to you Sam Walker's testimony in terms of best
15 systems. I'm not sure of the recommendations of
16 this body sort of how deep you're going to. If
17 you're not only going to recommend systems but
18 how they should work, then you're going to need
19 a lot more hearings. There are so many models,
20 licensing, you have 43 other models to look at
21 although we're ahead on that since the system of
22 the state but I can certainly get back to you in
23 terms of which states have better data
24 collection policies, and I think for the
25 external oversight body that the Sam Walker

1 testimony is really the place to start and then
2 he, I'm sure, would also answer additional
3 questions as will Roger Goldman if you want to
4 follow up about licensing. Reverend Justice,
5 you know Chair Johnson has those contacts and
6 those people are very eager to help New Jersey
7 catch up with the rest of the country.

8 MR. JOHNSON: Mr. Harris.

9 MR. JEROME HARRIS: All my
10 questions have been asked. I would, again, ask
11 Deborah thank you for your testimony. If you
12 could spend just a little more time in honing in
13 for us some of the questions we've asked
14 particularly as it relates to the oversight
15 models. We're committed to work to make a
16 recommendation but the more specificity we have,
17 the better we --

18 MS. JACOBS: I'll just reiterate in
19 terms of independent oversight model that it's
20 really they need to have sufficient staffing,
21 funding and authority and those are the key
22 pieces and authority really to get the
23 information they need to do an analysis and to
24 take action against a department or an officer
25 or work with the department to take action

1 against an officer if it's appropriate. Those
2 are the key elements and, again, Sam Walker's
3 written testimony goes into that a little bit
4 more but I can also follow up and see if there
5 is other information that would be useful and,
6 again, if you want systems on licensing, David
7 Cole would be an excellent person to talk about
8 that.

9 MR. JOHNSON: Reverend Floyd.

10 REV. FLOYD: Emphasizing what
11 everyone has said, I would like to thank you
12 Ms. Jacobs for coming in and appearing for this
13 committee. I would like to also emphasize
14 several of the questions pertained to data and
15 if you can supply this committee certain data
16 with respect, for example, page two of your
17 testimony pertaining to Newark, Atlantic City
18 and Hackensack. I'm from the Atlantic City area
19 and if whatever information you can supply us
20 with reference to that how you are able to come
21 to some of your conclusions would really be
22 helpful.

23 MS. JACOBS: We get letters in, we
24 put them in a data base about what the nature of
25 the complaint is and where it comes from and we

1 sort out our statistics from that. It's not
2 more elaborate than that and I just can't -- we
3 are not the best place to get statistics, we're
4 just not. I think you would be better off in
5 getting all the internal investigations, reports
6 that the departments are obligated to create and
7 take a look at those because then you will see
8 who is complaining about what in every
9 department. There is also, I think, I don't
10 know if he's testified before you but Richie
11 Rivera is extremely knowledgeable about internal
12 investigations and what types of complaints are
13 most common and what's upheld and not so he
14 might be another resource. Our's are not
15 sophisticated I'm afraid to say.

16 REV. FLOYD: Thank you.

17 MR. JOHNSON: Carroll.

18 MS. CARROLL: I have nothing. My
19 questions have been answered. Thank you.

20 MR. JOHNSON: I have a handful.
21 Getting back to the data, we spent a lot of time
22 on the data. I understand that you can't -- you
23 can give us a rough sense of the trends for
24 instance in 2006, you have a sense of how many
25 complaints you received alleging racial

1 profiling.

2 MS. JACOBS: For the last few years
3 I have been fairly consistent. If it's racial,
4 it's 40 to 50 a year.

5 MR. JOHNSON: Forty to 50 a year
6 and of those, how many of those actually reached
7 the state of filing a civil complaint in each
8 year?

9 MS. JACOBS: One at most. We got
10 one coming up for you though.

11 MR. JOHNSON: I hope not me
12 personally.

13 MS. JACOBS: No.

14 MR. JOHNSON: But in terms of
15 the -- so the last three or four years in which
16 you received 40 to 50 complaints a year you
17 brought one case?

18 MS. JACOBS: At most.

19 MR. JOHNSON: There will be
20 opportunities for others to testify during the
21 break.

22 MS. JACOBS: Just to tell you a
23 little bit about why that is or why if you are
24 thinking we are not very aggressive is most of
25 these complaints involve disputes. In fact,

1 that's the number one reason and when it comes
2 down to he said she said, we find that we're not
3 very effective in our he winning or our she
4 winning. Disputes, in fact, is our biggest
5 obstacle.

6 MR. BEROKUS: For example, with the
7 New Jersey Turnpike a few years back we were
8 able to bring a lawsuit because obviously you
9 have a larger pool that you're looking at and
10 more complaints received obviously for the State
11 Police than any other so you can pull a system
12 together and see patterns. Because there are so
13 many individual police forces in police
14 departments in New Jersey, you know, we may get
15 five from Newark one year, six from Irvington
16 another year, it's hard to put together a
17 pattern and it does turn into the individual
18 fact complaints so it's rare that we can get one
19 that's so clear that we can say, yes, we can
20 move forward, we can spend our resources on this
21 particular case like we did in Manalapan.

22 MR. JOHNSON: In connection with
23 the -- separate and apart from localities, how
24 would the number of complaints you received
25 about State Police in each of say the last four

1 years --

2 MS. JACOBS: What's the question?

3 MR. JOHNSON: What the number is.

4 MS. JACOBS: I don't know offhand
5 but as I said, State Police make up about
6 roughly half of our -- I'm sorry -- racial
7 profiling make up half and State Police make up
8 20 percent. I'm trying to remember. I just
9 looked at the stats of that but, again, I can't
10 say this enough, what we get in our log is not
11 reflective of what you have as a problem or
12 don't have, it tells you who knows the ACLU and
13 who has the call or write us a letter, it's
14 really not something meaningful to go on. You
15 are going to have to look elsewhere.

16 MR. JOHNSON: I will not debate
17 sort of the relevance of a particular question
18 but in terms of the number of times that you've
19 taken the State Police complaints and actually
20 filed civil litigation, how many of those have
21 been in the last four years?

22 MR. BEROKUS: We had the Morca
23 case, which I believe we sent to you was all one
24 case together but it was actually 12
25 individuals. Then Manalapan was one incident

1 with three boys.

2 MS. JACOBS: First aid police maybe
3 once in four years and we have another one
4 coming up.

5 MR. JOHNSON: And you were helpful
6 enough to enlighten us for not bringing
7 particular cases because of the difficulties of
8 sort of factual allegations. Would that
9 reasoning apply to the matters involving the
10 State Police as well?

11 MS. JACOBS: Yeah. The numbers
12 still aren't sufficient to always show up a
13 pattern.

14 MR. JOHNSON: No, one of the issues
15 that we've been asking questions about is
16 related to the rates of that matters have been
17 sustained whether internally or externally. So
18 your answers on those scores are helpful to us
19 in understanding that as well.

20 MS. JACOBS: We may be able to pull
21 together some information about the experience,
22 what we have sort of an escort to assist people
23 in filing their own internal investigations
24 complaint. We started that project because we
25 felt that so many people have been discouraged

1 by the process and terribly intimidated mostly
2 and that's why we wanted to provide this so I
3 may be able to get anecdotal. In general if you
4 look at all the departments, hardly anything is
5 upheld bottom line and that's why I think
6 numbers go down in terms of complaints is
7 because people think this is dumb, it's not
8 going to work for them and it probably isn't and
9 that's why we did the external oversight.

10 MR. JOHNSON: Part of our job is to
11 stick the tires on all the numbers that have
12 come forward to us and anything you could
13 provide us to that score will be helpful. On
14 the licensing you mentioned that there have been
15 instances of officers who have committed
16 violations or who have been discharged from one
17 jurisdiction and moved elsewhere in the state to
18 resume their duties in another jurisdiction. Do
19 you have a sense of the magnitude of the times
20 that this happened in the last five to ten
21 years?

22 MS. JACOBS: I don't really. We
23 only find out about an incident like that if the
24 conduct comes to the public attention and the
25 press cover it is the bottom line and so one of

1 the things we do to try to look at these things
2 is sort of media review is look for names. I
3 can't even give you one specific case of that
4 taking place in New Jersey. There are many,
5 many cases that have been uncovered in other
6 states but I haven't sort of encountered some of
7 the cases covered by licensing that I've
8 directly encountered are sort of discussed in
9 that Op Ed I've provided you.

10 MR. JOHNSON: If you could, and
11 you've done media review of licensing of
12 incidents in other states where officers have
13 been found to have problems and be able to move
14 on and start their job anew either in that
15 state or in another state, that would be helpful
16 to us.

17 MS. JACOBS: Many, many pages of
18 that so be prepared.

19 MR. JOHNSON: We've been reading
20 many, many pages so a few more won't hurt.
21 There are other questions at this stage? Do we
22 have any questions from the audience for our
23 witnesses?

24 MS. JACOBS: Thank you again. We
25 greatly appreciate it.

1 MR. RAMBERT: I do have one
2 question.

3 MR. JOHNSON: We have a question
4 from the panel and our process for people in the
5 audience is for them to write their questions
6 down.

7 MR. RAMBERT: One further question
8 regarding State Police stop procedures. How
9 familiar are you with the organizations?

10 MS. JACOBS: Stops procedures?

11 MR. RAMBERT: Yes.

12 MS. JACOBS: So you mean -- could
13 you elaborate a little bit?

14 MR. RAMBERT: When a pedestrian is
15 stopped for a traffic violation and the process,
16 have you had any workshops or training on what
17 those procedures are?

18 MS. JACOBS: We publish something
19 we call a bust card, which is a wallet size card
20 which says what your rights are when interacting
21 with the police and Ed goes out and gives
22 training to young people and people in minority
23 communities people just out of prison and
24 basically discusses what your rights are when
25 you are stopped by the police. You know,

1 because of a fairly recent U.S. Supreme Court
2 decision there have been changes to what the
3 police may or may not ask someone for,
4 particularly if they are not driving a car
5 whether they can ask for ID or not but
6 essentially we try to educate people about it.
7 We don't recommend a best procedure or anything
8 like that.

9 MR. RAMBERT: How do you determine
10 what the procedure is, that's my question. Have
11 you seen anything, training or workshop from
12 police?

13 MS. JACOBS: No.

14 MR. BEROKUS: Yeah, I think you are
15 talking about what is our knowledge of the stop
16 procedures which, you know, and we do have
17 people that we work with who know the policies,
18 review policies both lawyers and police but also
19 it's following very, for example, you know, the
20 issue with consent searches. I know more about
21 that issue because it was something that came up
22 through the court system with the idea of
23 because of misuse of consent searches that the
24 Supreme Court of New Jersey actually changed the
25 system. So we are made aware through legal

1 challenges and also other cooperating attorneys
2 that we work with who do analyze.

3 MS. JACOBS: And if I could, my
4 experience is that when there are -- when there
5 is standards for best police practices, they're
6 usually pretty consistent with the ideas that
7 the ACLU would put forward about a particular
8 practice, you know, licensing is a great example
9 and so we don't sort of become experts in
10 procedures unless we have to disagree with them.

11 MR. JOHNSON: I think Mr. Weber has
12 one question.

13 MR. WEBER: When you send us the
14 licensing information, could you send us a
15 packet of bust cards, please?

16 MS. JACOBS: I'm not too worried
17 about you getting pulled over, Scott.

18 MR. JOHNSON: I'm sorry. Could you
19 repeat the question and the answer?

20 MR. WEBER: I just asked if she
21 could send a stack of the bust cards when she
22 sends the information about licensing.

23 MS. JACOBS: And I said I don't
24 think Scott needs them.

25 MR. JOHNSON: You haven't seen

1 Scott drive.

2 There is one question from the
3 public and the question is this: Why are you
4 against the Civilian Complaint Review Board?

5 MS. JACOBS: It's not so much I'm
6 against them, I haven't seen a model that has
7 really worked and really made a difference. One
8 of the primary reasons being generally they
9 don't have the power, the subpoena authority or
10 discipline authority or other things but I would
11 also say when the panel -- when they appointed
12 or elected, I think that it's unlikely that you
13 get citizens that have the level of knowledge
14 about police practices and professionalism to do
15 the job, that's why we really think it should
16 be, you know, in but not of state agency where
17 you can hire and employ people who will have
18 background in police practices, who have
19 expertise -- to have the citizen voiced in there
20 is critically important, and I do not in any way
21 and, in fact, I help generate a lot of your
22 speakers today. I'm very proud of the advocacy
23 citizens do and group like the People's
24 Organization For Progress are some of the most
25 important actors we have in the state but for

1 this group to have the power they need for it to
2 be less political for them to get the job done,
3 I'd like to see paid professionals doing it.

4 MR. JOHNSON: Thank you. Again,
5 Ms. Jacobs, Mr. Berokus, thank you for your
6 contribution to this hearing and your testimony
7 today.

8 MS. JACOBS: Thank you.

9 MR. JOHNSON: All right. We have
10 now come to the point where -- seems like it was
11 your microphone. No, it wasn't. We've now come
12 to the point where we are going to try to find
13 the technician to help with the microphones and
14 we will take a short break to see if we can deal
15 with the static in the system. We then have an
16 hour set aside to hear from -- this will be the
17 first of two hours set aside so that citizens
18 who are not part of the formal witness panels
19 will have an opportunity to testify or make
20 statements. So we will take a short break and
21 we will get started with Mr. Samuel Clark. I
22 will take them in the order they are listed on
23 the sign-up sheet but we'll start with
24 Mr. Samuel Clark and Mr. Lawrence Hamm. If
25 you're not here when I call you, I will have to

1 move you to the back of the list and if the time
2 elapses, then I will move you to the next hour.
3 So we'll take a short break and see if we have
4 mastery of our electronics. Thank you.

5 (Whereupon, a short recess was
6 taken at 1:25 p.m.)

7 MR. JOHNSON: We'll start with our
8 witnesses, witnesses from the public. We'll
9 give the Committee members a chance to sit down.
10 As I said this morning and I said at the
11 beginning of other hearings, the Committee has
12 heard from a variety of wide perspectives on
13 police profiling, racial profiling; that is, by
14 the State Police and generally fairness in law
15 enforcement from a variety of perspectives.
16 That hardly means that our work is complete. It
17 is very important for all of the citizens of the
18 state to hear through us other perspectives from
19 people who are not necessarily part of organized
20 groups or who may be but are essentially
21 representatives of the public, of the man and
22 woman in the street. Some people who have
23 personally experienced difficulties with law
24 enforcement. In the next segment of today's
25 hearing we will hear from a number of private

1 citizens. I have 16 on my list. We talked
2 about giving each person five minutes and it may
3 be that we have to push people over into the
4 next one hour block. We have a couple of other
5 victim witnesses that will be testifying but we
6 want to get started. So with that said we'll
7 start with Mr. Sam Clark, move on to
8 Mr. Lawrence Hamm and Mohammed L. Falalli. We
9 will be here. Mr. Clark, you can take a
10 microphone right at center stage.

11 MR. CLARK: Thank you for the
12 opportunity to appear before you.

13 MR. JOHNSON: Let's make sure it's
14 working.

15 MR. CLARK: My name is Sam Clark.
16 I'm a former police lieutenant with the Newark
17 Police Department and I'm also a survivor of a
18 police brutality. When you're talking about
19 racial profiling, police misconduct, corruption,
20 police brutality, one of the main weapons to
21 stop that would be an external system. The
22 internal system has been a complete failure. It
23 has only facilitated corruption, racial
24 profiling and other misdeeds. It has also
25 permitted many African American police officers

1 to be terminated for simple administrative
2 charges while white officers that have committed
3 criminal offenses are protected.

4 Just as racial profiling has come
5 out, it has also been denied for a number of
6 years. No one's career was ruined, no one went
7 to jail for these actions. We have in many
8 municipalities, as you have in Newark, arrest
9 quotas disguised as performance expanders. Of
10 course, this will be denied by the
11 administration, by the police chiefs, et cetera,
12 and, again, these things can continue to occur
13 because of a secret or nearly secret internal
14 system that allows from the very top of the
15 police department to protect cops that are
16 involved in criminal activities such as rape,
17 robbery, theft, assault, any crime which you
18 might want to name. Until you have an external
19 system, these things will continue to occur.

20 I support a civilian control board
21 that will have subpoena power and sanction power
22 to listen to these issues, to investigate
23 complaints made by citizens and make a
24 determination. Presently when a citizen goes to
25 make a comment, it's not going into J.C.

1 Penny's, they are not welcome. Many of them are
2 discouraged, many are even threatened, you know,
3 for making a complaint.

4 So many of the numbers that you get
5 are far short and even the numbers that you do
6 get, approximately 95 percent of the citizen
7 complaints, are just literally thrown in a
8 basket, thrown in the trash, they are certainly
9 not investigated and, again, these things only
10 continue and will continue as long as we have
11 this failed internal secret good ole boy network
12 police in themselves. I've been through that
13 25 years, over 25 years and it's a failure and
14 it's about time that someone told you that you
15 look at the records, that you look at those
16 internal records and see just what a sham this
17 is. And I really implore you that in your
18 report that you make it known that as long as
19 there is an internal system, people like myself
20 who have stood up, who have written reports
21 about police criminal activity, who have written
22 reports about citizens having their
23 constitutional rights violated, were retaliated
24 against by that same internal system which
25 caused me to be fired in 1999.

