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STATE OF NEW JERSEY
NEW JERSEY ADVISORY COMMITTEE ON POLICE STANDARD

IN RE:
PUBLIC HEARING

- - - - -

New Jersey State Museum
Auditorium
Tuesday, November 21, 2006
4:53 p.m. - 7:05 p.m.

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COMMITTEE MEMBERS:

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1 police and local police to ensure that they do
2 their duties and perform well as they seek to
3 serve and protect all citizens of this state
4 and that all the citizens of this state are
5 treated justly and fairly. You have an
6 awesome responsibility and we pray for you and
7 the charge committed to your care.

8 Much of what I'm going to say
9 today has been said, and I'll be brief and
10 then entertain any questions which you may
11 have.

12 The Black Ministers' Council was
13 and remains very committed to seeing not only
14 that the scourge and evil of racial profiling
15 is ended, but also that law enforcement in New
16 Jersey, both state and local, are reformed and
17 retrained so that the practice of racial
18 profiling and oppressive law enforcement is
19 ended and minorities in particular have no
20 reason to fear or be intimidated by law
21 enforcement in this state. Immediately before
22 this committee is the charge to recommend to
23 the governor whether they should join with the
24 U.S. Justice Department in recommending
25 whether the federal consent decree should be

1 lifted.

2 Before addressing this matter,
3 let me first comment on the conduct of the New
4 Jersey State Police over the last five years.
5 During the last five years I have deliberately
6 had little publicly said about the New Jersey
7 State Police because I felt they deserved the
8 opportunity to seek to comply and live up to
9 the terms of the consent decree without some of
10 us looking over their shoulder. But the
11 monitors' reports show that the New Jersey
12 State Police satisfied the requirements of the
13 consent decree. It seems to the BMC that
14 anyone fairly reading the monitors' reports
15 must concede that the New Jersey State Police
16 have made progress. We still have great
17 concern about the southern portion of the New
18 Jersey Turnpike and the high number of stops
19 of minorities which must be addressed.
20 Progress, however, has still occurred overall.
21 For this, the BMC is pleased.

22 While we are delighted that the
23 New Jersey State Police have met the
24 requirements of the consent decree and
25 received favorable reports, that alone should

1 not be the criteria by which this committee
2 makes the recommendations to the governor. We
3 believe there is a much larger question. The
4 question is, has the culture of the New Jersey
5 State Police changed? Is it possible to have
6 complied with the consent decree and not have
7 changed. It would be frustrating and
8 disappointing indeed to have the consent
9 decree lifted and discover the culture of the
10 organization has not changed.

11 The New Jersey State Police have
12 been under consent decrees before in 1975.
13 When that consent decree was lifted, rather
14 than diversity and relationships among the
15 minorities within the New Jersey State Police
16 increasing and improving, numbers decreased
17 and relationships deteriorated tremendously.
18 This, in fact, contributed much to the host of
19 problems which required the present consent
20 decree. The major problem confronting the New
21 Jersey State Police was not racial profiling;
22 it was and perhaps remains the culture of the New
23 Jersey State Police. It was this culture
24 which made racial profiling permissible,
25 tolerable, and okay. It was this culture which

1 led the New Jersey State Police to adopt a
2 posture of denial. In fact, to my knowledge,
3 to this date, November 21st, the organization
4 has not publicly admitted it practiced racial
5 profiling. Further, in casual conversation
6 with troopers who I've talked to at rest stops
7 and other places where I've seen them and who
8 did not know who I was, still denied the New
9 Jersey State Police practiced racial profiling
10 in the 1990s. Almost to a man they denied it
11 and seemed bitter about it. This attitude
12 persisted despite the state's admission
13 records, proven untruths and statistics which
14 proved otherwise. If years later they're
15 still in denial, how can we believe that the
16 culture has changed? More importantly, how
17 can we lift the consent decree knowing the
18 troopers believed they did nothing wrong to be
19 under the consent decree?

20 Since we have no certifiable
21 means by which to prove that the culture of
22 the organization has changed, we believe it is
23 unwise to lift the consent decree. If the New
24 Jersey State Police genuinely believes that
25 the requirements of the consent decree provide

1 for good law enforcement and want to dispel
2 negative perceptions among minorities, they
3 should advocate that the requirements of the
4 consent decree become law. In other words,
5 they should become permanent, not subject to
6 change with new leadership or shifting
7 attitudes. These requirements becoming law
8 would help troopers and improve law
9 enforcement. Additionally, it would go a long
10 way toward ensuring that the New Jersey State
11 Police do not return to the past and help the
12 local police to reform, which is greatly
13 needed. The requirements becoming law would
14 also provide for continuous accountability and
15 strength in leadership of the organization.

16 The State of New Jersey itself
17 must bear much of the responsibility for the
18 problems of the New Jersey State Police. It
19 has allowed the organization to function
20 without clear and strong oversight and often
21 closed its eyes to improper and illegal
22 conduct. It allowed racial profiling,
23 discrimination, sexism, and other problems to
24 persist and grow. Oversight of the New Jersey
25 State Police is a major area of concern that

1 must be addressed.

2 In the past, the Office of
3 Attorney General did a horrible job, putting
4 it mildly. If it had not been for the
5 April 1998 shooting on the New Jersey
6 Turnpike, there is no reason to believe that
7 racial profiling would not still exist and the
8 New Jersey State Police would not still exist
9 and the New Jersey State Police would still be
10 operating as it had in the past. As painful
11 as it was, the 1998 shooting was a blessing to
12 the State of New Jersey and citizens. It
13 forced us out of denial and made many of us
14 see reality.

15 The Black Ministers' Council
16 believes that there must be independent
17 oversight of the New Jersey State Police. It
18 would be our hope that the Office of Police
19 Affairs would be able to provide oversight,
20 but it has not given us any guarantee that it
21 can or will. And I will concede, however,
22 that oversight of the Office of Police Affairs
23 has improved over the last year and a half to
24 two years, but we cannot get out of our mind
25 that it took a shooting to bring us to this

1 hour and that the Office of Attorney General
2 threw up many impediments to keep us from this
3 hour. It was only the persistence and
4 determination of those outside of government
5 that left the state with no other alternative
6 but to act. It is our strong belief that
7 independent oversight of the State of New
8 Jersey is required.

9 We urge this advisory committee
10 to urge the governor to have the State of New
11 Jersey ask the federal courts to keep the
12 consent decree in place, make permanent the
13 requirements of the consent decree and provide
14 independent oversight of the New Jersey State
15 Police. This will benefit not only the State
16 of New Jersey, the New Jersey State Police,
17 but also local police and citizens of the
18 State of New Jersey. We are pleased that the
19 New Jersey State Police have made progress.
20 They have made progress before. We make these
21 recommendations today so that this time
22 progress will be permanent.

23 CHAIRMAN JOHNSON: Reverend
24 Jackson, thank you. Thank you for your
25 testimony. Our practice has been that we go

1 down the panel alphabetically. Each member of
2 the committee asks five minutes' worth of what
3 is essentially a five-minute question and
4 answer session.

5 REVEREND JACKSON: If they ask a
6 question can I take four minutes to respond?

7 CHAIRMAN JOHNSON: I think only
8 filibusters are allowed in the senate but not
9 here, but the chair will behave. Mr. Bembry?

10 MR. BEMBRY: Yes.

11 Thank you, Reverend Jackson, for
12 your presentation. We have heard today a
13 different tone with regard to the assessment,
14 the current assessment of the progress of the
15 state police, and your comments are similar to
16 the testimony given to the previous witnesses.
17 My question to you with regard to the culture
18 is, if you have any, what measures or
19 mechanisms do you suggest that can help change
20 the culture of the state police?

21 REVEREND JACKSON: Well, I think
22 primarily it's going to have to come from the
23 leadership of the organization. The
24 leadership of the organization must somehow
25 impress upon its members that good law

1 enforcement should not be or should not be
2 addressed because there is a consent decree, but
3 that in fact that good law enforcement ought
4 to be something which occurred because of the
5 commitment and dedication of officers. It
6 should also be a part of training.

7 I was a little concerned when I
8 think when Mr. Buckman, who just concluded his
9 testimony, to hear some conversations which
10 he's heard taking place that when the
11 consent decree is lifted, that we can go back
12 with the drug interdiction and all that as it
13 was before.

14 Again, it's primarily an issue
15 of leadership, and if it does not occur from
16 the leadership, I'm not sure what other
17 measure you can put in place. When I say
18 leadership, that is much more than a
19 superintendent, but I think it has to begin
20 with the head and work its way down. Until
21 that happens, we're going to be in a difficult
22 situation. Again, we have a major concern
23 that the progress with the state police has
24 occurred because of the consent decree, but if
25 the culture has not changed, we're afraid

1 we'll be right back to where we were some
2 years ago.

3 MR. BEMBRY: I just have one
4 other question. There's been some discussion
5 about the oversight committee and whether or
6 not it should remain under the jurisdiction of
7 the attorney general's office. Do you have
8 any opinion as to whether the oversight
9 committee, which is at this point to some
10 extent an independent entity, should it remain
11 under the office of attorney general or should
12 it be under the jurisdiction of other entity?

13 REVEREND JACKSON: That is
14 something that the board of the ministers'
15 council and I myself have really wrestled
16 with. Sitting here today, I have major
17 concern if it stays under the office of
18 attorney general. And let me comment or
19 preface that by saying I think the current
20 attorney general we have is a strong one, and
21 I would not necessarily have those concerns
22 under the current attorney general, and in
23 fact, the leadership of the office of state
24 police affairs. But my concern is attorneys
25 general don't remain outside of the terms of

1 the governor, and we've seen in the past where
2 a change in leadership in the governor's
3 office, change in leadership of the attorney
4 general makes a change in the leadership and
5 accountability of the state police. So unless
6 you can assure that they're going to be
7 consistent, consistent and effective oversight
8 in accountability, I would lean towards
9 independent oversight.

10 MR. BEMBRY: Thank you.

11 CHAIRMAN JOHNSON: Ms. Brown?

12 MS. BROWN: Thank you,
13 Mr. Chair, and thank you, Reverend, for the
14 presentation very much. I also have two
15 questions. I'm wondering whether or not you
16 feel that the information that is currently
17 collected under the consent decree by the
18 independent monitors is adequate to identify
19 whether or not the kinds of cultural changes
20 that you talked about in your testimony,
21 whether it's adequate to capture that kind of
22 change, or if you would suggest, in addition
23 to what's collected under the consent decree
24 currently, that going forward that maybe there
25 are other things that should be captured as

1 well?

