

The Use and Abuse of Police Powers: Law Enforcement Practices and the Minority Community in New Jersey

**New Jersey Advisory Committee to the
U.S. Commission on Civil Rights**

July 1994

This report of the New Jersey Advisory Committee to the U.S. Commission on Civil Rights was prepared for the information and consideration of the Commission. Statement and viewpoints in the report should not be attributed to the Commission, but only to the individual participants in the factfinding meeting where the information was gathered, to the other sources cited, or to the Advisory Committee.

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Letter of Transmittal

New Jersey Advisory Committee to the
U.S. Commission on Civil Rights

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The public is often angered by allegations that police officers use excessive or fatal force and are not held accountable for their actions. This report by the New Jersey Advisory Committee was prompted by one such case in Teaneck, New Jersey, involving a white police officer and a black youth, who was killed while fleeing arrest. The incident precipitated a civil disturbance and a string of local protest demonstrations against police abuse, lasting more than a year. The Committee learned that minority communities leaders were very concerned about law enforcement practices as they affected minority groups across the State.

Based on a 1991 forum and monitoring through June 1992, this report profiles law enforcement policies and procedures related to police brutality in New Jersey. Its conclusions and recommendations stem from the Committee's view that volatile incidents will be better handled and community tensions lessened when complaints of police bias are reviewed by civilian boards. The Committee also points to the need for mandatory police officer training to improve the quality of law enforcement services.

We adopted the following report for your consideration by a vote of 13 to 1.

Sincerely,

Zulima V. Farber, Esq., *Chairperson*
New Jersey Advisory Committee

New Jersey Advisory Committee to the U.S. Commission on Civil Rights

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*Zulima V. Farber was Chairperson of the Committee at the time the factfinding meeting took place.

Acknowledgments

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Background

Aware of the New Jersey Advisory Committee's earlier interest in police-community relations, a local affiliate of the National Association for the Advancement of Colored People (NAACP) brought its concerns to the Committee's attention following a killing by a Teaneck police patrolman who shot a black, Teaneck teenager, who was fleeing arrest. The incident and associated protest demonstrations were widely covered in the news media. Speaking for the NAACP in Teaneck, Paterson, and other nearby communities, a local representative of the NAACP complained to the Committee that a pattern of police brutality and bias against minorities existed and requested an inquiry into police practices.

In preparing its factfinding project, the Committee sought to learn more about law enforcement agencies and minority group communities and the causes of problems between them. The Committee reviewed law enforcement policies and procedures in the past decade, asking how these policies and procedures were applied to minority groups. To do so it selected six communities to represent the State. Questions were avoided that may have been perceived as interfering with or having influence on grand jury proceedings, criminal prosecutions, or civil actions then underway in Teaneck and elsewhere.

The Committee's inquiry took place, coincidentally, a month after national news broadcasts aired a videotape of a black motorist, Rodney King, being beaten severely during an arrest by police officers in Los Angeles, California, on March 3, 1991. With its graphic documentation, the Los Angeles incident shocked the Nation and caused civil rights leaders to charge that police misconduct toward minorities continued to be as prevalent as described in *The Kerner Report*.¹ In a na-

tional context, the Teaneck incident became another example that critics used to show the prevalence of police brutality against African Americans and other minority groups who were assaulted or killed during encounters with police officers.

Objective of the Factfinding Meeting

The general objectives of the factfinding meeting were to gather information on (1) allegations of police mistreatment of minorities from the perspectives of minority community representatives, law enforcement officials, and experts; and, (2) issues pertaining to police responsiveness to community law enforcement needs. The main goals of the project were to identify problems, collect viewpoints from both sides of the issue, and advise the Commission.

The specific purposes of the project were:

(a) to identify issues of community tensions created by law enforcement officials,

(b) to collect information useful to State and local law enforcement agencies that will help improve their policies and practices,

(c) to provide an opportunity for law enforcement officials and community representatives to exchange views on ways to improve police-community relations, and to provide an ameliorating influence on the problems that were to be discussed, and

(d) for the Committee to forward recommendations for solutions to the Commission.

Participants at the Meeting

A total of 22 participants appeared before the New Jersey Advisory Committee during its 2-day factfinding meeting in Trenton, New Jersey, on April 8 and 9, 1991. To gain a closer view of local police practices, the Committee selected six communities and respective counties with varying racial makeup. The sets are shown in table 1.

¹ U.S. National Advisory Commission on Civil Disorders, *The Kerner Report* (Washington, D.C.: Government Printing Office, 1968).

Table 1

City	County	Geography	Demography
Newark	Essex County	Northern	Urban
Teaneck	Bergen County	Northern	Suburban
Perth Amboy	Middlesex County	Central	Urban
Freehold	Monmouth County	Central	Suburban
Camden	Camden County	Southern	Urban
Vineland	Cumberland County	Southern	Suburban

Presentations were divided into four panels: (1) racial minority groups, (2) researchers, (3) local law enforcement officials, and (4) State law enforcement officials.

The Forum

Minority Group Perspectives

Racial minorities are 17.2 percent of New Jersey's population, including persons counted as other race in the 1990 Census. Among the groups, Asian and Pacific Islanders experienced rapid growth over the past decade. Hispanics of any race were 9.6 percent of population. See table 2.

For its minority group perspectives, the Committee invited the New Jersey Conference of Branches of the National Association for the Advancement of Colored People (NAACP), the Asian American Association of New Jersey, and the Asian American Lawyers Association of New Jersey. The communities that these groups represent were of particular interest because each had reported strained police-community relations.

Presentation by Keith Jones, President, New Jersey Conference of Branches, NAACP

Keith Jones, president of the New Jersey Conference of Branches of the NAACP, viewed

the controversy over police practices in New Jersey as clearly problematic and caused by elements within law enforcement.² Concerning specific complainants, Jones asserted that some 40 local NAACP offices around the State logged hundreds of complaints against police officers for brutality and other misconduct in the past few years. He did not list these incidents. For statistics on complaints the Advisory Committee turned to a publication by Dr. Wayne Fisher, presented by the New Jersey

Table 2
Racial and Ethnic Population in New Jersey

	Number (Percent)
White	6,130,465 (79.3)
Black	1,036,825 (13.4)
American Indian, Eskimo, or Aleut	14,970 (0.2)
Asian or Pacific Islander	272,521 (3.5)
Other race	275,407 (3.6)
Total	7,730,188
Hispanic Origin (Any race)	739,861 (9.6)

Source: *Selected Population and Housing Characteristics for New Jersey 1990*. Statistical Information Office, Population Division, Bureau of the Census, Washington, DC, May 1993

² This statement is taken from the transcript of the Apr. 8-9, 1991, forum held in Trenton. Unless otherwise noted, all quotes and statements in this report are from the transcript, which is on file in the Commission's Eastern Regional Office in Washington, D.C. Statements and viewpoints in this report should not be attributed to the Commission or to the Advisory Committee, but only to the participants in the forum or to the other individuals or sources cited in the footnotes.

State attorney general as part of his written statement at the forum. Fisher showed that complaints against police officers were increasing.