1 But I had predicted my termination
2 three years earlier when I addressed the city
3 council and said that I would be terminated for
4 incompetence, three years later I was terminated
5 for incompetence. This can only occur within an
6 internal secret system with an external system
7 with citizens involved. I would have never been
8 terminated and perhaps some lives would have
9 been saved. I thank you very much.

10 MR. JOHNSON: One quick question,
11 and I appreciate the applause. We are here to
12 hear a variety of views and I do not want any
13 person who wants to step forward to be
14 discouraged by the thought that they will be
15 subject to a reaction either positive or
16 negative from the audience. So I'd ask that as
17 much as you would like to express favor or
18 disapproval of something that someone has said,
19 that we keep it to ourselves from now so we can
20 get the witnesses up and that everyone has an
21 opportunity to say their piece.

22 Next person will be Mr. Lawrence
23 Hamm.

24 MR. HAMM: My name is Lawrence
25 Hamm. I'm here to represent members of the

1 People's Organization For Progress. I'm also
2 here as a private citizen.

3 First of all, I want to thank the
4 advisory committee for having this meeting here
5 in Newark today. I hope that you will have more
6 such meetings around the state because I firmly
7 believe that the people particularly at the
8 grass roots level must be heard on the issue of
9 policing in our communities. I know this
10 committee was initially established to look at
11 the practices of the State Police but we have
12 even more and serious and grave problems with
13 the local police.

14 Just about everything the State
15 Police had been accused of, which has resulted
16 in the Consent Decree, is going on at the local
17 level on a daily basis. In fact, what we have
18 -- our organization is a grass roots
19 organization. We meet regularly and at almost
20 every meeting and with increasing frequency
21 citizens are coming forward saying that they
22 have been abused by the police, they have been
23 brutalized, they are the victims of excessive
24 force, their rights have been violated and
25 something must be done.

1 This is the 40th anniversary of the
2 rebellions in Newark and all of you are aware
3 these rebellions in 1967 were triggered by an
4 incident in police brutality as were most of
5 those rebellions across the nation in 1967 and
6 after Dr. King was assassinated in 1968. We
7 have human rights violations in our communities
8 and this is not just rhetoric, I can give you --
9 cite various cases, the case of Earl Fazon who,
10 according to the U.S. Attorney was tortured to
11 death. We have the case of Stan Crew who was
12 the victim of excessive force who was shot 27
13 times up on Route 80. We have the case of
14 Rashid Moore who was shot like Sean Bell sitting
15 in his car. We have the case of Shakan Nance
16 who, according to some witnesses, was shot while
17 his hands were cuffed behind his back. We have
18 various cases. We can go on and on and some of
19 the people are here to talk about those but
20 something must be done because a very explosive
21 situation is being created once again in our
22 communities.

23 Many police will deny that there is
24 even a problem of police brutality but when you
25 hear from other people today, you will know that

1 this is, in fact, not the case. I want to
2 second the recommendations that were made by the
3 ACLU and also by Mr. Sam Clark. We need some
4 kind of empowered civilian oversight of the
5 police.

6 Right now the police think of
7 themselves as an authority unto themselves that
8 are beyond the reach of the civilian population.
9 Many of them don't even think they will even be
10 convicted of things that they are accused of
11 doing. In fact, in the Fazon case, you know,
12 nobody would have believed that five police
13 would have, in fact, been indicted and found
14 guilty of civil rights violations but what
15 happened to Earl Fazon is one example. We have
16 many Earl Fazons, we have many Sean Bells.
17 Something must be done.

18 I would call for not only the
19 establishment of independent oversight review
20 boards sufficiently empowered to, in fact,
21 change police behavior but we also need
22 legislation. We need legislation on the local
23 level, we need legislation on the state level
24 and the federal level that outlaw the use of
25 excessive force, that outlaw racial profiling,

1 the kind of racial profiling that goes on in New
2 Jersey Turnpike, in Garden State Parkway, goes
3 on every day in the streets of our cities across
4 the state. So I hope that this committee will,
5 in fact, look at this question of independent
6 oversight of the police, the establishment of
7 police review boards or control boards, the
8 nomenclatures.

9 A secondary issue. What we need
10 are bodies that can begin to change police
11 behavior because people's rights are being
12 violated every day, people are being killed,
13 people are being brutalized, families are being
14 destroyed as a result of this problem. We have
15 a lot of serious problems, you know, the problem
16 of crime notwithstanding crime is a serious
17 problem and, you know, people want that issue
18 dealt with but at the same time the rights of
19 innocent people should not be violated, the
20 lives of innocent people should not be taken.
21 So this is a very important problem that I hope
22 that you will deal with. We have to deal with
23 it because if we don't deal with it, we might be
24 looking at another very explosive situation not
25 just here in Newark but cities across the

1 street.

2 MR. JOHNSON: I know that I've been
3 very disciplined about your five minutes but
4 there is one question sort of clarification. On
5 the -- actually two, one is on the oversight
6 board. Is it something that you are proposing
7 that each city should have or that it would be
8 something that we need statewide?

9 MR. HAMM: I think it should be
10 both. In 2001 legislation was introduced in the
11 state legislation, in fact, for the formation of
12 a civilian review board over the State Police, I
13 don't think that legislation ever left
14 committee. There was also a legislation
15 introduced for the establishment of an office of
16 the independent prosecutor because we need that.
17 Sometimes the relationship between the county
18 prosecutors and local police is too close for an
19 objective investigation to be done. We need an
20 office of an independent prosecutor, we need an
21 independent civilian authority over the State
22 Police, we also need that -- we need enabling
23 legislation that will let municipalities
24 establish such review boards as they see fit.

25 Some police forces are so small in

1 that, in fact, may not be needed but internally
2 in the big cities we need it there. There are
3 two other issues I want to raise.

4 MR. JOHNSON: Now you're going to
5 get on me for opening the door.

6 MR. HAMM: One is the issue of
7 high speed chases. As you know, there is a case
8 currently before the State Supreme Court
9 two-years ago in East Orange, New Jersey Dennis
10 Howard died as a result of a high speed chase.

11 MR. JOHNSON: You were in the
12 middle of the first one. I think you should go
13 back to the beginning of the first one so we can
14 all follow you and there was one more question
15 for you.

16 MR. HAMM: The issue of high speed
17 chases through the community. Two-years ago a
18 12-year old, Dennis Howard, was killed as a
19 result of a high speed chase that started in
20 Orange, New Jersey and ended in East Orange, New
21 Jersey on Broad Street and based on what we all
22 know in the community, many of us feel that the
23 chase wasn't even necessary. In fact, the Star
24 Ledger pointed out that the previous year some
25 200 people were killed as a result of high speed

1 chases, killed or injured in New Jersey as a
2 result of high speed chases.

3 Our organization feels that high
4 speed chases should be outlawed. In other
5 cities across the nation they outlaw high speed
6 chases through residential communities. I even
7 believe New York City is one of those where high
8 speed chases are outlawed. Right now the
9 Attorney Generals -- State Attorney General's
10 guidelines allow for high speed chases under
11 certain conditions but even with those
12 guidelines innocent people continue to be
13 killed. So I would hope that the Committee
14 would review the issue of high speed chases by
15 law enforcement authorities and come up with the
16 appropriate recommendations. Our recommendation
17 is that high speed chases be prohibited.

18 The other question I wanted to
19 raise is the exercise of first amendment rights
20 are being, in fact, prohibited in certain ways
21 by the way law enforcement is interacting with
22 the citizens. Right now a number of police
23 departments have onerous requirements in terms
24 of insurance and all kinds of other things that
25 are required for people to exercise their first

1 amendment rights and protest, et cetera, and
2 then when people are having protest, I have seen
3 over the past three years or so certainly since
4 9/11 a three full force increase in police
5 presence at demonstrations, which really isn't
6 necessary. I mean, I've been participating, our
7 organization has had protests over the years.
8 We've never had an incident. In fact, I'm hard
9 pressed to think of any organization that has
10 had a major incident in this state where someone
11 has been injured or killed as a result of the
12 exercise of first amendment rights but if you
13 were actually on the scene to see how law
14 enforcement was responding with horses, with
15 motorcycles, battalions, patty wagons,
16 undercover police, uniformed officers, it's
17 really unnecessary, and I think it's sending a
18 chilling effect through the community in terms
19 of people feeling they are free to exercise
20 these rights as they are guaranteed by the
21 constitution. So those are three -- in sum
22 those are three issues. The question of police
23 brutality, use of excessive force, violation of
24 our rights, high speed chases and also how law
25 enforcement is impeding our exercise of first

1 amendment rights.

2 MR. JOHNSON: There was going to be
3 one question. We have kept you longer than the
4 five minutes but Reverend Justice had a question
5 for you and the other thing is particularly on
6 the issue of oversight. You had indicated that
7 you were testifying from two different
8 perspectives, one is private citizen and the
9 other is a representative. To the extent that
10 POP has prepared any materials relating to the
11 oversight issue, I just ask you to forward them
12 to the Committee.

13 REV. JUSTICE: What do you see as
14 some of the challenges? You seem more
15 passionate -- some of the challenges with the
16 Citizens Review Board?

17 MR. HAMM: I think Deborah Jacobs
18 addressed that point when she said that major
19 challenges of the Civilian Complaint Review
20 Boards are that they are not sufficiently
21 empowered to really deal with the issues. They
22 don't have subpoena power. I know that some
23 progressive politicians here in the state have
24 attempted to set up some type of Civilian Police
25 Review Boards but these are on a voluntary

1 basis.

2 It's very difficult to get citizens
3 to serve on a voluntary basis and they have no
4 staff. If you look at the Police Review Board
5 in New York City, it has an office, it has a
6 staff but even in New York City people feel
7 their review board, which has been in place for
8 decades now since the '60s in New York City,
9 many people feel that it does not have the
10 prosecutorial powers it needs in order to carry
11 out its job. I think that we are reaching a new
12 stage here in the United States of America in
13 terms of law enforcement.

14 What we have seen since the late
15 '60s is the increasing empowerment of law
16 enforcement agencies and the lowering of
17 barriers that have traditionally existed between
18 law enforcement agencies. This is easily seen
19 in the case of 9-11 where now before FBI had an
20 area, CIA had an area, now there is a blurred
21 area between the two. We even see a situation
22 where the local police cars are painted and made
23 to look like State Police cars and that division
24 between State Police and local police is not
25 there.

1 We've had the passage of the Patriot
2 Acts, Homeland Security, Military Commissions
3 Act, we see roll back of right of habeas corpus.
4 I think we're reaching a very dangerous period,
5 a period where all of us as citizens need to be
6 concerned about that. Most people aren't
7 concerned until something happens to them, till
8 something happens to someone in their family but
9 I think it's something that even law
10 enforcement, if you read the literature and you
11 look at some of the documents that are being
12 produced by some of the progressive law
13 enforcement agencies in this country, it's
14 something that they are very concerned about,
15 too, and I think what we want in America is the
16 flourishing of our rights and not the
17 constriction of our rights and but to answer
18 your question directly, we need civilian review
19 boards or control boards that are sufficiently
20 empowered, that have subpoena power,
21 prosecutorial power, that have full-time staff,
22 et cetera.

23 Many people that come to us they
24 are poor people, they can't even get to the
25 starting line if their rights are violated.

1 They can't afford an attorney. The PBA and
2 state police organizations they can get
3 attorneys for officers and other folks don't
4 have that kind of resource. It's almost like
5 now if you are poor in America, you really have
6 no rights because your rights are not protected
7 until you can exercise those rights so, you
8 know, we need something in between us and the
9 courts where everybody has a fair chance to
10 pursue their complaints.

11 MR. JOHNSON: Mr. Hamm, thank you.
12 Next is Mr. Mohammed Elfilali, the Outreach
13 Islamic Center of Passaic County.

14 MR. ELFILALI: I'm speaking on
15 behalf of Muslim Arab communities of North
16 Jersey as well as private citizens. I would
17 like to paraphrase my statement by saying, of
18 course, anybody who would walk up to the
19 microphone who has a deep interest in making New
20 Jersey better by virtue of bringing up some
21 complaints so we could address them, not that we
22 are pointing the finger but we would like to
23 participate as fellow citizens who make this
24 state better. I would like to point out that
25 there are certain incidents that have been --

1 that Muslims and Arabs have been profiled and,
2 of course, one is the Muslim population in North
3 Jersey is made up of multi-ethnic groups, Arabs,
4 African Americans, Latino, Asians and in this
5 process sometimes one personally is profiled
6 that looks like me, I was born in Morocco, that
7 makes me a North African American. I am fair by
8 skin and when I'm asked about my race, I don't
9 know. Where would you put me? I'm not
10 Caucasian in the sense of the Caucasian term,
11 neither am I an African American by the sense of
12 the terminology as it stands, what am I? And
13 there is no statistics that reflect the large
14 group of people where in North Jersey they are
15 the second largest concentration of Arabs
16 outside of Dearborn, Michigan and we are not
17 categorized by any ethnic categories that will
18 address our race.

19 Second thing, there were two
20 incidents that I can think of right now that
21 made the headlines. The group of people, the
22 students that were stopped at Giant Stadium
23 because they wanted to pray and they were Arab
24 American Muslim religion and they were stopped
25 and that's a major serious issue of profiling.

1 That stems from the issue of lack of training of
2 the state and police agencies. They don't know
3 what is a person praying and that's also the
4 case in the midwest of the six men that were
5 stopped at the airport, statement that they were
6 getting ready for some terrorist acts and if you
7 know anything, a person has to stop and pray
8 five times a day and people have to be made
9 aware of that.

10 The other group of people that were
11 crossing George Washington Bridge that were
12 stopped because they were Muslim and they were
13 looking like me. They were of Pakistani descent
14 and it seemed like they were just purely
15 profiled because they looked unnatural, quote,
16 unquote. So I would strongly recommend that
17 there will be training, sensitivity training or
18 cultural training to the commissioner, to the
19 state department.

20 Nobody has reached out to us to say
21 would you provide us some ethnic or cultural
22 sensitivity classes to the academy, to the state
23 troopers, to people who are patrolling the
24 streets. I would love to see in this Committee
25 that you are sitting on someone who represents

1 people that look like me or that think like me,
2 Muslim, Arab, a woman, Sam Khalaf and I'm proud
3 to say he is actually an outspoken and a bright
4 person that speaks about the community but he
5 also would like to bring someone that looks like
6 me that will address certain issues. The women
7 in our community, whether she is African
8 American, Latino or southeast Asian they
9 profiled because they are -- they would love to
10 see them being represented on your forum and
11 that would be great for the State of New Jersey.

12 Recently I received a call from
13 someone in the local city, not to mention the
14 name, 11-year-old girl that was snatched in
15 front of her parents by the police and the
16 statements from her parents, I have to
17 scrutinize the information. This is a clear
18 indication that people are not aware of what the
19 cultural effects that has on our community. We
20 would love to see more training, more
21 participation and accuracy in reporting the
22 profiling in members of our community.

23 I thank you for your time.

24 MR. JOHNSON: Thank you for your
25 time. Are there any questions for Mr. Elfilali?

1 MR. WEBER: I have a quick one.
2 Are you aware of any organizations in the Arab
3 community that have proactively put together
4 information about the various Arab cultures that
5 could then be shared and turned over to law
6 enforcement. Sometimes it's, you know, it's a
7 chicken or an egg thing, do we ask for it or --

8 MR. ELFILALI: It's both present
9 and there is no harm actually. A relationship
10 is a two-way streak. There is organizations
11 that have something prepared and we don't know
12 sometimes whom to present it to. If we are
13 approached by the appropriate sources, we'll be
14 more than happy.

15 MR. WEBER: I think you could
16 probably start with this committee and we could
17 make sure that appropriate information gets
18 passed on.

19 MR. ELFILALI: Absolutely, and it
20 will be done through our organization.

21 MR. JOHNSON: Wilburt Kornegay.
22 Not here right now but we can circle back. We
23 are going to try to stick to our five minutes.
24 Howard O'Neal? This may have been the police
25 chief who signed in when he came in. Robert --

1 I should have my reading glasses, Adaney (sic)?

2 Bob? Richard Rivera?

3 MR. RIVERA: Good afternoon again.

4 MR. JOHNSON: Richard Rivera is for
5 those of you who have been in earlier hearings
6 he is not unfamiliar. He has presented
7 information to us before and we are always happy
8 to hear more.

9 MR. RIVERA: My fourth hearing I
10 think, it's something after the next one, I'm
11 not sure but anyway, thanks. I'd be remiss if I
12 didn't get up and made some comments about some
13 of my observations particularly this morning
14 about the county prosecutor's office and about
15 the general atmosphere and decorum that has
16 taken place the last five or six hearings. From
17 what we've seen as far as panelists are
18 concerned, you have the cream of the crop, you
19 have the exceptions in law enforcement, you've
20 definitely put the best foot forward as far as
21 New Jersey law enforcement is concerned.
22 However, they are the exception. They are not
23 the rule unfortunately and we have a lot of
24 problems in the state that need to be addressed
25 and unfortunately the Attorney General doesn't

1 have the representative sitting at the panel and
2 they are absent although there are members in
3 the audience that I hope they can take this
4 home.

