

TRANSCRIPT OF PROCEEDINGS

UNITED STATES COMMISSION ON CIVIL RIGHTS
NEW JERSEY STATE ADVISORY COMMITTEE

LAW ENFORCEMENT POLICIES AND)
PRACTICES IN NEW JERSEY:)
HOW ARE THEY APPLIED TO RACIAL,)
RELIGIOUS AND ETHNIC GROUPS)

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UNITED STATES COMMISSION ON CIVIL RIGHTS
NEW JERSEY STATE ADVISORY COMMITTEE

LAW ENFORCEMENT POLICIES AND)
PRACTICES IN NEW JERSEY:)
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HOW ARE THEY APPLIED TO RACIAL,)
RELIGIOUS AND ETHNIC GROUPS)

Board Room
The War Memorial
West Lafayette Street
Trenton, New Jersey

Tuesday,
April 9, 1991

The hearing in the above-entitled matter
commenced, pursuant to notice, at 10:30 a.m.

APPEARANCES:

Chairperson:

ZULIMA H. FARBER, ESQ.
North Bergen, New Jersey

Committee Members:

ROLAND A. ALUM, JR.
West New York, New Jersey

DR. STEPHEN H. BALCH
Princeton, New Jersey

MARIE T. CAMPBELL
Trenton, New Jersey

CHARLES W. KADLEC
Summit, New Jersey

J. ARMANDO RODRIGUEZ
Marlton, New Jersey

SABARAH SABIN
Maplewood, New Jersey

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APPEARANCES: (Continued)

Also Committee Members:

SEYMOUR SAMET
Fort Lee, New Jersey

DR. ADAM F. SCRUPSKI
Hightstown, New Jersey

Staff Members:

EDWARD DARDEN

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P R O C E E D I N G S

1
2 CHAIRPERSON FARBER: The staff informs me that we
3 have a quorum. I would like to begin this session.

4 I am Zulima Farber. I am the chairperson of the
5 New Jersey Advisory Committee to the U.S. Commission on
6 Civil Rights. It is my duty and pleasure to inform you of
7 all rules for this public forum and to welcome you to
8 participate.

9 The New Jersey Advisory Committee to the
10 Commission is one of 51 such committees made up of
11 volunteers appointed by the Commission. The committees were
12 created to advise the Commission on matters pertaining to
13 discrimination or denial of equal protection of the laws
14 because of race, color, religion, sex, national origin, age,
15 disability or in the administration of justice and to assist
16 the Commission in its statutory obligation to serve as a
17 national clearinghouse for information on those subjects.

18 Today the advisory committee will gather facts on
19 the administration of justice and focus our attention on the
20 following general topic: Law Enforcement Policies and
21 Practices; How are They Applied to Racial, Religious and
22 Ethnic Groups. Aspects of the topic will be covered by
23 speakers in four panels. Two of the panels were heard
24 yesterday, and two panels will be heard today. Your meeting
25 agenda has details of the invited speakers.

1 I must bring to your attention also that the
2 conduct of our meeting will conform with provisions of the
3 Freedom of Information Act, the Government and the Sunshine
4 Act and the Privacy Act. Please assist us by reporting to
5 Mr. Darden before you make a statement to the committee.
6 Mr. Darden is the staff for the committee on the far left.
7 He will give you the necessary instructions.

8 The advisory committee is also empowered to
9 receive individual complaints that come within the
10 jurisdiction of the Commission. If there are any persons
11 here who feel that they have grounds for a discrimination
12 complaint again please see Mr. Darden. He will make the
13 necessary arrangements for reporting.

14 I would like to explain our complaint handling
15 process. The Commission is not an enforcement agency and
16 will not investigate your individual complaint. We will
17 forward your complaint to the appropriate enforcement agency
18 for review and investigation.

19 The complaints we receive here today and the ones
20 we received yesterday will be turned over to the Commission
21 headquarters staff for processing. If you prefer to contact
22 our headquarters directly, you may do so by calling the
23 Commission's complaints hotline. The numbers are
24 1-800-552-6843 or (202) 376-8513.

25 At the conclusion of our public forum the advisory

1 committee will review the information gathered in
2 preparation for a written report to the Commission. This
3 public fact-finding meeting is one key stage in our study.
4 Our overall fact gathering will also include pertinent
5 follow-up interviews as necessary.

6 Our record will remain open for 30 days to receive
7 comments from any person or persons who wish to contribute
8 to our understanding of this important topic.

9 I would also like to call your attention to the
10 publications table which staff has set out outside the door
11 of this room. Regrettably, these are the only copies of the
12 Commission's publications we have here today. What we ask
13 you to do is leave your name on the sheet placed below each
14 report, and we will make sure that you get a copy of it by
15 mail.

16 I would like to introduce the members of the
17 committee who are present here today. My directory is in
18 alphabetical order and we are not seated this way, so please
19 just raise your hand and make your presence known as I go
20 through the list.

21 Dr. Stephen Balch is a former chairperson of this
22 committee and my immediate predecessor. He is an associate
23 professor of government at John Jay College of Criminal
24 Justice of the City University of New York and director of
25 the National Association of Scholars.

1 Mrs. Marie Campbell of Trenton is a retired public
2 school teacher. She is national secretary of the NAACP Life
3 Membership Committee and a member of Top Ladies of
4 Distinction, Inc.

5 Mr. Charles Kadlec of Summit is an economic. He
6 is president and director of research of J & W Seligman &
7 Company, an investment advisory consulting firm. He is
8 former executive vice-president and director of research and
9 a member of the board of the directors of A.B. Laffer
10 Associates, Inc.

11 Rabbi Kushner has not arrived yet, but he is
12 expected. Rabbi Kushner leads the congregation at Temple
13 Ner Tamid in Bloomfield and is also a professor at
14 Bloomfield College. He is the president of the New Jersey
15 Association of Reform Rabbis and president of the Metro West
16 Board of Rabbis.

17 Mr. Armando Rodriguez of Marlton, New Jersey, is
18 former deputy director of the New Jersey Department of Law
19 and Public Safety Division of Civil Rights. He is also a
20 former chair of the Puerto Rican Congress.

21 Mrs. Sabarah Sabin of Maplewood is the executive
22 director of the New Jersey Martin Luther King, Jr.,
23 Commemorative Commission and also the president of the South
24 Orange and Maplewood Board of Education.

25 Mr. Seymour Samet of Fort Lee is the founder and

1 president of H.R. Factor Associates, human relations
2 consultants. He is also former national director of the
3 American Jewish Committee's Domestic Affairs Department and
4 former chief intergroup officer of the U.S. Department of
5 Justice's Community Relations Service.

6 Dr. Adam Scrupski of Hightstown. Professor
7 Scrupski is director of teacher education programs of the
8 Rutgers University Graduate School of Education. He is a
9 member of the Committee on Education and the Holocaust and
10 the New Jersey Division of the Polish-American Congress.

11 I think I have covered all of the members present
12 and expected. Here is one more. He is going to think I am
13 going to single him out because he is just walking in.

14 Roland Alum of West New York is just walking in.
15 He is the former regional representative for the Secretary
16 of the U.S. Department of Education. He was the
17 administrator of the New Jersey Bureau of Hispanic
18 Enterprise of the New Jersey Department of Commerce and
19 Economic Development.

20 Those are the members of our committee present
21 here today.

22 I believe that each member of the panel that we
23 have here received materials indicating what the topic is.
24 If anyone has any questions about what we are supposed to
25 cover, this is the time to do it.

1 After that, because of the number of panelists
2 here present today, what the committee has decided to do is
3 give each panel member or each group, some of the groups
4 consist of a local chief of police and the county
5 prosecutor, and if each group would take ten minutes to make
6 their presentation that would take us an hour because there
7 are six such groups here and there are 12 of you.

8 Then we will take the second hour of this panel
9 for questioning by the committee members and comments by the
10 members of the panel.

11 If that is agreeable and there are no questions,
12 please identify yourself before you begin speaking. I guess
13 we will go down the line. I do not care which way we begin.

14 Mr. Mulvilhill?
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1 STATEMENT OF HON. JAMES MULVILHILL, ASSISTANT ATTORNEY
2 GENERAL IN CHARGE, CUMBERLAND COUNTY PROSECUTOR

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4 MR. MULVILHILL: My name is Jim Mulvilhill. I am
5 the Assistant Attorney General and temporarily assigned as
6 the acting prosecutor in Cumberland County. To my right is
7 acting chief Mario Brunetta of the Vineland Police
8 Department.

9 I have been acting prosecutor in Cumberland since
10 October 15 and have continued the excellent working
11 relationship between the prosecutor's office and our three
12 police department, Vineland, Bridgeton and Millville. We
13 also have two state police stations and station commanders
14 and, of course, our sheriff. We meet on a monthly basis.
15 We have a good working relationship with them.

16 There is a uniform firearms policy in effect in
17 Cumberland County that was promulgated back in the early
18 1980s by the first full time prosecutor of Cumberland which
19 requires that in any police shooting situation that the
20 prosecutor's office be immediately notified.

21 Also, any complaints that come in from citizens
22 regarding police misconduct are reviewed by the prosecutor's
23 office by our Grand Jury chief, by the first assistant
24 prosecutor, and final sign-off is with the county prosecutor
25 with me.

1 We check with our police chief to make sure that
2 he is aware or the station commander is aware of the
3 complaint so that many of these situations are not
4 substantiated, but at least he knows exactly what has been
5 alleged and who is the officer involved and so on.

6 The other initiative that I have worked on with
7 the head of the NAACP in Cumberland County, Sam Clarke, is
8 to develop a county human relations commission. Sam Clarke
9 approached the freeholders back in late 1990. The
10 freeholders referred Sam to me. We formed a small
11 committee.

12 We developed a proposed resolution and some
13 suggested members for the commission and referred that to
14 the freeholders. I understand the freeholders are going to
15 act on that in the very near future so we can get our human
16 relations commission off the ground, which would involve
17 people from the law enforcement community, representatives
18 of minority groups. The main two minority groups in our
19 county are Hispanic and black citizens.

20 We have also had outreach during the time I have
21 been there to the black community and to the Hispanic
22 community in various ways. The incident that occurred in
23 Vineland in 1989 that Chief Brunetta will tell you about was
24 a very unfortunate incident, but I am very pleased with the
25 way that incident was investigated and handled by the

1 prosecutor's office and the Vineland Police Department.

2 Basically what happened there, there was a
3 shooting of a black citizen in August of 1989. The
4 community was very outraged at what occurred. The
5 investigation was done independently by the major crimes
6 unit of the division of state police and the prosecutor's
7 office.

8 The community was kept apprised step by step of
9 how the investigation was proceeding. The prosecutor
10 personally got involved and met with the family of the
11 decedent. We had people from, of course, the division on
12 state police. The division on civil rights were down at the
13 scene.

14 There were some community meetings where the
15 prosecutor met with the community to explain the process
16 which resulted in the entire matter being presented to a
17 county Grand Jury for an entire day by the then prosecutor,
18 Steve Needer, and the first assistant.

19 Before the result was announced to the press the
20 prosecutor met with Sam Clarke and the minority group
21 representatives who he had been working with to explain
22 exactly what had occurred. That incident was handled in the
23 proper way.

24 I am also very proud of Chief Brunetta and what he
25 has done in Vineland in terms of in-service training, which

1 is a very important element to what has to be done and
2 improved upon. In Vineland the in-service training is very
3 extensive. The chief will tell you about that.

4 I know also that the chief personally reviews and
5 has assigned detectives to investigate any allegations of
6 police brutality, and he personally reviews those.

7 Also, the acting chief has made very important
8 steps in terms of affirmative action to try to get his
9 police department to represent the community in Vineland.
10 He has had some success there; not entire success because
11 that is very difficult, but at this point I think I would
12 ask Chief Brunetta to make some comments.

13 CHAIRPERSON FARBER: Thank you.
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1 STATEMENT OF CAPT. MARIO BRUNETTA, ACTING CHIEF, VINELAND
2 POLICE DEPARTMENT
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4 CAPT. BRUNETTA: My name is Captain Mario Brunetta
5 of the Vineland Police Department.

6 To give you a little background of the community
7 first perhaps, I would like you to know what the citizens
8 are made of. There are 55,000 people in Vineland, which is
9 probably small in comparison to some of the other cities
10 represented here. Sixty-four percent of the population is
11 Caucasian, 23 percent Hispanic, and ten percent black.
12 There are 68 square miles that comprise the city, and there
13 are 528 miles of roads.

14 We have 110 police officers. What the Assistant
15 Attorney General here, Jim Mulvilhill, was saying, the
16 police department does not reflect the community at present.
17 Out of the 110 officers, ten percent are Hispanic and two to
18 three percent are black. The problem is that not only are
19 we not hiring enough minority officers, but once they are
20 hired and trained they leave us. They are in demand it
21 seems like, and they leave for county or state offers.

22 However, in the last two batches of officers we
23 hired we are probably batting about 60 percent minorities.
24 We hired 60 to 70 percent minorities.

25 All these laurels that were cast upon me, I am not

1 really doing anything that shouldn't have been done probably
2 before. We had an unfortunate incident in 1989 which is
3 still in civil litigation. I really do not want to comment
4 on the intricacies of it.

5 However, there were some things wrong. The police
6 department realized there were some things wrong. We will
7 take the responsibility that we were not up to par in some
8 areas at that time. One of those was with communications
9 with a citizen tree. In many places there seems to be
10 developing a separation where you lose contact with the
11 community and the people in the community.

12 We are trying to change that. We embarked on a
13 public speaking program and citizens information lectures to
14 the various clubs, the churches and the neighborhoods
15 themselves in trying to get the people familiar with the
16 police department, what we do, how they can help us, how we
17 can help them.

18 My own personal belief is that the answer is five
19 and ten years down the road -- long term. We are doing some
20 things to try and straighten problems that developed out
21 now. I am a firm believer in juvenile programs. When I say
22 that, I mean we tripled our officers in the schools. I am
23 looking for five years down the road and ten years down the
24 road when those kids that are 12 or 15 years old now are
25 going to be young adults.

1 Hopefully, even though I may not be around to see
2 it, things will be a lot better in ten years. Hopefully I
3 will be around to see it.

4 Training also is a big thing with our department
5 and myself personally. We have built into our schedule
6 mandatory training every Friday for one-third of the police
7 department.

8 The city fathers do not have to keep hollering
9 about overtime. It is built in the schedule where every
10 Friday one-third of the officers are trained, and that way
11 we can reach everybody to get our ideas across. We tell
12 them what we want, what we expect of them, how we expect
13 them to act and give them a good, basic training.

14 The other thing I believe where we went a little
15 astray on was the problem addressing citizen complaints. It
16 is not that we were not addressing citizen complaints when
17 they complained about the police, but it was short of a
18 helter-skelter type arrangement where if a citizen would
19 come in and complain, providing who was on the desk he might
20 have been sent to sign a complaint with the courts or he
21 might have had an appointment for him with the chief, but
22 the citizens themselves went away not feeling like anything
23 was happening.

24 We changed that by giving the person immediate
25 action and telling them exactly what was going to happen

1 from day one, what is going to happen day two and day three,
2 and they were going to get an answer to their problem. If
3 it was unfounded, fine, it was unfounded. If it was not,
4 then if someone committed an act of wrongdoing then proper
5 action would be taken.

6 Basically I guess I have run out of time or things
7 to say, and that is all I have.

8 MS. SABIN: Madame Chair, can I have a point of
9 clarification?

10 CHAIRPERSON FARBER: Yes.

11 MS. SABIN: The incident in 1989 was the killing
12 of a citizen by a police officer?

13 CAPT. BRUNETTA: Yes, it was a young black man was
14 shot by a police officer.

15 MS. SABIN: Thank you.

16 CHAIRPERSON FARBER: Thank you.

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1 STATEMENT OF JAMES CONLEY, ASSISTANT COUNTY PROSECUTOR,
2 CAMDEN COUNTY

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4 MR. CONLEY: I am James Conley. I am the
5 assistant county prosecutor in Camden County. Prosecutor
6 Wardon could not be here. He asked me to come.

7 Basically I would like to describe our county to
8 you. The population is approximately 550,000 people. It is
9 a very diverse population. There are 37 separate
10 municipalities. There are, therefore, 37 separate police
11 departments.

12 Also included within the county are various other
13 law enforcement agencies. Since we have the University
14 Medical Center in Camden, they have their own police force.
15 We also have human services police in the Ancora facility.
16 The Delaware River Port Authority have police officers
17 within the county, so there are numerous law enforcement
18 agencies all included within the county.

19 Again as I have indicated, the population is very
20 diverse. The population of Camden itself is highly minority
21 weighted to black and Hispanic, with a largely increasing
22 oriental population. The remainder of the county is much
23 more white, although there are other municipalities within
24 the county. Two specifically are very highly black
25 oriented, so it is a very diverse population within the

1 county.

2 What happens in our county if there is an
3 allegation of police misconduct there is a specific unit
4 within the prosecutor's office that is assigned to
5 investigate allegations of police misconduct. There are
6 approximately six investigators assigned to the unit, as
7 well as two assistant prosecutors.

8 There is a policy within the county that any
9 shooting involving a police officer, be that a shooting of a
10 police officer by a citizen or a shooting of a citizen by a
11 police officer, must be reported immediately to the county
12 prosecutor's office, at which time the shooting incident is
13 investigated by the homicide unit of the prosecutor's
14 office, which generally speaking is comprised of the more as
15 you call them elite investigative personnel within the
16 office itself.

17 CHAIRPERSON FARBER: Even if there is not a
18 homicide?

19 MR. CONLEY: Even if there is not a homicide.

20 As luck would have it, prior to Prosecutor Wardon,
21 for approximately nine months our office had as its acting
22 prosecutor Mr. Mulvilhill. While he was in the office he
23 instituted several procedures. One thing he did was become
24 involved in the reinstatement of the Camden County Human
25 Rights Commission.

1 He also required all of the chiefs of police to
2 supply the prosecutor's office with a list of various
3 community leaders from the religious community and the
4 different ethnic groups within that particular community.

5 It did two things. It forced the police
6 department within the town to actually sit down and look at
7 the community and gather a list of these people, which they
8 then would have available to them if a situation arose where
9 they would need to be able to address any particular segment
10 of the population. They then supplied that list to the
11 county prosecutor's office, and we now have that available
12 to us as a resource.

13 He is also responsible for the creation of a civil
14 disorder response team wherein because of the nature of the
15 county and the fact that there are 37 municipalities there
16 are police chief meetings once a month where all the police
17 chiefs get together and discuss various issues and topics
18 that are of interest to them. There is a county-wide mutual
19 assistance plan which is in effect so that one department,
20 if there is a problem, can receive assistance from the other
21 departments.

22 The civil disorder response team was created in order
23 to have members of the prosecutor's office, if a situation
24 should arise such as a police shooting where it appeared
25 that there was going to be some type of civil disorder

1 arising over that, it allows the prosecutor's office to send
2 their representatives out basically to get the pulse.

3 The local police chief is in charge of the
4 situation in the municipality subject to advice from the
5 prosecutor's office. The prosecutor's personnel are
6 basically sent out to oversee the investigation if there is
7 a shooting by a police officer or of a police officer. As I
8 have indicated, that particular primary investigative
9 responsibility lies with the prosecutor's office.

10 Investigation of other crimes occurring within the
11 municipality, the primary responsibility lies with the local
12 police department.

13 With respect to biased incidents themselves, the
14 manner in which they are approached is strictly in accord
15 with the New Jersey Attorney General's Office policy on bias
16 incident and their investigation standards.

17 The major crimes unit of the prosecutor's office
18 is specifically designated to review -- excuse me. I myself
19 review all of the reports which come in from the local
20 police departments involving bias incidents. They are then
21 assigned to an investigator to do follow-up with the local
22 police agency who is doing the initial investigation and to
23 lend any assistance which may be necessary.

24 I would indicate that there does not appear to be,
25 as far as our office can tell, any indication of county-wide

1 institutionalized police misuse of force. Part of the
2 reason for that is probably because of again, the large and
3 diverse number of police departments.

4 In a situation like happened in Los Angeles where
5 you have a police department 3,000,000 or 4,000,000 people
6 it is easy for you to have a situation where you have
7 institutionalized violence within it. In our situation most
8 of the departments tend to be smaller, so even if there was
9 institutionalized misuse of force it would be on a much
10 smaller scale obviously, and it certainly would come to our
11 attention much easier because it is a much smaller problem
12 to deal with.

13 That is basically all I would have to say at this
14 point.

15 CHAIRPERSON FARBER: Thank you.
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1 CHIEF GEORGE D. PUGH, CAMDEN CITY POLICE DEPARTMENT

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3 CHIEF PUGH: Chief George D. Pugh, City of Camden,
4 New Jersey.

5 Just for some clarification, are we talking about
6 the violation of individuals' rights in general, or are we
7 talking about police brutality? We are talking about the
8 whole spectrum, aren't we?

9 CHAIRPERSON FARBER: We are talking about the
10 whole spectrum. I should add because no one has addressed
11 it yet, but it has been raised in complaints to this
12 committee, that the complaints not only deal with police
13 brutality, but also with other aspects of police work like
14 response time is one of the things that we have heard in the
15 complaints.

16 The police do not respond as quickly to complaints
17 from the minority community as they do from the white
18 community.

19 MR. SAMET: And verbal abuse.

20 CHAIRPERSON FARBER: And verbal abuse, yes.

21 CHIEF PUGH: Anything else?

22 The City of Camden has a population of
23 approximately 85,000; 45,000 black, 27,000 Hispanic, 13,000
24 white. Forty-five percent of that population is 20 years of
25 age or under. We have been granted the distinction of being

1 the third poorest city in the nation. We have tremendous
2 financial problems.

3 The police department at the present time, it was
4 not so structured before I took over; however, I do not want
5 to sit here and let everyone think that I get the credit for
6 all of this, but the police department at the present time
7 is 52 percent minority. That is the entire police
8 department. However, the supervisory structure is three
9 percent minority.

10 MR. SCRUPSKI: Three percent?

11 CHIEF PUGH: Three percent.

12 CHAIRPERSON FARBER: The supervisory staff.

13 CHIEF PUGH: The City of Camden being an urban
14 center, as I said before, has diverse problems. In the City
15 of Camden, like most other law enforcement agencies, the
16 members of the department believe in traditional law
17 enforcement and all that entails.

18 However, over and above traditional law
19 enforcement we have to expand our services to the community.
20 It is at that point that we run into problems with attitudes
21 and personalities with some of our officers, and this is
22 what spills over into the community when individuals feel
23 that they are becoming service providers instead of the
24 traditional law enforcement role.

25 That goes back to what the chief from Vineland

1 said that we have to do a better job with training. It is
2 difficult after an individual has 15 to 20 years in a
3 department to try to get him to change drastically in a
4 short period of time. This type of training, sensitivity
5 training to the community, is long overdue, and in many
6 police departments they still do not provide sensitivity
7 training.

8 One of the things that Prosecutor Mulvilhill when
9 he came to Camden County pushed was training and sensitivity
10 training. I was fortunate enough to be the chief of police
11 -- I have been chief of police for three years in September
12 -- when Prosecutor Mulvilhill came to Camden County.

13 We immediately established a bond and a
14 relationship moving towards what I see as one of the primary
15 answers to the problems that urban centers are faced with,
16 and that is a community oriented policing philosophy which
17 differs from police-community relation.

18 One of the major problems that I suffer with in
19 the urban center in attempting to provide service to the
20 entire community, and as I stated earlier, Hispanic, black,
21 white and as has been alluded to by a prosecutor, we have an
22 increasing Asian population that is growing daily and buying
23 many businesses within the City of Camden and establishing
24 their presence there, one of the biggest problems that I
25 have in providing service to that entire community because

1 if I can't communicate with them then I can't provide the
2 service that they feel they deserve.

3 Not being able to speak all of the different
4 languages, it is difficult for me as the head to
5 communicate. What I need are individuals in policy and
6 command positions to assist me in that area. My biggest
7 problem is the state department of personnel and the civil
8 service system.

9 In order to reach the Hispanic community, for the
10 last year and a half I have been fighting with the
11 department of personnel trying to establish bilingual titles
12 in the Camden City Police Department one lieutenant and two
13 sergeants. Not 15 lieutenants and 20 sergeants, but one
14 lieutenant whom I could have on my staff for that direct
15 communication with the Hispanic community, an individual in
16 a position to help with the policy making within the Camden
17 City Police Department based on the fact that he has direct
18 communication with that Hispanic community.

19 If the executives of local law enforcement do not
20 have direct communication with all of its citizens it cannot
21 provide the service, and everyone in your municipality is
22 entitled to that service or they may feel because they are
23 not getting it that they are violating their civil rights
24 because they are entitled to the same thing that everyone
25 else is.

1 One of major problems that I have been attempting
2 to deal with is the department of personnel and their rules
3 and regulations, which I feel directly affect my ability to
4 administer the Camden City Police Department and provide a
5 service to the entire community.

6 In state government when an individual takes over
7 he is able to establish his immediate assistants and
8 commanders so that he can run his department. The county,
9 the prosecutors, are able to do the same thing.

10 The only place in law enforcement where you are
11 not allowed to do that is at the local level, and we are the
12 ones who are in direct communication with that population.
13 We are the ones that are held accountable by the
14 prosecutor's office and the Attorney General's office for
15 providing that service.

16 We are constantly required to do more with less --
17 budgetary problems. In order to do that you have to be
18 able to staff your department so you can make it efficient
19 and effective. The stumbling block is the department of
20 personnel.

21 I recognize the fact that they say all of these
22 abuses will occur if the individuals at the local level have
23 that type of authority. They give it to the Attorney
24 General and they give it to the prosecutor, but we can't
25 have it. If we are going to be held accountable for

1 providing the service we need the tools to work with. You
2 need a command staff who is working with you and moving in
3 the same direction to fulfill your goals and objectives.

4 When you are dealing with a civil service list for
5 promotion, as I have been over the last three years that I
6 have been here -- we have been in and out of court on
7 numerous occasions -- it is difficult to motivate people who
8 are sitting at the top of the list knowing you have to
9 promote them no matter what happens. They don't have to
10 follow in line with what you are trying to accomplish. They
11 feel that the traditional system will take care of them
12 anyhow.

13 I feel that in order for me to protect the civil
14 rights of all of the members in my community I have to be
15 able to on a constant basis receive information and support
16 from them, but I have to give the same back.

17 One of the major problems that have caused the
18 police department and the community to separate was when
19 they removed the walking officer from the beat and when they
20 gave the police officer a brand new air conditioned car with
21 a stereo where they have the windows rolled up and the music
22 playing and they do not have that direct relationship with
23 the community. All of these things affect the officer's
24 attitude, and that affects how he deals with the community.

25 If we touch on the situation that happened in Los

1 Angeles, not only were the officers involved at the level of
2 execution, but the supervisor was also on the scene. The
3 supervisor has the responsibility for controlling his men.
4 When you have supervisors who are not trained, who are not
5 sensitive to the needs of the community, you have no
6 control. I think it that was evident in the videotape.

7 That is all I have to say.

8 CHAIRPERSON FARBER: Thank you very much.

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1 STATEMENT OF HON. ROBERT HONECKER, MONMOUTH COUNTY
2 PROSECUTOR'S OFFICE

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4 MR. HONECKER: Thank you. My name is Robert
5 Honecker, and I am representing the Prosecutor John Kay and
6 the Monmouth County Prosecutor's Office. I joined the
7 Monmouth County Prosecutor's Office in 1981 as a law clerk
8 and now hold a position of second assistant prosecutor for
9 Monmouth County.

10 My primary responsibility is to offer suggestions
11 and advise Prosecutor Kay on certain directions and policies
12 for the Monmouth County Prosecutor's Office. In light of
13 today's particular hearing, there are a number of different
14 areas where Prosecutor Kay, the Monmouth County Prosecutor's
15 Office, as well as different agencies within Monmouth County
16 have gotten together to form policy and direction concerning
17 police action and community relations.

18 First of all, let me just describe what Monmouth
19 County is all about. Monmouth County is centrally located
20 in the State of New Jersey. Its border on the east is the
21 Atlantic Ocean. It has 27 miles of coastline. It borders
22 on the north with Middlesex county, on the west with Mercer
23 and Burlington County, and on the south with Ocean County.

24 It has 53 municipalities. Its three major urban
25 centers are Asbury Park, Long Branch and Red Bank. The

1 other municipalities form communities which typically are
2 referred to as bedroom communities servicing employment in
3 New York City and the City of Philadelphia.

