

**Testimony of
Deborah Jacobs, Executive Director
American Civil Liberties Union of New Jersey
before the New Jersey Advisory Committee on Police Standards
April 26, 2007**

Thank you for allowing me to speak to you today, and for the time and dedication that you have given in service to this Commission. We in the advocacy community appreciate the effort and care you take to give thoughtful consideration of next steps to promote professional police practices issues in New Jersey.

My name is Deborah Jacobs, and I am the Executive Director for the American Civil Liberties Union of New Jersey, a nonprofit, nonpartisan organization that seeks to promote and defend civil liberties on behalf of our 15,000 members in the state and all Americans who believe in our nation's founding principles of freedom, justice and equality.

For decades, the ACLU-NJ has monitored and addressed issues concerning police practices and doing so remains a critical priority for our office. Since our very first profiling case, the case of the long-haired travelers handled by Frank Askin at the Rutgers Constitutional Litigation Clinic in 1970, we have worked through the courts and the court of public opinion to help ensure police professionalism in the interest of public safety.

You have already heard and read testimony from many experts on the critical need for systems of external oversight of police in New Jersey, both state and local. My associates Ed Barocas and William Buckman have provided statistical, factual and anecdotal evidence of the need for better police oversight in New Jersey, and experts like Roger Goldman and Sam Walker have recommended systems that have succeeded in other jurisdictions, resulting in changes in culture, increased professionalism among law enforcement and, most important, fewer incidents of abuse of citizens. Today you will hear testimony that will no doubt affirm the importance that any measures recommended for law enforcement oversight in New Jersey must apply to both state and local police departments.

We share the view of the experts that have come before you that the best system for police oversight in New Jersey is a well-funded and staffed office of police oversight located within state government, but established as an independent office. This office could be an "in but not of" independent agency similar to the state's Public Employment Relations Commission or Election Law Enforcement Commission. Additionally, we must catch up with the rest of the country and start licensing police in New Jersey.

As you know from the testimony of Professor Roger Goldman, New Jersey is one of only seven states that don't license police officers. As incredible as it sounds, in New Jersey the public is better protected against reckless manicurists and dentists than rogue police officers.

By licensing police officers -- the most immediately powerful agents of the state -- we protect citizens, promote standards of professionalism and address the all too common problem of police officers who are terminated from one department for misconduct getting a job in another town in the same state, only to commit misdeeds against another community they swore to protect.

The ACLU-NJ receives dozens of complaints against local police departments each year. In recent years, the highest number of complaints we received involved the Newark Police Department, followed by Atlantic City and Hackensack. These complaints range from racial profiling to physical abuse to sexual harassment.

The need to look at police oversight as a women's issue became most clear to me after an op-ed I wrote about the need to license police officers was published in *The Star-Ledger* in February 2006.

The morning after the op-ed appeared in the paper, my voice mailbox filled with messages -- mostly anonymous -- from both citizens and police officers with stories to share that supported the need for licensing and oversight.

In particular, I heard from women police officers who complained of having endured sexual misconduct by their fellow officers and superiors, as well as from women members of the public who alleged abuse and harassment by male police officers. Unfortunately, in many cases the women are too fearful to file complaints.

Several calls came from women police officers in Newark who were subjected to retaliation from the Newark Police Department's Internal Investigations Section after complaining about sexual harassment.

This underscores the need for *external* oversight, as the very system in place to protect these officers was used as a tool against them. Although I'm hopeful that Newark's new leadership is addressing corruption within the Internal Investigations system, given that nearly 40 percent of the new Newark Police Department recruits are women, reform is urgent.

There is ample evidence to suggest that women are disproportionately victimized by police misconduct. Sexual misconduct was among the most common reasons for a law enforcement officer to lose his license in those states where an analysis was done to determine why officers lost their licenses.

For example, in a review of all Florida decertifications in a seven-year period, 25% of the cases brought for license revocation involved sexual misconduct of two types: assault on citizens, and extortionate behavior, that is, an officer saying that he won't arrest or ticket a woman if she agrees to perform a sexual act on him. A study in Missouri showed the same kind of statistics.

We have a centralized system for registering sex offenders; shouldn't we have similar systems for police officers who commit sex offenses?

In contemplating the end of the consent decree and next steps for New Jersey in ensuring that our police are law abiding and fair, I urge you to make recommendations that will help our state catch up to the rest of the country on issues of police accountability -- or, even better, take leadership to establish even stronger systems than other states have.

New Jersey still wears the stain of racial profiling, and we know that it is an ongoing practice in both state and local police departments. The consent decree -- even if honestly informed -- simply does not do what the citizens of New Jersey need it to do in the interest of public safety.

I urge you to recommend a strong, independent, funded body for oversight of state and local police, and to establish a system for police licensing.

Women and minorities deserve to feel and be safe when interacting with those whose jobs it is to serve and protect each and every one of us. New Jerseyans deserve no less.

Thank you.

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