

CCR
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Meet.
223.1

04/18/91

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)

PAGES: 1 through 177
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RELIGIOUS AND ETHNIC GROUPS)

The Trenton Federal Building
402 East State Street
Room B-12
Trenton, New Jersey

Monday,
April 8, 1991

The hearing in the above-entitled matter
commenced, pursuant to notice, at 10:00 a.m.

APPEARANCES:

Chairperson:

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

Committee Members:

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

MARIE T. CAMPBELL
Trenton, New Jersey

RABBI STEVEN C. KUSHNER
Bloomfield, New Jersey

J. ARMANDO RODRIGUEZ
Marlton, New Jersey

SEYMOUR SAMET
Ft. Lee, New Jersey

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APPEARANCES: (Continued)

Also Committee Members:

STEPHEN H. BALCH, PhD.
Princeton, New Jersey

IRENE HILL-SMITH, PhD.
Wenonah, New Jersey

CHARLES W. KADLEC
Summit, New Jersey

SABARAH SABIN
Maplewood, New Jersey

ADAM F. SCRUPSKI, PhD.
Hightstown, New Jersey

Staff Member:

EDWARD DARDEN

C O N T E N T S

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ACCOMPANIED BY:

HON. RICHARD E. HICKEY III, PRESIDENT, COUNTY
PROSECUTORS ASSOCIATIONS;
CHIEF CLIFFORD J. MAURER, PRESIDENT, CHIEFS OF POLICE
ASSOCIATION;
WAYNE FISHER;
FRED DEVESA

P R Ó C E E D I N G S

1
2 MS. FARBER: Introductions of the committee
3 members. I am Zulima Farber; I am the Chairperson of the
4 committee. This is the New Jersey State Advisory Committee
5 to the U.S. Commission of Civil Rights. When I am not doing
6 this, I am a partner at the law firm of Lowenstein, Sandler,
7 Kohl, Fisher, and Bouland in Roseland, New Jersey, and I am
8 a former assistant counsel to the Governor of the State of
9 New Jersey.

10 To my right is Professor Stephen Balch. He is a
11 former chairperson of the advisory committee, my immediate
12 predecessor. He is an associate professor of Government at
13 John Jay College of Criminal Justice of the City University
14 of New York, and Director of the National Association of
15 Scholars.

16 Mrs. Marie Campbell -- the introductions are in
17 alphabetical order, but we are not seated that way --
18 Mrs. Marie Campbell, to my far right here, is a retired
19 public schoolteacher. She is National Secretary of the
20 NAACP Life Membership Committee, and is a member of Top
21 Ladies of Distinction, Inc.

22 Dr. Irene Hill-Smith, to my left here, is a former
23 President of the New Jersey State Chapter of the NAACP, and
24 former National Vice President of the association. She is a
25 member of the New Jersey Gambling Control Commission.

1 MS. HILL-SMITH: Change that. Casino -- New
2 Jersey --

3 MS. FARBER: Casino Control Commission.

4 MS. HILL-SMITH: Casino Reinvestment Development
5 Authority. There is about a \$60,000 difference in their
6 importance.

7 MS. FARBER: Mr. Charles Kadlec is our newest
8 member of the Commission. Mr. Kadlec is an economist. He
9 is vice president, director of research for J and W Seligman
10 and Company, Inc., a business consulting firm. He is a
11 former executive vice president and director of research,
12 and a member of the Board of Directors of the A. B. Laffer
13 Associates, Inc.

14 MR. KADLEC: Excuse me. It is not a business
15 consulting firm, but an investment advisory firm.

16 RABBI KUSHNER: Is there a \$60,000 difference
17 there, too?

18 (Laughter.)

19 MS. FARBER: Rabbi Steven Kushner, seated to my
20 left, is a Rabbi of Temple Ner Tamid in Bloomfield, and also
21 an instructor at Bloomfield College. He is also the
22 president of the New Jersey Association of Reform Rabbis,
23 and president of the Metro West Board of Rabbis.

24 Mr. Armando Rodriguez, to my immediate left, is
25 the former executive director of the New Jersey Department

1 of Law and Public Safety Division of Civil Rights, and a
2 former chair of the Puerto Rican Congress.

3 Mrs. Sabarah Sabin of Maplewood.

4 MRS. SABIN: It is Sabarah.

5 MS. FARBER: Sabarah Sabin of Maplewood is a
6 former executive director of the New Jersey Martin Luther
7 King, Jr. Commemorative Commission. She is also a former
8 president of the South Orange and Maplewood Board of
9 Education.

10 MRS. SABIN: Can I make a correction there? I am
11 still the president, and I am running for re-election. So I
12 thought there is maybe something you know that I do not
13 know.

14 (Laughter.)

15 MS. FARBER: Thank you for the correction.
16 Mr. Seymour Samet of Fort Lee, to my left, is founder and
17 president of H. R. Factor Associates, human relations
18 consultants. He is also former national director of the
19 American Jewish Committee's Domestic Affairs Department, and
20 former chief intergroup officer of the U.S. Department of
21 Justice's Community Relations Service.

22 Dr. Adam Scrupski, to my right, is director of
23 teacher education programs of the Rutgers University
24 Graduate School of Education. He is a member of the
25 Committee on Education and the Holocaust, and the New Jersey

1 Division of the Polish-American Congress.

2 Ms. Ruth Waddington -- she is not here today.

3 MR. SCRUPSKI: She will be here later.

4 MS. FARBER: She is expected. She is the former
5 chairperson of the Advisory Committee. She is a realtor and
6 former advisor and public speaker for the Peace Corps, and
7 she is a member of the Morris Township Planning Board.

8 And the other member whom we are expecting is
9 Roland Alum. He is a former regional representative for the
10 Secretary of the U.S. Department of Education. He was
11 administrator of the New Jersey Bureau of Hispanic
12 Enterprise, and of the New Jersey Department of Commerce and
13 Economic Development.

14 Those are the members of the Committee. Now if I
15 may, I will take just a couple of minutes to explain what
16 the Committee rules are, and how we are going to proceed
17 today.

18 There is a quorum, there being only two members
19 missing. It is my duty and pleasure to inform you of our
20 rules for this public forum, and to welcome you to
21 participate.

22 The New Jersey Advisory Committee to the
23 Commission is one of 51 such committees made up of
24 volunteers appointed by the Commission. The committees were
25 created to advise the Commission on matters pertaining to

1 discrimination or denials of equal protection of the laws
2 because of race, color, religion, sex, national origin, age,
3 disability, or in the administration of justice, and to
4 assist the Commission in its statutory obligations to serve
5 as a national clearinghouse for information on those
6 subjects.

7 Today the Advisory Committee will gather facts on
8 the administration of justice, and focus our attention on
9 the following general topics. Law enforcement, policies and
10 practices: how are they applied to racial, religious, and
11 ethnic groups. Aspects of the topic will be covered by
12 speakers in four panels. Your meeting agenda has details of
13 the invited speakers. But please notice that tomorrow's
14 session will reconvene at the War Memorial Building on West
15 Lafayette Street.

16 I must bring to your attention the fact that the
17 conduct of our meeting will conform with the provisions of
18 the Freedom of Information Act, the Government and the
19 Sunshine Act, and the Privacy Act. Please assist us by
20 reporting to Mr. Darden, staff to the Committee, before you
21 make a statement to the Committee. He will give you any
22 necessary instructions.

23 The Advisory Committee is also empowered to
24 receive individual complaints that come within the
25 jurisdiction of the Commission. If there are any persons

1 here who feel that they have grounds for a discrimination
2 complaint, again, please see Mr. Darden. He will make the
3 necessary arrangements for reporting.

4 I would like to explain our complaint handling
5 process. The Commission is not an enforcement agency, and
6 will not investigate your individual complaints. We will
7 forward your complaint to the appropriate enforcement agency
8 for review and possible investigation. The complaints we
9 receive here today will be turned over to the Commission's
10 headquarters staff for processing. If you prefer to contact
11 headquarters directly, you may do so at the Commission's
12 complaint hotline. The numbers are 1-800-552-6843, or area
13 code 202-376-8513.

14 At the conclusion of our public forum, the
15 Advisory Committee will review the information we gather in
16 preparation for a written report to the Commission. This
17 public fact-finding meeting is one key stage in our study.
18 The overall fact-gathering will also include pertinent
19 follow-up interviews as necessary. And our record will
20 remain open for 30 days to receive comments from any person
21 or persons who wish to contribute to our understanding of
22 this important topic.

23 I would also like to bring to your attention the
24 fact that there are publications at the table in the back
25 which staff has displayed. These publications deal with

1 matters that the Commission and the Advisory Committees have
2 reported upon. Regrettably, these are the only copies that
3 we have available today. What we ask you to do is to please
4 leave your name and address on the sheet of paper by each of
5 the documents, and staff will make sure that you get a copy
6 of the report.

7 Are there any questions from any of the Committee
8 members about how we are going to proceed today? As I
9 mentioned earlier, there will be four panels. The first
10 panel will begin shortly. Then there will be a break for
11 lunch, and the second panel will begin at 2:30 here in the
12 same room.

13 What I would ask at this time is for members of
14 the media to identify themselves, so that we know who is in
15 the room.

16 MR. ARON: Michael Aron from New Jersey Network
17 News.

18 MR. SCHWANEBERG: Robert Schwaneberg from The
19 Star-Ledger.

20 MR. YUHTILL: Clint Yuhtill from Garden State
21 Newspapers.

22 MR. SENGSTACKE: Fred Sengstacke, WWOR.

23 MR. MACKLIN: Joe Macklin, New Jersey Network.

24 MS. FARBER: Thank you. Are there any comments
25 that any Committee member wishes to make at this time,

1 before we begin? If not, I will call on the members of the
2 first panel to please come forward and begin the
3 presentations.

4 (Pause.)

5 MS. FARBER: The first panelist is Mr. Keith
6 Jones, who is the President of the New Jersey Conference of
7 Branches of the NAACP.

8 MR. JONES: Thank you very much.

9 MS. FARBER: Thank you for appearing today.

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1 STATEMENT OF MR. KEITH JONES, PRESIDENT, NEW JERSEY
2 CONFERENCE OF BRANCHES, NAACP

3
4 MR. JONES: Thank you for the invitation. Let me
5 thank the Commission first off for coming to New Jersey and
6 utilizing this opportunity to look at a particularly vexing
7 and very important issue.

8 This is an issue, the question of police
9 brutality, that is obviously now on the national agenda. In
10 New Jersey, for the last three of four years, it has been of
11 primary importance to us because of the number of complaints
12 that we receive across the state relative to either state
13 policy agencies and/or local municipal police departments
14 effectively not just violating the civil constitutional
15 rights. I think often when we say that, we lose sight of
16 what happens to victims in those cases. And it, of course,
17 is a problem that runs north, south, and central. It is not
18 in any particular area of the state; it is a very serious
19 problem.

20 Now, I would like to identify, from the NAACP
21 perspective, what we are seeing. And let me just identify
22 some towns, some you may be familiar with, and some you may
23 not be. And I will try to identify what areas of the state
24 we are talking about for those who may be from out of state.

25 I am talking about places like Teaneck, which is

1 in Bergen County, the northern part of the state.
2 Morristown, which is in Morris County, which is in the
3 northern part of the state. Vineland, which is in the far
4 south part of the state. Newark, and I am talking about
5 places like Plainfield. That is just some of the
6 communities where we have serious problems.

7 However, I would note that there are hundreds of
8 complaints that come into local offices, and we have 40
9 chapter offices around the state, in addition to our state
10 office.

11 The question of citizen confidence is a very
12 serious one. And that is that minority citizens, whether
13 they be Hispanic, Latino, or African-American, have no faith
14 that the system as currently established can appropriately
15 investigate and adjudicate their claim. They believe that
16 their claim falls on deaf ear.

17 Now, you will hear, I am certain, later in the
18 course of this hearing from law enforcement personnel that
19 police can police themselves; that whether it be the County
20 Prosecutor's offices, whether it be the Internal Affairs
21 offices, that they can check on each other. It is certainly
22 our position that that is not possible; that there needs to
23 be established a separate unit, whether it be in the public
24 advocate's office, whether it be in the Attorney General's
25 office, that would be responsible for the following. That

1 when a citizen brings forth a complaint, that office would
2 attempt to determine whether or not, first, it is a
3 legitimate claim of police brutality. And of course, when I
4 say police brutality, I am talking about verbal abuse and/or
5 physical abuse.

6 That office should essentially be the entity that
7 stands next to the citizen to determine whether or not they
8 have a legitimate claim. If they do have a legitimate
9 claim, it should have some enforcement powers beyond
10 investigation to determine what is going on, and to assist
11 that person, who may be a layperson who knows nothing about
12 the criminal justice process. So that would be a process
13 that could be developed, that could be helpful to citizens
14 who have complaints.

15 Then we talked about the kind of complaints that
16 we are receiving. We are receiving complaints that often
17 lead to death of victims involved. But before I do that,
18 let me talk about a real case that will remind many of you,
19 I hope, of what we saw on videotape in Los Angeles.

20 The town is Franklin Township. The victim is a
21 Kevin Chambers, C-H-A-U-M-B-E-R-S. He is driving through
22 the Township of Franklin late afternoon. He is stopped by
23 what the prosecutor can determine to be at least eight to 12
24 officers who responded to the scene. He is beaten. He
25 received facial injuries, a skull fracture, teeth -- no, I

1 am sorry, 21 fractured teeth, a serious eye injury that they
2 believe that they can provide medical care for, but will be
3 a problem that will not go away; that he will have physical
4 and medical complications as a result of this attack that
5 are not life-threatening, but certainly will complicate his
6 life for the rest of his life.

7 Currently, the prosecutor will be prosecuting this
8 case. A superior officer, a lieutenant, has been indicted.
9 Also, one patrolman. Since he was, he was pulled out of the
10 Corvette -- and I remind you that part of what law
11 enforcement always says is that it is not racially
12 motivated. However, the perspective of the African-American
13 and Hispanic community is that it is motivated by race.
14 That when people of color send their children out of their
15 homes, they have to be concerned with and worried about
16 whether their children will return in the same shape that
17 they left those respective homes.

18 And I would argue that white parents do not have
19 the same concern. They do not have to be concerned about
20 that condition.

21 Going back to the Chambers case. There is an
22 indictment. There is a trial that is pending. There was a
23 brutal attack. But the problem is that, absent a videotape,
24 it becomes the victim's word against that of a law
25 enforcement officer, or other law enforcement officers who

1 may corroborate that particular story. And that is why we
2 go to an independent governmental entity that can do a
3 quality investigation, and not be dependent upon private
4 attorneys who may be hired by families. Families with no
5 financial resources, often, and volunteer agencies, whether
6 it be NAACP, the Urban League, Puerto Rican Congress of New
7 Jersey, who may not have the wherewithal to do the
8 investigation that would be appropriate for cases like this.
9 So it really is a particular point that we want to make
10 about this separate unit being developed.

11 Now, part of what needs to be shared as well is
12 that the NAACP is doing some consistent work with the State
13 Police. And State Police agency, under its superintendent
14 of New Jersey, Lieutenant Detino, is doing something that
15 other departments have not done. And that is, they are
16 admitting that there is a problem, whether it is a perceived
17 problem or a real problem.

18 We are currently involved in, for the next year,
19 what we are calling police professionalism training with
20 that agency. And that agency is bringing in the NAACP, Gay
21 and Lesbian Coalition of New Jersey, New Jersey ACLU, in
22 addition to a day of, if you will, constitutional training
23 relative to the responsibilities of a state trooper.

24 That is important because, one, this agency has
25 admitted that there is a problem that they need to do

1 something about. What has that problem been in New Jersey?
2 That problem in New Jersey has been major thoroughfares,
3 whether it be the New Jersey Turnpike, Garden State Parkway,
4 Route 78, 287, whatever the major thoroughfares are, if you
5 are Black and Hispanic in a relatively new foreign or
6 domestic motor vehicle, you are stopped solely because you
7 fit a given profile.

8 What is that profile? That profile is that
9 because it is believed that you might be involved in drug
10 trafficking. Not because you have violated some law while
11 driving on that roadway, but because you fit a profile that
12 they believe exists, you are then stopped.

13 I remember in the course of that investigation,
14 before we actually arrived at the sensitivity training,
15 receiving a letter that went like this. It was an anonymous
16 letter. And gentlemen, we do not move on anonymous letters,
17 but there was an incident involving two out-of-state Black
18 motorists on the New Jersey Turnpike. And on this
19 particular roadway, two motorists fled from either vehicle,
20 fled from the police. The police chased.

21 The police responded that one of the fleeing
22 suspects turned and pointed a gun, and that officer then
23 opened fire. That suspect was killed. The anonymous letter
24 indicates that following. That he or she was riding by the
25 scene; observed the officer walk on a mound of dirt; pull

1 his revolver, while the suspect was fleeing; and shot the
2 suspect dead. There are those kinds of issues that do not
3 go away, that keep coming back, where there is sufficient
4 information, if not evidence, that there is some wrong-
5 doing. And there is substantial need for somebody to be
6 looking very closely at the problem that we have here in
7 New Jersey.

8 Now, I believe that we have a significant problem
9 in this state. It is not just some idle chatter that cannot
10 be substantiated. I think that if there is a careful
11 investigation, we will see that we have a real problem
12 relative to police brutality in this state.

13 Now, I would want to talk a little bit about law
14 enforcement checking on law enforcement. That the current
15 process is that the Internal Affairs Department, a
16 particular police department, will conduct an investigation
17 if citizens complain to Internal Affairs. However, what we
18 find is they are reluctant to complain to Internal Affairs
19 because they have no faith and/or trust that Internal
20 Affairs will do an appropriate job to check on their
21 complaint.

22 County prosecutors often get involved. There is a
23 concern there, as well. Whether or not the county
24 prosecutor offices also will do an appropriate
25 investigation. Why? Because citizens, whether they be

1 black or white -- and certainly the recent polls indicate,
2 regardless of race, there is no confidence in police to
3 respect the rights of people's color, not only in this
4 state, but across the nation. And that is something that
5 can only be resolved when there are people who have no axe
6 to grind, if you will, no vested interest, who can come
7 forth and say, "We will conduct an independent investigation
8 to determine whether or not this is a problem."

9 Now, there has been much public attention on a
10 case in Plainfield. And I think the cases in Plainfield
11 deserve some attention here. And that is the Hannah case.
12 And first we start with the Santana-Hannah case.

13 Santana-Hannah was arrested late one evening; a young kid of
14 probably about 17, 18 years of age, arrested by Plainfield
15 police, taken into custody, and reportedly, while in police
16 custody, hanged himself. The New Jersey NAACP conducted an
17 investigation. Took a complaint from the family, met with
18 the family. Subsequently met with the prosecutor's office.
19 And our interest is a limited interest, as it is in all
20 these cases. And that is that there will be a vigorous
21 investigation, that if the individual or individual's civil
22 and constitutional rights have been violated, that the
23 appropriate individuals will be brought to justice.

24 But it did not stop there. And of course there
25 was no indictment because there was not sufficient proof

1 that he did not hang himself. And of course we march
2 through the process in terms of what the procedures are
3 relative to the handling of a suspect when that person has
4 been arrested and brought into custody. And from the NAACP,
5 we are unable because of limited investigative authority to
6 do anything about that particular case, but it did not stop
7 there.

8 In the last month -- and the family believes that
9 there is a conspiracy. The same officer that the family
10 believes was involved in the death of the first son, also
11 involved in harassment of the second son in the last 30
12 days, that resulted, when the mother and father responded to
13 the scene to see what was going on outside their door, that
14 the father and mother were arrested by Plainfield police,
15 and charged. And obviously they are charges that are
16 pending.

17 Of course, they believe that there is a conspiracy
18 by the Plainfield police, and that they are the targets of
19 that conspiracy.

20 When you hear these cases of police brutality, the
21 brutal nature of these complaints, you want to believe that
22 in 1991, that it is just not possible that these things can
23 be happening. I think it is critical, when we talk about
24 training, that there needs to be significant training for
25 law enforcement personnel. And that does not mean that from

1 the Latino community and/or the African-American community,
2 that we give them a lesson on culture.

3 ' Frankly, in the civil rights community, we do not
4 care whether they walk in the door as a racist, and they
5 leave the door as a racist. What we care about, in the
6 execution of their duties, that they are fair-minded and
7 they are professional as they discharge their
8 responsibilities. So they can be the most racist person on
9 the globe. If they are fair-minded, if they are
10 professional, if they follow the rules, if they obey the
11 Constitution, then we do not care how they feel, and how
12 they raise their children, quite frankly. You would hope
13 that they would not. But if they do, that is their problem,
14 their dilemma.

15 And what we are finding is, the administrators and
16 the managers of respected police departments are at fault.
17 That the men and women under their charge, they have a
18 responsibility to set the tone, and to say to their
19 subordinates that certain kind of behavior is intolerable.
20 Certain kinds of behavior could end your career, could
21 complicate your career, could place you in jeopardy of being
22 charged criminally or civilly yourself. And we find, too
23 often in too many cases, particularly local police
24 departments really do not send that message out very
25 effectively. That when they have an officer, for instance,

1 who is particularly decorated, they glow in effect that that
2 person is decorated. But if they have indications that
3 there is a problem, they do not look to see to resolve that
4 problem.

5 And we think appropriate training can help, not
6 only citizens, but law enforcement personnel as well. That
7 why attack a problem once it has become a problem? Why not
8 catch it early, when you can do something to save that
9 particular law enforcement staff member? And so we see this
10 very serious problem. It is state-wide. It is in every
11 city, every township, regardless of whether it is an urban,
12 suburban, or rural township or community, there is a
13 problem. And there is not a doubt in our mind that it is
14 motivated by race. ✓

15 And it is not good enough to say that too many
16 police officers come from middle class communities, the
17 majority white, and may not understand. The issue is not
18 their understanding. The issue is how they execute their
19 responsibilities, and whether or not they are fair-minded,
20 and whether or not they obey the law. They are responsible
21 for enforcement of the law, yes; for protecting and serving,
22 yes. And they are also responsible for obeying the laws
23 themselves.

24 So those are the critical issues that we see. We
25 are again extremely happy that the Commission has decided to

1 bring its power, its resources to New Jersey. I would want
2 to publicly commend our Attorney General for developing a
3 task force on police brutality. And for those who live in
4 the state, in a major daily saw that story, in major dailies
5 across the state.

6 But to go back to a separate independent unit, a
7 task force, in my mind, is a study group. We know we have a
8 problem in this state. We can look at the complaints and
9 understand that we have a problem. So I do not know that
10 after we determine yes, we have a problem, whether or not
11 that gets us to where we need to be. Where we need to be is
12 to have an agent that will assist both law enforcement and
13 citizens who believe that they have been involved in a
14 problem of police brutality, and that they have been
15 victims.

16 And I will close on that. And I would be glad to
17 obviously entertain any questions that any Commission
18 members might have.

19 MS. FARBER: Thank you, Mr. Jones. Any questions
20 from members of the Committee?

21 MR. SAMET: Yes. You have brought some very
22 important facts to our attention, and I am particularly
23 interested in the problem of investigating alleged
24 complaints. I believe as in the Plainfield case, you said
25 the case there was dropped because you were unable to

1 'ascertain and the police were unable to ascertain the charge
2 that maybe this person had not hung himself. What process
3 would you have us consider as a means of dealing with that
4 kind of lack of information?

5 MR. JONES: Okay. Let's take the Plainfield case
6 to use that as an example. I would urge the Commission
7 and/or the State of New Jersey to establish a process to
8 determine whether or not there needs to -- part of the
9 problem is that there is no real way to determine what is
10 going on. That often in a case when someone has been
11 brought into custody, if that person expires while in police
12 custody, then it is only the word of those police officers
13 and police staff on the scene as to what occurred.

14 And it is difficult for an outside agent,
15 particularly an outside volunteer agent, to determine
16 whether or not there has been any wrong-doing. You realize
17 that in a case like that, that there needs to be a separate
18 entity that has investigative power to go into that police
19 department and say, "I want to see whether or not, for
20 instance if the procedure --" and I understand the procedure
21 in Plainfield is on the hour, to make a check of those in
22 custody. Whether or not there is a documented check of what
23 police officers conducted that review, and who conducted
24 that review.