4 What we have been involved in in Monmouth County
5 in the Monmouth County Prosecutor's Office is that every
6 allegation of police misconduct is investigated by the field
7 operations unit. An assistant prosecutor and six
8 investigators are assigned full time to that unit.

9 The discharge of firearms -- any firearms -- in
10 Monmouth County, be it an accidental discharge or be it an
11 intentional discharge of a firearm by a police officer, is
12 investigated by the major crime section of the Monmouth
13 County Prosecutor's Office.

14 Every instance of actions of police officers that
15 are called into question are referred to by the municipality
16 in which it occurs to the Monmouth County Prosecutor's
17 Office. Our internal investigations unit of the Monmouth
18 County Prosecutor's Office handles each and every allegation
19 of police misconduct or police brutality.

20 What we have seen in the past few years has been a
21 rise in complaints to the Monmouth County Prosecutor's
22 Office concerning actions of police officers. We hear the
23 same type of allegations, I am sure, that this committee has
24 heard about police officers and how they have reacted to the
25 community.

1 What we did is starting back in 1988 is begin to
2 analyze why we were beginning to see these complaints from
3 the community. One thing we noted is as our training of our
4 police officers increased, that is, the scientific training,
5 the firearms qualification, which New Jersey has one of the
6 toughest firearm qualification policies for police officers
7 in the United States, as we introduced computers, as we
8 introduced fax machines, we began to see that one of the
9 old-time police training techniques of know your community
10 and what is in vogue now, community policing, seemed to have
11 shifted focus and seemed to have gotten out of the
12 mainstream.

13 What we decided to do in coordination with the
14 then Attorney General Cary Edwards, who instituted bias
15 crime guidelines, is the re-train all of the senior police
16 officers in Monmouth County in regards to community policing
17 or sensitivity.

18 We conducted three annual seminars, if you would,
19 for senior police officers and have approximately 250 senior
20 police officers from chief through sergeant who have been
21 trained.

22 There have been individuals from the community.

23 We have had the three presidents of the local chapters of
24 the NAACP in Monmouth County come and speak to the police
25 officers and register the complaints that they receive from

1 constituents in their community and what their reaction is
2 when individuals come to them and make allegations of police
3 brutality.

4 We have had representatives from the
5 Anti-Defamation League also make presentations to police
6 officers to identify the type of bias crimes involved with
7 the Jewish community in Monmouth County.

8 Most importantly, we bring in individuals from the
9 United States Department of Justice and the conciliatory
10 program for counselors to involve themselves in sensitizing
11 police officers to their community, to know who their
12 community leaders are and to reach out to the community
13 leaders because the role of police in acting with the
14 community leaders is very important to having a community
15 that works together. That is the police aspect side.

16 What the prosecutor has also done is in February
17 of 1990, he has, in consultation and coordination with the
18 National Conference of Christians and Jews, formed the
19 Monmouth County Human Relations Commission.

20 In February, 1990, an exploratory meeting was held
21 where a number of individuals from all segments of our
22 community were invited to participate. As a result of that
23 initial meeting, in April of 1990 the Monmouth County Board
24 of Freeholders recognized the Monmouth County Human
25 Relations Commission as a county entity.

1 At this particular time there are 55 members of
2 the Monmouth County Human Relations Commission, and they
3 have involved themselves in a number of aspects. The first
4 one was to take a look at all of the bias crimes that have
5 occurred in Monmouth County; that is, crimes motivated by
6 bias.

7 The Monmouth County Prosecutor's Office has a bias
8 crimes investigation unit staffed by a captain, a sergeant
9 and two investigators. That particular unit teaches
10 incident training to the police recruit class. In 1988 we
11 also established an eight hour training program for every
12 new police recruit.

13 Our plan was two-fold; to address the senior
14 police officers, the supervisors, who had been on the police
15 force for a number of years and then introduce the same type
16 of sensitivity training to the individuals who were new
17 police officers.

18 What we have also done is we have seen that in
19 working with the Human Relations Commission that there are
20 other aspects that individuals failed to report to police
21 for one reason for another in allegations of police
22 brutality.

23 I think the same type of problem areas that you
24 have been listening to for the past day or so is that people
25 did not want to report to the same agency to investigate

1 allegations of police brutality because the prosecutor's
2 office was simply viewed as another arm of the police
3 department and those allegations would be washed away or
4 covered up or what you will.

5 What we established on April 1 of this year in
6 Monmouth County is the Monmouth County Human Relations
7 Commission Bias Hotline. Any individual can call this
8 hotline and report to the Human Relations Commission any
9 allegation of discrimination, be it housing, be it civil
10 rights or be it police brutality.

11 If that individual is afraid to go to their
12 municipal police department for whatever reason or the
13 prosecutor's office the Monmouth County Human Relations
14 Commission will take that complaint, and they will, of
15 course, contact us because we are mandated, since the
16 prosecutor is the chief law enforcement officer for the
17 county, to handle those investigations.

18 It provides an avenue so those investigations can
19 continue and so individuals who may have apprehension to
20 report these can reach out to the Monmouth County Human
21 Relations Commission and make that report.

22 We are only good police prosecutors as what is
23 reported to us. If it is not reported to us we cannot
24 function as a law enforcement agency in these matters, so to
25 reach out to the community and to promote that the

1 individuals who will be conducting these investigations will
2 do so in a fair and impartial manner and most of all promote
3 from the prosecutor all the way down through the chiefs of
4 the municipal departments that police misconduct will not be
5 tolerated by the law enforcement community and crimes
6 motivated by bias will not be tolerated by the law
7 enforcement community.

8 Once the community is aware that the individuals
9 who hold the trust and the responsibility to conduct these
10 investigations will do so in a fair and impartial manner, I
11 think that the community will then realize that they have
12 individuals and agencies that will fairly conduct these
13 matters.

14 I have Chief Willis from the Freehold Township
15 Police Department with me this morning.

16 CHAIRPERSON FARBER: Thank you very much.
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1 STATEMENT OF CHIEF JOHN WILLIS, FREEHOLD TOWNSHIP POLICE
2 DEPARTMENT

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4 CHIEF WILLIS: I am John Willis. I am the Chief
5 of Police of Freehold Township.

6 Freehold Township is about 38 square miles in
7 central New Jersey. Its population is about 25,000. It was
8 primarily farmland until the mid-1960s when housing
9 developments began to take over the farms. It is
10 approximately three percent black, two percent Hispanic
11 origin. It completely surrounds the borough of Freehold,
12 which is a little over one square mile and which has a high
13 minority population.

14 The police department started full time in 1967.
15 Presently it has 43 men. All Freehold Township police
16 officers have received special training in victims' rights
17 conducted by the Monmouth County Prosecutor's Office. All
18 Freehold Township police officers have received in-service
19 training on prisoners' rights and the handling of prisoners
20 by the New Jersey Department of Corrections.

21 All supervisors have received training from
22 Monmouth County on bias incident investigation and
23 reporting, and we have a bias incident investigation team if
24 there is any indication of any form of bias.

25 The police department conducts numerous programs

1 in the school starting with kindergarten with the Your
2 Friend the Cop program, school crossing, things of that
3 nature. It continues through for drug education and to the
4 high school on alcohol abuse and things of that nature.

5 We have very, very few complaints. The primary
6 complaint we receive are motor vehicle complaints. We have
7 very, very little contact with the minorities.

8 I think probably the key to a lot of our problems
9 is that we have had a lot of training. People are aware of
10 people's rights, starting at the police academy. We are
11 also fortunate that by many standards we are a young police
12 department, so we did not have the influence of a lot of
13 some of the older departments.

14 CHAIRPERSON FARBER: Thank you very much, Chief.
15 Prosecutor Rockoff?

1 STATEMENT OF ALAN ROCKOFF, MIDDLESEX COUNTY PROSECUTOR

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3 MR. ROCKOFF: Thank you very much, Chairperson
4 Farber. My name is Alan Rockoff. I am the prosecutor of
5 Middlesex County.

6 We are a population of approximately 700,000
7 people, and I would like to tell you about our experience in
8 attempting to cope with the pervasive problem of bias and
9 hate crime, actual and perceived, that occurs between
10 citizens in our county and those that are alleged against
11 the police and other law enforcement agencies by those
12 arrested and confronted because of their involvement in
13 criminal incidents in our society in our county.

14 I prepared some comments, just about two pages,
15 which will take me about five or six minutes to recite, but
16 more importantly than that, I would like to refer you to the
17 ten packages that I left with you that have samplings of
18 what we are doing in the county. As I go along I would like
19 you to just make a mental note to go back and look at those
20 because they tell the whole story.

21 I am just the spokesperson for what we are doing
22 in the country. I think some of the documents that we gave
23 you and the flier for the up and coming conference that we
24 are going to have on hate, crime and youth for the police
25 and for the citizens in our county show more substantive

1 work than my comments do.

2 We have approached the problems of hate crime on
3 two separate tracks. In 1986, in response to incidents of
4 graveyard and church desecration, ethnic, religious and
5 racial slurs on commercial and residential walls in the form
6 of graffiti and assault and harassment that were bias
7 related, I formed an investigative task force in Middlesex
8 County known as the JUST unit, the Joint Unit to Stop
9 Terrorism, utilizing the same tactical approach toward bias
10 crime that we use in our attack upon the drug trade.

11 In other words, we use surveillance. We use
12 informants. We use investigators. We enlist police
13 officers from the 25 communities in our Middlesex County
14 area to utilize them when needed. They are basically
15 juvenile aid officers. Some of them come from the narcotics
16 unit. Wherever they are needed they will be utilized for
17 the purpose of evaluating and investigating a bias crime.

18 I have allocated three investigators in my office
19 to work on this, and we have successfully reduced the flood
20 of desecrations that we had in 1986 and 1987 and then the
21 Hillel investigation that we had in 1989 where we made
22 arrests. We have reduced that to a trickle.

23 We have a saying in Middlesex County that we will
24 never accept hate crime as a way of life, and I think our
25 commitment to that JUST unit indicates that we mean it.

1 We have learned through our investigations,
2 however, that the root causes of hate crime are not
3 institutionalized bias, but rather they emanate from
4 juveniles who listen obsessively to heavy metal music. They
5 adopt the lifestyles and indicia of the so-called skinheads
6 and the white supremacy, and they fit a profile that
7 includes poor academic achievement, social isolation, poor
8 self-image, disestablishmentism, drugs, sex, rock and roll
9 of the heavy metal and the skinhead variety.

10 We prosecuted many of these cases. We prosecuted
11 them successfully. Then we have gone into the field and we
12 have lectured at PTAs, a civic clubs, at schools, at
13 churches. We have written about it, and we have at least at
14 present curtailed the problem and made people think of the
15 problems of hate crime that start and emanate with the youth
16 problems in our society.

17 Of course, there is another track. That track is
18 in the area of creating better human relations and
19 understanding between police and citizen groups. Our
20 involvement in that area began in June of 1988 in the City
21 of Perth Amboy.

22 Incidentally, the Chief of Police of Perth Amboy,
23 Chief Poloka, was supposed to be with me today, but he had
24 an emergency commitment and called your chairperson and
25 indicated that he could not be here, so I am speaking for

1 him.

2 Our office was called upon in June of 1988 to
3 intervene in a volatile situation in which the death of
4 Mexican man and a serious injury to his brother by a Perth
5 Amboy police office caused two nights of rioting and a
6 potential riotous situation in that city.

7 We gathered a cross-section of religious, ethnic
8 and racial and government leaders together quickly, and we
9 created the Bias Incident Reporting Committee, a BIRC. It
10 was bilingual. It had to be because of the composition and
11 demographics of the City of Perth Amboy that is over 50
12 percent Hispanic at this time.

13 We brought in the United States Department of
14 Justice Conciliatory Service. We brought in the Attorney
15 General's office and the Civil Rights Commission, and we
16 developed a memoranda of understanding of how citizens could
17 air their complaints against government officials. That is
18 part of the hand-out in one of the addendums that I have
19 given you.

20 The committee was formed, and it continues to
21 function. It is very interesting to observe that the number
22 of bias incident complaints by those arrested in Perth Amboy
23 has dropped off to almost none -- zero -- in the last year.

24 The reason for that can be attributed to the fact
25 that only legitimate complaints are aired before the

1 committee. No longer do people make frivolous,
2 unsubstantiated and self-serving false accusations against
3 police because they know it will not get past the BIRC
4 level, the Bias Incident Reporting Committee level, and will
5 make them look foolish in the eyes of their own peers.

6 The BIRC approach has encouraged other towns in
7 Middlesex County to form civil rights commissions. We have
8 initiated sensitivity training in the police academy and
9 in-service training in the police departments.

10 At present we have developed a very active and
11 expanding county-wide human relations commission, similar to
12 the one that is now very active and effective in Monmouth
13 County, that is educating the police, working with law
14 enforcement, getting the message out to the media and
15 creating corporate consciousness for the need to create an
16 atmosphere of brotherhood in our county.

17 I am enclosing a sampling of some of the
18 documentation that reflects the coordinated effort ongoing
19 in Middlesex to promote an awareness of our obligation to
20 accept the diversities and differences among us and to
21 develop a way of live that enhances our chances to live in
22 peace and harmony with each other as Americans.

23 If you will look at the hand-out, on June 22,
24 1990, I prepared a letter to all the chiefs of police and
25 directors of police as to what their involvement should be

1 in this battle against bias and against the kind of
2 incidents that can develop in the aftermath of a police
3 shooting of a minority citizen.

4 I sent off a checklist, a civil order checklist,
5 as to how the police should anticipate the problem. In that
6 checklist you will see many of the comments that are being
7 made at this table that are codified in this plan. This
8 checklist is not just indigenous to Middlesex County. This
9 is something that is being used throughout the State of New
10 Jersey by all law enforcement officers. In other words,
11 there is planning going on at the present time.

12 I would like to read to you just the last
13 paragraph of that checklist so that you get a full flavor of
14 the philosophy of law enforcement, at least in my county,
15 and I think this particular philosophy speaks for many of
16 the prosecutors, if not all of the prosecutors, around the
17 state.

18 This was after the incident, of course, in
19 Teaneck. Prosecutor Fahy is here. I am sure he can
20 elaborate on it much more than I could and much better, but
21 it not only affected the Teaneck situation, but the Perth
22 Amboy situation, Jersey City had their racial problem,
23 Plainfield had their racial problem.

24 I said in this letter to the chiefs and directors
25 that the past incidents have taught us to anticipate that

1 problems of civil unrest can arise anywhere at any time. In
2 our present political and economic environment we cannot
3 provide the police presence that once saturated the
4 communities.

5 Apparently we cannot maintain sub-stations in the
6 neighborhoods that can be called hot spots, and we cannot
7 return police back to basic walking the beat and working
8 only as full-time police officers without part-time jobs,
9 but we can strive to develop relationships and rapport with
10 the Third World immigrants and minority members of the
11 community who come here with cultural differences and who,
12 without our guidance and respect, find it difficult to
13 adjust to the rules and regulations and responsibilities
14 mandated by our government of laws.

15 We have to start developing sensitivity training
16 for citizens, as well as police, in the schools, service
17 clubs, unions, police academies and in-service at police
18 headquarters. The time is not too far off when bias
19 incident reporting commissions will be commonplace in many
20 communities, just as human rights commissions are becoming
21 more frequent. We certainly should not accept civilian
22 authority over police department operations, and we must not
23 be timid in our assertion of police power.

24 On the other hand, memoranda of understanding
25 between police and organizations that represent large

1 segments of the minority population, such as the NAACP, can
2 and should be promoted to assist in the effort to prevent
3 civil disorders.

4 There is a measured response and a balance between
5 law enforcement and citizens that can be achieved and can be
6 promoted and promote the common goal we all have -- to live
7 in peace, dignity and harmony.

8 Thank you.

9 CHAIRPERSON FARBER: Thank you, Prosecutor
10 Rockoff.

11 Prosecutor Fahy?
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1 STATEMENT OF HON. JOHN J. FAHY, BERGEN COUNTY PROSECUTOR

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3 MR. FAHY: Thank you, Commissioner Farber. My
4 name is John J. Fahy, and I am the Bergen County Prosecutor.

5 I came into office approximately a month and a
6 half after the Teaneck incident. That incident occurred on
7 April 10, almost a year ago. It will be a year ago
8 tomorrow. I came into office towards the very end of May.
9 At that point in time the case had been taken over by the
10 Attorney General's office, and they are handling that
11 prosecution.

12 I would like to talk a little bit about Bergen
13 County. It is the largest county in the state. It is a
14 very large county to manage also. There are 70 separate
15 towns in the county. There are 69 municipal police
16 departments, as well as county police and interstate park
17 police. We also have a sheriff's department.

18 Our police chiefs meet once a month, and it is at
19 those monthly meetings that we discuss various policies
20 within the county. We discuss various problems that
21 individual chiefs may have.

22 In the area of bias crimes the prosecutor's office
23 has a bias crime unit with an assistant prosecutor assigned
24 to it, as well as one full-time investigator and as many
25 other investigators as are needed on a case by case basis.

1 The police academy has instituted bias training
2 for all new police recruits. We have a two and a half day
3 session on cultural awareness and bias training for every
4 new recruit. That has been in place for about a year and a
5 half. In addition, at least two or three times in the past
6 year we have offered courses in bias training at the police
7 academy, which has been optional, for police officers from
8 the various departments.

9 Thirdly, each department in the county has a bias
10 officer, and that bias officer's function is to report any
11 bias incident to the prosecutor's office where we will
12 either do the investigation with them or, depending on the
13 type of investigation that is needed, we may take that
14 investigation over.

15 The freeholders in Bergen County have set up a
16 commission similar to the one in Monmouth County. It is
17 called the Commission on Cultural Perversity. It was
18 started about two and a half months ago. There were
19 representatives from various groups throughout the county,
20 including the prosecutor's office, and I sit on that
21 commission.

22 The purpose of that commission is again to study
23 and make recommendations as to how people of various
24 backgrounds can be integrated into the County of Bergen so
25 that there is an awareness of the cultural differences that

1 we have between us.

2 As I mentioned earlier, I got into office about
3 six weeks after the Pannel shooting. Since then there have
4 been about 34 marches in Teaneck, all of them without
5 incident. There was one incident, and that was a riot that
6 occurred after a candlelight vigil the day after the
7 shooting. I was not in office when that occurred.

8 The mood in Teaneck right now, in my opinion, is
9 that the community is divided. The community does have
10 problems with its police officers. I think the police
11 officers feel as if they do not have the support of the
12 community behind them.

13 There have been a number of things that the
14 prosecutor's office and the county in general have been
15 trying to improve that situation, but whatever it is that we
16 try to do, I do not think the situation is going to be
17 resolved until after the trial.

18 As you know, Officer Spath was indicted on these
19 charges, and I think that until there is a public trial as
20 to what events occurred on April 10 the community is not
21 going to be satisfied, the police department is not going to
22 be satisfied and the citizens are not going to be satisfied.

23 Until that trial is completed I do not think
24 Teaneck is going to be able to be at rest with itself. That
25 is not to suggest that we should just move on and forget

1 about the death of Philip Pannel, but it is to suggest that
2 Teaneck does need to move on, and that moving on is only
3 going to occur after that trial.

4 There are a number of things that we have been
5 doing since then. As I said, there have been about 34
6 marches since April 10. All of them but one were without
7 incident.

8 There is a mutual aid pact among the towns of
9 Bergen County whereby the various police departments will
10 report to the scene of a civil disorder. The prosecutor's
11 office coordinates the mutual aid committees, and it has
12 been successful. We have had one march that brought forth
13 approximately 3,000 protestors, and with that march
14 everything went very smoothly.

15 In addition, Bergen County is unique in that only
16 in Bergen County does the prosecutor mandate training for
17 the police officers in the county. The prosecutor can
18 mandate two days of training.

19 For the year 1991 one day of mandated training was
20 what is called FATS training, a firearms training system.
21 It is basically a video game with a gun where you shoot at
22 various scenarios that come up on the video screen. Every
23 police officer in the county will have gone through that,
24 approximately 2,000 police officers, by the end of this
25 year.

1 In addition to that simulation, prior to the
2 officer taking that simulation he will have a one hour
3 lecture on the use of deadly force.

4 In addition to that in the late spring last year
5 the prosecutor's office, with the NAACP, sponsored a youth
6 leadership summit where we took primarily juniors and
7 seniors from high schools in the Teaneck, Hackensack and
8 Englewood area, as well as other schools throughout the
9 county, and gave them a one day course on the various
10 aspects of the community, including law enforcement,
11 government and education.

12 The participants for this program were chosen by
13 high school principals and community leaders, and the
14 participants were people that were kind of on the fringe.
15 They were students that were somewhat troubled and without
16 perhaps some pushing or some extra help might perhaps either
17 drop out of high school or perhaps go on to things that
18 would not be viewed favorably by society.

19 In addition, the prosecutor's office, with several
20 community groups, including the urban league, the NAACP, the
21 Rainbow Coalition and various church groups has gotten
22 together at least on a monthly basis throughout the summer
23 when the marches were going on to try to make sure that
24 peace was kept in Teaneck and the surrounding towns.

25 In addition, either myself or people from my staff

1 were in Teaneck for approximately one day every week last
2 summer while the marches were going on.

3 Two of our local police departments also started a
4 cultural exchange program whereby officers from the
5 Englewood Police Department and officers from the Ridgefield
6 Park Police Department actually would switch places for a
7 one week period of time.

8 We would have a black officer from Englewood ride
9 in Ridgefield, which is primarily a white, middle class
10 town, for one week, and then the white officer from
11 Ridgefield would go to Englewood and ride with an Englewood
12 partner for a week so that officers from the bigger towns
13 and the smaller towns could get an opportunity to see what
14 problems were facing their counterparts in respective towns.

15 Lastly, there are perhaps some problems with
16 hiring of minorities in the various police departments
17 throughout the county. It is not something I focused on,
18 but I have focused on my own particular organization. I put
19 an emphasis on trying to hire more minority applicants than
20 have been hired in the past.

21 Since I have been in office we have hired seven
22 attorneys. Three of them have been either black or other
23 minorities. I have hired three investigators, two of which
24 were minority members.

25 That is basically what we are doing in Bergen

1 County.

2 Captain Giannone from the Teaneck Police
3 Department is here. He would like to say a few words.

4 CHAIRPERSON FARBER: Welcome, Captain.
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1 STATEMENT OF CAPTAIN DONALD GIANNONE, TEANECK POLICE
2 DEPARTMENT

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4 CAPT. GIANNONE: Thank you, Madame Chairman, for
5 inviting us here.

6 On behalf of the Township of Teaneck I would like
7 to make a statement. Teaneck is a community of
8 approximately 38,000 people. We are about six miles from
9 New York City. We are squeezed between two cities, the city
10 of Englewood on the east and Hackensack on the west.

11 We are considered a middle-class, diversified
12 community. We have at least 27 different ethnic groups
13 within the community. Children in the school systems speak
14 at least 28 different languages. Teaneck prides itself or
15 had prided itself on what we considered our diverse
16 community.

17 Approximately a year ago, as the prosecutor said,
18 we had a tragedy in our community. What we thought we were
19 doing may possibly be that we weren't doing it as well as we
20 should have been doing it.

21 We have had sensitivity training in the Teaneck
22 Police Department since 1967. I happened to be a
23 participant back then, and in the Conference of Christians
24 and Jews, through the auspices of Jackie Robinson and Larry
25 Doby, presented forums back in 1967 and 1968 to try and deal

1 with the police officers and the community, and the minority
2 community in particular.

3 Every three or four years thereafter we did meet
4 to work that out and try and resolve differences within the
5 community. In 1985 again with the Conference of Christians
6 and Jews we took approximately 40 some odd police officers
7 up to Pawling, New York, on a retreat to deal with the
8 issues in relation to minorities and how we related to the
9 community through community relations and public relations.

10 After that we came back down to Fairleigh
11 Dickinson University, and we met through panels of different
12 interested groups within the community in various aspects --
13 kids from high school, the college itself, FDU itself and
14 interested community groups -- to try and work out
15 relationships between the police and the community. We did
16 not resolve every issue, but we thought that we made inroads
17 into dealing with the problems that everybody thought that
18 they encountered.

19 Last year, as I said, we had the tragedy of the
20 juvenile being killed in Teaneck. We requested the
21 assistance of the state division of civil rights to come in
22 and assist us because we were having problems relating to
23 the community.

24 They came, and we had a forum attended by some of
25 the aggrieved juveniles and other interested community

1 groups to see if we could work out some resolutions to deal
2 with the problems. I wouldn't consider that we made too
3 many inroads there, but we attempted.

4 We also sent all the Teaneck police officers to an
5 ethics course that we conducted in Teaneck since that time
6 to reflect on what their jobs and what their
7 responsibilities are and what their responsibilities are to
8 the community.

9 We thought as a police department that we had a
10 decent rapport within the community. We thought that what
11 we were doing, although not at all being successful, was
12 what the community standards and what the community wanted,
13 both black and white.

14 If that is not the case, we are willing to try any
15 positive approach that will work to heal the wounds that
16 have been encountered by this episode. The police
17 department's stand is that the shooting was not a racial
18 issue. There is contention in the community that it was.

19 Be that as it may, any positive approach that any
20 unit, any organization or any individual is willing to come
21 forward with we are willing to participate with.

22 Also be advised that our department right now is
23 in a transitional period. Our chief of police is on
24 terminal leave, and the operation of the department is
25 bestowed upon one of three captains at any given time as

1 acting chief until such time as the township management
2 makes their choice.

3 Thank you very much.

4 CHAIRPERSON FARBER: Thank you, Captain.

5 Next we will have Prosecutor Herbert Tate.
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1 STATEMENT OF HON. HERBERT H. TATE, JR., ESSEX COUNTY
2 PROSECUTOR

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4 MR. TATE: Thank you, Chairwoman Farber. My name
5 is Herb Tate. I am the prosecutor in Essex County, New
6 Jersey.

7 Essex County in terms of population is the largest
8 county in the State of New Jersey with a population of
9 between 800,000 and 850,000. Clearly in terms of the volume
10 of criminal cases and arrests that are made in the State of
11 New Jersey, we handle by far the largest volume.

12 Twenty percent of all the arrests that are made in
13 the State of New Jersey occur in Essex County.

14 Approximately 33 percent of all the arrests for violent
15 crimes occur in Essex County, so you can see that we have
16 some tremendous statistics in terms of a crime problem.

17 The Essex County Prosecutor's Office itself
18 handles about 30,000 criminal complaints a year, and the
19 number of arrests from all the departments totals in excess
20 of 50,000.

21 For a number of years that I have been prosecutor,
22 since August of 1986, there have been a number of
23 transitions and programs of innovation which have come down
24 to county prosecutors from the Attorney's General office.
25 As you heard earlier, Jim Mulvilhill mentioned the bias

1 incident guidelines which were promulgated under Attorney
2 General Cary Edwards. Jim Mulvilhill himself was personally
3 in charge of making sure that every county prosecutor's
4 office implemented those guidelines.

5 We in Essex County had prosecuted the first
6 successful bias incident case, which occurred in the town of
7 Maplewood. Since the implementation of the guidelines from
8 the Attorney's General office, we expanded on those
9 guidelines to formulate more stringent requirements for
10 supervision of local police departments and utilization of
11 the victim/witness program, as well as bringing in outside
12 organizations to assist us in training police officers on
13 how to identify and deal with bias incident crime.

14 Mr. Mulvilhill himself has been very active in
15 Essex County in working with these groups, and I think that
16 we have been able to make some very significant inroads with
17 the police departments in terms of their sensitivity to
18 these types of incidents.

19 Beyond that, some of the more I think important
20 approaches that we are getting into now dealing with the
21 issues that this Commission is concerned about, reporting of
22 crime and issues of complaints against the police, be they
23 brutality or otherwise, are now coming to the forefront here
24 in the State of New Jersey in terms of the perception
25 between the law enforcement community and the community that

1 it seeks to serve.

2 Essex County, with a population of over 800,000,
3 is a multi-diverse county in terms of culture. About 30
4 percent of the population in Essex County has
5 African-American citizens. When I use the term
6 African-American I am also including Haitians and Jamaicans,
7 as well. Approximately ten percent of the population is
8 Hispanic, and the remainder of the population would be made
9 up of different ethnic and religious groups that are of the
10 white community.

11 With this dichotomy of population, the problems in
12 terms of dealing between communities you can see is very
13 multi-faceted. As a county prosecutor I must deal with
14 every community. I don't have a suburban community or a
15 predominantly white community. I don't have an urban
16 community or predominantly black or Hispanic community to
17 deal with. I have to deal with all communities, and I have
18 to deal with all police departments that must deal with
19 those communities.