Dr. Wayne Fisher, deputy director, New Jersey Police Bureau within the Division of Criminal Justice when published, co-authored "Civil Liability of New Jersey Police Officers: An Overview," *Criminal Justice Quarterly*, Fall 1989, the most recent study of the subject. The other authors were Ms. Stacy Kutner, research specialist, and Ms. Judy Wheat, administrative analyst, both within the Bureau. The writers found that New Jersey law enforcement agencies have been respondents in civilian complaints at a rate roughly typical of the Nation. New Jersey was part of a nationally increasing trend involving reported complaints against police officers beginning about 1980. In the analysis, Fisher pointed out that the number of civil rights cases filed in Federal courts increased by 56 percent between 1980 and 1986, from 11,485 to 17,872. Moreover, a study of 1,709 lawsuits litigated in Federal district courts between 1977 and 1983 found that approximately 15 percent alleged police misconduct. Of the 621 lawsuits filed by private individuals, police misconduct suits were second only to suits alleging due process violations.

Civil actions for negligence or intentional police misconduct increased over the 5-year period 1980-1985. In 1980, filings in State and local courts in New Jersey totaled 1,992 cases. By 1985 this number increased by 57 percent to 3,122 cases.

Fisher identified assault and battery as the most common causes of action among 576 suits filed against police 1985 and 1986.³ Discrimination was a cause of action only in the category, civil liability suits filed against supervising entities, that is, municipality,

county or State government bodies responsible for police or police departments. Allegations that racial discrimination motivated the actions of police officers or supervising entities were seldom filed, claimed in only 8 percent of all cases. See table 3.

Table 3
Suits Involving Allegations of
Discrimination by Race or Ethnic Group

Group	Total	Suits
Black	28	64%
Hispanic	9	20%
White	4	9%
Other	3	7%
Total	44	100%

Source: Fisher, et al, "Civil Liability of New Jersey Police Officers: An Overview," *The Criminal Justice Quarterly*, vol 10, no 1, F 1989, p 75

Jones believed racial attitude was frequently a cause of police officer misconduct. He gave anecdotal examples of the police victimizing minorities. In a recent case, 12 Franklin Township police officers battered a black motorist in Franklin Township, who suffered severe injuries to his skull, face, and 21 teeth. Indictments and court proceedings against police officers involved in the beating followed the man's charges of police brutality.

Jones also believed that abuse of police powers by police officers, regardless of their racial attitudes, caused incidents of police brutality against minorities. Of the two influences on police misconduct against racial minorities, he continued to underscore racial

³ Police Civil Liability Suits Filed in 1985 and 1986 by Cause of Action: (1) Assault and Battery—245, 43 percent; (2) False Arrest—226, 39 percent; (3) False Imprisonment—188, 33%; (4) Malicious Prosecution—119, 21 percent; (5) Negligence Involving Traffic Accidents—105, 18 percent; (6) Unlawful Search and Seizure—63, 11 percent; (7) Failure to Act—56, 10 percent; (8) Improper Medical Attention—51, 9 percent; (9) Abuse of Process—30, 5 percent; (10) Misuse of Weapon—8, 1 percent; and (11) Other—59, 10 percent. Note: More than one cause of action could be alleged in a suit. Percentages are based on the number of suits filed in the 2-year period, 1985-1986: Total suits, 576.

bias as the predominant one that explained police officers' brutality in New Jersey.

He added that mistreatment of minorities by white police officers does not diminish when top leadership in a community comes from a minority group person. He gave the Newark Police Department as an example. Although Newark's mayor is African American, and the city's population is 58 percent African American, 65 to 68 percent of the police force is white. Jones said:

Being in the majority does not make white police officers innately evil. It does say that the police department is not fully reflective of the community's racial diversity. I am not saying that all white police officers serving in an urban community should be reassigned. If you bring in all black police officers, that does not necessarily resolve the problem. We must instead recognize the messages that such profiles send. We must look to how we train our personnel—how do we train our managers to execute their responsibilities?⁴

Jones said that 97 to 98 percent of the complaints received by the NAACP about police brutality or other misconduct involved a person of color making charges against a white police officer. This racial pattern suggests a need for human relations training of officers to improve police-community relations. Warning against misplacing training priorities, he suggested that basic law enforcement training is as needed as cultural and sensitivity training to correct current police-community relations problems.

"The issue is not their understanding... (of diverse class, ethnic and racial groups). The issue is how they execute their responsibilities, and whether or not they are fair-minded, and whether or not they obey the law. They are responsible for enforcement of the law,

yes; for protecting and serving, yes. And they are also responsible for obeying the law themselves."

**Presentation by Mono R. Sen,
Representative, Asian-American
Association of New Jersey**

Mono R. Sen described the general victimization of Asian Americans by racism in New Jersey. Speculating on the causes of hate against Asian Americans, he identified seven incidents involving Asian American citizens, mostly Asian Indians. The victims complained that their reports of racial incidents and discrimination were not investigated fully by police officers. Sen said:

Sensitivity training was essential. Without sensitivity training, the police allow maltreatment of the severest kind against new immigrants coming from Asia, China, Korea, Vietnam, India, Pakistan. . . . But let it be unequivocally understood by the police officer that this is our country as much as any American.⁵

Continuing his comments on racial tensions, Sen said that recession in the national economy and the financial strains that fall on the disadvantaged sometimes obscure the potential for better intergroup relations between Hispanics, Asian Americans, and African Americans in New Jersey. White business owners and others appear to prefer hiring recent immigrants, who are a source of cheap labor and compliant workers. There is a mistaken perception among larger, traditional minority communities that Asian American immigrants have taken jobs away from them.

Anti-Asian American sentiments were also strong in the majority community. He recalled a horrendous period of hate violence that traumatized the Asian Indian community in 1987. Groups of young people in Jersey City

4 The comments of Keith Jones appear in the transcript of Apr. 8, 1991, pp. 12-62, 95-97.

5 The comments of Mono Sen appear in the transcript of Apr. 8, 1991, pp. 62-94.

attacked Asian Indians at random and in one instance a victim was killed.⁶ The perpetrators called themselves "Dot Busters." The so-called "dot" is a cultural sign of marriage status that Asian Indian women wear on the forehead. He said that such resentment against Asian Indians has its roots in the community's commercial and social successes.⁷

Indians have grown from 3,000 to 20,000 in Jersey City. And their success is phenomenal. They are not on welfare. They do not go on unemployment. They have brought Jersey City back to life, economic revitalization. Every corner of the street has been revitalized by the Indians working 16 hours, 7 days, running the stores.

Sen believed that Asian Americans are often victims of racism but are seldom seen by the majority culture as victims. He suggested that popular stereotypes of Asian Americans achieving success without problems are simply myths and do not describe most Asian Americans. He believed a more accurate picture showed that racial and religious bigotry were as much a problem for Asian Americans as for other minority groups.

He said that most Asian Indians avoided contact with police officers because they treat all Asian Americans with suspicion.

Presentation of Sue Pai Yang, President. Asian American Lawyers Association of New Jersey

Sue Pai Yang was also the founder and past presiding officer of the Pacific Asian Coalition. With respect to police-community relations, she said that her experiences over 20 years were the background for her views on Asian American civil rights issues. In that time, she believed that Asian Americans made very few complaints about their interaction with police officers.

She directed the Committee's attention to the employment area, pointing out that to her knowledge there were no Asian Americans employed as police officers in any of the police departments in the State. A lack of police officers of Asian American descent contributed to the Asian American communities' apparent reluctance to interact with police. Improving racial diversity by hiring Asian Americans to positions on local and State law enforcement agencies would also improve police-Asian American community relations.