2 REVEREND JACKSON: Well, what
3 I'm not seeing data coming from the monitor
4 reports other than what I've seen in the
5 newspapers. I'm not sure specifically what
6 they've gathered. But again, I think
7 primarily much of it will come from the minds
8 of the troopers. And again, I've made it a
9 point over the last several years whenever
10 I've seen troopers, just in casual
11 conversation, just say how are things going,
12 and I will raise the question how are you
13 dealing with the consent decree. And again,
14 I've been troubled because almost to a man and
15 some with bitterness they respond that it was
16 unfair, that racial profiling did not occur
17 and the state copped out on us. That kind of
18 a mind set was very troubling to me. It was
19 clear they didn't know who I was when they
20 respond to, I was glad they didn't know who I
21 was. But again, unless you change the mind
22 set, you know, again, data will not tell it
23 all, but I think the attitude of those in law
24 enforcement will make the determination.

25 MS. BROWN: And then the second

1 question has to do with accountability and
2 interaction with the public. And I'll frame
3 this question from a personal point of view,
4 which is that what I have learned being a part
5 of this panel compared to what I have learned
6 from the fact that there were 14 reports and
7 media coverage and that sort of thing, there
8 is a great distance between what I know as a
9 general citizen and what I know sitting on
10 this panel. And I'm wondering what you would
11 suggest in terms of how information gets out
12 to the public in a way that they can use it
13 and have mechanisms to hold accountability
14 standards, whatever kind of structures we put
15 in place?

16 REVEREND JACKSON: Well, several
17 things. One I do think that the public is
18 entitled. I would think almost all of the
19 data and stuff, which is compiled, for
20 example, I remember during the 1999, I guess
21 it was, there were reports made public where
22 they didn't use troopers' names but you did
23 have some indication of troopers who had a
24 huge number of stops, in fact, of minorities.
25 And you also did have reports that did not

1 give names but of troopers who said that the
2 persons that they stopped were of one race,
3 when in fact, through investigation, found
4 they were actually minorities. I think that
5 kind of information should be public.

6 I think again, information
7 relative to the disparity between the southern
8 and northern part of the state as it relates
9 to stops and the southern portion of the
10 state, I know particularly Morristown
11 barracks, I think all of that needs to be made
12 public. I think the whole issue of difficulty
13 relates to relationships between minorities
14 and the state police and the organization in
15 law. And I think all of those are important,
16 in terms of the public coming to some
17 determination that the state police. For
18 example, the one thing that really, I still
19 have not gotten out of my mind is, this was
20 done in 1998 or April of 1999. The one thing
21 that I have not yet gotten out of my mind that
22 still troubles me is that even after the State
23 of New Jersey acknowledged that its state
24 police had engaged in racial profiling, a poll
25 was done by Eagleton for the Star Ledger which

1 showed 80 percent of whites, even after the
2 state's admission, still did not believe the
3 state police engaged in racial profiling,
4 while the exact opposite number among
5 minorities believed that it had. And I think
6 one of the things which has made oversight of
7 the New Jersey State Police difficult is the
8 fact that the overwhelming majority of the
9 population of this state also, I think, was in
10 denial as it relates to the whole issue of
11 profiling. And I'm not sure that it's
12 different today.

13 MS. BROWN: Thank you very much.

14 CHAIRMAN JOHNSON: Thank you.

15 Ms. Carroll?

16 MS. CARROLL: Reverend, good
17 evening. Thank you for your testimony. I'd
18 like to go back to the oversight issue. We've
19 had a lot of testimony in regards to what
20 should and should not be in place as far as an
21 oversight. Not just in the attorney general's
22 office, but I was wondering what your opinion
23 would be in regards to having a institution of
24 higher learning as that auditor to monitor how
25 things are going, if in fact the decree is

1 left?

2 REVEREND JACKSON: In fact, I
3 think that might be a viable alternative, and
4 perhaps maybe not one institution, but some
5 consortium of institutions to put something
6 together I think might be viable. I think one
7 thing you have to have, and I think law
8 enforcement has that confidence in the
9 independence of whatever you put in place and
10 the public has to have confidence in it.
11 Right now, because many of us in the
12 minority community are experienced with the
13 office of attorney general, I'm not sure that
14 confidence is there. Which is one of the
15 reasons why I lean towards an independent
16 group, and I think from some university or
17 universities that might be viable.

18 MS. CARROLL: Thank you very
19 much.

20 CHAIRMAN JOHNSON: Mr. Donovan?

21 MR. DONOVAN: Thank you very
22 much for your testimony. Just a question on
23 your comments about you believe that the
24 consent decree should be kept in place. Do
25 you see a timeline where you would ever

1 advocate that the consent decree would be
2 lifted and what would be the metrics that you
3 would be looking for to acknowledge that the
4 consent decree should be lifted?

5 REVEREND JACKSON: Well,
6 primarily those things which relate to
7 operating procedures and all of that, I think
8 if you make them permanent, in terms of
9 standard operating procedures and all, then I
10 don't think it's a matter of a time frame by
11 which you lift the consent decree because in
12 fact they become permanent. Until they become
13 permanent or become law, then in fact having a
14 consent decree in place. So it's not so much
15 a matter of keeping the consent decree in
16 place as much as making the requirements of
17 the consent decree law or permanent.

18 MR. DONOVAN: Your proposal
19 would be to legislate it and then lift the
20 decree?

21 REVEREND JACKSON: Correct.

22 MR. DONOVAN: Thank you.

23 Your comments about leadership
24 in the state police. Obviously leadership
25 attempting to change the culture is very

1 difficult, down from the superintendent. Based
2 on your observations, does the current
3 leadership of the state police indicate any
4 desire to change that culture?

5 REVEREND JACKSON: Let me tell
6 you, I think the present superintendent has
7 done a very commendable job and I think he is
8 very much committed to, in fact, reform saying
9 that the problem of racial profiling within
10 the state police is ending. But again, I
11 think that the real issue is whether or not
12 his vision and his commitment is in fact
13 passed down to those under him. And I think
14 that really is where the rubber meets the
15 road. Not being in the force or there on a
16 daily basis, it would be hard for me to gauge
17 whether or not those under him are ignoring
18 that, but again, when you speak to troopers on
19 a random basis and almost to a man, they still
20 think it was unfair what was happening and
21 that raises a question of whether or not, in
22 terms, whether or not that is being passed
23 down. Because the real issue is, and again, I
24 want to acknowledge the state police have made
25 progress and in fairness, we have to

1 acknowledge that. But if that progress is
2 made because of the consent decree, then I'm
3 not sure it's really progress. If that
4 progress is made because there's been a change
5 of thinking and a change of attitude, then we
6 can say we've really made progress. And I
7 desperately, and I think the minority
8 community desperately wants that to happen,
9 but if you hear people say it was unfair what
10 happened to us, then that's what makes you
11 wonder if transformation has occurred.

12 MR. DONOVAN: The only question
13 I have in your dealings with our rank officers
14 in the state police, have you seen any
15 demonstration of willingness to change the
16 culture?

17 REVEREND JACKSON: I primarily
18 with the superintendent, so the others I --

19 MR. DONOVAN: Thank you.

20 REVEREND FLOYD: Good afternoon,
21 or good evening, Reverend Jackson. Good to
22 see you.

23 REVEREND JACKSON: Good evening,
24 Reverend Floyd.

25 REVEREND FLOYD: Reverend

1 Jackson, in reading your comments, you
2 indicate that the state police has made
3 progress and they've complied with this
4 consent decree. But it's also your opinion as
5 the leader of the Black Ministers' Council
6 that today you would advise the governor not
7 to lift the consent decree, would you; am I
8 correct with that?

9 REVEREND JACKSON: You're
10 correct.

11 REVEREND FLOYD: Okay. Would
12 you say that the position of the Black
13 Ministers' Council is also reflective of most
14 other African-American leadership groups
15 throughout the state? In other words, has
16 your organization met and talked with other
17 black organizations and come up with a
18 consensus to basically have the same opinion?

19 REVEREND JACKSON: I've talked
20 with much of the leadership of other
21 African-American organizations and
22 African-Americans leaders in the state. I
23 would be stunned, I would be overwhelmingly
24 stunned if the overwhelming majority of
25 African-American leadership and

1 African-American community would not like to
2 see the consent decree remain in place, and
3 again, remain in place until the qualms of the
4 consent decree become law.

5 REVEREND FLOYD: Thank you.

6 CHAIRMAN JOHNSON: Mr. Huertas?

7 MR. HUERTAS: Thank you,
8 Reverend Jackson. My question in terms of
9 codifying, because I look at that and I think
10 that's what you meant was to codify the
11 consent decree.

12 REVEREND JACKSON: Correct.

13 MR. HUERTAS: I just want to
14 ask, you've heard the ACLU address the issue
15 and I notice that in the first paragraph you
16 also address it in terms of both state local
17 so the oppressive law enforcement has ended.
18 So how would, what tool would you utilize in
19 order to reach a local police? Because right
20 now the local police, as you know, is strictly
21 voluntary basis. The only people really under
22 the consent decree are the state police. But
23 yet listening to the ACLU, it appears that the
24 problem is probably more predominant at the
25 municipal level.

1 REVEREND JACKSON: In fact, to
2 be honest with you, I think in some respects
3 the state police have been scapegoated because
4 of the fact that we've not really honed in on
5 the problem at the local police level. The
6 problem of racial profiling at the local level
7 is much, much worse than it ever was with the
8 state police, and what I would suggest is what
9 is now required for the state police also be
10 required for local police not to be volunteer.
11 I think all local police ought to be required
12 to go through some of the training which in
13 fact had been required for the state police.
14 I think standard operating procedures are
15 required for the state police ought to become
16 standard operating procedures for local
17 police. I don't think there should be any
18 disparity or difference between training for
19 state and local. I think if you have
20 uniformity, it will only enhance law
21 enforcement.

22 MR. HUERTAS: My last question,
23 Minister. I know that the Black Ministers'
24 Council is an active organization. We heard
25 earlier when the law enforcement group gets a

1 complaint, they refer or try to -- how does
2 the BMC, what actions are they taking in order
3 to address this treatment?

4 REVEREND JACKSON: What we kind
5 of do with churches is to give direction in
6 terms of what a person should do if they are
7 stopped. If they are in fact legal problems,
8 try to refer them to lawyers, particularly
9 lawyers in the Garden State Bar Association
10 which is the African-American lawyers
11 organization in the state, but it's my hope
12 that through the member churches that in fact
13 they are passing down the direction that we've
14 given on what a person should do if they're
15 stopped, how they should respond, and
16 depending upon if there's some problem,
17 contacting an attorney.

18 MR. HUERTAS: Thank you, sir.

19 CHAIRMAN JOHNSON: Reverend
20 Justice?

21 REVEREND JUSTICE: Thank you,
22 Reverend Jackson, for your testimony.

23 According to previous testimony
24 it was stated I believe since 19, since the
25 consent decree there's been about 1,280 new

1 troopers and that all they know is the consent
2 decree. So with regard to culture, that
3 problem would not be there. And I know there
4 are more than 1,280 troopers. And yet you're
5 saying there's pervasive --

6 REVEREND JACKSON: I would
7 respectfully disagree that the 1,280 that have
8 come on since the consent decree has been put
9 in place that that is all they know. I think
10 there is, in a whole lot of ways, they learn
11 something else. In most any organization
12 there's what you get from the manual, and then
13 there's what you get from whom you are close
14 to. And it's my hope that that would not
15 happen, but the reality is that, in the past
16 it has, and it's my hope that currently it
17 doesn't. We have no guarantee that in fact
18 it's not assimilation could be a problem,.