20 The largest city in Essex County obviously is the
21 City of Newark, which maintains a population of over 400,000
22 and represents nearly 60 percent of our entire caseload of
23 activity that comes through the office. When you add in the
24 towns of East Orange, Orange and Irvington, which are all
25 also predominantly minority communities, you have

1 approximately 80 percent of all the cases that come through
2 the Essex County Prosecutor's Office.

3 Essex County has had in the past three years ten
4 incidents in which citizens were shot and killed by police
5 officers. We have been working very closely for a number of
6 years with community groups and organizations on an informal
7 basis.

8 Chief Pugh, who was talking primarily about
9 departmental make-up and employment and personnel practices,
10 was touching on I think a very significant aspect in terms
11 of how departments are going to service communities that
12 they have to represent. I want to say this up front that
13 this is not any kind of a call for affirmative action
14 because we are talking about hiring people on merit and
15 hiring people who are qualified first before we are going to
16 deal with any other aspects of bringing them into the
17 office.

18 We have, since 1986, in the Essex County
19 Prosecutor's Office made a very active attempt to indicate
20 to all members of the communities that applications for
21 employment in the Essex County Prosecutor's Office are
22 welcome and that we would like to have persons who can help
23 and assist us in various community activities in the
24 capacities of assistant prosecutors, investigators and
25 support staff.

1 It has been my philosophy as county prosecutor
2 that we are not just a state's attorney, but we are a
3 victim's lawyer. We have to service clients, and that is
4 the citizens of the county who are the victims of crime
5 because they have really no other recourse or remedy in our
6 society because most of the defendants are judgment proof.
7 You really can't collect any money from them.

8 So, in order to be made whole they look to the
9 criminal justice system, and they look to the treatment that
10 they can receive in the criminal justice system. I know we
11 are talking about police departments and the activity that
12 they conduct, but the perception of the community and the
13 perception of the community with respect to their local
14 police department is inextricably linked to the entire
15 criminal justice system, not just to that department and its
16 behavior.

17 I go out constantly and talk to community groups
18 with local police personnel, and I hear the complaints
19 against the police officers in terms of response time, in
20 terms of inability to deal with criminals in their
21 neighborhoods, the fact that arrests are made and a
22 defendant is back out on the street in the next three to
23 five days, the fact that they do not see any real progress
24 against criminals in their neighborhoods.

25 I have to explain to them that it is not the

1 police's fault. They do their job. As you can see by over
2 50,000 -- 55,000 -- arrests by the departments, the police
3 are out there doing their job, but because of the system and
4 the lack of resources that we have we are not necessarily
5 able to keep up with the volume -- the tremendous amount of
6 volume of processing of criminal cases.

7 I digress for a second because I want to deal with
8 the idea of perception of the community with respect to
9 police from a totality of the circumstances with respect to
10 a prosecutor's office and that local police department
11 because we become inextricably linked in the eyes of the
12 public.

13 As I indicated to you before, the ten incidents in
14 the past three years of shootings by police officers that
15 resulted in death primarily have been without major incident
16 in Essex County. I think part of the reason for that is we
17 have a standing policy in the county that any time a police
18 officer does get involved in shooting a citizen in the
19 performance of his duties which results in death that case
20 must go to the Grand Jury after investigation.

21 Now, the investigation takes the form of two
22 avenues. Certainly the local department is free to conduct
23 its internal affairs investigation, but the Essex County
24 Prosecutor's Office is notified immediately and conducts
25 simultaneously its own investigation in conjunction with,

1 but not totally reliant upon, that department.

2 That is handled by one of two units, either the
3 homicide squad or the citizens complaint bureau, which are
4 both separate units formed within the Essex County
5 Prosecutor's Office. It is the discretion of the prosecutor
6 to determine which one of those units would best serve that
7 investigation. Sometimes they work in tandem together.
8 Once the investigation is done that matter is then taken
9 before a county Grand Jury, and the evidence is presented to
10 it.

11 What has been going on even more recently is that
12 when there appears to be certain problems of
13 misunderstanding in the community we try to develop lines of
14 communication now where we have members who are not
15 associated with the office, but who are professionals in
16 various capacities and various disciplines throughout that
17 community who are formed on subcommittees that we can
18 contact and talk to and make sure that we have a dialogue if
19 there is a problem in that community.

20 Most recently the Attorney General has asked all
21 county prosecutors this past summer in 1990 to conduct
22 community forums. We did that in Essex County at Essex
23 County Community College. We invited and had attend
24 approximately 250 community leaders and law enforcement
25 officials in one forum.

1 The panel of persons that were invited to present
2 information and to listen was the Superintendent of the
3 State Police, Justin Dentino; the First Assistant Attorney
4 General, Douglas Eakley; the Director of the Division of
5 Civil Rights, Greg Stewart; the Essex County Sheriff at that
6 time, which was Tom Delessio; myself; and the Police
7 Director from the City of Newark.

8 That forum, we reported. We also passed out
9 questionnaires for every one of those community leaders
10 asking them to detail to us the problems that they perceived
11 in their community between the police and the law
12 enforcement, to prioritize five issues, to write when they
13 felt necessary suggestions on things that they would like to
14 see further done in the community and also to make
15 suggestions as to how better we could have an ongoing
16 relationship.

17 We compiled that information, and we found that
18 there were three main topical areas that the community
19 leaders had prioritized as one, two and three.

20 They were sensitivity training, believing that
21 there was a need for more sensitivity training, not only for
22 police, but also for community residents about what police
23 have to go through and particularly targeting young people to
24 understand what the role, duties and responsibilities are of
25 a police officer in the community.

1 The second was youth development, which had to
2 deal with the drug issue, and the third had to deal with
3 crime prevention; that is, mobilization of housing project
4 neighborhood groups for better communication and support
5 with their local police precinct command or department.

6 As a result of that we have taken those concerns
7 and we have implemented with a subcommittee group of about
8 40 professionals throughout the city, those who are
9 representative of the cross-sections of those communities,
10 and I could give you some names just for the record.

11 We have on our central communications committee as
12 it has been generically called Jeffrey Moss from the
13 Anti-Defamation League; Amos Jackson, the executive director
14 of the Urban League; George Edmund of the NAACP; Carolyn
15 Wallice of the International Youth Organization; Barbara
16 Bell of the Newark Boys and Girls Club; Miguel Rodriguez,
17 who is president of the Hispanic Chamber of Commerce;

18 Milton Medina, president of the Hispanic Law
19 Enforcement Officers Association; Brenda Beavers of the One
20 to One New Jersey Foundation; Mr. John Hull from the
21 Attorney General's Office; Mr. Paul Dietrich, who is the
22 director of the Newark Housing Authority Police; Claude
23 Coleman, Police Director; Ms. Pearl Beatty of the Martin
24 Luther King Commission.

25 The list goes on and on and on. We have

1 representatives of the FBI, who have their home office in
2 Newark; DEA and various other religious groups, too, Dr.
3 Verna of the North Jersey Black Churchmen, and the Hispanic
4 Churchmen are also represented.

5 We felt that it was important that these persons
6 become involved with our office and with the law enforcement
7 community on these subcommittees because they become our
8 direct liaisons. They become our direct link into that
9 community structure so that we can continue to have ongoing
10 dialogue. Rather than wait for an incident to happen we
11 have to know that the communication is there already.

12 It has been the establishment of this
13 communication which is now building us toward setting up
14 programs within these community groups which will directly
15 involve police officers in the law enforcement community
16 toward the project goals that they identified of youth
17 development, crime prevention and sensitivity training.

18 It is going to be my goal in the very near future
19 because one of the members that I did not mention before,
20 and that was Dr. Wenworth Gunther, who is a nationally
21 renown historian and expert in multi-cultural dynamics, to
22 have Dr. Gunther conduct a sensitivity training for us for
23 the Essex County Prosecutor's Office as a model.

24 It is the contention of Dr. Gunther and others
25 that two days is not enough and that we are going to have to

1 be more intense about dealing with this issue and trying to
2 have more sensitivity training over a longer period of time.
3 That is now in the formulation process of getting down for
4 the Essex County Prosecutor's Office.

5 The mix of personnel within a department certainly
6 does not cure the issues that you have tried to bring to the
7 forefront here today in this discussion, and that is just by
8 having persons of different multi-cultural groups in a
9 department is not in and of itself going to solve the
10 problem.

11 It is a step towards solving that problem because
12 the community certainly must be able to identify with the
13 personnel of that department, be it a police department or a
14 prosecutor's office. They must be able to identify.

15 Certainly a Hispanic community must be able to
16 communicate actively with that department, and it is
17 necessary to have officers or assistant prosecutors or
18 investigators or support staff that are able to have that
19 bilingual communication that would be necessary and an
20 understanding of the culture that they have to deal with
21 from a law enforcement standpoint.

22 It is important that that is there, but that does
23 not solve the problem in and of itself.

24 I think Chief Pugh made a very good point that you
25 can have your line people out on the street, and they will

1 have to react to some very difficult situations. People
2 departments and police personnel are one of the few
3 professions which have to go out every day and put their
4 life on the line.

5 It is a stressful job. It is a dangerous job, and
6 it is a job which you cannot anticipate circumstances the
7 way we think we can in most other jobs. As a result of
8 that, a lot of judgment and subjective decisions have to be
9 made in a very short period of time.

10 Training is designed to help officers with that,
11 but more importantly, and I think Chief Pugh brought it up,
12 supervisors are really the key in terms of how your officers
13 on the line are going to react out in the street and what
14 they feel that they are taught to do.

15 The experience in Los Angeles where there was
16 actually a superior on the scene and also the radio
17 communications in which there was a superior listening in on
18 the conversations is quite telling from the fact that that
19 department probably does have a problem up and down the
20 chain of command.

21 It is the chain of command in law enforcement
22 which is really going to make the difference. Policy makers
23 in the office and the superiors that do the supervision, as
24 well as the discipline, are the ones that will probably make
25 the biggest changes that a department can have. It is

1 important that all of us realize that.

2 Just by putting people in place and saying I hired
3 somebody of African-American descent and somebody of
4 Hispanic descent or Italian or Irish is not necessarily
5 going to make a difference in a policy of the department or
6 an attitude or a perception with the community because, as
7 long as they talk to one another, as long as they are
8 willing to sit down and actually communicate with one
9 another, will make the difference.

10 I do not have to be a white prosecutor to go into
11 my suburban communities to talk about crime problems and to
12 tell them how they can better structure their community
13 because I have been given a certain level of expertise in
14 knowing what I am supposed to be talking about.
15 Simultaneously, it is not necessarily that only a black face
16 or an African-American or Hispanic can go into that
17 community to delivery that message.

18 What is important is that we sit down together and
19 respect each other and understand that we can do it, that we
20 are listening as well as formulating. That is really the
21 thrust of what our central communications committee is about
22 because to wait for an explosive situation to happen and not
23 have talked at the table makes those that finally come to
24 the table after an explosive situation happens very suspect
25 about the motives as to why they are now finally coming down

1 and sitting at the table together.

2 This really I think is one of the things that we
3 have at hand going on now in New Jersey that is a real
4 opportunity for us to improve the relations between
5 communities and police.

6 You are going to find problems everywhere. With
7 30,000 cases I cannot tell you that Essex County is
8 blameless in terms of complaints of brutality or complaints
9 against police officers, but for the number of complaints
10 out of that 30,000, which may be 100 to 200 a year at best,
11 that is less than one percent and is not a very good
12 statistic to color an entire profession or department.

13 Nonetheless, when these things occur they get
14 highlighted and people's perceptions begin to change. That
15 is what we have to deal with. We have to deal with reality,
16 but I think even more so we have to deal with perception --
17 perception of trust or lack of trust.

18 In terms of the models that are ongoing now and
19 some of the efforts that are being made, I believe that we
20 are in the right direction. Yes, we have a long way to go,
21 but progress is being made.

22 That which I have seen in Essex County in the past
23 five years I am very proud of, but I cannot tell you that I
24 won't have an incident as my counterparts in other counties
25 have had because I very well could tomorrow, and then I will

1 have to react and I will have to deal with it. I may become
2 lambasted. I may become maligned, but nonetheless,
3 everybody should realize that these jobs are not easy jobs
4 to do.

5 I just want to finish up by saying that in terms
6 of the investigation of these incidents when it happens with
7 a department, it is incumbent that a strong role be played
8 by the county prosecutor because in most other jurisdictions
9 you do not have the chain of command, and when I say
10 jurisdictions I mean out of the State of New Jersey, that
11 exist between a prosecutor's office and a local police
12 department.

13 The problems that New York faces in calling for
14 special prosecutors is because that there is some inherent
15 club mentality that is going on between that district
16 attorney's office or that local department.

17 Our accountability structure all the way up
18 through the Attorney General with the checks and balances
19 makes us have to really tow the line, I believe, in terms of
20 bringing out the facts in these situations.

21 I think that prosecutors, when these incidents
22 happen, have to be involved immediately, and they have to
23 assume the jurisdiction. They have to remove the incident
24 away from the local community and have it investigated on a
25 more dispassionate and neutral level.

1 Now, a lot of departments may disagree with me on
2 that, but I think it is in their best interest. I think it
3 is in their best interest that the professionals from that
4 level of the county prosecutor take over and look at those
5 cases and investigate them and, as I have indicated, when we
6 have a death resulting I think that these matters have to be
7 aired out in front of a Grand Jury where all matters are
8 investigated.

9 Thank you.

10 CHAIRPERSON FARBER: Thank you.

11 Prosecutor DePasquale from Hudson County?

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1 STATEMENT OF PAUL DePASQUALE, HUDSON COUNTY PROSECUTOR

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3 MR. DePASQUALE: Thank you very much. Because I
4 know that you might want to ask one or two questions I will
5 be very brief. My name is Paul DePasquale. I am the Hudson
6 County Prosecutor.

7 Hudson County is the most densely populated and
8 ethnically diverse county in the state. A great many of the
9 things that you have today you have heard sort of
10 repetitively. All of the programs that you have heard about
11 are basically statewide programs. The reporting of bias
12 incidents is a statewide requirement. All of these things
13 we have.

14 What I would like to talk to you about is
15 something that I think we may have missed that I believe the
16 Chairwoman brought up a few minutes ago, and that is
17 essentially why do these things happen, not what do you do
18 after they happen and what are you doing to prepare for
19 these things, but why do they happen.

20 I think it ties in, Madame Chairwoman, with your
21 comments regarding response times and verbal abuse and those
22 things that put distance between us as members of the law
23 enforcement community with the community at large. What
24 puts that distance? What changes it when a police officer
25 sets out on a foot pursuit of a suspect? Why does the

1 community not help him, but why does the community join in
2 pursuing him? What causes that kind of distance?

3 It has been touched on in a number of different
4 presentations this morning. When you begin to talk about
5 the administrative control of a department that one of the
6 chiefs mentioned before, the supervision of that department
7 that several of the prosecutors and other police
8 representatives have also spoken about, in the enforcement
9 of the law when you start to talk about the use of force
10 there are various levels of force. You have deadly force,
11 non-violent force.

12 You also have verbal force, and that verbal force,
13 I think in my experience -- I have been with Hudson County
14 Prosecutor's Office for 16 years, 11 of those years as an
15 assistant prosecutor, so I have come a long way in that
16 office and I have seen a lot.

17 I can tell you that the small incident, the one
18 that is not reported, is more damaging than the shooting
19 incident because the shooting incident has a beginning, it
20 has a reason, and it has an end. Whether it is a mistake,
21 an accident or deliberate act it is a single episode. All
22 it does is serve to spark that which is already there.

23 If your department enjoys a close relationship
24 with the community that shooting incident is much easier to
25 handle with the community than it is if your police officers

1 verbally abuse people when they come on the scene. They
2 roll up on the scene of an incident and become involved in
3 verbal abuse. How does that happen? It happens in a number
4 of ways that have been referred to previously.

5 If you are under-manned and if your police
6 officer, the best police officer in the world, the one -- we
7 have all the academic experts. We have all the training
8 programs in the academies. We have all the sensitivity
9 training in the world. Why does that officer go in a matter
10 of a year or two years to someone who can verbally abuse a
11 citizen on the response that he makes to an incidence?

12 How does that happen? How does a good, motivated
13 police officer turn into somebody who is going to verbally
14 abuse a citizen and do damage to his own reputation? He is
15 doing all the things that he shouldn't be doing, and he
16 knows he is doing it.

17 You take a man and you put him a patrol car eight
18 hours a day, and you send him around to 15 or 20 or 30
19 incidents during the course of the day. He chases calls all
20 day long. He is never on time for any of the incidences
21 because he is still trying to clean up the last incident
22 that he was at.

23 He is 25 minutes late, 40 minutes late to a
24 burglary in progress. The citizen is understandably upset
25 that he hasn't got that response. The police officer is

1 upset because number one, he hasn't been able to do his job
2 because he has been over here taking a cat out of a tree
3 when there is a burglary in progress. The citizen starts to
4 yell at him. He has had it up to here from a full day, and
5 then they go at it back and forth.

6 You get into supervision. The administrative
7 control over a police department has a lot to do with
8 violations of civil rights, and I think the violations that
9 are most important to the police community dynamic, are the
10 small ones that we never hear about. I won't hear about a
11 police officer who tells a citizen to shut the hell up and
12 get out of here or uses some kind of ethnical or racial
13 slur.

14 I am not going to hear that in
15 99.9 percent of the cases because nobody is going to report
16 it to me. We are not going to get that report because
17 everybody thinks nobody is going to anything about it. All
18 he did was call me a name.

19 That is violence to that person, what that citizen
20 has been told. He calls up expecting a professional police
21 response and then is involved in this exchange and either a
22 racial epithet or some other epithet is used in response to
23 him. There has been violence done to his concept of law
24 enforcement, of his place in the community, of his
25 connection to the power establishment of that community.

That has all been damaged by that single response,

1 and I can't get a report on it. If I don't have a report on
2 it I can't reach it. What happens or what causes that is
3 the fact that we have not got a sufficient handle on how to
4 administer single things in a police department.

5 One of the towns in Hudson County that I am
6 particularly familiar with had no prioritization of its
7 radio calls. Now, that sounds like a very bizarre topic to
8 bring up at a Civil Rights Commission hearing, but that lack
9 of prioritizing of those radio calls caused the dispatching
10 of cars on an as-needed basis, so you would wind up chasing
11 calls all day.

12 There was no priority. If a cat in a tree came in
13 before a burglary you went to the cat in the tree. The
14 burglary came next. It was simply the order that they came
15 in.

16 Minor adjustments to that priority schedule and
17 simply deferring those calls with cats in the trees and cars
18 blocking driveways and prioritizing that created a
19 department who reduced its response time by 300 percent to
20 calls involving indictable offenses. It also dramatically
21 reduced the number of complaints against the officers. It
22 raised the officers' morale.

23 There are many, many other things that flow from
24 that. Simply administering that department properly will do
25 a great deal to reduce the conflict between the police and

1 the citizen.

2 There is an inherent conflict. I think everybody
3 understands that. If you are trying to enforce the law you
4 are enforcing conformity in a society that believes in
5 individual freedom, so there is to a degree a natural
6 tension in that area.

7 If it is handled professionally and if the
8 community has confidence in your ability and in your
9 objectivity to do that then you will be able to survive that
10 dynamic without any severe distress to the system. I think
11 that is what we ought to be striving to do.

12 I have to borrow some of Herb's comments with
13 respect to supervision. If a supervisor is on the scene or
14 if a supervisor responds or becomes aware of the verbal
15 abuse of citizens, regardless of whichever race or ethnic
16 group you choose, and does nothing he has sent a very clear
17 message to his subordinates that this is acceptable
18 behavior.

19 If a supervisor rolls onto the scene of a traffic
20 stop and sees the kind of beating that we saw in Los Angeles
21 and does nothing you know that that message is going out.

22 That is not prohibited conduct. If you permit the
23 enforcer to become the perpetrator then you have major
24 league problems across the board, and the only person who is
25 going to stop it is someone who has the ability to

1 discipline those people who would enforce the law. That is
2 their supervisors, their superiors, their administrative
3 controllers and prosecutors and attorney generals.

4 We escalate up that line, depending on the
5 severity of the problem, but I do not think it is sufficient
6 for us as executive level law enforcement people to say that
7 we planned this program and we have introduced sensitivity
8 training in the police academy and we have done all these
9 things. We are sure we will turn out a good product.

10 That police officer who comes out will be in
11 theory, for the most part, a dedicated professional who
12 wants to do a good job, the violations of someone's civil
13 rights being the furthest thing from his mind.

14 We have to be concerned with him on an ongoing
15 basis so that he remains close to those ideals he left the
16 academy with.

17 I think that we have all taken steps in that
18 direction, but we have to concentrate more fully on running
19 these departments professionally, divorcing politics from
20 the operation of police departments and giving the officers
21 the tools, as the chief referred to, and supervision that is
22 professional and adequate and competent to do the job free
23 of the restraints that sometimes civil service imposes on
24 him in other civil rights that may have been given to other
25 members of the police community, which is probably the flip

1 side of all of this, too.

2 When you become involved in one of these incidents
3 you are not only dealing with the civil rights of the
4 community as a prosecutor investigating this thing. You are
5 also dealing with the civil rights of the officer. You are
6 dealing with the unions and union representatives.

7 All of those other things are in conflict, so if
8 you do not have community confidence in your objectivity and
9 professionalism, you are not going any place.

10 We only have five minutes for questions, so I am
11 not going to go any longer.

12 CHAIRPERSON FARBER: I want to thank all of you
13 for your presentations. If you notice, what we tried to do
14 was draw from the various parts of the state with
15 communities with small minority communities, communities
16 with large minority communities, north, central, south. I
17 think we have done a pretty good job of getting a
18 representative group on this panel.

19 I was much less than punctual, and so were you,
20 and we do have limited time. If I may indulge my committee
21 members and try to pose some of the questions that I know
22 arose yesterday as a result of the other two panel
23 presentations and ask some of you to make comments on those
24 topics maybe we can save some time and then open it up to
25 questioning by committee members if I miss anything or if

1 there is something that they want to bring up that has not
2 brought up, if that is okay with the members of the
3 committee.

4 There was a concern among the committee members as
5 a result of the presentations yesterday about what appears
6 to be a lack of data with regard to reports of police
7 brutality. The Attorney General and the people on his panel
8 were questioned about this lack of data. The report from
9 the Attorney General and his people was that some inroads
10 are being made in that area.

11 The problem for us is that as I sit here and as
12 the members of the committee sit here we cannot tell you
13 that there were 300 reports of police brutality by citizens
14 -- reports from citizens -- last year and 300 the year
15 before and we either going up or going down.

16 It simply appears to us that there is no central
17 repository for that kind of information and no analysis of
18 those kind of reports to determine whether this state is
19 doing good, bad or indifferent with regard to that problem.

20 The committee would like to know how difficult it
21 would be to those kinds of statistics which, of course, have
22 to begin at the local level, then do it by district, which I
23 guess would be by county, and have some way of keeping and
24 analyzing that information.

25 If I could hear from anybody?

1 MR. TATE: In Essex County there is a requirement
2 that any time a police officer discharges a gun --

3 CHAIRPERSON FARBER: I am not even talking just
4 about shootings because those you are going to heard about.
5 Those are going to get investigated.

6 MR. TATE: I was going to try to give you a
7 progression as to what we have and what we don't have.

8 We have reports on all discharges of weapons that
9 come into the prosecutor's office. We have obviously all
10 incidents reported that result in a shooting injury or a
11 death.

12 We do not necessarily have, however, every
13 incident where there may be a beating because unless we get
14 the complaint either directly from a citizen or referred to
15 by the department we are not going to necessarily know every
16 time that there is an act of alleged police brutality that
17 goes on.

18 The verbal abuse that has been referred to as
19 well, we do not have a mandatory reporting system for that.
20 However, if a citizen becomes irate enough that they press a
21 complaint, any complaint that is pressed with the local
22 department is referred up to our office, and we do have
23 those statistics that we can compile and make available, but
24 we have not been asked to do that on a regular basis.

25 CHAIRPERSON FARBER: Do you mean that there is no

1 statewide requirement that that be done?

2 MR. TATE: Not that I am aware of. Maybe somebody
3 else knows.

4 CHAIRPERSON FARBER: Prosecutor Rockoff?

5 MR. ROCKOFF: My remarks indicated that we created
6 a Bias Incident Reporting Committee which is the buffer
7 between the citizen who feels he doesn't want to bring the
8 complaint or the woman doesn't want to bring a complaint to
9 the police. She brings it to this committee who then
10 reviews it.

11 If they believe that that problem is a real one
12 and that it is not being used as a defense for the
13 subsequent prosecution of an individual they will present it
14 to the prosecutor's office.

15 We keep our statistics from those complaints. I
16 indicated to you that we have had very little of those
17 complaints that have been made this year.

18 We have urged all the other municipalities in the
19 county to do exactly the same thing, to have a Bias Incident
20 Reporting Committee established. The other municipalities
21 have not done that, so what we have done is created this
22 human relations commission in the county, and that is one of
23 the things that they will be doing. They will be creating a
24 forum for the presentation of these bias incidents to the
25 commission.

1 The commission will then have a committee that
2 will review, and they will send it to either the local
3 police department or to the prosecutor's office or to both
4 for that purpose.

5 There is that that exists in the state, and there
6 are vehicles. Granted, it is not universally done in the
7 state now. It is not under the auspices yet of the Attorney
8 General's office, but that is something that is in the works
9 eventually because you are going to have to know what your
10 problem is before you can find solutions to it. We are in
11 the process of doing that now.

12 CHAIRPERSON FARBER: But the complaints that are
13 referred to the unit that you were speaking about are bias
14 incidents which may or may not be against police officers.

15 MR. ROCKOFF: Yes, they are all -- the bias
16 incidents are against governmental authority. In other
17 words, the Bias Incident Reporting Committee, for example,
18 would not get citizen against citizen complaints.

19 CHAIRPERSON FARBER: I see.

20 MR. ROCKOFF: They were only getting complaints
21 against governmental authority, whether it be the fire
22 department or the building inspector or the police
23 department.

24 CHAIRPERSON FARBER: And is there a way of
25 segregating the complaints that are against the police

1 department?

2 MR. ROCKOFF: It is done in the complaint itself,
3 and then we know which ones they are referring to.

4 MR. SCRUPSKI: It appears to be essential from
5 what you are saying that there would be a local agency able
6 to screen these complaints and dismiss those reciprocal
7 complaints made by apprehendees to utilize to negate and to
8 defer or to bargain with respect to --

9 MR. ROCKOFF: Well, the citizen complaints,
10 citizen against citizen, that would go to the police
11 department.

12 CHAIRPERSON FARBER: No, he is not talking about
13 citizen against citizen. He is talking about the citizen
14 who charges a police officer with assault as a way of plea
15 bargaining, so you just want to dismiss that.

16 MR. ROCKOFF: The cross-complaint, if it is a
17 formal complaint, will not go to a bias incident reporting
18 committee. It will go to the police, which will then
19 ultimately find its way to the prosecutor's office. The
20 prosecutor's office will then evaluate it.

21 Whether or not an incident is a bias incident or
22 not is one that has been a subject of debate in many of
23 these towns that have created these civil rights
24 commissions. When is a bias incident to be considered one
25 by the police officer? Do we allow him subjectivity to

1 decide that?

2 There are checks and balances on that because if
3 an individual feels there is a bias incident -- for
4 instance, we have an Indian community that complains that
5 there are bias incidents that are not being reported by the
6 police as bias incidents.

7 We have set up a structure in the prosecutor's
8 office to review these complaints and if in fact it is
9 partially motivated by bias or by hate then we will treat it
10 on that basis, and we will subject a bias incident report to
11 the Attorney General's office under the structure that has
12 been set up.

13 CHAIRPERSON FARBER: Prosecutor DePasquale?

14 MR. DePASQUALE: I think, and correct me if I am
15 wrong, Madame Chairlady, you are talking broad based
16 statistics available on police brutality as opposed to just
17 bias incidents. I do not believe there is anything
18 presently available.

19 However, the normal manner in which those offenses
20 are reported, at least in Hudson, and I think it applies
21 across the state, would be for an individual, an aggrieved
22 party, to go to the internal affairs department or the local
23 police department and register a formal complaint.

24 That information, I think, we can give you in
25 terms of data. It is not presently collected, but I think

1 through the Attorney General's office it could be
2 collected.

3 The problem is not the collection of the data, but
4 the analysis and the interpretation of that data because
5 they are in most cases -- 75 or 80 percent at least in
6 Hudson County -- connected with an ongoing criminal
7 prosecution.