5 Unfortunately I do a lot of
6 consulting work and that's pro bono so it
7 doesn't really hit home but if I say I'm going
8 to charge a million dollars for it, maybe people
9 will start to listen. We talked about the
10 technology this morning, this T-1 line, these
11 data bases and everything else. You have some
12 of the most fundamental and rudimentary
13 information available to you at your fingertips,
14 the Attorney General's internal affairs
15 guidelines, it's on the internet, the policy is
16 there. A lot of the data that should be
17 incorporated with those policies are not.
18 Manalapan, you want the data from Manalapan, I
19 have it. It's public information, there is no
20 reason why the public shouldn't have access to
21 this information.

22 MR. JOHNSON: We have witnesses
23 here who actually first hand will talk about
24 that particular case.

25 MR. RIVERA: Just going over the

1 checks and balances. As far as my advocacy for
2 independent auditors, I think they should be at
3 the county level. I don't think they should be
4 attached to the county prosecutor's office.

5 The prosecutors, although they do a
6 very good job at what they do, they very truly
7 lack oversight at the local police departments
8 and having said that, so does the Attorney
9 General as far as the county prosecutor's office
10 is concerned. Just using internal affairs
11 policy as a baseline for that, the summary
12 reports that are gathered at each and every
13 municipality throughout the state are not being
14 collected properly by each county nor are those
15 being properly forwarded to the Attorney
16 General's office and we don't have that data
17 because --

18 MR. JOHNSON: Hold on a second. We
19 have another microphone problem, gentlemen in
20 the booth.

21 MR. RIVERA: Is it all right if I
22 speak through --

23 MR. JOHNSON: It's on.

24 MR. RIVERA: And they might tell
25 you the checks and balances are in place and the

1 policy is in place but if you scratch the
2 surface and look beneath that, you will find
3 there is no auditing system. You will find
4 right now over 20 percent of the data coming
5 from the prosecutor's is flawed, that the only
6 unit that was auditing the county prosecutor's
7 was recently disbanded. These are the
8 oversights that we have currently or lack
9 currently throughout the state.

10 Looking at Sam Walker's testimony
11 and his new book he wrote, he brought up four
12 prongs of police brutality, right now out of the
13 four we have zero. As far as use of force
14 complaints are concerned, they are collected at
15 the local level, forwarded to the county and
16 there it stops. Ladies and gentlemen, that is
17 one of the most valuable pieces of data that you
18 could have. State police has done an
19 exceptional job.

20 Collecting data, they revamped
21 their internal affairs system. Keep in mind
22 they were forced to do that, hopefully so that
23 other agencies are not forced in the future to
24 do similar tasks. They should be the example
25 that local and county officials should follow

1 and use some of those reforms that have been
2 implemented at that level and use them as an
3 example for future reforms. Thank you.

4 MR. JOHNSON: Thank you. Any
5 questions before you go? Any questions for
6 Mr. Rivera? Thank you.

7 Next is Eversley Siforntes.

8 MR. SIFORNTE: Thank you,
9 Mr. Chairman and staff. I'm a former retired
10 Newark police officer from the City of Newark.
11 I'm here to tell you whether travelling from
12 Livingston Mall getting pulled over by
13 Livingston police and Millburn police to go down
14 to the precinct in Irvington or travel to West
15 Orange and getting stopped and asked me to get
16 out of their town or going to the same precinct
17 that I worked for that I retired from and
18 getting thrown out and getting cursed at just to
19 call the prosecutor's office. They refer me
20 back to the Attorney General's office, back to
21 the prosecutor's office, back down to internal
22 affairs, nothing has changed.

23 For my son to walk in a precinct
24 and be kicked and cuffed and called a nigger and
25 go to the prosecutor's office and nothing is

1 done. For me looking at my child coming up, we
2 have to walk the street and have to endure what
3 I have endured within the Newark Police
4 Department as a retired police officer, it hurts
5 my heart. There is no accountability whatsoever
6 with the local police department.

7 I can't speak for the state police
8 but I've been to Maplewood, I've been to
9 Irvington, I've been to Newark, made several
10 complaints, you know, they looked at me and
11 laughed. You know, when I wake up every day and
12 my heart is burning because I grew up in Newark.
13 I'm a Caribbean American. I was born in
14 Trinidad, I was raised here right in the
15 projects of Newark. I was raised here.

16 I served in the military, came out
17 from the military, joined the police department.
18 Back in 1976 I think it was when I first learned
19 about when all the police officers -- the black
20 police officers took the exam and didn't make it
21 and we have to go back and review the exam just
22 to get on the job, just to get on the job. Find
23 out later they got on the job, get on the job
24 and the harassment I went through for the
25 11 years I've been on that job, it's horrendous,

1 the stalking, the surveillance they had on me,
2 suspect me dealing with drugs and you just name
3 it.

4 Being on the police department I
5 thought I was a representative of my community.
6 There is no Asian Americans on the police
7 department, there is no -- very few Muslims on
8 the police department and when they are, the
9 problems that they have to go through, the
10 complaints, they can't -- you can't even make a
11 complaint, there is nowhere you can go, nowhere.
12 You can't -- there is no way, I mean, just
13 listen to my heart what I'm saying here.

14 I'm not afraid anymore because if I
15 was to come to you while I was police officer, I
16 would be fired. I would be tarnished, you know
17 what I'm saying, but for me, just listen to what
18 I'm saying, just my emotions alone will tell you
19 what I'm going through. You know, recently
20 November 9th I was involved in an accident in
21 Newark, police came, didn't take a report. I
22 went to the precinct there, offered information
23 to the police. I was cursed at and grabbed and
24 thrown out of the precinct.

25 When they found out I was a police

1 officer, everything started changing, I became a
2 brother officer. Just because I came there to
3 give my information to get a police report, to
4 go down to internal affairs to file a complaint,
5 they laughed at me, call the prosecutor's
6 office. They sent me back and I've been going
7 from one thing to the next.

8 Look at this, I've been a police
9 officer, they respect me because they know now
10 I've been a police officer. What about private
11 citizen walk in the precinct and where is those
12 complaints going. Who is accounting for those
13 complaints when they make a complaint? There is
14 no symptomatic procedure, no SOP procedure to
15 say somebody walked in that precinct and made a
16 complaint. The federal government gives a lot
17 of money to the state who gives out to the city
18 I believe when they do their arrest. Do you go
19 to any community meetings? They say the arrests
20 are up because they arrest the niggers the more
21 money they get but nothing gets done, nothing.
22 I just don't want to see my child having to go
23 through what I endured. I don't want to see him
24 go to the precinct and have him be cursed at,
25 kicked, called a name. I walked in the

1 precinct --

2 MR. JOHNSON: Mr. Siforntes, I want
3 to ask you a question and we've gone to the five
4 minutes but there is one thing that even though
5 we're going to go overtime, I think it's
6 important for us to explore with you. The
7 complaint procedure that's the front end for a
8 lot of these systems or any sort of
9 investigation getting started. Based on your
10 experience as a police officer as well as your
11 experience as a person who is trying to file a
12 complaint, do you have any thoughts about how
13 the system could actually be changed so that
14 there is a mechanism in place to -- if a
15 complaint is filed, there is a way to check up
16 on it, for instance, dual filing with the DAG's
17 office and the police officer, something like
18 that? Do you have any thoughts about something
19 like that that we would be able to recommend, at
20 least consider?

21 MS. SIFORNTES: If I walk in the
22 police department, there will be a police
23 complaint number. They would draw that number
24 and I would leave the precinct. I may or may
25 not hear from them. If I get a copy of what I

1 have done and I filed a copy to the Attorney
2 General or prosecutor's office who in turn
3 supposedly find a way where they can review
4 that, then you would have a symptomatic saying
5 somebody came to the precinct, then I have a
6 copy, I have something to say I've been there,
7 there is nothing.

8 MR. JOHNSON: Thank you, sir.

9 MS. SIFORNTES: Thank you very
10 much.

11 MR. JOHNSON: Thank you. Let's
12 see, Mr. Kenneth Freeman. Mr. Freeman.

13 MR. FREEMAN: Good afternoon,
14 Mr. Chairman. Thank you for allowing me to
15 talk. My name is Kenneth Paul Freeman. I'm a
16 former -- I worked as a senior investigator for
17 internal affairs for New Jersey Department of
18 Corrections currently renamed to the special
19 investigation division. I received numerous
20 accolades and was called a rising star. However,
21 I witnessed first hand the corruption and other
22 things that went on inside of internal affairs.
23 I witnessed myself witness tampering, the
24 destruction of evidence, the way that even the
25 official law books which everyone accepts in

1 court were true were actually written with
2 keeping clean the books, install or remove
3 evidence, that was what they jokingly called
4 indictables.

5 Standard operating procedures for
6 dealing with psychiatrists, department of
7 psychiatrists was for internal affairs was to
8 tell them what we wanted them to say and for
9 them to go ahead and respond and do those type
10 of things regarding officers that were unwilling
11 to go along or even with inmates that were
12 particularly not appreciated. They were also
13 used for disciplinary measures when they were
14 supposed to be for other reasons.

15 I witnessed mistreatment of
16 individual inmates that were considered special
17 needs inmates as well as our confidential
18 informants. One individual it was a particular
19 excellent informant but he had ties, he was
20 middle eastern decent and it was a time we
21 obviously questioned him. They were going to
22 stick him out in the general compound, strongest
23 gangs, they stuck him back on compound with the
24 intention of him getting hit. Even though there
25 was a hit out on him, they ignored the

1 information.

2 I watched the violation of family
3 medical leave at provisions FLA if you are
4 familiar with them. One particular case
5 involved them pretending to be an employee's
6 doctor and calling the employee's personal
7 doctor and telling them he now has two
8 physicians. We need to get that information and
9 they illegally got information that way.

10 I watched even good officer whistle
11 blowers how they would -- investigations that
12 were predetermined way before the investigator
13 himself actually got the case. I've watched how
14 those particular good officers were retaliated
15 against. One of the most common ways, first of
16 all, officers have absolutely no first amendment
17 rights, they are not allowed to come out and
18 speak and for different reasons, however, one of
19 the most common complaints was equal employment
20 complaints and they were complaining about
21 retaliation against them. And I've seen how
22 they would pad themselves or pad up the evidence
23 so that they wouldn't be able to sue them later.

24 In other words, some of the
25 forceful or order or mandatory files is for

1 employment complaints. They would actually
2 order an officer to file a complaint just so
3 they could say it had no merit so they could
4 protect themselves later against litigation. I
5 became myself a very outspoken whistle blower
6 and I don't regret it for a moment, however, by
7 being an outspoken whistle blower, I was
8 retaliated against.

9 I believe as far as me being a
10 whistle blower, they will speak out against
11 authority. We do make the society safer for
12 those who don't speak out so I don't regret
13 regardless of what happened to me in the interim
14 how far some of the complaints that were sent
15 out initially by me were sent back when I sent
16 them out anonymously first, those exact
17 complaints I told internal affairs being corrupt
18 were sent directly back to my office for us to
19 investigate ourselves. That's improper, there
20 is no way we could investigate ourselves.

21 I kept a tally of all the
22 department records, personal things, e-mail
23 transmissions and by the time it took a few
24 years for them to finally terminate me but
25 individuals were sending me all types of

1 information and I was able to retain tons of it,
2 over 6,000 documents I retained and that's why
3 there has to be some type of intervention from
4 the outside.

5 MR. JOHNSON: Mr. Freeman, we're,
6 again, we've gone over the five but let me ask
7 there are a couple of things you raised and
8 maybe Committee members have questions. There
9 are two this Committee has been looking at. A
10 lot of the issues that you raised are not issues
11 that are squarely within our mandate but we have
12 been looking at as part of our review of the
13 State Police internal affairs functions and we
14 have been looking at getting some evidence from
15 witnesses about internal affairs, operations and
16 I would be interested -- I think the Committee
17 would be interested in your view about, for
18 instance, whistle blower protections.

19 Most systems -- any sort of
20 organization system tends to do better when
21 there is sunlight shining on it and whistle
22 blower's and some people's view can actually
23 help that happen. Do you have particular
24 thoughts about whistle blower protections that
25 we should know about or other enhancement to

1 internal affairs issues that you think might be
2 helpful to the Committee as its particular job
3 of dealing with the issue of racial profiling.

4 MR. FREEMAN: I believe whistle
5 blowers are paramount to be able to feel
6 comfortable enough to speak out and say what's
7 going on. As far as protection for whistle
8 blowers, right now it's nonexistent, there is no
9 protection for whistle blowers. Whistle blowers
10 will be retaliated and most will be fired
11 eventually.

12 What we can do to protect whistle
13 blowers I have to say I don't know. I don't
14 have the answer. I don't know what we can do to
15 protect them because it will get back to their
16 supervisors and they will eventually do
17 different things.

18 I think I set a record because of
19 all my whistle blowing activities, I was fired
20 three times in three months. They fired me
21 November 9th, 2001, December 26th they sent me a
22 letter saying we don't like the way you work, a
23 month and a half later they said by the way on
24 February 5th they said by the way four years
25 ago you made a statement that we don't think we

1 like so we're firing you a third time and it
2 never raised an eyebrow. So I don't think there
3 is any protection you can give for a whistle
4 blower. They are still necessary even if it
5 means they will be fired.

6 MR. JOHNSON: Let me ask you this
7 and then we have to move on to the next witness.
8 If you could give additional thought to
9 protections that someone in your position could
10 have had to have made it a little bit easier for
11 you to get the information that needed to be
12 acted upon and dealt with, if you could give
13 some thought to that from your perspective and
14 share it with the Committee, that would be
15 helpful.

16 MR. FREEMAN: Yes, I will
17 definitely.

18 MR. JOHNSON: The next witness will
19 be Christie Barry and as for the remaining
20 witnesses this afternoon, we're going to hear
21 from a handful more, we are running behind
22 schedule. Everybody who signed up will at some
23 stage get to speak but we have a panel, a couple
24 of panels have been scheduled. When you do
25 speak, try to keep to the five minutes and also

1 try to remember that this committee spans the
2 length of a table but actually our focus is
3 fairly narrow and we're most concerned with the
4 issues related to nondiscriminatory law
5 enforcement going forward.

6 Is Christie Barry here? Moving on
7 in our order, Munireh Bomani? Please step
8 forward.

9 MS. BOMANI: First of all, I'm
10 going to say greetings. My name is Munireh
11 Bomani. I'm a community activist in the City of
12 Newark. I want to commend you all for holding
13 this forum on police standards but we do need
14 more than that in our community and all of us
15 invite the public and publicize this and also
16 invite the grass root community and the people
17 who are affected by police terrorism.

18 I have a problem seeing police
19 officers acting worse than criminals when they
20 take an oath to serve and protect us. I've been
21 a victim of police misconduct and falsely
22 arrested for taking pictures and observing
23 police brutality and police misconduct, which
24 I'm in court right now in the City of Newark,
25 and I cannot afford legal representation due to

1 the fact that I'm not financially able to do
2 so because the public defender office they only
3 offer you plea deals and for these cases that's
4 in the newer courts I'm not guilty of. I'm just
5 guilty of actually observing police misconduct
6 and police brutality and they falsely arrested
7 me and locked me up and charged me with
8 obstructing justice and disorderly person.

9 We definitely need more police
10 oversights and accountability here and abroad.
11 We, the people, we don't need to be treated
12 with, you know, being treated like animals, we
13 need to be treated with dignity and respect and
14 I don't know how far this will go in regards to
15 handling the police issues but I just hope
16 something good comes out of this and we need
17 more and I thank you very much for you hearing
18 me.

19 MR. JOHNSON: Thank you. Next we
20 have on the list Bella August. Ms. August, it
21 also indicates here that I guess you are also
22 from POP.

23 MS. AUGUST: Yes, I am. I am not
24 going to repeat a lot of things people have
25 said. I'm going to emphasize the issue of high

1 speed chases that Larry Hamm mentioned before
2 because that is something -- I live in
3 Montclair, I never heard of anybody getting hurt
4 from a high speed chase or being killed by a
5 high speed chase in Montclair but it has
6 happened in East Orange and other towns that are
7 mainly African American. So I think that's an
8 issue of racial profiling as well because why is
9 it police feel free to do something like that in
10 a community like this and this little boy was
11 only about 11-years old, he wasn't doing
12 anything and there is no reason for him to have
13 lost his life on that issue, and I think that's
14 something very important.

15 Training of police particularly on
16 when force and weapons should be used and when
17 they need to use other methods. The gun is not
18 the only weapon a police person has when
19 policemen or a woman they need to be trained in
20 other methods of addressing people, of
21 addressing situations that might be difficult
22 and not always pull a gun right away and be
23 ready to shoot.

24 Licensing which was mentioned
25 before could be a useful approach. I don't know

1 much about it but it certainly sounded
2 interesting. On the civilian oversight boards,
3 again, they have to have teeth in them, they
4 have to have subpoena power, investigative staff
5 that is independent of the police and that's
6 extremely important and issue of independent
7 prosecutor, again, because as long as the
8 prosecutor and investigators are beholding to
9 the police or working with them, it's very
10 unlikely that they are going to indict or charge
11 police with misconduct and there are times when
12 criminal laws have to be applied. We have a
13 struggle even to get police indicted.