19 REVEREND JUSTICE: Thank you.

20 MR. KHALAF: Thank you,
21 Reverend, for your testimony. To get back to
22 your comments regarding culture of the state
23 police, do you think that a minority
24 recruitment could have a great impact on the
25 change of that culture?

1 REVEREND JACKSON: Very much so.
2 And in fairness, I think the state police and
3 attorney general have made an effort as it
4 relates to the whole issue of recruitment. I
5 think the minority community itself has got to
6 do a better job of providing minorities that
7 pass all the tests and become part of the state
8 police. But I think if that happens, I think
9 it would have an absolutely beneficial effect.

10 MR. KHALAF: Reverend, in your
11 experience have you noticed a reluctance of
12 the minority community wanting to join the
13 state police because of this culture?

14 REVEREND JACKSON: Yeah. Matter
15 of fact, I would venture to say up until the
16 last year or so there was tremendous
17 reluctance, but as time has passed I think that
18 reluctance is easing and again, I think we in
19 the minority community and people in positions
20 like me have responsibility to help provide
21 recruits for the state police.

22 MR. KHALAF: And one last
23 question to get back to the local police. The
24 earlier panel had one or two suggestions and
25 one suggestion was a state licensing of local

1 police, another suggestion was either a state
2 or county oversight, not just a local
3 municipal oversight.

4 REVEREND JACKSON: I heard that
5 and I thought that was excellent. I fully
6 support it.

7 CHAIRMAN JOHNSON: Mr. Ortiz?

8 MR. ORTIZ: Actually, I want to
9 thank you for your testimony and your
10 comments, and actually, my questions have
11 already been addressed by the members'
12 comments about your thoughts on how to get the
13 message out to the locals and how to improve
14 that. So thank you very much.

15 REVEREND JACKSON: You're
16 welcome.

17 CHAIRMAN JOHNSON: Mr. Stier?

18 MR. STIER: Reverend Jackson,
19 good evening.

20 REVEREND JACKSON: Mr. Stier.

21 MR. STIER: I want to tell my
22 colleagues on the commission that I have a
23 bias that I want to disclose, and that is that
24 I have known Reverend Jackson for quite some
25 time and I am an admirer of his and what he --

1 his perceptions carry great weight with me.
2 And so the concerns that he's expressed here
3 have touched on something that I've been very
4 much troubled by in trying to find the answer
5 to and many still struggling with, I don't
6 want to put you on the spot, but this idea of
7 cultural change is something of great
8 importance to me. I mean, clearly -- I
9 shouldn't say clearly. We still have the
10 issues raised by the ACLU to deal with, but if
11 the federal monitors are to be believed, there
12 has been compliance of, long period of
13 compliance by the state police with the
14 consent decree. The question is whether
15 there's been a deeper fundamental cultural
16 change that not only causes compliance, but
17 causes changes in attitude. And we -- I'm
18 struggling to try to find the answer to that
19 question in the large body of evidence that
20 we've received and in the dialogue that's been
21 going on between us and the state police and
22 experts and so forth.

23 The problem that you touch on
24 is, in my view, one of the most serious social
25 problems that we have. That is, the

1 tremendous gulf of trust, or the distrust that
2 exists in the criminal justice system in
3 minority communities. I know that the state
4 police has had, in a variety of ways, engaged
5 in communications with minority leadership.
6 As you pointed out, there's been an attempt to
7 increase minority recruitment, but there's
8 still something very much missing, not just at
9 the state police level, but across the board.

10 What can we do, keeping in mind
11 that we're sort of cutting edge of what I hope
12 will be a process of reform, what can we do to
13 start, to put in motion the kind of processes
14 that are going to be necessary to close that
15 gap of trust to expose what goes on, the good
16 that goes on in law enforcement, the bad, and
17 causes law enforcement leadership to become
18 more responsive to the perceptions of the
19 minority communities?

20 REVEREND JACKSON: Well, I think
21 several things. Firstly, I think, again, it's
22 important, as I've said before, that the
23 leadership really impress upon other
24 leadership the importance of changing
25 attitudes and changing mind sets. Reverend

1 Justice alluded to the fact that there are
2 1,200 something new troopers since the consent
3 decree went into place. I think the training
4 at the academy as they come through, I think
5 they've really got to become a very very
6 important means by which the whole issue of
7 the culture is transformed before they're
8 actually sworn in, I think has really got to be
9 a very vigorous effort made to see that the
10 transform culture comes out of those
11 academies. That's number one.

12 Number two, I think it's
13 critically important that this whole idea of
14 the minority community getting to know law
15 enforcement and getting to know each other, we
16 really don't trust people until you get to
17 know them. And so one of the things I think
18 beneficially, I hope the fact that the state
19 police, for example, are in Irvington. And
20 despite the unfortunate reason for which they
21 have to be in Irvington, it is my hope that
22 the minority community had developed some
23 trust with the state police. And I think we
24 need to use situations like that to promote
25 around the state the idea of the state police

1 in communities. I'm not sure if those kind of
2 situations get the recognition or the
3 attention as, say, some unfortunate incident
4 does. So I think that needs to occur.

5 In addition to that, I also
6 think that sooner or later we're just going to
7 have to, at least the minority community,
8 we're just going to have to say we're going to
9 give law enforcement a chance. I just think
10 we're going to have to do that. I think one,
11 it's fair for us to do, and you never know
12 whether or not that trust has been merited
13 until you give them a chance. And I think
14 we're just going to have to do it. You know,
15 it's my hope that there will be no more need
16 for committees like this to be together,
17 because the Lord knows that I don't ever want
18 us to have to go back to the 1990 to now. I
19 want to be able to drive down the Turnpike and
20 if I get stopped, not have to worry about the
21 headline in the paper that the state police
22 got Jackson. See what I mean? So I really
23 hope we can move to a point where we just, the
24 minority community is willing to give law
25 enforcement a chance. That some time has

1 passed. That because of the relationship
2 between the state police in Irvington and
3 Camden and some other places, the minority
4 community says the law enforcement has earned
5 a chance.

6 MR. STIER: Thank you very much.

7 CHAIRMAN JOHNSON: Ms. Yang?

8 MS. YANG: Thank you,

9 Mr. Chairman.

10 Since 1999, how many members of
11 your council have approached you to report
12 incidents of racial profiling as experienced
13 by members of the public?

14 REVEREND JACKSON: Since 1999,
15 the state place, very little discussion. But
16 I get calls almost every week that relate to
17 local police. Again, I might add, to be fair,
18 at the local level the racial profiling goes
19 both ways. It's not just a matter of
20 minorities in a white community, but it's also
21 an issue where you have whites. So that is an
22 issue that comes both ways. It's wrong for
23 one and it's wrong for the other.

24 MS. YANG: And Reverend, your
25 organization is statewide, correct?

1 REVEREND JACKSON: Uh-huh.

2 MS. YANG: You get calls on a
3 daily basis, you say, about?

4 REVEREND JACKSON: I wouldn't
5 say on a daily basis, but I would say every
6 week we get calls from people who have some
7 allegations about profiling from the police.

8 MS. YANG: And I suppose you
9 testified earlier that those matters, do they
10 get referred to attorneys or you try to help
11 these people?

12 REVEREND JACKSON: If there's
13 need for an attorney, they recommend
14 attorneys. But also if I can add I think one
15 of the recommendations also would be that even
16 for local police the idea of cameras in police
17 cars ought to be a requirement. In fact, in
18 '98 with the whole Turnpike shooting, there
19 was counsel who recommended to the government
20 attorney general, then attorney general, that
21 there ought to be cameras in the car.
22 Frankly, I've been pleased that when someone
23 is alleging profile and it turned out that law
24 enforcement acted properly, because I also
25 think it builds up confidence in the minority

1 community that law enforcement is doing what
2 it's supposed to do.

3 MS. YANG: Thank you, Reverend.

4 CHAIRMAN JOHNSON: Thank you,
5 Ms. Yang, and thank you, Reverend, again for
6 your testimony. I have just a handful of
7 questions.

8 REVEREND JACKSON: Just a
9 handful?

10 CHAIRMAN JOHNSON: You haven't
11 been with us that long.

12 As to the local law enforcement
13 concerns, are there particular regions of the
14 state that you have heightened concerns about
15 that you would share with the committee?

16 REVEREND JACKSON: Yes. In
17 fact, primarily most of the calls I get are
18 from the northern part of the state, which has
19 been surprising to me. Primarily Essex,
20 Bergen, and central areas like Middlesex.

21 CHAIRMAN JOHNSON: And what is
22 the nature of the complaints? Is there any
23 particular pattern of the allegations that are
24 raised?

25 REVEREND JACKSON: For example,

1 the one that really comes to my mind is an
2 African-American in a predominantly white
3 community and the policeman stopped him
4 because he had an air freshener hanging from
5 the mirror and he pulled him over and gave him
6 a ticket for a whole bunch of stuff. That
7 kind of stuff.

8 CHAIRMAN JOHNSON: You had
9 mentioned with respect to the academy how that
10 needs to be a key point where some of these
11 issues are dealt with. Do you have thoughts
12 that you could share with us about how the
13 curriculum of the academy might be enhanced or
14 what sort of resources the academy should
15 reach out to to enhance their community?

16 REVEREND JACKSON: What I hope
17 is the congregation, that sometime we go
18 through experiences in life and we view them
19 as trash. But if you learn something from it,
20 and you find there's some treasure. I would
21 think that what we've gone through with
22 experience of, experiences from 1990 through
23 the time of the consent decree and all, that
24 that provides splendid learning curriculum
25 that could in fact apply to our candidates,

1 and I hope some of the valuable lessons we've
2 learned, for example, attitudes, for example,
3 that law enforcement have and someone in fact
4 is stopped, how do you approach people? I
5 think there is, there's some basic lessons that
6 we can learn.

7 One of them I saw, which is now
8 part of the whole training process, it's my
9 hope that that training would take place in
10 the academy and not become a part of what they
11 have to learn after they've been sworn in. I
12 think as they've been sworn in it's a little
13 too late.

14 CHAIRMAN JOHNSON: Thank you.
15 The last question relates to a very important
16 thing that you said a few moments ago, which
17 is reaching a point, trying to reach a point
18 where minority communities, communities of
19 color give law enforcement a chance. And my
20 question actually relates to a step actually
21 beyond that to getting to a point where
22 minority communities view themselves as having
23 legitimate stakes in law enforcement and
24 helping us get to the point where a youngster
25 that looks like me gets to a state trooper or

1 another job and that is something that is a
2 very viable or promising career option. How
3 do you envision, how would you envision us to
4 reach that state?