8 There is a great deal of analysis that would have
9 to be applied in order to interpret that data accurately,
10 which you would come into conflict at that point with the
11 defendant's Constitutional rights what we could reveal to
12 you about the facts of the file prior to the time a criminal
13 case is disposed of.

14 The data I think is within your reach. I think
15 you can arrange to get that type of data. The analysis of
16 the data at a time when it is timely is really the question.

17 CHAIRPERSON FARBER: Yes. I do not think that the
18 committee is as much concerned in the method of analyzing
19 the data that is used to get a result.

20 We could not tell you that there were 800 reports
21 of police brutality in the state last year of which 99
22 percent were deemed by somebody to be totally frivolous and
23 the one percent that needed investigation were investigated
24 and here is the result.' One police officer was indicted,
25 two police officers were reprimanded, one left. We do not

1 have that kind of information.

2 A second step after you have that system is to
3 check on the system to see that they are properly
4 categorized, but we do not even have a system that will tell
5 us that.

6 MR. DePASQUALE: The two principal agencies that
7 you would be involved with in that respect, since
8 administrative discipline is administered or handled by
9 local departments, any administrative action they would
10 take, the data would be maintained by the local department
11 and then probably by civil service.

12 CHAIRPERSON FARBER: Right.

13 MR. DePASQUALE: One of the chiefs could tell you
14 that. Indictments or criminal charges we would be able to
15 give you.

16 CHAIRPERSON FARBER: If there were ten complaints
17 against one police officer that he used obscenity or racial
18 epithets in incidents --

19 MS. SABIN: Or he was rude.

20 CHAIRPERSON FARBER: -- or he was rude or
21 whatever, those may not even be catalogued anywhere. The
22 police dismiss it and it goes away.

23 MR. DePASQUALE: Yes, that is likely. In the case
24 of rudeness I don't know that we are ever going to get to
25 the point where we can eliminate rudeness.

1 MS. SABIN: Except that is the point, and I think
2 you made the point very well, the fact that these start as
3 small things like rudeness.

4 MR. DePASQUALE: That is true.

5 MS. SABIN: Then it escalates, and the community
6 then begins to believe that they cannot feel safe or trust
7 that police officer.

8 If it were done on a local level and these kinds
9 of things were kept, it would help, in my opinion, the
10 police department because it would clearly say that the
11 police chief or whoever the supervisor is took this into
12 consideration; this was taken care; it happened with this
13 officer maybe once or twice; it has not happened again.

14 It just gives the community the feeling that
15 indeed the police department that is supposed to protect
16 them, not only protect them, but to be there for them in
17 other ways, is indeed there. It would eliminate the feeling
18 that --

19 MR. DePASQUALE: I agree. It would be wonderful
20 if we could. I just don't know if rudeness is too high a
21 standard to set at this point. I think to begin to collect
22 data on that would be extremely difficult. We are without
23 standards.

24 Certainly in terms of violence and verbal abuse,
25 we can record that, but what is rude to some people in some

1 circumstances may not be to other people in other
2 circumstances. It is very kind of nebulous contact.

3 MR. ROCKOFF: That is the big problem you have.
4 In other words, it is the cultural differences that create
5 the imperceptions that somebody is being rude.

6 I will give you one illustration. We have learned
7 this through the United States Conciliatory Service, and I
8 never knew this, that in some parts of South America the
9 Hispanic male or the Latin male feels that it is an insult
10 to touch him even about his clothing, that it is a macho
11 thing not to be touched about your clothing.

12 When a police officer is patting down a suspect
13 that police officer to that Hispanic male is being terribly
14 rude. In fact, that is one of the reasons why he will
15 react. Sometimes you will have a resisting arrest because
16 of the fact that he does not want to be touched.

17 Now, I have lived in a multi-cultured area for
18 many, many years, and I never knew that until a few years
19 ago. I have heard it since then. I don't know how many
20 people on the Civil Rights Commission know that. Maybe you
21 ought to check it out.

22 These are the problems you have, the cultural
23 differences, and that is why we are trying to bring together
24 the police and the citizens to learn about each other's
25 problem, not the police problem itself. The citizen has to

1 meet the policeman 50 percent of the way -- halfway. Not
2 one-tenth of the way, not one-third of the way -- halfway --
3 and learn about his problems, as well as the police officer
4 has to learn about the citizens' problems.

5 MS. SABIN: I think that makes my point even more
6 clearly that fact that you as an experienced law enforcement
7 officer did not know that. It gets back to cultural
8 diversity and what our police officers and the people who
9 supervise them need to know about whatever community it is
10 that is in their town.

11 MR. ROCKOFF: Cultural leaders of some of the
12 minority groups have an obligation to tell us what the
13 problems are as well so that we will be able to filter it
14 down to the police officer.

15 CHAIRPERSON FARBER: If I may move on, the other
16 thing that I think cuts across the presentations that we
17 have heard and some of the complaints is what appears to us
18 to be the lack of uniform procedures for all of the police
19 departments.

20 Granted that what might be a necessary procedure
21 for a very large police department may not be necessary for
22 a very small two or three man police department, but things
23 like use of force, discharge of firearms, sometimes
24 something as simple as processing complaints.

25 We heard from the Attorney General there has been

1 an initiative since he took office to create those procedure
2 and that in fact some six protocols, if you may, have been
3 created and are in the final stages of being implemented.

4 It seemed to us to be a rather simple affair in a
5 jurisdiction in New Jersey where the line of command is very
6 clear from the Attorney General through the prosecutors to
7 the local chiefs of police that it would be very simple to
8 implement those kinds of protocols, at least for the areas
9 that touch upon every department's operation on how it
10 conducts its business with the community.

11 If anybody has any comment on that, it just seemed
12 that it is something that is doable and that should be done
13 so that you have a way of measuring the conduct of the
14 officer against standard operating procedures.

15 MR. HONECKER: Well, I think most county
16 prosecutor's offices and municipal police departments have
17 standard operating procedures. For the use of force it is
18 mandated that we all have standard operating procedures.

19 CHAIRPERSON FARBER: And are they all the same?

20 MR. HONECKER: Yes. Well, yes, they are all
21 followed. There is a leading case, Tennessee v. Gardner,
22 which came out in which the Attorney General at the time
23 promulgated guidelines which must be adopted by each and
24 every county prosecutor's office and then filtered down to
25 the municipality.

1 Although they may not be word for word the same
2 policy, the concepts based behind that Supreme Court
3 decision are incorporated in each and every standard
4 operating procedure on use of force.

5 CHAIRPERSON FARBER: Does that apply also, for
6 example, for how to handle a person who has been arrested
7 who becomes --

8 MR. HONECKER: Yes. There are standard operating
9 procedures on arrest procedures, search and seizure
10 procedures, dealing with the media, dealing with a variety
11 of issues, homicide investigations, all standard operating
12 procedures.

13 For bias investigation the then Attorney General
14 Cary Edwards, through Mr. Mulvilhill, set forth for each
15 county prosecutor's office and each municipality to adopt
16 standard operating procedures. Again, although they may not
17 be word for word the same in each municipality, the standard
18 guidelines or the general guidelines are adopted and are
19 reflective of what a statewide uniform standard operating
20 procedure should be.

21 CHAIRPERSON FARBER: What are the protocols that
22 the Attorney General's office is working with in conjunction
23 with the chief of police president?

24 CHIEF PUGH: They are trying to establish
25 standards that the entire state will abide by. The problem

1 is we have enough standards in place in many areas that are
2 just not being properly enforced. Again, it relates back to
3 supervision.

4 The Attorney General's office puts out guidelines
5 through the prosecutors which they would encourage
6 departments to adopt. They are guidelines, and each
7 department may alter those guidelines to suit their
8 particular situation. We lose that standardization.

9 If you try and set a standard for each and every
10 department in the state to adopt it would be very difficult,
11 in my opinion. What has to happen is whatever the standard
12 is it has to be constantly monitored.

13 In the Camden City Police Department we document
14 each and every complaint. If you come to our internal
15 affairs section you can see how many complaints we have
16 relative to each and every situation, the ones that have
17 been substantiated, and the ones that have not been
18 substantiated.

19 We work in close conjunction with the Camden
20 County Prosecutor's Office. The problem as has been stated,
21 those small complaints which eventually erupt into the major
22 incident, may not reach the top because of the problem of
23 supervision. When an individual is rude to a citizen, that
24 complaint has to be addressed also.

25 One of the things that happened when I became

1 chief of police is we aggressively pursued all complaints.
2 Do you know what happened? Our complaints increased because
3 the community felt confident that the police department
4 would address their concern. Our complaints increased.

5 It meant more work for the police department, but
6 we need the confidence of the community if we are going to
7 be able to solve some of our problems. We will never be
8 able to solve all of our problems, but what we will be able
9 to do is manage our situation a lot better.

10 MR. KADLEC: Have the complaints continued to
11 increase?

12 CHIEF PUGH: No, no. They reach a level, and then
13 they taper off. We had indicted. We have fired. We have
14 terminated.

15 MR. KADLEC: So they have now gone back down?

16 CHIEF PUGH: They have now gone back down.

17 MR. KADLEC: Above or below where they used to be?

18 CHIEF PUGH: Below. What was happened in the
19 Camden City Police Department, as in many police department,
20 you have that good old boy network, and we in the police
21 department for many years have attempted to just take care
22 of our own and not effectively pursue situations where an
23 individual should have been terminated.

24 Again, a lot of that goes back to the department
25 of personnel because you have to document each and every

1 thing in progressive discipline in order to terminate an
2 individual or you will fire him, as I have done, and wind up
3 having to take him back and pay him back dollars. Then the
4 business administrator and the mayor get upset because of
5 those dollars that have to go out.

6 The head of the department is caught in the middle
7 trying to serve the community and increase the quality of
8 service that we are delivering to the community. We
9 document things as we understood that they should have been,
10 and then the department of personnel, through an
11 Administrative Law Judge, says no, you can't fire him. You
12 have to take him back. The documentation was there.

13 Your supervisors get frustrated, and your good
14 officers feel what is the use because Harry is back and look
15 what he did. You have to document each and every incident
16 in order to deal with the department of personnel to
17 terminate an individual who may be violating someone's
18 rights or violating the law.

19 MR. KADLEC: Chief, are you recommending here then
20 a change in civil service regulations or whatever?

21 CHIEF PUGH: I am recommending that a serious look
22 be taken at the civil service rules and regulations as they
23 exist in the arena of law enforcement.

24 CHAIRPERSON FARBER: One other concern that has
25 been brought to the committee's attention is the apparent

1 lack of objective criteria by which to measure the
2 effectiveness of a police department and, if you will, a
3 quality assurance program for the department.

4 How difficult would it be to implement such a
5 program and to try to measure the effectiveness of a police
6 department?

7 MR. ROCKOFF: It is being done. There is an
8 organization in Virginia that is known as an accreditation
9 society for police departments that has already accredited
10 three or four of the municipal police departments in New
11 Jersey.

12 I will let the police chiefs talk about that, but
13 in addition to that, the Attorney General's office and the
14 statewide chiefs' association has stated to develop the
15 police bureau of the Attorney General's office.

16 Through Dr. Wayne Fisher and through the police
17 training commission they have started to develop their own
18 accreditation program so that the municipalities will not
19 have to spend the several thousand dollars that it takes to
20 bring in the Virginia people in order to have the
21 municipality evaluated for accreditation purposes. It can
22 be done gratis as a result of the networking being done
23 between the police department and the Attorney General's
24 office.

25 I do not know if the chiefs want to speak to that,

1 but I know it is being done at the present time.

2 CHAIRPERSON FARBER: Do you know what criteria is
3 used?

4 MR. ROCKOFF: There is a whole book. If the
5 Commission wants to receive a copy of it there is manual --
6 a very thick manual -- of the various functions of a police
7 department that are evaluated and are scaled. A passing
8 grade has to be affixed to that particular function in order
9 for them to get a full accreditation.

10 CHAIRPERSON FARBER: Is this an independent
11 agency?

12 MR. ROCKOFF: It is Cliff Maurer, who was here
13 yesterday, the chief from Plainsboro. That is in my county,
14 but now he is a state chief. His department is accredited
15 by the Virginia accreditation society. You can ask him, and
16 he will give you all the details.

17 CHAIRPERSON FARBER: We will.

18 MR. ROCKOFF: That is the reason why they have now
19 gone to the Police Training Commission and said it cost us a
20 lot of money in Plainsboro to get accredited. Let's do it
21 in state.

22 CHIEF PUGH: I am aware of that program, and it is
23 an excellent program. However, it can cost you \$30,000 to
24 \$40,000 by the time it is completed. But, it is an excellent
25 program, and we are pursuing it.

1 MR. ROCKOFF: But wouldn't it be wonderful if the
2 state could do it for you?

3 CHIEF PUGH: Definitely.

4 CHAIRPERSON FARBER: Questions by committee
5 members?

6 MR. KADLEC: Yes, and it is on this subject.
7 Quality control has to do with customers. Based on your
8 comments is it fair to say that the customer here is the
9 citizen? Would anybody disagree with that?

10 MR. FAHY: The victim of a crime.

11 MR. ROCKOFF: The customer?

12 MR. KADLEC: The customer. The customer here is
13 me, any citizen, the community.

14 MR. ROCKOFF: But remember, many of these people
15 who make the complaints against the police are not the
16 victims. They are the defendants.

17 MR. KADLEC: I have been learning that during this
18 hearing this morning.

19 It seems to me that what we may need on an ongoing
20 basis is not just a one time quality review which I endorse
21 certainly as a place to be starting, but an ongoing way to
22 measure customer satisfaction and then to publish that so
23 the community also knows.

24 This whole idea of perception versus reality,
25 sometimes perception is a nice way to say prejudice. There

1 can be prejudice against police, like any other part of our
2 community, based on uninformed opinion. It seems to me that
3 you have as much at stake here as anyone in pursuing
4 customer satisfaction and publishing the progress you are
5 making.

6 It also puts it more on a positive agenda, as
7 opposed to rooting out problems. If you want excellence
8 then what you need to do is measure excellence and reward
9 excellence -- recognize excellence.

10 MR. ROCKOFF: We need a PR man. That is what law
11 enforcement needs. We need the media to show the positive
12 side of law enforcement rather than the negative side.

13 MR. SAMET: Or both.

14 MR. ROCKOFF: Or both.

15 MR. KADLEC: I don't want to trivialize it with
16 the notion of PR man. I am not saying that is what you are
17 trying to do, but I want to make it clear that no, this is
18 not PR. This is an ongoing rigorous program to measure
19 customer satisfaction and to continue to see improvement.

20 MR. ROCKOFF: Yes, but realistically you can never
21 expect that because the defendant is never going to praise
22 us --

23 CHAIRPERSON FARBER: We are not talking about the
24 defendant.

25 MR. ROCKOFF: -- and the victim is never going to

1 praise us unless the pocketbook thief gets the electric
2 chair.

3 MR. KADLEC: I would respectfully disagree with
4 your position.

5 MR. ROCKOFF: I recognize that, but I am saying
6 that from 20 years as a Judge and as a prosecutor. The
7 criminal justice system never wins. It never wins, but we
8 have to continue to do our job day in and day out.

9 It can never expect a pat on the back. Once in a
10 while it will get a nice letter to the editor. Once in a
11 while it will get accreditation given to it by its peers,
12 but it can never expect to be accepted as being a friend.

13 MR. KADLEC: I never said friend, and that may be
14 so. I challenge you to then look at how a system could be
15 invented so that you could be recognized for the
16 contributions you are making to our community.

17 I think most citizens agree that our communities
18 would be far less hospitable to raising our families if it
19 weren't for a police force and a law enforcement system that
20 we have in this country. The elements clearly are there for
21 a pat on the back, if you will.

22 My own background is one of looking at companies
23 and industries, and I must tell you your remarks are
24 reminiscent of those made by executives from manufacturing
25 companies, the most notable and most covered being Detroit

1 when they were trying to compete with a group of companies
2 from a different country, Japan, that had focused maniacally
3 for a long period of time on total customer satisfaction.

4 Now we are seeing that Detroit can do what it said
5 it could not do. It is producing higher quality cars.

6 Chief Pugh's comments here I think are much to the
7 point. In industry time after time they find out that
8 quality control reduces cost. It does not increase cost.
9 What we find here is that yes, initially the number of
10 complaints go up, but long run the total number of
11 complaints goes down.

12 MR. ROCKOFF: But there is a counterpoint to why
13 the total number of complaints goes down. We had the same
14 experience, and I was surprised. When we set up this
15 citizen review panel to review these bias incident reports
16 the bias incidents went down.

17 People were not speculating to their neighbor or
18 to the fellow sitting next to them at the local bar about
19 how he was abused by the policeman. Now he had to put up or
20 shut up. He had to put it in writing. He had to go in
21 front of his peers. He had to tell them the story and let
22 the peers said wait a minute, that is not a bias incident.
23 The policeman was doing his job. Therefore, the number of
24 complaints reduced considerably.

25 MR. KADLEC: It sounds to me like you increased

1 your customer satisfaction.

2 MR. ROCKOFF: That's right.

3 MR. KADLEC: Then you acknowledge that it is
4 possible?

5 MR. TATE: Right, it is.

6 MR. ROCKOFF: Oh, I acknowledge that it is
7 possible.

8 MR. TATE: It is.

9 MR. KADLEC: And that it was measured in this case
10 by the number of incidents and also that you brought
11 perceptions more into line with reality.

12 CHAIRPERSON FARBER: Mr. Mulvilhill?

13 MR. MULVILHILL: One of the big areas that we have
14 accomplished in the past five years is through the
15 victim/witness efforts statewide in the county prosecutor's
16 offices and local police. Up until 1986 there was no real
17 requirement to have a county effort. A new statute was
18 passed, and now there is a county victim/witness
19 coordinator. Every county prosecutor works with a staff.
20 There are Attorney General standards.

21 There is new legislation that has been passed now
22 that gives a crime victim a right to talk at the time of
23 sentencing to the sentencing Judge. We have a
24 Constitutional amendment for crime victims that is pending.
25 It just passed the Assembly, and it may go before the Senate

1 soon.

2 The prosecutors and the Attorney General are much
3 more victim oriented, or as you say customer oriented, as a
4 result of these initiatives, so we are going down that path.
5 There is more that we can do, but we are doing that for our
6 customers, the crime victims and the citizens.

7 CHAIRPERSON FARBER: Prosecutor DePasquale?

8 MR. DePASQUALE: I have to disagree radically with
9 what you are suggesting because first, we are not in the
10 business of customer satisfaction. We are in the business
11 of enforcing the law. The customer has the ability to
12 modify the law that we enforce, not me. I can't change it.

13 If you think for a moment that I can explain to
14 the satisfaction of one of my "customers" that the Court has
15 suppressed a piece of evidence and I am bound by that
16 suppression and that even though this is a search for the
17 truth according to everyone's perception that I cannot
18 present the truth because of a technical error that someone
19 made that they will then be satisfied with that explanation
20 you are sadly and permanently mistaken. That will not
21 happen.

22 He will say there is the gun that murdered my
23 wife, and you are telling me you can't introduce it because
24 that Judge said you can't. That is exactly what I am
25 telling you, and if you don't like it, change it. Then I

1 will introduce the gun. I have the gun. I have the
2 ballistics expert. I have the capability and the desire to
3 present it. The law will not allow me to present it.

4 I cannot be gauged like making corn flakes because
5 I am not making corn flakes. If you want to change the
6 system change the system.

7 It has been mentioned before about bail. When we
8 arrest that defendant at 1:00 today and by 3:30 he has
9 posted bail and is back in the community, if you think I can
10 explain to the community the viability of the Constitutional
11 right to bail and the presumption of innocence when that
12 person is charged with raping a five year old in that
13 community I don't think you are being very practical. That
14 is not going to meet their expectation. That is not what
15 they expect from me.

16 They have to get together. If they want to change
17 they have to change it. I take a given set of laws and
18 facts, and I enforce them. You change the facts and rules,
19 and I will change my enforcement.

20 MR. KADLEC: May I clarify then the direction I am
21 headed?

22 MR. DePASQUALE: Sure.

23 MR. KADLEC: I fully respect the limitations of
24 your position. The case you mention, I illustrate them.

25 Some companies discovered when they asked what

1 constituted customer satisfaction they were very surprised
2 what their customers said. They thought it was one thing,
3 and they found out it was totally different. It maybe was
4 not tolerance of .000001. It was getting there at a certain
5 time and a certain place.

6 So, yes, do not establish criteria that you cannot
7 fulfill. Put forward here is what we accept responsibility
8 for. These are the things that we say we can do and we are
9 willing to be held accountable for.

10 MR. TATE: Mr. Kadlec, you are talking about
11 implementation of a service to the public. I think
12 Prosecutor DePasquale is saying that maybe you want to
13 change us on results alone where results are more like win
14 or lose because we are in an adversarial game.

15 I think what maybe you are getting at with the
16 Commission here is that can people, regardless of whether or
17 not a defendant is convicted or whether they get the
18 property back or whatever, walk away feeling that they were
19 respected, satisfied and felt good --

20 MR. KADLEC: That is a different issue.

21 MR. TATE: I know it is a different issue, but we
22 are having a little communication problem here, which is
23 really the essence of what I was trying to talk about
24 before.

25 You have to sit down in front of each other at the

1 table and find out what those things are that the people
2 want because you absolutely right. When you sit down you
3 find out that they don't necessarily want that this guy is
4 going to go to jail.

5 There are a lot of other things that they want out
6 of the police and out of the prosecutor's office in terms of
7 a certain amount of dignity and self-respect, and that is
8 translated into a lot of intangibles.

9 MS. SABIN: That's right.

10 MR. TATE: I know exactly what you are talking
11 about.

12 CHAIRPERSON FARBER: That is the point.

13 MR. TATE: We do not always look at it that way
14 because we are in such an adversarial game. Sometimes we
15 have to go past that, but again, these things have to be
16 articulated because we have a certain mind set, which is not
17 necessarily bad. Do you know what I am saying?

18 We are here to try to get -- as I told you before,
19 as the victim's lawyer. We advocate the victim's position
20 in a court of law, and that becomes our client. Now, the
21 question becomes you as a victim or you as a citizen or you
22 as a person who is a witness. Those are different roles and
23 different people who have different concerns and different
24 results and different objectives that they want.

25 All of those things have to be dealt with in

1 different categories before you can say whether we have
2 quality assurance because we are a multi-faceted service
3 organization.

4 CHAIRPERSON FARBER: Questions? Yes.

5 MS. SABIN: I guess my question is more of a
6 global question. I think I heard from Prosecutor Rockoff
7 his feelings on it.

8 I guess my question is do you think there is any
9 place for any kind of civilian review board or whatever you
10 want to call it, and if not, why not? I guess my real
11 question is do you believe the police can police themselves?

12 CHAIRPERSON FARBER: Prosecutor Fahy, do you want
13 to tackle that one?

14 MR. FAHY: No, but I guess I will. I don't know,
15 but I think there is only one community in this state that
16 has a civilian review board. I think it is Willingboro. I
17 guess it is in Camden County. I don't know what that is or
18 is not. I am also aware that Teaneck is considering having
19 a civilian review board.

20 I don't know whether it would be useful or not.
21 Today is the first time I have heard Prosecutor Rockoff talk
22 about the benefits that it brought to his county. It is
23 something I have thought about. There are mechanisms in
24 place right now where in Bergen County we review every
25 complaint against police officers anyway, so --

1 CHAIRPERSON FARBER: Might I interrupt you for a
2 second?

3 MR. FAHY: Sure.

4 CHAIRPERSON FARBER: The issue is before the
5 complaint gets to you. The issue is that citizen out there
6 that has a legitimate complaint threatened by the thought of
7 bringing that complaint to the very police department that
8 he is complaining about.

9 What is he left to look at to bring that
10 complaint? Does he see the prosecutor's office as just
11 another extension of the police department? Is it
12 preferable to have some independent body or at least a body
13 that is perceived to be independent out there where that
14 citizen with the legitimate complaint can go to?

15 MR. FAHY: I haven't thought it out well enough.

16 MR. ROCKOFF: A citizen with a complaint, not a
17 legitimate complaint?

18 CHAIRPERSON FARBER: With a complaint. That is
19 right.

20 MR. ROCKOFF: A citizen with a complaint?

21 CHAIRPERSON FARBER: Yes. I stand corrected.

22 MR. ROCKOFF: That is the critical approach to the
23 problem, to give that individual an opportunity to tell his
24 peers what it is he is 'complaining about so that they can
25 articulate it for him.

1 It works and there is nothing wrong with it, but
2 it is not a civilian review board. It is not getting into
3 the police department to see what assignments they are
4 giving and see what their quotas are or what their ratios
5 are or anything of that sort.

6 MS. SABIN: That is not my thrust.

7 MR. ROCKOFF: What they are doing is just being a
8 spokesperson for those in the community who can't afford to
9 go to a lawyer and really doesn't know the law, doesn't know
10 the culture, the practices and the obligations and maybe
11 came from a society where it was fearful because you don't
12 go to the police because if you do the policeman takes you
13 away and then your family never sees you again. That is not
14 the United States of America, and that is where we are
15 sensitive to their needs.

16 I expect the people from Perth Amboy or from
17 Teaneck should not be going to the Teaneck police now with a
18 problem about a Teaneck policeman or a Perth Amboy policeman
19 because that trust has to be rebuilt, so they have to go to
20 some peer group, and then they have to have an opportunity,
21 a unit in the prosecutor's office that handles that.

22 We have a bias incident unit now that we were able
23 to obtain through a grant fund that we got as a result of
24 the victim assistance program that Jim Mulvilhill talked
25 about. There is networking going on and we are learning

1 slowly, but there is some progress being made.

2 MR. KADLEC: Is the BIRC a voluntary organization?

3 MR. ROCKOFF: Yes, and it is not run by the
4 municipality. It is a separate, independent autonomous
5 group.

6 MR. KADLEC: Thank you.

7 MR. RODRIGUEZ: Who wants to take a crack at this
8 one I do not know, but yesterday, and this is the theory
9 that at least I was able to listen more in detail to the
10 perceptions of our alleged police brutality and the
11 attorney, you know, does not want to call it brutality, but
12 that is what the people who testified yesterday morning
13 called it.

14 They attribute it to perhaps two theories as I got
15 it. One is that it is the macho image of the police
16 officer. You give him a badge and a gun, and he becomes a
17 macho man. He is going to abuse the rights of individuals.
18 Their other theory is that most of these violations that the
19 police are charged with are racially motivated.

20 I am very much interested in talking to Mr.
21 Honecker with regard to this human relations commission
22 because he spoke of a situation in which this human
23 relations commission in Monmouth County is going to
24 investigate cases of discrimination. We can talk about that
25 later.

1 Now, it seems to me from what I gathered this
2 morning, and I would like to be corrected, that most of you
3 agree or at least most of you have said that what is needed
4 is training. Some people call it sensitivity like Mr. Tate
5 and Mr. DePasquale. Other people call it something else.

6 My questions is this. Is it training with regards
7 to the procedures that the police department must carry out
8 and observe so that citizens are not denied their civil
9 rights, especially Fourth Amendment rights, or is it the
10 opposite?

11 Is sensitivity so the police officers do know, as
12 Prosecutor Rockoff says, the differences in ethnic, let's
13 say, don't like to be touched or don't be embracing and so
14 on and so on? Which one is it?

15 MR. MULVILHILL: All of the above. The weakest
16 thing we have in New Jersey is in-service training. It is
17 left to each department to come up with in-service except
18 for firearms, which is twice a year. That is one of the
19 most difficult things.

20 They say Vineland has an excellent program. They
21 have 17 days a year of in-service training. It can do a
22 great deal with their people.

23 The other departments that don't have the
24 resources or the overtime and money to do it, and I commend
25 Prosecutor Fahy and his predecessor for coming up with a 16

1 hour training program a year that is mandatory for the chief
2 on down to the patrolmen, and he has mandated this year this
3 FATS training for every police officer in Bergen County. He
4 can accomplish a great deal because he has this 16 hour
5 block. To me that is one of the crucial things.

6 MR. RODRIGUEZ: If that is the case it seems that
7 this is what their arguments were this morning, that it is
8 all of the above.

9 I think as Chairlady Farber was saying, then the
10 question is what are the practices and the policies and the
11 procedures that are in place to take care of the macho image
12 if that is case? Being that is the case, as you have
13 admitted, are there procedures in place to take care of
14 that?