Yang also pointed to such affirmative employment efforts as a way to create role models for Asian American youth. Many of the youth see their career potentials in terms of scientific and technical fields because these areas are already open to Asian Americans. She said, "[I]f they want to become police officers or be part of the law enforcement segment of society, they should have that opportunity."⁸

6 "The 'Dotbuster Case' resulted in the conviction of James Kerwin, who pleaded guilty to entering the apartment of Bharat Kanu-Bhakt Patel and beating him with a metal rod. A second man, Peter Jester, avoided jail but was placed on one-year probation, fined and sentenced to community service. The two were part of an organization that targeted Asian Americans and named themselves after the dot or tikka, which some Indian women wear on their foreheads. . . . An attack on Mr. Sukhjinde Singh of Jersey City on July 29, 1991, awakened fears in the Asian Indian community about a resurgence of racially motivated crimes. Mono R. Sen and leaders of the Asian Indian community met with Jersey City Deputy Mayor Dominick Pugliese to discuss the problem in August 1991." Stan H. Eason, "Attack stirs up fears among Asian Indians," *The Jersey Journal*, Aug. 8, 1991, p. 6.

7 "Asian Americans are creating companies at a faster rate than any other minority group. . . [R]oughly 6% of Asian-Americans own businesses of some kind, compared with 1.5% of blacks, 2% of Hispanics and 1% of Native Americans. The level of Asian-American entrepreneurship reflects to a great extent the efforts of recent immigrants from India and especially South Korea." Timothy Noah, "Asian-Americans Take Lead in Starting U.S. Businesses," *The Wall Street Journal*, Sept. 9, 1991, p. 4.

8 The comments of Sue Pai Yang appear in the transcript of Apr. 9, 1991, pp. 156-76.

Yang concluded by endorsing the joint efforts of the New Jersey State attorney general and the Anti-Defamation League of the B'nai B'rith. She commended their community outreach effort for bringing information about rights and responsibilities under law to the Asian American community.

A Research Perspective

Presentation by David Weisburd, Ph.D., Director, Center for Crime Prevention Studies, Rutgers University School of Criminal Justice

Professor Weisburd presented a statement that summarized current research on the forum's topic. He emphasized that the matter of race and police conduct is more complex than it appears. As a result, much of the research conducted in the period since 1980 pursues policing problems that do not correspond to the questions emerging today, such as the effect of race. A current major concern is whether racism explains most police abuses against minority group individuals.

He reiterated a point made by NAACP president Keith Jones that abuse of police powers regardless of racial attitude also causes police-minority group problems. Weisburd said that the literature was inconclusive as to whether racial bias was the predominant factor in police abuses, but he believes that police are not more racist than the same population from which they are drawn.

Weisburd said that most major studies did not find race bias in police processing when they controlled for other factors such as the defendant's offense or demeanor. One researcher, Al Reiss, studied major metropolitan areas in the 1960s and found that race did not affect police treatment of minorities, but the civilian's demeanor mattered in cases where police expected violence or used force.⁹

Reiss' study also found that many white officers held negative racial stereotypes of minorities. These apparently conflicting findings raise a question about the behavior of police officers. Are police officers able to carry negative stereotypes about minorities but control the influence of such views to the extent that race is irrelevant in their contact with the public? Weisburd said:

What I am saying, in part, is that the empirical evidence to develop an understanding of the problems with some degree of certainty is not yet in. I think it is very common to detail solutions before we have a good sense of what the problems are.¹⁰

A popular idea found by Weisburd among urban mayors and community leaders is that the thrust of policing should follow more closely the morals and values of the communities they serve. Often termed community policing, the idea looks to the communities for their sense of what is important. In return, the police define and carry out policies along those values, bringing police and communities closer to agreement on ways to solve problems.

Weisburd characterized communities as frustrated by law enforcement's seeming inability to curtail problems with illegal drugs, domestic violence, and other alarming crimes. This frustration and anger can present a problem for police because it erodes public confidence. The level of anxiety deepens if crime becomes a political issue in a community. A sense of community vulnerability, however, may build independently of actual crime rates. Current studies suggest that community beliefs about the prevalence of crime may not always correspond with reality.

As an example of divergence, Weisburd cited his work with the Jersey City Police Department.¹¹ Fear of drug-related crime in their community among inner-city residents,

9 Albert J. Reiss, Jr., *Police and The Public*, (New Haven, CT: Yale Univ. Press, 1971).

10 The comments of David Weisburd appear in the transcript of Apr. 9, 1991, pp. 181-224.

11 Citizens had complained that illegal drug sales and use were rampant and called for special assignments of officers to certain areas. Weisburd surveyed whether the community's information and views were accurate about the prev-

surveyed by Dennis Rosenbaum at the University of Illinois, was strong enough that a majority was willing to give up some civil liberties to combat drug dealing around them.¹² Persons with less education and lower income were more likely to favor granting greater police powers even if police tactics violated civil and constitutional rights. Most favored allowing police officers to assault or harass persons suspected of drug involvement even without evidence. Rosenbaum's analysis is that poor minority group residents, whose civil liberties may already be at risk, increase that risk by tolerating greater police license to ignore individual rights and legal protection.¹³

Weisburd suggested that law enforcement officers face a difficult problem. On one hand citizens frustrated by unabated crime rates demand more aggressive police actions. On the other, law enforcement officers must respect legal constraints that limit their behavior to protect the public from abuses of police powers. He said, "There is a kind of balance here because what happens is that it is very hard to maximize crime control and police control at the same time because sometimes the most effective strategies -- intimidation, threat, etc. -- sometimes those are pushing at the boundaries (of legal tactics)."

Weisburd concluded his statement by recommending the views of Herman Goldstein of the University of Wisconsin. Goldstein advances an alternative called "problem-oriented policing" that does not focus police attention on making arrests or sending

individuals to jails. Rather, officers give their attention primarily to *solving* the problem. This approach acknowledges the reality of problems like the illegal drug trade, which seems prepared to nullify even massive arrests with new recruits. Police officers became free of the influence of arrest rates as a measure of effectiveness. A new measure of policing became the norm: Did their actions solve the problem?

Local Law Enforcement Perspectives by County Prosecutors and Chiefs of Police

The seven counties the Committee looked at include the six counties in the State with a population over 500,000 persons. The exception in the sample is Cumberland County, with one of the smallest populations in the State. Hudson County is particularly significant for its Hispanic group concentration. At over one-third the county population, this ratio is three times greater than the Hispanic population in other counties.

A population profile of the counties, compared by race and ethnicity with the State population, shows that Camden County is roughly proportional among the group with large populations. The white population in Camden County constituted 75 percent and racial minorities totaled 19 percent. Bergen County's whites constituted 87 percent of population and racial minorities totaled 12 percent. Essex County has the smallest population difference between whites and racial

absence of drug-related activity. Only about 4 percent of the citizens who were interviewed could identify drug activity on their block, showing that most perceptions of rampant drug activity were inaccurate. The survey showed that drug activity clustered in small, very specific areas. The data further showed that the greatest pressure for stepped up police activity came from respondents who lived farthest from actual drug areas. David Weisburd, Ph.D., director, Center for Crime Prevention Studies, Rutgers University School of Criminal Justice, "The Jersey City Community Survey—1992 Analysis" (unpublished).

12 Dennis P. Rosenbaum, Ph.D., "Drugs and The Community" in *Civil Liberties and Aggressive Enforcement: Balancing the Rights of Individuals and Society in the Drug War*, eds. R.C. Davis, A.J. Lurigio, and D.P. Rosenbaum (Springfield, IL: Charles C. Thomas Publishers, forthcoming, 1993).

13 Dennis P. Rosenbaum, Ph.D., director, Center for Research In Law and Justice, Univ. of Illinois at Chicago, Chicago, IL, telephone interview, Aug. 18, 1992.

minority groups. The white population constituted 51 percent and racial minorities totaled 43 percent. Cumberland County's white population constituted 73 percent and minorities constituted 12 percent.