5 REVEREND JACKSON: Well, it's
6 interesting. I had a conversation, I guess
7 about a month and a half ago, with some of my
8 colleagues. And one of the things, the
9 ministers' council is having a conference in
10 February of next year and one of the things we
11 decided to make a part of that conference is
12 the whole issue of law enforcement and the
13 need for minorities to become engaged in the
14 lawyer level of processing and the response
15 that we have, to make our community understand
16 how important law enforcement is. I think
17 most of our focus has been on the other end of
18 law enforcement as opposed to on the front
19 end. That's part of what we hope to engage.
20 In fact, I hope between the NAACP and other
21 organizations, that in fact we begin to do
22 that. I think law enforcement is a terrific
23 field to be in, and I would really encourage
24 our young folk to take some interest and
25 become a part. I think if that happens, I

1 think we'll also see, and Mr. Stier said, I
2 think if we do that, I think that would also
3 build up this issue of trust.

4 CHAIRMAN JOHNSON: The last
5 question is the process folks. Do you view it
6 as helpful for -- would you view it as helpful
7 for the state police or for law enforcement
8 organizations to join with you and think
9 through different strategies?

10 REVEREND JACKSON: Absolutely.
11 I think that could only be beneficial. And I
12 would strongly encourage it.

13 CHAIRMAN JOHNSON: Thank you,
14 sir. Thank you very much for your testimony.

15 REVEREND JACKSON: Thank you.

16 CHAIRMAN JOHNSON: I think we
17 can take a short break. We've reached a point
18 where we're going to have statements from the
19 public, so we want to take a list, get a list
20 of members of the public who actually want to
21 testify, and I'd ask those people who would
22 like to testify to come forward so that we can
23 move through this with a relative dispatch.

24 (Recess taken.)

25 CHAIRMAN JOHNSON: We'll call it

1 the order of witnesses. Laila Mahler, Scott
2 Turner, Neil Mullen, Umar Salahaddin, Richard
3 Rivera, Renee Steinhagen, Nina Rossi and H.
4 Lawrence Wilson, Jr.

5 Is Laila Mahler here? Going
6 once, okay. We can circle back around.

7 Scott Turner? Okay.

8 Mr. Turner, you have five minutes to make a
9 statement, and with respect to the committee
10 members, if there are pressing questions,
11 we'll ask committee members to raise them, but
12 we're going to try to keep this relatively
13 short. But if you want to take five minutes
14 to read your statement, or a shorter period of
15 time, you won't be penalized for taking less
16 time rather than more.

17 MR. TURNER: Yes, sir. Thank
18 you. Thank you Mr. Chairman, members of the
19 committee--

20 MR. CHAIRMAN: If you could move
21 the microphone closer to you.

22 MR. TURNER: My name is Scott
23 Turner. I'm a life-long resident of New
24 Jersey, and I asked to speak to this committee
25 because I want to share my perspective as a

1 citizen on these matters of the public
2 interest. I believe we have an historic
3 opportunity to influence the direction of
4 policing in our state to serve the public
5 interest and to prevent a reoccurrence of the
6 type of corruption that ultimately led to the
7 signing of the consent decree. The committee
8 has already received testimony from a variety
9 of sources, each with their own perspective
10 and each with their own interests on how to
11 move the state police forward in the post consent
12 decree era. However, no one has offered a
13 solution to address the needs of average New
14 Jerseyians to provide real independent
15 oversight of the state police and the means of
16 community participation. Instead, what has
17 been offered has been the illusion of
18 independent oversight, or providing a
19 mechanism for external review of the state
20 police is that is wholly dependent on internally
21 controlled information by the state police and
22 the attorney general's office. I believe that
23 is a flawed approach and will likely fail.

24 To argue for less oversight of
25 the New Jersey State Police is to ignore

1 history and set the stage for a new cycle to
2 begin. Similar missteps have been taking in
3 other places such as Boston and Los Angeles.
4 We have a responsibility to make sure that
5 does not happen here.

6 In response, I am recommending
7 that a community police commission be
8 established in New Jersey to guide the future
9 of policing in our state. A community police
10 commission is the only real solution to
11 provide independent oversight of the state
12 police and ensure that the organization
13 remains true to reforms and accountable to the
14 community. There are a number of models that
15 could be used to establish a commission in New
16 Jersey and a vast body of research upon which
17 we can draw. Regardless of which model
18 we select, there are several elements that
19 must be included if such a plan is to succeed.

20 One, the New Jersey model must
21 include the means for the public to participate
22 and influence police practices in our state.
23 The New Jersey model must include the
24 authority to implement reforms, access
25 information and hold state police commanders

1 accountable. The New Jersey model must also
2 include a role in evaluating the direction of
3 policing, policing goals and policing
4 strategies. I believe a commission should be
5 established as a new division within the New
6 Jersey Department of Public Advocate, and it
7 should be staffed by members from our
8 communities and get input from special interests in
9 our state. The Public Advocate is a principal
10 executive department of the state that is
11 dedicated to making government more
12 accountable and more responsive to the needs
13 of average New Jerseyans. Establishing a
14 division for oversight of police would help to
15 strengthen our police organizations by taking
16 the oversight out of the hands of law
17 enforcement and placing it into the hands of
18 our communities.

19 There are a number of reasons
20 that I am proposing a community police
21 commission, but most importantly because it's
22 the right thing to do for New Jersey.

23 Also, I believe citizens or
24 members of the community have an inherent role
25 in policing their communities, and that means

1 more than simply sharing ideas or engaging in
2 outreach. It means participation and sharing
3 in the decision-making process.

4 Another reason I'm proposing a
5 commission is because I'm concerned about the
6 direction that some police organizations in
7 our nation are heading. Namely that they're
8 drifting away from the community-oriented
9 approach. Many police leaders in our nation
10 have cautioned against this and expressed their view
11 that community policing is the right
12 model to keep our neighborhoods safe. To that
13 end, I believe the community police commission
14 seems like a logical choice.

15 Finally, with respect to the New
16 Jersey State Police, I'm also concerned about
17 what I perceive as misconduct and corruption
18 that seems to be building back into the
19 organization after many years of positive
20 reform -- corruption that involves abuse of
21 authority, manipulation of official state
22 police records, misrepresentations that are
23 designed to mislead and misreport information
24 to the public.

25 I will give you two brief

1 examples of what I believe falls into that
2 category. One example of that corruption
3 occurred in the State Police Office of
4 Professional Standards. When high ranking
5 state police commanders manipulated and
6 misrepresented internal affairs data in an
7 effort to attain consent decree compliance
8 from the federal monitors. Their actions were
9 successful and went undetected by the
10 monitoring process.

11 Another example was an attempt
12 to misrepresent and manipulate data at the
13 state police training bureau just this past
14 year. When I was asked by state police
15 commanders to misrepresent my findings
16 regarding training oversight when speaking
17 with federal monitors, I refused and informed
18 the federal monitors of my assessment that the
19 training bureau had ceased complying with the
20 mandates of the consent decree.

21 My testimony in 2005 at the
22 training bureau triggered a series of events
23 within the organization that continue to this
24 day. I've been subjected to threats, abuse
25 and intimidation by top state police

1 commanders. I was instructed to keep my big
2 mouth when speaking with the federal monitors --
3 to omit information -- and I was even coached on
4 how I can mislead monitors by misrepresenting
5 information and how I could limit my responses
6 to their questions. I was also ordered to
7 prepare and testify to reports knowing in
8 advance that those reports were inaccurate and
9 false, which I refused to do.

10 These actions were done in an
11 effort to gain consent decree compliance, and
12 these actions were encouraged by the highest
13 levels of the state police command staff.
14 Again, that is one of the reasons I am
15 suggesting that we adopt a community police
16 commission in New Jersey, because it's my
17 belief that top state police commanders are
18 very limited in oversight. There really are
19 no oversight mechanisms in place to assure
20 that they're not engaged in misconduct.

21 I'll finish up. These incidents
22 are two examples of how the process has become
23 corrupted within the New Jersey State Police
24 in recent years. In my view, the manipulation
25 and/or misrepresentation of internal affairs

1 data, training data or any other official
2 state police report can also be defined as
3 corruption. Moreover, these acts bear a
4 striking resemblance to the issues, concerns
5 and underlying causes that led to the signing
6 of the consent decree in 1999.

7 In closing, if we truly want
8 genuine sustained police reform in New Jersey,
9 then we must make a genuine sustained
10 commitment. That commitment can best be
11 expressed by establishing a community police
12 commission in the Department of Public
13 Advocate. Thank you.

14 MR. CHAIRMAN: Thank you very
15 much, Mr. Turner. Are there any questions
16 from members of the committee? Mr. Stier?

17 MR. STIER: Yes. Can you very
18 briefly tell us what your position was in
19 relation to the state police? I didn't hear
20 any introduction that would suggest what the
21 basis of this --

22 MR. TURNER: If you listened to
23 the first two-thirds of my statement, I spoke
24 in a very broad public interest way. When I
25 discussed those issues related to internal

1 affairs and training, I was under the
2 impression that you were informed that I am a
3 trooper in the New Jersey State Police. I'm
4 assigned to a unit, assigned to oversight for
5 trainings, police training. I also served on
6 the internal affairs bureau. So what I'm
7 speaking of is my personal knowledge.

8 MR. STIER: And is there any
9 current litigation pending between you and the
10 state police?

11 MR. TURNER: There is litigation
12 pending. There have also been internal
13 affairs complaints filed to bring these issues
14 to light.

15 MR. STIER: Thank you.

16 MR. CHAIRMAN: Any other
17 questions?

18 What is the status of the
19 internal affairs process on these issues?

20 MR. TURNER: I've only heard --
21 I filed an internal affairs complaint, and I
22 made this known to the Office of State Police
23 Affairs in December of 1995 -- 2005. I was
24 not contacted until March of 2006. When I was
25 contacted, I was contacted by an officer from

1 our EEO office. The case was transferred back
2 to our office of professional standards, and
3 subsequent to that I gave a statement. I
4 learned in mid September that there was not
5 enough evidence to substantiate at least one
6 of the complaints, however, with regard to the
7 number of issues, I can't say what the current
8 status on those is.