25 Now, in the case of the victim in Plainfield,

1 Santana-Hannah, when he made the phone call, he called his
2 family and told them that he had been severely beaten by
3 police prior to being taken into custody. That is what
4 raised the whole gray cloud on what eventually happened.
5 Because he called and said, "I have experienced these
6 injuries. Come see about me."

7 And unfortunately, the family did not immediately
8 respond. They responded the next morning. And of course,
9 the next morning, they go in to see their son, and they find
10 that he is deceased. And that he supposedly hung himself
11 with articles of his own clothing.

12 So quite frankly, it is such a difficult problem,
13 I do not know what we can do beyond setting tight procedures
14 that we make law enforcement personnel follow in certain
15 cases. Part of the problem that this independent agent
16 could provide is developing, maintaining statistics of what
17 is going on. Because outside of civil rights groups, there
18 is no significant record of these police brutality
19 complaints when they come in. And that is a problem.

20 MR. SAMET: I just have one follow-up question.
21 The Internal Affairs Department review. Have you or other
22 civil rights organizations, or other bodies of people
23 involved and concerned over the law, investigated the
24 results of that department's work? I know that you said
25 that there was no trust in them. But is that lack of trust

1 based upon some history? Or do you have some evidences that
2 they just have not carried out their responsibilities?

3 MR. JONES: From our perspective, we would say it
4 is a little bit of both. The history is that invariably,
5 almost 99 tenths out of 10 times, that when a complaint has
6 been brought by a citizen to Internal Affairs, that Internal
7 Affairs, yes, processes the case, but that is all it does.
8 That that municipal police department internal affairs
9 division will review the matter, look into the matter. And
10 almost always the police officer is not brought before the
11 bar of justice in some way.

12 Now, that is where there is a significant problem.
13 Because you have what is undeniably a strong fraternity when
14 you talk about police officers, regardless of race of the
15 police officer. And you have a strong fraternity, and an
16 allegiance to each other. Because they realize, as I
17 realize, that when they walk out the door of their homes,
18 they may not return alive. And I think that brings a bond
19 that sometimes goes beyond what is right and what is wrong.

20 And so it is not only that citizens do not have
21 faith in the internal affairs divisions of these police
22 departments, but history also indicates that invariably,
23 that people of color in this state cannot depend on those
24 respective offices to do a vigorous investigation. And that
25 is the problem. The problem is not that they do not look at

1 it; it is how they look at it, how they process, how
2 vigorous they are.

3 And it is our contention they cannot be very
4 vigorous, because they are checking on themselves.

5 MS. SABIN: Mr. Jones, you have indicated that
6 there are serious problems in a number of places that you
7 have named, Teaneck, Morristown, et cetera. And you have
8 indicated that these problems are systemic.

9 In your opinion, have you see any police
10 department that we could look at as a model that is doing
11 their job? I know it sounds like a facetious question, but
12 it is really not.

13 MR. JONES: Let me respond to that. No. As a
14 matter of fact, it is also my contention that regardless of
15 the leadership of the community, whether it be black or
16 white; regardless of the leadership of that respective
17 police department, whether it be black or white; does not
18 necessarily mean that you have less police brutality cases
19 in that community. Nor does it mean that because there are
20 accompanying white officers, black and/or hispanic officers,
21 that you also have a decrease in the complaints of
22 brutality, and brutality that actually occurs. There again,
23 you enter into the fraternity and the bond between those
24 respective police officers that go beyond race, and go
25 beyond, I believe, the law.

1 And to more pointedly answer the question, I do
2 not believe that there is a model police department yet in
3 New Jersey. There has been some work in Middlesex County,
4 for instance, with our highest paid municipal police
5 department, the Township of Edison, relative to building
6 some liaison with that police department, relative to, in
7 the handling of police brutality complaints. And that
8 process was to establish a complaint process that mutually
9 would go to the Internal Affairs Division, and mutually to
10 interested civil rights agencies for processing. Then at
11 some point, the two entities would join together to see what
12 they had, and whether or not from their assessment they
13 believe there was legitimate complaints of police brutality.
14 And then together collectively decide how to proceed.

15 That could develop, and quite frankly it could
16 answer your earlier question relative to a process. But
17 police departments cannot be afraid that if I enter into a
18 process like that, somehow I am admitting to guilt. Somehow
19 I am admitting that there is a problem, when I believe there
20 is just a perception of a problem, and my men and women are
21 not violating the civil and constitutional rights of
22 citizens.

23 That is a minor point, I believe, but a major
24 point for police officers. But a minor point in terms of
25 getting to the heart of the problem, and resolving the

1 problem.

2 MS. SABIN: Let me do a follow-up on that. For
3 instance, when you go into a police department when a
4 complaint has come to the NAACP, are you treated as though
5 you are here again, and "we are going to look at it?" Do
6 you get the feeling that they are going to look at luke
7 warmly?

8 MR. JONES: It varies across the state. It
9 depends on relationships I make, have that exist with the
10 leaderships of those respective police departments.
11 However, in many cases, because NAACP and civil rights
12 groups are in many cases are reacting to a problem that has
13 occurred, there, as you go from major cities into smaller
14 communities, you do not have those established
15 relationships. And so you are seen as an outside agitating
16 force who is coming in to inquire as to what has occurred.

17 And I generally go in, and NAACP presidents around
18 the state, generally go in to say, "Listen, we have received
19 a written complaint and/or a phone call." And our process
20 in this state is that we do not proceed on a complaint
21 unless we have a written complaint. That can come, someone
22 comes into the office and files a complaint, or it is a
23 phone call, and we ask them to complete an application that
24 we will send to them, so that we can make an independent
25 determination.

1 But often it is perceived as, "You trouble-makers
2 are here again, raising concerns about something that does
3 not exist." And it is our contention that, if you just look
4 at it on the basis of race, if you look at what is happening
5 in Hispanic and Black communities of this state, and you
6 look at what does not happen in white communities in this
7 state, relative to police. And I am not talking about
8 people, for the most part, who are involved in criminal
9 activity who are responded to by police. If there is a
10 notion that people who respond to suspects and -- okay, when
11 they are responded to by police, and okay, the police were a
12 little rough with them, is one thing. But I am talking
13 about, for the most part, innocent citizens who are pounced
14 upon by law enforcement personnel. And management has not,
15 in many cases, fail to set the appropriate tone so that
16 their personnel know that you cannot get away with doing
17 this any more. And that continues to exist and be a
18 problem.

19 MR. RODRIGUEZ: Mr. Jones, I am left with the
20 impression that on the one hand you are saying that there is
21 this group of police officers out there that actually have
22 this kind of little union of their own, where they abuse the
23 constitutional rights of the citizens. And on the other
24 hand I hear you say, at the same time I hear you say that --
25 if I am correct -- that most of the police brutality cases

1 are racially motivated.

2 Is it racial motivation? Or is it just the macho
3 image of police officers who think they are going to trample
4 with the civil rights of individuals?

5 MR. JONES: I think it is both. And I am not
6 trying to be evasive, I am trying to be extremely clear. I
7 think that when you have law enforcement personnel who,
8 through the course of their personal lives, have had very
9 little substantive contact with people of color in New
10 Jersey. Then are pinned a badge, in a uniform, with a gun
11 on their side. And the power that is bestowed upon a person
12 with that influence, that they then -- and of course you are
13 also going with what they understand. That if you have
14 individuals who have had no contact with people of color,
15 have official contact all of a sudden with people of color,
16 and have not been appropriately prepared for that kind of
17 contact, with training, then I think you have a problem that
18 yes, is based in race, and yes, continues to be a problem in
19 this state.

20 MR. RODRIGUEZ: Now, you also spoke about how you
21 could care less as to whether these people come with these
22 biases into the job.

23 MR. JONES: Racism, yes.

24 MR. RODRIGUEZ: You could care less, as long as
25 they enforce the law. Do you not think that perhaps that is

1 precisely your point? That because they come with these
2 notions, they do not enforce the law?

3 MR. JONES: No, my point is different. That --
4 let's take a proto-racist redneck cop that I cannot change.
5 And those of us of good will in New Jersey cannot change the
6 way that person thinks. But during the course of their time
7 on official duty, they can be held accountable to be
8 fair-minded, and for them to obey the law, as well.

9 MR. RODRIGUEZ: And how do you do that?

10 MR. JONES: What they take home --

11 MR. RODRIGUEZ: How do you do that? How do you
12 tell people to be fair-minded? How do you train me to be
13 fair-minded?

14 MR. JONES: One, I convince you that there is law
15 in New Jersey. That there is local ordinances, there is
16 state law, and there is obviously federal law. And that you
17 have got to obey that law, even though you are also charged
18 with enforcing the law. That to say, for me to take the
19 other option and to say that I want to change you, the
20 racist cop, because you are a racist cop; that that is an
21 ambiguous thing to try to change. I am attempting to change
22 in a professional setting a life of training, so that you
23 arrive at some point with this racist redneck cop. You
24 cannot change that.

25 MR. RODRIGUEZ: So rather you change what you want

1 to change, is the procedure by which these people are hired,
2 or given the badge that you refer to, rather than changing
3 their mind. Are we not talking about changing the
4 procedures of the -- you talk about the --

5 MR. JONES: Yes.

6 MR. RODRIGUEZ: -- separate unit that you want to
7 implement throughout the state, to get people to obey the
8 law, and to respect the rights of individuals. Then you
9 talk about creating some kind of a group that is going to
10 train people to be fair-minded. But in the process of your
11 speech, you talk about changing the process, the procedure,
12 so that whether I am a racist, I am going to find it very
13 difficult to join a police department. Because someone,
14 through this procedure, is going to find out that I have
15 this problem.

16 One more question. And I am not suggesting that
17 you said this. Are you saying that, are you against this
18 profile in the public highways?

19 MR. JONES: Oh, absolutely.

20 MR. RODRIGUEZ: You are.

21 MR. JONES: It is against the law. Let me tell
22 you why I am against it. When, based on the hundreds into
23 the thousands of complaints we received about the State
24 Police using a profile, what is it? It is a drug profile.
25 It is a profile that if you are travelling from south to

1 north, that --

2 Let me give you a statistic. Let's go to Bergen
3 County, which is one of the wealthiest counties in the state
4 and the nation, per capita. And let's go to a stat. The
5 stat says on a particular strip of the New Jersey Turnpike,
6 five percent of the motorists are black. However, 70
7 percent of those arrested on that same strip are black.

8 Now, if it was 30, 40, 50 percent, it would be
9 horrendous. For it to be some 70 percent, or something
10 close to 70 percent, is an indication that there is a
11 serious problem. And that is, to utilize a profile, and to
12 admit that there is a profile used, not because I, the
13 motorist, have in some way violated the law, but that I, the
14 motorist, happen to be a person of color, happen to be in a
15 relatively new domestic or foreign vehicle. And because I
16 happen to be on the road in that condition, that means I
17 also then can be arrested and confronted by police for no
18 cause. There should be a probable cause to stop a vehicle;
19 there should be a probable cause to approach a citizen.
20 Otherwise, why approach that person?

21 MR. RODRIGUEZ: Well, at the same time, you do not
22 disagree that there is a lot of drugs out there in the
23 turnpikes and the public highways.

24 MR. JONES: That is true. But you do not
25 establish public policy, you do not correct ills in your

1 society, by creating additional ills in violating the law
2 that should be equally applied to all citizens, regardless
3 of color.

4 Now, let me give you an example. The clear
5 example is that if I am white, 25 years of age, and I am in
6 a 1991 BMW. And I am that person's black counterpart, or
7 hispanic counterpart, the white 25-year-old will not be
8 stopped. The black and Hispanic individual is very likely
9 to be stopped. Not because any one of those three
10 individuals committed any misdeed, but because of the color
11 of their skin. And also because of the color of the skin,
12 the law enforcement officer who observed whatever that
13 person observed.

14 Now, let me say for the record, state police have
15 not admitted to a profile. They have admitted to the need
16 for training, and they have admitted that there are some
17 problems, and let's work together to resolve those problems.

18 MR. RODRIGUEZ: All right. Thank you.

19 MS. FARBER: Any other questions from members of
20 the Committee?

21 MR. KADLEC: Yes. I would like to explore with
22 you the dual issue of the thing with the police officer when
23 he has the badge and the authority and the power, and the
24 racial motivation. Because you have said that without
25 regard to the leadership of the community and the police

1 force in terms of the racial make-up, these problems are
2 evident.

3 So what data do you have? Is it always white
4 officers attacking black, or people of color?

5 MR. JONES: Not always, but most often.

6 MR. KADLEC: And in the Plainfield incident, were
7 there no black officers on duty at that time?

8 MR. JONES: There were no -- there were white
9 officers who effected the arrest. Whether or not there were
10 black officers who were in the lock-up, I do not recall
11 whether or not there were. Obviously there is a substantial
12 African-American employment force in the Plainfield Police
13 Department, and in many police departments. But for
14 instance, the public is also under the guise that -- take
15 Newark, for instance. That since the leadership is black,
16 that the majority of the force is also black and/or
17 Hispanic, and that simply is not true.

18 The latest statistics that I saw relative to the
19 make-up of the Newark Police Department was that some 65, 68
20 percent of the force is white. Now, that does not make
21 white police officers innately evil. What it does say,
22 though, that the police department, and police departments,
23 are not truly reflective of, in many of these cases, the
24 communities that they serve.

25 And that is where you go, frankly, into the

1 training. I am not saying that you dismiss all white police
2 officers in an urban community, and you bring in all black
3 police officers. Because as I would also argue, that does
4 not necessarily resolve the problem. But what you have to
5 do, then, you have to move into what messages are we
6 sending, how do we train our personnel, and how do we, from
7 a management perspective, check on these individuals as they
8 execute their responsibilities. And if they are starting to
9 err in some way, even though minimally, then what do we do
10 from an administrative point of view to correct that
11 problem?

12 It is a protection also for police officers. That
13 is, if I am a white police officer, and I am doing things
14 that are inappropriate, talk to me early; do not talk to me
15 when I have developed into this major monster. And you do
16 not need, percentage-wise, many major monsters to have a
17 very serious police brutality problem.

18 MR. KADLEC: Would you care to -- it has been in
19 the news, many interpretations of this videotape we have
20 both seen, including one line of thinking which I do not
21 endorse, but I am interested in your thinking. That it is
22 really not, it is a symptom of a bigger problem. And that
23 problem is a breakdown of the entire judicial system. That
24 criminals, even when they are arrested, can cop a plea of
25 jargon, and basically go free. Do you --

1 MR. JONES: I would be glad to speculate.

2 MR. KADLEC: Good, please.

3 MR. JONES: Let me first just share with you -- I
4 have a professional criminal justice background. My
5 graduate study is in criminal justice administration. I
6 worked the last 11 years for a criminal justice agency, that
7 is a state agency in the State of New Jersey. So I am not a
8 civil rights leader who does not have the academic training
9 or the professional experience to feel for the role of
10 police officers and the awesome job that they have. They
11 do.

12 However, because the system breaks down, those of
13 us in the academic community would argue that to call the
14 criminal justice system is a misnomer, it is not true. It
15 is not a system. It is pieces, it is a patchwork of a
16 process that we could not argue is really a system, but we
17 have often called it a system. And to make the claim -- and
18 I am not saying that you are, but for others to make the
19 claim that police are responding to the breakdown of the
20 system, that they are a cog in the wheel, they have a
21 particular responsibility.

22 They do not have the responsibility to shape the
23 criminal justice system. They are a piece of that process.
24 And they are to execute their responsibilities relative to
25 the piece that they have accountability for. Not for

1 whether or not someone that I arrest as a police officer is
2 out tomorrow. That is not my individual or professional
3 responsibility. I may have concerns about that. And
4 because I have concerns about that, does that mean that I
5 can then go violate the next person that looks like that
6 person that I arrested yesterday, that I can then violate
7 that person's civil and constitutional rights.

8 MR. KADLEC: No one is arguing that. But they
9 have raised the question, do those other concerns increase
10 the frustration level to the point where you have police
11 officers incorrectly violating the law by taking the law
12 into their own hands?

13 MR. JONES: I would admit that it is a
14 contributing force. But that is why my consistent theme is
15 management and good administrators. That obviously you have
16 got one of the highest stress level professions of all. And
17 if you know that your men and women are experiencing
18 particular problems relative to their responsibilities, then
19 that is where the appropriate training comes in.

20 And I do not want people to believe, or the
21 Commission to believe, that the training is somehow a
22 cultural lesson. It is not. As a matter of fact, you do
23 not care that that group of blacks, that group of white
24 police officers, for instance, in a particular community
25 know or do not know anything about a particular culture.

1 Yes, that would make them probably better police officers if
2 they did, but that is not the problem.

3 Part of the problem is that if you are a person of
4 color, whether it be L.A. or whether it be New Jersey, there
5 are too many people in law enforcement who believe that also
6 means that your rights do not have to be honored, and that
7 you are not respected as a person because you belong to a
8 particular racial or cultural group.

9 RABBI KUSHNER: Mr. Jones, would you suggest that
10 police departments need screening procedures in employment?

11 MR. JONES: Yes.

12 RABBI KUSHNER: Particularly the psychological and
13 the --

14 MR. JONES: I was just going to go to that.
15 Clearly, the process for determining who is fit to be a
16 police officer, I believe has to be more stringent. And let
17 me share with you an interview I did last evening with
18 someone that is going to be on your panel, the President of
19 the Police Chiefs' Association. And he made an analogy that
20 I think makes a very good point. And that is that relative
21 to police checking on other police officers, you know, if
22 you want an attorney, you would not want the ethics
23 committee of the Bar Association checking on you; if you
24 were a doctor, you would not want the AMA checking on you.

25 But there is a very clear, distinct difference

1 here. And that is, that if I choose to go to a bad lawyer,
2 I did not know that the person was a bad lawyer or doctor.
3 But I have the discretion, and I made a choice to go to that
4 individual. And I can up and leave that individual. Maybe
5 lose some money in the process; if it is a doctor, lose my
6 health. But I can leave.

7 In the case of the interaction with the police
8 officer, citizens have no control whatsoever with that
9 interaction. And so you do need to determine the kind of
10 people who become police officers. And far too often, there
11 is a cowboy mentality of those on the police force. And let
12 me develop a scenario for you.

13 You have officers who are physically fit, and they
14 work out. There is a complaint in New Jersey about some
15 officers, in order to be so strong for their job, also are
16 involved in steroid use. I am not saying that that is the
17 evasive problem. But you begin to see a scenario of
18 individuals who may be involved in activity one, if there is
19 not proper screening, not proper education in terms of the
20 process that you go through in the academy to become a
21 police officer, and then post-academy training relative to
22 how you continue to be a good police officer. If only the
23 motivation is, "I am going to do all these things to protect
24 myself. I do not care anything about the citizens. They
25 happen to be an entity I have to deal with in order to be a

1 police officer."

2 Those are the kind of problems that we are dealing
3 with. It almost sounds like coming out of left field that
4 you would develop this cowboy mentality in a way of acting.
5 But in the black community and the Hispanic community, it is
6 real because we are the ones who are confronted by the
7 problem.

8 RABBI KUSHNER: Without challenging your assertion
9 here, which I think that may very well be correct, I wonder
10 if to some extent we are not being somewhat unfair by just
11 generalizing about police forces in general, and police
12 officers in general are of the cowboy mentality. Is there
13 any sense on your part as to what kind of percentages we are
14 talking here that fit into this persona?

15 MR. JONES: Well, I would not argue that all
16 police officers are, fit this cowboy prototype. But I do
17 believe, as we look at this problem, that you do not need
18 all of them to be involved in it. You can take a small
19 percentage. As little as five percent of, say, all police
20 departments in New Jersey, are cowboys, they can wreak major
21 havoc on citizens. And that is really the problem.

22 The problem is in understanding what is going on
23 in a particular community; whether or not there is training
24 for those professionals; and in management responding
25 appropriately to the problems that do exist. And in being

1 sensitive to the concerns and issues by the community, and
2 not see them as people who are complicating my job.

3 RABBI KUSHNER: And if I understood you correctly
4 earlier, would you then say that this cowboy mentality
5 transcends issues of color for the policeman? That we find
6 this often with Hispanic or African-American police
7 officers, as well as with white officers?

8 MR. JONES: It would go beyond race, and you would
9 have black, Latino-Hispanic, and white cowboys on police
10 departments. And part of this training piece is that, for
11 instance, African-American police officers historically have
12 had a special role. And that is, they were increased in
13 numbers because they were seen to have a special job. That
14 is, yes, you have got to protect and serve; and you also
15 have to defend us from what historically have been the white
16 cop that walked a beat, and beat on heads. So they have a
17 special role that go beyond what their white counterpart
18 might have.

19 But you also have to deal with the special
20 pressures that they are under as a result of the old-boy
21 network, as a result of the strong fraternity that exists.
22 And the sense of, "Yes, I will corroborate your story
23 because I am a good brother police officer." And that I
24 will speak out against you if you are wrong, is not what you
25 often see.

1 MR. BALCH: Mr. Jones, I think your emphasis on
2 professional training is very appropriate. What I would
3 like to ask some of the other panelists here, sort of look
4 into the problem of motivation as well.

5 And a moment ago you were talking about whether
6 black police officers would corroborate, or would bear
7 witness to incidents of brutality. I assume that when
8 complaints are made and recorded, they are made against to
9 the extent that there can be nine individual police
10 officers.

11 MR. JONES: That is true.

12 MR. BALCH: So would there be any record, and
13 would you have any knowledge of, proportionately speaking,
14 in proportion to the numbers of people in various groups who
15 serve as officers, do you have any statistics on the number
16 of complaints that are made against police officers of
17 various ethnic backgrounds?

18 MR. JONES: In terms of racial groups, the
19 complaints that we receive, both in terms of verbal abuse
20 and physical abuse, is clearly 97, 98 percent committed by
21 white officers.

22 MR. BALCH: So the perpetrators, at least the
23 people who are alleged to perpetrate these infractions, are
24 almost always all white.

25 MR. JONES: Invariably, without doubt, invariably

1 are white police officers who have responded to the scene,
2 and then there is this interaction.

3 MR. BALCH: Another question. When you spoke
4 about profiles, would it be your position that profiles,
5 whether they include a racial dimension or not, are always
6 inappropriate?

7 MR. JONES: Always inappropriate.

8 MR. BALCH: No matter what the factors within the
9 profile might be.

10 MR. JONES: To execute a profile against the
11 Hispanic community or members of that community,
12 African-American community, would be just as ludicrous as a
13 police officer saying, "Today, the profile is against women.
14 And we are going to stop every tenth car that passes this
15 particular area of the road." And that is how ridiculous it
16 is.

17 MR. BALCH: If it was based on age, if it was
18 based on anything, you would have the same position.

19 MR. JONES: It would be inappropriate. It is just
20 that it is so much more serious when you are talking about a
21 racially motivated profile, that also is obviously
22 culture-based when you talk about Hispanic and Latino
23 community.

24 MR. BALCH: One last question, and it is sort of
25 an invitation for comment. The topic of the panel is

1 broader than simply police brutality. It is broader than
2 simply, say, the sins of commission. It reaches out to the
3 entire impact and aspects of police work in communities
4 around the state, particularly minority communities.

5 With respect to simply the way in which the law
6 enforcement function is discharged, its efficiency, its
7 comprehensiveness, elements pertaining to things like the
8 willingness and ability of police to respond to reports of
9 incidents within a minority community as with respect to the
10 same kinds of incidents that might be reported elsewhere.
11 Do you have any observations to make on that subject?

12 MR. JONES: Yes. Let's talk perception first, and
13 then let's move, segue from that into reality.

14 Perception is that police are often slow to
15 respond to complaints of any nature in the African-American
16 community or Hispanic community, particularly in urban
17 areas. And yes, the impact of the procedures, the response
18 time, concerns us, in the process that these police officers
19 and these departments go through.