15 On the other hand, do you have procedures in place
16 to take care of a situation in which, as has been so many
17 times expressed here this morning, you have rude police?
18 You do not have any records as to who has been rude. How
19 are you going to punish or discipline as you want to do; Mr.
20 Pugh, that officer that is constantly being rude but you do
21 not know about?

22 We have in the department of personnel what we
23 call the POR system, which is the performance operational
24 review, in which you are given certain standards so that you
25 could measure them. Maybe that is what we need in police

1 work and law enforcement, some sort of a standard that says
2 if we find like we did in Long Branch -- the civil rights
3 division did in Long Branch -- where somebody was harassing
4 blacks with racial epithets and we went there and we
5 investigated and we said this is what you have to do.

6 Are the prosecutors ready to recommend and the
7 chief of police ready to support a situation in which you
8 put this into this so-called operational review so that we
9 can say that an individual who has the macho image or the
10 one who has the racial motivation is done with? I think
11 this is the only way.

12 I had spoken to Mr. Tate before at another
13 meeting. Maybe that would be the time which we will
14 increase at least to some extent the opinions of people
15 having this perception about police.

16 And maybe, Mr. Rockoff, you hit it right on the
17 head. One of the few people that probably we missed that we
18 did not invite to this meeting was the media. I agree with
19 you. Sometimes it creates more confusion than resolving the
20 problem. Can we do that? Can we set the standards?

21 MR. TATE: Well, I think there are certain
22 standards that you can set, but probably one of the most
23 difficult things to try to actually identify is racism in
24 the interactions of people between each other unless
25 somebody is going to actually clue you in as to why they are

1 being rude or insolent or brutal.

2 You may say there is a presumption of racism if it
3 happens between a black and a white or a Hispanic and a
4 black or a Hispanic and a white, if you identify those two
5 parties.

6 MR. RODRIGUEZ: No, but Mr. Tate, if --

7 MR. TATE: I am trying to understand your
8 question.

9 MR. RODRIGUEZ: If somebody is going to arrest me,
10 considering the time that I have spent in this country I
11 should have known what is an arrest and somebody is going to
12 arrest me. I am going to be arrested because I know better.

13 But, if the guy who is going to arrest me sees
14 that I have cheek bones and my hair is this way and I have
15 an accent and he calls me a name, --

16 MR. TATE: Well, if he calls you a name.

17 MR. RODRIGUEZ: Listen to what I am saying. If
18 that officer is identified -- I am taking too much time.

19 Someone said this morning about what happened in
20 Los Angeles and that the supervision was covering up in a
21 sense. This is what I am saying. If you don't have a
22 process, you don't have a procedure or a practice in place
23 by which you say to your supervisor if you hear an officer
24 abusing a Hispanic or a black or a Jew or a gay and if you
25 cover it up you are going to be in trouble. This is what I

1 am saying.

2 Do we have these things in progress in some sort
3 of a file that you could go to and say this is it?

4 MR. TATE: Not as a standard procedure, but those
5 things happen, and they do get reported. As a standard that
6 has been put in a policy, I don't know of any that have done
7 that.

8 You are talking about administration. That would
9 be a bias incident reporting requirement between the law
10 enforcement person and the defendant and/or the victim or
11 any other person or witness that came into it. That would
12 be a bias incident if it rose to a level of what would be a
13 reportable crime.

14 MR. RODRIGUEZ: Just one question, Mr. Honecker.

15 MR. HONECKER: Yes?

16 MR. RODRIGUEZ: You said you were going to be
17 investigating cases of housing discrimination and employment
18 discrimination?

19 MR. HONECKER: The Monmouth County Human Relations
20 Commission established on April 1 a bias/hate hotline
21 reporting system. It is very similar to Prosecutor
22 Rockoff's reporting system in Perth Amboy. However, it has
23 county-wide jurisdiction. That is the only difference. It
24 is on a grander scale.

25 On the Human Relations Commission, as I think I

1 mentioned, we have 55 different individuals and agencies
2 represented. One of those particular agencies is our Office
3 of Housing. In effect, if an individual reports to the
4 Human Relations Commission that they have been discriminated
5 against in their attempts to seek housing then the report
6 would come in. It would be then referred to the human
7 relations committee member or the housing commission for
8 investigation.

9 The Human Relations Commission does not
10 investigate itself, but what it does do is it refers
11 allegations of crime and misconduct to the prosecutor's
12 office, civil rights to the Civil Rights Commission. It is
13 basically a data gather system and also a referral system.

14 MR. RODRIGUEZ: It is like a referral?

15 MR. HONECKER: Exactly. It is not an
16 investigative agency.

17 CHAIRPERSON FARBER: Thank you. Mr. Balch?

18 MR. BALCH: The conventional notion of police
19 brutality and the use of police power in civil rights
20 problems arises from the supposition that most of it occurs
21 in situations where the police officer is not a minority and
22 where the person who is being abused is. The further
23 inference is made that there may be racial motivation upon
24 the abuse.

25 Yesterday when we had a representative here, Mr.

1 Jones, from the state NAACP, I asked him about the types of
2 complaints that he received and how they break down
3 according to that particular categorization. He said about
4 97 percent of the complaints that he gets involve a minority
5 complainant -- I assume in most cases black -- and the
6 officer who is being complained about he said in 97 percent
7 of the cases is white.

8 I am just wondering, obviously there are some
9 other theories that have been offered which might at least
10 account for some of these and don't have to do with racial
11 motivation, per se -- explanations arising out of the
12 pressures and tensions of the situation, explanations
13 arising out of the notion of the sort of macho personality.
14 It is either a fact of the police work or that the
15 circumstances of police work can create.

16 I am just wondering among the chiefs of police and
17 representatives of police departments who we have here, or
18 anyone else for that matter, what is their perception of how
19 the pattern of these complaints fall out. Does it tend to
20 be in most situations a minority person complaining a
21 non-minority officer, or is it a more complicated mix of
22 situation?

23 CHIEF PUGH: Well, in the City of Camden it is
24 extremely complicated. We do get a lot of minorities
25 complaining about white officers abusing them, but we get a

1 large number of minorities complaining about other minority
2 officers abusing them.

3 Originally we got complaints across the board from
4 all segments of the community complaining about all segments
5 of the police department. Again, with the prosecutor's help
6 we took action, and a lot of our complaints diminished.

7 We have an individual who is under indictment, a
8 minority on a minority. It goes across the board with
9 individuals who violate other individuals' civil rights.
10 Again, the macho image plays a big role.

11 One of the things that we experienced in the City
12 of Camden, and I don't know, I think when I took over all
13 our rules changed. One of the things that I experienced was
14 neighborhood police departments and officers would take the
15 test to join the Camden City Police Department because the
16 pay was a little more.

17 We would do background investigations, and these
18 officers who had been problems on that police department,
19 they were just happy to get rid of them, so they gave them
20 to Camden. We have an individual who comes on the Camden
21 City Police Department who has a nickname of the Terminator
22 because it is the macho image. In one section of town there
23 were complaints on the Terminator -- that is the way the
24 community knew him. The other side of town, they wanted the
25 Terminator over there to deal with their problem.

1 That is another problem that we were experiencing
2 in the City of Camden. This individual was traveling around
3 in uniform with this macho image. Certain members of the
4 community who were experiencing problems relative to crime
5 in their area, they want him to come over there and violate
6 individuals' civil rights.

7 It takes a constant effort on my part and other
8 members of the department attending these community meetings
9 and explaining that we cannot violate the law while trying
10 to enforce the law. We have to get out in the community and
11 let them know what our role is. We do that continually.

12 MR. BALCH: So you would not see proportionate,
13 say, to their representation within the department race
14 having much to do with the officers who are subject to these
15 various allegations and complaints?

16 CHIEF PUGH: It would be difficult for me to
17 answer now. I would have to go back and get some statistics
18 on that.

19 MR. BALCH: It has not clearly presented itself to
20 you in that way in your general experience, though?

21 CHIEF PUGH: Well, recognize that I testified
22 earlier that we just moved up to 50 percent minority within
23 the police department down to a level of execution. Prior
24 to that it was definitely a minority/white officer problem.

25 MR. BALCH: Would any other department

1 representatives care to comment on that?

2 MR. ROCKOFF: Well, I will comment. Police
3 brutality breaks down into many categories. Many times we
4 find a juvenile is complaining about the macho image of a
5 police officer causing him to be abusive to the juvenile.
6 It isn't a juvenile pursuing a complaint. It is the parent
7 that is doing the complaining, and it is not a racial
8 problem.

9 It is across the spectrum of racism because a
10 juvenile always complains that he is mistreated by the
11 police. Not always. That is a bad characterization, but
12 99.9 percent of the time he is mistreated by the police
13 officer in the way he was handled it is either the first
14 time and he feels he has some sort of a special position in
15 society, the teenager in our society today.

16 With respect to the various breakdowns of the
17 demographics in the 25 communities that I have, or if you go
18 to Essex County and you talk about what they do in Short
19 Hills and what they do in Newark, you have totally different
20 justifications for people to complain.

21 The wealthy complain many times. How dare you put
22 me against the care. The white police officer in Newark who
23 has to go into the project area where he is confronted by a
24 mob of people around him saying, you know, you're white and
25 you're brutal, and therefore we have stereotyped you and

1 therefore even if you put someone against the car we are
2 going to make a claim against you for police brutality.

3 You cannot put it into nice, clear, crisp
4 categories. There are so many different types of
5 justifications and rationales and irrationality for making
6 complaints against police.

7 It is fashionable to make complaints against
8 police, particularly now. The worst thing that happened out
9 of this California incident in Los Angeles is that it
10 becomes fashionable now to bash police. You know, we are
11 back again into the 1960s syndrome where the policeman was
12 called the fuzz, the pig. Now again, those who want to use
13 it for their private agendas will continue to start making
14 these allegations and complaints against police officers.

15 We cannot go to an extreme in trying to pin blame
16 on policemen for creating the problems of society.
17 Policemen are really the messengers. They are sent to
18 enforce the law, and there has to be a government of laws
19 and not of men in this society. Men can complain, but
20 police officers still have to enforce.

21 CHAIRPERSON FARBER: Mr. Samet?

22 MR. SAMET: I for one would like to commend each
23 of you for further sensitizing me, and I would presume other
24 members of this hearing group, to the complexities of your
25 job, to the difficulties of it.

1 We recognized when we came into this that you did
2 not have an easy job, and it is not going to get easier as
3 the problems of society faced by you and the people with
4 whom you work.

5 Simultaneously we were sensitized yesterday by
6 representatives of minority groups who maintain that they
7 feel that they are on the receiving end of unequal treatment
8 of equals and that while each of you and the people with
9 whom you work have the responsibility to enforce the law as
10 it is written, it is differentially applied, they claim, to
11 people of color, to people from different ethnic groups, to
12 women, to gays.

13 In that context they charge the governmental
14 officials with not fulfilling their obligations to the
15 society that has said we make the laws, and you are to
16 enforce them. You have enforced them in a way, they feel,
17 that is not to their best interest.

18 When a black child in Maplewood is making a phone
19 call to his mother to say pick me up from the movies and a
20 policeman comes over to him and starts to arrest him for
21 making the phone call and he says he was acting suspiciously
22 -- that has happened in one case that we were talking about
23 yesterday -- the argument is that that would not have
24 happened if the child was white.

25 When a teenage son of a member of the board of

1 education in Teaneck is stopped by the policeman who was
2 riding by and is told that he is acting suspiciously and
3 what is he doing on the block he becomes irate, as do his
4 parents, over the fact that he was even stopped. He
5 happened to live in front of the house at which he was being
6 arrested.

7 These kinds of perceptions that each of you spoke
8 about tend to get repeated and tend to be the problems that
9 the communities, both the minority communities and the
10 majority communities in these areas, tend to reflect upon to
11 say this is the example of what the police are and what they
12 should not be.

13 On the other hand, you are telling us, and I
14 appreciate and support that you are doing all the things
15 that you could or most of the things that you could be
16 legitimately expected to do. You have sensitivity training.
17 You have inter-cultural training. You have communication
18 systems in various portions of the organized and in some
19 cases the unorganized community. That is all to the good.

20 One wonders if you are doing all of these things
21 are they working. In doing all of these things why is there
22 the perception that they are not working? Have you
23 evaluated them? Have you evaluated your sensitivity
24 training or merely sensitized officers?

25 What do you really mean by sensitivity training?

1 How do you distinguish between sensitivity training,
2 inter-cultural education, inter-group education? We have
3 heard these terms interchanged. I, coming from a
4 professional background, find that they are supposed to mean
5 different things, but do they mean different things as you
6 train your people?

7 You also have talked about human relations
8 commissions, councils, committees. I once headed the first
9 official human relations commissions, and I know, as do you,
10 that there are no quick fixes. They do not resolve your
11 problems for you. They are just another resource. We are
12 wondering one, do you feel that they are important adjuncts
13 to your work? Do they really help? Are they merely a
14 buffer between you and the citizens? Do the citizens
15 perceive them as a buffer?

16 Are they working is the question, and do you have
17 any kind of records you can share with us that would help us
18 to say and to recommend to others that they should or should
19 not do certain things about training commissions about these
20 kinds of resources that you are using?

21 MR. TATE: There is a lot that you have put out in
22 front here.

23 MR. SAMET: I didn't mean to be easy.

24 MR. TATE: On the last part you talk in terms of
25 the commissions and a buffer, I guess the independent

1 civilian review board type of a bureaucracy that has been
2 discussed before.

3 My presentation dealt with a different concept,
4 and that was a concept that departments that will have
5 multi-cultural police officers and have to service
6 multi-cultural communities have to have an ongoing community
7 dialogue and have to have projects in which they work
8 together.

9 Everybody likes to talk about the way things used
10 to be in the days when communities were small and everybody
11 was familiar with everybody. Seemingly then police
12 understood the people that they were dealing with, and when
13 certain things got out of hand they knew how to handle it in
14 a very sensitive way so that that community felt protected,
15 but at the same time felt that the law was being enforced.

16 We do not have that society in a lot of places
17 today. The difficulty now is how do you break back that
18 department or that agency to be directly in touch with that
19 community? Do you do it through residency requirements of a
20 department? Do you look at the make-up of the department's
21 personnel? Do you look at the superior officer force of the
22 personnel?

23 In what ways you gain that communication directly
24 back between that agency and that community is really the
25 key because unless they know each other as people, yes, we

1 can talk about racism. Racism is alive in all aspects of
2 our society. Prejudice is alive, and it works both ways.
3 Prejudice works both ways.

4 The idea is how do you break those barriers down.
5 A civilian review board buffer, well, that would work in a
6 limited way because the people who get on that board after
7 about six months of listening to the complaints they are
8 going to understand a little bit better about what the
9 police are up against.

10 That is what is going to happen because when I
11 brought in all of these people and started working with them
12 on complaints which are racially or ethically motivated and
13 showed them what it was the investigation had brought and
14 what they had brought in terms of people who had independent
15 knowledge about things, they began to judge credibility of
16 people and versions of their stories and had a much better
17 appreciation and understanding of the investigator process.

18 That is something that I don't fear, and I don't
19 think we should really fear that, but that is not going to
20 solve your problem. It is a political expedient measure.
21 It is not going to do the long term change, and the change
22 is how do you link that community with the department, with
23 the agency, that is supposedly designed to service that
24 community. That is direct communication.

25 MR. ROCKOFF: You do that through human relations

1 commissions, and you do that through the networking of the
2 citizen with the police officer and let the police officer
3 become involved with them in these organizations.

4 Let me tell you how networking can be done so
5 simply now that the Governor and the Attorney General, both
6 in the last administration and this administrator, have
7 become so aware of the needs of the citizens to become
8 involved more in protecting their own society.

9 We now have alliances, and alliances are the drug
10 education programs that are getting their money out of the
11 penalties that are being paid by the drug dealers to the
12 courts.

13 We now have youth service commissions. Those
14 youth service commissions are funded now by the state for
15 the purpose of promulgating the statute that came out, the
16 family court statute, that requires each community to have
17 that.

18 We now have DARE officers working in the schools
19 that are being funded by the police departments to put the
20 police officer in so that he doesn't look like a persecutor,
21 he looks like the counselor. The kids are getting an idea
22 of what a police officer is like. They are not just seeing
23 him at a crime scene or in the movies or being negatively
24 portrayed by the press.

25 And now we have civil rights commissions that are

1 supposed to be formed in each one of the communities.
2 Frankly, that has failed. I don't know why it has failed,
3 but they are not being formed in each one of the
4 communities, or if they are they have died out or they are
5 just lip service.

6 We now form these county human relations
7 commissions, and we require the networking of the human
8 relations commissions with the alliances and the youth
9 service commissions and the police and the DARE officers in
10 order to what? To develop those civil rights commissions
11 within the municipalities. That is the grass root. That is
12 the commission that will do the job for you in the
13 community.

14 If you have a city like Newark then you need more
15 than one civil rights commission. You need a neighborhood
16 civil rights commission to do that kind of work. If you can
17 continue to get the volunteers, those people who are
18 interested -- you can't get different groups because you are
19 not going to get a whole group of people coming out from the
20 youth service commission, a whole group coming out from the
21 civil rights commission, a whole group coming out for the
22 alliances.

23 You are going to have to have the same kind of
24 people, the leaders of the various ethnic, racial and
25 economic and religious communities coming in and networking

1 together. They will work with the police and the
2 prosecutors in order to get what you want, and that is the
3 standards and the respect, the mutual respect, the mutual
4 understanding accomplished in our society. I think it can
5 be done.

6 We have the apparatus developing in place now, and
7 the state is going the right direction of the leadership of
8 the Attorney General, so things are not so bad in New
9 Jersey. Not so bad.

10 CHAIRPERSON FARBER: On that note, unless somebody
11 has a burning comment, which I see they do --

12 CAPT. BRUNETTA: I have a burning comment. I
13 think that the civilian review board shows a failure on the
14 police departments. I think that if a civilian review board
15 is necessary in a locale -- my locale -- I would take that
16 as a failure of myself and my department.

17 This gentleman alluded to the fact that people
18 were in here yesterday saying that there were certain
19 problems -- the young child making a phone call. If these
20 things are true and they really believe that -- even if they
21 aren't in fact true -- it is just as bad as if it were true.
22 If the citizens believe it, then it is just as bad as if it
23 were true.

24 As for the macho police officers, I think that
25 perhaps there are some. Is sensitivity training helping?

1 It probably is, but I think that even if I never had any
2 sensitivity training I think I know what is right and how to
3 treat people and what is wrong. I do not believe that you
4 can put that in somebody's skull. They should have had that
5 from way back when. If they don't have it or if they can't
6 comprehend it then we have to get rid of them.

7 Like Chief Pugh said, supervision has a lot to do
8 with it. If we have guys high up in the ranks on the police
9 departments because they could pass a civil service test, I
10 mean, I am not complaining about that system. I have done
11 that, but sometimes the two don't go hand in hand. What is
12 sensitive to the needs of your community and passing a civil
13 service test, you know, may not coincide. I think basically
14 that is the problem.

15 I guess everybody wants to go somewhere else. I
16 think that really is the way I look at it, the basic
17 problem. Sensitivity is fine. We've got it. It is good.
18 It looks good on a record. If something happens you can say
19 hey, I got 200 men that had sensitivity training. My mother
20 would swat me across the head sometimes when I was a kid.
21 That is your sensitivity training.

22 CHAIRPERSON FARBER: I want to thank everybody for
23 absolutely great presentations and for sharing with us your
24 day to day frustrations and problems. It has given this
25 committee, at least me, and I think I speak for everybody

1 else, a better understanding of what the problems are that
2 we have been hearing about.

3 I want to apologize for keeping you this long. It
4 obviously was bad planning to try to do this in two hours.
5 I want to thank you for persevering with us.

6 If you have any other information that you would
7 like this committee to consider, the record will remain open
8 for 30 days. We would welcome that information through the
9 mail.

10 Thank you very much.

11 (Whereupon, at 1:40 p.m., the hearing was
12 recessed, to reconvene at 2:30 p.m. this same day, Tuesday,
13 April 9, 1991.)

A F T E R N O O N S E S S I O N

2:30 p.m.

1
2
3 CHAIRPERSON FARBER: We are going to start a
4 little early. Let's do the videotape. Let's do the proper
5 introduction for the record.

6 MR. DARDEN: The videotape will not be transcribed
7 for the record, so Jeffrey when you begin would you give the
8 title of the videotape and any other identifying information
9 about it?

10 MR. MAAS: Sure.

11 CHAIRPERSON FARBER: And the videotape itself is
12 part of the record because the Attorney General made it part
13 of the record yesterday.

14 MR. DARDEN: We have a copy of it for the record,
15 but the transcription of the audio from the video which
16 might normally appear in a transcript will not appear in
17 this one.

18 MR. MAAS: Madame Chair, I have a discussion guide
19 that I will be introducing for the record which will go into
20 further detail which will give you a fairly good script of
21 the film.

22 CHAIRPERSON FARBER: Would you introduce yourself
23 so we have a proper record?

1 STATEMENT OF JEFFREY MAAS, EXECUTIVE DIRECTOR,
2 ANTI-DEFAMATION LEAGUE OF THE B'NAI B'RITH OF NEW JERSEY
3

4 MR. MAAS: My name is Jeffrey Maas. I am the New
5 Jersey Regional Director for the Anti-Defamation League of
6 B'nai B'rith.

7 The Anti-Defamation League, the ADL, is a 77 year
8 old human relations organization. We are part of the B'nai
9 B'rith, which is the largest Jewish fraternal organization.
10 We were founded 77 years ago to stop the defamation of the
11 Jewish people and to create equal opportunity for all
12 citizens.

13 One of the things that we have become over the
14 years is the country's largest producer of human relations
15 materials for schools, for the media, for in this case law
16 enforcement.

17 We have been working with the problem of hate
18 crimes in the State of New Jersey for over 11 years with
19 many of the people who I understand have testified at your
20 Commission hearing this morning. One of the things that we
21 realized early on is that the need for training is of
22 paramount importance.

23 The Anti-Defamation League has an audit of
24 incidents of anti-semitism. New Jersey has, since we have
25 been publishing this audit, appeared in the top five states

1 in numbers of reported incidents. I emphasize the word
2 reported because not every incident gets reported.

3 I would hazard to say that in the area of hate
4 crimes with the kind of crime being as personal and as
5 piercing as it is, the under-reporting is probably larger
6 than the under-reporting of other types of crime. I think
7 the federal statistic is something like 50 percent of all
8 crimes actually go unreported.

9 Rather than get hung up in terms of the numbers,
10 we decided to take an activist role in terms of taking a
11 sensitivity training program to law enforcement. We had a
12 law that Governor Byrne signed into law in 1981 making New
13 Jersey one of the first states to have hate crime
14 legislation.

15 We have an amended law which Governor Florio had
16 re-signed last year which includes sexual orientation, also
17 making us one of the first states in the country to cover
18 under hate crime crimes based on sexual orientation.

19 We needed a tool because the first person on the
20 scene of a hate crime is often the local law enforcement
21 official. We were getting reports, especially nine or ten
22 years ago. We didn't think this was important. We didn't
23 feel it was permanent damage.

24 You cannot tell me that when Sabarah Sabin had her
25 tires slashed or a cross burned down the block there was no

1 permanent damage. You could not tell me that when my temple
2 got desecrated there was no permanent damage. You had a
3 community of victims who were very real and who had real
4 pain. All too often it was that we didn't realize that
5 there was something serious here.

6 We decided to try to fill that gap with a piece,
7 with a tool. We had standards that came by. Assistant
8 Attorney General Jim Mulvilhill spoke to this group. He had
9 chaired a committee of state law enforcement officials to
10 develop bias training standards.

11 We wanted to develop a tool that could be used in
12 a variety of situations, ergo the film. The Anti-Defamation
13 League raised the money for the film on its own. It was a
14 product of mutual co-production. The State of New Jersey
15 retains all rights to the film, which has been distributed,
16 I understand, to every police jurisdiction in the state. I
17 cannot talk about its use because I really don't know about
18 that.

19 We also produced a discussion guide, which I will
20 submit for the record, which has been endorsed by U.S.
21 Attorney General Thornburgh. My understanding is that the
22 FBI has used and viewed the film as part of a hate crime
23 training package that they are instituting.

24 To the film. It is 15 minutes, as you heard Ed
25 Darden say. It is designed to be used in a variety of

1 formats. It can be used in the morning before the precinct
2 panels before the cops get scattered on their assignments.
3 It will fill a 20 minute training spot. It can be developed
4 into a full-blown session up to three days or a half a day.
5 It has a variety of different utilities.

6 Because the State of New Jersey is the most
7 densely populated state in the country and because of the
8 variety of opportunities that the state provides for
9 locales, meaning urban, suburban, rural, you will see that
10 is almost no mention in the film itself of New Jersey, which
11 is why I think over 400 police departments across the
12 country have found the film handy.

13 Again, Hate Crime: A Police Training Video.

14 (Whereupon, the videotape was played.)

15 MR. MAAS: I am letting the credits run because I
16 want you to get an idea of the number of people, communities
17 and institutions that were involved in this production.

18 The film was an attempt again to provide the State
19 of New Jersey, which has distributed this to every
20 municipality as a tool that they could use. This was one
21 aspect of the direction that I said that we wanted to go in
22 -- the training, providing a tool, enabling the state to in
23 fact take national leadership.

24 For the record, the resources provided by the
25 state Attorney General's office and the local towns, without

1 their participation this film would have never been
2 possible, certainly not at the amount of money that we are
3 talking about.

4 Flowing from the film several questions develop.
5 One, is there a role in hate crime for organized hate groups
6 in our state? The answer is not really, although we do have
7 KKK. We do have skinheads. I have for the record, Madame
8 Chairman, reports that the ADL has distributed with sections
9 on New Jersey which I would like to see incorporated into
10 the record.

11 The question develops of where do we go from here?
12 What do we do now as a follow-up, if you will, to the
13 standards, to the training recommendations? I would suggest
14 that there is something missing now within the State of New
15 Jersey's structure to combat hate crimes. The thread that
16 would pull all of the diverse elements together is as of
17 this date missing.

18 There does not exist at the state level an
19 investigatory unit which will bring in training, analysis
20 and interpretation in the area of hate crimes. We have out
21 of state police a central security bureau and intelligence
22 division which was responsible for the arrest of ten
23 Klansmen in December leading to indictment, which in fact
24 broke the back of a certain Klan organization in the state.

25 We have a UCR reporting mechanism out of state

1 police which produces an annual report which is excellent in
2 terms of monitoring. We were one of the first states to do
3 this. Hate crime. I understand that this has been brought
4 to the information of this commission, as well.

5 However, there exists no institution that will sit
6 down with this information and say in 1989 the town of
7 Teaneck reported the largest number of bias incidents in the
8 state. That is a bit of information that was just left
9 hanging. No one is doing interpretation. No one is doing
10 planning. I would suggest that this be a direction that the
11 state pursue in terms of trying to deal with the problems of
12 hate crimes.

13 We have operating in several counties local human
14 relations commissions. I work with the one in Essex County.
15 Herb Tate has done some tremendous work in terms of
16 outreach, but what is missing is that county level to the
17 state level.

18 You need that thread, if it were, to hold the
19 whole piece together. This should be something with certain
20 police powers with investigative powers in order to go out
21 and assist local police departments in doing the work.

22 There should be training facilities built in. We
23 have police training academies. However, there is nothing
24 mandating bias crime training, hate crime training. There
25 is no law. Community service/police community relations,

1 depending on the local academy, the amount of time police
2 officers get varies, but there is nothing again to weave it
3 all together.

4 My conclusion is that the State of New Jersey has
5 taken the outbreak of visible bigotry seriously and has in
6 fact shown significant national leadership in the direction
7 that it has taken. This film is again one example, but if
8 we are in fact to make further progress we have to put
9 additional resources into the battle.

10 I thank the Commission for turning its attention
11 to this problem and wish you all much success in your
12 deliberations. I thank you for being asked to participate
13 in your deliberations this afternoon.

14 CHAIRPERSON FARBER: Thank you, Mr. Maas.
15 Questions from members of the committee?

16 MR. RODRIGUEZ: Just one question, Jeff. Do you
17 really think that given the situation in terms of the
18 lowering of discrimination was their focus from the legal
19 point of view, which is discrimination in housing and
20 employment discrimination?

21 Do you foresee this newly created human relations
22 commission given the enforcement power to do the things like
23 you were referring to?

24 MR. MAAS: I don't know that these human relations
25 commissions should be that vehicle. I also don't know that

1 the state division on civil rights, which has the
2 enforcement in the area of housing and employment
3 discrimination, should be that vehicle.