14 Larry mentioned the Earl Fazon
15 case. There has never been a criminal
16 indictment of the police who caused his death
17 even though the federal prosecutor acknowledged
18 that he was tortured to death for no reason.
19 They picked him up assuming that he was guilty
20 of a crime, killing another police woman, which
21 he had nothing to do with at all and they felt
22 that it was okay to treat him this way. The
23 only thing we were able to get was civil rights
24 violations. So there are times when criminal
25 law and criminal sanctions need to be applied

1 for these kind of issues and gross misconduct
2 and I'll leave it at that.

3 MR. JOHNSON: Thank you. Don
4 Arrington also of POP. Mr. Arrington. Richard
5 Gacina. Mr. Arrington, okay. Hiding in plain
6 sight, sorry I missed you.

7 MR. ARRINGTON: I didn't know my
8 name was on the list.

9 MR. JOHNSON: This is then dealers
10 choice. You can speak if you wish to. You
11 don't have to speak.

12 MR. ARRINGTON: I can repeat some
13 things that's already been said.

14 MR. JOHNSON: Why don't -- there is
15 a height differential between you and Ms.
16 August so if he could.

17 MR. ARRINGTON: Some things I can
18 repeat that were said as far as police terrorism
19 because I've been a victim of that also, sending
20 people to make threats on your life, being
21 stalked everyday because when in protest and
22 trying to upgrade the community so far as
23 getting things in place so far as jobs, housing,
24 that kind of thing. When you speak up like
25 others have said, they will retaliate by

1 threatening your life, stalking you, spreading
2 propaganda about the community, which like I
3 said has been done to me, and continues through
4 this day. So we need to put something in place
5 with this Civilian Complaint Review Board to
6 correct this kind of situation because it seems
7 to me that they have this mentality because they
8 have a badge they can do and say anything they
9 want and that has to be seriously corrected. So
10 like I said, it's being done to me.

11 MR. JOHNSON: Thank you, sir.

12 Richard Gacina?

13 MR. GACINA:

14 MR. JOHNSON: Mr. Gacina, please
15 proceed.

16 MR. GACINA: I am a 42-year old.
17 I'm a life-long resident of New Jersey, married
18 with three children. I'd just like to make a
19 few quick points. I'm glad to hear many of the
20 persons before me touched on something that I
21 thought I may have been the only person talking
22 about today and that is the Community Police
23 Commission or otherwise known as Civilian
24 Oversight. One of the things I heard Ms.
25 Jacobs say unfortunately I heard no facility of

1 the no-show Civilian Review Board and she
2 mentioned it would be because of that board
3 would be comprised of nonexperts, lay persons
4 and I think that would be the greatest
5 compliment, the greatest attribute and I kind of
6 heard from her and I don't mean to
7 mischaracterize her testimony, that that was a
8 draw back. I would point to a convening of a
9 grand jury as an example.

10 We entrust that a grand jury or a
11 civil jury on a trial or even a noncivil jury on
12 a criminal matter, those are persons from the
13 community and we empanel them and empower them
14 to make a pretty important decision, life or
15 death decision on somebody's fate. Many times
16 that fate being a blowing to the police officer.
17 Clearly those are not experts. Jurors are lay
18 people, they are people from the community, they
19 are citizens just like me and just like you so
20 in that regard I would refute her testimony.

21 MR. JOHNSON: One of the things
22 because I don't want to be in a position where I
23 have to give people equal time, it would be
24 helpful to -- you have a point to make and we
25 have five minutes in which to hear it, to stick

1 more to your particular point, less to other's
2 testimony.

3 MR. GACINA: I'd also like to
4 discuss on the Committee's website, police
5 advisory website, what I call Dr. Kellings
6 recission letter. That being a letter where he
7 basically refutes all of his prior studies and
8 all of his prior testimony in the report
9 entitled "State Police, a cultural perspective
10 and prescription," and it just seems at least in
11 my opinion rather suspect that upward to say
12 late 2003 his opinion of the State Police was
13 not all that favorable and almost out of the
14 blue. I'll say in a page-and-a-half letter he
15 simply changes his mind citing that the prior
16 2003 report was incomplete, and he also cites
17 that unknown unidentified member of the OAG also
18 came to that conclusion. I haven't heard any
19 testimony as to what part of that report was
20 incomplete and specifically what person from the
21 Attorney General's office also concurred, I
22 haven't heard any testimony about the Perth
23 reports that are eluded to in the 2003 report.
24 I would assume that Dr. Kelling was paid for
25 that 2003 report, public monies. If it was

1 incomplete, I would ask that he accept
2 incomplete fees for that report. I don't know,
3 I'm just throwing it out there. Also I would be
4 very skeptical of any intervention by the Office
5 of Attorney General in an academic forum. I
6 don't see the need for the OAG to get involved
7 and guide or instruct Mr. Kelling on why he
8 should have ceased any further endeavors on that
9 2003 report.

10 Another thing I would like to touch
11 upon is this notion of that upwards to two-
12 thirds of the troopers of the State Police and
13 this is factually correct, approximately two-
14 thirds have come in post Consent Decree and they
15 know no other way of life essentially, and I
16 would agree with that and that is a fair
17 statement, in fact, that's a factual statement.
18 However, I would ask the Committee that to
19 explore what is the percentage of post decree
20 versus predecree troopers, who man the command
21 staff. I would submit that it's a round figure
22 a hundred percent, a hundred percent of the
23 State Police command staff behold the
24 organizational culture of what got us to the
25 point of bringing upon the Consent Decree. I

1 think another person testified to that although
2 very altruistic that the State Police was forced
3 into the Consent Decree, likewise wouldn't it be
4 a great thing if -- and we're talking about the
5 civilian oversight, this community policing
6 model, why, and I don't know this is necessarily
7 the case, but who could be opposed to that from
8 the State Police? What argument could be put
9 forth? There is the obvious argument about
10 staffing and funding and authority and we spoke
11 about that here today but that's doable, that
12 can be done. Beyond that, what argument could
13 be put forth that would be in opposition to a
14 genuine community policing model or as we have
15 been calling it, civilian oversight.

16 Lastly on the note of the OSPA and
17 taking their mission and their accomplishments
18 to the local police departments, again, that
19 appears to be the case where we're going but I
20 would say we want to be real sure that the State
21 Police has clean house sufficiently that we can
22 now claim to be -- I'm sorry -- not "we," the
23 State Police can now claim to be the model law
24 enforcement agency. I'm going to revert back to
25 October 10th and Ms. Deisha Jackson under

1 questioning by Mr. Harris I believe she made a
2 very interesting comment about having to pay my
3 rent and it was relevant to listen. I got a job
4 here, I want to secure a job, I have some
5 self-preservation issues, I don't think that's
6 necessarily the tenet that the OSPA would want
7 to go forward with. I think there should be
8 better reasons than one's own personal gain,
9 specifically those are her words, not mine.
10 Paying rent as if we need you to move on from
11 the State Police, you can do things elsewhere,
12 you can pay your rent, there is other things to
13 be had. I don't think that's the foundation
14 that we should base this continuance on.

15 And also on the achievements of the
16 State Police and Superintendent Fuentes, yes,
17 they appear to be good but my question would be
18 how sustainable. There has been talk that after
19 Superintendent Fuentes departs, who is going to
20 carry the torch after that and it's almost as if
21 you read some of Dr. Kelling's records. We're
22 simply crossing our fingers essentially hoping
23 that the next guy or girl who comes along is
24 going to hold the Consent Decree with the same
25 record that the present superintendent does and

1 we don't really know if that's necessarily going
2 to be the case. So here I'm talking about
3 sustainability long term.

4 MR. JOHNSON: Thank you very much.
5 I am at the end of the witness list and we're
6 pretty much behind schedule. So there is
7 another panel that we have at least for this
8 break. The other panel that we have coming up
9 soon we're going to take a short break and
10 regroup. I see your hand, sir, and we're.

11 UNKNOWN MAN: You called my name.
12 I was just coming from a doctor.

13 MR. JOHNSON: There will be an
14 opportunity to speak again. So actually you're
15 on the panel that we've put off. All right. So
16 why don't you step forward and you, sir, you are
17 on the list.

18 UNKNOWN MAN: You called my name.

19 MR. JOHNSON: So then we will
20 coming back to the next section for public
21 comment. She's actually listed within a
22 specific time on the schedule but we will get to
23 you.

24 MS. PARCHMENT: Can I use this.

25 MR. JOHNSON: Yes, it should be on

1 but it's anybody's guess today.

2 MS. PARCHMENT: Good afternoon to
3 the panel. My name is Esmay Parchment

4 MR. JOHNSON: Ms. Parchment,
5 please proceed.

6 MS. PARCHMENT: Yes. I am a
7 resident of Essex County, and I lived in East
8 Orange for 30 years and during my 30 years in
9 East Orange, I have experienced the worst
10 conduct of East Orange Police Department. I
11 used to support the police department both
12 spiritually, mentally and financially because
13 whenever they call me yearly, I will send them
14 my check, and I would always think that what the
15 police were doing was right. I believe it was
16 the young people that was doing the actions and
17 the police were doing what they are supposed to
18 do until when it comes knocking on my door.

19 In 1987 I was arrested by the
20 police of East Orange because I parked at the
21 bus stop and they beat me with a chair, and I
22 later sued them and they settled for \$10,000.
23 My son was not yet ten-years old and as he
24 turned 13, they started to arrest him year after
25 year. I have written to the internal affairs

1 department many, many, many letters and they
2 never respond to one.

3 I went into the department, and I
4 live there and they know me in person, from the
5 mayor down knows me in person. I go to the
6 council, I talk to the mayor, I do everything as
7 a citizen should and they told me to write to
8 Caldwell because that was where the head of the
9 internal affairs department is. I wrote to
10 them, never get a response.

11 On February 4th, 2001 Sunday
12 morning I was having a shower, getting ready to
13 go to church and I heard a banging on my door, a
14 real banging and what happened in 2000 -- '99 my
15 grandson got shot and so kids came to find out
16 where my grandson was living. They didn't know
17 exactly where but they was beating my door and
18 window and I ran out there to straighten them
19 out and then they started to say Sharif got shot
20 and this particular Sunday morning when I heard
21 the banging on my door, I was in the shower
22 soaped up and it was so hard that I just grab a
23 hand towel and run to the door, not to go
24 outside naked but just because it's three doors,
25 the entrance door, another door leads to the

1 second floor and my door right here and as I
2 touched the lock on the door, the door was
3 forced in on me. It was a woman police officer
4 and a male and I had to jump out of the way
5 because the door would hit me in my face and I'm
6 screaming and naked.

7 I was taking a shower and the woman
8 pass and just using profanities in my home and
9 the man walking behind me and eventually they
10 beat me, beat me sick. I had to get six
11 injections in this shoulder for my hand to reach
12 this point here and they stayed in my kitchen
13 and they laugh at me, they roll from one corner
14 to the other. The man took my hand up the
15 stairs and he twisted as if I was a wrestler and
16 when it came down, the other policeman held this
17 hand and they twisted this and they handcuffed
18 me and pushed me to the floor and I fell on this
19 shoulder and I was screaming and screaming until
20 I heard a voice say pick her up and being I was
21 soaped up, they couldn't pick me up. So the man
22 held my hair and they handcuff with his knee in
23 my back.

24 This is the result of his knee in
25 my back picked me up off the floor and when I

1 look, there was a white officer in my kitchen,
2 his shirt was white and the woman was just
3 slapping me up and down in my face, she kicked
4 me and I'm saying to the white officer in the
5 white shirt, sir, please ask them to stop,
6 please ask them to stop and he was just looking
7 at me up and down my nakedness, up and down and
8 he was just smiling and I'm begging him and
9 eventually he told them to button me up, put on
10 a shirt on me and they dragged me out of my
11 house naked, naked, take me to the East Orange
12 General Hospital, shackle me with irons and
13 inject me and was already to commit me as a
14 crazy person. When one of the police officers
15 came to me and identified himself as the one
16 that arrested me 1987 and I told him that God is
17 going to do what he did to me and my son to his
18 children. I told him that and he walked away.
19 I came back, I told the nurse to let me go.
20 Told the nurse to loosen up and let me go and
21 that is how I was committed in the hospital.
22 Went in my clothes, take clothes, bring to me to
23 the jail for me to put on what they feel like
24 and you know something, they weren't charged.

25 The judge -- that judge said they

1 committed an abominable crime against a senior
2 citizen. I was 62-years old in my home, never
3 tell me what they arrested me for. I saw my
4 son's life flash before my face because if he
5 was there, they would have shot him and said he
6 attacked them and when I went before the judge,
7 the judge told me that I was charged with
8 assaulting a police officer and resisting
9 arrest, naked in my kitchen, seven East Orange
10 police officers, seven and there appeal charge
11 and put it in the newspaper and the day before
12 the appeal was took to be heard, five more came
13 that morning, five o'clock in the morning and
14 arrested me again with my pajamas and my rollers
15 in my hair and when they put me in the car that
16 morning, they said now we have to cover up our
17 hussy but they got away scotch free. They got
18 away, and I got one year probation and I had to
19 pay fines and they stole the money off my
20 television set.

21 East Orange they know they are
22 criminals, they are not protecting the citizens
23 and I can tell you tons and tons and tons of
24 things that police brutality. My son is now
25 dead and I believe they killed him. I found in

1 my son's things this week where my son wrote
2 where they come and take his keys from him,
3 tried to get into my house and lock him out,
4 laugh and tell him that they can do whatever
5 they want to do.

6 MR. JOHNSON: Ms. Parchment, what
7 we can do because we've gone over time, what we
8 can do is take additional information from you
9 but not today during this hearing. We
10 appreciate your coming forward to speak to us
11 and we'll make a -- give you an opportunity to
12 provide additional information to the Committee.
13 The issues that you raised are not squarely
14 within what we're discussing but we can try to
15 get them to the right people.

16 MS. PARCHMENT: It's about police
17 brutality.

18 MR. JOHNSON: This has been -- this
19 is more about the specific practice of racial
20 profiling but there are things that you've told
21 us that could be relevant.

22 MS. PARCHMENT: What I have seen
23 them to do to young people. I have seen them
24 put drugs on young people with these two eyes
25 and I wouldn't lie, I have seen.

1 MR. JOHNSON: I'm not suggesting at
2 all that you are not.

3 MS. PARCHMENT: This is police
4 brutality.

5 MR. JOHNSON: What I am suggesting
6 that the best way that we can work with you is
7 for us to either through Ms. Emehelu or Ms.
8 Warden spend time to talk with you to find out
9 what you have to say and pass that on.

10 MS. PARCHMENT: Thank you. God
11 bless you.

12 MR. JOHNSON: Thank you. We are
13 going to take a short break now, very short and
14 our next witnesses will be representatives of
15 the plaintiffs in a racial profiling case of
16 Yorker versus Manalapan.

17 MR. YANCY: What happens to the
18 rest of those names on that list?

19 MR. JOHNSON: We've actually heard
20 from --

21 MR. YANCEY: My name is Russell
22 Yancy and there is also other members of POP
23 that are here who have actually lost their loved
24 ones.

25 MR. JOHNSON: Okay.

1 MR. YANCEY: And a few other
2 people.

3 MR. JOHNSON: I apologize, I've
4 gone to the wrong list. We'll still need to
5 take a break all right. And everybody who wants
6 to be heard will be heard.

7 MR. YANCEY: Thank you, sir.

8 MR. JOHNSON: Let's take a
9 ten-minute break.

10 (Whereupon, a short recess was
11 taken at 3:05 p.m.)

12 MR. JOHNSON: Now, what we're going
13 to do we have one additional panel so we're
14 going to allocate for this panel which will be
15 the POP panel and there have been a number of
16 POP speakers. We are going to have 25 minutes
17 for the POP panel. We have I believe is Randall
18 Yorker and Sean Anderson, are they here? You
19 will be next. Then we have additional witnesses
20 who will be -- who will start at the beginning
21 of the public comment period.

22 Now, I am going to ask that --
23 actually I'm going to enforce very strict time
24 limits. My grandfather used to preach in the
25 pulpit, and I know what it means to warm up to

1 your text but I don't think we can do that and
2 really hit our deadlines. So we'll have our
3 next witness and the rest of the POP panel and
4 we'll have 20 minutes for that and we'll keep
5 moving on.

6 Sir, step forward. Reporter, are
7 you ready? All right, we're ready.

8 MR. KORNEGAY: Wilburt Kornegay.
9 Yes, I'm a member of People's Organization For
10 Progress, and I'm also president of the Clinton
11 Hill Southwood Improvement Association.

12 MR. JOHNSON: Yes, sir.

13 MR. KORNEGAY: To begin with I
14 think and I hope I'm staying on point but I have
15 a lot of problems and the citizens in Newark
16 many have a lot of problems with the police and
17 the police I think we're going to have to really
18 conscientiously work on changing this racist
19 society that we live in which the police
20 department is the manifestation of. I am right
21 in the midst now of writing a letter to Essex
22 County Prosecutor Paula Dow because on the one
23 hand I do commend her for prosecuting the
24 proprietors of that motel in Irvington on Motel
25 Avenue that locked the doors and caused the

1 death of hotel residents who were welfare
2 recipients and, in fact, some of the residents
3 there were from New Orleans that were staying
4 there. So I commend her on the prosecution of
5 the hotel proprietors but I do have problems
6 with her as it relates to victims of police
7 brutality in Essex County.

