

Testimony of John H. Howell, Jr.
Governor's Advisory Committee on Police Standards

I offer my testimony as both a victim of racial profiling and as a case study of how police practice management can be improved.

In 2001 I moved to Delaware Township, (Stockton), NJ. Within a week of moving to the town, I found myself "greeted" one night by the local police. After noticing an unidentified automobile approach the rear of my car at a high rate of speed, then tailgate me until I reached the center of Sergeantsville. In response, I pulled over in the center of town to permit the hurried motorist to pass. The "motorist" turned out to be the local police, who stopped when I pulled over wanting to know who I was and whether I was lost.

My 18 mile commute from home to downtown Trenton traversed 7 communities, Delaware Township, Stockton Borough, West Amwell, Lambertville, Hopewell, Ewing and Trenton. Of the 7 communities, my twice daily 1-mile travels through the city of Lambertville garnered the greatest and most ardent attention of local law enforcement. After living in the area about a month, I found myself being followed through the city by the local police at least once a week and especially on weekends. Never mind that I had been a frequent visitor to Lambertville over the previous 15 years due to my artistic and athletic interests. Apparently my shopping with local merchants, patronage of local restaurants, and twice daily commute through the city was more than many of the Department's officers could tolerate.

As a result, I found myself cringing every time I spotted a police cruiser, as inevitably they would drop whatever they were doing and follow me. Police officers making U-turns, doughnuts, and other interesting automobile maneuvers were the rule of the day, one officer even drove his cruiser across the town's corner Exxon station in an effort to follow me. Finally the uneasy peace was broken after a town officer followed me out of town into Hopewell Township and stopped me while shopping at a local antique market. After he arrived, he confronted me, ordered me back to my automobile, and demanded I sit inside it, whereupon he returned to his cruiser, activated his lights, and began investigating my license and insurance. Though the incident ended with the police officer's angry and uncivil response to the discovery of my Delaware Township residency and the legitimacy of my documents, I determined that if the cat and mouse games were not ended, something far more serious could occur.

Indeed, a few days later, I awoke one weekday morning to find a Delaware Township Police cruiser parked on the lower front lawn of my home. As a result of the two major incidences, I began making inquiries and filed complaints about the Lambertville and Delaware Township police departments.

A few months later after the intervention of several persons and human rights organizations and a three hour conference with the Lambertville Police director, since mid-2002 an uneasy peace has prevailed between myself, and the several police departments of southwestern Hunterdon County.

Again my point in presenting this testimony is not so much to complain about the actions of local police, those issues are hopefully, permanently resolved, but to note the system deficiencies that allowed me to be racially profiled. Today the public is specifically aware that most police vehicles contain cameras which record police activities in front of the car and hopefully the presence of such systems has helped reduce the incidence of racial profiling. However, these systems

depend specifically upon the officer activating their lights and siren. Absent such activation, incident recording does not occur. As a result, an officer can engage in harassment or other abuse largely with impunity, as long as they do not activate these systems. Indeed, harassment of an individual could theoretically occur unmonitored until the officer drives the victim to such a level that it provokes an incident, permitting a "legitimate" police action to be recorded on the camera.

In our conference with the Lambertville Police Director several issues emerged:

1. Not all Lambertville Police Department automobiles were equipped with camera systems, and many of the instances where an inquiry was made on my automobile license, were made in cruisers without camera systems.
2. When the tailing incidences occurred, the officer refrained from activating the cruiser's lights or siren as these would activate the camera and record the activity.
3. The Department's on-board computer system did not flag repeated license inquiries by the same or other officers.
4. Management was too willing to assume that a complainant was simply being overly sensitive of a police presence or had other motivations behind their complaint.

It is important to understand that racial profiling does not simply encompass the open harassment of a minority individual, but also takes more subtle forms. Were repeated license inquiries of the same automobile flagged by the countywide computer system, an alert management at state, county, or municipal level could have noted the problems, investigated, and intervened.

In your deliberations and determinations, I ask as a victim of racial profiling, that you incorporate license inquiry, flagging protocols, and management monitoring tools in all law enforcement computer systems in New Jersey.

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