Presentations by James F. Mulvihill, Assistant Attorney General, Cumberland County Prosecutor's Office, and Captain Mario R. Brunetta, Acting Chief of Police, Vineland Police Department

Angry demonstrations followed a killing of a black youth by a white police officer in Vineland in 1989. Black leaders charged police brutality, saying that white racism was a factor in the case and generally in the black community.

Chief Mario Brunetta explained that the matter was still in litigation and declined specific comment.¹⁴ He acknowledged that, after the incident, the police department realized the operational problems it was facing at the time. One of these was permitting a sense of separation to develop that allowed the police to lose contact with the community as a whole and the minority community leadership particularly.

James Mulvihill reported that a number of reforms were underway.¹⁵ He described the county's current system of complaint reporting and investigation that placed general responsibility with the prosecutor. Police must inform the prosecutor immediately when an officer discharges a weapon outside a firing range. Any civilian complaint alleging police misconduct must undergo review by the grand jury chief in the prosecutor's office. The review process continues with the first assistant prosecutor, and finally by the prosecutor. The prosecutor then informs the respective police chief of the complaint and whether it was substantiated.

In an effort to improve relations with the communities, Mulvihill initiated outreach to the NAACP, forming a small planning committee. In a jointly sponsored resolution, the committee proposed that the county freeholders¹⁶ establish a county human relations commission.

Brunetta said that the department's employment profile diverges significantly from the general population. He planned to change this to reflect community composition more closely. Minority participation is low currently, in part, because the employment profile does not reflect earlier hiring of minority officers. A large demand for experienced minority officers makes trained officers in Vineland strong candidates for better positions with county or State police departments. As a result, Vineland's retention of minority officers is low. He said that currently 60 to 70 percent of new hires are minority officers.

In an effort to build liaison with the minority community, Brunetta and other officers embarked on a program of public speaking and citizen information lectures to clubs, churches, and neighborhood centers. He also initiated a mandatory in-service training program. The curriculum reinforces the department's priority on communication with the community and covers basic instructions in police technique.

Brunetta tripled the number of officers assigned to the schools, emphasizing that positive impressions of police are important to instill early in youthful lives. Expending resources on youth programs prepares the way for successful police-community relations in coming years.

14 The comments of Mario Brunetta appear in the transcript of Apr. 9, 1991, pp. 15-19.

15 The comments of James Mulvihill appear in the transcript of Apr. 9, 1991, pp. 11-14, 82-134.

16 An elected public officer in New Jersey, serving on a board that has charge of the property, finances, and affairs of the county

**Presentations by James M. Conley,
Assistant County Prosecutor, Camden
County, and Chief George D. Pugh,
Camden City Police Department**

James Conley explained that the Camden County prosecutor's office has jurisdiction over an array of law enforcement agencies.¹⁷ Each of the county's 37 municipalities has a police department

Assistant Attorney General Mulvihill had temporary charge of the Camden County prosecutor's office over several months during 1989, Conley said. During that period, Mulvihill began several initiatives during his administration that the county was continuing. At his instigation, the freeholders instituted the Camden County Human Relations Commission. Under his direction, the county prosecutor's office required all chiefs of police to submit lists of persons from a cross-section of their communities. The names were to represent those whom the chief would contact in case of a disturbance. Completing the lists oriented the chiefs toward cooperating with community leaders. The lists also provided a valuable resource for the county prosecutor and freeholders as they considered appointments to the Camden County Human Relations Commission.

Another initiative brought the county's 37 jurisdictions into a mutual assistance plan. Provisions of the plan enabled law enforcement to share resources and respond quickly when emergencies arose in any of the communities. The prosecutor also organized a civil disorder response team made up of assistant prosecutors who acted as monitors during disturbances.

Mulvihill assigned two assistant prosecutors and six investigators to handle allegations of police misconduct. They placed a special emphasis on cases that involved guns. The cases received immediate attention from the

county prosecutor, whether a police officer was the shooter or victim.

County policy also required that the prosecutor's homicide unit investigate all shootings for evidence of homicide. The move helped to increase the public confidence in police because the homicide investigators were an elite unit and involving them in the investigations signalled that the police department placed a high priority on responding to the incidents.

As with most jurisdictions in the State, Camden County's policy with respect to bias incidents conforms to the State attorney general's policy guidelines and investigation standards. The police departments referred reports of bias crimes to the county prosecutor's major crimes unit that reviewed them for further action.

Chief Pugh is an African American, a 30-year Camden police department veteran, who has been chief for 3 years. Pugh said that since becoming chief that he has worked toward a community-oriented policing philosophy.¹⁸ He supported extending the role for law enforcement beyond a narrow interpretation of policing. For example, he preferred that uniformed police officers patrol the streets on foot instead of driving patrol cars. He believed that patrolling in automobiles placed a barrier between police officers and the public. On foot, he expected, that the officers would have a greater opportunity for informal contact with residents and participation in community life. However, he found that significant numbers of other veteran officers in the department disagreed with the approach. Many preferred more limited, arrest-oriented, traditional roles. Their disapproval of new policing approaches, especially among supervisors, created problems that slowed the pace of change. He contrasted the prerogatives of government and law enforcement executives on the State and county levels with his own.

17 The comments of James Conley appear in the transcript of Apr. 9, 1991, pp. 19-23, 82-134.

18 The comments of George Pugh appear in the transcript of Apr. 9, 1991, pp. 24-30, 82-134.

County personnel rules on staff assistants apparently barred local level chiefs of police from making appointments of staff under their immediate supervision. As a result, he was obliged by seniority rules to use personnel who were cool to changes.

Chief Pugh's staff also lacked special skills needed for effective communication with Hispanic and other groups. He wanted to appoint a bilingual lieutenant to take responsibility for direct communication with the Latino community but was blocked. He believed that if he could select his assistants without regard to seniority, as other executives do in local government, he could be more effective in establishing a community policing approach in the police department.

Language barriers also proved a problem for policing a small but increasing Asian American community. He acknowledged that these residents probably believe that they do not receive the level of police service that they deserve. He said that this problem results from a lack of money and personnel resources for language training and interpreter services for police officers. As a result, the officers had very little communication with Asian immigrant groups, except in English.

**Presentations by Robert A. Honeker, Jr.,
Second Assistant Prosecutor, Monmouth
County Prosecutor's Office, and
Chief John Willis, Freehold Township
Police Department**

Freehold Township police chief John Willis emphasized that the police department, received very few complaints.¹⁹ He added that the police department has very few contacts with minorities as a whole. Robert Honeker, who serves as legal advisor to the prosecutor's office bias crime unit, stated that to prepare the department for complaints as they arise, the prosecutor developed a program to train law enforcement officers in the county.²⁰ All senior officers from chief through sergeant,

approximately 250 officers, have been trained in annual sessions over 3 years. The community outreach program has included invitations to the local NAACP and ADL to speak before officer assemblies. The U.S. Department of Justice Community Relations Service conducted sensitivity and conciliation training for local police departments.

Honeker said that the county prosecutor, in coordination with the National Conference of Christians and Jews (NCCJ), encouraged establishment of the Monmouth County Human Relations Commission (MCHRC), appointed in April 1990. The commission has 55 members. During its first year, the MCHRC determined that some individuals were reluctant to complain to the county prosecutor or police departments about police brutality. Many feared the prosecutor would collaborate with police to eliminate or cover up reports. In response to this perception about the investigations of police misconduct, the prosecutor asked the MCHRC to establish an MCHRC Bias Hot Line.