8 You know, she -- I think that she
9 expressed -- I seen her on NJN legal show, I
10 forget the name of it, Ray Brown is the
11 commentator on it, and, you know, she seemed to
12 have not given the victims of police brutality
13 the attention that they deserve, and I'm so glad
14 the victims' family are here, Strawberry
15 Daniels, Shakan Nance. That happened in my
16 neighborhood, Warren Lee, I mean, you know, and
17 the drug laws have given them license to wage
18 war on us. They ask where are the black folk
19 doing the peace demonstrations.

20 We wonder where the white folks in
21 this war against the black community, where are
22 the drugs because of drugs that gives them
23 license to shoot us down. Sean Bell is a case
24 in point. The 92-year-old grandmother in
25 Atlanta, Georgia is another case. Warren Lee is

1 a vivid depiction of the police going out of
2 control to choke him to death.

3 Drugs -- we must, in fact, make
4 drugs a ticket of offense. You get the same
5 thing for a parking ticket as for drugs, it's
6 ridiculous, nothing but an excuse to wage war on
7 people of color and the police have a shining
8 badge. I don't know anybody that you can make
9 stop taking drugs. It isn't worth shooting
10 somebody up, invading their privacy and we have
11 to go back, you know, the police departments
12 throughout this nation and in the State of New
13 Jersey have never been reorganized.

14 They were put there to protect the
15 rich and to take advantage and put there to
16 siege the poor and people of color and they've
17 never changed and you adding black policemen
18 without correcting the structure doesn't change
19 a thing. You've got to change that structure
20 and it's a shame it's gotten worse. I thought
21 that the police department and citizens of
22 Newark --

23 MR. JOHNSON: I'm not the one
24 calling you but it's close to time.

25 MR. KORNEGAY: That's why I'm

1 cutting it off. I do apologize. I thought that
2 they should be peaceful, that we should reach
3 for a higher level of social identity and being
4 and respect but things have gotten worse. I can
5 remember being a [] old going up to East Orange to
6 visit a friend and this police officer stopped
7 me and my friends came to meet me at the bus
8 stop and it was a little group of guys and at
9 this particular time black folk were moving from
10 the City of Newark and East Orange, you know, a
11 lot of folks resented it. So it was in a group
12 of black kids and this police officer stopped me
13 but then I, you know, I had a real flip mouth,
14 real fast mouth, you know, I was bright and I
15 knew it and he said, young man, where were you
16 last night. I said that's none of your
17 business. A youngster today couldn't ask that
18 without getting slammed and roughed up but back
19 then we were fighting Nazi war or just come from
20 fighting Nazi Germany and that meant a lot, an
21 awful lot. The freedom of speech, the right to
22 privacy, everything that the Patriot Act took
23 away from us and our constitutional rights. I
24 mean, it's so ridiculous how they just searched
25 me to come into this room when a couple of weeks

1 ago a young man down in Virginia was crying for
2 help and because minimal health costs a lot, it
3 costs money, the institutionalization and all,
4 an analysis, all that costs money. They signed
5 him out of a hospital yet and still you're going to
6 hold me out there and search me and do all that
7 for what? When you don't want to spend a dollar
8 bill that are necessary on mental health.

9 MR. JOHNSON: Mr. Kornegay, we're
10 over time but thank you.

11 MR. KORNEGAY: As I said before, we
12 must treat citizens better and the City of
13 Newark and I am for a civilian police review
14 board and a real organization totally of police.
15 Thank you.

16 MR. JOHNSON: Thank you. Let's
17 see, we have our -- do we have Russell Yancey,
18 Mary Weaver, Barbara Flowers, Earl Williams,
19 Ms. Nance, Mr. Pierre and Mr. Williams of that
20 number, who is here? Why don't we do this. We
21 have now another 15, 20 minutes. Two of you
22 take seats here and one of you take a seat here
23 and we'll split microphones and if you could
24 each identify yourselves and we can proceed from
25 there.

1 MS. NANCE: I'm Shakan Nance's
2 mother.

3 MS. FLOWERS: Barbara Flowers,
4 Warren Lee.

5 MS. WEAVER: Mary Weaver, I'm Randy
6 Weaver's mother.

7 MR. JOHNSON: And as I understand
8 it, each of you have lost loved ones and you are
9 here to share those stories with us. So if we
10 could proceed from left to right. My left to
11 your right -- to my right. We'll take that and
12 we will -- each of you will have --
13 unfortunately we can only give you each five
14 minutes. You may proceed.

15 MS. NANCE: My son, Shakan Nance,
16 frequented Irvington Boulevard. I never knew my
17 son to get into a fight. He had got in some
18 trouble with the law but, you know, he had -- he
19 wasn't in any kind of trouble when it happened,
20 and I had moved him from here to Tampa, Florida.
21 So they had called me and told me, they said it
22 was five police officers jumped out of the car,
23 one was black under investigation for several
24 things anyway, the other I think one was -- I'm
25 not sure what the color of the rest of them were

1 but they say something about drugs, gun, this is
2 what the prosecutors explained to me when it
3 happened. They say Shakan Nance was handcuffed
4 when they shot him. I wasn't there but it was
5 witnesses and I wanted to know when something
6 like this takes place by the police officers,
7 first of all, they say it was hot, July the
8 30th. They say that they tackled him to the
9 ground, one officer was sitting on him, it's hot
10 out there with a T-shirt on and they said they
11 couldn't stick. Minding his business when they
12 jumped out on him, and I want to know nobody
13 gave me any kind of answers why is the police
14 officers allowed to stay on the force. I think
15 they should be placed on administrative duty
16 until a full investigation has been completed.
17 Now, those officer seems to me you leave the
18 door open when you leave them on the force
19 because those officers are still on the force.

20 MR. JOHNSON: Thank you. Miss
21 Flowers.

22 MS. FLOWERS: I'm here on behalf of
23 my nephew, Warren Lee. On October 12th, 2006 at
24 five o'clock in the afternoon he was sitting
25 outside of his home in a car with a friend of

1 his. Two undercover cops pulled up and pulled
2 him out of the car. He didn't have any weapons,
3 bright young man, 34-years old. He had asthma
4 and the witnesses say that -- the witnesses say
5 that they kept telling the police officer that
6 he had asthma, not to continue to beat him but
7 they just ignored what they was saying so they
8 beat him to death out of the -- pulled him out
9 the car and every time that someone had called
10 for an ambulance to come, you know, to his
11 rescue to take him to the hospital, the officer
12 would cancel the call so that they had three
13 calls put in and neither one of the calls was
14 placed. I just don't understand why is it
15 always drugs, you know, an excuse for them to do
16 what they want to people. It's sad because we
17 pay them to uphold the law and yet -- and still
18 they are taking people's lives for no reason.
19 This was no reason for them to do what they did
20 to him, you know, he didn't have any weapons,
21 they had plenty time to handcuff him. Why would
22 you continue to beat a person for no reason?
23 It's sad when you don't respect people. If you
24 don't have any respect for yourself, I know you
25 don't got none for nobody else but you should

1 respect people. I don't care who you are, don't
2 use your badge and guns to hurt people because
3 you feel you got power. It's not right, and I
4 think, you know, that it's sad. They are still
5 on the force, they shouldn't be on there. You
6 need to take them off. If you did it one time,
7 you going to do it again. If you don't get any
8 help, you need therapy or something, you need
9 some kind of help. You just don't continue to
10 abuse people for no reason and I say, you know,
11 what goes around come around.

12 I'm not prejudiced because I know
13 there is black cops that is prejudiced against
14 their own color but I don't care what color you
15 are because God don't see no color. We need to
16 learn to care for each other and not disrespect
17 each other because what kind of job you got.
18 Even if I got a low paying job and you got a
19 high paying job, that's all good and well but we
20 are still human beings and we need to be treated
21 like one and, you know, I want someone to
22 investigate it. We wrote the Attorney General
23 and they said they was investigating the
24 situation, you know. I preferred my nephew to
25 be here in jail then at least we could go see

1 him but it was so wrong the way they did this
2 because for days my brother couldn't even go see
3 his kid in the hospital, identify him. For days
4 they wouldn't even let him in the hospital to
5 identify him, this young man, my brother child
6 and that's terrible. How could you keep a
7 parent away from their kid. If their kid is in
8 the hospital and lying on their death bed. He
9 was dead before they even got to the hospital
10 with him, you know, that's such a shame the way
11 they abused people. You don't abuse people
12 because you can. Thank you.

13 MR. JOHNSON: Thank you. Ms.
14 Weaver.

15 MS. WEAVER: Good afternoon. My
16 son was killed in a high speed chase, and I have
17 no problem with law enforcement doing their job
18 but it is the guidelines that the Attorney
19 General doesn't have in place that after you do
20 your job, my son should receive medical help.
21 He was allowed to bleed to death for over
22 45 minutes, that's how he died not because you
23 did your job, it's because your job wasn't
24 finished. I recommend that in all your
25 shootings, once you complete your job, if you

1 feel that you have to pull your weapon on a
2 civilian because he's innocent, he was a
3 passenger in an alleged stolen car, that he was
4 innocent until he went to a court of law out
5 there on those streets but they were his judge
6 and jury out there on the street, which I don't
7 approve of but something should be put in the
8 guidelines for once the victim is fired upon and
9 you see he's in distress just like your law
10 enforcement, you get some medical aid to that
11 individual immediately no matter how you feel
12 about your job or how you feel about that
13 community or how you feel about those people in
14 that community.

15 Other than that, I have no problem
16 with law enforcement. I'm for a Civilian Police
17 Review Board, and I thank the panel for
18 convening and I think you should have a panel to
19 also convene on police brutality so some of
20 these other issues can get out. I sat here all
21 this morning and I listened to all the
22 technology that's in place but there is no
23 technology for that and that has to be dealt
24 with. The technology should go to your medical
25 team like Ms. Flowers just mentioned.

1 They sent the people to extract him
2 from the car. He was asking law enforcement to
3 help him because that's how he was raised. They
4 cursed him back into the car and sent the
5 emergency squad away three to four times that
6 were sent there to extract him. That's their
7 job to extract the victim from the car, which
8 the police hindered. In any other community
9 that child would have been allowed to come out
10 of that car and receive medical attention.
11 Thank you very much.

12 MR. JOHNSON: Thank you. Are there
13 questions from members of the panel? Is there
14 anything any of you wish to --

15 MR. JEROME HARRIS: In the
16 incidents that you reported today, were they
17 reported and investigated through any other
18 organization either local, internal affairs or
19 any other law enforcement agencies?

20 MS. WEAVER: Yes, it was finally
21 investigated when we took them to court, that's
22 the only way. No, I never received a police
23 report of that day, in fact, I was harassed,
24 called by the police at my home to find out
25 information about my son. I happened to be at

1 work that day. I have no idea what happened at
2 the crime scene.

3 MR. JAMES HARRIS: Is that true of
4 you also, Ms. Nance?

5 MS. NANCE: Will you repeat the
6 question?

7 MR. JAMES HARRIS: The question I'm
8 asking is when these incidents occurred, were
9 they reported to the internal affairs or any
10 other agency for any type of response, what was
11 that response?

12 MS. NANCE: I don't know anything.
13 Grand jury right now, I don't want to say right
14 now, grand jury is meeting now.

15 MR. JAMES HARRIS: Okay. So it's
16 going on.

17 MR. JOHNSON: Thank you.

18 MS. NANCE: Excuse me, we never
19 went to the internal affairs.

20 MR. JAMES HARRIS: Okay.

21 MS. FLOWERS: We did write to the
22 Attorney General about the situation and my
23 nephew now is coming up for trial so probably
24 within the next two months so hopefully we can
25 get some justice.

1 MR. JAMES HARRIS: One of the
2 concerns that I have is the relationship that
3 you perceive between the race and ethnicity of
4 officers and their performance in the community.
5 Do you think there is any relationship between
6 the race of police personnel and the communities
7 which they serve?

8 MS. FLOWERS: Exactly what do you
9 mean by that?

10 MR. JAMES HARRIS: Well, we're
11 dealing with racial profiling. One of the charges
12 of this commission is to look at racial
13 profiling which has now been validated research
14 and, in fact, laws have been passed. When the
15 research was done of public opinion, the white
16 community perceived the problem not to exist,
17 you had a high level but African Americans had a
18 very high over 72 percent of the people perceive
19 that racial profiling was real. So the question
20 is raised in my mind is there and the state
21 police has not been very successful in
22 increasing this diversion so I'm just wondering
23 do you think that if the racial composition of
24 the police force was different whether the
25 relationship and performance in treatment would

1 be similar or different?

2 MS. WEAVER: I think it would be
3 different because when I grew up, the police
4 officer of my same race they lived in my
5 community and they took us home or they made a
6 phone call. In my son's particular case the
7 driver was a light Hispanic, my son was dark
8 like me, they was trying to stop a stolen car,
9 to stop the driver, they shot the passenger.

10 MR. JAMES HARRIS: Thank you.

11 MR. JOHNSON: Thank you. Let's
12 see, was it Mr. Yancey?

13 MR. YANCEY: Yes.

14 MR. JOHNSON: We will give you five
15 minutes and then move on to the next panel. If
16 you are still prepared to testify. Would you
17 like to?

18 MR. YANCEY: Yes, I think I would.

19 MR. JOHNSON: Step forward please.

20 Thank you very much for sharing with us.

21 MR. YANCEY: My name is --

22 MR. JOHNSON: They are all alive
23 and you were out while I mentioned this but five
24 minutes now is the real five minutes.

25 MR. YANCEY: Okay, that's fine. My

1 name is Russell Yancey, and I'm a member of the
2 People's Organization For Progress, and I'd like
3 to say thank God for POP because if POP wasn't
4 in existence, the people that were just here
5 that lost loved ones would have nowhere to turn
6 to or anyone that an injustice was done to and
7 needed a voice or needed some help and was
8 against the powers that be, wouldn't have
9 anywhere to go, you know. They would be by
10 themselves like I was because my thing was
11 basically helping the poor because I ended up
12 being poor from drug usage and I guess I was
13 doing the wrong things, you know, where to a
14 point I hated police, you know, because I was
15 doing wrong, breaking the laws but even with
16 breaking the laws there is a thing that's called
17 probable cause, you know, you have to have a
18 reason. There is a thing called amendments, you
19 know, the Fourth Amendment to the constitution
20 against illegal search and seizure, you know,
21 and basically I thought this committee was going
22 to help us fight the cause for justice here in
23 New Jersey.

24 I went on line today and I noticed
25 that supposedly it's for pertaining to state

1 complaints against state troopers they say is
2 down. Okay, I listened to you ask for
3 statistics here with them municipalities, how
4 many complaints have been issued and so on and
5 so forth and to me I think there is a mistrust
6 between the average citizen and police period.
7 You know, there is retaliation and intimidation
8 so on and so forth so that's why organizations
9 like POP need to be in existence, actually need
10 to be more organizations like POP and as far as,
11 you know, going back to the Governor because
12 this is going back to the Governor and there is
13 a certain liability between municipalities and
14 states and their sovereign immunity and so on
15 and so forth, right.

16 You know, the Consent Decree should
17 still be in existence. If nothing else, it's
18 like reconstruction when the 13th, 14th
19 amendment was passed, okay, blacks started to
20 become governors and have a certain amount of
21 power and then I think it was a compromise if
22 I'm not mistaken, okay, because of the
23 presidency, and I can't really think of the
24 compromise offhand. Anyway the compromise was
25 such that we're going to pull the troops out of

1 the south, okay, and this is sort of like that
2 compromise.

3 If you don't adhere to this decree,
4 you're giving a green light, which the police
5 already have because they do any and everything
6 to individuals already. So if you all pull it
7 back, man, you're saying really go and do
8 anything, basically violate the Constitution of
9 the United States of America, which has always
10 been racially always. Look at the history of
11 America, man, nothing has really changed, you
12 know, we just had to okay the right to vote
13 again 2007, you know.

14 Racism is alive and well in
15 America, man, I mean, let's face it, that's what
16 I'm looking at, I'm black. I wish I could live
17 a dream of Martin Luther King where one day I
18 could just wake up -- since I'm a student at
19 Rutgers also, I ran the class since I've been
20 here. I left Essex, transferred here but since
21 I've been here, we talked about -- my major is
22 political science. We talked about cases, Dred
23 Scott, Plessy versus Ferguson, Brown versus
24 the Board of Education, so on and so forth.

25 It's always been a struggle with

1 blacks since being here in America. That
2 struggle continues today, you know, the powers
3 that be are the powers that be, you know, so on
4 and so forth. Man, like I said, I'm getting
5 ready to close because a lot has been said.
6 This needs to continue, you know, the decree
7 needs to continue and the civilian review boards
8 need to be implemented in cities.