20 But -- let me approach it this way. Police
21 departments are military-type organizations, and they do
22 have procedures that they follow. And they follow those
23 procedures. It is a question of sensitivity in how they
24 follow the procedures. And within the procedure, how they
25 execute their responsibility. How vigorous they are, how

1 active they are. How responsive they are, how caring as
2 professionals they are.

3 Other than that, they respond slowly; they really
4 do not care to look for all of the truth, but just some of
5 it. Did I answer your question?

6 MR. BALCH: Right. And do you think that this
7 comprises a major problem? And if so, could you give us
8 some thoughts on its origins and what might be done about
9 it?

10 MR. JONES: Well, yes, I think it is a major
11 problem. Clearly, what I think needs to be done about it is
12 that this Commission, I would recommend one thing that it
13 needs to look at is, if you will, a super training model
14 that could be developed, and that would address many of the
15 concerns that you are going to be hearing during the course
16 of these two days, from all the elements. So that this
17 super model could be applied to respective police
18 departments that identify, "Yes, we have a problem, and we
19 do want to do something about it, and we are committed to
20 change."

21 MR. SCRUPSKI: Mr. Jones, speaking from a
22 criminological perspective, could you not suggest that there
23 has been some data gathered? Have there not been any data
24 gathered on the satisfaction or dissatisfaction on the part
25 of minority group communities with police response and

1 police handling complaints? I have a belief that somewhere
2 in that literature, we have got a lot of people working in
3 that area now, there is data. And in fact --

4 MR. JONES: There is.

5 MR. SCRUPSKI: -- that is what concerns me about
6 much of your submissions, and that is this avoided -- not a
7 lot of data. For example, move over to another, and you can
8 respond to that, too.

9 On the one hand, you speak commendably about the
10 emphasis on professionalism on the part of police, and that
11 you care not what they think of their various clientele
12 personally, but as long as they behave professionally. On
13 the other hand, you speak of law enforcement officers who
14 have had little contact with people of color. And the
15 implication there is they ought to have had some contact.

16 Now, I do not know if there is any data suggesting
17 that people, law enforcement officers who have had little
18 contact, behave any more prejudicially or detrimentally,
19 with respect to the rights of the client, than those who
20 have had a lot of contact. Could you refresh us on at least
21 those two issues?

22 First, let's say the data with respect to
23 satisfaction or dissatisfaction.

24 MR. JONES: I would agree that there is
25 significant data relative to, over the course of the last 30

1 years or more, to the satisfaction or dissatisfaction
2 relative to the police function. So it does exist. But
3 whether or not police departments are taking advantage of
4 the data that does exist, and then identifying that there is
5 a problem that they need to use the data to do something
6 about.

7 Whether or not police officers, during the course
8 of their life prior to becoming police officers, have had
9 contact or have not had contact, obviously is not an
10 indication of whether or not they will violate the rights of
11 citizens of color. Because if that were so, then in cases
12 where you have black police officers or Hispanic police
13 officers who violate those laws and those rights of
14 individuals, directly or because they corroborate a lie,
15 also --

16 But the problem that we are struggling with is
17 yes, we have got data; but yes, we have still got this very
18 serious problem. So where do we go from there?

19 MR. SCRUPSKI: Is there data to suggest that
20 police officers who have had contact with people of color
21 behave in a more professional way than those who have not
22 had such contact? Or do we not have that data?

23 MR. JONES: Well, I would -- let me separate it
24 this way. I would separate it by saying that police who are
25 appropriately trained, and as part of that training also

1 then sensitized to the various differences, both culturally
2 in terms of racial groups that they are going to interact
3 with, can execute their professional responsibilities,
4 understanding what they are going to be faced with.

5 In differences of responding to an Islamic home,
6 and for instance a Christian home, or black home, or white
7 home, or Hispanic home. And just in terms of sensitizing
8 themselves to the problems that they will be faced with.

9 MR. RODRIGUEZ: I have just one more question,
10 Mr. Jones. You spoke about this screening process to
11 determine who is not fit.

12 Now, given the history of the racial problems in
13 this country, and since you speak of this monster of people
14 who are going to discriminate against us, minorities. If
15 there was to be a screening process to determine who is not
16 fit, do you not have the feeling that I have, that it is
17 going to be used more against us? And we are going to be
18 told that we are unfit? We having to prove anything? Do we
19 minorities not face that risk?

20 MR. JONES: That is a dilemma. But I think that
21 you approach that and you resolve that by whatever the fit
22 test is, that you have got a balanced approach that is not
23 biased culturally or by race.

24 MS. HILL-SMITH: Mr. Jones, thank you for that
25 excellent presentation. After watching Sidney Poitier last

1 night, a show that will be on last night and tonight, we
2 know that racism is a fabric of this society. And it is not
3 going to get any better. Police and racial relations are
4 not going to get any better. Because racial incidents
5 escalate at the time of low economy. And we are going to
6 have more racial problems. And all you have to do is look
7 at the prisons. I asked Governor Hughes during his tenure,
8 where do white folks go to jail? We make up 13 percent of
9 the population, and 75 percent of the prison population. It
10 does not figure. It just does not happen that way, unless
11 it is by purpose.

12 I am a victim of racial -- I mean, of police
13 brutality. That is why I am on this cane. I was arrested
14 by the police in the daytime leading a protest demonstration
15 of 500 people. And they dragged me, and permanently injured
16 my spine, five minutes from where I live in Gloucester
17 County. So I know what it can mean.

18 And then the Courts found -- the Judge in his
19 wisdom found me guilty of disorderly conduct, so he could go
20 see the Penn Relays. And we made sure after that he could
21 go every year, because we had him removed from the bench.

22 (Laughter.)

23 But it is here. And if we do not do something
24 about it, I am concerned, as a mother, and a grandmother,
25 and a great-grandmother, the endangered species in this

1 country are black males. And that is frightening. That is
2 our seeds. That is from where we go.

3 And if there is not a conspiracy, you have to
4 prove it to me. If there is not a national conspiracy to
5 dehumanize and destroy black males. And they do it through
6 the police.

7 We went through this same thing with the hearings
8 on domestic violence. Remember, anybody who was still on
9 the Commission at that time with me? Am I the only old one
10 on here? Old in tenure. The police said they had to be
11 trained to effect the law when it came to domestic violence.
12 When they went to investigate a complaint, they would always
13 take the feelings of the man, because the man, they had been
14 brought up, the man is the head of his household, blah,
15 blah, blah, blah, blah.

16 And I told them if we do not do our job, you fire
17 us. If a policeman cannot do his job when it comes to
18 enforcing the law, then you get rid of him, and put somebody
19 else in. But it is in the mentality of the people in
20 charge. And this is a serious problem.

21 I am just so happy that we were wise enough, in
22 our wisdom, to select this topic, not knowing what was going
23 to happen in Los Angeles, which has woke up the whole world.
24 But it is here. And a young man coming down the turnpike,
25 that is a fact. That is a fact. I still get calls from

1 people who have been arrested on the turnpike for nothing,
2 nothing at all.

3 MR. JONES: If I could take up -- obviously I was
4 going to close, and get to the next presenter -- that
5 obviously racism is real. And when I say that let's not try
6 to change people who are racists who also happen to be
7 police officers, that I am accepting a compromise. I am
8 saying that whether I want to or not, I have got limited
9 control over what that person thinks and believes.

10 And then my only other real option turns up
11 finally arresting this problem, is to say that if I have got
12 a civil service police officer who, just because he is a
13 redneck, if he or she has not done anything wrong, he can
14 continue to be a redneck. So the issue then becomes
15 execution of those responsibilities. And that is what I
16 have got to get to the heart of, in order to resolve and get
17 a handle on this problem. So that the complaint that you
18 receive, the reason why this Commission came to New Jersey,
19 the complaints that we receive across the state begin to
20 subside. And at some point, we get a handle on it, and it
21 goes away.

22 MR. BALCH: Just one last question as an
23 afterthought. The figure that you cited -- you said about
24 97 percent of the complaints are black people complaining
25 against treatment by white officers -- where would that be?

1 What would the source of that information be, of those
2 statistics? Where would those statistics be found?

3 MR. JONES: I would base that on the body of
4 written complaints that we received in our offices, from the
5 individual victims of this treatment.

6 MR. BALCH: For instance, it is possible that if a
7 black police officer was involved, then the complaint might
8 not go to you.

9 MR. JONES: Oh, no, no, no. We receive complaints
10 of discrimination when there are black and Hispanic police
11 officers who have allegedly victimized black and Hispanic
12 individuals.

13 MR. BALCH: You might get some. But I am
14 wondering whether in that kind of situation the person who
15 had experienced the treatment would not perceive it as a
16 racial situation; and hence, would not as quickly go to an
17 organization like the NAACP.

18 MR. JONES: I would argue, based on the body of
19 complaints, that because a person is a police officer -- and
20 I think the notion that if it is a black or Hispanic who has
21 committed the misdeed, that somehow it is not police
22 brutality --

23 MR. BALCH: Oh, no, I am not suggesting that.

24 MR. JONES: No, no, no. I am not saying you are
25 saying. But there is this conception out there. And I

1 think what we have got to say is that whether the victim is
2 white, or black, or Hispanic, or some other racial group,
3 and/or whether the police officer belongs to whatever racial
4 group, does not matter. If someone has been brutalized,
5 then it goes to the merit of whether or not they were or
6 not.

7 MR. BALCH: I agree with that. Though in terms of
8 evaluating remedies, assessment and motivation is of
9 significance. I am wondering, if you took a look at the
10 kinds of complaints that the various bodies set up within
11 the police departments around the state, do they tend to
12 keep records as to the racial or ethnic identity of the
13 people making the complaint, and the person who is being
14 complained against?

15 MR. JONES: I believe that they do.

16 MR. BALCH: So one could go to that, presumably,
17 and sort of get a hard figure. At least as far as the
18 police departments are concerned, what they are hearing.
19 There would be a bias there, too, I suspect, but you might
20 want to look at that.

21 MR. JONES: Part of the problem is they do not see
22 it as their responsibility to maintain the statistics so
23 that at some point in this computer age, we could go into a
24 computer and see what the numbers look like regarding
25 different things that are going on. That they have

1 processed the complaint, they have resolved the complaint,
2 and --

3 MR. BALCH: I wonder if one of the things that the
4 Attorney General's office might do in setting up this task
5 force is actually carry out a systematic study in which
6 there would be populations sampled randomly, and people
7 could attest to the experiences they had. That might be a
8 more reliable data base than any particular organization
9 could apply on its own.

10 MR. JONES: I think if the Attorney General's task
11 force and that process are going to be in any way
12 meaningful, those are the kinds of things that will have to
13 happen. So that you develop a process, and then coming out
14 of the process, you are going to the heart of a problem that
15 you believe exists. Which is why I presume you have
16 established the task force, to say, "Okay, now, this is what
17 is going on, and let's develop some remedies to resolve
18 these specific problems that are occurring."

19 MS. FARBER: Mr. Jones, I have a couple of
20 questions on the complaints that the NAACP receives. Do you
21 keep statistics? And do you tabulate them in any way? And
22 could you tell us, if you do, whether they are available to
23 this Commission? And in your experience, whether the number
24 of complaints has remained constant, increased, or decreased
25 in the last, let's say five years.

1 MR. JONES: Over the last five years, the
2 complaints have been constant, across the state. We do
3 maintain the complaints, certainly over the last three, four
4 years, even after we have resolved that particular problem.

5 The statistics, we do not tabulate, because we
6 deal with each individual case, whether it is a local office
7 or on a state level as an individual case.

8 One of the founding tenets for the NAACP was the
9 administration of justice and finding police brutality. So
10 people feel comfortable in coming to us. I would say that
11 since we have talked about the case in L.A., that in New
12 Jersey, the average citizen has been more tentative to
13 police brutality. So we have now individuals who are
14 calling and coming in, or immediately coming into the office
15 to say, "I want to file a complaint. Not that I want you to
16 do something about it, but for the record, so that you will
17 have a better feel for what is going on."

18 MS. FARBER: But you have no tabulations so that
19 we could look at, for example, how many cases have been
20 reported to you where a death has been involved, or serious
21 bodily injury, as opposed to verbal harassment, for example?
22 A tabulation as to where those complaints are coming from,
23 and so on. You do not have that.

24 MR. JONES: We do not have that tabulated. But I
25 do not think it would be terribly difficult to do that. And

1 we probably could not make the individual cases available,
2 but we could certainly do numbers, so it could protect the
3 rights of the person making the complaint.

4 MS. FARBER: I think it would be important for the
5 Commission to look at those kinds of numbers. And I am sure
6 that we could --

7 MR. JONES: And we will make those kind of numbers
8 available. And I am certain Ed Darden, who is now noting
9 this, will contact my office and make sure that we make an
10 effort to make that available.

11 MS. FARBER: With regard to the incident in
12 Plainfield where the young man allegedly hung himself in the
13 lock-up, did the NAACP follow up on that case?

14 MR. JONES: Yes. Let me try to share with you --

15 MS. FARBER: Well, I have a specific question with
16 regard to procedures used by law enforcement in that
17 situation. Did you find that there were written procedures
18 that the local police have to follow when a person who has
19 been arrested is brought into the police department and
20 placed in the lock-up? And if there are written procedures,
21 were they followed in the Plainfield case?

22 MR. JONES: That is, in a very limited way, what
23 we saw as our only niche if we were to find something.
24 Because the family is saying, "Well, we believe that he did
25 not hang himself, that he was killed." And the police are

1 saying there are some procedures. For instance, how often
2 they have to be checked; that there were photos taken of him
3 when he was brought into custody that would indicate that he
4 was not brutally beaten, as he indicated. So look at those
5 particular procedures. And we could not find, with any of
6 the procedures, any evidence that would lead us to believe,
7 or were indicators, that there was wrong-doing.

8 MS. FARBER: But there were written procedures.

9 MR. JONES: There were written procedures.

10 MS. FARBER: And in your review of those
11 procedures, were you satisfied that they were adequate?

12 MR. JONES: In that case, my review of those
13 procedures were that they were adequate. However, when you
14 go from a large police department to a smaller township
15 police department, that is when it begins to break down.

16 MS. FARBER: That was my next question. Are these
17 procedures consistent throughout the state? Or at least
18 adapted to fit? I mean, I can imagine that there are
19 procedures that apply to a large police department like
20 Newark, with probably many precincts and lock-ups. And
21 different type of procedures, similar in nature but adopted
22 to a very small police department with one lock-up. But are
23 they applied throughout the state? And as they are applied
24 throughout the state, are they adequate?

25 MR. JONES: What we are finding across the state,

1 particularly in your moderate to small communities, is that
2 for the record, whether it be an attorney general
3 initiative, how you handle, and the availability of training
4 from the attorney general's office, that okay, there is a
5 process that begins to break down in those moderate to small
6 communities on how the process is followed.

7 MS. FARBER: And does the existence of written
8 procedures include monitoring of that procedure?

9 MR. JONES: No. As a matter of fact, I would
10 argue vehemently that there is not significant monitoring in
11 the larger communities. Put aside, now, the small
12 communities. In the larger communities, they are not
13 appropriately monitored. That is what gets me -- it sounds
14 like I am beating a dead horse -- gets me back to my
15 management piece.

16 That is, if a manager is not appropriately
17 monitoring, for instance, how does he know what is going on
18 and what is not going on? And if a manager is receiving a
19 significant body of complaints from a particular community
20 against specific officer or officers, or against his
21 department, it should pique his interest to say, "Something
22 is going on here that I do not have a handle on. Let me try
23 to get a handle on it."

24 MS. FARBER: Well, I would go beyond that. I
25 mean, I would argue that police departments are no different

1 than any other service industry where you have quality
2 assurance procedures in place that would check on whether or
3 not the written protocols are being followed.

4 MR. JONES: And I would pick up off of that, when
5 you go to the fit test, and to say that it is not fit enough
6 just to test me, the officer, when I am trying to get on the
7 force. But there needs to be developed a process where, in
8 terms of the monitoring, that I continue to be fit.

9 And again, so that there is not some bias charges
10 against the Hispanic or African-American community, that you
11 do not have a bias tilt to it. But that there is a fair and
12 balanced look at who do we have, and have we now have a
13 10-year service officer who now is a little bit crazy?

14 MS. FARBER: And thank you, Mr. Jones. I want to
15 apologize to Mr. Sen because we have taken so much time.
16 But the floor is yours, and we would be happy to hear from
17 you.

1 STATEMENT OF MR. MONO R. SEN, ASIAN-AMERICAN ASSOCIATION

2
3 MR. SEN: Distinguished members of the Commission,
4 I am very pleased to be here. I will speak on behalf of the
5 Asian committees in New Jersey, the experiences that we have
6 secured during the last 10 years. I am going to speak at
7 length before the Commission a little bit, so that you feel
8 there is imperative necessity for sensitivity training in
9 the police department. That is one of my recommendations.

10 Sensitivity training is essential. Without
11 sensitivity training, the new immigrants coming from Asia,
12 China, Korea, Viet Nam, India, Pakistan are subjected to
13 maltreatment of the severest kind. The police ignored the
14 complaints of Asian women. They are walking on the streets.
15 And if they make complaints to the police passing by, the
16 police will ignore, because they will think that this lady
17 is going to go out from this country, it is not their
18 country.

19 But let it be unequivocally understood by the
20 police officer that it is their country as much as any
21 American that had come here before. So I make that message
22 clear to the police department.

23 Secondly, many Asians' homes have been vandalized
24 throughout New Jersey. You know, many, many homes. Right
25 now where I come from, Jersey City, a young guy who had been

1 owning a store called S and S Mini Market, he is a man 29
2 years old. Two guys came in, entered his store just three
3 weeks ago, and poured inflammable liquid around the place,
4 while the guy was making sandwich for those two guys. And
5 they poured those inflammable liquids, and walked out. The
6 whole building was on fire. Thank God the building was not
7 burned up.

8 Now, this is one case that the prejudice exists.
9 Prejudice, racism is pervasive. On the one hand, we read a
10 lot of statistics that racism is declining in America. On
11 the other hand, racism is taking different shapes, different
12 direction, as far as the Asians are concerned. So here I am
13 to bring to the attention of the distinguished members of
14 the Commission how they are being enacted against the Asian
15 people.

16 One young guy, his name is Dinesh Pandya,
17 D-I-N-E-S-H, P-A-N-D-Y-A. On October 15, '88, he went to
18 sell his insurance and real estate business in Parsippany,
19 New Jersey. And one white guy walks to him and tells him,
20 "What the hell are you doing here?" And dragged him,
21 starting beating him. But that young guy was unwilling to
22 take any nonsense from this guy. He returned some of the
23 blows.

24 And finally he complained on the same day to
25 County, Morris County prosecutor's office. And the Morris

1 County prosecutor's office sent a letter, Sergeant Beecher,
2 Sergeant S. Beecher on racial attacks. And Morris County
3 prosecutor's office that took care of that letter, that sent
4 that letter to Morristown in the name of Paul Pandya, I told
5 you was the name of the young guy who was attacked. I gave
6 you wrongly his father's name, Dinesh, his father, and sorry
7 for that. It is Paul is the young guy.

8 Until today, the case has not been resolved.
9 Because he is a foreigner, this Paul, he is an Asian Indian.
10 And so the police prosecutor's office, and the Morristown
11 police, are still having the same stand, we can ignore that
12 complaint and not pay any attention.

13 One Mr. Mehta, he was a lawyer from India,
14 M-E-H-T-A. Came 1989 to America. And was working as a
15 bookkeeper in Edison Town. And he was working at a small
16 factory job. And he was told that he would be receiving his
17 medical health insurance after three months of time. And
18 the cops used to come into the factory, in the same factory
19 where they are manufacturing or preparing what you call
20 inflammable substances.

21 And the police was very friendly was the owner of
22 that company, ignored that they were not supposed to have
23 those inflammables outside the factory premises. And when
24 this Mehta complained that he was having some problem, the
25 owner put him in the cop's car, sent him to the jail, and

1 the police put him for four hours, sitting there, and made
2 all kinds of abusing remarks against the Asian people,
3 Indian people.

4 And Mr. Mehta waited for four hours, and told the
5 next officer, when it came on the next shift, told him that
6 this is the problem. He said, "If you open up your mouth, I
7 am going to put you back." He said, "I have no money to go
8 back to the factory where I left my car. Please give me a
9 ride so that I can go back." They did not pay any
10 attention. He walked and he wander. He made the complaint,
11 they would not listen.

12 So finally I was the guy who took him to the
13 fraternity, who was a state senator and lawmaker. And the
14 mayor of Edison Town listened to our complaints. And he
15 immediately made the conclusion that there was no prejudice
16 against him. And he had with him the police officer sitting
17 next to him.

18 I said, "Well, there is a document which tells
19 Mehta that you work hard by the company two years ago, when
20 he did not come to this country. He was not here. And now
21 tell me that the manipulation of the records for the police
22 department made him realize that he was arguing for a wrong
23 case with me, a lawyer from India. He could not convince.
24 I said, "Here is a document." He got fired, the records
25 say, only last month. And your police department was so

1 prejudiced, a particular prejudiced police officer made the
2 wrong entry in his record. He put on the top one day
3 contradicting the date --

4 So he got caught. He was making, he was in a
5 hurry, he was in a haste to get the Indian guy arrested in
6 order to suit the -- of making money from the owner while he
7 was having moonlighting facilities.

8 So I told the mayor, and the mayor found out it
9 was so. I let him go.

10 So those are the kinds of situations that you have
11 to look into, how evasive the police behavior. They are not
12 properly trained. They have no respect for the people.
13 They are very ignorant about cultures of other, not only the
14 Afro-American or Hispanic group, not to speak of 23 percent
15 minorities that now live in America. Twenty-three percent
16 minorities that now -- they have no respect.

17 Okay, let me go on, furthermore. Mr. Ajay Sen,
18 same last name, A-J-A-Y, I just saw him on my way from
19 Jersey City where I come from on the train. And he told me
20 he was going to Washington. His house was, what you call,
21 subjected to graffiti. His parents came in last week from
22 different parts of Philadelphia, and all the kids were
23 making remarks, and his car with graffiti and all this
24 thing.

25 So he let me believe that prejudice has not gone

1 away in Jersey City. It is very comprehensive, very
2 pervasive.

3 Now, there was a guy who was kidnapped three years
4 ago from Jersey City by a West Indian guy. And his parents
5 reluctantly called the police department of Jersey City.
6 And the police department immediately thought that the West
7 Indian guy should be severely punished. And I came to know
8 of this situation. I called the cops, the police
9 department, and the mayor to handle differently. Because in
10 India or in Asia, you do not give him punch right away; you
11 talk to the parents how they want you to handle it.

12 The girl was going to the school. Presumably very
13 lonely, solitary. She found out this boy to be friendly,
14 and walked out with him for a weekend, and stay with him for
15 almost two weeks. Comes back. And the parents, after my
16 convincing arguments with them, accepted my recommendations
17 to accept the reality. You are living not in a shell in the
18 western world, so you have got to accept these kind of
19 attitudinal changes, attitudinal changes of the young kids
20 growing in the western culture. Because in Asia they are
21 raised for marriages. Here, you have the dating marriages.
22 So I was able, and I thank God I let the police officers
23 realize that they cannot give the punches on that West
24 Indian guy.

25 So I am talking about sensitivity training. Here,

1 you know, and the hype was, the Asian people, you all have
2 heard, in 1987, the dot bastards. A group of misguided
3 youths in Jersey City, historic moment in America, wanted to
4 eliminate the Indian women because they have the dots, the
5 sign of the marital status on their foreheads. So they
6 wanted to eliminate, because the Indians have grown from
7 3,000 to 20,000 in Jersey City. And their success is
8 phenomenal. They are not on welfare. They do not go on
9 unemployment. They have brought Jersey City back to life,
10 economic revitalization. Every corner of the street has
11 been revitalized by the Indians working 16 hours, seven
12 days, running the stores.