**Presentation by Alan A. Rockoff,
Middlesex County Prosecutor**

In 1988, the city of Perth Amboy was torn by two nights of rioting, following a shooting in which a Mexican American man died and his brother received serious injuries in an incident with police. The crisis prompted new measures to enlarge the scope of local law enforcement's already active interest in dealing with hate crime. Alan Rockoff created the Bias Incident Reporting Committee (BIRC), a network of religious, ethnic, racial, law enforcement, and government leaders. Its involvement in the complaint process has resulted in a decrease in the overall number of complaints, perhaps because BIRC helped screen frivolous allegations, and public confidence increased. Also BIRC's credibility with law enforcement agencies meant that complaints referred through BIRC were likely to

19 The comments of John Willis appear in the transcript of Apr. 9, 1991, pp. 38-39.

20 The comments of Robert Honeker appear in the transcript of Apr. 9, 1991, pp. 31-37, 118-19.

receive more serious handling by prosecutors. Rockoff predicted a growing movement in the State toward establishing bias incident reporting commissions, like the BIRC.

Rockoff created a checklist and circulated it to chiefs of police around the county. It incorporated into a simple format a comprehensive set of steps that law enforcement should take to anticipate and handle civil disturbances. The checklist has been put into use throughout the State. Rockoff noted that some of the ameliorating measures are costly. Increasing fiscal restraints in many localities prohibit even small efforts. In these circumstances, communities and police departments may produce memorandums of understanding to represent their commitment to resolving issues and mutual support.

Presentations by John J. Fahy, Bergen County Prosecutor, and Captain Donald Giannone, Teaneck Police Department

According to Bergen County Prosecutor John Fahy, Teaneck was the site of some 34 marches within a year of the demonstration that ended in riot after a widely reported killing of a black youth in 1990. The protestors viewed the teenager's killing by a Teaneck police officer as part of a national problem of police brutality. Fahy said:

The mood in Teaneck right now is that of a divided community. There are problems with the police in this community. Strained police-community relations worsened because police officers believe they have lost the faith and backing of the residents.

Fahy said that during the period of the protests in Teaneck he and the police commanders met monthly with community groups to keep abreast of conditions. An assistant prosecutor went to Teaneck one day each week for monitoring and consultations. In the community, the prosecutor's office and the NAACP sponsored a youth leadership program in which streetwise high school students, selected by school principals and community leaders, learned about law enforcement, government, and the value of education. Organizers intended this glimpse

of adult life to help the youngsters avoid irresponsible, delinquent behavior.

Two local police departments in Bergen County initiated a cultural exchange to promote interracial understanding. White officers from Ridgefield, a predominantly white, middle-class township, and black officers from Englewood, a predominantly black, urban center, switched places for one week. The visiting groups worked with local counterparts as biracial teams.

Captain Giannone said the police department in Teaneck mistakenly believed its efforts to enhance racial sensitivity were doing well. He recalled that the famed athlete Jackie Robinson and the National Conference of Christians and Jews (NCCJ) conducted police-community forums in 1967 and 1968. Police continued to conduct community meetings on the topic every 3 or 4 years. NCCJ led a police retreat, focused on police-community relations with minority groups for 40 officers in 1985.

Following the riot and ensuing protests, the department recognized that it needed to do more. It asked the New Jersey division on civil rights for assistance and recommendations for improving police-community relations which it did by convening a forum. He said that the police heard minority group juveniles and community group leaders voice their grievances, but the sessions paved few inroads for police into the community.

Presentation by Herbert H. Tate, Jr., Essex County Prosecutor

Essex County Prosecutor Herbert Tate stated that Essex County processes 30,000 criminal complaints a year, which accounts for 23 percent of all arrests in New Jersey and 33 percent of those for violent crime. The city of Newark and its environs, East Orange, Orange, and Irvington, together produce 80 percent of the caseload for county prosecutions.

Tate pointed to the arrest statistics as indications that police officers in Essex County are fulfilling their responsibility to apprehend criminals. He added that the public's perception of the police may differ because the volume of criminal activity continues to overwhelm the capacity of law enforcement to

contain it. He described Essex County investigations of police killings as unique among the counties because Essex requires grand jury review. The county prosecutor investigates every shooting incident in which a police officer causes a death. The county prosecutor hands the results over to a county grand jury for deliberation. This process is independent of a police department internal investigation that may proceed simultaneously.

Tate reported that in the 3 years previous to the forum that there were 10 incidents in which a police officer fired a weapon and killed a civilian in Essex County. None of these 10 incidents was followed by significant community protest or allegation charging a coverup. He attributed this result to a mandatory grand jury review of cases involving a death. An investigation by a grand jury in Essex County helps avoid the frustration other communities suffer that do not have a mandatory process. Prosecutors and police departments invite criticism when they call for grand jury action case by case. Upset factions in the community may question the bases for decisions. An ensuing controversy may develop, suggesting that investigations of police misconduct are unfairly in favor of law enforcement.

²¹

Tate summarized the benefit in gaining community confidence after police shootings and other sensitive incidents. He mentioned among the ways to achieve it: independent investigations of police shootings or incidents causing serious injury by county prosecutors or special prosecutors, as appropriate; includ-

ing the grand jury in the process; and sharing substantive information with key community leaders. These are policy measures that signal to the public that accountability is important in the view of law enforcement.

He said:

Influences along the chain of command in law enforcement are what really make a difference in what happens in police departments. Policy makers and supervisors, those who establish rules and administer discipline, set in motion the first steps that bring about change. It is important that all of us realize that.²²

Presentation by Paul M. DePascale, Hudson County Prosecutor

Rounding out the panel of local officials, Paul DePascale endorsed the themes of those who called for greater law enforcement sensitivity and accountability to the community. He did not wish to lose sight of this in the accounts from the other counties that described programs for bias crime reporting. Like the others, Hudson County had implemented State guidelines on this and other standard law enforcement programs.

He passed quickly to an area that he believed needed more attention and suggested reasons why officers sometimes show aberrant behavior or seriously jeopardize their careers by misconduct. Noting that most of the discussion by other police chiefs did not focus on what motivates police abuse, he presented a view that psychological stress associated with police work leads some officers to behave in ways that generate citizen complaints. The

21 Newark Police Department spokesperson Detective Derrick Glenn confirmed news reports that six Newark police officers were suspended without pay after admitting that they lied about not being at a shooting in which Howard Caesar, 17, an unarmed car theft suspect, was critically wounded on June 7, 1992. Three of the suspended officers were required to surrender their weapons until a determination was made regarding their dismissal. Newark Mayor Sharpe James and Police Director William Celester said they were not satisfied with the officers' statements. "It is clear that all were involved in a coverup," James said to news reporters. Telephone interview with Det. Derrick Glenn, Newark Police Department, Newark, N. J., June 10, 1992. He credited two elements as factors in keeping order following the shootings. As already mentioned, a timely, consistent involvement of a grand jury helped deflect suspicions and mistrust of internal police investigations. Another important element was the influence of community leaders who had been part of an informal central communications committee over several years. Essex County Prosecutor, Herbert H. Tate, Jr., was no longer in office at the time of the incident.

22 *Transcript*, Apr. 9, 1991, pp. 70-71.

sources of stress sometimes seem insignificant but are nonetheless significant influences on police officer morale and efficiency.

DePascale said that mediocre administration often contributed to the stress that officers may feel. Under such stress, some officers may act uncharacteristically and abuse individuals they encounter. This is one underlying factor that may explain many incidents of abusive police actions.