4 I was thinking of something out of the division of
5 criminal justice, out of the department of law and public
6 safety where you have police powers because what seems to
7 happens is that at the local level if the call for
8 assistance goes out there is no one to do that concerted
9 follow-up that analysis.

10 I have worked with some good people in the
11 division of criminal justice over the years, and I know that
12 there are some outstanding personnel there.

13 MR. SAMET: In the whole area of training, your
14 film being one of the instruments for it, it occurs to me
15 that one of the problems is that very often training is
16 presumed to exist if a group of people are told that these
17 are things that should be done or these are the attitudes
18 they should have. For example, the film by itself indicates
19 that there are problems and they should be attended to.

20 You say that what is needed in addition to that, I
21 presume from what I saw on the table there, is that those
22 who are participants in the training need an opportunity to
23 express their concerns, their reservations. There needs to
24 be guided discussion, and in sensitivity training and other
25 areas there is a need for that kind of gut expression of

1 feelings about animosity.

2 Before that gets out does the training itself
3 really mean much?

4 MR. MAAS: You are talking about attitudes and
5 values.

6 MR. SAMET: Right.

7 MR. MAAS: I am not making any sort of assumption
8 that in a 17 minute film you are going to be able to affect
9 deep-seeded attitudes and values.

10 You are certainly right that in long term training
11 you need that two-way communication. You need the break-out
12 breaks. You need the development and the commitment of time
13 to do some long term changing.

14 What I am talking about is trying to let through
15 the vehicle of this film these cops know that if there are
16 bigots among them when they go out into the street they are
17 one color, and that is blue. We were getting disparate
18 reports of disparate treatment.

19 Certainly if we are talking about getting into
20 people's hearts and changing attitudes a 15 minute film is a
21 quick fix. But again, the idea is and why we have all this
22 material that you alluded to is that we need to do long
23 term, ongoing work. Bias sensitivity training is not a one
24 shot deal. It is something that the cops need. It is
25 something that school teachers need.

1 The ADL has a program called A World of Difference
2 where we go in and we will work with law enforcement
3 institutions, educational establishments. The ADL is
4 trained in its Workplace of Difference program, which is a
5 diversity program, we have trained the Dallas Police
6 Department. This is 7,000 people who have gone through
7 sensitivity training, a proven program that has demonstrated
8 its impact.

9 We are not talking about again just a quick fix or
10 a one shot deal, but an ongoing series of implemented
11 programs which will address some of the things that you are
12 talking about, these feelings.

13 MR. SAMET: I wasn't suggesting that police
14 training is going to in all likelihood give enough time to
15 really be able to change attitudes, but we are concerned
16 about changing behavior.

17 I am suggesting that the showing of the film, this
18 kind of a film, or the lecture that might be given by
19 somebody at a sensitivity training program is not likely to
20 do that unless the people have a chance to explore what that
21 really means and are given the opportunity to say look, you
22 are telling me that I should reassure these people, but they
23 call me names. How do I handle them calling me names?
24 There is that whole panoply of incidents.

25 MR. MAAS: This is why a discussion guide goes

1 along with the film which spells out certain key questions
2 to ask.

3 By the way, those were real victims of real hate
4 crimes who came forward after much tracking down and
5 speaking to and being convinced in some parts because there
6 is a very personal nature to these types of crimes. They
7 did not want to come forward. They were not in every case
8 willing to re-live the experience, which is what this film
9 called for.

10 The questions that are guided here are useful for
11 a police administrator to frame that larger experience than
12 just the 17 minutes. But again, the best of all worlds is
13 something that we have to aspire to, and this is a workable
14 piece that fits the bill in terms of bringing that message.
15 The only thing that we are seeing in New Jersey is not just
16 the swastika on the temple or a cross burned, but an attempt
17 to try and deal with the problem.

18 CHAIRPERSON FARBER: Any other questions from
19 committee members?

20 MR. KADLEC: You said several times that you have
21 had ongoing programs that have been effective. How do you
22 measure effectiveness?

23 MR. MAAS: How do you measure effectiveness?
24 Well, one of the things that I look for is the number of
25 arrests. The number of arrests were up in the State of New

1 Jersey last year over, I think, 125 percent from the year
2 before.

3 MR. KADLEC: For hate crimes?

4 MR. MAAS: For hate crimes, yes. I think the fact
5 that Prosecutor Rockoff has a JUST unit to try and deal with
6 that kind of a situation represents a measure of
7 effectiveness, if you will. I think the fact that New
8 Jersey had been looked to by the FBI when they were
9 developing their hate crime statistic information as to how
10 we collect the information here measures a certain -- you
11 know, speaks well for a certain effectiveness.

12 I think the fact that the state police had looked
13 to the NAACP and the ADL and other organizations to help
14 develop an ongoing sensitivity training program for its
15 troopers speaks for the effectiveness of what we are trying
16 to do here.

17 There is no scale. You can look at the statistics
18 and say, you know, they are up one year and down one other
19 year, but we are just at the beginning stage in terms of
20 assessing statistics. Rather we are just collecting them.
21 We are not into assessing them yet.

22 This is only the third year that the state has
23 come out with bias information, which puts us three years
24 ahead of the rest of the country.

25 MR. KADLEC: The part of the question that I would

1 like to touch just briefly on is not the effectiveness of
2 the ADL's program, but the effectiveness of training
3 programs for police forces.

4 How do you measure or what would you look to to
5 measure the "sensitivity" -- after all, that is what we are
6 training them to do, right, the sensitivity training -- of a
7 police force?

8 MR. MAAS: Good question. I think you would look
9 to what goes on in the community. I think you would look to
10 see whether or not the community has open precincts, say,
11 for kids to come in.

12 I think you would look to see what happens in an
13 actual crisis situation. Is the local chief of police
14 sensitive to the cross that had been put on someone's lawn
15 sensitive enough to call the NAA in, the call the ADL in?

16 Is the process of examination ongoing? Are there
17 continually built into the local jurisdiction opportunities
18 for the kind of in-depth training that Mr. Samet was calling
19 for and was referring to?

20 I think that that is some measure of what goes on
21 by getting down on the ground, on the street, and talking
22 and seeing and touching and seeing if the police are part of
23 the problem or part of the solution.

24 MR. BALCH: This morning Al Rockoff, in talking
25 about crimes and incidents of this nature, mentioned a

1 connection that he thought existed between a certain type of
2 juvenile who is out to commit these crimes and a certain
3 aspect of popular culture which he identified according to a
4 variety of factors, one of which was listening to heavy
5 metal music of a certain cult, sort of the skinhead
6 sub-culture connected to a type of rock.

7 Do you see this connection as something that is
8 new and causative; that is to say it is actually an aspect
9 of the youth sub-culture that has developed within
10 relatively recent times which is impelling people to commit
11 hate crimes that they might not otherwise have gotten
12 involved with?

13 Or, are these kids just troublemakers of a sort
14 that have been with us for a long time who happen to
15 gravitate toward these cultural styles and would do the same
16 things under other circumstances? Are we talking about a
17 phenomena where a popular culture is influencing the way in
18 which people behave?

19 MR. MAAS: I believe the latter. I believe that
20 we are seeing a popular culture, because it is popular, it
21 almost gives an imprimatur. If you listen to some of the
22 songs of some of these groups -- Guns N' Roses, Megadeath.
23 I mean, unbelievable -- anti-black, anti-Semitic
24 anti-woman. It almost gives a signal to the kids that this
25 kind of attitude is legitimate, and then the next thing

1 leads to the acting out.

2 I am not going to say that every person who ever
3 listened to a Grateful Dead record is a heavy metal fanatic
4 and is going to get into satanism and whatnot, but I think
5 the fact that we have seen an increase in the junk level, if
6 you will, of popular culture with anti-Semitic black rap
7 groups and anti-white racist skinhead groups, yes, it
8 definitely creates an atmosphere which makes it possible to
9 put a swastika on someone's home.

10 As a matter of fact, one of the things cited in
11 the Anti-Defamation League's annual audit contributing, if
12 you will, to the increase in incidents of anti-Semitic
13 vandalism is this junk culture.

14 MR. BALCH: Forgive my ignorance of these things,
15 but these are widely heard groups? They are on the radio?

16 MR. MAAS: Let's put it this way. There is not a
17 mall that you can walk into in the state and not buy the
18 records on the labels I have just run off.

19 These groups that have horrible, horrible
20 languages. One of the investigators out of Prosecutor
21 Rockoff's office has a blow-up of some of the lyrics. This
22 is just unbelievable, and this stuff is readily available
23 and is part of the youth culture.

24 MR. BALCH: Is it played on the radio?

25 MR. SCRUPSKI: Is it played over the media?

1 MR. MAAS: It is played on some media. It is
2 played on Saturday nights on more esoteric little low
3 powered stations who get into heavy metal hours. It is
4 played. If not played it is acted out in the clubs, in city
5 gardens here in Trenton and places down by the shore.

6 MR. SCRUPSKI: It seems to me rather than precise
7 distinctions between various kinds of music I see a kind of
8 glissando. It seems to me one moves into the other. Are
9 they all that distinct?

10 When I hear popular music today I hear a violent
11 sound. Maybe heavy metal is more violent than others, but
12 much of what I hear and much of what I see on MTV are angry
13 visages and angry people. I do not know that they are
14 really angry, but they look angry.

15 It seems to me that the distinction between what
16 is called heavy metal and the rest of what I see is not that
17 great. Did you want to comment on that?

18 MR. MAAS: I wish I had some of the lyrics for you
19 because some of the lyrics are just inhuman. They talk
20 about ripping women apart. They talk about gay bashing and
21 blood running. I understand what you are saying. To the
22 uninitiated who flips past MTV I want to keep flipping past.

23 I can't really argue the point because I am not
24 that fine-tuned into the distinctions, but I know that there
25 are distinctions. I know that there are things that MTV,

1 for, instance will not play. There are videos that they
2 have viewed as too violent or too sexist or too racist to
3 play.

4 MR. BALCH: Do these things come up under major
5 labels?

6 MR. MAAS: For instance, some of the rock groups
7 have come out under major recording labels.

8 MR. BALCH: Are representations made by groups
9 like yours?

10 MR. MAAS: Yes.

11 MR. BALCH: What is the response of the companies?

12 MR. MAAS: The response is people are free to buy
13 it. People are free not to buy it. We don't advocate
14 censorship. Then we say neither do we, we advocate
15 responsibility. The argument goes back and forth.

16 MR. BALCH: Are there any major offenders in terms
17 of large companies?

18 MR. MAAS: I really couldn't talk to that.

19 MR. RODRIGUEZ: From the Jewish experience alone,
20 without getting into other groups, have you seen an increase
21 of this sort of hate perpetrated by let's say other
22 minorities toward Jews, or has it remained the typical
23 Anglo-Saxon?

24 MR. MAAS: That is a good question. To the best
25 of my knowledge there has never been an arrest in the State

1 of New Jersey, and I am talking about what I know, of a
2 minority -- black, Hispanic, Asian American -- for an
3 incidence of anti-Semitic vandalism or harassment. There
4 has never been.

5 Generally I answer that question in the context of
6 black/Jewish relations, but no, to the best of my knowledge
7 there has never been an arrest of a minority in terms of
8 incidents of anti-Semitic vandalism or harassment.

9 MR. ALUM: But that is not the question. Just the
10 fact that there have not been any arrests doesn't mean an
11 incident has not taken place.

12 MR. MAAS: Correct.

13 MR. ALUM: I think the spirit of Armando's
14 question is more of your knowledge rather than of the
15 legality aspect.

16 MR. MAAS: On a personal level, no, I am not aware
17 of any.

18 CHAIRPERSON FARBER: Mr. Samet?

19 MR. SAMET: In the past two days we have heard
20 representatives of the Latin community, the Hispanic
21 community, the Asian American community indicate that
22 representatives of the government in the form of police
23 officers have treated people from their communities in ways
24 that are objectionable. There has been verbal abuse. There
25 has been physical abuse.

1 The question to you is have you examined or do you
2 have reason to believe that there are evidences of the same
3 kind of treatment toward religious groups -- Jewish,
4 Catholic, others?

5 MR. MAAS: Again, I have no firsthand information
6 on that. Over the years I have been working with the NAACP
7 through Harding Dunlop, the director of their urban programs
8 office, in trying to document police over-reaction or police
9 brutality, if you will.

10 The question to me was do we have records of
11 incidents reported to us, and the answer is very
12 infrequently. I honestly cannot say that has been a
13 priority issue for my office.

14 MR. SAMET: Is there any evidence that with the
15 current influx of Jews from Russia that they may be treated
16 in a manner that we are told some of the other recent
17 immigrants have been treated; that is, if you don't like it
18 here go back to where you came from -- that kind or form of
19 a verbal abuse?

20 MR. MAAS: This is delivered at the hands of law
21 enforcement officials? Again, I haven't had any reports of
22 that.

23 I have had reports in Essex County where a large
24 number of Soviet Jews are living in the Ivy Hills of Newark
25 of conflict -- cars getting ripped off and kids getting

1 jumped for coats -- which unfortunately is epidemic in our
2 society. I don't believe it has to do with a person being a
3 Soviet immigrant or a Jew as much as just being there and
4 having that property and being an available target.

5 CHAIRPERSON FARBER: Any other questions from the
6 committee?

7 Thank you very much, Mr. Maas. Do not leave us
8 because there may be other questions that become relevant.

9 Our other panelist member is Ms. Sue Pei Yang, if
10 I have pronounced it correctly.

11 MS. YANG: Yes.

12 CHAIRPERSON FARBER: Who is the president of the
13 Asian American Lawyers Association.

1 STATEMENT OF SUE PEI YANG, PRESIDENT, ASIAN AMERICAN LAWYERS
2 ASSOCIATION

3
4 MS. YANG: Thank you, Ms. Farber. I would like to
5 thank Ed Darden of the U.S Commission on Civil Rights for
6 this opportunity to speak before you. I guess I represent a
7 newly recognized component of the ever-changing mosaic of
8 New Jersey.

9 As you know, Asian Americans are the fastest
10 growing minority group in America, as well as in New Jersey.
11 Based on the 1990 census, over the last ten years we grew by
12 162 percent in New Jersey and account for 46 percent of the
13 total population increase in New Jersey.

14 MR. SAMET: May I interrupt a moment? When you
15 speak about we, when you speak about Asian, whom do you
16 incorporate into that?

17 MS. YANG: Asian Americans include Americans whose
18 heritage are from Southeast Asia, including Chinese,
19 Japanese, Vietnamese, Korean, Filipinos and Indians from
20 Asia.

21 MR. SAMET: Thank you.

22 MS. YANG: And Mongolians. We have a sizeable
23 Mongolian population in New Jersey also.

24 MR. BALCH: Would that include Arabs or Kurds or
25 people like that?

1 MS. YANG: Right. As our numbers increase our
2 experiences with the greater community will also become more
3 divergent. Today I come not to police bash, but to find out
4 the police community perspective from other groups, as well
5 as to brainstorm about how we can all contribute to foster a
6 better relationship between the various entities of the
7 community and the law enforcement segment of our society.

8 I am the founder and past presiding officer of the
9 Pacific Asian Coalition also, and this is a group similar to
10 the Anti-Defamation League in that we are concerned about
11 Asian American welfare.

12 It was at least 15 years ago that I first met Jeff
13 Maas because we had a problem in the Asian American
14 community with regard to negative stereotyping of books in
15 the school systems as it relates to Asian American children.
16 It just happened to be that the only story that the children
17 were reading about Chinese. The pictures were derogatory.

18 We didn't quite know how to deal with it.
19 Eventually we did approach Jeff Maas to get some idea of how
20 the Anti-Defamation League would approach that. He advised
21 us to go to the state education department and so on and so
22 forth. We are sort of learning how to deal with issues of
23 concern to us.

24 First and foremost, we Asian Americans are keenly
25 aware of the fact that we are physically identifiable from

1 the majority living in this country, and all too often we
2 are perceived as foreigners and treated as such, even though
3 we may have been here three or four generations.

4 I have lived in New Jersey for 20 years, and I
5 have been at the cutting edge of many Asian American
6 developments over this period of time. I can honestly say
7 that with regard to police very few Asian Americans have had
8 interactions with the police force.

9 I think New Jersey is unique in that most Asian
10 Americans in New Jersey are of middle class background. Our
11 problems for the most part center around restricted
12 opportunities in the employment arena.

13 A major concern is the revolving door policy that
14 Asian Americans face. We would like to know why Asian
15 Americans are often the last to be hired and first to be
16 fired and other specifics such as apparent quotas limiting
17 us from certain desirable positions and the apparent glass
18 ceiling for upper mobility in the employment institutions.

19 While these are not topics that are under
20 discussion today, we hope that at a future date this
21 committee will address these issues.

22 While we have not had that much interaction with
23 the police, we at the same time want to dispel the notion
24 that we are somehow the 'model minority. Too often we see
25 that as pitting one minority against another. We do have

1 problems, and they do need to be addressed.

2 While we have had very few incidents with regard
3 to police brutality, there have been isolated incidents over
4 a period of time. I understand Mr. Mono Sen from Jersey
5 City had testified yesterday. I don't know the specifics
6 beyond what I read in the newspaper, although I recommended
7 that he testify before you because of the recent Jersey City
8 incidents.

9 Some incidents that I have heard of have related
10 to I guess, as I said before, the Asian Americans being
11 easily identifiable as being different. For instance, two
12 young Asian Americans in Patterson were just sitting in a
13 car and police approached them and thought they were illegal
14 aliens and roughed them up. That is a concern that some of
15 us have that we are still perceived as not being real
16 Americans.

17 In terms of fostering better police/community
18 relationships, I think first and foremost that the police
19 forces should probably gradually reflect a diversity in the
20 greater community.

21 For instance, I don't know of a single Asian
22 American policeman in New Jersey. I have seen Asian
23 American policemen in California, in Florida. I think Asian
24 American children in New Jersey have to feel that yes, if
25 they want to be police officers or be part of the law

1 enforcement segment of society that they should have that
2 opportunity.

3 This is true not only for police, which is what we
4 are talking about today, but I think for a lot of other
5 segments in society. For instance, as my children were
6 growing up they never saw an Asian American teacher, so they
7 thought that that was beyond their reach. I think as we
8 assimilate into the society the society should open up
9 greater opportunities to all Americans.

10 As the Chief Justice of the New Jersey Supreme
11 Court has said, the demographics of New Jersey is fastly
12 changing. Right now the minority population is like 21
13 percent of New Jersey. At some point down the line in many
14 states the minorities will become majorities. As this
15 happens we need to be able to feel that we have the
16 opportunity to participate and contribute to all facets of
17 this society.

18 Some concerns that we have been approached by like
19 law enforcement officers, the Bergen County Prosecutor's
20 Office has contacted me. I did speak before them last year
21 with Attorney General Perretti and Jeff Maas and a group of
22 us before the police officers in Bergen County to discuss
23 community relationships.

24 At this point they are now asking that I help them
25 reach out to the Asian American community there because they

1 feel that there needs to be more community outreach to Asian
2 American groups to explain to them their rights and their
3 responsibilities as it relates to law enforcement.

4 This is a good first step because many new
5 immigrants do not know the expectations and norms of this
6 society. The investigators said to me I think perhaps some
7 of the reason is immigrants don't know that child abuse is
8 punishable under law and that perhaps there are social
9 service programs that they could be guided towards if they
10 knew about it. I think it is just a matter of developing a
11 greater understanding.

12 We see a need for developing these relationships
13 and liaisons between the law enforcement segment of society
14 and the targeted ethnic communities. Tim Lee, who is a
15 civil rights expert, and I are in the process of forming a
16 consulting firm to deal with some of these issues to see how
17 we can establish sensitivity training for police officers
18 and be a liaison between the communities and the police
19 force.

20 This more or less concludes my talk from the Asian
21 American perspective. Thank you.

22 CHAIRPERSON FARBER: Thank you. Questions from
23 the panel?

24 MR. SAMET: Have you found the very fact of a
25 significant increase in the population size of Asian

1 Americans has created animosities in any of the communities
2 in which you have worked, animosities among government
3 officials in particular?

4 MS. YANG: Yes. Even in upper middle class
5 neighborhoods we felt that we were the target for certain
6 decisions made by those policy makers.

7 For instance, the community where I used to live,
8 as the Asian American community grew in the town we began to
9 use the community centers more and more. It wasn't that we
10 were competing with other groups to use the center because
11 this particular community had three different centers, and
12 we were the only ones using it on weekends because we had
13 family activities.

14 We did not drink, so liquor was not an issue. We
15 were the only groups using it, but we were using it on a
16 regular basis. Before we knew it the rental of the center
17 went up 1000 percent.

18 We were told from certain individuals within the
19 community hierarchy that that was specifically targeted
20 against us, although it was denied.

21 Yes, we have concerns, and we do see areas where
22 we need to foster better relationships with those in power.
23 We are newcomers, and sometimes our needs are different from
24 the needs of those who are more established than we are.

25 For instance, many, many communities now have

1 Chinese schools. Some communities have been more receptive
2 to allow these parents to organize Chinese schools and use
3 the school facility or community center at a modest fee. In
4 certain other communities there seems to be resentment in
5 that the rates are becoming exorbitant. They are pricing
6 these local Chinese schools out of their community.

7 MR. RODRIGUEZ: Sue, much, much has been said in
8 the last two days in regards to alleged police brutality and
9 police abuse and so on. Yet at the risk of stereotyping, I
10 am going to make an assumption because from what I heard,
11 and perhaps it goes to the Jewish community also, Jeff,
12 there is not much complaint with regard to police abuse
13 toward these groups.

14 My question then is is this a cultural trait or
15 sort of a kind of sense in which you people, and I am not
16 meaning you on the other side, see these things different --
17 see the police different?

18 Just to give you an example of what I am saying,
19 and maybe I am confusing you more, but for instance, I think
20 it was an example like from the picture I think it was. I
21 remember when I was growing up in Puerto Rico my first grade
22 teacher was married to a cop. He came, and introducing her
23 husband to us was like if you don't behave he is going to
24 put you in jail and so 'on.

25 At the same time, we began to see that officer, at

1 least in my own case, as a friend because he would come not
2 necessarily to talk to us and not necessarily to take us to
3 jail. He was coming to pick his wife up. We saw the
4 uniform, and we developed I guess some kind of relationship.
5 We were told, if not literally at least psychologically,
6 that this is our friend.

7 Sometimes I find myself looking at cops like in
8 the situation that was showed to us, and I just cannot
9 imagine a human being doing what I saw in that particular
10 case.

11 Is it part of our culture, if I may throw myself
12 in there, that we look at this different? Is it something
13 that comes from the family, from the culture? Is it learned
14 here? Is it a personal thing that you have that you were
15 born with? Do I detect that?

16 MS. YANG: I think that is a good question because
17 I have thought of that, too. First of all, as you know, the
18 Chinese are taught for thousands of generations to respect
19 authority. This is part of the Confucianism. You respect
20 the police. You respect your teacher. You respect the
21 principal. You obey your father and mother. That has been
22 ingrained in us.

23 I think when you say culturally I would say yes,
24 culturally we are. Respect for those in positions of
25 authority is fully ingrained in us, but whether we have

1 negative elements in society, I would say yes, just as any
2 other ethnic groups. You hear about the China Town gangs
3 and the Vietnam gangs in California and so forth.

4 I wouldn't say it is solely because of our
5 cultural upbringing that we have very little dealings with
6 the police. I think it is just the type of Asian American
7 that has immigrated to America. Most Asian Americans in New
8 Jersey are college educated. They were the cream of the
9 crop from their own countries, and they came here looking
10 for better opportunities for themselves and for their
11 children. Basically in New Jersey I think you are just
12 talking about a very unique niche with regard to that.

13 MR. MAAS: You know, when you go back a couple of
14 generations, Armando, it was the local authorities who
15 conducted the pogroms in Russia and Poland against the
16 Jewish community.

17 You have a change of venue. You have a change of
18 society, and it is to the law enforcement officials that the
19 Jewish community came early on in the late 1970s when we
20 noted a problem of increasing swastika dabbings and cross
21 burnings.

22 I think that from what was the traditional
23 relationship of the Jewish community to law enforcement, we
24 have turned it on its head in this country, which does not
25 mean that there may not be problems out there, but it may

1 mean that the Jewish community views its relationship to law
2 enforcement somewhat differently.

3 No doubt when I drive along the highway I fit a
4 different profile than my friend --

5 MR. RODRIGUEZ: Pei Yang.

6 MR. MAAS: -- Sue Pei Yang or Sabarah Sabin, for
7 instance. That, of course, presents a different reality.

8 I also grew up with my parents teaching me to say
9 good morning, officer; good afternoon, officer. Every
10 policeman wherever we saw, this was the way I was brought
11 up.

12 I don't think today that resident in the central
13 ward of Newark is going to, because of again the culture
14 that they are raised in, have that same approach to that cop
15 no matter if that cop is black, white, Hispanic of whatever.
16 Again, that is the difference in culture today.

17 MR. RODRIGUEZ: I keep bringing this back because
18 I am very concerned from what I hear from community
19 speakers. It was hammered over and over yesterday morning
20 that there are two theories of explaining what is wrong with
21 police and their aggressive behavior with regard to
22 minorities.

23 The two theories, at least the hypotheses that
24 were presented, from what I understand, was that either
25 because the cop takes the macho man image, one, and from Mr.

1 Jones from the NAACP, he said that these actions by police
2 officers are racially motivated. In asking this morning the
3 prosecutors and the chiefs of police, they agree that it is
4 both of them.

5 Everybody agrees that there has to be more
6 sensitivity and, therefore, there has to be training. My
7 question is training where? Is it training with regards to
8 their procedures so that cops know or at least learn -- I am
9 calling them cops -- so the police officers become aware of
10 the procedures that they have to follow so therefore they
11 respect my rights as a Puerto Rican or yours as a Jew or
12 Asian American or whatever or black?

13 Or, is it that we need training telling them like
14 Sue says or like I said -- I have different traits, a
15 different culture, different religious beliefs and so on. I
16 don't know which one of the trainings we need.

17 MR. MAAS: I think we need both. I think the cops
18 have to know that if they are talking in a Pakistani
19 interviewing a possible victim of a hate crime they are not
20 going to get eye contact. It is not that the guy is dodging
21 their eyes. There is a different cultural overlay with
22 which different ethnic groups relate to authority. They are
23 not keeping information. It is just that the eye contact is
24 not there.

25 By the same token, they may be dealing with a

1 black kid who has been hassled by cops for standing on the
2 street corner for no other reason than he is standing on the
3 street corner. By that time the cop is playing out a macho
4 role. The cop may not be much older than the kid on the
5 street corner.

6 This may be two years ago a high school senior
7 which is playing out all kinds of authority, so I think a
8 combination of the both has to be instilled in what we call
9 training.

10 That is a euphemism because training indicates a
11 stopping and a starting. Training is ongoing, and it
12 requires constant examination of where you are, where you
13 are up to, what feelings are inside.

14 I did a session in the town of Denville a couple
15 of years back, and there was one trooper there, a state
16 trooper, a black officer, who said I don't like to get sent
17 out every time there is a call to a black neighborhood. Why
18 am I the one who has to go answer it? Why is that the
19 expectation?

20 Until that moment I never quite thought hey, this
21 happens. I never realized that this was a real situation
22 that this cop has to sit in. He has been stereotyped, and
23 he has been pushed into it.

24 MR. RODRIGUEZ: But at the same time, at least
25 from my concern, I think it is very important that we begin

1 to look into this three percent of people referred to as the
2 hot potatoes in the police department, these racially
3 motivated people who are doing these things.

4 I think that we had better be prepared to take the
5 bull by the horns and began to extricate these people from
6 the system. They just simply do not belong there. There
7 has to be some procedures developed by police administrators
8 to weed these people out and forget about sensitivity
9 training and so on.

10 MR. MAAS: You have bigots. You have racists.
11 You have people who are hatists. They have no place being
12 in the police if their behavior is acted out, and remember,
13 that is what I said before. You can hate, but once you go
14 out of that room you sit on it.

15 CHAIRPERSON FARBER: Ms. Sabin?

16 MS. SABIN: Yes. I would like to go back to the
17 Asian American community for a minute. Something that you
18 said interested me very much, the fact that in your culture
19 and in your religion respect is taught.

20 I guess my question to you is from the people that
21 you have talked to in your community do you see that respect
22 from the police in your everyday activities, the respect
23 that you give automatically because that is what has been
24 taught to you and you believe in that?

25 In your everyday dealings with the law enforcement

1 have people of your community seen that kind of respect come
2 back to you just as a matter of course because they are
3 policemen and you are members of the community?