9 There is a thing of funds because,
10 okay, we at POP are working with Ronald Rice Jr.
11 We are trying to implement a Civilian Review
12 Board here in Newark but as Brother Hamm said
13 earlier, before the rise here in Newark trying
14 to get a Civilian Review Board always and that
15 was 40-years ago, you know. So the problems
16 that existed in 1967 and before still exist
17 today, nothing has changed, you know, and we
18 need some help to continue on the Consent
19 Decree. We need funding for a Civilian Review
20 Board and like I said the powers --

21 MR. JOHNSON: Mr. Yancey.

22 MR. YANCEY: Yes, I'd like to say
23 this also.

24 MR. JOHNSON: If you can say it in
25 three seconds.

1 MR. YANCEY: The abuse of police
2 power. I talked to what's his name, Gary
3 McCarthy personally, right, and he thought I was
4 a fan of his but I'm really not but anyway I
5 told him that we want a Civilian Review Board.
6 He told me, no, that's not what you want, you
7 understand so he's actually -- his thing he can
8 think for me, he can think for POP, he can think
9 for other citizens. That isn't the case.
10 That's what we want, Civilian Review Board.

11 MR. JOHNSON: Mr. Yancey, thank
12 you. Let's see. We're going to move right into
13 Randall Yorker versus -- Sean Anderson Yorker
14 versus Manalapan. Please step right forward and
15 you want to sit behind him, that's fine. Please
16 have a seat. Do you want to pull another chair
17 up? Because of time we're going to try to do
18 this in 20 minutes. We have one more panel.
19 We'll try to be flexible and we appreciate your
20 coming down. Whoever wants to start, please
21 start.

22 MR. YORKER: I guess I'll lay a
23 foundation. I reside in Manalapan and on about
24 two-years ago the children were at a local --
25 was at a -- on a public street, which is located

1 near a park and as a result, I think there was
2 some calls about noise or something and in
3 another area of the development but not where my
4 child, his cousin and friend were and they were
5 with three friends who were white, actually one
6 was Hispanic but based on his appearance one
7 would think that he was also white. The
8 officers approached the six individuals who were
9 on the sidewalk and at that time said to my son,
10 Diamond, why do you have your hands in your
11 pocket and my son told him that, you know,
12 basically I keep my hands in my pocket. So the
13 officer asked him to remove his hands and my son
14 said why do I have to remove my hands, I didn't
15 do anything wrong. At that time the officer
16 proceeded to make contact with my son, forced
17 him to the car and proceeded to search him, that
18 included a search of the inner rim of his
19 underwear. The other children, Sean who is
20 here, was present, much younger than he is now,
21 much shorter and Randy.

22 MR. JOHNSON: He's still pretty
23 young.

24 MR. YORKER: And Randy was also
25 present and so -- and the three white

1 individuals, Hispanic, one white was present and
2 so they began to ask the police like why are you
3 doing this, what's the purpose of this, why are
4 you doing this to my friend, my relative and the
5 officer -- one of the two told the white kids
6 that they instructed them to leave, that they
7 should go home, that they didn't need to see
8 this and that these guys were bad. The white
9 individuals did not leave, stayed for the event
10 and other people watched the event and when the
11 officers continued to search Diamond, I think
12 one of the other white kids said, hey, that's
13 not right, you know, that's racist, what are you
14 doing and one of the officers responded to the
15 effect that, yes, that's exactly what we're
16 doing, we are racist. So Randy Reiner, one of
17 the other victims, had began to ask them, hey,
18 listen, why you doing that and what they said to
19 Randy was you get over here and they snatched
20 him, proceeded to search him.

21 So they searched him as well and
22 they asked Randy where he was from. Randy
23 responded that he was from Edison and they
24 advised Randy that they better not see them in
25 Edison again. Diamond told him, hey, listen,

1 you know, my father is not going to like this,
2 you know, my father works for the court. I'm
3 currently a supervisor of probation and they
4 said, well, who's your father and he said my
5 father is a probation officer and they said,
6 well, he can't do anything. So that was really
7 the event that happened.

8 Diamond did call me on the cell
9 phone and like all mothers, when she asked me
10 who was on the phone and I told her it was
11 Diamond, he was at the park, he said something
12 about the police searching him and that was it.
13 She was out the door. So my hats off to her
14 because she really went to aid of the
15 individuals. I went behind her and when I
16 really got the gist of what was happening, I
17 went to the police department and I told them
18 that I wanted to file a complaint against the
19 officers and I was met with encouragement not to
20 do so, that they would handle it in house and I
21 was like, well, you know, these individuals
22 could be out there committing similar crimes,
23 other individuals as we speak. You're not going
24 to call them in and ask them about it, see
25 what's going on? Don't worry about it. So I

1 continued to stress that I wanted to file an
2 internal affairs complaint, and I asked them
3 whether or not they would deny me that right and
4 they said, no, give us a minute. He went back
5 in, came back out, seemed to be disgruntled
6 about the fact that I was persistent and knew
7 what I wanted to do and, you know, it was not
8 very cordial, just walked by me and was sitting
9 there looking and trying to determine and he
10 says come in here. He brings us in the room.

11 I know I have a -- don't have a lot
12 of time so I'll try to speed up a little bit but
13 during the course of them taking our statement,
14 we were insulted. They asked Randy Reiner what
15 was his name, he said Randy Reiner and then when
16 they said to him what does that mean, he said,
17 oh, it means queen and the officer said, not to
18 me, and he said, well, to me it does. When we
19 actually filled out the complaint, we were --
20 Ms. Reiner asked for a copy of the complaint.
21 The complaint was rolled up in a funnel as such
22 and the officer proceeded to place it in his
23 back pocket as such, which was an indication to
24 me that, you know, he was really disinterested
25 and really didn't care about that he would fold

1 up a legal document, something that could
2 potentially become a legal document, that was my
3 point. I asked him for a copy, initially he
4 said he couldn't give me a copy. I asked him
5 why not. He went back, he came back and told me
6 that has become part of the investigation, I
7 wasn't entitled to a copy. So, you know, that
8 was my experience that particular evening.

9 One thing I want to say with all
10 due respect for all the other individuals who
11 spoke here today for the short period I was here
12 is that the beauty in this particular case is
13 the fact that we have three white witnesses who
14 were willing to continue their friendship and
15 give statements as to what they witnessed. I
16 think that was very pivotal. In a lot of
17 instances as you heard today, there are no
18 witnesses, all you have is unfortunately a body
19 and my particular -- in this particular
20 situation I'm fortunate to have my nephew
21 sitting next to me learning what it is to be a
22 victim of stereotyping is what we used to call
23 it, now we refer to it as racial profiling.

24 I think it's unfortunate that
25 African Americans today are not treated with

1 fairness and respect. I think it's a shame that
2 African American kids cannot conjugate in areas
3 that white kids can conjugate without being
4 advised to leave and if they don't leave
5 immediately, that they are assaulted, harassed,
6 deemed to be trespassing and assaulted and have
7 charges filed against them.

8 At the conclusion of the incident I
9 learned very quickly that I needed to do more
10 than just file a complaint and so I attempted to
11 get, you know, some investigation and stuff
12 done. I wasn't successful in getting
13 assistance, it was very costly. The cost
14 associated with filing a legal complaint, a
15 lawsuit, firms wanted legal fees up front for
16 investigation and things of that sort and there
17 is a lot of individuals who can't afford that in
18 the system and it's unfortunate that we're in
19 that situation but it's even more unfortunate
20 that we pay taxes and we can't get the
21 assistance to help us bring about legitimate
22 complaints.

23 I also think that is a disservice
24 that we have to file complaints against the very
25 same people who are supposed to protect and

1 serve us. We are being required to go back to
2 them and complain about their employees or their
3 fellow officers, how real is that. What can we
4 expect. Oh, I can tell you we can expect that
5 they will find that there is, quote, unquote, no
6 wrongdoing, all right.

7 I think that we need to have an
8 internal affairs investigation or committee that
9 is separate and apart from the police department
10 as well as the prosecutor's office, including
11 the Attorney General's office because I, too,
12 did send a letter to the Attorney General's
13 office and across the board no wrongdoing.
14 However, I was fortunate enough to send out a
15 letter campaign. I sent to several small firms,
16 large firms, including the firm of Johnny
17 Cochran and several others.

18 I was blessed and I say blessed to
19 get the assistance of the ACLU in conjunction
20 with the law firm that John O'Connor is
21 associated with. Just let me mention that firm,
22 Anderson, Kill and Olick (sic) of New York
23 representing pro bono by John O'Connor, who did
24 a very good job.

25 MR. JOHNSON: Mr. Yorker, are there

1 other witnesses with you that are going to have
2 a chance to testify? So if they will, then you
3 have to pull back a little bit.

4 MR. YORKER: You know, I'm not
5 confident that, you know, half the case is
6 resolved. I'm not confident that it's going to
7 stop, you know, it's going to continue. I think
8 that the town, the local town will probably be
9 more careful about how it does its business to
10 avoid lawsuits. And at this time I'll just
11 defer to the other witnesses.

12 MR. JOHNSON: Okay. Ms. Anderson,
13 Mr. Anderson.

14 SEAN ANDERSON: At the time of the
15 incident that happened in Manalapan I was
16 11-years old. I didn't know what was going on
17 when the cops came to us for no apparent reason.
18 We were just having a good time at the park,
19 which was around the corner from my cousin.
20 There was six of us, three of us were black,
21 three of us were white. I was scared when I saw
22 the cops search my cousin, especially after they
23 told the white boys to go home. I didn't know
24 what they were going to do to us. I was upset
25 and scared.

1 The cops made it worse, like,
2 little punk. I thought the cops were there to
3 protect us, not intimidate us and make us feel
4 scared. I didn't like the fact that when my
5 father went to the police to file a complaint
6 about what happened, a police officer put down
7 on the forms racist negro and at that time I was
8 offended by the use of that word and couldn't
9 believe that someone would talk about people
10 that way. I hope you can do something to make
11 sure that what happened to me and my cousins
12 doesn't happen to other kids in the future.
13 Thank you for giving me a chance to talk to you
14 today.

15 MR. JOHNSON: Thank you.
16 Mrs. Anderson.

17 MS. ANDERSON: I would just like to
18 say that at the time my son was 11-years old and
19 I live in Jersey City and I thought that my
20 sending him down to visit my sister and her
21 husband in Manalapan, New Jersey that's a much
22 safer place than Jersey City. At the time, you
23 know, they were out of school for the summer and
24 they were just going out to spend a couple weeks
25 or so but for something like this to happen to

1 my son as well as my nephew and their friends,
2 it's really unbelievable. And when my husband
3 did go down to file a complaint, which was the
4 next day, because we found out that night but in
5 order to get down to Manalapan, we would have to
6 wait until the next day that the complaint was
7 filled out as racist negro and like my son said,
8 I still don't believe those type of things exist
9 today and I just hope that something is done,
10 you know, to stop this type of treatment against
11 us.

12 MR. JOHNSON: Thank you. Members
13 of the Committee, do you have questions?

14 MR. KHALAF: I was curious to know
15 what happened with the complaint that you filed
16 with the police? Did they investigate, did they
17 come out with a decision, what happened?

18 MR. YORKER: The complaint, like I
19 said, they indicated that they found there to be
20 no wrongdoing. As a result, I had to file a
21 lawsuit. The lawsuit would require that I file
22 a Title 39 I think it was, which is very
23 voluminous and, you know, I think that in itself
24 is trouble for a lot of individuals and that's
25 probably why you don't have a lot of complaints

1 filed. It's like over 67 questions that you
2 have to answer, a lot of them are legal related
3 that ask for specific documents and, you know,
4 it's a very trying system for a victim and their
5 families.

6 MR. KHALAF: During this
7 investigation period, did they contact you, did
8 they seek any information from you?

9 MR. YORKER: No, not until the
10 lawsuit was filed is when I actually spoke to
11 someone but, no, I don't recall ever being
12 contacted by the police. I did make a call to
13 the mayor and the mayor even indicated he was
14 going on vacation, would contact me when he got
15 back and never did.

16 MR. KHALAF: Thank you.

17 MR. JOHNSON: Ms. Yang.

18 MS. YANG: Thank you. Mr. Yorker
19 and Ms. Anderson, perhaps you can answer this
20 for me. Have you ever made sure there was an
21 actual internal investigation done? I mean,
22 they just told you that was done, right? Were
23 you ever -- was there any evidence that was
24 actually completed or do you think they just
25 swept it under the rug?

1 MR. YORKER: In terms of timing, I
2 do recall meeting with an internal affairs but
3 at that time I was represented by counsel. I
4 didn't get anything initially, it wasn't until I
5 actually filed a Notice of Intent to Sue and
6 named parties is when things started to happen,
7 and I think that was even -- there was
8 depositions but I do remember an officer
9 asking -- calling us down. We had to go down
10 to, I guess, some police barrack or something
11 and we had to answer questions and that
12 experience in itself I think was the questions
13 were leading, our responses had been rephrased,
14 we had to, you know, remind him that's not what
15 we said, this is what we said, there was some
16 objections. So the process I don't think you
17 know has a chilling effect on your right to
18 pursue a claim.

19 MS. YANG: One more question. Were
20 you harassed during this time? Did you -- do
21 you feel that you were being followed or did you
22 get phone calls like some of the other people
23 testified they had problems filing complaints.

24 MR. YORKER: I did not personally
25 because I think they realized that I'm going to

1 stand up for what's right regardless of what
2 happens to me but as for my children and the
3 witnesses, yes, they were harassed. My son was
4 pulled over, he was approached, I mean, what
5 they did -- one interesting thing they did was
6 they began to police my particular block that I
7 lived in was like a horse shoe in a development
8 and all the sudden we began to see more police
9 they were even walking the beat in Manalapan,
10 which has never ever happened and this was
11 summertime. They were walking around during the
12 day so if they want to say, I mean, we won't get
13 into that but that's the kind of retaliation
14 that occurred but I don't think they were that
15 -- they would make themselves that obvious and
16 harass me directly.

17 MS. YANG: Thank you.

18 MR. JOHNSON: Any other questions?

19 REV. JUSTICE: So what did they
20 charge that night, were they charged with --

21 MR. YORKER: There were no charges
22 filed against my son that evening. I filed the
23 charges.

24 REV. JUSTICE: So they don't have a
25 record from this?

1 MR. YORKER: No, sir.

2 MR. JAMES HARRIS: Mr. Randall
3 Yorker.

4 MR. YORKER: I must say this is my
5 former dean of students. It's a pleasure. It's
6 funny how it all comes full circle.

7 MR. JAMES HARRIS: I'm glad you're
8 here and the question I'm going to ask you may
9 seem kind of strange given the testimony but
10 we've -- the Consent Decree is over six-years
11 old and there is an impression at least by the
12 State Police that racial profiling had
13 diminished further. Some of the testimony that
14 we've received suggested that there is a
15 perception in the African American community
16 that the relationship between police and the
17 African American community has improved. What's
18 your view?

19 MR. YORKER: Don't be misguided.
20 Clearly racial profiling still exists beyond the
21 Turnpike. It was the Turnpike case and
22 situation that brought it really to light but
23 it's been occurring for some time and it happens
24 in the communities as well and it happens daily
25 and there are victims and a lot of victims feel

1 victimized not only by the police but by the
2 system. They seem that they don't have an
3 avenue of address. Unfortunately because I went
4 to law school so I know a little something, I'm
5 not proclaiming to know it all but I knew enough
6 to file and to be persistent and seek help and
7 as I said earlier, I was blessed because I
8 didn't have the money to give someone a retainer
9 to sue a township, you know, most attorneys look
10 at you like you want to sue the town. You want
11 to sue the police but I was fortunate in having
12 that available to me but, no, Dean Harris, let's
13 not fool ourselves, let's keep it real, it
14 occurs every day and it occurs often and it
15 occurs in the town and we need to look beyond
16 the Turnpike and begin to address these issues
17 that affect residents when police are not doing
18 their job of serving and protecting and I hate
19 to make a blanket statement and imply that I'm
20 talking about all police, I'm not talking about
21 all police but it's happening all too often and
22 we are suffering as a result thereof.

23 MR. JAMES HARRIS: And, Sean, Miss
24 Anderson, you made a statement that you live in
25 Jersey City and you were surprised at the

1 behavior of the police in Manalapan. What was
2 it that surprised you.

3 MS. ANDERSON: Because I know
4 Jersey City, you hear gunshots, cop cars all the
5 time, day, night and when I go down to visit,
6 Manalapan is very nice, peaceful, calm. I never
7 heard a police siren. As many times I've been
8 down there to visit, I've never seen a police
9 officer. So it was just a difference of where
10 we live.

11 MR. JAMES HARRIS: And, Sean, my
12 question to you is prior to this situation, what
13 was your view of the police and what is it now?

14 SEAN ANDERSON: Before it happened
15 I thought the police were there to help us and
16 protect us and then after that happened, I never
17 trust police, I still don't.

18 MR. JAMES HARRIS: Thank you.

19 MR. JOHNSON: Any other members of
20 the panel? Thank you all for coming and
21 particularly for you, young Mr. Anderson. Many
22 of us on this panel long time ago were 14-years
23 old. I know that I would not have come into
24 this forum so it's a shame that you were put
25 into this circumstance but I commend you. I

1 think all of us do and if I actually permitted
2 clapping in here, I think we would all because
3 you give us a lot of hope. So thank you.

4 The next panel will be Martin Perez
5 and Caroline Rivera -- Carline Rivera, Cuqui
6 Rivera. I'll let the panelists introduce
7 themselves since I can't seem to get it right.