13 And it is not their fault, not at all, to send
14 their children to the best schools in America, driving two
15 cars. And if it is the cause of eyesore, or the cause of
16 concern, illegitimate concern on the part of the blue collar
17 jobholders, children whose parents could not achieve
18 success, to be angry and jealous and mad at the success of
19 the young Indian children and their parents, it was their
20 fault, their inability to hold a job, and to send their
21 children to the best schools, like the way the Indian
22 parents have been sending them.

23 And the Indians have been victimized nationwide by
24 the recent designation for the last three or four years as a
25 model minority. Because they have the highest educational

1 pattern, they are the best students in the school, colleges,
2 and the Asian people control 52 percent admission in the
3 best schools in America.

4 What I am trying to arrive at, that the motivation
5 that the children of the mainstream should learn from the
6 Asian people has been reiterated by the U.S. Senate and the
7 President many times: follow their example. They have
8 brought the family value back to America. They have brought
9 the motivation for advanced education. And they hold
10 together, hold on. And their parents make tremendous
11 sacrifice. No matter whether she is a professional, or he
12 is a professional, not all Indian are genius. Not all of
13 them are engineers, doctors. Some of them are store owners.

14 But they have their mission to make their children
15 receive the best education in this country. And I still
16 believe that this country is the land of opportunity, and it
17 has given tremendous opportunities to the foreign-born
18 people. So we took advantage of those facilities and
19 opportunities.

20 At the same time, we are going through this
21 comprehensive problem that exists pervasively against the
22 Asian people. So I will talk a little about the dot
23 bastards. One guy was killed in the city of Hoboken because
24 he was bald-headed. And a friend of him, he was working
25 with the CitiBank, and he went to Hoboken to have his

1 dinner. And the neighborhood kids, calling him bald-headed
2 and making jokes and fun, dropped him dead, because they are
3 dragging him to the fire hydrants. He was still struggling.
4 And his friend walked out. He was eventually killed within
5 two days.

6 Now, next town is Jersey City, where I come from.
7 And those 15, four young people, 21, 19, they went to Indian
8 guy, Mr. Patelsen, broke his house. And beat him with big
9 iron bars. And made him fell down on the floor. And he was
10 so terrorized, he did not want to stay for one day in Jersey
11 City. He moved out.

12 So I was instrumental in making demonstration
13 nationwide, the Indian people are demonstrating in '87, '88,
14 because Governor Tom Kean, with his Attorney General, Cary
15 Edwards, came in Jersey City to address on the issue. And
16 there was a law that was never implemented. You know, it
17 came to our attention, Cary Edwards, anti-intimidation law,
18 in the statutes of New Jersey, was never implemented, never
19 in force.

20 So if Cary Edwards tried to say that there is a
21 law, and he started implementing all the police departments
22 in the State of New Jersey are required to report to the
23 Attorney General's office on a monthly basis how many racial
24 attacks took place in the precincts in that town, during
25 that particular month. And then eventually the New Jersey

1 Legislature tried very hard to get a new law, to obligate
2 the level of punishment for those criminals who wanted to
3 victimize the -- no matter, they should not, exclusively
4 they should, regardless of the color, creed, anybody who is
5 subjected to racial prejudice or property damages, would be
6 victimized. And the level of punishment to be next.

7 So the law was finally passed during Jim Florio's
8 administration last year, in the month of May and June, I
9 guess. And I was overwhelmed. The citizens of New Jersey
10 were overwhelmed when the law was enacted last year, in
11 1990. And you celebrated, and the President saw 1,000
12 people in -- in a synagogue, in that incident.

13 So Governor Jim Florio realized that there is a
14 tremendous necessity for this kind of punishment to be meted
15 out to those that are the criminals.

16 I also, the news media. They are also very
17 anti-foreign-born people. Anti -- they do not give any
18 publicity. They like to give publicity for violations or
19 infringements, or infractions, a violation of your rights if
20 it happens to be mainstream, not to the Asian people. Not
21 to the Asian people.

22 Now, I will bring to your attention another
23 violation. New Jersey Institute of Technology, there were
24 three activists in the school in Newark. One is Kamal,
25 K-A-M-A-L, the other is Tarun, T-A-R-U-N. And the third

1 person is Sagar, S-A-G-A-R. Those are the three students
2 that were active in the student body in the State of New
3 Jersey. Their fellowships, their scholarships were taken
4 away by the New Jersey Institute of Technology.

5 And I met Dr. Fenster, the president of the
6 school. I wrote to the speaker of the house, New Jersey
7 General Assembly, Joe Durant, a good friend of mine, and
8 brought it to the attention of Senator Tom Kowan, New Jersey
9 Senate, that they want to punish these Indian students
10 because they were active, because they were saying, they
11 were making recommendations to the faculty members that the
12 Indian students are repeatedly being victimized, as far as
13 scholarship is concerned. The two come in, the scholarship
14 from one guy; they gave it to another person. And the
15 persons they did not like were always, invariably subjected
16 to this type of treatment, and it has been going on.

17 And I was out of the country for two months. I
18 studied in India and London for two months. And I came
19 back, and I got the letter that these students have been
20 expelled, very unhappily, from the college. So I would
21 bring to your attention that you have to look into the
22 matter.

23 Last week, the U.S. Supreme Court felt that the
24 anti-discrimination law does not extend to American citizens
25 working for U.S. companies overseas. A lot of Asian people

1 work for American companies overseas. Many of them,
2 millions of them, that bring money, that bring orders for
3 the company. You know, Asian people: Indian, Japanese.
4 And they are now being discriminated by the U.S. Supreme
5 Court's law that the law does not apply, the
6 anti-discrimination law.

7 And there is a guy who was appointed by President
8 Reagan from my community, Dr. Joy, J-O-Y, Cherin,
9 C-H-E-R-I-N. He probably is the best equal opportunity
10 commissioner in the equal opportunity commission, appointed
11 by President Reagan. And he is extremely unhappy the
12 Indians are not allowed to buy motels, Asian people in the
13 State of New Jersey. They are not given loans. They are
14 being discriminated and prejudicially treated throughout the
15 state.

16 And I do not have to emphasize, you all know how
17 the Korean people have been handled in Manhattan, and in
18 Jersey City. -- have to carry on the big swords. Every day
19 their stores are being vandalized, so they carry the big
20 swords to chase the criminals out of that store.

21 So I wanted to bring all this. And then there is
22 another gentleman. His name is T-U-S-H-A-R, his first name.
23 And the last name, C-H-A-K-R-A-B-O-R-T-I, Chakraborti. He
24 is a young professional from India. They went to a store in
25 Paramus to buy some of the dresses. After having selected

1 those dresses, and having reached the point of the counter,
2 he was making the payment, the police and the civilian guard
3 comes over and gets him arrested, takes him to the -- on the
4 charge that he probably had proposed some dirty tricks with
5 the young lady sitting on the counter. And he was in the
6 jail. I had to call the mayor up while he was on the jail,
7 and I was able finally to convince the mayor that this was
8 racial harassment. And after two or three days, he was
9 allowed to leave the jail.

10 So those kinds of situations are taking place for
11 the State of New Jersey.

12 And finally, I would say, at the height of the --
13 group in 1987, '88, I used to walk on the streets of Jersey
14 City to get the feeling of the Asian people, how they were
15 being subjected by the police and all this. Many buildings
16 are burglarized. The Central Union Heights section of
17 Jersey City, right across where the police precinct is
18 located, one Indian guy has stores, and 24 apartment house.
19 And every day his letterboxes were broken by the groups of
20 people who are vandalizing and wrecking his homes. And he
21 made effects, of no effect, of no avail.

22 And many Indians, women who are vegetarians, they
23 are vegetarians. And they are making complaints that the --
24 outside their apartment every day, there are portions of big
25 slices of meat being left overnight, to tell the Indian

1 tenants that if you do not like, get out of this apartment.
2 What kind of attitude is this? I want to ask the
3 Commission, is this the attitude that a police officer
4 should also have? When they called the police officer, the
5 police officer said, "If you do not like, get out."

6 Do you think it is an acceptable behavior on the
7 part of the police? Certainly not. It is unacceptable,
8 uncomfortable, unhappy. And probably it is ignorance that
9 led the police officer to talk to the tenants. Everybody
10 has his own or her own attitude whether they will take the
11 meat or not. Who the hell is he to tell the tenants that if
12 you do not like, get out?

13 So those are the types of behavior, unacceptable
14 and --

15 Now, lastly, Mayor Cucci, the previous mayor of
16 Jersey City, was considering appointing one gentleman as the
17 police director. I forgot his name. And I found out that
18 his son was in hold with the dot bastard group. And they
19 tried to tell him do not appoint that guy. He still would
20 not listen.

21 Then it came out in the newspaper, Jersey Journal,
22 on the next day Mayor Cucci had to drop him from his -- to
23 be appointed as the police director. So I enjoy, I am an
24 activist, I enjoy. And I feel that America still has
25 racism, prejudice against not only the Afro-American

1 community, but she was right when she was saying every time
2 you are seeing economic decline, it is true, admittedly,
3 that the new immigrants are being picked on at a higher
4 rate. Because they think that the unemployment is due to
5 the foreign-born people. "He took over my job."

6 You know, on 4th of November, I was a panelist
7 speaker at AT&T, American Telephone and Telegraph Company on
8 4th of November, in the State of New Jersey, where 18,000
9 Asian people work. And this was the first time the
10 nationwide conference was held against the success and
11 challenges of 1990, against the Asian people. And I realize
12 that just going down statistically, you know, but at the
13 same time, it has reached out, racism and prejudice, or
14 prejudicial behavior, in many directions that I have given a
15 sense about those directions.

16 So I felt that American needs better enforcement
17 laws, completely attitudinal changes on the police officers.
18 And my friend, I salute him -- in the hiring of the police
19 officers, you have to look into his background. And not
20 just to hire him because his score is very high. See, try
21 to examine the record that he has. How he was brought up.
22 Was he brought up in an exclusive neighborhood? Or did he
23 have a chance to interact, socialize with all the ethnic
24 groups? America has become a mosaic of the world, the
25 multi-cultural society. The culturally pluralistic

1 community in the world. It is not the melting pot theory
2 that America wanted for the last 200 years. It would not
3 work out.

4 Get into the mainstream instantaneously. That
5 theory of socialism did not work out, and was discarded in
6 the 1960s by Dr. -- we own the melting pot. And Allan
7 Nathan Glazer, the chairperson of Hamburg University, I met
8 him many times. And I will bring to your attention, this is
9 a multi-cultural society. -- city, for the needs,
10 aspirations, the history, the genre, lack of placement of
11 each of the ethnic groups that brought their contributions
12 to make America the richest and culturally diverse country
13 of the world.

14 Do not perceive America to be a melting pot right
15 away instantaneously. You have got to add the -- give them
16 a chance to socialize in the mainstream. You have got to
17 change; they have got to change. And eventually will make a
18 better society for human beings to live in this community
19 and this greatest country of the world. I still believe it
20 is the greatest.

21 I came back from Europe, America is land of
22 opportunity, land of immigrants. And it is no matter
23 whether you came early, or I came after you. It does not
24 matter. You are an immigrant, I am an immigrant. So you
25 got to perceive the respects that each group has something

1 to offer to America. And if you do not realize, you still
2 suffer from the sense of superiority, artificially, that we
3 came here before, we brought the European culture, so we are
4 superior. It is not so.

5 We are not going to accept it. And the world
6 recognizes that Asian have contributed. A great deal do
7 not. -- do not. A Jewish gentleman married to an Italian
8 lady in the fifties wrote that he thought making history of
9 civilization. Only viscerally, during the last 50 years,
10 western world is recognizing what India has contributed for
11 the enrichment of the world. Forty percent of the world
12 civilization, civilizing factors have come from Asia and
13 India. And it is not true that Europe has contributed.
14 Europe was a small continent. Long before Europe was
15 civilized, 5,000 years the old China and India had
16 contributed.

17 So you cannot suffer from artificial superiority,
18 you are the supreme being. No, it is unacceptable. And
19 thank you very much for giving me the opportunity.

20 MS. FARBER: Thank you, Mr. Sen. Questions from
21 committee members?

22 MR. RODRIGUEZ: I have basically the same question
23 I had for Mr. Jones. Mr. Sen, you heard Mr. Jones tell this
24 Committee that what we need is sensitivity training for
25 police officers. Do you agree?

1 MR. SEN: A hundred percent, I said so.

2 MR. RODRIGUEZ: And does it mean that we are going
3 to start sensitizing police departments? The way I look at
4 it, it is going to take years and years to sensitize these
5 people. Because on the one hand, Mr. Jones wants them to be
6 sensitized with regard to black Americans,
7 African-Americans. You want them to be with Asian Pacific
8 or the Indians, and whatever. The Puerto Rican Congress
9 probably later will tell us the same.

10 Who is going to be doing the patrolling of the
11 streets while we train these people?

12 MR. SEN: Okay. May I finish your question, sir?
13 I would say that in -- years for providing this sensitivity
14 training. You publish in the manual what are the basic
15 strategies in dealing with those different ethnic groups,
16 Asian people, or Hispanic, or black people. In the manual,
17 you give them what basic needs have to achieve in dealing
18 with the members of that community. And in patrolling, once
19 they have received training properly, and have been
20 monitored by the civil righters, you have to leave scope for
21 division. You cannot overnight expect. Your expectation
22 level has to be in the beginning very low. You cannot -- it
23 will take years to reach that goal.

24 But we cannot leave it out, the sensitivity
25 training, from the training of the police officers. You

1 have to start from the grass, and you will reach slowly, and
2 you have to have the monitoring, and your expectation have
3 to be reasonable to start with.

4 MR. RODRIGUEZ: You are not suggesting that the
5 police departments are vandalizing Indian Pakistani homes.

6 MR. SEN: No.

7 MR. RODRIGUEZ: Now, let me see if I can somehow
8 get this out of my system.

9 (Laughter.)

10 MR. RODRIGUEZ: Let me give you my definition for
11 discrimination. I spent 21 years in civil rights, so I
12 basically have a, perhaps a different perspective than most
13 people do, because I look at civil rights, in terms of
14 discrimination, with a different definition than most people
15 have. And then I look at prejudice in a different way.

16 My definition of discrimination -- this is the way
17 I learned it -- discrimination is the behavior of an
18 individual, the denial, the action of preventing or doing
19 something. That is discrimination.

20 Now, to me, prejudice -- and we talk about
21 prejudice all the time, especially nowadays -- to me,
22 prejudice is an attitude, a pre-judgment. Do you think that
23 prejudice should be illegal?

24 MR. SEN: You know, prejudice comes from home.
25 Prejudice comes in the school. So a person is brought up in

1 the atmosphere where he is raised, where he is going to
2 receive his education in the school. So those are the
3 places that need rectifications. The attitude of the
4 families have to be changed. The schools got to appreciate
5 that prejudice does not belong here, and prejudice is very
6 dangerous for this society, detrimental for the community's
7 benefit. And civil rights, as I trust, is nothing more than
8 giving you protection from discrimination. It is not the
9 excuse of this, but it is a protection from discriminatory
10 behavior.

11 MR. RODRIGUEZ: Mr. Sen, you and I are going to
12 agree, to me at least, I do not know about you, I suspect
13 that Mr. Jones feels the same way. I have a feeling that I
14 would leave this country today, that somebody is going to
15 tell me what to think.

16 The minute that we begin to work with the mind of
17 people -- and we are talking about sensitivity, and trying
18 to convince people that this is wrong or right. But the
19 minute you give the government, the way I look at it, if we
20 were to give the government, or law enforcement in this
21 country, the ability to send us to jail because of what we
22 think, I do not want to be in this country any more.

23 MS. FARBER: May I use the prerogative of the
24 Chair to make a comment here? I think we are straying a
25 little bit from the premises that we are here to delve into.

1 We are not talking about telling people what to
2 think, and we are not talking even about telling people not
3 to discriminate. We are talking about discrimination based
4 on race, ethnic background, religion, and those kinds of
5 criteria that the law in this country has already determined
6 are illegal. So we are not talking about discriminating on
7 the basis of other criteria, other than race, religion;
8 ethnic background, and after that, sex. That is what we are
9 talking about.

10 We are not talking about telling people what to
11 think. We are saying, "You cannot discriminate, you cannot
12 act based on somebody's race or religion." And that is what
13 we are addressing ourselves to.

14 MR. SEN: Absolutely so.

15 MR. RODRIGUEZ: Mr. Sen, the last question is, you
16 talk about some of the citizens being denied loans and
17 things like that, and scholarships and whatever. Did you go
18 to the New Jersey Division of Civil Rights with these
19 complaints?

20 MR. SEN: No, I requested those kids to bring it
21 to the attention. I walked out of the legislature, the
22 speaker, the Senate. I met the school authorities, the
23 college presidents, and the student body law department of
24 that. And I am trying to reach them; their phones probably
25 are out of order or whatever, I do not know. I could not

1 reach them after I came back from Europe.

2 And I got the feeling that they will give them --
3 I received assurance that these students will receive fair
4 treatment. That as soon as I left in November, to my
5 surprise, now if I know that they are trying to get rid of
6 those students who are activists. Three of them have been
7 expelled. And it is a disappointment for unfair treatment
8 that they have given to these students.

9 MS. FARBER: Any more questions?

10 RABBI KUSHNER: I have one. You have spoken a
11 great deal this afternoon about Jersey City. Are there any
12 other communities in the state where there are serious
13 problems, in your opinion, particularly with regard to the
14 police department? And if you would, if in situations there
15 are problems with the response of the police department,
16 could you, or would you distinguish between white police
17 officers and police officers of color, the way in which they
18 respond to issues within the Asian community. Is there a
19 difference at all?

20 MR. SEN: I would say that it was not the Indian
21 community who are subjected to treatment in those years.
22 The black people who are going through all kinds of racial
23 mishandling in Jersey City. And I would not have any
24 experience whether the white police behave differently from
25 the black police. I have no access to that kind of

1 information, because I have never --

2 But I feel with Mr. Jones, I agree with him 100
3 percent, that the cowboy attitude still exists, at least
4 among two or three percent of the police officers. And by
5 virtue of their power, the police power, the thing, the
6 sense of arrogance is there. The sense of exercising
7 authority is there. The sense of treating other person with
8 no respect is still there. So those kinds of behaviors are
9 still being observed. And every time there is a problem, I
10 have dealt with the mayor and the police director, I have
11 brought in my access, did help the Indian community to ease
12 out of those situations. And access to the Governor
13 probably did help.

14 So I would not know what other ethnic groups have
15 received, you know, treatment-wise from the police. Black
16 and white, I did not have. Truthfully speaking, I submit
17 this before the Commission.

18 RABBI KUSHNER: You have also spoken a great deal,
19 understandably, about the Asian/Indian community. Is the
20 experience the same for those of the Korean community, those
21 of the Chinese communities in the state?

22 MR. SEN: Absolutely. The Korean people
23 throughout the nation -- you know, in Los Angeles,
24 California, I have those papers -- the increasing violation
25 of their rights have been a noticeable feature. For Asian

1 Americans, the standard of the 1980s is more hostile. It is
2 more hostile. For them, it is because of the limited
3 economic opportunities. They pick on the Asian people that
4 these people are raised successfully. They made money, are
5 very successful in owning grocery stores, the Koreans, the
6 Chinese. So nationwide, they are being picked on at a very
7 high rate.

8 But you know, I can bring it to the attention of
9 the distinguished members for your information. U.S.
10 Immigration Department passed a new law called 1990,
11 Immigration Act of 1990. And they debated whether to
12 increase the quota, global quota, from 550,000 annually to
13 come over to this country, to 750. And they debated.
14 Because on the one hand, immigrants are accused that they
15 take the jobs. Many of these such studies have been made
16 they do not take, Asian people do not take other jobs.

17 On the other hand, they are saying we have to cut
18 back in order to get unemployment at low rate. We have to
19 cut back the immigration. And they realize that in America,
20 there is a problem. None of the students of the mainstream
21 go for scientific training. They do not go for math. They
22 do not go for engineering, they do not go for medical. Who
23 are those people? It is the Asian people who are serving
24 America effectively in those areas. If they did not have
25 those Asian people, it would have gone down from the third

1 position to tenth position now.

2 Because of the Asian influx, America is still
3 number three in those fields. In the 21st century, it would
4 still go down if they did not increase their quota. With
5 the increased quota, they are anticipating bringing in more
6 Asian people to man those deficiencies that the Americans
7 are going through.

8 So every year they, effective October, 1990, they
9 have started letting immigrants come over from 550,000 to
10 750,000. So that itself tells immigrants do not take away
11 jobs from the mainstream.

12 MS. FARBER: We have run over time. But if
13 anybody on the Committee has any other questions -- Roland?

14 MR. ALUM: Zulima. Mono, how are you?

15 MR. SEN: Hi, fine, thank you.

16 MR. ALUM: Many of the comments that you have
17 made, of course, apply to various other groups, especially
18 to some of us who are Americans by choice. But I just
19 wanted to focus on one aspect of your presentation that I
20 want to make clear.

21 It is your feeling that the Asian community, in
22 those two communities where there is a higher, heavy
23 concentration of Asian-Americans -- I am talking about
24 Jersey City and Hoboken in Hudson County. It is your
25 feeling that the law enforcement agencies, the police force,

1 do not protect the community adequately from vandalism and
2 from youngsters who engage in all kinds of personal insults,
3 to the extent of homicide.

4 MR. SEN: Well, to answer your question I would
5 have to say every time I have spoken to the mayor or the
6 prosecutors or the police director, they tell me that the
7 limited number of police officers do not allow them to
8 respond to the phone calls immediately right away. It takes
9 almost half an hour, or an hour sometimes, to your surprise
10 and shock, to respond to those calls.

11 But if you have access to politicians, activists,
12 then you can bring the police officer. Not all the time,
13 but most of the time you are able to get their attention.

14 But what happens to the man who does not know, if
15 I am not there in the town, the police would not respond?
16 So obviously the man would be subjected to wait, long wait,
17 and have his property either damaged or whatever.

18 But on the whole, I found, in dealing with the
19 police officials of Hoboken and Jersey City, they have
20 learned how to respond to the needs of the immigrant people
21 much more effectively, fruitfully, productively than they
22 were doing three years ago.

23 MS. HILL-SMITH: Mr. Sen, where were you when I
24 was state president? We could have turned this state
25 upside-down. Keep taking. Because we are the majority.

1 Put us together, and we are the new majority. And I know
2 Mr. Jones is not going to let that go by.

3 But I appreciate so much your comments, and the
4 broadness of it. Because that melting pot bit, I like that.
5 We can work together without losing our identity, because I
6 am not going to lose my blackness to nobody. It is mine.

7 MR. SEN: Neither me.

8 MS. HILL-SMITH: It is mine. Took me 65 years to
9 get it, I am going to keep it. But it shows you that this
10 is a fabric throughout the whole nation. And this nation is
11 never going to be what it can be until it deals with these
12 basic, basic problems.

13 And we do not have to take all the police off the
14 street to teach them how to treat one another the right way.
15 Doctors go to school continuously, educators go to school
16 continuously. Police have to go to school continuously so
17 they can keep in trend with the times. What we are doing
18 here is going to help the police in this country. What
19 happened in Los Angeles is going to help the police. We
20 cannot penalize them. We have got to help them because they
21 are here; they are part of the institution that has to make
22 life what it should be in this country. And all this
23 attention on them is going to make them have to shape up or
24 ship out. And we are going to have to do that collectively.

25 And I am so happy that these two fine men were

1 here with their great presentations this morning.

2 MR. KADLEC: Just one quick question.

3 MR. SEN: Yes.

4 MR. KADLEC: Mr. Sen, did I just hear you say that
5 over the past three years the police have improved their
6 service to your community?

7 MR. SEN: Yes.

8 MR. KADLEC: Would you please tell us how, what --
9 to have made that assessment? And what new actions have
10 been taken?

11 MR. SEN: Because they have been allotted many
12 times, whenever there is a problem, the phone numbers of the
13 police director were distributed to most of the Indian
14 members of the community. Particularly the businesspeople,
15 they were given the phone number where they could reach the
16 police director. And the hotline of the mayor was made
17 available to some of the business at a premiums. So that
18 way, it has eliminated the need for delay of the police
19 department to address their complaints.