9 MR. CHAIRMAN: And this issue
10 was raised with the Office of State Police
11 Affairs?

12 MR. TURNER: This issue was
13 brought to the Office of State Police Affairs
14 in December of 2005.

15 MR. CHAIRMAN: And did the
16 Office of State Police Affairs conduct its own
17 investigation?

18 MR. TURNER: Not to my
19 knowledge.

20 MR. CHAIRMAN: Thank you.

21 MR. TURNER: Thank you.

22 CHAIRMAN JOHNSON: Neil Mullen?
23 Is Neil Mullen here?
24 Umar Salahaddin? Good evening.

25 MR. SALAHADDIN: Good evening,

1 Chairman, members of the commission. I want
2 to thank you for the opportunity to share with
3 you some of the thoughts that I've had the
4 opportunity to not only to reflect on but in
5 conversation with people have been impacted
6 and affected by the consent decree. I first
7 would like to say that I don't think that my
8 comments here at this point will really change
9 your opinion. I've been listening to some of
10 the testimony for the last hour or so. I
11 think that the consent decree in no way,
12 shape, form or fashion needs to be lifted, but
13 it needs to be looked at perhaps more
14 strenuously than it has in the past. There's
15 an old saying that says that when you learn
16 the game, you change the rules. And clearly
17 one of the things that I saw is that when we
18 look at some of the things that are going on
19 now, and we're talking about entertaining the
20 thought for lifting the consent decree. I find
21 that when a person is ill, though they may
22 have symptoms of having overcome their
23 illness, that clearly the doctor always says
24 no, continue to take the medicine until
25 you're well.

1 their community. They see law enforcement
2 continues to harass them. They see them, it's
3 not that they see them as a person, but that
4 they have a certain MO, that what they want to
5 do is stop them. And I think what we have to
6 have is a passion, both in the community and
7 law enforcement, and say hey, let's sit down
8 at the table and talk about this. But at the
9 same time law enforcement is saying we're
10 willing to sit down but we're not going to
11 show you what's going on inside.

12 I see this as being a serious
13 problem, because it's almost as saying we're
14 going to hide what's there. That's true they
15 do hide what's there. I speak from firsthand
16 experience, because we had a situation in our
17 area where we had to do some background
18 investigational issues of police brutality,
19 and I work for the City of Atlantic City and I
20 drive a city vehicle and I took my city
21 vehicle in to be serviced, and when I came
22 back to pick it up, I got in my car and I
23 drove away. And as I drove away, I happened
24 to see a packet of drugs in my car. I don't
25 use drugs. I know this. And I said, this is

1 crazy. What's going on? So I had to lock my
2 car doors, get on my cell phone and call the
3 mayor. I says I'm not stopping. I don't care
4 who tries to stop me. Because I realize
5 what's going on here. And unfortunately some
6 police officers come to me and said listen,
7 you need to shut up, man. Be quiet. And I
8 think that what's going on now in the area of
9 law enforcement is not just in the New Jersey
10 State Police it's not just in the United
11 States Police but it's systemic.

12 And I come in this commission
13 and I'm hopeful that you will be serious about
14 the things that you're trying to do to
15 make sure these things don't happen,
16 especially to minorities, because everybody
17 knows that we don't have the money to afford a
18 lawyer. We can't afford to go out and get
19 certain things. So all we have to do is put
20 ourselves at your begging knees to say look,
21 we trust you all, and we do. I trust this
22 commission. I trust it to say that something
23 good is going to come out of the it. We found
24 some very profound statements from the people
25 who came, evidence that was shared from the

1 ACLU, I was listening to a gentleman,
2 Mr. Buckman, and I was very impressed.

3 I think that the statement that
4 was made prior to me coming by Reginald
5 Jackson is that there is no doubt that we
6 cannot lift the consent decree, and I'm
7 hopeful that this commission and all of its
8 members that will go home tonight, that you
9 not just listen to what each other has to say
10 but to your own soul. Think of the
11 things you heard people talk about. Think
12 about the information that's important to you.
13 I'm not saying we should be prejudiced against
14 the police departments, because we need them.
15 But clearly the police need to be a friend to
16 the community, and right now they're not
17 friends to the community.

18 Our communities have a larger
19 gap than ever before in police and community
20 relations. So much so that they have even
21 disbanded. They feel there's no need for
22 them. There's no need for the in-service
23 training of bringing in people from the
24 community and talking to them. So I would be
25 hopeful that the, again, that this commission

1 will send out a strong message and say it's
2 time for change. Know that this consent
3 decree cannot be lifted. Agree to look at
4 this. If it has to be modified, I would pray
5 that it not even be modified. You know, I'm
6 very passionate about the way that I feel,
7 because I visit the jails and I see things.

8 Just a month ago, I saw a
9 situation that left me speechless. I saw a
10 situation wherein a young man was
11 attacked by police dogs and had over a hundred
12 stitches. Never had a charge. That was his
13 charge, he assaulted a police dog. Who's
14 going to pay for that? Nobody. Why? Because
15 now he's charged with assaulting a police dog.
16 So we do have issues. We have serious issues
17 in our community that nobody wants to listen
18 to. The press don't want to listen to, the
19 radio don't want to listen to, nobody wants to
20 listen to. So you have a bunch of young
21 brothers, if I can use that statement, who are
22 angry and they want a recourse. And I'm
23 hopeful that this commission can let them know
24 that we're here for you all and we're prepared
25 and we're going to do justice by you all and

1 for you all. And I thank you for having the
2 opportunity, and hope that this will mean
3 something to you as it meant to me trying to
4 share with you.

5 I also want to apologize. I did
6 have a statement, but as I said, I work for
7 the city and someone came and took my car for
8 service and didn't get back in time, but I'm
9 hoping that my statement will give you the
10 passion that I have. Thank you.

11 CHAIRMAN JOHNSON: Thank you.
12 And if you would just hold a second, we may
13 have some questions for you. Any questions
14 from any members of the panel?

15 I have one. You probably heard
16 one of the last questions I asked Reverend
17 Jackson, which is about -- he talked about
18 getting to the point where communities,
19 minority communities are going to give
20 police, essentially law enforcement a chance,
21 and the next question in my mind is how do you
22 get to the point where there's
23 more than just giving a chance; but there's
24 actually trust. Do you have any
25 thoughts on that that you'd like to share with

1 us?

2 MR. SALAHADDIN: I'm going to be
3 very honest with you, because I'm afraid that
4 if I'm not honest, then my comments may be
5 misunderstood. At this point in the minority
6 community, it's not going to happen. It's not
7 going to happen because the police departments
8 are not going to be honest. If they were -- I'm
9 not painting a brush over all police officers,
10 because every time that you make a statement,
11 I find you say all police, well, if the good
12 police know what's going on, then they should
13 speak out as well. But unfortunately, they're
14 not. So we speak about young people, they
15 want to see something. They don't want to
16 hear nothing. They want to see that police
17 really want to come in the community and make
18 a difference. They don't want to see police
19 come in there like we just experienced two
20 weeks ago where they come in on loudspeakers
21 and say get so-and-so in the house, it's past
22 6 o'clock, we're going to start locking people
23 up.

24 So how do we heal these wounds?

25 In order to heal these wounds, it's going to

1 take some time. It's going to take a sincere
2 effort of the leadership of these much
3 different departments to come forward and say
4 I'm going to make sure I have a vested
5 interest here and I'm going to come forward
6 and say let's do this. That's the only way
7 you're going to do it. Other than that,
8 we expect young brothers are not trying to
9 hear that. Do I want it to happen? Yes, I
10 do, but I think the onus is going to be on us
11 to make a change, and I feel right now there's
12 a difference between us and our young people.

13 But I believe that what you're
14 doing is great and I really commend you for
15 it. I believe something is going to come out
16 of this. I honestly do, based on what I've
17 heard. I believe something here is going to
18 happen.

19 CHAIRMAN JOHNSON: Thank you
20 very much. Thank you for taking the time.

21 MR. SALAHADDIN: Thank you.

22 CHAIRMAN JOHNSON: Next, Richard
23 Rivera. Is he here? Good evening.

24 MR. RIVERA: Good evening.

25 CHAIRMAN JOHNSON: As I

1 explained, I don't know if you were in the
2 room at the time, but each of the members of
3 the public has five minutes, and then you
4 won't be put through the full round of
5 questions by the committee, but there may be
6 some questions. Please proceed.

7 MR. RIVERA: My name is Richard
8 Rivera. I'm a retired police officer. I
9 spent the last 12 years researching police
10 misconduct, organizational culture, racial
11 profiling and public corruption. During the
12 course of various studies, I've had
13 face-to-face contact with more than a hundred
14 police officers from around the country in an
15 effort to assess citizen complaint intake
16 procedures, including contacts with the New
17 Jersey State Police. In assisting citizens,
18 or on my own behalf, I have filed numerous
19 internal affairs complaints, including
20 complaints against internal affairs
21 supervisors and administrators and also state
22 troopers. Many of these encounters were
23 harrowing, to say the least. And on the flip
24 side, as a police officer, I was subject to
25 more than 11 separate internal affairs

1 investigations and four criminal
2 investigations. Frivolous charges against me
3 were later dismissed after a six-year appeal.
4 New Jersey has one of the nation's best
5 written policies on internal affairs. The
6 problem, ladies and gentlemen, is the fact
7 that it's not properly implemented and it's
8 not enforced.

9 In an effort to examine the
10 system, I've compiled countywide complaint
11 data for the entire State of New Jersey for a
12 five-year period, which I put in a report in
13 2000. At the time I was astonished that the
14 Attorney General's Office collected the data
15 without analyzing it for any trends or policy
16 reforms, particularly since the AG's office
17 recommends that local agencies do that and
18 also at the county level.

19 At the same time, roughly around
20 2000, the State Attorney General mandated the
21 collection of use-of-force reports at the
22 local level, which is then forwarded to the
23 county prosecutors. The reports now today do
24 not get forwarded to Trenton for analysis, and
25 some prosecutors as of yesterday are currently

1 now collecting data from local agencies.
2 These two crucial areas of policing provide
3 significant insight into policing practices,
4 yet their value is being ignored. The same is
5 true of the State Police and the operation of
6 the Office of Professional Standards. The
7 2005 annual report shows trends that need to
8 be explored further that there is no
9 explanation or additional data for the public
10 to assess for comparison. As of 6 o'clock
11 this morning if you click on the website for
12 the state police, the '05 data is available
13 but the 2004 data is not. Although it does
14 say that it is if you click on it.

15 One of the problems that
16 inherently lies within the investigation
17 process at both the municipal and State Police
18 levels is the overutilization of in-line
19 supervisors to conduct internal affairs
20 investigations of their own subordinates. In
21 terms of the State Police, I believe it's
22 called a PIDR or Performance Incident
23 Disposition Report, which was presented by OPS
24 representatives at an earlier hearing. When
25 the supervisor personally graded on their

1 subordinate's activities, they're more
2 inclined to favor self-preservation over
3 criticism.

4 Furthermore, review of the 2005
5 annual state police report raises several
6 issues regarding what data was used for the
7 report, the classification of the complaints
8 and the outcome of internal and external
9 complaints. If you look at the data which is
10 in the report -- it's available online, which is
11 a good thing -- a lot of questions are raised
12 as far as the charts, the way they devised the
13 charts and why more information wasn't
14 extrapolated. Subsets could be used more
15 efficiently and better to determine where
16 these complaints were originated and what
17 happens to them. An internal complaint made
18 by a trooper are two times more likely to have a
19 substantiated finding than if it comes from a
20 regular citizen, a motorist or someone who
21 receives a ticket.