8 MR. MARTINEZ: I am Jose Martinez.
9 I'm from the State Latino Police Officers
10 Association.

11 MR. PEREZ: Martin Perez, president
12 of the -- president of the Latino Leadership
13 Alliance.

14 MS. RIVERA: Ana Cuqui Rivera. I
15 am secretary of the National Latino Peace
16 Officers Association of New Jersey.

17 MR. JOHNSON: If you could proceed,
18 I believe, and that the two of you are going to
19 testify.

20 MR. MARTINEZ: I'd like to make a
21 very brief statement before we read our
22 statement, official statement into the record.
23 I'd like to state that in my 24 years of law
24 enforcement experience it has been the privilege
25 and honor to work with troopers from New Jersey

1 State Police and conducting investigations to
2 rid crime and to serve the citizens of the State
3 of New Jersey and all organizations. We
4 acknowledge that the work that the troopers are
5 doing in the roads and investigations they are
6 conducting throughout the State of New Jersey.
7 They work with pride, they work with honesty and
8 they do it with respect. And with that said
9 we're going to leave it for the record.

10 MR. PEREZ: Distinguished members
11 of the panel, as I said before, my name is
12 Martin Perez and I am the president of the
13 Latino Leadership Alliance of New Jersey. I
14 would like to thank the Advisory Committee on
15 Police Standards for the opportunity to testify
16 here today about the potential termination of
17 the 1999 Consent Decree concerning the practice
18 of racial profiling by New Jersey State Police.

19 The Latino Leadership Alliance was
20 founded in 1999 and is the major Latino advocacy
21 organization in New Jersey representing most of
22 the Latino organizations across the state.

23 I am here to advise, the panel and
24 the Committee, that the Latino Leadership
25 Alliance of New Jersey urges you to continue the

1 terms of the Consent Decree. Our position is
2 driven firstly by the historical context which
3 led to the establishment of the Consent Decree,
4 and secondly, by the testimony provided by the
5 New Jersey State Police Detective Sergeant Scott
6 Turner to this advisory committee. Sergeant
7 Turner maintains that he was instructed to
8 deceive the federal monitors responsible for the
9 oversight of the New Jersey State Police
10 pursuant to the Consent Decree. The Latino
11 Leadership Alliance of New Jersey urges the
12 appointment of an independent body to
13 comprehensively and thoroughly investigate
14 Detective Sergeant Turner's allegations. Until
15 these allegations are properly investigated by
16 an independent entity and the public trust in
17 the New Jersey State Police is rebuilt, our
18 organization will oppose the lifting of the
19 Consent Decree.

20 We believe that a cultural change
21 is necessary within the New Jersey State Police
22 for the public trust to be re-established and
23 true reform to be realized. Our organization
24 has met with the current State Police
25 administration in order to begin a dialogue to

1 help create a diverse and culturally responsive
2 environment not only for the Latino men and
3 women serving within the New Jersey State Police
4 but most importantly for the civilian Latino
5 community. Regretfully these attempts at
6 dialogue with the current New Jersey State
7 Police administration to address the concerns of
8 the Latino community have not been productive.
9 For example, on November 20, 2006 we had a
10 meeting with top State Police brass. We
11 requested information listing the names and the
12 total number of all Latinos in the New Jersey
13 state troopers. We were promised that the
14 information we requested would be provided in a
15 timely manner, and to date we still are waiting
16 for a response to our request.

17 Excluding Latinos from
18 participating in the development, administration
19 and implementation of law enforcement policy is
20 part of what got us into this predicament in the
21 first place. To continue to ignore our concerns
22 is a terrible mistake. Any attempt at serious
23 reform within the Division of State Police must
24 be accompanied by real transparency,
25 accountability and inclusion. Therefore, our

1 organization supports the creation of an
2 independent community police commission. We
3 agree that the community police commission
4 should be under the jurisdiction of the public
5 advocate and include the proper community
6 representation.

7 Additionally, our organization has
8 great concerns regarding the poor recruitment,
9 retention and promotions of Latinos in the State
10 Police. The promotional system is totally
11 subjective and has a discriminatory effect on
12 Latino officers. We have brought this issue to
13 the attention of a superintendent and the
14 Attorney General but so far we have not seen any
15 progress. This Committee must request from the
16 Attorney General an investigation into the
17 ongoing recruitment, retention and promotion
18 practices of the New Jersey State Police.

19 Lastly, comprehensive immigration
20 reform has become a national issue that will
21 hopefully be resolved by our federal congress.
22 In the meantime New Jersey must have safeguards
23 in place to protect the immigrant population.
24 The extreme case of Morristown applying to the
25 Department of Homeland Security in an effort to

1 deputize local police to enforce immigration
2 laws is an example of the misuse of Homeland
3 Security initiative for racial profiling
4 purposes. Local police should not venture into
5 this realm and the State of New Jersey should
6 provide the safeguards needed so that under no
7 circumstance will local police departments
8 profile citizens because of the color of their
9 skin, their ethnicity or immigration status.

10 For the foregoing reasons our
11 organization strongly recommends the State of
12 New Jersey shall oppose any -- the filing of any
13 motion to terminate with a Consent Decree
14 concerning the practice of racial profiling by
15 the New Jersey State Police.

16 I would like now to pass the
17 microphone to Cuqui Rivera that she will act on
18 behalf of the Latino Peace Officer Association
19 and Hispanic Director Association.

20 MR. JOHNSON: Ms. Rivera, please
21 proceed.

22 MR. RIVERA: He stole one of my
23 sentences of my testimony but I will continue.

24 MR. JOHNSON: Just take it back.

25 MR. RIVERA: My name is Ana Cuqui

1 Rivera. I am the secretary of the National
2 Latino Peace Officers Association New Jersey
3 Chapter and the outreach manager of the Hispanic
4 Directors Association of New Jersey. Both of
5 our organizations are on Board of Delegates of
6 the Latino Leadership Alliance of New Jersey.
7 On behalf of the Peace Officers Association New
8 Jersey Chapter and the Hispanic Directors
9 Association we would like to thank Governor
10 Corzine as we wish him a speedy and complete
11 recovery and the Advisory Committee on Police
12 Standards for the opportunity to provide this
13 testimony on behalf of filing a motion to
14 terminate the Consent Decree concerning the
15 practice of racial profiling by the New Jersey
16 State Police.

17 First, let me please provide you
18 with a brief history of our organizations.

19 The National Latino Peace Officers
20 Association is comprised of over 42,000 members
21 nationwide and was founded in 1974. Our mission
22 is of advocacy and empowerment of the Latino law
23 enforcement community and the community at
24 large.

25 The mission of the Hispanic

1 Directors Association of New Jersey is to
2 further the progress of New Jersey Hispanic
3 community through cooperation among its members
4 and collaboration with other organizations.
5 This mission of HDANJ is to study, research,
6 analyze and advocate for the welfare of the
7 Hispanic community and to foster the
8 professional development of the staff and
9 volunteers of its member agencies.

10 On November 21st, 2006 the
11 testimony presented by the National Latino Peace
12 Officers Association to this Committee was of
13 the opinion that the State of New Jersey should
14 join the United States Department of Justice in
15 a motion to the U.S. District Court seeking the
16 termination of the Consent Decree entered in
17 1999 to eliminate the practice of racial
18 profiling by the New Jersey State Police.

19 Subsequent to our November testimony we learned
20 in testimony provided by New Jersey State Police
21 Detective Sergeant Scott Turner that alleges
22 that "high ranking State Police commanders
23 manipulated and misrepresented internal affairs
24 data in an effort to attain Consent Decree
25 compliance from the federal monitors."

1 The National Latino Peace Officers
2 Association has voted to withdraw its support of
3 the lifting of the Federal Consent Decree
4 imposed on New Jersey State Police. Today we
5 join in Latino Leadership Alliance of New Jersey
6 and the Hispanic Directors Association in
7 strongly opposing the termination of the Consent
8 Decree. The National Latino Peace Officers
9 decision was in part based upon the previous
10 testimony provided by the New Jersey State
11 Police Detective Scott Turner to this Committee.
12 At the time that we provided testimony on
13 November 21st, 2006, we did so with the
14 understanding that the data brought forth was,
15 in fact, accurate and legitimate.

16 During Sergeant Turner's testimony,
17 he asserted he was instructed on how to deceive
18 the federal monitors conducting the oversight of
19 the New Jersey State Police. Additionally, we
20 are equally as concerned regarding published
21 accounts that racial profiling is still taking
22 place in the southern portion of the New Jersey
23 Turnpike. The National Latino Peace Officers,
24 the Latino Leadership Alliance of New Jersey and
25 the Hispanic Directors Association of New Jersey

1 stand before you today collectively of the
2 strong belief that an independent body must
3 comprehensively and thoroughly investigate these
4 allegations.

5 Until such time these allegations
6 are vetted the National Latino Peace Officers
7 Association will steadfastly oppose the lifting
8 of the Consent Decree.

9 During the testimony of November
10 21st, 2006, the National Latino Peace Officers
11 Association underscored the following
12 precautionary measures to be undertaken in order
13 to prevent backsliding on the gains achieved
14 thus far. We've collectively continue to
15 support these measures and believe they are
16 worthy of reiteration today.

17 A. Monitoring. Monitoring must
18 continue to ensure compliance. Standards of
19 compliance should be codified and consistent
20 with the standards previously set forth by the
21 federal monitors.

22 B. Monitoring oversight. A body
23 independent of the New Jersey State Police
24 should conduct monitoring oversight. The scope
25 of the oversight should include the Office of

1 the Attorney General. The group charged with
2 oversight responsibility should be diverse in
3 nature and it must include members of a Latino
4 community.

5 C. Sustainability. The office
6 charged with oversight responsibility should be
7 fully staffed and fully funded. Failure to do
8 so, staffing or revenue shortfalls will send the
9 wrong message and compromise the mission
10 regarding the commitment of the Executive and
11 Legislative branches regarding the thwarting of
12 racial profiling.

13 D. Empowerment. The monitoring
14 body should be created by statute and with the
15 authority to issue penalties and fines when it
16 learns of clear and convincing evidence of the
17 use of racial profiling by an agency or
18 individuals.

19 E. Review. The final
20 recommendation should be accompanied with
21 biannual reviews. The goals established in this
22 initial legislation should be measurable and
23 quantifiable. These reviews should make
24 allowances for community input and should
25 provide a vehicle to adjust, eliminate or

1 augment the initial set forth policies.

2 Furthermore, the treatment,
3 promotions and work environment for the Latino
4 men and women of the New Jersey State Police are
5 deplorable and not reflective of the ethnic and
6 racial diversity of New Jersey. Latino troopers
7 are the victims of a personnel promotion system
8 that is based on cronyism and favoritism and is
9 not based on objective qualifications and
10 criteria for effective law enforcement. The
11 National Latino Peace Officers Association and
12 the Latino Leadership Alliance of New Jersey
13 asked the leadership of the New Jersey State
14 Police in November 2006, as Monty mentioned, for
15 information concerning State Police promotions
16 policy and criteria and the number, name and
17 rank of Latino troopers and as of today, none of
18 us have received a response yet.

19 In conclusion, we find it
20 irresponsible to support the lifting of the
21 Consent Decree. The National Latino Peace
22 Officers Association also supports the
23 establishment of an Independent Community Police
24 Commission under the auspices of the Office of
25 the Public Advocate. Together with the Latino

1 Leadership Alliance of New Jersey we, meaning
2 the Hispanic Directors Association of New
3 Jersey, will release a report on Roundtable of
4 Latino Leaders on immigration issues that will
5 have specific recommendations on how to protect
6 the rights of immigrants. For the purposes of
7 this Committee, we particularly support Martin
8 Perez's comments regarding local policing, which
9 is included in this report.

10 Thank you very much for this
11 opportunity to address this Committee on this
12 very important matter.

13 MR. JOHNSON: Thank you. Let's
14 see. Let me start with Mr. Bembry. Why don't
15 we get closer together. We have so little of us
16 and so much table so why don't we get closer and
17 also so few microphones.

18 MR. BEMBRY: You mentioned that
19 subsequent to the testimony of Detective
20 Sergeant Scott Turner basically you are
21 rescinding your support, if you will, of
22 eliminating the decree and you indicated it's
23 based on his testimony. Has your organization
24 actually had any contact with police sergeant or
25 Detective Sergeant Scott Turner?

1 MR. MARTINEZ: No, we have not.

2 MR. BEMBRY: So based on that
3 particular testimony.

4 MR. MARTINEZ: No, sir.

5 MR. PEREZ: I have a copy, and I
6 have read his testimony and really there is no
7 way we can support this motion to eliminate the
8 Consent Decree because we haven't heard any
9 answer to the allegations made by the officer.
10 I don't know, does this Committee have
11 information? If you do, I would like to know
12 it.

13 MR. BEMBRY: If for any reason that
14 accusation by Scott Turner is proven to be
15 unfounded or untrue, what would your opinion be
16 as to the decree at that point? Would you
17 change again?

18 MR. PEREZ: The situation and the
19 time and then we will make decision.

20 MR. BEMBRY: In terms of the
21 information that you noted with regard to the
22 racial profiling continuing on the southern
23 position of New Jersey Turnpike, what's your
24 basis for that determination?

25 MR. RIVERA: There have over time

1 been numerous articles in the southern region of
2 New Jersey and I would like to mention in
3 addition to Sergeant Scott Turner's testimony,
4 we very seriously believe in the caveats that
5 need to be in place for something like this to
6 be considered as eliminated.

7 MR. PEREZ: I would like to add to
8 that. We have made substantial efforts to work
9 with the office of the police, New Jersey State
10 Police, and we also have met with him and with
11 the Attorney General. Commitment has been made
12 to us but we haven't seen the results of those
13 commitments so that's another reason why we
14 think that we cannot rescind the Consent Decree
15 because we have to go beyond the speeches and
16 beyond the promises. We want to see results, we
17 want to see a specific plan.

18 MR. BEMBRY: Thank you. No further
19 questions.

20 MR. JOHNSON: Ms. Carroll?

21 MS. CARROLL: Good afternoon.
22 Thank you for your testimony. My question
23 really is very short and sweet. You talk about
24 in your statement -- I lost my place, pardon
25 me -- in the monitoring aspect of if, in fact,

1 you said that you don't want the Consent Decree
2 lifted but you do suggest that you want
3 monitoring in the Office of the Attorney
4 General. Your statement was just now that
5 you're not getting good responses from the
6 Attorney General's office. So I'm curious as to
7 why you might include that monitoring to be from
8 that office?

9 MR. RIVERA: This is under his
10 authority, this is his responsibility and charge
11 to ensure that things that are going on under
12 his authority occur properly and with
13 transparency and accountability.

14 MS. CARROLL: Thank you.

15 MR. RIVERA: You're welcome.

16 MR. JEROME HARRIS: Thank you for
17 your testimony. I know in your comments we were
18 focusing on local policing, that your concerns
19 about the protection of immigrant rights and
20 local policing you have some specific
21 recommendations that will be coming forth next
22 week.

23 MR. RIVERA: In fact, if I may, we
24 will be conducting a press conference statewide.
25 We are setting -- it will definitely occur on

1 May 2nd. We don't have the exact times and
2 locations. It will definitely occur once in
3 Morristown on that day and also once in
4 Heightstown and the reason for picking those two
5 locations was to also demonstrate the two
6 extremes of community that supports immigrants
7 and a community that does not, meaning
8 Morristown.

9 MR. JEROME HARRIS: If you would
10 provide us with a copy of the report and are
11 there any specific police, community relations,
12 law enforcement recommendations that you might
13 just share with us right now?

14 MR. RIVERA: I have not read the
15 report honestly but I know is that is an excellent
16 report and it was my executive director who
17 could not be present here today who made sure
18 that we mentioned that this report would be
19 released in which will flow very much with the
20 testimony of today and this report will
21 immediately be available on the Hispanic
22 Directors dot org website www.hdanj Tuesday in
23 English and Spanish.

24 MR. PEREZ: If you wish, we will --
25 we'd like to request that the report be filed on

1 the record.

2 MR. JOHNSON: What we can do when
3 we get a copy of the report, we will look at it
4 and if it's relevant, which based on what you
5 said it is, we will include it.

6 MR. RIVERA: I believe I can have
7 it e-mailed to you tomorrow, the report itself
8 but --

9 MR. JOHNSON: You're not
10 releasing --

11 MR. RIVERA: We're not releasing it
12 to the public but for the purposes of the
13 Committee we will e-mail.

14 MR. JOHNSON: We'll be fine with
15 keeping your embargo on it and we'll hold it
16 until May 2nd.

17 MR. PEREZ: We will send it to you.

18 MR. JOHNSON: That's just fine
19 because if it gets out, I don't want anybody
20 saying Johnson.

21 MR. JAMES HARRIS: Thank you very
22 much for your testimony today. In looking at
23 the name of your organization, does your
24 comments include the views of Latino Police
25 Officers in the State Police?

1 MR. RIVERA: Yes, sir.

2 MR. JAMES HARRIS: Then my
3 question --

4 MR. MARTINEZ: That is correct. As
5 a matter of fact, we have a chapter of members
6 of the New Jersey State Police that from the
7 National Latino Peace Officers so we have a
8 viable working chapter for members of the New
9 Jersey State Police.