4 MS. YANG: Most of us live in the suburbs, and we
5 just don't really see police. I mean, it is not like you
6 see a policeman on the street corner. I think the only time
7 we might see police is if there was some sort of vandalism
8 in the house, you know, and you call the police.

9 I guess there is that respect given. There is, I
10 think, a distinct feeling of distance between the police and
11 the Asian American community. We just don't really know
12 each other. As a minority group I think we are just very,
13 very cautious that we don't do anything that might appear to
14 be illegal or that might bring down the wrath of an
15 institution that we know nothing about and really have no
16 control over.

17 It is kind of a dual thing. Yes, I think you are
18 correct to say that since we show respect to the police they
19 in turn reciprocate that respect, but I think it is also
20 that feeling -- it is probably unspoken -- just that they
21 are them. We don't know anything about them, and they don't
22 know anything about us. There is just that distance.

23 MS. SABIN: Do you see that as a problem perhaps
24 down the line when your numbers continually increase? As
25 your numbers get bigger there has to be more interaction of

1 some kind because police brutality, in my opinion, is in the
2 eye of the beholder.

3 If you are out there as a private citizen, and we
4 talked about rudeness before with the group that we had this
5 morning, if a policeman is rude to you or it goes beyond
6 that because rude to some people may not be rude to some
7 other people -- I guess what I am trying to elicit from you
8 is perhaps a future problem, if you will.

9 MS. YANG: Certainly as the Asian American
10 community diversifies and we are no longer just in this one
11 niche called the professional niche we are going to reflect
12 the rest of society. I can foresee problems.

13 MS. SABIN: I am sure, for instance, people from
14 Vietnam, people who were boat people who have come here, are
15 not all middle class right now.

16 MS. YANG: Right.

17 MS. SABIN: Perhaps they will move into that at
18 some time, but it would be interesting I think to us as a
19 committee to hear if they are having the same problems that
20 you are having or different problems which would then denote
21 something different in your entire community because Asian
22 American is a broad category.

23 MS. YANG: We are a real mixed bag. We might be
24 called Asian Americans, but we come from different cultures
25 and different socio-economic levels and so forth. I do

1 foresee problems coming up down the road, and I think
2 perhaps this is the time to develop a greater understanding
3 and nip some of this in the bud.

4 MS. SABIN: That is my point. Thank you.

5 MS. YANG: I think Tim Lee had some comments to
6 make, if he may.

7 CHAIRPERSON FARBER: I have one comment to respond
8 to, and we will invite you, but Dr. Weisburd has arrived,
9 and he is a member of a panel. You can come up and sit and
10 join the panel.

11 My observation is this. We heard a lot from the
12 law enforcement community presented in the panels that have
13 appeared before us that one of the problems they encountered
14 when a situation or a crisis arises is that there is little
15 communication between the law enforcement community and the
16 community that they are supposed to be serving.

17 There is what I will editorially describe as a
18 scrambling after every such incident, usually a serious
19 incident such as a shooting, to reach out from law
20 enforcement to the community to create networks and lines of
21 communication to calm down the situation and deal with it at
22 a different level.

23 I see the description of your community as you
24 have presented it as the problem that law enforcement has
25 described to us, which is if there were an incident tomorrow

1 who is it that they reach out to to explain it to the
2 community and to establish those lines of communication
3 because they are not here now.

4 Perhaps the problem is one of establishing those
5 lines of communication. That is just a comment.

6 MS. YANG: Right. I think, for instance, that is
7 what the Bergen County Prosecutor's Office is attempting to
8 do is to identify some Asian American leaders and develop
9 these communication lines.

10 MR. BALCH: Sue, in reference to the subject that
11 we were addressing when Jeffrey was speaking with respect to
12 those bias related crimes and incidents of harassment
13 directed against various Asian American groups, how
14 responsive have the law enforcement authorities been and how
15 satisfied would you be with their degree of the kind of
16 sensitivity in addressing these issues pertaining to those
17 groups you represent?

18 MS. YANG: Well, I think Mono Sen probably
19 addressed that yesterday with regard to the Indian community
20 in Jersey City. For the most part the bias incidents
21 against Asian Americans have not risen to the level of
22 police involvement.

23 You know, the children in school are forever being
24 taunted. When my children were growing up here in a very
25 affluent community in New Jersey kids were, you know,

1 talking about slanted eyes and all these little rhymes that
2 they had. They sort of learned to live and bear with it.
3 That is the level of hate crime when you talk about hate
4 crime.

5 MR. BALCH: There is not much in the way of
6 vandalism or physical attacks or threats or stuff of that
7 sort?

8 MS. YANG: See, we don't really have a center.
9 There are very few centers that are owned by Asian
10 Americans. We have that goal, you know. For instance, the
11 Chinese American Cultural Association in Middlesex County
12 has been fund-raising for years and years in hopes of
13 establishing a center. The Filipinos are in the process now
14 of buying a small house in New Brunswick as their center.

15 MR. BALCH: I know in New York, of course, local
16 businesses have sometimes been targeted for those kinds of
17 assaults. That has not happened in Jersey?

18 MS. YANG: Well, with regard to the Korean
19 merchants in Newark and so forth. I can't really say
20 because their problems haven't been brought to my attention,
21 so I really don't know.

22 In terms of suburban Asian Americans, I have not
23 heard of such incidents. For the most part, as Ms. Sabin
24 said, we are so small, and we try to be quiet. You are sort
25 of on the fringe of society, and you just try not to provoke

1 problems. As our numbers increase, you know, incidents may
2 happen.

3 MS. SABIN: My whole concern is that you shouldn't
4 have to feel like I want to be quiet and I don't want to be
5 a part of this. You are a part of this, and you are
6 entitled to be a part of this.

7 The notion disturbs me, the notion that you feel
8 that if we are quiet they won't notice me here and
9 everything will be all right. That is just not a feeling, I
10 think, most of us should have, although many of us have felt
11 that way.

12 MS. YANG: I think as we understand the American
13 culture more and also as the next generation grows up they
14 will want to assert themselves, and they will seek equality
15 more than their parents did.

16 CHAIRPERSON FARBER: If I may, I would like to
17 introduce Dr. David Weisburd, who has been sitting
18 patiently. He is the director of the Center for Crime
19 Prevention Studies of the School of Criminal Justice at
20 Rutgers University.

21 He is also a specialist in law enforcement
22 practices and an author in that topic. His perspective
23 represents the academic research pertaining to the topic
24 which is before this committee, and the general comments
25 that he will make today will be supplemented following the

1 presentation for the record.

2 I would also like Sue Yang to please introduce the
3 gentleman sitting to her right.

4 MS. YANG: This is Tim Lee, who is an affirmative
5 action officer and civil rights expert.

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1 STATEMENT OF TIM LEE

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3 MR. LEE: I think that my purpose is primarily to
4 reflect the multi-diversity of cultural concerns. Certainly
5 the Asian community and the black community have a common
6 denominator, common economic growth and a common experience
7 here in the United States.

8 I think that there is perhaps in response to your
9 question a very fine line distinction between the suburban
10 Asian and the urban Asian, and certainly the problems of the
11 urban Asian is more reflective of that of the urban black
12 with regard to police misconduct, as well as police conduct.

13 I think that the gentlemen from the B'nai B'rith I
14 believe spoke of training as an option. I think that the
15 problem is certainly multi-faceted where we have somewhat of
16 a separate and very distinctly unequal kind of policing
17 community. White suburban communities perhaps for the most
18 part don't have the rather pervasive nature of reflected
19 bias, as opposed to urban and predominantly minority
20 communities.

21 I think one of the key ingredients is perhaps a
22 notion of multi-faceted training, a concept of community
23 policing, if you will, something of removing the technical
24 cop, removing the technical cop from the squad car and
25 perhaps putting him back to the beat so he is in tune with

1 the community.

2 I think we have gone too much probably in the
3 training of the Fourth Amendment and have left out certain
4 elements in training with regard to sociology and psychology
5 so that the cop understands the socio-economic relations and
6 realities, as well as the cultural distinctions of a given
7 patrol that he is assigned to.

8 Bias certainly is very much alive and prevalent in
9 the United States, as well as in America. Certainly we
10 can't expect a police department not to reflect that kind of
11 attitude. It is there.

12 I think we have to unravel it in a very systematic
13 and a multi-faceted long term, short term approach to get
14 rid of it, to remove it. Include training, re-orientation.
15 Include accountability from top to bottom, crosswise, all
16 the way across. From the Attorney General down to the first
17 foot patrol accountability is a key ingredient. Then put in
18 some very rigid kinds of standards for again community
19 policing.

20 That is the relationship between Sue and myself.

21 CHAIRPERSON FARBER: Mr. Samet, you had a
22 question, and then we will hear from Dr. Weisburd.

23 MR. SAMET: I have two. Could you please identify
24 yourself a little bit more?

25 MR. LEE: Tim Lee.

1 MR. SAMET: And you are an affirmative action
2 officer?

3 MR. LEE: I am an affirmative action specialist in
4 the Civil Rights Act department.

5 MR. SAMET: As a private?

6 MR. LEE: As a private. Sue and I have a working
7 venture.

8 MR. SAMET: Earlier you made reference to the fact
9 that there are few, if any, Asian Americans on the police
10 forces of the state. To your knowledge, has any recruitment
11 effort been made by any of these police groups to bring
12 Asian Americans? Have there been recruitment efforts in
13 other minority communities?

14 MS. YANG: I am not aware. I know of some
15 Filipino guards, you know, for instance at Rutgers Law
16 School who would like to become a policeman in a community
17 but as yet they have not had that opportunity.

18 MR. SAMET: Have not had the opportunity or they
19 have not taken advantage of it?

20 MS. YANG: They haven't.

21 MR. SAMET: Which?

22 MS. YANG: Pardon?

23 MR. SAMET: They have not had the opportunity, or
24 they have not taken advantage of the opportunity?

25 MS. YANG: Well, they haven't had the opportunity

1 to be selected as a police officer.

2 MR. SAMET: Are you implying that they have been
3 rejected because they are Asian Americans?

4 MS. YANG: I am not sure because they are Asian
5 Americans or for whatever reason, but what I am saying is
6 there has been interest in the Asian American community.
7 Whether there has been recruiting efforts by the police
8 department, I am not aware.

9 CHAIRPERSON FARBER: Dr. Weisburd?

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1 STATEMENT OF DR. DAVID WEISBURD, DIRECTOR, CENTER FOR CRIME
2 PREVENTION STUDIES OF THE SCHOOL OF CRIMINAL JUSTICE,
3 RUTGERS UNIVERSITY
4

5 DR. WEISBURD: Let me say that I do not really
6 have prepared remarks. I said that I would respond to
7 queries related to the empirical evidence, if any, on some
8 of the questions you have raised.

9 Let me just make two comments at the outset, and
10 both of the relate to what I think is the complexity of the
11 issues you are dealing with and the fact that the answers
12 are not as simple as they sometimes seem.

13 I think there is a strong sense, especially in the
14 minority community when you take surveys, for example, of a
15 tremendous degree of disparity in the operation of the
16 criminal justice system. The empirical evidence when you
17 actually look at the operations of the criminal justice
18 system are quite mixed.

19 In fact, in regard to policing most of the major
20 studies show that there is not very much of a race bias once
21 you take into account demeanor, for example. These vary
22 from place to place. You will find studies that find
23 disparity on the basis, for example, of race or other ethnic
24 traits, but most of the major studies done in larger cities
25 don't find very much when you look at the whole statistical

1 profile.

2 That is not to say that there are not tremendous
3 problems out there. I guess what I am saying in part is that
4 the empirical evidence is as yet not in. Indeed, there is a
5 lot of time spent I think on trying to solve problems that
6 we are not really certain what they are about yet.

7 The approach is a little like not trying to figure
8 out what exactly the disease is and then developing cures
9 along the way. That gets a lot of politics I think going.
10 It sounds good quite often, but it often doesn't really help
11 the people that it is really meant to help, of which we
12 should be doing something for them.

13 Let me just say to give you a sense of how complex
14 the issues are really let me just tell you of an experience
15 of mine from an evaluation of the pilot program in community
16 policing in New York City, which is one of the largest
17 community policing programs in the country now. I bring it
18 up because of the gentleman next to me because of his sense
19 that community policing provides a sort of answer to some of
20 our problems.

21 It sounds that way to a great degree because
22 community policing, what it really is about is going to the
23 community to get a sense of what law enforcement should be
24 all about. It is looking to the communities' morals and
25 their values, their sense of what is important, and then

1 defining and policing in those terms to bring the police and
2 the community closer, but not in a sense only let's say of
3 community relations in the 1960s, but in a sense of solving
4 problems.

5 Community policing developed primarily as an urban
6 strategy. If you think a little carefully about that you
7 can see some of the complexities that derived from it. For
8 example, in some communities the morales and values, what
9 they want the police to do might be to keep certain types of
10 people out.

11 I remember being with a police officer, and we
12 were at someone's house. They were talking about, and this
13 was of the same ethnic identity case, but they were talking
14 about a local 18 or 19 year old kid who was selling drugs at
15 the school. They were very, very upset.

16 They were talking to the police officer, and the
17 police officer said well, I will try to observe that. Maybe
18 I can catch him. He said it is very hard to do that. It is
19 very hard to carry through. The person turned around and
20 said why can't you just beat him up? He said I am sorry,
21 but I can't do that.

22 One thing to remember is that when we create some
23 of these programs while they achieve one part of what they
24 want they often have other consequences we may not want so
25 much.

1 Some of it may be communities where there is a
2 change and whites are feeling threatened by non-whites
3 coming in and want the police to operate on that if there is
4 some black kid in their neighborhood in the street. The
5 others may be that it is not race bias, but it may have to
6 do with the 16 to 20 year olds, who are a group that
7 particularly have a lot of contact with the police.

8 I think this is just a short example, but it
9 raises the issue of how complicated it is to identify these
10 sort of questions.

11 Let me just raise one other issue. We have a
12 problem when we talk about treatment of minorities in the
13 criminal justice system, especially in a place like New
14 Jersey. In social science we call it a sample selection
15 problem.

16 By that I mean once you start getting into the
17 criminal justice system you have a very, very large group of
18 minority people in the system. When you examine what
19 happens to those people it might be that that large group of
20 minority people and a small group of non-minority people are
21 treated quite similarly.

22 But, of course, one of the questions you want to
23 ask is why does the system have so many minority people in
24 it. One of the common answers might be that in the poorer
25 communities, which are more likely to be minority, there is

1 more offending, etc.

2 But, there are other possible answers, and as I
3 said, the empirical evidence is not in, unfortunately,
4 because these sorts of questions have not been asked as much
5 as of late.

6 In a study done, for example, in Bronx by the
7 Hispanic Research Center, of which I was a consultant on,
8 they found that the rates of offending according to
9 self-report surveys by teenage Hispanics was actually not
10 very different or lower than a similar study done by Delbert
11 Elliott in Colorado of a national youth, a sample of the
12 entire nation. But, the arrest rates for the Hispanics was
13 much, much higher.

14 That just raises the concept I am bringing up
15 about the selection bias. It is very hard to deal with
16 these things. Once you get in the system everything may be
17 okay, but it may be a question of who gets in the system and
18 who does not.

19 Finally in that regard --

20 MR. BALCH: Are you suggesting that for the same
21 type of offenses Hispanics were arrested at a much higher
22 rate than the non-Hispanics?

23 DR. WEISBURD: We don't know that particularly.
24 We know that if you look at what the teenagers are telling
25 you about what they have been doing that they are not doing

1 much different from what the national youth survey kids were
2 doing, but their arrest rates are much higher.

3 Now, that may be in part because New York City
4 happens to have a fairly large police department and they
5 focused on the certain areas and they may use arrest and the
6 criminal justice more than in some other places.

7 MR. BALCH: The control being a national sample of
8 people all over the country, not some rural county up in the
9 mountains?

10 DR. WEISBURD: That's right. It included the
11 sample from the entire country. They weren't done as a
12 control case. One was one study, and one was a second
13 study. I was just comparing them to give you a sense of
14 that.

15 MR. BALCH: Well, if that were true that would
16 suggest that since it is a serious matter no matter where
17 you are to be caught up in the coils of law enforcement,
18 that that would suggest a very serious problem.

19 DR. WEISBURD: Where you are in the country
20 probably has a large impact. Is it because these kids are
21 Hispanics that that is happening, or is it because they are
22 in New York City? That you cannot tell from this particular
23 study.

24 I guess what I am saying is the issues are
25 complex, and I am raising them in that regard. I think

1 there is something else to think about there that it is the
2 case that poorer people -- let me just note something I
3 heard earlier. Jews and other ethnic groups that we now do
4 not think about as having a lot of contact with the police
5 historically have had quite a bit of contact with the
6 police.

7 In a famous study done in Chicago by Thrasher, a
8 professor at the University of Chicago in the early 1900s,
9 he did a study of hundreds of gangs in Chicago. Many of
10 those gangs were Jews, Poles, lots of white ethnic groups
11 that don't have contact. They were doing all sorts of
12 terrible things to people. My grandfather, who it turns out
13 was in one of these gangs, said they once dropped a cop down
14 a sewer.

15 These things happen to different minority groups
16 at different times. When Jews were in New York City, a
17 large proportion of the poorer community, they also were a
18 fairly large proportion of the arrestee population. I think
19 Jews at that time and historically had a lot of negative
20 feelings towards the police. This is my sense.

21 Right now it is the case that police departments
22 have become even more social service oriented. In the poor
23 communities they don't have the money to afford all sorts of
24 other services, and the police fill the gap.

25 People in minority communities where many of them

1 are poor, therefore, tend to use the police a lot more
2 often. They have a lot more contact with the police. They
3 use the police to solve a lot more problems that would be
4 solved informally in other cases. That may also lead to
5 much more contact and more arrests, for example, and other
6 situations that might occur.

7 MR. KADLEC: For example, what kinds of problems
8 do they solve?

9 DR. WEISBURD: Domestic problems, for example.
10 One of the biggest case loads for the police is domestic
11 disturbances. Domestic disturbances are quite a problem
12 actually. There are many cities now that have mandatory
13 arrest policies, for example. That creates large arrest
14 populations out of that.

15 In many depressed inner city areas the police are
16 there all the time. They are called in for all sorts of
17 activities and for all sorts of disputes that in suburbia
18 they would want to keep the police away from. Here the
19 police end up a part of it in terms of dealing with their
20 children, in terms of protecting the children from people on
21 the street, so the police play a much more intimate role in
22 these communities than they do in others. They use them
23 more often.

24 By the way, when you do surveys in the minority
25 communities -- for example, I did one in New York in the

1 Hispanic areas -- it is not that they don't have concerns
2 about the police. Most people like the police. Most people
3 have positive feelings for the police. They don't hate
4 them.

5 If you ask an 18 year old kid -- the cops always
6 say that up to age 12 or 13 the kids love the police and the
7 police love them. Then the teenage years come, and it is a
8 terrible situation. Of course, anybody who is a person that
9 sees their kid go into that also has some similar sets of
10 problems.

11 MR. RODRIGUEZ: That is quite interesting what you
12 have been saying, doctor. Is there any attribute to the
13 media and the new communications systems that we have?

14 If I am following you, some of these things
15 actually are not what they are, but the media portrays it
16 that way. There was some argument this morning, some
17 statement made this morning. The question was why don't you
18 use the media more to your favor, and the answer given by
19 the prosecutor was that they can, but the negative is always
20 there. Is the media part of it?

21 DR. WEISBURD: The media's responsibility is
22 different, for example, than a researcher's responsibility.
23 Let me say that the media plays a role in the drama of
24 criminal justice, if you want to call it that.

25 I always think it is a very uncertain process to

1 allow extreme events to determine public policy, but what
2 often happens is that it either takes an extreme event or an
3 extreme event gets used as a way to make a general policy
4 about how we want to deal with all sorts of issues. The
5 media picks up on that and develops it.

6 Los Angeles, I don't really know enough about that
7 to comment, but in some sense it becomes a gigantic media
8 event. It is a terrible situation. It is a terrible event.
9 For the people involved, of course, it is horrible, but a
10 question in my mind becomes how do you want to make public
11 policy.

12 How do you want to get a sense of what the real
13 problems are? Do you want to get it from there, or do you
14 want to get it from some general sense of what is going on,
15 taking into account that that event in itself is very
16 important because it is so terrible?

17 I will give you an example of how the media
18 affects problems. Two weeks ago I was in Oakland as a
19 consultant for a drug abatement project in which they used
20 civil ordinances to try to control the drug problem. It is
21 an innovative idea, and it avoids arrests and all that
22 stigma. It just tries basically to close down houses and
23 use civil ordinances.

24 They got a Court Order for a house, and they went
25 to close it down: They said why don't you come along. I

1 came along, and this was a few days after the L.A.
2 situation, maybe a week or two. I went there. They just
3 went to put these red signs on saying this house was being
4 declared a nuisance or whatever.

5 Understand, there had been two homicides in the
6 house over the year and maybe 50 or 100 arrests in one year.
7 There is not a question about this place. It really is a
8 problem. All of a sudden about 30 or 40 teenagers come.
9 There was also a television camera. They see the television
10 camera, and they start screaming curses.

11 There were two black cops, I remember, and they
12 were standing there. These kids came up and said you
13 nigger, you honky. They started cursing them out right to
14 their faces. I was surprised at the restraint. They were
15 very restrained.

16 Of course, in particular since the L.A. event and
17 the television cameras being there they probably were
18 perhaps more restrained than otherwise, but the incitement,
19 the sense of it, the feel of it from these kids, they were
20 like the whole L.A. incident. It is like our moment of
21 fame, so the media can play sort of a negative role in
22 criminal justice.

23 Certainly this particular police group were not
24 the L.A. cops involved in that situation. Their whole
25 approach was different. Their whole sense was different.

1 They were there to help the community, and I think they were
2 doing it successfully, but the media in that type of
3 situation created a near riot in that case. I think that it
4 is very common for those sorts of things to happen.

5 The media can be very constructive. Obviously it
6 can also be very destructive. Mostly it is not the media
7 per se. It is how we make public policy. If we are going
8 to make public policy in response to what the media writes
9 on Monday and two weeks from now everybody forgets that is
10 not a way to do it.

11 Of course, it takes a long time to learn what is
12 really going on. It takes money and investment on the part
13 of public officials to do that, and often we don't want to
14 do that because it is really cheaper and easier to do things
15 very quickly.

16 MR. RODRIGUEZ: Are policy makers in a sense using
17 the kinds of empirical data that you can in fact provide?
18 Is government, especially in law enforcement, looking for
19 this kind of empirical data that you have and research?

20 DR. WEISBURD: I think it is mixed. I think there
21 is not enough, and I think certainly one of the problems is
22 to be fair to policy makers is quite often you can't want a
23 year or two waiting for a commission or a study to be done
24 because the people want some sort of solution now.

25 In response to the L.A. case the Department of

1 Justice asked the National Institute of Justice to conduct a
2 survey of major cities on police abuses. Whether that will
3 impact public policy or the Attorney General's office I
4 don't know. Whether it is a knee jerk reaction I don't
5 know.

6 I will say that I think it is very common to
7 detail solutions before we have a good sense of what the
8 problems are. That is not to say that I don't understand
9 the need sometimes to act very quickly to ameliorate what
10 are real concerns on the part of the public.

11 MR. BALCH: Two questions. The first is a
12 specific one. Much of our discussion over the last two days
13 concerned the problem of the abuse of power by police
14 officers, police brutality, etc. Now, whatever the
15 motivation for that, clearly there is a violation of civil
16 rights involved when people are brutalized by police
17 officers.

18 Several remedies have been suggested. These range
19 from sensitivity training directed at making people more
20 aware of cultural difference, programs emphasizing the
21 implication of stricter professional norms and also
22 independent review boards within departments or statewide,
23 if necessary, which would monitor, oversee and perhaps
24 enforce the maintenance of standards and regulations.

25 My first questions would be do you have any

1 general comment about these remedies and how they operate
2 and what is to be gained by it?

3 DR. WEISBURD: Each remedy has to be evaluated in
4 particular cases, and in each place there may be
5 differences. Certainly the atmosphere in the deep South is
6 different than the atmosphere in California or New York.

7 MR. BALCH: Let's take New Jersey since that is
8 the jurisdiction we are involved with.

9 DR. WEISBURD: Let me say that as a general rule
10 there is good evidence that training helps. The better the
11 training, the more it is devoted to a certain particular
12 issue perhaps the better it is.

13 MR. BALCH: Are we talking about professional
14 training or are we talking about --

15 DR. WEISBURD: From police departments.

16 MR. BALCH: -- sensitivity, multi-cultural
17 training? We have distinguished those two types of
18 approaches.

19 DR. WEISBURD: Let me just say that education
20 works generally. Sensitivity and those sorts of concerns,
21 while many times the police department is really there, the
22 cops are saying oh, poo-poo and this is whatever. There are
23 impacts.

24 I think that in part it reflects when the police
25 are confronted with these sorts of programs they are

1 confronted with a reality that says these are important
2 issues they have to pay attention to.

3 Let me just raise what I think in terms of my own
4 expertise is one problem. One problem is that you can't
5 maximize everything at the same time. You can't give the
6 police 100 different messages at the same time because like
7 anyone else, you can't register it all.

8 By that I mean this; that for a number of years in
9 the 1960s, beginning actually with a well-known book by
10 Jerome Skolnick, who was at the University of California and
11 is still there -- it was called Justice Without Trial --
12 Skolnick, what he basically said was that most American
13 justice occurs in the street with the police, and there is
14 very little attention to questions of the rights of
15 subjects, etc.

16 In the 1960s there was tremendous concerns with
17 these issues, community relations programs and police
18 departments. There was a tremendous development and
19 expansion of what some scholars like to call police control,
20 control of the police, as opposed to citizen control,
21 control of the citizens.

22 Something happened in the last ten years. All of
23 a sudden people in communities, and many times minority
24 people were at the forefront of this, began seeing their
25 communities become dangerous places to live, places where

1 crime was endemic, places where their children couldn't go
2 to school safety, places where disorganization was rampant.

3 In that setting they started to call for crime
4 control. They wanted the police to do something about their
5 communities. They wanted the drug dealers off the street.

6 I am running a federally funded program in Jersey
7 City actually on drug markets. They want those problems to
8 go away, and they are frightened. They want something done
9 about it. They want the cops to be tough. They want the
10 community police officer to come in, know that they don't
11 want that kid hanging out on the corner, and they want him
12 to get rid of him. Whatever tactics they have to use,
13 within the law, of course, they will carry through.

14 The message to the police I think in part, and I
15 am actually editing a book related to this, was that crime
16 control is an essential feature. There is a kind of balance
17 here because what happens is that it is very hard to
18 maximize crime control and police control at the same time
19 because sometimes the most effective strategies --
20 intimidation, threat, etc. -- sometimes those are pushing at
21 the boundaries, if you like.

22 At other times, as one police officer once said to
23 me after -- I forget, I think it was the Bumpers case in New
24 York City with the woman who is retarded who was killed by a
25 police officer, but it was that case and the subsequent case

1 with the choke hold. He said to me well, I am not going to
2 do anything, and that solves the whole problem.

3 My point is that these are very hard to -- I think
4 one of the things we have to do for the police, if you like,
5 is we have to as a public policy to give very clear signals
6 about how far we want them to go and what we want them to
7 do.

8 MR. BALCH: My more general question gets at a
9 comment that you also made about how people view the police
10 and the nature of police work.

11 Civil rights is not really, it seems to me, a
12 question of having your property or life or freedom
13 infringed by the authorities. It is also having your
14 property, life and freedom infringed by anyone else who is
15 doing it unlawfully.

16 In point of fact, virtually everything the police
17 do, omission and commission, in keeping with their mandate
18 and violating it involves civil rights issues.

19 How is this perceived? You mentioned something
20 about the perceptions that people have of the police in
21 areas in which crime was a problem or in various
22 communities. Could you elucidate a little bit on that?

23 Are the police, in your opinion at least, seen as
24 a problem? I am sure it is a mixed picture, but to what
25 extent are they seen as a problem? To what extent are they

1 seen as something that the citizens would like to have
2 around more?

3 DR. WEISBURD: I think that if you walk into any
4 community and said I am going to give you another 500 police
5 officers they would be very happy. I think that there is a
6 generally good feeling towards the police in a general way,
7 but in many specific ways there is not a good feeling.

8 It is very easy to tell the police to be tough on
9 the problems, but then when the problem is related to you,
10 then of course your feelings change in that particular case.