22 Based on interviews and an
23 analysis of the type of allegations against
24 troopers, there seems to be an inclination of
25 troopers who may tend to feel victimized by

1 their current working condition, which
2 includes the current consent decree. Also, if
3 you look on the 2005 report, there's a section
4 that was recently added for a category which
5 has to do with medical leave abuse. I implore
6 you to look at this, because it had to be so
7 crucial where the state police was focusing on
8 three separate categories, to later add a
9 fourth and now the medical leave, which is a
10 fifth. If you have a means to interview the
11 individuals that are out on leave or the
12 ailments that they're claiming that they have,
13 you will find what I'm going to suggest is
14 individuals that just don't want to return to
15 work either because they've been retaliated against
16 one reason or another or are fearful for
17 repercussions in the workplace and therefore
18 do not return to work and use the very very
19 liberal system that the state has imposed for
20 sick leave time. So I'm going to point out
21 that obviously it's a different classification
22 that needs to be analyzed, and obviously
23 that's why they delineated that in their
24 report, but it won't scratch the surface as to
25 why these people aren't returning to work and

1 what their claims are. And also along the
2 same lines, we've heard time and time again,
3 are the civil suits and allegations. That is
4 a treasure trove of information for you to
5 determine what the allegations are, whether
6 they're baseless or not, but to see what's out
7 there, what people are claiming that they face
8 in the workplace. And as a whistleblower, I
9 can tell you more often than not that these
10 allegations are truthful.

11 Some of the troopers may act out
12 of frustration as part of the cultural trend
13 in what is known as a continuing compromise.
14 These troopers would rather compromise their
15 personal values for those of the organization
16 in order to identify with their employment,
17 not as a job but as a way of life. By no
18 means do I profess to be a psychologist; I
19 merely made these observations since reviewing
20 the state police since 1999, and I've spoken
21 to many numerous proud and dedicated minority
22 troopers who swore to uphold the Constitution
23 only to be stonewalled by this overwhelming
24 bureaucracy that's in place.

25 As far as what you've heard

1 before in reference to internal affairs at the
2 municipal level, it is sorely sorely in need
3 of some type of reform. Right now, when
4 people come to me, it's roughly on a monthly
5 basis. It used to be more frequently on a
6 weekly basis, and asked how they could be, go
7 through the process of internal affairs. And
8 unfortunately, it's not a fair process. It's
9 not an impartial process. If you look at the
10 very stringent regulations within the
11 guidelines, they're often being violated. For
12 instance, there's not supposed to be any union
13 officials that are in supervisory positions
14 within internal affairs, yet there are
15 fraternal and union representatives on
16 internal affairs supervising. Also, if you
17 break down the data, you will see that along
18 the supervisory lines and fraternal lines that
19 subordinates are punished more often and more
20 harshly than supervisors are. Right now I
21 think the average is about 9,000 complaints
22 across the state. I'm compiling new data, but
23 unfortunately, the, at all levels of
24 government, I do commend the council for
25 assisting private citizens, but I'm still

1 getting stonewalled trying to get the data,
2 which is public information. It's written in
3 the policy that it's public information and it
4 shall be provided to members of the public.
5 And as of today at lunchtime when we took our
6 break, the prosecutor told me on the phone
7 they don't compile the data and therefore
8 would not be made public. This is an ongoing
9 problem.

10 One of the other issues that
11 I've noticed is: if you don't get the response
12 that you necessarily like or deserve at the
13 local level, you really have no recourse. If
14 you go to the county level, each county
15 prosecutor's office has their own internal
16 affairs division set up. Those are only used
17 for criminal referrals. So if it doesn't have
18 anything to do with a crime, they'll refer you
19 back to the very same police department that
20 you were either fearful of approaching or had
21 some issues with. So let's go a step above
22 that. What else is there beyond the
23 prosecutor's office? Call the AG's office;
24 maybe they'll do something. The AG's office
25 is so specialized --

1 and didn't opt for the complaint or compliment
2 form, that there was a number assigned to the
3 vehicle so that they could look at a big bold
4 sticker and see some number on a vehicle
5 traveling down the turnpike so they can report
6 the officer or whatever and also badges too.

7 CHAIRMAN JOHNSON: Thank you.
8 Thanks very much. Are there questions from
9 members of the panel?

10 On the municipal internal
11 affairs, one of the proposals that was made
12 earlier was aggregating the internal
13 affairs function by county, especially putting
14 one person in charge of internal affairs
15 oversight for each particular county or at
16 least one unit. Do you have any reaction at
17 all to that?

18 MR. RIVERA: Absolutely. It's a
19 great idea. Right now what you have in each
20 municipal police department is a lot of
21 part-time individuals to investigate internal
22 affairs. A full-time staff either on a county
23 or regional level would definitely help the
24 situation.

25 CHAIRMAN JOHNSON: Thank you.

1 Renee Steinhagen?

2 MS. STEINHAGEN: Good evening.
3 I feel like an outsider who's stepping in
4 after you've had along dialogue. I want to
5 answer one question. I am an Executive
6 Director of NJ Appleaseed, but I've been involved
7 in representing troopers for many years. I am
8 not doing it actively now, but I have a
9 history and that's what's in my statement.
10 But you asked the question about the Attorney
11 General and I wanted to put in my perspective
12 where I've been dealing with issues with the
13 Attorney General as well. You have to
14 understand that the Attorney General now is
15 both really the supervisor of the
16 Superintendent, because it's in the Division
17 of Law and Public Safety. At the same time,
18 they provide counsel historically when
19 troopers are sued, and now you're asking them
20 to be monitors as well. And I think that
21 itself shows that it's almost impossible
22 institutionally for the Attorney General to
23 really be an independent monitor at least of the
24 State Police. I have no opinion about local
25 police enforcement agencies. And historically,

1 one thing Former Attorney General Bob
2 Del Tufo used to say to me: the Attorney
3 General is the supervisor of the
4 superintendent, but they have their own
5 independent budget, and that's been the
6 limitation. They go directly to the
7 legislature to get their monies, and therefore
8 that was his explanation and I'm just leaving it
9 there. I don't know if you've spoken with
10 Attorney General, Former Attorney General Bob
11 Del Tufo.

12 Mr. Stier, in response to your
13 question about any other superintendents, I've
14 been co-counsel with Bill Buckman, I've
15 deposed, I think every superintendent, and I
16 again urge you if you get a statement from --
17 former Superintendent Dentino was faced with a
18 profiling issue in the '80s and came in based
19 on a paper he wrote for the incoming governor
20 on disbanding the Drug Administration Unit.
21 And again, just my perspective from deposing
22 him is he might have a lot to offer this
23 commission.

24 So thank you very much for
25 giving me the opportunity to speak -- I

1 understand this is your last public hearing -- to
2 share my observations and conclusions about
3 the New Jersey State Police, which I formed
4 really over the pass 16 years. I understand
5 that your central question is whether or not
6 the requirements of the 1999 Federal Consent
7 Decree regarding racial profiling should be
8 codified, and my simple answer is yes. You
9 should. This conclusion is based in part on
10 conversations that I've had with persons from
11 the Department of Justice over the years.
12 It's also based on my observations that the
13 culture -- that word was bantered around here and
14 I'm going to use it, maybe one of the first to
15 talk about it, in the context of the state
16 police -- it has not sufficiently changed, and
17 the result of the removal of the
18 organizational strictures the consent decree
19 imposed would be detrimental.

20 Based on conversations with the
21 Department of Justice -- most recently I've been
22 involved in designing law enforcement and
23 housing inspection protocols for the Freehold
24 Police and code inspectors -- and my
25 understanding is that the consent decree was

1 designed to establish new institutional
2 practices that would be adopted by the
3 state police when the consent decree expired,
4 which in turn would ensure continued
5 implementation of the reform practices over
6 time. And because the state police, and again
7 I'm speaking maybe too conclusionary, but
8 that's a function of having five minutes and
9 I'm in a race, but it's my perception that the
10 state police has a history of working hard to
11 formally meet the goals of a given consent
12 decree in order to get it lifted and then
13 retreating to the same conduct that caused it
14 to be created in the first place, so I urge
15 you to recommend codification. However, as
16 I'll fully explain below, I strongly believe
17 that from the public perspective
18 codification of the decree, though necessary,
19 is not sufficient to reform the New Jersey
20 State Police. Racial profiling is but one
21 problem of the New Jersey State Police that
22 emerged in the late 1980s and then again in
23 the '90s. Other problems affecting the
24 organization's ability to serve the public
25 also exist. For example, lack of proper audit

1 procedures and budget accounting system.
2 Misuse of public monies. Ethical lapses by
3 high-ranking officers such as permitting
4 members of the superintendent's office to run
5 a Super Bowl pool in 2006 at the same time the
6 state police was investigating illegal
7 gambling by certain members of the division.
8 There's been distribution of (inaudible) pay
9 overtime, and in some instances, double pay of
10 overtime. And I think what you've heard over
11 time, from many of the panelists at least
12 since I've been here, there's biased and skewed
13 internal investigations which have not ceased.
14 Based on the discretions -- as we know
15 prosecution is discretionary, what gets
16 investigated by whom at what level of the
17 state police is purely discretionary and
18 doesn't show up in the statistics that the
19 public monitor has been collecting. And then
20 we have retaliatory practices directed at
21 whistleblowers. These problems like profiling
22 are permitted to occur because neither the
23 governor the legislature nor the public is
24 able to hold the state police accountable.
25 Title 53 gives the Superintendent of State

1 Police total control and discretion over
2 internal personnel, not just logistical
3 decisions, and I believe, without delineation
4 of norms, criteria and standards with some
5 level of outside scrutiny built in to the
6 internal operations of the state police, the
7 state police will continue to go from one
8 public crisis to another. Former (inaudible)
9 once said to the troops, right before Colonel
10 Dunbar was nominated and prior to either of
11 the attorney generals (inaudible) and signing
12 the consent decree: Don't worry, this too
13 shall pass. These words haunt me, because
14 that's how the state police has acted. This
15 too shall pass. The public cannot once again
16 avert its eyes when the ostensible problem
17 goes undercover and it must demand the
18 accountability that can only be
19 secured when the state police's personnel
20 systems are changed.

21 I have quite a bit here
22 explaining what I've done over the years, how
23 I've been involved, how I've come to these
24 decisions. I heard there was some talk about
25 recruitment. I know it's been brought to the

1 attention to this committee that there was a
2 consent decree on hiring and recruitment. I
3 was counsel for the NAACP with the lawyers
4 (inaudible) David Rose. That consent decree
5 has (inaudible) and I can go through details
6 of what we were trying to do and how the state
7 police (inaudible).