10 MR. PEREZ: I just would like to
11 say that the president of that chapter is
12 present.

13 MR. JAMES HARRIS: Thank you. I'm
14 happy to hear that because in hearing your
15 testimony, I sense that you believe that
16 conditions for Latino police personnel in the
17 ranks of the State Police is less than ideal.

18 MR. MARTINEZ: That is correct,
19 that's a correct statement. In meeting with the
20 Latino Leadership Alliance and the National
21 Latino Peace Officers met with the
22 Administration of New Jersey State Police, I was
23 flabbergasted to learn that there is no
24 standardized promotional process within the New
25 Jersey State Police. So how can the New Jersey

1 State Police effectively measure the ability and
2 the professional standards of its officers if
3 they don't have a standardized way of testing
4 them or testing their merit so it concerns us.
5 It concerns us that state troopers can go in and
6 complain about conditions, working conditions
7 and that the State Police does not investigate
8 those allegations. So, yes, we are very
9 concerned about the working conditions of the
10 troopers within the New Jersey State Police.
11 The very concern that troopers have nowhere to
12 go or to an outside monitor or agency or
13 committee to be able to vent and to complain so
14 that their complaints can be effectively
15 investigated and without retaliation of course.

16 MR. JAMES HARRIS: Do you believe,
17 as I indicated before, that we received
18 testimony from the State Police that they
19 perceive that the Consent Decree has brought
20 about an improved relationship with the minority
21 community within the State of New Jersey as a
22 result of the Consent Decree, you know,
23 following the Consent Decree, is that view
24 shared by the Latino community and when there is
25 a follow-up question to that, do you think there

1 is any relationship between the perception of
2 the perceptions of developmental good
3 relationships and enlistment of State Police who
4 are Latino?

5 MR. MARTINEZ: Well, in
6 relationship between State Police and the Latino
7 community, when you have representatives of
8 State Police coming into the Latino community
9 representing data to us and that data is not
10 accurate data, then the relationship, okay, is
11 not going to be a good relationship between our
12 community.

13 MR. PEREZ: And would you not
14 excuse the civilian behavior of the Latino
15 community with the brass of the State Police
16 with trust.

17 MR. JAMES HARRIS: Thank you.

18 MR. JOHNSON: Thank you. Miss
19 Yang.

20 MS. YANG: Thank you.
21 Mr. Martinez, Mr. Perez and Ms. Rivera, thank
22 you for your testimony. I'm just going to point
23 out the section of the handout about the
24 monitoring oversight. There has been some
25 testimony that some of the people in this

1 audience feel there should be civilians on this
2 type of body. What is your organization's
3 position on that and/or do you also feel that
4 there should be a mixture of civilians and also
5 police officers with experience to be on this
6 oversight committee?

7 MR. PEREZ: I think that obviously
8 the review board should have people with
9 experience in police matters because you will
10 enrich the process of the Board. It should be
11 the whole idea of the review board is just that
12 it's a civilian review board.

13 MR. RIVERA: I would say that any
14 board including a review board with law
15 enforcement involved should look like a
16 community that is going to serve, it's not just
17 law enforcement. It not only needs to include
18 law enforcement, it needs to include the people
19 who have experienced these things to help
20 increase the elimination of these kinds of
21 practices, it needs to be balanced. Thank you.

22 MR. MARTINEZ: In order to form an
23 effective committee, you need to have a law
24 enforcement personnel on those boards because
25 they would understand police procedures, police

1 policies and operating procedures; therefore,
2 they can explain to other board members and
3 demonstrate to them how police officers within
4 the law have to respect the law, what powers
5 they have and don't have. So therefore we need
6 to have both the community and the law
7 enforcement together.

8 MR. RIVERA: Can I take that one
9 step further? I apologize.

10 MR. JOHNSON: That's fine, we're
11 looking for a complete record.

12 MR. RIVERA: The one step further
13 it's nice to come to another meeting but if the
14 review board is created, then it also needs to
15 produce some documents or some recommendations
16 or some findings that guide the people that
17 submits these reports in that direction. Please
18 do not just set up another place where meetings
19 are just going to show up and people are going
20 to have coffee or yell at each other and go
21 home. They need to be respected on all sides of
22 the spectrum.

23 MS. YANG: Thank you.

24 MR. JOHNSON: I think it's fair to
25 say this committee isn't looking to have more

1 meetings but a couple of follow-up questions,
2 very important in my view. With respect to the
3 issue of lifting the Consent Decree, what are
4 the conditions under which you would -- assuming
5 that the Turner allegations are looked to and we
6 anticipate the State Police returning to testify
7 before we finish our work and that is among the
8 things that we've heard since the State Police
9 first testified and at a senior level at the
10 very first hearings there are a number of issues
11 that have come up over the course of five
12 hearings we made that the State Police will need
13 to answer before we finish our work and that
14 would be one of them. But assuming that that is
15 -- that there is an effort to address those
16 particular issues, the question is what are the
17 conditions under which you would think it
18 appropriate to lift the Consent Decree?

19 MR. PEREZ: I think that could be
20 many but one condition to Consent Decree not
21 being lifted is if you fail to review the
22 hiring, retention and promotion of Latinos and
23 Afro American and females in the State Police,
24 you're bound to go back to the same situation in
25 a couple of years. In order to change the

1 culture, you have to -- the State Police must
2 reflect fully the composition of the population
3 of the state and there should be avenues but if
4 you can be promoted because you have a
5 conversation with a friend of yours that is in
6 a higher position, that probably is not a viable
7 plan. We have to deal with that I think that we
8 should demand from the Attorney General to come
9 to this Committee and testify at how he is going
10 to deal with this in the State Police.

11 MR. MARTINEZ: The issue of racial
12 profiling whether we met with the State Police,
13 these organizations met with the State Police
14 and they showed us MAPPS and they showed us I
15 believe 17 initiatives they initiated to deter
16 racial profiling. Racial profiling, one thing I
17 think this Committee needs to look at is the
18 human factor. Racial profiling was committed by
19 humans, okay, and if we're going to change the
20 racial profiling with the State Police, there
21 has to be change from within. There has to be
22 change that it is reflective of a community that
23 it serves. It has to have a system where
24 honest, hard working troopers can work in a
25 hostile free work environment, where they

1 have -- where they can work without worrying
2 about discrimination and retaliation. I think
3 that we have to look at the human factor within
4 the State Police because if that is occurring to
5 troopers, then we cannot -- this committee
6 cannot say that or the State Police can say that
7 racial profiling has been terminated within the
8 State Police. If it is still occurring within
9 the troopers, it's still occurring with the
10 citizens of the State of New Jersey.

11 MR. RIVERA: I would like to point
12 to another example. The Assistant Attorney
13 General Ron Susswein a couple years back created
14 a training CD for law enforcement, how to not
15 conduct racial profiling. It's a six-hour CD.
16 It had no input from the Latino community. I
17 don't know if it had input from the African
18 American community and it was sent to all State
19 Police I believe. It was even sent to the local
20 police departments. Even at the time when this
21 CD was being released we were questioning and
22 where is the accountability with this training.
23 You're going to send a CD to the chiefs all over
24 the State of New Jersey and who is going to sit
25 down and watch this CD, who's going to sit down

1 and measure what increases of understanding the
2 officers have acquired and who is going to see
3 if anything has improved since then. That is a
4 perfect example of many that we can probably go
5 over if we saw things beginning to improve of
6 how things can be done better. I think a lot of
7 time and energy was spent in the creation of
8 that CD and it almost felt like some kind of all
9 answer situation as this is how we're going to
10 fix it at the time it was being released.
11 That's another example you should consider, the
12 accountability of training that is sent in the
13 mail and a power point style.

14 MR. JOHNSON: Thank you. Thank you
15 for your testimony today.

16 MR. PEREZ: Thank you for your
17 time.

18 MR. JOHNSON: Absolutely. Now, I
19 believe there was perhaps one more witness. Is
20 there? Sir.

21 MR. MAWLA: As I said earlier, I
22 want to thank you very much for holding this
23 meeting. I wanted to thank you for your service
24 to the state. I know one of your Committee
25 members personally, Mr. Sam Khalaf, and he

1 reports back to me and I in turn report back to
2 our community, American community and the Muslim
3 American community the good work you folks are
4 doing but let me echo the testimony of the
5 others here this evening or this afternoon and
6 that testimony really kind of rang true for me,
7 it's quite appropriate that you had this meeting
8 here at Rutgers because as I was walking towards
9 this room and through the campus, I was reminded
10 of how problematic racial profiling is because
11 of the, you know, faces that I saw on the campus
12 and I imagine myself in the role of a police
13 officer and having to identify the individual
14 and I can tell you for sure that of the many
15 faces I saw on campus, they could have been
16 African American, could have been Arab American,
17 could have been Asian American.

18 So the color of one skin, the looks
19 that one may have on the outside do not bespeak
20 who that individual is. In my family alone
21 there are individuals that quite frankly
22 comprise a myriad of looks. There are
23 individuals in my family that have curly hair,
24 individuals that have straight hair and blond
25 hair and so forth.

1 So this issue of racial profiling
2 particularly New Jersey my home state, the state
3 that I love so much is quite problematic. With
4 respect to the Arab American community, some of
5 this information may already be in your hands
6 but we're talking about a community that's as of
7 the last census between 250,000 to 300,000
8 individuals in this state. What is important to
9 us here is not necessarily the numbers but
10 what's important to us is the diversity of the
11 community at large.

12 What we're talking about Arab
13 Americans, we're talking about individuals that
14 come from a few continents, specifically Asia,
15 Asia Minor and as well as Africa. So we're
16 talking about a broad swath of individuals who
17 could look a myriad of ways and could have
18 varying complexions and certainly with respect
19 to the issue of racial profiling that concerns
20 me. When we deal with Muslims, we are -- we
21 find ourselves jumping even deeper into a
22 freight of confusion because when we deal with
23 Muslims, we are talking about individuals as far
24 south as sub Sahara Africa as well as north into
25 the Caucus Mountains where individuals tend to

1 have light skin and fair hair.

2 It's important that we recognize
3 the diversity of the Arab American community as
4 well as the Muslim community not only because of
5 the sheer number of individuals. When we're
6 talking about counties, we're talking about
7 Hudson County having the greatest number of Arab
8 Americans and I'll suggest to you even Muslim
9 Americans. After that Bergen County, after that
10 Passaic County and then my own home county
11 Middlesex.

12 We're talking about places in which
13 these individuals are in both urban and suburban
14 settings in which police are interacting with
15 them on a myriad of levels whether it be on the
16 way to work commuting from suburban to urban
17 area or on the way to school commuting again
18 from urban to suburban. So we're talking about
19 individuals coming into contact of law
20 enforcement of varying background. One could
21 leave and deal with a police officer such as the
22 gentleman who was here testifying, the police in
23 Manalapan, jump on the Turnpike and deal with
24 the State Police and come off the State Police
25 and now deal with Newark police.

1 What that says to me, and I think
2 what it says to you is we need a standardization
3 of training. That standardization of training
4 is such that we're talking about training our
5 elite, training our state troopers but we're
6 also talking about training not only the elite
7 of the local police department i.e. the chiefs
8 and the brass but also the folks on the ground.
9 That standardization of training cuts a broad
10 swath.

11 We standardize pretty much
12 everything these days, you know, whether the
13 practice of law. We require individuals to
14 cross a certain bar in order to call themselves
15 lawyers and I understand the Committee is
16 entertaining offers with respect to licensure
17 for police officers. Let me suggest that's a
18 great idea. So that standardization of training
19 is important because in my own interaction I
20 know Mr. Khalaf and advisory committee to former
21 Attorney General Peter Harvey when the Passaic
22 police came to us, they spoke about, yeah, we're
23 going to do the training and do training for
24 Arabs and Muslims and that training is only
25 going to be to the State Police.

1 That was immediately problematic to
2 me because I think if anybody needs the
3 training, it's the police on the local level.
4 So let me suggest that that is something we need
5 to focus on and as my Hispanic colleagues
6 finished testifying to the key to success and
7 the key to permitting any sort of diversity and
8 making really the State Police and making local
9 police better and as best as they can be is
10 participation. It's fortunate that we are here
11 at Rutgers University because Rutgers University
12 exemplifies the example of bringing folks into
13 the arena and permitting them to participate
14 from all colors, from all races, from all creeds
15 and from all backgrounds.

16 So with respect to the Arabs and
17 Muslims I suggest to you that and I leave with
18 you those two very important and vital things
19 for consideration. I'd also suggest to you that
20 the work of this Committee is something that
21 cannot be ad hoc. The work of this Committee is
22 something that cannot be exemplary to the extent
23 that I in my capacity can let the Governor know
24 this Committee should be a standing committee
25 but I will certainly do that. I think it's

1 important but in addition to that I will be
2 looking to and I'm sure the folks in my division
3 will be looking to this committee to also make
4 very concrete suggestions to the such as not
5 lifting the Consent Decree providing modes of
6 transportation for minorities as well as
7 standardization of training. Thank you very
8 much.

9 MR. JOHNSON: Thank you.
10 Mr. Bembry.

11 MR. BEMBRY: Would you have any
12 data or information with regard to the number of
13 incidents or racial profiling as germane to the
14 Arab or Muslim community to date.

15 MR. MAWLA: That's a great
16 question. With respect to the issue of parole
17 filing as to Arabs and Muslims, there is as of
18 yet no source over than the Arab American
19 Anti-Discrimination Committee, which is the only
20 standing organization that is charged with
21 dealing with this issue. Mr. Khalaf and I
22 belong to the New Jersey chapter so to the
23 extent we are aware of profiling, we are aware
24 of profiling by the tabs that the -- we call it
25 ADC keeps and I can certainly provide that data

1 to this Committee but let me suggest that that
2 data probably is not as complete as it should be
3 because we're talking about a community that is
4 a largely immigrant community, a community that
5 comes from parts of the world where they are
6 deeply untrusting of law enforcement. So a lot
7 of the complaints that should be lodged are not
8 lodged for a myriad of reasons. It's going to
9 impact an individual's standing with immigration
10 even though it really doesn't, police say it
11 doesn't, or it's going to impact an individual
12 in terms of that individual's perception of
13 what's going to happen to him or her but to the
14 extent there is raw data, the ADC would be the
15 one to have.

16 MR. JOHNSON: Thank you. Miss
17 Carroll.

18 MS. CARROLL: Nothing.

19 MR. JOHNSON: Mr. Harris.

20 MR. JAMES HARRIS: Did I understand
21 you to say that your organization is opposed to
22 the lifting of the Consent Decree?

23 MR. MAWLA: My knowledge of the
24 Consent Decree is limited. My understanding of
25 the Consent Decree is, again, provides for this

1 monitoring, it provides a vehicle for the
2 monitoring and I think the issue of racial
3 profiling is very live and well and to the
4 extent that we need this continuous charge,
5 continuous oversight.

6 MR. JAMES HARRIS: To what extent
7 did the American Arab Anti-Discrimination
8 Committee believe that confidence in the State
9 Police is related to the employment and
10 engagement of people from the community in the
11 State Police.

12 MR. MAWLA: I think that's half of
13 the story. I think with respect to permitting
14 Arab Americans to participate but not only
15 permitting Arab Americans aggressively
16 recruiting from the Arab American community and
17 Muslim American community but that's just one
18 half. The other half really is training of our
19 law enforcement and standardization of that
20 training so I don't want to sit here before you
21 and tell you that, you know, hiring more of us
22 is going to make things better but let me
23 suggest to you it goes a long way.

24 MR. JAMES HARRIS: Are you of the
25 impression the relationship between the State

1 Police and the Arab Muslims community has
2 improved since the imposition of the Consent
3 Decree?

4 MR. MAWLA: I think as my Hispanic
5 colleagues mentioned, one community confuse
6 politeness and civility with a market improved.
7 I think a lot more work needs to be done. I
8 think if you ask individuals from my community
9 whether urban suburban how they feel about the
10 State Police, you may get shrugged and that's
11 unfortunate because as was said here before by
12 the gentlemen from Manalapan, it's not right for
13 us to label all police or paint all police with
14 one brush. I think they do a wonderful job but
15 the problem is the word isn't getting out about
16 the ones who are doing a lousy job are the ones
17 getting on the headlines and the only way you
18 get the word out if you allow the community to
19 participate.

20 MR. JAMES HARRIS: Thank you.

21 MR. JOHNSON: Thank you. Actually
22 the one question that I wanted clarity on was
23 whether or not you were in favor of or against
24 the lifting of the Consent Order and you've
25 answered that question. Thank you very much and

1 thank you all for hanging in till the end. We
2 will have another hearing at which some of the
3 questions that were raised here will be answered
4 by or at least addressed by additional witnesses
5 and that is likely to take place. That hearing
6 is likely to take place after the next report of
7 the monitors. Thank you again, have a good
8 meeting.

9 (Whereupon, an adjournment was
10 taken at 5:06 p.m.)

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Shorthand Reporter and Notary Public of the
State of New Jersey, do hereby certify that the
foregoing is a true and accurate transcript of
the proceedings as taken stenographically by and
before me at the time, place and on the date
hereinbefore set forth, to the best of my
ability.

I DO FURTHER CERTIFY that I am
neither a relative nor employee nor attorney nor
counsel of any of the parties to the action; and
that I am neither a relative nor employee of
such attorney or counsel; and that I am not
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