The mistakes of police supervisors may contribute also to more serious abuses that involve numbers of officers. A superior must avoid sending signals that officers may use insulting language with civilians without a reprimand. Those who overlook such behavior as insignificant establish a sense of tolerance that may encourage the abuse as well. These supervisory lapses gradually escalate until certain kinds of abusive behavior become characteristic of a police department.

DePascale reiterated that appropriate training for supervisors and other officers offers an opportunity to avoid these problems. In Hudson County and elsewhere, officers were introduced to these issues through a number of training courses that are available in the police training academy and in service. Although many officers took advantage of the opportunity for training, the availability of training was only a part of the solution. Executive level law enforcement officials also needed to implement ways to evaluate the effectiveness of training and results in the community.

State's Law Enforcement Perspective

Presentation by Robert J. Del Tufo, Jr., New Jersey State Attorney General

New Jersey Attorney General Robert J. Del Tufo spoke about current and planned State responses and recommendations for further action by the State and citizen groups. Del Tufo said:

There are two questions before us today. The first, are law enforcement policies adequate in dealing positively with the community? The other, have these produced better police-community relations? I answer, no, to the first question because we can and must and shall do more, and better. Frankly, any deviation from a norm of propriety is unacceptable to me, and to law enforcement, and to those involved in the administration of criminal justice in this State.

I answer, yes, to the other question, but I would also add a caution . . . [that law enforcement efforts have not reached] the full extent that is required.²³

Del Tufo made clear that the Committee's factfinding on problem law enforcement practices in the State should begin with understanding that a vast majority of law enforcement contacts with the public are very high quality. Focusing on problematic behavior, however carefully, sometimes misses the larger context of law enforcement matters.

Recognizing that more needs to be done, Del Tufo underscored that satisfying community concern was a paramount goal of State policy. He said:

23 The comments of Robert Del Tufo appear in the transcript of Apr. 8, 1991, pp. 99-176. (Accompanying the State attorney general but not speaking were assistant attorneys general Wayne Fisher and Fred DeVesa; Richard E. Hickey III, president, County Prosecutors Association of New Jersey; and Chief Clifford J. Maurer, president, Chiefs of Police Association of New Jersey.)

Confidence and trust are the underpinning of our justice system. Citizens must have confidence in a police officer's ability to do what has to be done. At the same time, citizens must believe that the actions of police officers will be just and fair.

Del Tufo outlined six current State initiatives. He first pointed to a continuous 10-year effort to combat bigotry and hate crime.²⁴

New Jersey ADL Executive Director Jeffrey Maas provided a copy of the video and screened it for the New Jersey State Advisory Committee during a break between its factfinding sessions. The program lasts 17 minutes and features a narrator who steps in and out of dramatized situations that police officers would likely encounter when dealing with victims, neighbors, and perpetrators of hate crimes, as well as other officers. The narrator's message is that hate crime is deeply violative of victims and communities at large. As such, sensitive and significant police responses are necessary.

Former Governor Brendan Byrne signed legislation making New Jersey one of the first States to have specific hate crime statutes in 1981. Current Governor James Florio signed legislation in 1991 extending the statutes to include hate crimes against all racial minorities and people of different sexual orientation and increasing punishment for those crimes. This also makes New Jersey one of the first States to cover hate crimes on sexual orientation.²⁵ During that period, he and six previous State attorneys general have used the office to impress local law enforcement that handling hate crime is a priority throughout the State.

In a second, related area, Del Tufo renewed a long-standing initiative on firearms training in the State's police academy. He required that academy instructors use a new curriculum to

develop cadet sensitivity and perspective on appropriate uses of firearms and other weapons. Simulations illustrated circumstances that warrant force and factors that govern appropriateness.

A third, newer initiative involved cultural awareness training for all State police officers. The State police recognized a need to expose troopers to cultural diversity, following complaints that charged troopers with selective enforcement against African American males operating late model expensive vehicles.

A fourth initiative established orientation courses for new county prosecutors and new police chiefs. He noted that the Chiefs of Police Association played a major role in developing the orientation for new chiefs.

A fifth initiative was also underway to improve police department protocols for internal investigations of police officers and police department handling of citizen complaints against officers. He stopped short of endorsing civilian complaint review boards throughout the State.

Del Tufo described the sixth initiative, dealing with police-community relations, as a joint effort between the two State divisions on civil rights and criminal justice. He said that the two divisions worked together to monitor community tensions. More staff will be assigned to assist in this effort as part of a general objective to increase the exchange between community groups and police officers. The aim is to increase understanding, trust, and respect between police officers and community residents.

Concluding his presentation, Del Tufo said:

I believe that New Jersey is ahead. I believe that we are fortunate in having right-thinking people in

24 Attorney General Del Tufo described the State's work with the New Jersey Anti-Defamation League of the B'nai B'rith (ADL). In a coordinated effort with ADL, the attorney general's office began publishing annual reports of reported hate crimes and bias incidents. The State Attorney General also produced a half-hour sensitivity training video in cooperation with the ADL as part of their collaborative effort. The video, "Hate Crime: A Police Training Video for Police Officers," aims to improve police handling of hate crimes by acting swiftly and taking pains to reassure victims that police take the matter seriously.

25 See N.J. Stat. Ann. § 2C:12-1e).

law enforcement and in the community, jointly trying to pursue the objectives that I have mentioned. I think we have to try to appreciate the circumstances of each other, and develop the respect and caring that will make for a very healthy society.

State Task Force on Law Enforcement Announced

State Attorney General Del Tufo used this meeting to announce his appointment of a blue ribbon committee to assist with police-community conflict resolution.²⁶ He appointed Executive Assistant Attorney General Frederick DeVesa to chair the task force, which he asked to provide answers to a variety of questions: What is the extent of the use of force in policing in New Jersey? Why do problematic incidents occur in the course of policing? Are civilian allegations of use of excessive force effectively investigated? Are the procedures for the investigation adequate and systematic? Are the procedures adequate for screening and training law enforcement officers? Do law enforcement officers, accused of improper use of force, enjoy the same level of constitutional protection as other classes of citizens? Are the laws relating to use of force appropriate? And are guidelines for officers adequate?

Four months after the forum, Del Tufo formally released model rules for investigating complaints of police misconduct.²⁷ The model rules were intended to provide uniformity and help build public confidence in the complaints process. Reiterating many current guidelines and common practices, the model rules spell out what actions should be taken by a police department when a citizen lodges a complaint of police misconduct. The announcement emphasized that many of the guidelines, including a call for all police shootings to be reported to the New Jersey division of criminal justice,

have been routinely practiced by many local police departments around the State for years. The model rules serve to codify complaint practices that have been unwritten and often differ in depth from one municipality to another.

Looking toward resolving police-community conflict, Del Tufo urged the public to consider the position of police officers. He urged conflict resolution through police-community talks and better understanding about police practices.

The responsibility of police officers is demanding and dangerous. As he spoke of the essential role of police officers in our lives, he praised them as a whole, calling the police officers a thin blue line between chaos and an ordered society.

Conclusions and Recommendations

The Committee draws five basic and significant conclusions from its factgathering:

(1) Acts of brutality and other forms of police officer misconduct are linked to weak management, poor supervision, and ineffective training. Specifically designed training to improve police officer interactions with individual citizens and the community is an important innovation in improving police-community relations and reducing incidents of police misconduct.

(2) Bodies like the Bias Incident Review Committee (BIRC) in Middlesex County will help alleviate civil rights problems in law enforcement in New Jersey, improve complaint handling in cases of alleged misconduct by police officers, and establish confidence that such cases will be resolved.

