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March 22, 2016

Mayor Kevin J. Rooney  
Wyckoff Town Hall  
340 Franklin Ave.  
Wyckoff, NJ 07481

Dear Mayor Rooney:

On behalf of the American Civil Liberties Union of New Jersey, I write to express deep concern and outrage at an email (enclosed) that appears to reveal a directive from Benjamin C. Fox, Chief of Police in Wyckoff, both authorizing and encouraging racial profiling by the Wyckoff Police Department.

In the email, dated December 5, 2014, Chief Fox contends that “[p]rofilng, racial or otherwise, has it’s [sic] place in law enforcement when used correctly and applied fairly.” He continues: “Don’t ask police to ignore what we know...Black gang members from Teaneck commit burglaries in Wyckoff. *That’s why we check out suspicious black people in white neighborhoods.*” (emphasis added).

As you know, racial profiling is unconstitutional and illegal. Attorney General Law Enforcement Directive 2005-1 prohibits racially-influenced policing. Specifically, it prohibits an officer “from considering a person’s race or ethnicity to any degree in drawing inferences that this person may be involved in criminal activity, or in exercising any form of police discretion with respect to how you will deal with that person.” As a directive to officers, Chief Fox’s email would also lead to criminal violations of *N.J.S.A. 2C:30-6* (Official Deprivation of Civil Rights), as well as federal civil rights statutes.

If Chief Fox sent this email, he should be fired.

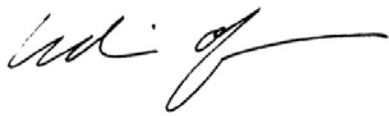
The email states that the Wyckoff Police Department “has a history of being respected by the public.” Assuming that is the case, failing to act decisively here will lead to an evaporation of that respect. It is clear that community trust in fair, unbiased policing is critical to effective public safety. Chief Fox’s statements erode the credibility of the Department and confidence in its ability to lawfully police Wyckoff.

The email also contains troubling language that appears to encourage hyper-aggressive police responses to people who resist officers’ demands.

Termination of Chief Fox alone will not address the troubling culture that he has likely cultivated in the Department based on his email. To address these systemic concerns and build confidence in the legitimacy of the Wyckoff Police, we urge you and the Township Committee to work with State and County law enforcement officials and act quickly to ensure that all officers receive anti-bias and de-escalation training. Moreover, the Police Department should immediately begin collecting, aggregating, and publishing data on all stops, frisks, searches, summonses, arrests, and use of force incidents by the Department. Sunlight, as it is said, is the best of disinfectants.

Please feel free to be in touch at any point to discuss this matter or if we can be of any assistance in the process moving forward. For those purposes, please contact Alexander Shalom at [ashalom@aclu-nj.org](mailto:ashalom@aclu-nj.org) or 973-854-1714.

Sincerely,

A handwritten signature in black ink, appearing to read "Udi Ofer", with a long horizontal flourish extending to the right.

Udi Ofer  
Executive Director

cc: Brian D. Scanlan, Deputy Mayor  
Rudolph E. Boonstra, Township Committeeman  
John A. Carolan, Township Committeeman  
Thomas J. Madigan, Township Committeeman  
Gurbir S. Grewal, Acting Bergen County Prosecutor  
Anthony Cureton, President, Bergen County NAACP  
Richard Smith, President, NAACP New Jersey State Conference  
Jiles H. Ship, President, Northern NJ Chapter, National Organization of Black Law Enforcement Executives

enclosure