20 So that one way. And not only, you can bring in
21 and hold frequently, maybe once a year or once in six
22 months, -- of the police director and the mayor to address
23 how they are going to address on each issue that would be
24 brought to the attention of the police director, or the
25 mayor of Jersey City, or impact any city. So that is the

1 better way to hold conferences, and let the police officers
2 sometimes come to your functions, and see how each ethnic
3 group, they have their cultural activities. So that they
4 will have an essential, what you call, understanding and
5 appreciation how each ethnic group perform, interact.

6 So both ways. Two-way traffic would probably be
7 helpful.

8 MS. SABIN: Just one question, Mr. Sen. I do also
9 appreciate the fact that you are here sharing these
10 experiences with us. But do you believe that that has
11 eliminated the symptom? Or has it really gone into the
12 problem?

13 MR. SEN: It has not gone into the problem. You
14 know, it has alluded to the symptoms superficially. It has
15 not gone. Because I have tried to emphasize you to
16 understand, as long as the sense of prejudice or prejudicial
17 behavior comes from your home, it is not going to go away.
18 And there are many ways I have been working with. I have
19 worked with many interfaith groups, I have worked with the
20 school system, Board of Education. I have worked with many
21 committee groups, I have worked with the Jersey City State
22 College, multi-cultural department, to -- undergraduate
23 level. So that racial prejudice against any ethnic group
24 would be eliminated over a period of 20 years time.

25 So that when the children go to the school system,

1 all at the undergraduate level will learn what each ethnic
2 group has contributed for enrichment of America. That is a
3 better way of making them feel what each group is respected,
4 each is considered part of the main society.

5 MR. SAMET: I just wonder, we asked Mr. Jones
6 earlier if there were any statistics available regarding the
7 treatment of Asians who are in conflict with the police, or
8 who have cases that the police are involved with. Do you
9 have any such statistics? And do you have them for the
10 state? Do you have them for any municipalities? Could we
11 have them, if you do have them?

12 MR. SEN: I think, sir, you could have them with
13 the Attorney General's office. Because they have started
14 maintaining those statistics, racial slurs, or racial
15 attacks, since 1988. And they have those statistics.

16 If they do not, I would probably be able to
17 provide you with some statistics in northern part of New
18 Jersey State. Not for the entire state, but certainly for
19 the northern section of New Jersey. I certainly would
20 consider it my privilege to provide you with.

21 MR. SAMET: Have you investigated, as Mr. Jones
22 has, some of the alleged complaints of --

23 MR. SEN: Yes, yes. We have. We have. In
24 Parsippany, in Jersey City, in Hoboken. And in one -- let
25 me tell you, where what is his name -- there are two

1 instances I forgot. I should bring it to your attention.

2 In Hoboken, a landlord was trying to sell his
3 condo. And he said it is openly marketed in 1989, "I do not
4 want any dot bastards in my condominium." He made that kind
5 of remark. I made him cry, I made him withdraw his
6 statement, I made him apologize before all the 60 tenants in
7 presence of 200 American tenants, to apologize
8 unconditionally.

9 And there was a man I think in, near Elizabeth,
10 Walker or some -- I have the paper clipping. And he made a
11 statement, he was running for mayoral position. And he
12 said, "I do not want dotheads to come to my town." And when
13 I called him up, the next day he started denying it, and he
14 wanted to meet with me privately. I said no way. "You have
15 to come and apologize before 100 Indians that you never
16 intended to make that kind of remark."

17 Tearful as he was, and I felt very happy. I said,
18 "How could a man 65 years old could become the mayor, or
19 even attempt to become the mayor, when he does not
20 understand how the behavior of the people in the 20th
21 century, almost at the close of it, or the beginning of the
22 21st century, is going to be nationwide? Globally. You do
23 not understand global politics? You did not receive any
24 education? Your mother, parents are so poor they did not
25 send you to the school?"

1 Then, helping me to bring to your attention all
2 the fact. Then in Kearney, there is a place in Kearney near
3 my home in Jersey City, Newark, four students, they kicked
4 two Indian and two Pakistani students who have completed
5 Masters in Engineering. And they were drinking, those
6 Indian and Pakistani, probably they were a little
7 over-drunk, in the cafeteria. They were sitting in a
8 restaurant near Kearney. East Newark, the name of the town.
9 And all these poor kids, both of them, and started beating
10 them, and called, "Hey, Pakistani and Indians," and used all
11 kinds of slurs. And they make complaints to the code house
12 of East Newark town, and invited us when the day was fixed
13 for us to go and appear before the magistrate and the code.

14 And the code get, at the end of a year, very
15 minimum punishment for the kids, \$15, \$20. And when the
16 Judge was hearing it was about 11 o'clock, he was postponing
17 the case, postponing it, until such time he would feel that
18 he would walk out, and he would have the time to deal
19 whatever way. We did not let it go that way. We stayed
20 until 12 o'clock.

21 And the Judge made some remark. He said, "What
22 Indian lawyer asked, this is wrong. You have to get the
23 medical certificate before you can deal." He said, "No, no,
24 no, I do not want to listen."

25 So he give a discourteous answer to the Indian

1 lawyer. And in the end, he made remark, I was not in there
2 during the whole time, "Are you Indian?" All these things
3 he start. When the Judge went to ask for sentencing was
4 done, we say, "Judge, there is no bearing whether he studied
5 in India or not. He had no right, legitimate right, to come
6 and --" No, you do not go by religion or color. That is
7 horrendous, on your part. "You are a stupid Judge," I told
8 him. "You have no respect for human beings. You are unfit
9 to be a Judge.

10 "And I have access to the press, and go to the
11 White House. So do not say all those dirty words any more.
12 You learn a lesson. If you do that, we are going to give
13 you a very good lesson." So he learned how to behave in a
14 modern world. The -- has to change, your attitude has to
15 change. That is what I am trying to tell you.

16 MS. CAMPBELL: One question. Mr. Sen, you talk
17 about the delay and the response of the police to the calls?
18 Do you think that your group is being singled out for this?
19 I would suspect that that, too, applies to other groups.

20 MR. SEN: To some extent, it is true that
21 particularly they will single out to the new immigrants
22 group, the Asian, Chinese, the Viet Nameese, they would
23 definitely single out them. They would give priority to the
24 people who have been living here for a longer time than
25 those people who have just immigrated.

1 MS. CAMPBELL: I am not so sure that is true.
2 Mr. Jones, have you had any complaints about the delay in
3 the response of the police, to calls?

4 MR. JONES: Yes. There have been complaints about
5 how quickly they respond. And of course, the greater body
6 of complaints after they respond, the lack of attentiveness.
7 That the nature of their complaint is a legitimate
8 complaint. That somehow because it is biased, or if you are
9 talking about police brutality, whatever it is, that it is
10 not legitimate because they are bringing it, and because
11 they could not bring a legitimate concern to the table.

12 So it is a sense that their relative worth as
13 citizens is less than that of the majority.

14 MS. HILL-SMITH: And for the record, could I just
15 say one thing? What, my friend from Asia, India, Mr. Sen,
16 what he is talking about with his -- report, his
17 organization and the state NAACP, NAACP down through the
18 years have made these things possible. Because we have had
19 to do these things without the help of the government. So
20 we are happy that it has got to the point where they are
21 keeping the records, and then we have to keep the record of
22 their record-keeping.

23 MR. BALCH: Mr. Sen, maybe I did not note it, but
24 do you have any instances of actual police brutality toward
25 Asian-Americans to report to us in New Jersey?

1 MR. SEN: No. I would not say as far as the
2 Indian community, as far as police brutality is concerned,
3 has reached that state. But why do we feel that the dot
4 bastard group should have received better attention? The
5 prosecutor, D. Pasquale, refused to treat the murdering
6 of -- in Hoboken as racially motivated. He is taught that
7 it was a murder, simple murder. And we in the Indian
8 community nationwide felt it was racially motivated.

9 So he wanted to downplay from racial motivation,
10 to ordinary murder case. You know, it was not. And we were
11 not happy with that. Even today, we are not happy. So that
12 was the only time we have experienced the police, what you
13 call, play -- it is not brutality.

14 MS. FARBER: Thank you. Mr. Jones, I have just a
15 point of information. We received in the middle of December
16 a letter from the Bergen County NAACP, copy of a letter from
17 Bergen County NAACP, addressed to the Division of Criminal
18 Justice in Trenton. The letter is unsigned. Did you
19 receive a copy of that? Can we treat that as an official
20 communication from the NAACP?

21 MR. JONES: Can I see it? Yes.

22 MS. FARBER: You are aware of that communication.

23 MR. JONES: Yes. Would you like to keep that? We
24 have another one.

25 MS. FARBER: We have extra copies.

1 MR. SAMET: To your knowledge, were the CCs sent
2 their copies?

3 MR. JONES: To my knowledge, yes.

4 MR. SAMET: Who was it sent by?

5 MR. JONES: It was sent by our Bergen County
6 chapter of NAACP. And the CCs for everyone's attention,
7 Governor to the Attorney General, Division of Civil Rights,
8 the Bergen County Prosecutor, Town Council, and to the town
9 manager.

10 MR. SAMET: Was it ever responded to, to the best
11 of your knowledge?

12 MR. JONES: I do not know that it was or was not.
13 I know that there has been some discussion from people like
14 the county prosecutor and others who were CCed about some of
15 the issues detailed in the letter.

16 MS. FARBER: Thank you. Thank you to both
17 presenters. We stand adjourned now until 2:30, when we will
18 reconvene. And I invite you to submit any additional data,
19 statistics, cases. The record would remain open for 30
20 days, as I mentioned earlier. We welcome any additional
21 information from the two of you. Thank you.

22 MR. JONES: Thank you.

23 (Whereupon, at 1:10 p.m., the hearing was
24 recessed, to reconvene at 2:30 p.m. this same day, Monday,
25 April 8, 1991.)

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

1
2 MS. FARBER: I would like to call this meeting to
3 order, please. We have with us this afternoon members of
4 our next panel. The Honorable Robert J. DelTufo, the New
5 Jersey State Attorney General. To his left, my right, Chief
6 Clifford Maurer, who is the President of the Chiefs of
7 Police Association of the state. And to Mr. DelTufo's
8 right, my left, the Honorable Richard Hickey, who is the
9 President of the County Prosecutors Association.

10 Now, they received the packet that was sent to all
11 of the panelists, so they are aware of what the topic is for
12 discussion today. If there are any questions that the
13 panelists have before they begin their presentations, we
14 will be happy to respond to them. If not, we will get right
15 into the presentations. And the way we will conduct them
16 is, you have a presentation, we will listen to that, and
17 then the members of the panel will have questions, I am
18 sure. That is the way that it happened this morning.

19 MR. DELTUFO: Okay, if I may.

20 MS. FARBER: Please do.

21 MR. DELTUFO: Do not sit so far away.

22 (Laughter.)
23
24
25

1 STATEMENT OF HON. ROBERT J. DELTUFO, JR., NEW JERSEY STATE
2 ATTORNEY GENERAL; ACCOMPANIED BY HON. RICHARD E. HICKEY III,
3 PRESIDENT, COUNTY PROSECUTORS ASSOCIATIONS; CHIEF CLIFFORD
4 J. MAURER, PRESIDENT, CHIEFS OF POLICE ASSOCIATION; WAYNE
5 FISHER; FRED DEVESA.

6
7 MR. DELTUFO: If I may start, I would like to say
8 that appearing with me today are Executive Assistant
9 Attorney General Fred DeVesa, who has been with the
10 Department for longer than he would like to remember, I
11 think, for many years. But has had a really very strong
12 hand in putting together the various initiatives that have
13 been undertaken by the Department of Public Safety over the
14 last 10, 12, 15 years.

15 And also Wayne Fisher, Dr. Wayne Fisher, who is in
16 charge of the Police Bureau in the Division of Criminal
17 Justice.

18 MR. SAMET: Which one is he?

19 MR. DELTUFO: Wayne? The good-looking one back
20 there.

21 (Laughter.)

22 MR. DELTUFO: It is a pleasure to be here this
23 afternoon. As I understand the topic of our panel, there
24 are fundamentally two questions which you are asking of us.
25 One is, are law enforcement policies adequate in dealing

1 positively with the community? And have they produced
2 better police-community relations?

3 I would answer yes to the latter, but I would also
4 add and caution not to the full extent that is required.
5 And I would answer no to the former, because we can and must
6 and shall do more, and do better. And I say no because,
7 quite frankly, any deviation from a norm of propriety is
8 unacceptable to me, I think, and to law enforcement, and to
9 those involved in the administration of criminal justice in
10 this state.

11 Any situation in which police and the community
12 lack an understanding and an appreciation of the role and
13 duties and pressures and obligations of the other, and/or in
14 which there is some lack of trust, or some lack of
15 communication between all segments of our society, are also
16 unacceptable situations.

17 That having been said, let me say and emphasize
18 that I believe that New Jersey has been very sensitive to
19 the issues which you are considering this afternoon, and
20 that New Jersey has done much to improve communication and
21 practices and relationships between the community and law
22 enforcement, and the practices of law enforcement itself.

23 I would also emphasize to you that in evaluating
24 any of these situations involving the police and the
25 community, that one has to bear in mind that there are

1 literally millions of contacts between police and citizens
2 every day. Not millions every day, but building up over a
3 period of time. That many of these contacts go very well,
4 and that in many of them there is a great deal of restraint
5 used by police officers when force might be appropriate. So
6 that whatever one sees, as I call it, the aberration, has to
7 be seen, I think, in the context of the totality of the
8 whole.

9 I would say to you that New Jersey is in good
10 shape, as I see it, from a national perspective, in terms of
11 what is in our society, and what responsible elements of our
12 society have done to try to deal with it. But I repeat to
13 you again that we are certainly not at the end of the trail,
14 and we need to keep the initiatives proceeding. And that
15 any one deviation is unacceptable.

16 I would like to describe to you very briefly,
17 because you have, I believe, an outline of a written
18 statement that goes into some of these things in more
19 detail. But just to skim over it, some of the things that
20 are ongoing, and have been ongoing in New Jersey. I would
21 also mention to you that many initiatives are operated and
22 pursued through the police bureau and the Division of
23 Criminal Justice, which was created several years ago to try
24 to ensure a more systematic response to the growing demand
25 for improved delivery of services to local law enforcement.

.1 The aims of that bureau are to promote better
2 administration in police departments, to see that better
3 programs are devised and implemented, and to try to see that
4 the quality of service to the public is enhanced. The
5 police bureau and representatives of criminal justice,
6 Mr. Fisher and Mr. DeVesa, myself, work with various law
7 enforcement organizations to achieve these goals. With the
8 Chiefs of Police Association, with police unions, and union
9 representatives, and with community representatives.

10 Just a very quick overview. Over, I guess longer
11 than 10 years, we have been involved in the Department of
12 Law and Public Safety. A period of time, by the way, which
13 involves the tenures of six Attorneys General. There has
14 been an ongoing effort to combat bias and hate crime. We
15 have worked closely during that period of time with the
16 Anti-Defamation League, and have tried to improve the
17 reporting of these types of crimes and incidents. We have
18 tried to maintain statistics on the commission of these
19 types of offenses. And I guess probably most importantly,
20 there has been attached to this type of deviation the voice
21 of Attorneys General throughout this period of time, that
22 the investigation and prosecution of bias and hate crimes
23 are a priority matter for the Department of Law and Public
24 Safety, and for the law enforcement establishment in New
25 Jersey, and will be pursued.

1 As part of this initiative, there has been an
2 effort to stimulate in-service training of police officers,
3 and also entry-level training police officers, in
4 sensitivity to this type of offense, to try to indicate to
5 police officers how they might better investigate these
6 crimes, how they might better help the victim, how they
7 might better relate to the relatives and to people that are
8 affected by such offenses.

9 Last year a video that was produced by the
10 Division of Criminal Justice and the Anti-Defamation League,
11 produced and manufactured and released, concerns this type
12 of sensitivity training. And that has been forwarded to
13 police departments around the state, with the suggestion
14 that this form part of an in-service training program. And
15 that is certainly something that is to be used on an
16 entry-level basis.

17 While we are talking of police training, there has
18 over the years been a sensitivity to continue firearms
19 training. And recently, a curriculum has been developed for
20 the police academies on the use of force by police officers.
21 That is described more fully in the statement. But it is
22 trying to give a sense of when force should be used, under
23 what circumstances, and to what degree. And to go into that
24 subject matter in great depth.

25 In addition to that, I had mentioned the

1 sensitivity training. I would also mention a cultural
2 awareness training, which is being attempted right now for
3 State Police in an in-service basis, to try to attune police
4 officers to the nuances of the various community groups that
5 exist within our society.

6 In addition to that, in terms of training, we have
7 had programs pursued by the police bureau and Criminal
8 Justice to orient new prosecutors, and also an orientation
9 course with the assistance of the Chiefs of Police
10 Association for new police chiefs.

11 In the area of community relations and criminal
12 justice standards, taking the latter first, I guess, the
13 Department has an ongoing project now with the chiefs of
14 police to develop standards for the operation of police
15 departments around the State of New Jersey. Six standards
16 were agreed to last spring, or summer, or recently, one of
17 them being a standard on internal investigations and dealing
18 with citizen complaints.

19 There is a protocol, a formal substantive leaving
20 out, if you will, of this standard that is underway right
21 now, a nuts-and-bolts outline of how this standard should be
22 complied with. It will probably be released in the very
23 near future. We can, if you would like, send along a copy
24 of that after it is released, to make that a part of your
25 record. Because I think that, and I will come back to that,

1 I think that is a very important thing to do, or to be done.

2 In addition to that, in terms of community
3 relations, we have, through the Division on Civil Rights,
4 and also through the Division of Criminal Justice, tried to
5 monitor situations, sensitive situations that might develop
6 in the community. But I think probably even more important
7 than that is an effort which was initiated last spring, and
8 which was ongoing for a few months, and is still ongoing.
9 But which I intend to put a great deal of time and effort
10 into, now that we have been able to develop a little staff
11 support for the project.

12 It is to increase the dialogue between community
13 groups and the police officers, so that there is some
14 understanding and some trust and some respect. Not that
15 there is not, in a large measure. But to the extent that
16 there is not, that it is developed, and it is put together
17 in proper form and order.

18 We have also, through the police bureau,
19 undertaken a study of various lawsuits that have been filed
20 against police officers in an effort to try to help us work
21 on standards and training and the like. A firearm discharge
22 study that goes back even over 10 years was initiated last
23 January or February, and is in the process of being
24 completed.

25 And starting, I guess, last November or December,

1 working with Chief Maurer and Prosecutor Hickey and other
2 people from law enforcement, other community groups, we
3 started to put together a task force to try to study the
4 question of use of force in its broad ramifications, to try
5 to come to some understanding of how citizen complaints
6 should be dealt with, and how they should be handled. To
7 try to set out the guidelines and the guideposts in the
8 receipt and investigation and pursuit of such matters, so
9 that there will not be distrust or suspicion on either side
10 of the ledger: distrust from citizens that complaints are
11 not being pursued with diligence and propriety, distrust and
12 concern by the police that matters are not being handled
13 fairly and they are not getting a fair shake.

14 I set forth in the written statement that is
15 before you this task force which Mr. DeVesa will chair, and
16 which will soon start its work, is going to deal with a
17 variety of questions. Such as the extent of the use of
18 force in our society. Why do these incidents occur? Are
19 allegations of use of force effectively investigated? Are
20 the procedures for the investigation adequate and
21 systematic? Are the procedures adequate for screening and
22 training law enforcement officers? Do law enforcement
23 officers accused of improper use of force enjoy the same
24 level of constitutional protection as other classes of
25 citizens? Are the laws relating to use of force

1 appropriate? And are guidelines for officers adequate?

2 So we are going to be looking at the statutes, and
3 we are going to be looking at this firearms discharge study
4 and other things to try to come to some better meeting of
5 the minds. And this groups is composed of law enforcement
6 people, and community people, and law professors. And I
7 think hopefully we will be able to deal with things that are
8 at the center of our social scene at the present time.

9 The overriding goals and objectives that we have,
10 and I think we should all share, is to try to achieve, even
11 though it is probably not achievable, a complete rapport
12 between all elements of our society, not only police and
13 minorities and other community representatives, but a
14 rapport between different social groups with each other.
15 And an absence of any type of hate or bias incidents in our
16 society, and the absence of any undue encounters between law
17 enforcement and citizens.

18 In order to do this, I think there are some things
19 that are basic and fundamental. These are things that are
20 ongoing in the sense that we have been working on them, and
21 a lot of it precedes my administration. I think the
22 Department and the professional people who are here today,
23 and past Attorneys General, have really been dedicated to
24 this same type of effort.

25 But probably one of the most important things is

1 to try to foster this understanding and respect between all
2 segments of our society. The community, on the one hand, we
3 want to try to dispel this feeling that may or may not exist
4 in some segments of the community, that they are reticent to
5 make complaints. That we want them to understand that they
6 have a free rein and a free right to do this, and that they
7 are handled properly.

8 We want the community to understand the difficulty
9 of the job of the law enforcement officer. I think many
10 times that they really do not fully comprehend the
11 stressful, life-and-death policing peace officer function
12 that police officers perform. They are, after all, very
13 important to the well-being of our society. They are the --
14 not to use a hackneyed phrase -- but there is a thin blue
15 line between chaos sometimes, and a civilized society. And
16 they are very essential, and very necessary, and very
17 dedicated people, for the most part.

18 And I think that we all have to understand that
19 the negative incidents seem to come to the fore. We cannot
20 be unforgetful of the many contacts between police and
21 citizens, as I said at the outset, that go very well. And
22 the many, many instances in which police are very justified
23 and could use force, and restrain themselves from doing
24 that.

25 You know, again, this is a true statement, even

1 though it has been said many times before. But a police
2 officer often has to make instantaneous kinds of decisions
3 that affect potentially his life, or someone else's, or the
4 safety of people. I mean, it is very difficult to make
5 those kinds of decisions under stressful circumstances. I
6 think people have got to understand the role that the police
7 officer plays, and the problems that he faces.

8 By the same token -- and this is where we get into
9 the sensitivity training and the cultural awareness kind of
10 training -- I think that we have to be very diligent in
11 making certain that our police officers are sensitive to
12 cultural diversity, and to differences, and to citizen
13 entitlements. And to the concerns and the fears and the
14 apprehensions of minority groups. And if we can foster this
15 kind of understanding, through a variety of ways -- I mean,
16 even minority recruitment fits into this mold at this point;
17 that gives it a little bit of confidence.

18 But I think the important thing is a dialogue, is
19 to get people together, to get them talking, to get them to
20 understand. To get them to realize that they are all human
21 beings trying to do a job, and trying to help each other.
22 And we should not be adversaries, and we should be moving
23 along on a very positive basis.

24 The initiative for doing this, that we are trying
25 to accomplish and as I say is ongoing, but will be done with

1 even more emphasis and dispatch, is to encourage prosecutors
2 to work with their human relations commissions, or if there
3 is no human relations commission, or not an effective one,
4 to create a commission, so to speak, composed of minorities
5 and other segments of society, and the prosecutors and the
6 chiefs of police and police officers, to get this kind of
7 dialogue going.

8 And one approach to this, too, that might be
9 helpful is one that Chief Maurer suggested back last spring.
10 Was we are forming now around the state these alliances to
11 deal with the drug problems. They are composed of police
12 officers and community representatives, community leaders.
13 Perhaps what a better starting point for a dialogue is a
14 group composed of all segments of our society, united in
15 trying to fight against something that everyone can agree
16 upon: drugs. That might be a stepping-stone as well.

17 But we focused this around the prosecutors'
18 offices, because the prosecutor is the chief law enforcement
19 officer of the county, a respected figure in the county, and
20 certainly someone who interacts with our department all the
21 time. I think it worked well in some places, more perhaps
22 in some places than others. But as I say, anything that
23 will foster this kind of dialogue I think is a very good
24 idea.