11 I think the general attitude towards the police is
12 actually fairly positive in most places. It depends. When
13 you have a series of terrible incidents in a particular
14 community the attitude towards the police may change, but
15 most people want to be --

16 MR. BALCH: You are saying it is mixed. Could you
17 be a little more specific about the dimensions in which it
18 would be positive and would be negative according to the
19 surveys and studies that you know about?

20 DR. WEISBURD: What I would say is that if you
21 asked people about their attitudes towards the police mostly
22 -- in Jersey City we just did a survey like that. It was 70
23 percent positive. Most people were positive. The numbers
24 go down a bit in the minority community.

25 People need the police. They want the police. At

1 the same time, if you ask the same people perhaps whether
2 they have always been treated fairly or whether the police
3 might sometimes treat minority people not as well as
4 non-minority people I think they would probably say yes,
5 that is probably true.

6 I think you have both at the same time. By that I
7 mean I think there is basically a positive attitude toward
8 the police. The police are performing functions in the
9 minority community, the poorer communities, more often.
10 They perform a lot more necessary functions, and they are
11 appreciated for that, if you like.

12 There also sometimes are problems. That is what I
13 mean by mixed. It is possible both to feel positively
14 toward the police and have concerns. It would be my sense
15 that if you went into almost any community that you might be
16 thinking of -- inner Newark or whatever -- that you would
17 find at least at the moment probably basically positive
18 attitudes towards the police.

19 MR. BALCH: Would other members of the panel want
20 to comment on that? Maybe there is some discussion we could
21 have.

22 MR. LEE: I am a little disturbed by some of the
23 comments that the good doctor has made, especially with
24 regard to what appears to be an erosion and a limitation to
25 some extent of criminal procedural safeguards that in order

1 to have effective policing in the urban or black community
2 or the minority community that they should give up certain
3 Constitutional guarantees.

4 CHAIRPERSON FARBER: That is not what the good
5 doctor said.

6 DR. WEISBURD: No, I never said that.

7 MR. LEE: I kind of got the impression --

8 CHAIRPERSON FARBER: That is not what I understood
9 him to say.

10 MR. LEE: -- that crime control was basically of a
11 higher --

12 CHAIRPERSON FARBER: Mr. Lee, how about if you
13 don't characterize what he said and just tell us what you
14 want to say.

15 MR. LEE: Okay. Thank you. I think that there is
16 perhaps some concern that the minority community has with
17 regard to having a customer oriented police department a
18 police department that treats the taxpayer with some degree
19 of customer service; if you will, a quality control kind of
20 standard, which for the most part the individual out in
21 California did not have, and I understand there are some
22 questions about other communities in New Jersey like Teaneck
23 or Vineland or Plainfield where the individual did not have
24 sort of the benefit of the doubt of customer service.

25 I think that the minority community expects not

1 only for a police department to do its duty, but also to
2 treat the community who foots its bill when it is doing its
3 job correctly and who absorbs its liability if in fact the
4 officer is doing it incorrectly.

5 They deserve a kind of respectable service, be
6 that a respectable, courteous kind of greeting when the
7 officer pulls over a taxpayer for a routine driver stop, be
8 that doing a custodial arrest.

9 I think that the distinction should be made
10 between keeper of the peace and law enforcement officer
11 because often, and here lately, we have had some confusion
12 with regard to the role of the police with regard to whether
13 or not we are going to give them carte blanche in terms of
14 being judge, jury and executioner.

15 I understand that sometimes those kinds of
16 situations require a reasonable and measurable kind of
17 response. However, to say carte blanchly or to suggest
18 carte blanchly that in order to keep crime control down in
19 urban areas is to have more of a police state and to some
20 extent a limitation with regard to what we Americans believe
21 is our fundamental freedom is not what the minority
22 community is looking for.

23 Thank you.

24 CHAIRPERSON FARBER: Mrs. Sabin?

25 MS. SABIN: I will pass. Oh, no, I remember what

1 I wanted to say. I am going back to something that you said
2 about domestic violence.

3 DR. WEISBURD: Could I respond to this? It is
4 kind of important to me personally.

5 MS. SABIN: Sure.

6 DR. WEISBURD: I guess I should make my position
7 clear not because that is what I am here for, but just
8 because it is important to me personally.

9 The book that I am editing, for example, the
10 reason I am doing it is because I think there has been a
11 decade of concern with crime control without recognizing the
12 implications it has for the treatment of citizens, whether
13 minority or not.

14 I think in a sense the purpose of that project for
15 me, for example, was to try to say that we need in any of
16 these programs that we develop to make these issues that we
17 research and to make it part of the project.

18 What I was noticing, for example, is that there
19 has been a series of community policing in certain projects,
20 for example.

21 I only know of one article on supervision and the
22 implications, for example, of abuse that these programs
23 have. In fact, it is something I did in the Vera study.

24 My concern I guess is this; that we ought to
25 recognize that we can't have everything at the same time

1 maximized. When we go about making decisions we have to
2 balance them. You can't have your cake and eat it too in
3 the perfect situation.

4 The task is to find that right balance as you are
5 doing it and to recognize that you need to find a balance.
6 I guess that was my position. I certainly wouldn't want to
7 belittle the comments you made.

8 CHAIRPERSON FARBER: Mrs. Sabin?

9 MS. SABIN: I just wanted to go back to the
10 comments you made about domestic violence. I wanted to make
11 sure that I heard them correctly.

12 I think, and correct me if I am wrong, that we
13 have seen I guess in the recent past the issue of domestic
14 violence particularly as it pertains to women who have been
15 terrorized by the men in their life, whether it be their
16 husband or their boyfriend or whatever and that the police
17 have particularly not been sensitive to the issues of women
18 in these cases -- women and children and minors.

19 I guess my point is I hope that you were saying
20 that that is an area where there needs to be particular
21 attention paid to the kind of -- I don't want to call it
22 justice; I am not quite sure what to call it -- treatment
23 that families get.

24 What we are hearing is the police would go in
25 where a man is beating up his wife, and he would say well,

1 you know, actually she probably deserved it or whatever the
2 comments were, which left this woman and children
3 continually terrorized and not protected.

4 I just wanted to make sure that that was an area
5 that you indeed believe needs to be looked into because we
6 really didn't get a chance. We went on to something else.

7 DR. WEISBURD: Domestic violence occurs in not
8 only minority communities --

9 MS. SABIN: I wasn't talking about minorities.

10 DR. WEISBURD: -- but across the town. It does
11 take a substantial proportion of police resources. Domestic
12 violence is an example of how even when there is research it
13 can be used in a political agenda.

14 There was a famous study in Minneapolis, and I am
15 not sure even where, about ten years ago called the
16 Minneapolis Domestic Violence Experiment. It was a
17 randomized experiment. It randomized who was going to get
18 arrested or not for domestic violence. The assumption was
19 that arrest would not help. They found in this study it did
20 help -- that when they arrested people it reduced domestic
21 violence.

22 That fit an agenda at the time within I think a
23 special women's community that we needed to get tougher on
24 domestic violence cases, and a mandatory arrest policy in
25 many cities started developing. The criminal justice system

1 again became the solver of what is perhaps a wider problem
2 that has to be addressed from a number of different
3 directions. This one study became the support for a policy
4 throughout the country.

5 There have now been four or five replications of
6 which the results are quite mixed and suggests that it may
7 be, especially in what some call the under-class community
8 and the poorer communities, that arrests backfire because
9 these people have nothing to lose and it may work where
10 people have something to lose. These are very, very
11 complicated issues.

12 The strategy for one of the issues is that the
13 criminal justice system, I guess my sense of having looked
14 at a number of areas in the criminal justice system, is that
15 we are always looking for the criminal justice system to be
16 worse than the rest of society in terms of treatment.

17 In many ways it is under more scrutiny than the
18 rest of society and may operate sometimes in ways that we
19 actually want it to, let's say, in the courts or other
20 places where we look for disparity. At the same time, we
21 can't expect the criminal justice to solve all our problems.

22 Certainly arrests or putting people in prison,
23 etc., given the state we are in here in New Jersey, for
24 example, you are not going to be able to do it. Maybe there
25 are other solutions as well to problems of domestic

1 violence.

2 MS. SABIN: Thank you.

3 MR. ALUM: I want to backtrack to a previous
4 comment that you made. I just wondered for clarification
5 purposes.

6 If I understand you correctly, one of the things
7 that you mention is we should be looking at social class
8 rather than gender, nationality and so-called "race" if
9 there happens to be an incident because poor people happen
10 to be living together and happen to coincide in certain
11 ethnic and racial backgrounds, which you pointed out as the
12 issue of socio-economic class. Is that correct?

13 DR. WEISBURD: What I want to say is that one must
14 be careful about attributing some of the effects you might
15 see to race. In many studies that have been done other
16 issues seem to explain that away. You don't find
17 disparities based on that.

18 I would be very, very hesitant to say there is not
19 racism in the criminal justice system. There is tremendous
20 racism in our society. It is going to be in the criminal
21 justice system as well.

22 In a study, for example, that Al Reiss did in
23 three cities he found that race did not matter, but demeanor
24 mattered in terms of violence. He also found that white
25 cops had a lot of racial stereotypes. It may not have

1 affected arrest policies at the time. It may have affected
2 other elements.

3 It is also the case, by the way, that most
4 research we have is in big cities -- New York, Chicago.
5 Even places like Jersey City and Oakland now and other
6 places that are now receiving some attention are relatively
7 large. Places like Teaneck, for
8 example, that I know you are mentioned are smaller. I think
9 we know much less about what is going on in places like
10 that, and I have that there may be many, many more problems
11 in places like that.

12 In New York City, even in Los Angeles and other
13 big cities, there has been a tremendous concern in terms of
14 training and sensitivity. These have been issues in the
15 department. Anybody who has been in those departments knows
16 they have been issues.

17 In smaller departments the training is not as
18 careful. The auditing techniques are often not as careful.
19 We know a lot less about those places. They are not under
20 as much scrutiny. I have a sense in my mind at least that
21 it might perhaps be that those places provide more evidence
22 that these sorts of racial disparities and treatment.

23 Nonetheless, it would be very fair to say that a
24 lot of what we see has to do with class and economic status,
25 etc., rather than race, though it is very hard to tell from

1 the evidence. It is terrible of me in a way because I am
2 not giving you an answer. I am sorry.

3 MR. ALUM: That is okay. I used to be called a
4 professor, too, so I understand.

5 DR. WEISBURD: Les me just give you something that
6 Ed Darden mentioned to me yesterday. I know you had some
7 testimony about a study done on the highway, the highway
8 patrol study. I actually called Joe Naus last night, who
9 was the researcher who did that study, because it struck me
10 that that was an interesting example of some of the problems
11 you are talking about.

12 When I spoke to Joe about it this was the
13 impression I got, which is slightly different I think,
14 perhaps, than maybe the general impression was. Let me just
15 repeat it to you in a sense of how difficult this all is
16 again.

17 What Joe Naus found, I believe working for Legal
18 Aid or some other petitioner against the Attorney General,
19 was that looking at Legal Aid cases and cases they were able
20 to gather that most of the people arrested, the arrest rates
21 were very high for minorities on the turnpike. They had no,
22 for example, data on who was doing the arrest, whether
23 whites or blacks, so there is no evidence that blacks or
24 whites arrested anybody more or less.

25 It is also the case even there while it seems that

1 Joe's study provides us with some sense of there being a
2 problem, Joe remarked to me that what they were trying to do
3 was get more data from the Attorney General because they
4 didn't have all the arrests.

5 In fact, what happened in that case was that it
6 was never done because there was another series of cases
7 that came up in which the Attorney General then dropped 200
8 of the investigations, and therefore the Judge, I believe,
9 did not follow through.

10 My only point is that here is a case where we seem
11 to have something that we could bite into, you know. There
12 is something here. Let's figure this out. Why is it? Is
13 it a profile? Is it just a sense they want to stop these
14 people, etc.? But, we don't go any farther. We can't
15 really know, and that evidence is not that strong really
16 even though it got a lot of press.

17 MR. BALCH: What was particularly missing? They
18 did a study of the number of people and the types of people
19 who were stopped along a certain stretch of the Jersey
20 Turnpike? Is that correct essentially?

21 DR. WEISBURD: Yes, but they didn't -- for
22 example, they were using cases, if my conversation with Joe
23 is correct, provided to them by Legal Aid or some other
24 organization. They did not have all of the cases, which
25 would have been useful.

1 I have a feeling that all of the cases would have
2 showed the same thing, but then you have another problem
3 that Joe pointed out when I spoke to him, which is they also
4 looked at the proportion of minorities arrested for drug
5 related crimes in New Jersey, and it is very, very high.

6 MR. BALCH: Well, if you say they already got the
7 cases from Legal Aid then you are talking about people who
8 are not only stopped, but who then were arrested.

9 DR. WEISBURD: Right, although I don't want to --
10 you should have Joe testify to exactly what he found.

11 MR. BALCH: That would be the inference that I
12 would draw. That was not a sample of people who were
13 stopped, but of people who were arrested.

14 DR. WEISBURD: It was evidence that was startling
15 on its face and was good evidence for a good start, but it
16 would have been nice in a sense to learn a little more.
17 They never got that far.

18 I guess what I am saying is even when you find
19 evidence of this type that you would like to know more about
20 quite often you don't get to know more about it.

21 MR. BALCH: But is that a correct inference that
22 in that study what we are looking at there is the data on
23 people who not only were stopped, but then were arrested
24 presumably?

25 DR. WEISBURD: I believe that is true, yes.

1 MR. ALUM: And people who got some help from this
2 particular Legal Aid.

3 CHAIRPERSON FARBER: Correct. It definitely was
4 not all of the people who were arrested. It was the people
5 who were stopped, arrested and who somehow ended up with the
6 agency that ordered the survey.

7 MR. ALUM: The rich that were stopped went
8 somewhere else.

9 CHAIRPERSON FARBER: And some went nowhere. Some
10 went through the criminal justice system.

11 DR. WEISBURD: See, I have no doubt if you want to
12 ask me what I think of that situation. I did some work for
13 the state police a few years ago, and as part of that I got
14 a chance to talk to people, etc. There was tremendous
15 emphasis on drug arrests at the time, and a lot of reward
16 for making good arrests.

17 Of course, you know, if someone is speeding you
18 can stop them. Indeed, the state's defense, the Attorney
19 General's defense, was that all these people were guilty
20 even though we stopped these particular people.

21 In a sense these cops are trying to win their
22 rewards, if you like, and are being told go out and get
23 this. They knew that they were five or six times as likely
24 to get it with certain types of people as others, and
25 whether they have an official profile or not, we worked in

1 that direction.

2 You have to ask yourself from the other side.
3 When we work with international terrorism, for example, we
4 have very set profiles, and we do stop people who fit those
5 profiles. They are not complete classes of people, but they
6 are restricted classes of people.

7 MR. BALCH: Race is not used, though, in those
8 profiles I would assume?

9 DR. WEISBURD: Those profiles actually restricted
10 access. You can't get them. I would be very surprised if
11 ethnic origins were not used. I am just saying there is
12 this kind of very important public policy to know what you
13 are doing and make those balances and make them reasonable.

14 MR. ALUM: The race of the arresting office is not
15 revealed?

16 DR. WEISBURD: That data was not available, but
17 certainly available to the Attorney General.

18 I guess what I am saying is that if people wanted
19 to understand these problems better I think there are
20 opportunities even within the constraints of what we
21 presently are collecting and know about.

22 MR. KADLEC: One of the areas of discussion before
23 this committee over the last two days was this whole notion
24 of the customer being the citizen and some notion of quality
25 control. This leads to the question of what do you measure?

1 What criteria would you use? Would any of your research
2 shed any light on those kinds of questions?

3 DR. WEISBURD: This issue of how you measure
4 police performance is very, very difficult. For a number of
5 years the technocratics of the policing was talked about.
6 Every police department was dying to get measures that were
7 like how many arrests you made or how many contacts you had,
8 how many times you got on the radio. These were very
9 technocratic types. They weren't related to service at all.
10 They were related to number. That was part of the
11 "professionalization" of policing.

12 In the last ten years or so there has been a
13 change to a lot of community policing and orientation,
14 service to the community, if you want to call it, both in
15 terms of crime control and in terms of other sorts of
16 activities.

17 The question is who is the customer and who is the
18 person that a client of the system. The problem is that the
19 customers have a lot of differences about what they want.
20 It is very difficult for the police often.

21 In Jersey City where I happened to study, the
22 chief was being besieged by community groups about drug
23 markets. Here he had a Department of Justice study that I
24 was conducting on drug markets. He said what can we do
25 about this?

1 I said let's run a community survey. We will go
2 to every block in the city and ask people whether drugs are
3 a problem in the block. I said that way you will know
4 whether the community groups are right. They were telling
5 us everywhere we have to have a community police officer in
6 this part of town, this part of town, this part of town.

7 We went and did that, and we found that actually
8 very few places in the city had any drug activity. That
9 drug activity may be a very bad thing, but it is highly
10 clustered in very specific areas. Only about four percent
11 of the citizens we interviewed could identify drug activity
12 on their block.

13 We went to every block in the city. It turns out
14 that some of those areas of which you got the most pressure
15 about what the customers wanted that they didn't have the
16 problems, and some of the areas you didn't hear from, they
17 had lots of problems.

18 How do you decide who is the customer? Is it the
19 persons coming to you more often? How do you decide how to
20 do the quality control?

21 Herman Goldstein, of the University of Wisconsin,
22 has a concept he calls problem oriented policing. The idea
23 is you don't focus on making arrests or putting someone in
24 jail. You focus on solving the problem. You go out, you
25 find out what the problem is, and then you try to solve it.

1 What is the measure of what police are doing?
2 Whether they solve the problem. That is better than
3 arrests. In New York City in a drug area you can make
4 arrests all day long. It is very hard, and again, as a
5 researcher I can tell you if you told me the kinds of issues
6 that you were concerned about I probably could develop
7 reliable measures of that.

8 The question is what are the concepts of public
9 policy? That has to be made by policy makers. I often tell
10 my students that sometimes academics uses sort of the cloak
11 of the Ph.D. or something to talk about all sorts of things
12 they really don't have any expertise on or know about.

13 The issue here really is when the community is
14 clear about what it is looking for -- solving problems,
15 arrests, stopping drugs -- then you can develop measures to
16 try to deal with that. I think that is the way to go about
17 it.

18 MR. KADLEC: And you think that is a fruitful area
19 to encourage?

20 DR. WEISBURD: Yes, I think it is very fruitful,
21 but I think especially in terms of this Commission's
22 concerns that we also pay attention to the conflicts that go
23 into that about how we define the problem and how we attack
24 it.

25 MR. KADLEC: Right. It may be very different from

1 one community to another.

2 DR. WEISBURD: That's right. You know, in terms
3 of the politics of the problems in terms of what middle
4 level managers have told me is it is one thing when you are
5 in a sort of ethnic neighborhood where you have one ethnic
6 group and they are telling you to do something about an
7 ethnic group in the area based on some criteria about what
8 they are doing. That is easy.

9 The same strategies apply to communities that are
10 changing in which there are conflicts, let's say, from
11 blacks and whites between other ethnic groups. That becomes
12 much more difficult because then you start playing sides in
13 the community.

14 CHAIRPERSON FARBER: Any other questions?

15 MR. RODRIGUEZ: Doctor, I remember one time, and
16 this was a long time ago, and I cannot remember where was I
17 when I read it -- probably when I was in high school -- but
18 I read an article written by some author at the University
19 of Chicago that in fact profiled a police officer. It was
20 very controversial, I may add.

21 Is there any recent research done on that?

22 DR. WEISBURD: There are a number of books that
23 have been written about the police officer's task, the
24 police officer's job. Those tend to be sort of
25 ethnographies of learning about the way in which these

1 people work. When you work with police you see lots of
2 things that are disturbing, and I think that these are often
3 evidenced in these works.

4 There is another problem here that relates to
5 research, and that is that police departments don't want
6 people to come in and do research on some of these sorts of
7 issues because they can't help them in any way.

8 You have to have a lot of courage to be able to
9 work in police departments on tough issues. I think, for
10 example, in Jersey City now and the relationship I have
11 developed that we could often deal with tougher issues, but
12 it is very hard.

13 My sense is that when you start in with a tough
14 issue as your central issue then many times you may not get
15 into certain places where those problems are the greatest.
16 If one makes it a standard policy across departments for
17 certain auditing techniques, etc., or the allowance of
18 certain sorts of research endeavors that perhaps will work.

19 It is much easier to invite Dr. Weisburd in to
20 evaluate whether the Oakland drug abatement program is
21 abating drugs than it is to invite him in to evaluate
22 whether the Oakland police officers are abusive, if you know
23 what I am saying, from the chief's perspective. He would
24 like to have more control over that sort of problem.

25 MR. SAMET: Are there any studies that you know of

1 in the State of New Jersey or elsewhere that would indicate
2 that police are either disproportionately prejudiced or of
3 attitudes which identify them as racists or as
4 anti-Semitics or as bigots generally?

5 DR. WEISBURD: I think there is a literature
6 related to that. It grew out of the authoritarian
7 personality literature.

8 MR. SAMET: That is quite old.

9 DR. WEISBURD: Right. It followed through on
10 that. What I would say is that there certainly is not --
11 one has to be careful about this. Most cops are not the
12 same people who are running corporate law firms. They are
13 not from the same backgrounds, etc.

14 Police in general come from let's call them a more
15 working class backgrounds, for want of a better word, etc.
16 In those communities there often might be attitudes, etc.,
17 that continue when the police officer is in the department.
18 I do not think there is a good amount of evidence that
19 police are somehow racist or that they are much worse in
20 this regard than other segments of population from the same
21 population from which they are drawn.

22 What does happen, though, is this. I remember
23 this in terms of a Newark housing project. It actually was
24 not research. Someone had stolen a briefcase with an
25 important manuscript in it of which I did not have another

1 copy. I called someone I knew in the department and
2 mentioned it to them, and they had said that there is a unit
3 that deals with this housing project and maybe that person
4 could help me.

5 I went to that unit, and it turned out that we
6 couldn't find the briefcase, but while we were there it
7 struck me that this guy -- this was a white officer -- spent
8 almost his whole life in a setting of all black people of
9 which he spent a lot of time with those people who were not
10 doing, in his opinion, very good things, of which he saw
11 broken families and drugs and all these terrible social
12 ills.

13 There is an element to that that one starts seeing
14 it of a certain color and shape. I think maybe that is more
15 pervasive than other sorts of problems. One begins to get a
16 statistical sense of -- How should I put it? When people go
17 to New York City and they walk down the street and they are
18 all minorities those people could all be middle class, but I
19 think something clicks quite often because they have a
20 statistical profile in their minds. They are all 18 to 21
21 years old when they see kids on the train, etc.

22 I think police develop that in a much worse way
23 because they are dealing with that all the time. At the
24 same time, the one big advantage of some of these new
25 programs like community policing is all of a sudden the

1 police don't always spend their time with the problem
2 people. All of a sudden they spend their time with good
3 people in the community.

4 In any community with a lot of crime most of the
5 people, and I don't want to use police jargon of good and
6 bad, but most of the people are law abiding citizens. Most
7 of the people want to see the drug houses closed down. It
8 is more complicated than all that, but some of these
9 problems help that along.

10 I think that is more common where over the years
11 one develops this sense of well, all the people I deal with
12 -- the old wrong philosophy -- are black and they commit
13 crime, so all blacks commit crime or something of that sort.
14 I think that is a more significant part of the problem.

15 Let me say again that I don't think we know enough
16 about all of this. What happens quite often, by the way, is
17 both for researchers and commissions and others is many
18 people walk in as outsiders to the police and find out hey,
19 they are not monsters, you know. Then all of sudden, since
20 they are starting from a different place, they think they
21 look better than maybe they should.

22 MR. SAMET: I have one other question, and that is
23 do you believe that the view expressed by some that society
24 would like the police to be those who actually punish those
25 who are apprehended in the society committing crimes, not

1 only to apprehend them, but also to punish them?

2 DR. WEISBURD: I think that there is a tremendous
3 desire on the part of many inner-city communities for their
4 problems to be alleviated. They get awful frustrated when
5 some guy is out on the street three days after being
6 arrested. They get awful frustrated when they can't arrest
7 a drug dealer because he is using ten year old kids to
8 transport his drugs. They would be kind of happy to see
9 some excuse for that guy to be done away with.

10 MR. SAMET: Are there any studies to validate to
11 study that this is a prevailing view.

12 DR. WEISBURD: Dennis Rosenbaum at the University
13 of Illinois -- there was a conference on drugs that I went
14 to in November -- reported evidence that is not published
15 yet from a survey he had done where he found that the
16 community was more likely to want violations of people's
17 civil rights, if you will, than the police themselves.

18 Whether that is widespread, how much, etc., I
19 don't really know, but I think it is reasonable to say that
20 the police in places like New York City, while there are
21 often problems of abuse, they have drummed into their heads
22 don't go over this line. Remember, this is a job that you
23 go 30 or 40 years, good retirement. One mistake -- one big
24 mistake -- and that is it. The citizens, on the other hand,
25 sometimes say can't you rough him up a little? Can't you

1 use harassment techniques?

2 Turning back to the turnpike situation, community
3 policing, for example, problem oriented policing, a lot of
4 these strategies they began using the law to their
5 advantage, such as the Oakland program I was talking about.

6 By that I mean they look to the law to find all
7 sorts of ways to use it in ways it really wasn't meant to be
8 trying to develop statutes for loitering even knowing the
9 arrests aren't going to hold, harassing people to get them
10 off the corner, using all sorts of ways, being at those
11 boundaries and using them to accomplish what you want. Then
12 the community often supports it.

13 Just one example in my mind that struck me, I was
14 out with a group of cops. They were doing a sweep. This
15 was New York City. In the community policing program drugs
16 became a big issue. One of the things they used to do on a
17 certain street where a lot of drug problems were, there
18 would be parked cars with windows closed. They would go to
19 each car, knock on each window and say who is in there, etc.

20 They went and they did that. If no one opened the
21 window and they knocked again and no one opened the window
22 they would draw their guns, a very dangerous situation.
23 Finally they opened the window. These four little old
24 ladies are in the car, you know, frightened to death of
25 these cops with guns drawn.

1 I said to them afterwards, I said how do people
2 feel about this? This strikes me that people could be
3 pretty upset about all this. They said we go to the
4 community block association and say look, the only way we
5 can deal with this problem is if we stop every single car on
6 that street and ask who is inside, etc.

7 They said sometimes it is going to be you who is
8 stopped. Sometimes it is going to be your son who is
9 stopped, but if you are not doing anything wrong then it is
10 not going to be a problem. If you want us to deal with it
11 that is what we are going to. They get support for that.

12 Certainly these things are at the boundary lines
13 of what is permissible conduct. Whether they go over or
14 not, those are issues that I am not qualified to deal with.

15 CHAIRPERSON FARBER: Any other questions from the
16 panel?

17 On behalf of the panel, doctor, I would like for
18 you to submit for our record any research reports that you
19 have dealing with police practices, police procedures in New
20 Jersey and anything that is out that, and I know this is a
21 full order, that could help us in our search to find the
22 facts and make recommendations for improvement of police
23 relations with the community.

24 DR. WEISBURD: I will try, and I will try to make
25 it not something too overwhelming.

1 MR. SCRUPSKI: Those studies you suggested early
2 on, I guess they were recent studies on the significance of
3 demeanor rather than race or perhaps even age rather than
4 race in accounting for what would appear to be racial
5 variations and arrest apprehension would be of some value.

6 DR. WEISBURD: I will look for those. Note that
7 those studies were done in the 1960s at a time when there
8 was tremendous concern about these issues. I think we will
9 find a paucity of recent research in the same area.

10 CHAIRPERSON FARBER: Any other questions?

11 I want to thank the members of the panel and those
12 who have left also for your presentations. They have been
13 very helpful to us. We would welcome any additional
14 materials that you would submit.

15 Thank you.

16 (Whereupon, at 4:50 p.m., the hearing was
17 concluded.)

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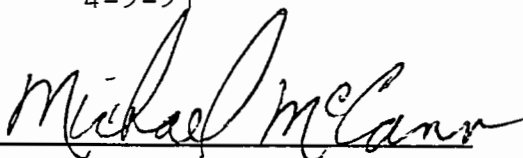
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DOCKET NO.: N/A
CASE TITLE: Law Enforcement Policies and Practices in
New Jersey
HEARING DATE: April 9, 1991
LOCATION: Trenton, New Jersey

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the United States Commission on Civil Rights.

Date: 4-9-91



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