8 What I have attached -- and I will
9 submit this testimony, since I don't want to
10 belabor this -- I ended up, I pulled it out of
11 my drawer, it says State Trooper 13. It
12 refers to 13 Afro-American troopers who spoke
13 out starting in 1991, and the history of the
14 retaliation against those troopers -- there was
15 once a unit, they were called the EOC 13, and
16 then there was a whole unit developed to try
17 to get the 13, and I guess this was sort of
18 their defense or mockery of it. But the point
19 is that during that litigation at some point,
20 we actually were sitting down with the state
21 to develop injunctive relief about the
22 personnel system. And I was supplied about 35
23 consent decrees from around the country with
24 other state polices. And I use those consent
25 decrees, as well as conversations with the

1 troopers I represented and many other
2 troopers, and I developed some very simple
3 proposed injunctive relief about the personnel
4 system. They are about promotion, specialist
5 assistance, training, discipline, et cetera.
6 I've attached these here. They were developed
7 in probably 1997 or so. They probably
8 could be to. They're annotated. And you
9 asked about other places, and I think, you
10 know, I just said to Miss Lambert, why did you
11 talk about other states. But the point is,
12 one of the things that the troopers used to
13 say is this would never have occurred in the
14 U.S. Army. And they use that analogy because
15 everybody used to say the state police is like
16 the Army. But there are other police
17 enforcement agencies, including the FBI that
18 went through its own trouble, that have dealt
19 with these issues. It is not new. Racism in
20 the state police is not new. You know, what I
21 had in here, because I have a lot of
22 information. Right now I too get a lot of
23 calls like Mr. Buckman, retired troopers that
24 are Anglo and they were high-ranked troopers,
25 and it was interesting, because I too did not

1 understand the person who was sitting here
2 before was a trooper and he started talking
3 about corruption. And in fact, I was reading
4 through my statement and I use the word -- that
5 troopers are telling me about corruption
6 (inaudible). That's sort of inflammatory
7 anyway. But there is this general sense, and
8 I hope you can get behind it, the sources that
9 I have from inside are telling us that again
10 the state police is formally trying to meet
11 the consent decree. Whether it is these, what
12 they call the Turner Raiders that
13 went out before to sort of fix up the station
14 when they got notice that there was going to
15 be an inspection at certain station or certain
16 unit and they actually called them that, named
17 after a particular trooper. And there are
18 other ways that only troopers can tell you
19 about how they are ostensibly meeting the
20 legal requirements of the consent decree and
21 how they are just bristling waiting for it to
22 be lifted only to retreat back to their old
23 practices. And as I say, profiling is only
24 one aspect of this. We have numerous
25 instances of troopers who have just said

1 they're unwilling to not sign certain false
2 reports, do various things that in most police
3 agencies, there would be ways for these
4 troopers to be heard without being retaliated
5 against and actually forced to retire. So
6 thank you very much. I have my statement,
7 which is quite different than the one I just
8 spoke about.

9 CHAIRMAN JOHNSON: Thank you.
10 If you could get copies and get it to the
11 committee. This will be part of the public
12 record, most of which if not all of which will
13 end up on the committee's website. Before you
14 go, we need to make sure, are there any
15 questions from any members of the committee?

16 MS. BROWN: I do.

17 CHAIRMAN JOHNSON: Ms. Brown?

18 MS. BROWN: I just was wondering
19 whether or not you felt as though if the
20 consent decree was codified, that it should
21 be done as it stands or if there's, if there
22 are additional policies that need to be added
23 in terms of what kind of conduct is reviewed,
24 what's monitored, what data is collected?

25 MS. STEINHAGEN: I think it

1 needs to be modified especially regarding
2 internal complaints. I believe that the way
3 it's currently working does not get to
4 what's going on. I think other people have
5 alleged, even Mr. Rivera, there's an issue of
6 classification of what gets investigated at
7 what level, and I think that if one is serious
8 about it, that aspect of it, I think there has
9 to be much more analysis to the type of data
10 and the type of oversight that needs to be
11 implemented. And of course my position is
12 that the consent decree, I mean, I had these
13 arguments with the Department of Justice in
14 1999. I felt that it only hits one problem of
15 the New Jersey State Police. Again, I do
16 believe, and I think you should consider that
17 until you really change personnel procedures
18 and how people get placed, how people get
19 promoted, how they get assigned, you will not
20 be able to change the culture. I'm a
21 pessimist. It's not just leadership. It
22 takes a long time to change people's
23 attitudes, but institutions can confirm
24 people's behavior in certain ways. And until
25 the state police has mechanisms where the

1 commanders are held accountable through
2 promotion, through discipline, they will never
3 be accountable and that process of change will
4 never even occur.

5 CHAIRMAN JOHNSON: Any other
6 questions down here? Mr. Stier?

7 MR. STIER: No.

8 CHAIRMAN JOHNSON: Quick
9 question. You had talked about -- rather, I
10 don't know whether or not you were here
11 earlier when Dr. Walker made a presentation.

12 MS. STEINHAGEN: No.

13 CHAIRMAN JOHNSON: One of the
14 things that he discussed was putting in place
15 an interdisciplinary system using a matrix of
16 penalty for discipline as part of an overall
17 effort to add greater rigor to the
18 disciplinary process. I don't know whether or
19 not you had any thoughts on that that you want
20 to share?

21 MS. STEINHAGEN: Yeah. I'm not
22 sure. I haven't heard his particular matrix,
23 but I think it's been accepted in policing
24 that -- I know there are difficulties with
25 sentencing and federal guidelines, but in some

1 sense there needs to be some sort of parallel.
2 The state police, again, my knowledge of it,
3 had a very broad system. You had court
4 martials where it was anything above two weeks
5 and it was another type of hearing, and then
6 you got these blue tickets for various other
7 things in between. But there needs to be some
8 sort of categorization of the level of
9 culpability of the type of action you did and
10 there also needs to be ways of determining what your
11 penalty is and how long that's held against
12 you if you're going to have a different
13 promotion system. Because it's all tied in
14 together. One of the stories that you hear
15 when you start talking to troopers how this
16 person or I'm going to use an old story
17 because they're not relevant because you won't
18 know the people. Because someone shot his
19 sister-in-law or somebody and then didn't get
20 demoted and then two years later got promoted.
21 And then somebody else -- and they would argue
22 based on the color of their skin -- might have
23 had an abuse complaint against them and before
24 you knew it they were not only demoted or
25 penalized, but that was held against them.

1 Every time they come for promotion they would
2 be told no because you had that charge. It's
3 connected with the promotion system. It's
4 connected with the assignment system. And it
5 again, I'm not as familiar with how the state
6 police does it now, but at one point they had
7 just a committee that reviewed things and
8 again, there didn't seem to be any other
9 guidelines other than who was or who wasn't on
10 the committee. Basically historically it has
11 been too subjective. So any way you try to
12 make it more objective with allowing
13 objectivity, you're going to have a fairer
14 system.

15 MS. BROWN: Thank you.

16 MS. STEINHAGEN: Thank you.

17 CHAIRMAN JOHNSON: The next
18 person on the list is Nina Rossi.

19 MS. ROSSI: Hello.

20 CHAIRMAN JOHNSON: There's one
21 more witness I think after you. You get five
22 minutes, you won't be penalized for sticking
23 to five minutes.

24 MS. ROSSI: I don't think I'll
25 take five minutes.

1 CHAIRMAN JOHNSON: You may be
2 rewarded for that, actually.

3 MS. ROSSI: Until August -- I'm
4 a plaintiff's attorney, I represented three New
5 Jersey State Troopers -- and racial profiling is
6 really only tangentially involved in my cases --
7 until August of this year, and I wanted to
8 present to the committee something, because I
9 heard Mr. Stier say before having the Office
10 of the Attorney General, isn't there a
11 conflict, and (inaudible) the attorney general
12 overseeing state police.

13 But while these hearings were
14 going on and the reason I'm here today is that
15 a piece of evidence that was produced in my
16 case has successfully managed to be challenged
17 so it won't be introduced and this has all
18 been done off the record with the judiciary of
19 the State of New Jersey. Now, that's my
20 problem. But when I started to investigate to
21 find out, I knew of the consent order, I knew
22 the hearings were going on and I couldn't
23 believe that while the hearings were going on,
24 this would happen. That my client produced
25 for me an e-mail and I have it here, and

1 that I receive from the system as it is right
2 now is nothing. And I'm overwhelmed as a
3 plaintiff's lawyer with the New Jersey State
4 Police and the Office of the Attorney General.
5 I have to be honest that sitting here today
6 and listening to what you had to listen to,
7 I'm a little nauseous and I leave it to you,
8 and I'm trusting this commission. I don't
9 think we need to accomplish changing a
10 culture. I don't think we can. If we can
11 make one inch forward from where it is now,
12 where a video like this would be circulated,
13 laughed at, a person promoted and the Office
14 of Attorney General fight to suppress it then
15 I think we're coming a long way. Just keep
16 moving by inches. So thank you for listening
17 to me.

18 CHAIRMAN JOHNSON: So we can
19 have the video?

20 MS. ROSSI: Yeah. I'll leave
21 this for you.

22 CHAIRMAN JOHNSON: It's a
23 diskette?

24 MS. ROSSI: It's a CD.

25 CHAIRMAN JOHNSON: Okay. Are

1 there any questions from members of the
2 committee?

3 MR. STIER: I have a question.
4 In that exhibit that you're leaving with us,
5 do you identify the person who circulated it?

6 MS. ROSSI: It's a good
7 question. I was saying that I can't do this.
8 I'll write it on the outside. It's not
9 confidential information and I'll leave it
10 over there.

11 CHAIRMAN JOHNSON: Are there any
12 other questions?

13 MR. STIER: No.

14 REV. FLOYD: I just want to
15 clarify -- thank you for coming in to make your
16 presentation for us. You indicated that the
17 CD is an e-mail that was circulated recently
18 amongst the State Police throughout the state
19 or just one particular barrack?

20 MS. ROSSI: That's a good
21 question. I represent a state trooper and
22 they transferred him. It was being circulated
23 within his unit. He produced it for me in
24 August; the background to the production. He
25 didn't want to produce it. He was fearing

1 retaliation. It was circulating in February
2 of 2006, and I wasn't going to push him to
3 produce it because I feared retaliation. So
4 he finally voluntarily produced it in August,
5 but it was actually circulating in
6 February 2006.

7 REVEREND FLOYD: And you
8 verified that he didn't produce it, that
9 somebody else --

10 MS. ROSSI: It's all been
11 verified it and the person who disseminated
12 the email has been counseled by the EEO, but
13 no investigation was conducted and no
14 discipline.

15 REVEREND FLOYD: So the person
16 who produced it admitted it?

17 MS. ROSSI: Admitted it.

18 REVEREND FLOYD: Thank you.

19 CHAIRMAN JOHNSON: The last
20 person on our list is Mr. Lawrence Wilson.

21 Mr. Wilson, thank you for
22 waiting until pretty much the bitter end. As
23 I mentioned to the other witnesses, you have
24 five minutes and we may have one or two more
25 questions for you afterwards. I would guess

1 that the number is closer to one than to five,
2 given that we are well past the dinner hour.
3 So please proceed, sir.