25 Also important in achieving these goals and

1 objectives is to perhaps consider some entry screening of
2 police officer candidates. Now we do background checks, but
3 I am not certain that the screening potential has exactly
4 been exhausted. Now, the vast majority of police officers
5 are upstanding people with very difficult jobs who are out
6 there every day protecting society. Without some type of
7 complete entry screening, however, it is possible for people
8 who should not be police officers to enter into those ranks.
9 And if we are able to cut that off at the front end, it is
10 probably something that should be done.

11 By the same token, if during the service of a
12 police officer one detects some type of problem, either from
13 stress or some other cause, we should be prepared at that
14 point in time to offer that person some specialized
15 training, or to suggest that some other profession or
16 business would be a more likely and beneficial use of his or
17 her time.

18 We should, and again in achieving this objective,
19 look to some type of mandatory in-service training, which
20 there is lots of in-service training that is ongoing now,
21 but there is nothing that mandates it. There are economic
22 considerations and constraints to this. Taking police off
23 the streets for in-service training puts a burden on our
24 municipalities. But nonetheless, it should be considered.

25 And I think that perhaps central to all of it is a

1 fair and recognized approach for dealing with citizen
2 complaints, and with internal review of those complaints.
3 We have to show a receptiveness to the receipt of
4 complaints, and demonstrate a willingness to pursue
5 complaints objectively to a fair conclusion. At the same
6 time, show to the "accused," the person who is the recipient
7 of this complaint, a fairness in procedure that will satisfy
8 any concerns from that score.

9 And I think that this is really a question of not
10 leaving anything to chance or expectation, but really having
11 a procedure laid out so that everyone understands it, and
12 that everyone knows what to expect, so that there is no
13 reticence on anyone's part to come forward with a complaint,
14 and there is a receptiveness to receiving those complaints
15 and to pursuing them in a professional way.

16 And the standard that was adopted last spring, and
17 the protocol which is almost in shape to be promulgated, is
18 designed to try to accomplish this thing.

19 In conclusion, let me say that our vigilance and
20 efforts in this area of what I would call community
21 relations is never done. As I mentioned two other occasions
22 during my address to you this afternoon, there are millions
23 of contacts between police officers and the citizens, and
24 there is always a potential for some type of escalation of
25 feelings or the like, especially in difficult, tense

1 situations. And we have to try to guard against that in
2 every way that we can.

3 We have to, I think, beyond police and law
4 enforcement and community relations, work very hard in our
5 society to try to foster that trust and confidence and
6 mutual respect and love among people that is the only path,
7 really, to harmony. And it takes an understanding and an
8 appreciation of different positions, and different cultures,
9 and different people.

10 As the Rabbi is quoted in the Talmud, "We may
11 never reach the solution, but we are never excused from the
12 obligation of trying." I believe that New Jersey is ahead.
13 I believe that we are fortunate in having right-thinking
14 people in law enforcement and in the community, jointly
15 trying to pursue the objectives that I have mentioned. But
16 as I say, there is never a time for kudos or relaxation. I
17 think consistently we have to try to appreciate the
18 circumstances of each other, and develop the respect and
19 caring that will make for a very healthy society.

20 Thank you.

21 MS. FARBER: Thank you. Should we proceed to the
22 other two presentations? Or is it the pleasure of the
23 members of the Committee to question the Attorney General
24 first?

25 MS. SABIN: Question.

1 MS. FARBER: Questions first?

2 MS. SABIN: Yes. Mr. Attorney General, you talked
3 about the hate crime video, which I have seen, and I think
4 it is an excellent one. But what you said was the
5 suggestion had gone from your office that it be used in
6 police departments all over the state.

7 In fact, have any of them used it as in-service?
8 And how has it worked?

9 MR. DELTUFO: I believe -- yes. I believe it has
10 been used.

11 MR. HICKEY: It has been used. We have used it at
12 the police academy in Foster County. We have used it within
13 my department, the investigative staff, in the office.
14 Again, it is only a tool, because that is not the end-all of
15 end-alls. You cannot rely upon a videotape to do what is
16 our responsibility to do. So it is part of the training
17 process. I think it does heighten the sensitivity of the
18 officers. And it goes hand-in-hand with the victims' rights
19 programs that have sprung up, and the requirement of each of
20 the county prosecutors' offices to have a victims' rights
21 coordinator. All of this has gone to having a buffer
22 between, not for keeping them apart, but for sensitivity of
23 the investigating personnel with the victims of crime.

24 Now, what I think is the use of this has worked
25 and is working more and more with victims. Now what we have

1 got to do is sensitize police generally to the public. And
2 that sensitivity sometimes I think is a bad choice of words,
3 because I think really what we are talking about is
4 basically changing, or understanding the cultures of other
5 people. Understanding what one thing which would not be
6 offensive to one person, would be very offensive to another.
7 And if people know that, then some of the careless mistakes
8 that happen in the dealings with the public, maybe they will
9 not happen.

10 I agree with the Attorney General that the, I
11 think New Jersey generally is in pretty good stead, although
12 we cannot condone any acts of excessive force by police, or
13 insensitivity by police towards any people in the state.
14 But I think that we have a unique system in New Jersey, one
15 which is not the case in most of the other states in this
16 country. And that is, we have a well-defined chain of
17 command when it comes to law enforcement. The only thing
18 that comes as close to what we have is the federal system,
19 because we have the Attorney General at the top of our law
20 enforcement community in the state. And his powers fan out
21 to the 21 prosecutors, who then fan out to the chiefs of
22 police in their respective counties.

23 So when a directive or any change in policy is
24 initiated at the state level through the Attorney General,
25 it has a direct network effect to the police. And for that

1 reason, I think we are way ahead of most of the other states
2 in this country.

3 MS. SABIN: Okay. Just to follow up, my only
4 comment was that having seen that video, and you say that
5 people in the academy see it, that is a small group. If I
6 had my druthers, I would make it required for every police
7 officer to see it, because I think it has something in it
8 for everyone, if to do nothing more than to make them aware
9 of some things that perhaps you are not aware of, that are
10 done in that video. That was my only comment.

11 MR. HICKEY: They are done at the police
12 academies, to train police that are coming in. It is
13 certainly part of that curriculum. And I think it is
14 probably shown in, I would guess in most police departments.
15 I think it is better, rather than issuing directives, to
16 work through the Chiefs of Police Association and the like
17 to try to get these initiatives started.

18 MS. FARBER: Any other questions?

19 MR. RODRIGUEZ: General, does the Department of
20 Law and Public Safety have any statistics as to cases of
21 alleged police brutality in the State of New Jersey?

22 MR. DELTUFO: Well, we have -- in your packet is
23 that study of lawsuits that were filed against police
24 officers over a period of time. And there is an article
25 that was written by Dr. Fisher and someone else that tries

1 to give the results of that survey.

2 We do not have any other kinds of statistics. I
3 think what was shown in that -- and I think there was
4 something like 600 lawsuits that were studied, and they
5 ranged from search and seizure complaints to a variety of
6 other things. I guess assault and battery comprise about
7 half of them. A lot of those suits were settled for costs,
8 I think, or some of them were, in any event.

9 I mean, it is hard to make anything out of it that
10 is, I think, perhaps meaningful for us this afternoon,
11 except to say that these incidents do happen, and we should
12 always strive to prevent them if we can.

13 I think brutality is probably too strong a word,
14 too. There are, as I say, there are millions of encounters
15 between police and citizens every day. And especially in
16 stressful types of situations, it is --

17 MR. RODRIGUEZ: I was speaking more of alleged
18 brutality, police brutality.

19 MR. DELTUFO: Well, I guess -- okay. I did not
20 mean it that way. I am just saying that brutality is a
21 strong word.

22 MR. RODRIGUEZ: The earlier speaker had perhaps,
23 at least under my impression, spoken of two possible
24 situations with regard to alleged police brutality, again.
25 And the way I had understood the speakers to say is that

1 they perhaps, at least two theories, or two hypotheses as to
2 two reasons why you have this situation. One, a speaker
3 spoke about racially motivated brutality. He was speaking
4 of the fact that police officers do these things because it
5 is racially motivated.

6 The other one was, as you had stated, that it is
7 perhaps there is a need for sensitivity insofar as you
8 mentioned maybe screening, pre-employment applicant for this
9 position, and so on, and so on.

10 Do you, does the Department have any feeling as to
11 which one of those two theories is correct?

12 MR. DELTUFO: Well, in the first instance, I mean,
13 we certainly have a feeling for hate and bias crimes, there
14 is lots of ill will between various groups in our society.
15 And I was talking about sensitivity training for police in
16 that area.

17 Look, I know -- you see, it is -- I do not know of
18 any instance in which a police officer was racially
19 motivated in harming someone. I am sure it is possible that
20 it happens, and that it does. I also find it equally
21 unacceptable that even if it does not exist, that anyone out
22 there in our society would feel that way, especially a
23 minority person who feels insecure maybe walking around in
24 the streets, or complaining to a police department or to
25 police officers, because they feel there is this kind of

1 problem jelling.

2 The only way that -- I mean, I think we need to
3 attack the problem, if it exists, or the potential for the
4 problem, if it does not exist, without even dealing with
5 that. But I am sure there are incidents of this type. With
6 the means that I was talking about before. One is training,
7 one is trying to promote the dialogue between people so that
8 there is understanding and trust and respect. And the other
9 is to make certain that we have in place, everywhere in this
10 state, a fair and recognized and accepted and proper and
11 well-understood procedure for investigating any claim of
12 excess, for whatever reason. And we are working to try to
13 do that.

14 MR. RODRIGUEZ: And just one more question,
15 General. Do you think that the reason why these things
16 happen, whether it is because you have this macho image that
17 police officers are going to do that against whoever it is
18 because this macho image, once you give them a badge, they
19 are given a license to do these things that people allege?
20 Either, it is either the training of police officers, or
21 police officers-to-be, whether at the municipal level or
22 state level, is it a matter of more or less understanding
23 the procedures and the force amendment and things like that?
24 And the constitutional right of individuals to maybe
25 arrested, if that is the case, but not to be abused?

1 Do you think that if the department, the different
2 departments were to create these guidelines of, as Zulima
3 calls it, protocol, that that will diminish?

4 MR. DELTUFO: The training now for entry people
5 has a sensitivity component to it. It also has a use of
6 force component to it. It is just not in training in how to
7 use a firearm, but some sensitivity as to force, and when to
8 use it, and when not to use it. I think that has to be kept
9 up. I think that some mandated in-service training is a
10 good idea. And so I believe it even moved on that front, as
11 well.

12 I also think entry screening is important. By
13 saying that, I do not want to, in any sense, deprecate our
14 police officers. I think the vast majority of people are
15 very dedicated people doing a very hard job. But you know,
16 if you are going to put someone out there with a firearm and
17 with authority and the like, you want to make sure that the
18 person is not the kind of person that you describe. And
19 most police are not like that, although some people have
20 perceptions of police like that. And the perception is an
21 unacceptable situation in this society, just as much as the
22 reality.

23 But we want to try to make sure that not one
24 person who does not have the sensitivity, or does not have
25 the right feeling for use of force, or is not dedicated to

1 fulfilling the aims of law enforcement, which most of our
2 police are, does not get into that type of position. I
3 think every police officer would want that. Because any
4 time some excess occurs out of all these contacts, it gives
5 a black eye to everyone else. And that really just, that
6 should not be. So we should have that kind of screening and
7 that kind of training.

8 Coupled with sensitivity training, though, and the
9 use of force and the whole business, again, I do not mean to
10 sound Pollyanna, and I do not mean to keep coming back to
11 the same thing, but it is communication. People have got
12 to -- and this goes well beyond police. You have seen the
13 hate crime video. You can see the Ku Klux Klan or somebody
14 going after people because of the color of their skin or
15 race or something like that. We cannot have a society that
16 is divided into pockets. I mean, we are going to collapse.
17 We do not get anything done. It is very counter-productive.

18 We are coming to the millennium. We are supposed
19 to be together at that point in time. We are supposed to
20 get rid of this bad karma, and everybody is to be united.
21 We have got to have better communication and understanding
22 among people.

23 And maybe it is a fine idea that we try to use
24 this initiative with police officers. I mean, after all,
25 these are the people that protect us. They should, and are,

1 I hope, still respected people in our community. I mean, I
2 remember when I was a kid and there were more foot patrols,
3 Dick the cop on the street used to come up for coffee. And
4 it was a nice relationship. We want to get back to that.

5 And why do we not try to use the police and the
6 prosecutor and the alliance groups and those kinds of
7 mechanisms to bring everybody together? And we do not want
8 Asians, or blacks, or Hispanics, and somebody else, or
9 Caucasians and others fighting with each other, either. I
10 mean, that creates all kinds of problems.

11 So I do not mean to, as I say, sermonize here.
12 And it may be -- I do not think it is beyond our reach, if
13 we all put our will to it, let me put it that way. I think
14 it is our only salvation in this society. We have got to
15 love each other a bit more.

16 MS. FARBER: Steve, and then --

17 MR. BALCH: One of the things that has come up in
18 our earlier discussions is the lack of data about complaints
19 against the police for its use or abuse of power. I am
20 wondering if one of the things that the Department might
21 undertake would be some effort to develop a systematized way
22 of compiling this kind of data. It would certainly be
23 useful in terms of analysis, in getting some hold on exactly
24 what is happening, what are the motivations behind the
25 incidents, what are the patterns of the incidents.

1 And secondly, to the extent that this would be
2 done department-by-department, and the extent to which it
3 would be public information, it would put some pressure on
4 those jurisdictions where there was an unusually large
5 number of complaints, and where presumably something was not
6 being done right.

7 I wonder if you could respond to that in the
8 context of the task force mandate.

9 MR. DELTUFO: Sure. I think it should be part of
10 the task force study. And I respond by giving an aside to
11 Dr. Fisher and Fred DeVesa, that if there is something
12 ongoing that I missed, please feel free to interject and put
13 me on the right track.

14 Absolutely. I mean, to the extent there are a lot
15 of departments, smaller departments, and a lot of some
16 larger ones, are not equipped, or do not keep this kind of
17 data, are not equipped to keep it. And we should. It would
18 help us, I think, in analyzing what is happening, and be in
19 a better position to correct it. And I think that that, if
20 it is not on the -- we should consider whether it is part of
21 the task force agenda. If it is not part of the task force
22 agenda, whether it would be part of -- maybe it is, I do not
23 know -- it would be part of the standards group. Because
24 that seems to me to fall more into that category, that we
25 should say every department should try to have some kind of

1 mechanism for maintaining this kind of data.

2 MR. BALCH: One more question along the same
3 lines. The mission of this particular panel is broader than
4 just looking into the abuse of power on the part of police
5 officers. We are also interested in the adequacy of the
6 whole pattern of law enforcement among the various
7 communities in the state, and in the state at large.

8 I am wondering whether your office has ever
9 contemplated, or whether in fact it has been done in the
10 past, a general survey of the population of the state,
11 trying to get their attitudes as to, A, the adequacy of law
12 enforcement, and B, what they regard as the most prominent
13 law enforcement problems of the state.

14 MR. DELTUFO: Quickest gun in the West.

15 (Laughter.)

16 MR. MAURER: I think that brings up a very
17 interesting point. Just two issues that you have raised.
18 First of all, my agency does make information available on
19 the complaints that we receive from citizens. But I would
20 be very careful in attempting to make an analogy about a lot
21 of that information, because basically you are talking about
22 a realm of complaints from someone, let's say, complaining
23 innocently enough about the attitudes of policemen when they
24 were stopped. And one of the things that we constantly hear
25 our people are rude.

1 And when we then interview these people to
2 determine what was the thing that made this contact, or was
3 a negative contact, from the perception of the citizen, and
4 the fact that the police officer was rude, is basically that
5 the individual just, as we would like to categorize it,
6 tended to business, and went up and got the documentation
7 that was necessary, advised the motorist that they had
8 committed a violation, went back, wrote up a summons, and
9 delivered it to the motorist. Now, the motorist certainly
10 was not happy with this. But the fact that the police
11 officer was not about to engage in a dialogue on the highway
12 as to the merits of this summons being issued brought on the
13 context, on the part of the citizen, that the police officer
14 was rude.

15 I do not think it is really a valid complaint.
16 This is what these people are trained to do. But I think it
17 gets down to some of the things that the Attorney General
18 has addressed. Not only does the police department have to
19 have a better understanding of the citizens that it serves,
20 but I believe that the citizens have to have a better
21 understanding of the police department.

22 One of the things that I have done during the
23 month of January is I had occasion to go to Connecticut, and
24 assess a police department in Connecticut. And one of the,
25 what I believe an innovative concept that they have

1 developed, was they developed a citizens academy, where they
2 brought people in from the community and basically provided
3 them instruction on how the police department operates.
4 Because I think there is a lot of misconceptions that exist
5 in a community about what the police role is. And I think
6 to then go out and say, "Are you satisfied with this
7 service," people do not even understand about the service
8 that is being delivered, so how can they make an analogy of
9 whether the service is proper, whether it is deficient, what
10 level it should be provided at, when they really do not
11 understand the workings of the police agency?

12 MR. BALCH: Well, that was not really the only
13 thing that I was getting at here. I mean, certainly people
14 do have a general sense of what law enforcement is all
15 about, and what it aims at. And they also have some sense
16 of what their communities are like, and what sort of
17 problems they have to confront.

18 I think what would be interesting in getting into
19 broader dimensions of the kinds of issues we are looking at,
20 to find out what the people of the state, and community by
21 community, what the people in the state feel are the major
22 problems they are facing, and how these impact on law
23 enforcement. I do not know if that has ever been done. But
24 it would certainly put a discussion like this in a much more
25 interesting and useful context than it is now taking place.

1 MR. DELTUFO: I do not think that we have the
2 economic or people resources to undertake that kind of
3 survey. We are also not in that business.

4 It would seem to me that also, I am not sure I
5 would be satisfied with the sampling, even though they are
6 supposed to be statistically correct. I think we can
7 probably get a better feel if we are successful in a county
8 by county basis with prosecutors as the focal point, using
9 the alliance groups and various municipalities, and other
10 means of bringing people together and actually listening to
11 complaints and concerns of people, having them filter into
12 some remedial mode.

13 MR. BALCH: My -- survey suggests that a project
14 like this, with a random sample on a state-wide basis, would
15 probably cost something on the order of several hundred
16 thousand dollars. In terms of its utility, I am not sure
17 that the pay-off might far outweigh the cost. I would just
18 offer that to you for your consideration.

19 MR. DELTUFO: Okay, thank you.

20 MS. FARBER: Dr. Hill-Smith?

21 MS. HILL-SMITH: Attorney General, glad to meet
22 you at last. I come from two perspectives. I am a victim
23 of police brutality, and yet I have got the best police
24 department in the nation in Winonah, New Jersey, to the
25 point that I put out a public letter for the policemen's

1 race.

2 And see, whatever we do here and throughout the
3 country is going to enhance the life and the safety of
4 police, because they are getting the rough end of the stick.
5 I called all my police chiefs in Gloucester County after the
6 Los Angeles affair, and let them know that we know who they
7 are, and what they are about. And they are not about what
8 is out there. Whenever anything happens like this,
9 everybody gets painted. Just like when there is a heinous
10 black crime, then all black people are automatically singled
11 out. And that is just what has happened with the police
12 department.

13 And you cannot run the country without the police
14 department. The police have got to go back into the
15 schools, talk to the kids, and come from that way up.
16 Because I could not function in Winonah, being in NAACP
17 since 1963, without a conscious police department. They
18 guard me day and night, because I am threatened day and
19 night. And we do not want our Attorney General's office set
20 up like the federal government. Please, keep yourself the
21 way you got it.

22 MR. DELTUFO: Thank you. You do not know what you
23 are saying.

24 MS. HILL-SMITH: I want New Jersey to run it the
25 way they are running it, with the things that is needed to

1 pull it together. We do not want it running the way the
2 federal government, because I do not always agree with the
3 way they run things, and they do not always listen to me,
4 either.

5 But this is a situation in this country where we
6 have to get back to basics. That is with our kids, teaching
7 our kids to learn to love one another. We have got to get
8 back to the Christian basics of love, but you have said that
9 two or three times with what you are saying. We have got to
10 love one another. Either we are going to live together as
11 brothers and sisters, or we are going to die as fools. And
12 we cannot afford discrimination any more; it is getting very
13 costly. Because everybody that came to me with a complaint,
14 I said, "Sue, sue." And when you sue them often enough,
15 then the government body of that town will get to that
16 police officer who has that complaint when they have to
17 start paying it out.

18 We cannot afford discrimination. We certainly
19 cannot afford bad police-community relations. We cannot
20 afford any of this that has held us back all these many
21 years. We have got to work together. And this is my
22 attitude.

23 MR. DELTUFO: Well, I apologize.

24 (Laughter.)

25 MR. DELTUFO: No, I am only kidding. Listen, one

1 thing about the schools, again, drugs are a real scourge.
2 But they are the stimulus for the alliance groups. They are
3 also the stimulus for the police officers going into the
4 schools on the DARE program and other things. And I will
5 tell you, to see -- I have been to any number of DARE
6 graduations -- to see the rapport and the feeling between
7 police and kids in a very positive atmosphere is wonderful.
8 So you are absolutely right.

9 RABBI KUSHNER: Yes, sir, Attorney General, first
10 I want to commend you on this task force that you are
11 setting up. I think these are things we are all concerned
12 about, and it is to your credit.

13 I would like to come back to the issue of the
14 awareness training, the training program that you talked
15 about, for what I presume is for recruits in the initial
16 stage of a police officer's career.

17 From my own recollection of my own professional
18 training, there are invariably any number of things that we
19 all have to learn, that our educators tell us we have to
20 learn. Some we learn a little bit more passionately than
21 others. I wonder how much anyone can really become
22 sensitized to the concerns of what the community is about,
23 in a training program, if it is not supported on a regular
24 and continual basis after the academy.

25 Could you just comment on, for one, because quite

1 frankly, from my own ignorance, I do not know how long that
2 training program is, just in the academy. But going beyond
3 that, how much time is spent on this cultural awareness?

4 MR. DELTUFO: Well, the sensitivity training is at
5 the police academy. The cultural awareness has been started
6 with the State Police on an in-service basis. Wayne, do you
7 want to -- I will get you the details on that. But in terms
8 of the initial training, is short-lived. It is a few weeks
9 to a month, a couple of months, something like that.
10 Sixteen weeks, four months.

11 But the continued emphasis upon that, and upon
12 other things, I think would be very useful and very
13 important. Right now, the only mandated -- again, correct
14 me if I am wrong -- the only mandated continued training is
15 in the firearms area and the like. I believe that as a
16 matter of practice, and as a matter of inducement by the
17 police association, by our office, by others, is that there
18 is lots of in-service training that goes on, particularly in
19 the sensitivity area, cultural awareness area.

20 But to have that continually ongoing, and to have
21 it continually brought home, I think is very important. And
22 then, again, if we can expand that and try to somehow have
23 that kind of feeling and attitude permeate relationships
24 between groups in society, we will be really much better
25 off.

1 But it is not something that you should get one
2 shot at, and then forget about.

3 RABBI KUSHNER: Is it a fair assessment, though,
4 that at the present, we still have a long way to go? And
5 that police officers are not getting enough of that training
6 right now?

7 MR. MAURER: Well, I think that, just to pick up
8 on one point, not to jump up on a soapbox. But I think
9 basically one of the things, and the comment about this
10 policeman who puts on a badge and thinks he is going to go
11 out and conquer society, or if anybody threatens him he is
12 going to utilize his authority to the maximum, I think this
13 is really a societal problem, per se; it is not a law
14 enforcement problem.

15 I think if you look at our society, we are in dire
16 straits. I think if you look at some of the institutions of
17 society, when you look at things like religion. I happen to
18 teach classes up at Mercer County College, and if you ask
19 people to raise their hand who even know what their religion
20 is, I think you might be amazed. But I think that if you
21 look at interaction between parents and children, where we
22 are in a society where we are forced, because of the
23 economic times, for both parents to work. When you look at
24 the number of kids that we have that are totally
25 unsupervised for an entire day. These are the people that

1 are becoming police officers in our society. So the
2 training has to be continual. They are no different than
3 anybody else in our society.