(3) Ineffective, unresponsive law enforcement remains a significant problem in minority communities.

26 "Attorney General Robert Del Tufo, acknowledging that neither the public nor police trust the current system for investigating allegations of police brutality, is convening a task force to improve it from top to bottom. . . . Del Tufo is expected to outline [the task force] tomorrow before the state advisory committee to the U.S. Commission on Civil Rights." *Sunday Star-Ledger*, Newark, N.J., Apr. 7, 1991, p. A1.

27 Patricia Sullivan, "Law Officials Welcome Citizens' 'Bill of Rights'—Model rules govern misconduct charges," *The Star-Ledger*, Newark, N.J., Aug. 27, 1991, p. A1.

(4) Like the policy established by Prosecutor Tate in Essex County, presentation to a grand jury of all cases where police action results in death or serious bodily injury is an important policy.

(5) A majority of police contact with the public is routine and without problems. Indeed, most community residents enjoy the protection and attention to duty they receive from police officers. Moreover, police officers increasingly must take on additional tasks involving human services that call for skills better assigned to other agencies.

To address these concerns, the New Jersey Advisory Committee presents the following recommendations:

(1) The New Jersey State attorney general should undertake to improve the policies for screening candidates for law enforcement careers. In addition, if patterns of misconduct become evident after employment, local policy makers or chiefs of police should take immediate action in the form of either additional specialized training or termination from the police force.

(2) The New Jersey State attorney general should devise standardized training to upgrade the quality of police services in the State and establish a mandatory curriculum of in-service training courses for all officers. Linked to this general need for training is a special concern for instruction in intercultural and intergroup communication and awareness.

(3) Performance evaluations of local law enforcement personnel should include evaluation and assessment of the officer's sensitivity to intercultural awareness and diversity.

(4) Local police departments should create "feedback loops" to measure the quality of

service and professional conduct of their police officers. For example, attached to any traffic citation could be a simple questionnaire asking the recipient questions regarding the conduct, courtesy, and demeanor of the police officer. To the extent that patterns of less than professional conduct become apparent, appropriate administrative actions would be taken. This feedback information should be used to improve the quality of police work and assessment of police officer performance.

(5) Legislation should be enacted to mandate county level formation of bias incident review committees (BIRC) to investigate and screen complaints, including complaints of omission, unresponsiveness, etc., against police officers. A county level BIRC should educate the community by disseminating materials explaining civilian complaint procedures, including materials for language minorities. In this regard, the committee and materials from Middlesex County make a useful model.

(6) The New Jersey State attorney general should require law enforcement agencies to record all complaints of bias and misconduct against police officers and to file monthly reports with the New Jersey State police. The New Jersey State attorney general should issue an annual report. The reports should include information on the disposition of the complaint.

(7) Law enforcement agencies should improve their efforts to recruit candidates from all major ethnic groups in the community that they serve.

(8) The New Jersey State attorney general should require that all police actions resulting in death or serious bodily injury should be investigated by a grand jury.

Appendix A

Statement of Zulima V. Farber, Chairperson New Jersey Advisory Committee

Because the Advisory Committee decided to append to its final report the concurring or dissenting statement of any member who chose to write one, I, as Chairperson, find it necessary to provide the reader with background information on the process the Committee used to reach consensus on the final report, so that the following appended statements by Committee members Balch, Samet, and Scrupski can be read in a proper context. Each has particular concerns, although Balch and Samet supported the Committee's decision to adopt the report.

After the Commission had approved the first version of this report for publication, and because the Committee members felt they had had insufficient input in the drafting of that version, the Committee took the unprecedented step of recalling the document for further deliberation and revision. Thereafter, each member reviewed again the transcript of the forum, and prepared to participate in the review of the report. Upon its return, the report underwent a line-by-line, painstaking review at an eight-hour meeting, and a final private review of the final draft before adoption by a ballot vote. The views of each and every committee member, including specifically those aired in the appended statements, were discussed during our deliberations. The vote was 13 to 1 in favor of adopting this report as revised by the Committee. In doing so, the Committee specifically declined suggestions for further changes to the text while extending to the members an opportunity to append statements that reflected personal views.

Although we respect the opinions of our colleagues and do not question their intentions in insisting that their separate statements be included with the committee report, I believe it necessary for balance to comment on at least parts of Professor Scrupski's statement. Specifically, the criticism that the report "elides" the comments made by the NAACP state director, Keith Jones, should be read in light of the following information, presented to assist the reader and help lessen confusion on this point.

At the forum, Jones did say that he did not care whether police officers were racists if their racism did not affect their professional conduct. However, the notion that he therefore discounted race as a factor in the actions and attitudes of police officers is not supported by a fair reading of this passage in its entirety. Towards the end of this exchange, Mr. Jones expressed his strong view regarding racist attitudes among police officers, saying "You would hope that they would not [be racist]." (A complete transcript is available in the Eastern Regional Office, see p. 21.)

The transcript shows that the preponderance of Jones' statements refer to race as a factor in police brutality complaints. In specific examples of police brutality that Mr. Jones presented, most involved perceptions by the complainant that race was a factor in the police misconduct.

Jones began his statement commenting on the fact that many African Americans and Hispanics perceive racial attitude as a major factor in their encounters with white police officers. His overall description of police brutality cases included examples that varied widely, leaving the racial difference of a civilian and police officer as the link between and among the examples. He described a racial pattern in which 95-99 percent of hundreds of incidents reported to NAACP local branches in the state involved persons of color alleging misconduct by white police officers. He underscored race as a factor, saying:

"I remind you that part of what law enforcement always says is that it (police brutality) is not racially motivated. However, the perception of the African American and Hispanic community is that it is motivated by race." (p. 15)

At four other points in his presentation Jones alluded to disparate treatment by police officers as racially motivated. The specific references follow:

“The question of citizen confidence is a very serious one. And that is that minority citizens, whether they be Hispanic, Latino, or African American, have no faith that the system as currently established can appropriately investigate and adjudicate their claim. They believe that their claim falls on deaf ears.” (p. 13)

[T]his agency (New Jersey State Police) has admitted that there is a problem that they need to do something about. What has that problem been in New Jersey? That problem in New Jersey has been major thoroughfares, whether it be the New Jersey Turnpike, Garden State Parkway, Route 78, 287, whatever the major thoroughfares are, if you are Black or Hispanic in a relatively new foreign or domestic motor vehicle, you (blacks and Hispanics) are stopped solely because you fit a given profile. What is that profile? That profile is that because it is believed that you (blacks and Hispanics) might be involved in drug trafficking, not because you have violated some law while driving on that roadway, but because you fit a profile that they (police officers) believe exists, you (blacks and Hispanics) are then stopped.” (p. 16-17)

“There is a concern . . . will (county prosecutors) do an appropriate investigation (of civilian complaints of police brutality complaints)? Why? Because citizens, whether they be black or white—and certainly the recent polls indicate, regardless of race— there is no confidence in police to respect the rights of peoples of color, not only in this state, but across the nation.” (pp. 18-19)

And so we see this very serious problem. It is state-wide. It is in every city, every township, regardless of whether it is an urban, suburban, or rural township or community, there is a problem. And there is not a doubt in our mind that it is motivated by race.” (p. 22)

I trust that these observations and the procedural information herein contained will aid the reader in understanding and using this report.

Note—The text of this statement has been reproduced from an original copy on file in the Eastern Regional Office.