4 MR. WILSON: Thank you. My name
5 is Lawrence Wilson, Jr. I'm the president of
6 the New Jersey Council Charter Members of the
7 National Black Police Association. We're a
8 nonprofit corporation that consists of maybe
9 300 members. The council was formed in 1982.

10 CHAIRMAN JOHNSON: Mr. Wilson,
11 could you move the microphone a little closer
12 to your mouth?

13 MR. WILSON: Right. I'm going
14 to skip through some of this. Because there's
15 16 chapters, 300 people. Most of us have
16 personal experience with racial profiling at
17 one time or another. The policies of the
18 council are similar to that of the National
19 Black Police Association. We work to
20 influence change in local policing to create
21 understanding between police and community.
22 (Inaudible) through the introduction educating
23 them with effective tools of policies. The
24 chapter I belong to, we were formed in 1994,
25 incorporated in 1979. We had a first

1 successful lawsuit involving minority state
2 troopers. (Inaudible) change to benefit the
3 people of the state and members of the
4 National Organization of Black Law Enforcement
5 Officers, and I am an associate member of the
6 National Coalition of the Black State
7 Troopers. I served as a bias community
8 relations officer in the prosecutor's office
9 and we've received numerous complaints about
10 local police. I prepared that instruction
11 just to demonstrate that my input into the
12 police standards is based on substantial
13 professional and life experiences.

14 I was the victim of a racially
15 motivated police stop by the New Jersey State
16 Police. I can say it was one of the most
17 humiliating and degrading experiences of my
18 life. It ended without greater consequence
19 because I have a badge. I can't imagine what
20 the outcome would have been if I wasn't a law
21 enforcement officer. But what I learned from
22 that experience is that there is no one to
23 report such an incident to. I can go on and
24 on about racial confrontations, but I don't
25 think it would be necessary at that point.

1 I am pleased that the executive
2 order explicitly invited input from the
3 minority communities, and part of that order
4 reads: As special representatives of minority
5 communities most directly affected by the
6 practice of racial profiling, to ensure with
7 confidence that racial profiling will not be
8 practiced or tolerated in the future. I'm
9 coming to you from a community standpoint.

10 If we discontinue the federal
11 monitoring process, we will not be able to
12 ensure that confidence publicly in the
13 minority community concerning racial
14 profiling. I don't think I can state it more
15 directly than that. The idea that monitoring
16 should broaden the scope to include all law
17 enforcement agencies should be given
18 considerable thought. Profiling is not just a
19 State Police problem. Speaking from
20 experiences of a bias investigator, many
21 complaints of bias or rudeness are received from
22 citizens who cite direct or indirect contact
23 with police.

24 It is also important to
25 understand that the practice of racial

1 profiling occurred while policy standards,
2 some of which were mandated by the Office of
3 the Attorney General, were in place. The
4 Attorney General's Office oversees the
5 Division of Civil Rights (inaudible) that
6 plays a critical role in advising and training
7 county municipal bias crimes organizations.
8 They weren't aware of this practice.

9 The New Jersey State Police had
10 internal investigations and bias crimes under
11 its control. State Police determine which
12 incidents occur in our local and county
13 jurisdictions, who reported when incidents
14 constituted bias crimes so they could
15 accurately produce reports (inaudible)
16 departments. Highly trained, educated
17 individuals took an oath to treat justice
18 equally and without bias. Racial profiling
19 was still being conducted. There was no one
20 major problem with the officers. They were
21 recruited from the human race and in America,
22 prejudice or bias is as American as apple pie.

23 I've located at least three of
24 the consent decrees associated with the New
25 Jersey State Police, all three concern bias,

1 whether gender, race or both. In addition,
2 there was a lawsuit filed by 13 black New
3 Jersey State Troopers that everyone is not
4 talking about, but I hope you will take these
5 matters into consideration because they all
6 are connected.

7 I do have for the record, if you
8 need them, copies of the documents. I'm not
9 the type of person that would perpetuate a
10 myth that if you fill out forms and
11 answer questions demanded by the United States
12 Department of Justice that bias will disappear
13 forever. If that were the case, all citizens
14 should therefore be law enforcement officers
15 and we could eliminate all laws of agencies
16 that handle civil rights. But we all know
17 that isn't going to work.

18 I may be a bit rusty as I
19 retired 11 years ago, however, it's been my
20 experience that when evidence of recent
21 community complaints is nonexistent, that
22 usually means that the evidence has not been
23 recorded or reported. The theory is if it
24 isn't reported, it doesn't exist. Members of
25 the county and the city human relations

1 committees may have records of those types of
2 complaints. If such committees still exist,
3 you would be surprised to find a number of
4 civil lawsuits like the one filed by the 13
5 troopers. They may not be required to report
6 these lawsuits to these agencies.

7 There is a legal doctrine that
8 suggests three strikes and you're out. Having
9 located them (inaudible) one major
10 discrimination lawsuit, I think it's time to
11 recognize that repetition is a part of this
12 agency's history and all positive procedures
13 now in place will result in mandates required
14 by the decree.

15 To be honest, I don't believe
16 problems have been eradicated. Testimony
17 offered to this advisory committee indicates
18 that departments hold their breath until the
19 agreement is over and then go back to the
20 same old ways. I think the same will happen
21 if monitors are removed. (Inaudible) while
22 bias community relations were being produced
23 and (inaudible) training programs, all were
24 eliminated, the state was perfecting racial
25 profiling under the name of drug enforcement.

1 We not only ignored complaints, but we
2 publicly denied existence of this problem.
3 Racial profiling has existed for a long period
4 of time. I do not think this practice has
5 been eliminated. I think it has been
6 polished. The members of the New Jersey
7 Council, including those who are sworn law
8 enforcement officers do not monitoring on
9 their respective departments by an office of
10 police standards or similar agency if done
11 properly could serve as a means to end racial
12 profiling. Monitoring could help avoid any
13 kind of anger and internal strife, but that's
14 easier said than done. Department personnel
15 assumes responsibility for many internal
16 problems that plague local agency. I'm not
17 sure who handles New Jersey State Police,
18 however, there is an Office of State Police
19 Affairs in place. We believe this bureau
20 should be removed from the Attorney General's
21 Office and answer solely to the Governor.
22 We have no confidence in the practice of
23 police investigating police, especially when
24 the investigator is from the same department.

25 I find it necessary to state

1 I certainly hope so. On behalf of the New
2 Jersey Council and the citizens of the
3 communities we serve, I thank you for your
4 time and consideration.

5 CHAIRMAN JOHNSON: Thank you,
6 Mr. Wilson. Don't leave just yet. There may
7 be some questions for you.

8 Well, let me put one question to
9 you. You are in a situation somewhat
10 different from most panelists who have come
11 before us to answer these questions - the same
12 question I put to Reverend Jackson earlier.
13 Reverend Jackson talked about, as you will
14 recall, reaching a point where the
15 members of the communities of color, minority
16 communities, would take a chance and trust
17 police, and my question was getting beyond
18 that. How does one get to the point where
19 people take more steps like you've taken to
20 become part of law enforcement, to view the
21 safety in the joining process rather than
22 where there's others in charge of enforcement
23 rather than communities themselves? How does
24 one -- if that is a desirable goal, how does one
25 get there?

1 MR. WILSON: I think we start
2 with the young. The New Jersey Council goes
3 into high schools and things like that to
4 interact with the kids. And that's all we can
5 do, because everything else is out of our
6 control. You will find that it's extremely
7 difficult to take a police exam and you wait
8 around forever. People don't have time for
9 that. They find all kinds of problems with
10 testing systems and so on. What we do is just
11 go in; we have a program. We interact with
12 the kids. We give them the roles of police
13 officers and all we need to do is get them to
14 understand. You know, there was a guy that used the
15 term "you have to touch flesh." I think that
16 patrol cars are -- we spend too much time in
17 cars. We don't spend enough time talking to
18 people, getting to know them, find out what
19 the problems are. I think when I was a kid
20 the patrolman that crosses at school, we don't
21 have police that do that anymore. We have
22 women with signs. And these police guys were
23 sharp because they knew who you were, they
24 knew who your mother and father were. We've
25 sort of gotten away from that. I don't know

1 how you can get back to that type of thing,
2 but what we can do is make that protest as
3 often as we possibly can. We try to serve as
4 a model for people to come join the police
5 department. And that's pretty much what we
6 can do at this point.

7 CHAIRMAN JOHNSON: Last
8 question. As you do that, do you find support
9 from other nonminority police organizations or
10 police departments as you're doing a reachout,
11 or is it something that you are largely doing
12 on your own time, your own nickel?

13 MR. WILSON: We do it pretty
14 much on our own time and on our own nickel.
15 And for many reasons. It's difficult to
16 project, honestly, if you have to defend the
17 wrongdoings of others. For instance, one of
18 the officers had to be trained in cultural
19 diversity sensitivity. He wanted to train his
20 entire staff as a bias investigator. I had
21 recommendations to do the training; he wanted
22 New Jersey State Police to do the training.
23 My objection to that was that they were being
24 sued by the 13 troopers. I couldn't in good
25 conscience ask for them to come and

1 train the staff when I would consider it was
2 in a hot spot at that particular time. I have
3 to know everybody that we're going to
4 associate with in order to bring them in to
5 deal with our kids, because the last thing you
6 want is somebody to stand up and say that guy
7 did this and we didn't know it. So we deal
8 pretty much with an established staff.

9 CHAIRMAN JOHNSON: Are there
10 ways to get around that particular challenge?
11 That is, of basically expanding the sort of
12 resources that you might use to do the
13 operation?

14 MR. WILSON: I guess the only
15 way to do it would be to find a way to get
16 serious funding and work with the commissioner
17 of education to see if we could have more
18 access to schools like Camden and Trenton. We
19 are going to train Snyder High in Jersey City
20 in March. I think maybe we should introduce
21 that to the Department of Education and see,
22 let them see that program and see if it's
23 worthwhile. But schools, everybody has
24 lawsuits they have to worry about and all
25 kinds of procedures and problems, so we try

1 and take the path of least resistance. We
2 also do the programs in community churches.

3 CHAIRMAN JOHNSON: Thank you
4 very much. And thank I thank all of the
5 members of the committee who stayed until
6 precisely 7 o'clock. And we'll continue our
7 work and we'll be back in touch with the
8 department. Thank you all.

9 (Proceedings concluded at 7:05 p.m.)

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C E R T I F I C A T E

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I, NICOLE KOCHY, a Notary Public and Certified Shorthand Reporter of the State of New Jersey, do hereby certify that that the foregoing is true and accurate transcript of the testimony as taken stenographically by and before me at the time, place and on the date hereinbefore set forth.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

Notary Public of the State of New Jersey
My commission expires August 9, 2011
Dated: December 1, 2006

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