4 To say that we are going to show a video at roll
5 call training, or that we are going to engage in a program
6 that might cover a day or two days, is only really reaching
7 the tip of the iceberg. When I came on this job 23 years
8 ago, the police academy was six weeks in duration. It has
9 tripled. And we are asking the policeman to basically grasp
10 onto a tremendous amount of knowledge. Also, the focus. I
11 mean, we focus a lot of attention on our training that deals
12 with the use of force, we have talked about the use of force
13 that deals with the criminal element of the job. I do not
14 care where you go, it has been shown that over in Fort
15 Apache in New York, 80 percent of their work load revolved
16 around social-type issues. There is where we have got to
17 focus a lot of our attention, on that interaction between
18 people.

19 And the other thing that is happening to the law
20 enforcement community is we are continually taking on more
21 and more social tasks. As I heard someone once in the
22 Attorney General's office say if he was the mayor of a town,
23 and he had to cut resources, the first place he would cut is
24 the police department, 'because he knew that basically police
25 departments are survivors; that whatever the task is, they

1 are going to assume it. I am not saying that they are going
2 to do it perhaps the way it should be done, but they are
3 going to assume that task.

4 We have asked police officers to deal in drug and
5 alcohol problems, to deal with the homeless, to deal with
6 the mental health issue. Those were all issues that we are
7 now, that someone else in society was asked to deal with.
8 Now we are asking the police department to develop a
9 partnership in that.

10 And the problem comes about for us when we address
11 some of those issues, we are told that there is another
12 segment of government that is going to step in to assist us,
13 and many times it is not even there. So now the police just
14 do not walk away and say, "Well, gee, everything is not
15 working the way it should. We have to resolve those
16 problems."

17 So I think it has to be a continual effort. And
18 as I say, it is something that we just touch the tip of the
19 iceberg, and we have to continue to work with. And I see
20 what has occurred in California, we are addressing the force
21 issue. But I think this goes well beyond the force issue.
22 I think, as the Attorney General has been saying, we have to
23 get people, whether they like each other or not, to
24 basically work for the benefit of the community.

25 MS. FARBER: Mr. Hickey?

1 MR. HICKEY: I would just like to follow up on
2 that. First of all, when you talked about training,
3 Gloucester County has a police academy. The academy is
4 three-and-a-half years young. The reason of starting a
5 police academy in Gloucester County was not just to train
6 recruits.

7 We have 24 police departments in Gloucester
8 County, the largest of which is 65 police officers. Now, we
9 could not get enough recruits to warrant one class a year.
10 I mean, if that was our sole purpose.

11 The purpose was to provide for in-service
12 training, for the retraining of police officers who have
13 been out on the street for awhile. And that really was the
14 thrust of this. I mean, if we run a special officer course,
15 or we run a basic recruit class or two, I mean, that is
16 fine. But the purpose of the academy was to provide uniform
17 training for all the police officers in the county.

18 Now, Chief Maurer can tell you that no training is
19 without cost. The police academy operates with volunteer
20 instructors, either from my office or from other police
21 departments, or from the Division of Criminal Justice at
22 times, from the State Police, from the FBI. We recruit
23 instructors from all over to come in and teach different
24 courses. They are not charging for their time or their
25 services. But every time a police officer attends that

1 academy, the Chief of Police in that community has to worry
2 about whether that individual is on duty, and if he is, he
3 has got to have somebody else covering that shift.

4 So now you get into an overtime cost. So while we
5 operate at a no-cost, virtual no-cost program for police
6 instruction, there are hidden costs. And those costs have
7 to be borne by each municipality.

8 Training takes on across-the-board-type thing,
9 whether it be report writing, whether it be community
10 relations, whether it be crime prevention. All of these
11 things are all part of an ongoing program. And I can say
12 that for Gloucester County. I believe that I can say it
13 virtually for every academy operating in the State of New
14 Jersey.

15 There is not only the instruction that goes on in
16 police academies. There is instruction in small doses, if
17 you will, at roll call. Every police department will have
18 in-service programs, not every day, but one day a week, or
19 two days a week, as the time will allow. It is a constant,
20 constant training situation.

21 Are we doing enough? No. Should we do more?
22 Yes. And if the money allows, if the time allows, if the
23 manpower allows, we will do more. Because you never can get
24 too much of it. It is not something that you can become
25 oversaturated with. Training and retraining and retraining

1 is just going to make somebody better. That is why all the
2 professionals require continuing education, whether it be
3 medical, legal, what-have-you. It is a continuing education
4 process.

5 But the other thing that was touched on, that I
6 think is just as important, is, I have gone into 35
7 third-grade classrooms in the last three or four months. I
8 asked the same question to every group of kids. And I have
9 gotten all kinds of mixed responses. But the question I
10 asked is, "How many people in the room are afraid of the
11 police?"

12 And I go into a community where it is virtually
13 upper middle class, there is not a lot of crime, there is
14 certainly not fear of walking on the street, so on and so
15 forth, and half of the kids in the room raise their hand.
16 And I am trying to figure out --

17 MS. SABIN: Excuse me, in all the classes half of
18 the kids raise their --

19 MR. HICKEY: No. The interesting thing is, and of
20 course this is something I know that Mrs. Smith knows more
21 about than the rest of you, but we have one community in
22 Gloucester County where we were having a great deal of
23 problems. And we dealt with that to some extent. And my
24 office went in and did a study of the entire department.

25 One of the problems we found with that department

1 was that they had six less officers today than they had in
2 1977, and they had five times the number of calls that they
3 had in 1977, in 1989. Part of the problems, the community
4 relations problems dealt with the fact that a police officer
5 might initially show up, but then you never saw him again.
6 Well, there was no detective bureau, there was no follow-up
7 investigations, and it was based solely upon manpower. Not
8 solely upon manpower, but a great deal of it was on
9 manpower.

10 One person signed a complaint against a police
11 officer. When we got involved in the investigation of that
12 complaint, and while some of them we felt had some real
13 merit, the Grand Jury did not. But the one complaint was,
14 "I signed a complaint because nobody would talk to me. I
15 figured that if I signed the complaint, somebody was going
16 to talk to me."

17 And it was not a childlike attitude; it was a very
18 serious, "I had to talk to somebody in the police community,
19 and nobody was talking to me. So I signed a complaint
20 against a police officer. I figured at least he would talk
21 to me." And as it turned out, it was a follow-up
22 investigative type of thing. It was not an initial
23 response; it was not an attitude problem; it was not a bias
24 situation. It was just no follow-up.

25 And again, that particular community has a problem

1 with manpower. I go into the school in that community and I
2 say, "How many people are afraid of the police?" And not
3 one kid in the class raised his hand. Now, why? Even with
4 the shortness of manpower, they have police officers in the
5 schools virtually every week, for bike safety, for training
6 the crossing guards or the safety patrol, to work with -- I
7 mean, their community involvement is there. It is just that
8 they are not expressing and not getting across to the rest
9 of the community the fact that they do not have enough
10 manpower to do the job.

11 Now, as a result, the municipality is now hiring
12 additional police officers in an otherwise very difficult
13 budgetary time. And we are trying to help them with some
14 grant money to get additional officers.

15 But back to the school situation, the school
16 situation is one where the places where the officers are in
17 the schools, and are Officer Friendly. Talk to the kids,
18 tell them what they do, is where I have the least amount of
19 hands going in the air when I say, "Are you afraid of the
20 police?"

21 Where they do not have a problem, they do not seem
22 to see the need for the police going into the schools,
23 because generally speaking they do not have a lot of major
24 problems, that is where I walk in and half or better of the
25 kids raise their hands and say, "Yes, I am afraid of the

1 police." And then you can spend the next 20 minutes trying
2 to explain to them why they should not be afraid of the
3 police, but they are.

4 And we as parents do the same thing when we take
5 our little kid down the street, see a police officer and
6 say, "If you do anything wrong, he is going to arrest you."
7 Rather than saying to the little kid, "Listen, if we ever
8 get separated, you see a guy in a uniform like that, you go
9 to him because he will help you." We are instilling in kids
10 the fact that the police have one function, and that is to
11 arrest people. And we do not remember all the times that
12 police officers deliver babies, give emergency medical
13 treatment on the street or at homes. They are generally the
14 first response to an ambulance call. And there is a lot of
15 good things that they do.

16 As I said earlier, that does not mean we condone
17 things that they do wrong. Because when they do something
18 wrong, if they do something criminal, they should be
19 prosecuted like everybody else. But I do not want to forget
20 that they do an awful lot of good things, too.

21 MS. FARBER: Mr. Samet.

22 MR. SAMET: First I would like to commend you,
23 General, for the presentation you made.

24 MR. DELTUFO: Thank you.

25 MR. SAMET: You made remarks that I think some of

1 us in our own professional lives have made before groups of
2 police officers and other public officials, and said it very
3 eloquently.

4 Several questions emerged, though, from some of
5 the comments made earlier this morning by panelists. And
6 that is, in view of this kind of a philosophy and the
7 initiatives you are taking, and those that have been taken
8 by your predecessors for a 10-year period, one wonders why
9 there is so much minority group distrust of the system that
10 they claim metes out unequal justice with blacks, Hispanics,
11 and others receiving a differential consideration by the
12 representatives of the law than others of our society.

13 Also, your statements, which are impressive and
14 important, need to, and I presume do, reach people lower
15 down in the chain of command. But how do they get there? I
16 mean, do the people really know that you think the way you
17 do? I mean, how forcefully has this been presented to them?
18 And how much of it is repeated? And how is it implemented
19 by those in your chain of command? I have got four.

20 MR. DELTUFO: I will forget.

21 MR. SAMET: I will give you two, and the other two
22 later.

23 MR. DELTUFO: Give me two and two.

24 MR. SAMET: Two and two.

25 MR. DELTUFO: The kinds of policies that I am

1 talking about, and again they are not just unique to me, I
2 do commend my predecessors. I commend people like Fred and
3 Wayne who have been working hard in this area, as well. We
4 have things that we are trying to do in our department, and
5 we talk about it all the time, and we talk to people who are
6 out there trying to get it done. So I think the
7 communication is, even aside from writing, is pretty
8 pervasive in our place. I mean, we have a community
9 relations initiative, we have some juvenile justice
10 initiatives. We have this use of force thing. I mean,
11 there are lots of things going on that are very visible in
12 this area.

13 As far as the first question, I am not sure that I
14 can give you an adequate response. I would say a number of
15 things, I guess. I am upset by the acrimony, I guess hate
16 and dissention between groups in our society. Putting
17 police and minorities to one side. I mean, I think Cliff
18 Maurer spoke to that. Certainly, the hate crime video and
19 the bias incidents -- now, that does not involve police --
20 bias incidents up 125 percent in our tabulations, in 1989,
21 over 1988. We have got to stop that. I mean, maybe it is
22 all indicative of the same type of thing.

23 In addition to that, there are other social
24 problems which perhaps create this kind of feeling. We have
25 experienced an urban decline over the last 10, 15, 20 years.

1 Unfortunately, as a fact, there are lots of minorities
2 living in those urban areas, and there is lots of contact.
3 That is where a lot of the drug trafficking is. There is a
4 lot of contact between the police and minorities in those
5 areas. And perhaps that adds to this picture.

6 But I am distressed when I hear from minority
7 people who have become accomplished professional people that
8 they themselves are fearful as they proceed, because they
9 are fearful of some police intervention. That, I think,
10 can only be stemmed or dealt with, I believe, on the basis
11 of things that I have mentioned. We just have to try and do
12 better. And that involves screening, training,
13 communication between people, and trying to have all of us
14 understand the roles and functions of each other.

15 You know, in a way, and I do not mean to be
16 disrespectful, but when you ask that question, it has really
17 got a broader base. Why are we so divided? I think that,
18 in the society as a whole, we cannot live that way any more.

19 MR. SAMET: The reports this morning were not so
20 much that there is division in our society, but that the
21 police officials see blacks, Hispanics, Asians as
22 individuals who are, by virtue of their color or minority
23 status, suspect. It is not that they do not want drugs to
24 be eliminated from our society, it is not that they do not
25 want to be protected from the ravages of people who are

1 criminals. But that they feel that they are
2 disproportionately being selected for special kinds of
3 treatment that is not justified.

4 MR. MAURER: Well, I think that in preparing to
5 come here, one of the things I did, I took a look at a book
6 called Human Relations. And one of the things it talked
7 about that we have in our society, and I believe as a
8 societal problem, it talked about the paradox of the fact
9 that you basically have police that are comprised of
10 middle-class Americans who certainly come into this job with
11 prejudices. Before we can do whatever screening we want to
12 do, these people certainly have prejudices when they come
13 into the job, and basically are serving, when you look at
14 urban areas, people who our society has, over a long period
15 of time, I guess, chosen to discriminate against. And we
16 have these people looking at the police department as, I
17 guess, representing white supremacy.

18 So when these people interact with each other,
19 they are already in conflict, before they even get to solve
20 the problem that needs to be rectified. So we, as a
21 society, we have some tremendous difficulties. And to lay
22 the burden on the police and say that this is where the
23 problem lies I think is we are really missing the point. We
24 have problems as a society. I do not think we have problems
25 just looking at the police and saying, "This is where the

1 crux of the problem lies." I think it goes far beyond that.

2 MR. DELTUFO: To the extent that we can do
3 something about the things that were mentioned here this
4 morning -- I mean, I agree with what Chief Maurer is saying.
5 I tried to suggest that perhaps some of our social
6 situations these days, in terms of the urban situation,
7 might lead to more of these kinds of confrontations.

8 But again, the actuality of anything like that is
9 unacceptable. The perception, even if it is not actual, of
10 people to feel that way is unacceptable. And all we can do
11 is to try to work harder, we will work in our sector and try
12 to work through society as a whole, to breed better feeling
13 among people, better communication. We will do the
14 training, we will do everything. We will just keep plugging
15 away.

16 I think, if we can just get to the point where we
17 have people talking to each other at an earlier point in
18 time, and try to understand each other better, I know that
19 sounds like too simple a solution. But if we can just do
20 that, I think we will be way ahead of the game. I mean, if
21 we do that early on in life with lots of people, if people
22 do not develop prejudices or backgrounds or feelings, that
23 will help. I mean, I think we have to just -- certainly
24 where I sit now, and for the time that I am occupying this
25 office, we are going to try to do our best to foster that

1 kind of feeling among people.

2, MR. SAMET: My last question relates to --

3 MR. DELTUFO: Let's see, now, you have two more.

4 (Laughter.)

5 MR. SAMET: Well, you have given me a partial
6 answer to them together. And you have made, I think each of
7 you have made some references to the problem of budget
8 constraints, reduction in the size of the police force,
9 et cetera. You made references to needing to work with
10 human rights commissions or councils.

11 Have the budget constraints made this increasingly
12 difficult for you to do these kinds of things? And will
13 this be a continuing problem so that at a time when there
14 seems to be a greater need for these community relations
15 initiatives, you may find it is more and more difficult to
16 even do some of the things you were doing before?

17 MR. DELTUFO: Really, the answer is, we are going
18 to be able to do it, whatever the budget constraints. It
19 really was, in order to keep it up on a day-to-day basis and
20 keep everything jelling and expanding and rolling, I think
21 it important that we have some staff support in my office.
22 And we have that now. We are able, just by prioritizing and
23 juggling some things around, able to do that.

24 So I think we are going to be able to do it. I
25 mean, the idea of getting together and striking this

1 dialogue, and going this preventive kind of work is really
2 part of the job description for prosecutors, and for chiefs
3 of police, and for rank and file. So it is time. Not only
4 is it the right thing to do, but it is time economically
5 well-spent by everyone, because it should lessen tensions
6 and incidents, and perhaps even criminal events.

7 MR. MAURER: From a local perspective, the
8 dollar-and-cents issue is extremely important. One of the
9 things that we all effectually have to deal with is
10 something called the Garcia decision, where our people,
11 whatever function they may perform, if it has any
12 relationship to the police department, we have to pay these
13 people. If we have an officer who wants to get involved in
14 let's say a police athletic league, and there can be some
15 inference drawn that that has a relationship with the police
16 department, that individual can request compensation for
17 that function because it has that police department
18 relationship.

19 Dollars and cents weigh heavily. I think if each
20 and every one of you went and checked with your own
21 municipal budgets and looked at what may be cut out of a
22 police agency budget, I can assure you that if you look from
23 year to year, I am sure there has been reductions in the
24 police training budget. I think I can speak on behalf of
25 the police chiefs in this state, we realize the importance

1 of in-service training. Are we providing our people with as
2 much in-service training as we would like to? I can
3 emphatically state no.

4 One of the things that we certainly would like to
5 see that would come about from the state is mandated
6 in-service training. But then certainly one of the things
7 our municipalities would do is go forward to the state and
8 say, "Well, if you have mandated this, we would like some
9 dollars to come down to us." Dollars and cents play a
10 tremendous role in what is not done.

11 And I guess what the Attorney General has stated,
12 I think what we have to do as administrators is look at
13 things such as sensitivity training or cultural diversity,
14 and make those priorities in regard to the training that we
15 are going to provide to our people. But dollars and cents
16 weigh heavily.

17 MS. FARBER: Any other questions?

18 MR. KADLEC: I have two questions. First, out of
19 the news reports of the videotape in L.A., one line of
20 analysis, which I do not endorse but would like to discuss,
21 is that police brutality, which is admittedly unacceptable,
22 is nonetheless a symptom of a greater problem, which is a
23 breakdown of the whole criminal justice system. I am
24 interested if either of you gentlemen would like to
25 speculate on that.

1 MR. MAURER: I guess I would ask, who made the
2 analogy that it is a breakdown of the system? I would just
3 state that regardless of what profession you look at, and I
4 do not know what each and every one of you do, but I do not
5 think wherever you could work, you could look at everybody
6 who does the same thing and say that you do not have people
7 who are problems. We have bad schoolteachers, we have bad
8 attorneys, we have bad physicians.

9 And in this particular case, I guess we had bad
10 policemen.

11 MR. KADLEC: Well, let me make it more specific
12 than that. The analysis was done both by "Time Magazine"
13 and also by The Wall Street Journal. Both places, I read
14 this as a possibility.

15 Secondly, the claim is this: that there is a
16 certain level of frustration evidence in police forces
17 because of the increasing difficulty in getting criminals
18 caught in the act of committing a crime into jail, for a
19 whole variety of reasons. And that what has spread is a
20 sense of, if I may use the word, sense of vigilantism, if
21 you will, among certain police officers.

22 Do you view that as an --

23 MR. MAURER: I would say that is unadulterated
24 hogwash. First of all, here are policemen who are pursuing
25 somebody in a high-speed pursuit. They know absolutely

1 nothing about that individual. And decide to take him out
2 of his car, and beat him to within an inch of his life. And
3 we are going to say that these people are frustrated with
4 the system? I cannot buy that.

5 Basically what I look at is people who did not do
6 what they were supposed to do, and the system should treat
7 those people just like we treat any other criminal.

8 MR. DELTUFO: I agree with that assessment. And
9 also, I am not going to comment about California. In New
10 Jersey, we do have a much more integrated law enforcement
11 system, as Prosecutor Hickey mentioned before. We have got
12 a better structure, and I think we have got people here, in
13 Keith Jones and other people that you have heard from and
14 will hear from, who have attitudes of trying to solve some
15 kinds of problems. So I do not think the law enforcement
16 system or the criminal justice system can be characterized
17 that way in New Jersey.

18 MR. HICKEY: The accuracy of the statement, I
19 cannot say that I know exactly where I saw this or read
20 this. But I understand that the California courts have
21 virtually limited the screening capacity of police
22 departments, and have restricted the basis for rejection
23 from the position of a police officer.

24 While I do not know that we have an absolute
25 uniform policy in New Jersey, at least within the

1 municipalities that I am aware of, virtually every
2 department now gets a psychological done on a prospective
3 police officer. And that goes a long way, because education
4 alone cannot be the test. I mean, I think that generally
5 speaking, the officers in New Jersey are far more, better
6 educated today than they were 20 years ago. I think that
7 most police departments can look to college graduates
8 without any problem today, whereas 20 years ago, a high
9 school graduate was probably more the norm.

10 But psychologically, I do not know whether, unless
11 you are getting the test, and again you are relying on the
12 opinion of a professional to hopefully guess right that this
13 individual, under a stress situation, is not going to react
14 as an animal. But every police officer that is like every
15 other person who goes to work every day, has his own
16 personal problems which can affect his performance. And we
17 do not know what those problems are going to be day-to-day.
18 We just hope that by doing proper screening, that someone
19 under a stress situation will behave as a human being, and
20 not as what was depicted in the videotapes in L.A.

21 MR. KADLEC: My second question is really a point
22 I want to make, and listen to your response. Has to do with
23 the way you painted the picture, at least the way I have
24 heard it, is this is almost an undoable task. If the
25 standard is perfection, then how can you possibly get there?

1 It is almost a hill too big to climb. And yet we are going
2 to be courageous and start going up the hill anyway.

3 I suggest that another way to look at this -- and
4 it is really the same issue that is confronting American
5 manufacturing companies as they compete now in the world,
6 which is something called total quality control. And it
7 used to be in Detroit, a little hackneyed example, but I
8 think it is useful. It used to be that 90-percent quality
9 was pretty good, and that was justifiable, and they would do
10 rework and all the rest. And now they know that 90 percent
11 is not good enough; 99 percent, maybe 99.5 percent.

12 And it may be that the orientation here has to be
13 towards who the customer is in public, and working back and
14 asking the question, what constitutes total quality control?
15 What constitutes total customer satisfaction? And if
16 building in those kinds of feedback mechanisms will allow
17 you to, not in one day, because we know it is not possible,
18 but over a period of time and years, to hone the system to
19 supply what you all are committed to producing?

20 MR. MAURER: I think that is a good point. One of
21 the things my agency does is we survey. I truly believe
22 that a police department can be operated just like a
23 business. It is a business, and our business is to serve
24 the public.

25 We survey the people that we deal with. We have

1 developed a survey that we send out to -- we randomly select
2 people, and we send them a survey. And ask them if they
3 were satisfied with the service they received.

4 We also survey people who received summonses. And
5 the thing that I found outstanding is, first of all, about
6 30 percent of the people who receive summonses will actually
7 respond to our survey questionnaire. When you look at the
8 issuance of a summons, it is a very negative interaction
9 with the police. And looking at that 30-percent figure, it
10 is quite high in doing any kind of surveys.

11 The other thing that we found is, basically people
12 are generally satisfied with the service that we provide.
13 Even the people who receive a summons, we from time to time
14 will receive comments that although this was not the most
15 pleasant experience and something that they would like to
16 have occur again in their lifetime, that they were satisfied
17 with the service that was delivered by the police officer.

18 It does a couple things. First of all, it lets
19 our people know that they are doing a good job. And then
20 the other thing they are certainly aware of is, on any given
21 occasion, that may be someone that we are going to survey,
22 so they certainly do not want bad feedback coming back that
23 they are not diligently performing their job.

24 But on the other hand, and we have talked a lot
25 about upgrading police officers and getting people that can

1 deliver that type of service, one of the things that we are
2 going to be dealing with I guess in 1992 is something called
3 the Disabilities Act, where we are going to potentially have
4 to take people who have used drugs in the past. And we can
5 no longer use that as a criteria for rejecting someone. The
6 federal government has said that as a result of this
7 Disabilities Act, that is an individual that we would
8 potentially have to consider for employment.

9 I can tell you that some of the things that are
10 contained in that Disabilities Act has, I cannot speak
11 nationwide, but I can tell you that the police chiefs in
12 this state are seething that this is going to be something
13 that they are going to have to contend with in the future.

14 MR. DELTUFO: That Disabilities Act is something
15 that we are just starting a group to study that, and figure
16 out the implications of it. But they are very broad.

17 Perhaps I was not as clear or articulate as I
18 should have been. I am not saying that you should not
19 strive for that kind of quality, and maybe -- that you
20 suggest. But the only way to really avoid any type of
21 problem in this area is to get rid of confrontational
22 situations and stressful situations, which you cannot,
23 because it is part of the job description.