Appendix B

Statement of Stephen H. Balch, member, New Jersey Advisory Committee

National Association of Scholars

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August 6, 1993

Mr. Edward Darden, Civil Rights Analyst
United States Commission on Civil Rights
Eastern Regional Office
624 Ninth Street, N. W.
Washington, D. C. 20425

Dear Ed:

I've voted to approve the report. For the record, however, I would like to note that I disagree with the third recommendation. "Sensitivity ... to diversity" often connotes refraining from the use of common standards in judging other cultures.

Sincerely,



Steve Balch
President

SB:mrc
Enclosure

Appendix C

Statement of Seymour Samet, member, New Jersey Advisory Committee

March 12, 1993

The following is a statement by Seymour Samet, a member of the New Jersey State Advisory Committee to the United States Commission on Civil Rights, for inclusion in its 1993 report, **THE USE AND ABUSE OF POLICE POWERS: LAW ENFORCEMENT POLICIES AND PRACTICES AND THE MINORITY COMMUNITY IN NEW JERSEY.**

The following are additional recommendations which I believe should be considered by law enforcement officials in New Jersey:

1. In assigning officers to serve in high tension areas special efforts should be made to select those who have demonstrated capability in successfully policing such neighborhoods. Bonus pay should be offered for such service.

2. Officers serving in ethnic neighborhoods where foreign languages are commonly spoken should be skilled in or given at least basic language training in order to permit more effective communication in their police work.

3. Police departments should not be the only municipal arms of government with bias grievance mechanisms. Other officials in departments such as health, social services and education should be empowered to receive and act upon allegations of discrimination. As with the criminal justice system, bilingual services should be provided.

4. Specific and clearly stated procedures for making bias complaints should be carefully spelled out and made easily available to all concerned. The disposition of all complaints, hearings and other official responses to complaints should be made known quickly to all complainants.

5. Bias Incident Review Committees, or other instruments of government with different titles but having similar responsibilities, are potentially, but not necessarily, valuable. They do give the message that government is opposed to bigotry and its expressions by citizens in and out of government. However, the message also implies to many that such committees, composed of community leaders, have statutory status, are equipped with senior level professional personnel, investigative authority and budgets to carry out their mandates. Where these are missing and these entities are seen to be without the resources to alleviate or prevent intergroup tensions, then their existence will likely be looked upon as "window dressing" with the purpose of separating aggrieved individuals and groups from meaningful access to remedial resources.

The most difficult and usually least effective time to bring about minority group support for government efforts to improve intergroup relations is during or immediately after crises. The recommendations listed above and others being considered by officials should be acted upon on an ongoing basis rather than as a belated response to crises. Public relations efforts should be made to inform citizens of these actions and to assure them that government cares and is taking meaningful action to protect the rights of everyone at all times.

Note—The text of this statement has been reproduced from an original copy on file in the Eastern Regional Office.

Appendix D

Statement of Adam F. Scrupski, member, New Jersey Advisory Committee

Ms. Zulima Farber, Chairperson
New Jersey Advisory Committee to the
U.S. Commission on Civil Rights

August 16, 1993

Dear Zulima:

I find our report requires further revision. Following are my suggestions, the first dealing with the summary of Keith Jones's testimony.

To say, as the summary of Jones's remarks does, (page 3, bottom of left hand column) that, "Of the two influences (racism and abuse of police powers) on police misconduct against racial minorities, he [Jones] continued to underscore racial bias as the predominant one that explained police officers' brutality in New Jersey," is to elide the intent of Jones' presentation. Throughout his testimony Jones continually emphasized the importance of training, command, and control in inhibiting police mistreatment of minorities. He said explicitly that he did not care what the private racial beliefs of police officers were or what they taught their children, but that it was the internalization of a responsible, fair-minded, law-abiding perspective that would insure universalistic police treatment of minority group members. He did not say, as the summary statement on page 4 (top left) implies he said, that cultural and sensitivity training was needed as much as law enforcement training. That statement is contradicted by the report's very next paragraph, a quote from Jones's testimony. "The issue is not their understanding. . . [of diverse class, ethnic, and racial groups]. The issue is how they execute their responsibilities. . ."

My reservations additionally concern one conclusion (3) and two or three of the recommendations. I will take them up in order.

Conclusion (3) says "Ineffective unresponsive law enforcement remains a significant problem in minority communities." We heard very little evidence that would support such a strong conclusion. What I heard from our witnesses was that communities liked the police protection they got but wanted more of it. I heard almost no allegations of outright "unresponsiveness" on the part of law enforcement personnel (certainly no data concerning unresponsiveness) and I heard no allegations that the law enforcement that did take place was ineffective. I would suggest that we delete the word "unresponsive." I would grudgingly allow "Ineffective" to remain but I would prefer the substitution of the word "Insufficient" which would be a better summary of the testimony we heard and would support a request for more police resources as well as for modes of deployment such as community policing and problem-solving police work.

Recommendation (2) is important. I think the first sentence should be revised to include mention of supervisory and management training to insure a tight command structure. Both Mr. Jones and Prosecutor Tate, among others, emphasized the importance of supervision and command in controlling the behavior of police officers. We might want to add the adjective "rigorous" to precede "in-service training" and append, "particularly supervisory personnel" to the end of the sentence (following . . . "all officers.")

I think we should delete the last sentence of (2), that dealing with "intercultural and intergroup communication awareness." We heard very little testimony about intercultural awareness and its beneficial effects. When Mr. Jones was asked (twice) specifically if there were any data demonstrating the superior behavior toward people of color on the part of police officers

who were more familiar with people of color he could not cite such data. And he explicitly negated the importance of intercultural understanding in the quotation cited above, in which he said "The issue is not their understanding [of diverse class, ethnic and racial groups]."

I would, however, add to (2) a sentence recommending language training and greater interpreter resources in service to the Hispanic community and perhaps the Asian American community as well. We did hear testimony that included such a recommendation. The recommendation might read, "Language training and interpreter resources needs to be provided to police officers who serve non-English fluent communities."

I would delete (3) dealing with "evaluation and assessment of police officers' sensitivity to intercultural awareness and diversity." We heard very little evidence of the importance or effectiveness of such sensitivity, Mr. Jones, in his prepared remarks, more than once (as cited above) negated the importance of intercultural awareness. While two or three prosecutors may have noted that such training was provided to police officers in their counties, they did not address issues of its effectiveness. Attorney General Del Tufo said that intercultural awareness training was provided for state police after it was found that they were routinely stopping African American males driving late model cars, but neither he nor any other contributor cited the general effectiveness of such training or its importance.

With respect to recommendation (4), our fact-finding sessions included no evidence about feedback loops, particularly those taking the form of questionnaires attached to traffic citations. I would be willing to consider such an artifact if I heard evidence demonstrating its effectiveness, but I heard none on April 8-9, 1991. I think (4) should be deleted, but if it is close to the hearts of other committee members I suppose it could remain.

I think we should add a recommendation favoring "problem" or "community policing." Professor Weisburd reported favorable consequences of such policing and Chief Pugh thought it was significantly in order in Camden, though he was having difficulty getting it past his senior officers. The recommendation would follow from conclusion (3) (in the revised form that I suggested). It might read as follows:

Order must be established in all of our communities. In urban areas community policing has proved successful and it should be adopted and expanded. Resources should be provided to support such deployment of police personnel.

I hope I don't appear to be too "picky" but I think my suggestions are supported by original testimony and make the report stronger.

Very truly yours,

Adam F. Scrupski

Note: The text of this statement has been reproduced from an original copy on file in the Eastern Regional Office.