24 I mean, take a -- what often happens, police
25 officers having to go into a domestic dispute, and are

1 rushing into an apartment where somebody has a knife, or
2 where there is an attack in progress, you are into the
3 middle of a situation in which it is possible that there
4 could be some kind of excess used or charged. Or someone
5 breaks a window and runs, and a police officer might feel
6 threatened. Or even getting out of a car in the middle of
7 the night, and approaching a window because of a motor
8 vehicle violations, or for some other reason.

9 Even in Los Angeles, a female police officer did
10 that, I think, a few weeks before this awful incident, and
11 was shot through the forehead by somebody who had a firearm
12 in the car. I mean, you are into very volatile dangerous
13 situations, into situations which have all the ingredients
14 of possible escalation. That is all.

15 MS. FARBER: Any other questions?

16 MR. RODRIGUEZ: Just one more comment, General. I
17 think in due recognition of your job, perhaps it is the most
18 difficult one of law enforcement. Because in these kind of
19 situations in which you find yourself, or the public at
20 large, you have one responsibility, to make sure the police
21 does not abuse the power, and so on, and so on. And I think
22 we all agree with that.

23 But at the same time, you have to also be
24 cognizant of the fact that you have to protect the rights of
25 those who supposedly violate the rights of others, because

1 that is your job. You have to protect also even those who
2 allegedly are committing all these atrocities, you have also
3 to protect. And that is a very untenable position.

4 MR. DELTUFO: Well, that is our obligation.

5 RABBI KUSHNER: I would just like to share with
6 you an act that I think is very telling, and it comes back
7 to something that Prosecutor Hickey had mentioned earlier.

8 During the recent Gulf War crisis, synagogues
9 around the United States were put on alert for fear of
10 terrorist attacks. And in my community, I am the Rabbi of a
11 synagogue in Bloomfield, we contacted the local police
12 department and asked if we could have a squad car in front
13 of the synagogue just as kind of a show that there was
14 someone there. And in fact, they not only did that for us,
15 but they gave us two auxiliary policemen to come and stand
16 on the premises.

17 I have a three-year-old daughter who does not sit
18 in services very long. And she used to go out into the
19 hallway all the time, to the point now that whenever a
20 police car passes by our car, lights on or not, she says,
21 "There goes my friend."

22 And I think that what you were talking about in
23 terms of that contact, it is so important, particularly for
24 the little children. I realize that we do not have enough
25 police officers today, and their hours are too demanding,

1 and they do not have enough time to do these kinds of
2 things. But maybe if reaching out to auxiliaries in some
3 ways, so that children can not only have police officers
4 come into their schoolroom and lecture to them about the
5 right things to do, but just simply having contact with them
6 as human beings, so that they can say, "There goes my
7 friend." I think it does wonders.

8 MR. DELTUFO: I think it is very important, and I
9 think we have to have more of that contact, especially in
10 urban areas. The idea of communication, you remind me of
11 Homestead, Project Homestead in Newark. We have State
12 Police and local police actually on location 24 hours a day,
13 and foot patrols in one of the worst neighborhoods in
14 Newark, where people were afraid to come out of their houses
15 to even go to the store. And we have seen -- this is an
16 initiative in conjunction with the people in the community,
17 and with the Newark Boys and Girls Club, and their fighting
18 back initiative. We see people living in that neighborhood
19 and police interacting in a very friendly way, in a
20 cooperative way, actually going after landlords to fix up
21 apartments and do all kinds of things. I mean, the response
22 is very uplifting.

23 And I think it is, for the urban areas, it is the
24 future of reclamation, to police presence and police
25 cooperation and community working together. That is the

1 kind of thing we have to foster all around.

2 MS. SABIN: Can I just -- go on, Mr. Samet.

3 MR. SAMET: It has been recommended to us that it
4 would be useful, in fact would be very desirable, to
5 establish some form of citizen complaint office that would
6 handle physical and verbal abuse problems, and that such an
7 office should be given the authority to enforce whatever its
8 decisions may be about those complaints. It is partially a
9 response to the belief by some, at least, that when
10 complaints are made, the internal enforcement procedures
11 that exist in the police departments are inadequate to the
12 task, or are defensive to the point of ignoring the validity
13 of some of the charges. Comment?

14 MR. DELTUFO: Yes. I do not think I would cross
15 that bridge at the present time. I think that to just
16 create another bureaucracy or another agency is not going to
17 necessarily be the solution. And I think it just tends to
18 polarize again. Now you have, you almost have two sides
19 against each other, with another arbiter.

20 I think that, first of all, there is a lot of
21 civilian control right now over these types of situations.
22 You have governing bodies and municipalities. Without going
23 into a lot of detail, because I know the hour is late, we
24 have got the Division of Criminal Justice working with the
25 prosecutors and trying to make sure that these things are

1 investigated properly. And the Attorney General is a
2 civilian person, I think.

3 I think that we need to try and have these
4 uniform, stable, understandable, clear and fair procedures,
5 as a matter of course in every police department in the
6 state, so that people feel free to come forward with
7 complaints, and they are investigated properly. And that
8 there is oversight of what goes on by prosecutors, and by
9 the Attorney General. I think that is the approach to
10 follow in the first instance. Although, again, that whole
11 subject matter, I think, will be something that I would want
12 this use of force task force to consider, and to get
13 differing opinions, and to try to come up with a solution.

14 MS. SABIN: Just one statement. Having been a
15 victim of a bias crime, and having had to work with the
16 police department where I live, I have lived in the
17 community for 21 years. And when I was a victim 12 years
18 ago, the police department was not forthcoming, and was not
19 sensitive to my opinion.

20 We now have a new police chief. And I can tell
21 you categorically that he has made a difference in the
22 police department in our town. Why has he made a
23 difference? He has made it very clear that he is sensitive
24 to the rights and the concerns and the perceptions of the
25 minority community. I happen to live in a community that is

1 predominantly white.

2 He made a difference by example. And I do believe
3 that that makes a difference. And what happened was the
4 community came together not as white and black, but it came
5 together as a whole to not demand that something be done,
6 but to help the police department see that what they were
7 doing was not quite enough, and the way they were doing it
8 was not helping the community as a whole.

9 And I just got a letter from him the other day, as
10 a matter of fact, saying, "I have not spoken to you in a few
11 months, and I hope that everything is going all right. But
12 this has been done, and that has been done, and we are
13 really working together." And that is really where it is.
14 But you have to have the mindset that, indeed, if there was
15 a problem, the problem is going to be solved. If there is
16 no problem, make the citizens aware that we are here, and
17 what the purpose for the police department being there is
18 for. And that has happened in our community.

19 And I think that the chief of police needs to be
20 commended. I am sorry that Chief Maurer is not here to hear
21 this. But it is Maplewood, New Jersey. And Chief Lynch
22 happens to be a superior person.

23 And as I said, I will just leave it at that, he
24 has led by example, and it has made a difference in the
25 police. And some of those police officers are the same

1 police officers who were insensitive 10 years before.

2 MS. FARBER: Any other comments? I have a couple
3 of questions that I wanted to follow up on. I am really
4 surprised. And by the way, for those of you who do not
5 know, I used to be an assistant prosecutor, and consider
6 myself a part of the law enforcement community, so you know
7 my bias.

8 I am surprised that there is no central filing and
9 tracking of complaints against police officers. And that it
10 is not only left to the municipalities to deal with it,
11 which probably is a fine thing to do in most cases, we only
12 need one case where there is real trouble to make the whole
13 system, if not crumble, come into question. So I am
14 surprised that there is no central filing, at least, if not
15 processing, of those kinds of complaints, so that we could
16 work with the data that is required.

17 I mean, we sit here and we talk about perceptions,
18 because nobody can say in 1987 there were 10 complaints
19 against police officers, only two of which had any merit,
20 and only one of which, after real investigation, resulted in
21 any action, or needed to result in any action. Or there
22 were 10,000 complaints, and 500 required action.

23 We are looking, it seems to me, because of lack of
24 data, to what private citizens do when they seek redress
25 through the civil justice system. And I daresay that I do

1 not believe that is competent data on which to base any kind
2 of analysis as to whether or not there is a, not only a
3 perceived problem, but a real problem with regard to maybe
4 certain individuals, or certain departments, or certain
5 areas. We are not provided with the kind of data that would
6 make me feel comfortable, that we are looking at something
7 that is real.

8 MR. DELTUFO: You have to define complaints. And
9 if there are criminal complaints filed, obviously a record
10 of them. If there are formal -- somebody calls up and
11 objects because someone did not pay attention to him, when
12 they were giving out a ticket, that may go unrecorded. That
13 is very nominal.

14 Then there are perhaps complaints made to police
15 departments about activities of officers that are more
16 serious, that somehow are not recorded or not handled
17 properly because of lack of standards and uniformity.

18 To have the collection of data, it has got to be
19 at the local level. I do not see a county or a state
20 organization trying to assemble those things. I think it
21 probably, and a lot of departments right now do not have the
22 mechanism or the capacity, or at least the mechanism, in
23 place to do these things. It probably is a good idea to try
24 to assemble -- you can put them into different kinds of
25 categories.

1 MS. FARBER: I mean, when you are talking about
2 whether they are complaints that rise to the level of an
3 indictable offense, yes, they are going to end up in the
4 prosecutor's office. I am talking about tracking those
5 complaints so that at the end of a year, you could do the
6 kind of report that is done for the bias incidents, and say,
7 you know, this year there were X number of complaints.

8 MR. DELTUFO: I think that is a good idea.

9 MS. FARBER: And I am sure that they will range
10 from, "He was rude to me, when I told him that I was in a
11 hurry to get someplace, and he only wanted to give me a
12 ticket," to a family charging that somebody was killed
13 because of police brutality.

14 But I am saying, the point is that we do not have
15 the kind of hard data on which to assess whether or not this
16 is a serious problem in reality, or simply a perceived
17 problem on the part of the minority community.

18 MR. HICKEY: The only question I have is, would
19 those be actual complaints? I mean, when we talk about
20 complaints, are we talking about complaints of a disorderly
21 person's offense committed by police officers, as well as
22 criminal complaints? Or are we talking about complaints of
23 unprofessional conduct, action unbecoming a police officer,
24 for example.

25 MS. FARBER: We could probably categorize them in

1 all sorts of ways.

2 MR. DELTUFO: Excuse me. Wayne mentions to me, we
3 are working with the chiefs on standards for the department.
4 Six were agreed upon. And he has been working with the
5 chiefs to put a protocol, actual operating nuts and bolts.
6 One of them is the collection of that kind of data. So we
7 are going to do that.

8 MS. FARBER: My second comment, to which I would
9 like your reaction, is that, am I right, that we are now
10 writing protocols for police departments? I have this
11 impression that that chain of command that Prosecutor Hickey
12 described before applied to the procedures used by police
13 officers in their everyday affairs. And that those were in
14 force coming from the Attorney General, through the 21
15 county prosecutors, to the 500 or so chiefs of police.

16 MR. DELTUFO: I am not sure that there has ever
17 really been an overall manual, so to speak, on how to
18 operate a police department. Wayne, come on up here, and
19 you can help. Have a seat.

20 There is oversight to the extent that prosecutor
21 or the Attorney General tries to see that these agencies are
22 operating properly. Probably the oversight is more when
23 something does not happen the right way, that there is some
24 kind of an inquiry or investigation. It has been largely, I
25 think, up to the police to put their house in order,

1 although we have been trying to be of assistance to police
2 departments. There have been at least 100 management
3 studies that have been done by the police bureau suggesting
4 procedures to put in place, and things that are deficient,
5 and things that ought to happen.

6 It is better to try to work with groups than to
7 test the, especially if you do not have any real mechanism
8 of enforcing something. I mean, the Attorney General, in
9 theory, has control over the police departments. But the
10 police are appointed by municipal governing bodies, the line
11 gets very diverse. So if it is possible to work with the
12 Chiefs of Police Association, which is now, in any
13 event -- I was not around in the past, but now is very
14 receptive to the idea of standards that would govern
15 operations around the state. It is a better way to go.

16 So we do have six fundamental ones in place, and
17 are working on more. Any comment on that, Wayne?

18 MR. FISHER: I would only add that, going back
19 well into the eighties, early eighties and middle eighties,
20 in selected areas, the process that you described was in
21 fact followed. The Attorney General did issue directives
22 which were disseminated through the prosecutors.

23 What is different over the past year or so now,
24 actually the process kind of got kicked off in the fall of
25 1990. What is different is, we have gone beyond directives

1 which deal, which are limited to specific areas, whether it
2 be high-speed pursuits, or requalification with firearms.

3 And the effort now is to establish a system of
4 standards, which address the management and operation of a
5 police department in all aspects of its responsibilities.
6 And has been pointed out, the management of a police
7 department goes well beyond just the enforcement of the
8 criminal law. In fact, the majority of what police officers
9 are called upon to do would not be characterized as
10 enforcement of criminal law, but rather the delivery of a
11 variety of other services to the population. And that is
12 really where we are going now with the program that has been
13 instituted last fall, and is well underway with 50 or so
14 police departments participating on a voluntary basis.

15 MS. FARBER: If I may follow up, just a question.
16 What would happen -- I think to the Attorney General. What
17 would happen, is there a timetable for the implementation of
18 those standards? And what happens to that lone police
19 department out there that says, "We have been working this
20 way for 300 years, and we are going to continue to work this
21 way and that is that." Is there a timetable by which the
22 Attorney General of the state will say, "All police
23 departments in the state will have to be in compliance with
24 the standards that have been promulgated and adopted by the
25 law enforcement community?"

1 MR. DELTUFO: We are trying to work with the
2 chiefs who are on board with this. We do not have any
3 deadlines or any mandates at this point. Everybody seems to
4 be working fine. If there is a community out there that
5 does not want to participate, I will have to deal with that
6 then. I am not going to make an advance judgment as to what
7 I might try to do. But I certainly would try to be
8 persuasive.

9 MR. HICKEY: There are certain levels of local
10 control, through the governing bodies that you deal with.
11 It is like dealing with different personalities. There is
12 always a balancing between what control I have as the County
13 Prosecutor over the local police, in terms of day-to-day
14 functions. But not over the policy decisions of that
15 department, which are subject to the civilian control of the
16 municipality.

17 So whatever decisions that they make, they may
18 want five patrol vehicles covering a certain area of the
19 town. They can make that policy decision. What they cannot
20 do, and what is within the power of the chief, is who he is
21 going to assign to those five vehicles, or which five
22 vehicles they will be. But the policy decisions are still
23 the decisions of the civilian control. And that kind of
24 goes back to the issue of having a civilian board oversee
25 police complaints.

1 In essence, you have that now. Either by
2 delegation, that the governing body delegates to a police
3 director or someone else to be a hearing officer, and
4 actually appoints a prosecuting attorney for, to prosecute
5 the complaint. And those are internal complaints; they are
6 not the criminal complaints that may end up either in
7 municipal court or in the civilian court.

8 So there is an awful lot of civilian control. And
9 as much as the Attorney General, or as much as the 21
10 prosecutors have a substantial power over the operations of
11 the police, the policy decisions of those departments are
12 still subject to the civilian control.

13 MS. FARBER: I have one other point that I wanted
14 to bring up; actually, two points. One is that I do not
15 think it would surprise anybody to hear that some of the
16 complaints that this Committee has received deal not only
17 with police brutality, but also with differential treatment
18 in other aspects of the police work. And one that we have
19 heard repeatedly is response time. Police take much longer
20 to respond to a call from a minority community or minority
21 person, than they do to respond to the better parts of town.

22 And again, I am left without any data to either
23 support or disprove that allegation on the part of the
24 minority community. And we are left to address simply a
25 perception, because of the lack of hard data. And I daresay

1 that if hospitals can keep track of response time for their
2 ambulances, and fire departments can keep track of response
3 time for their vehicles on alarm, that it should not be that
4 much added work for the police department to keep track of
5 their response time, which I know they do. But then to be
6 able to centralize that data, to study it.

7 I mean, it is of no use if the local police
8 department keep that data, and after whatever period of
9 time, they just discard it, and there is nothing learned
10 from it, and the perception continues that there is this
11 kind of differential treatment being used.

12 MR. FISHER: You are absolutely right. Let me
13 point out that many police departments in New Jersey, as I
14 think you mentioned, do in fact have the capacity to record
15 information about response time. I would point out to you
16 that the analysis of information concerning response time is
17 not as simple as one might assume.

18 Very often, the most urgent calls are made to a
19 police department at the same time that the volume of other
20 not-so-urgent calls is also the highest. The point being
21 that when looking just to see, for example, the speed to
22 which departments can respond to urgent calls versus
23 not-so-urgent calls, if you just look at it on the surface,
24 it can be somewhat misleading.

25 The Attorney General mentioned that we have

1 undertaken a number of management projects, about 100 now
2 over the past several years, in departments throughout the
3 state. One of the products of those studies has been the
4 development of a system which we now instruct local
5 department as to its use. But the development of a system
6 which enables police administrators and leaders to do
7 exactly what you are talking about, not just to collect the
8 information, but to use the information.

9 And the goal of using that information, of course,
10 is to speed response time by introducing some flexibility in
11 the deployment of the, albeit limited, but of the finite
12 resources that police administrators have at their control.

13 This is a capacity which is not today available
14 to, or present in all police departments. But most of the
15 major police departments in the state do have, or are in the
16 process of developing, this capacity.

17 MR. DELTUFO: There are so many variables that go
18 into response time. There are so many responding to things
19 that it might be an administrative nightmare, actually.
20 Fred --

21 MS. FARBER: Talk to the hospitals. They deal
22 with it.

23 MR. HICKEY: They respond from a fixed location,
24 to, you see. You have a start time from the same garage,
25 with the same ambulance going to a location. Now, the only

1 variable is going to be, is there a difference in the
2 distance to one place as to another.

3 The variable you have with the police is you have
4 roving patrols. If the roving patrol in a particular
5 district is at an automobile accident, then another patrol
6 from another district is going to have to cover that call.
7 That time frame may be different.

8 In other words, what you are going to compare is,
9 is there a variety of response times in a middle-class white
10 community versus a variable of times, if it is the same
11 variation, then it is going, those same variables will come
12 into play.

13 MS. FARBER: I am not the one that --

14 MR. DELTUFO: Mr. DeVesa, who is an old Newark
15 cop, also would like to say something.

16 MS. FARBER: I just want to respond to what
17 Prosecutor Hickey said. I was not for one minute suggesting
18 that we say it should take three minutes from the police
19 station to any part of town, and that will be enforced. I
20 realize that the variables are many. But that does not mean
21 that we could not come up with a program to allow for a
22 number of variables, and to be able to monitor, so that you
23 can respond to the complaint of the minority community that
24 it takes three times as much to respond to our complaint,
25 sometimes of a serious incident, as it does to respond to

1 the majority community complaint. That was my only --

2 MR. HICKEY: I am sorry, that is the point I was
3 going to make. That as long as the average time is the
4 same, you are going to have variables which are going to
5 mean one call is going to take substantially longer than
6 another. If you are talking about comparing an average
7 time, you probably could.

8 MR. DEVESA: A lot of the questions here are
9 having to do with more information about police conduct and
10 police activities. They are questions that we have really
11 struggled with for a long, long time. And one of the things
12 that we need to keep in mind is that, unlike some of the
13 other parallels that have been drawn with other occupations,
14 police work is very diversified. So that today we are
15 talking about community relations and use of force;
16 tomorrow, we could be talking about arson; some other day,
17 domestic violence, emergency first-aid. So whether we are
18 talking about why there is police brutality, what we would
19 need to do to count citizen complaints, response time, what
20 type of in-service training that we should have, each of
21 these things needs to be looked at in the context of the
22 wide variety of police tasks.

23 And it is very, very complicated to develop a
24 system to get this kind of information across the board, at
25 a state level. To our knowledge, we now have more

1 information about policing in the State of New Jersey, and a
2 system of getting more police reports from local police
3 analyzed at the state level, than any other state has even
4 come close to achieving. Well, we are smaller, for one
5 thing, and we have been doing this a little longer.

6 All of these things that have been raised are
7 areas where we hope to gain more information, particularly
8 with some of the questions today on the task force that the
9 Attorney General has assembled. We fully intend to address
10 a number of these questions, and already have some ideas as
11 to how we can get further information.

12 But there does need to be an appreciation of the
13 diversity of the police role, and how difficult it is to
14 answer all of these questions in this context. But then,
15 similar questions have to be answered in these other
16 contexts. We do have today a bias crime reporting system,
17 we have a domestic violence reporting system, we have an
18 arson incident reporting system, we have a uniform crime
19 reporting system. Every time that there is a new area of
20 concern -- and remember, when we are talking police, we are
21 talking any possible societal concern will ultimately reach
22 its way down to police. So any new societal concern raises
23 questions about the police; and therefore, more information
24 from the police is something we can only address one step at
25 a time.

1 MS. FARBER: My last comment has to do with
2 measuring the effect of what you put in place. I think it
3 does us little good if you adopt standards, if you have no
4 way of measuring whether they have been implemented, and
5 what the effect of the implementation has been. Sort of
6 quality assurance for police work.

7 I do not know how to do it, because I am not an
8 expert in that. But reason tells me that we have to have a
9 way of measuring the effect of the initiatives that you have
10 undertaken.

11 MR. DELTUFO: I imagine, just as the Department
12 has moved ahead in this police area, and also in the
13 management study area, some kind of periodic audit to see
14 how close people have come to the standards would be
15 important. And of course, that is a resource problem.

16 But it should be done, at least on some kind of
17 staggered basis, so that we try to keep up a level.

18 MR. KADLEC: Ms. Chairwoman? May I suggest,
19 Mr. Attorney General, that the possibility of creating a
20 mechanism similar to the Malcolm Baldrige Award for quality
21 in industry. In other words, let's also give kudos; let's
22 recognize excellence where it exists. Let's not just focus
23 on the problems that have to be addressed. And then open it
24 for the communities in the state to compete for that award
25 every year.

1 MR. DELTUFO: That sounds like a good idea.

2 MS. SABIN: We have something in education -- I am
3 President of the Board of Education in South Orange -- what
4 we call an educational audit. And that really is for the
5 community. We set strategic targets every year, and then we
6 measure them and put it out in the form of a booklet, so
7 that the public knows what we are doing with their
8 youngsters, what their proficiency should be at a certain
9 point, and how we have reached it. And it really helps the
10 community know what the school district is doing, by exactly
11 what was said. So there is a possibility that one of those
12 things might be looked at, also.

13 MR. RODRIGUEZ: And Fred, you know that the
14 Department of Personnel has, in fact, in the State of New
15 Jersey is perhaps unique in that regard to many other
16 states. You have a performance appraisal review which may
17 be made part of the thing, for instance, that Ms. Farber is
18 talking about. Maybe that, those things can be put into the
19 performance standards, and then be able to measure as to
20 what is it that the officer did.

21 One thing that comes to mind in that regard is, if
22 you continue to have the same officer being pointed out, and
23 not responding to calls on time, or being rude to an
24 individual. I mean, I could be rude to you on one occasion.
25 But if I have a performance appraisal review with something

1 to that effect, that is going to measure me, and you look
2 and open it and see that every 10 days somebody is
3 complaining that I am rude, that department should look into
4 it.

5 MS. FARBER: I want to thank the Attorney General,
6 Prosecutor Hickey, Chief Maurer who had to leave, Fred,
7 Wayne, for your presentations. We really appreciate the
8 time and effort that you have put into it, and your comments
9 have been most helpful.

10 MR. DELTUFO: Thank you very much. Nice to be
11 here.

12 MS. FARBER: Thank you.

13 (Whereupon, at 4:40 p.m., the hearing was
14 recessed, to reconvene at 10:00 a.m. the following day,
15 Tuesday, April 9, 1991.)
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REPORTER'S CERTIFICATE1
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DOCKET NO.:


CASE TITLE: UNITED STATES COMMISSION ON CIVIL RIGHTS
NEW JERSEY STATE ADVISORY COMMITTEE (SAC)

HEARING DATE: April 8, 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:



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