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CIVIL LIBERTIES REPORTER

4TH QUARTER 2016 / 1ST QUARTER 2017

www.aclu-nj.org



ACLU-NJ Challenges Unconstitutional Civil Asset Forfeiture Practices

Man Pays \$175 Fee to Try to Get Back \$171 Taken by Hudson County

Jermaine Mitchell had \$171 seized from him by Hudson County during an arrest. He discovered that to even attempt to get it back, he would have to pay a \$175 fee — four dollars more than the amount taken. That Catch-22 violated his right to due process. The ACLU-NJ has filed a lawsuit to stop the unconstitutional civil asset forfeiture practices of Hudson County.



Hudson County routinely deprives people of due process after their property has been seized, and the ACLU-NJ is challenging that in court. Pictured: Members of the New Jersey Alliance for Immigrant Justice coalition testify before Hudson County Board of Chosen Freeholders in 2016.

Through the process of civil asset forfeiture, law enforcement can seize any assets it suspects may be connected to a crime, even if the owner of the property is never criminally charged. The Hudson County Prosecutor's Office routinely deprives people of due process in seizing their property, the ACLU-NJ said in court filings to challenge the county's civil asset forfeiture process.

By unlawfully combining entirely unrelated civil asset forfeiture cases together to make one large case, the prosecutor can then bring those cases in a

venue that is known to be more hostile to litigants who represent themselves. The court fees often exceed the value of the property taken and make it nearly impossible for people to challenge the seizures.

"Almost no one is going to spend more money to get property back than what that property is worth," said ACLU-NJ Attorney Rebecca Livengood, who represents Mitchell. "Based on a slight suspicion that property was involved in a crime, the Hudson County Prosecutor's Office can take a person's property and slam the door on any attempts to get it back."

Hudson County's forfeiture lawsuit against Mitchell also included 20 other defendants, who had property taken ranging from \$95 to \$3,164, and a 1991 Chevrolet Camaro. Although this practice of joining unrelated cases is unlawful in New Jersey, it is routine in Hudson County.

The practice disproportionately harms people in poverty, who are more likely to be stopped and frisked on the street and who cannot afford to pay the fines or attorneys' fees to fight for their seized assets. Someone in poverty may have a public defender for a criminal case, but currently no legal service providers in New Jersey provide free representation to low-income defendants in civil forfeiture cases. The papers Mitchell received on how to challenge the forfeiture included a list of 11 supposed options for low-cost legal representation, but not one of the organizations on the list could have provided legal help for forfeiture cases. Indeed, one organization was shut down in 2012 for fraudulently pretending to provide legal services.

"Through this unlawful practice, the Prosecutor's Office has abdicated its duty to respect the rights of New Jerseyans — especially those with the fewest resources to begin with — in a blatant affront to due process," said Livengood.

According to public records, Hudson County has among the highest number of civil asset forfeitures in New Jersey, and most of those cases involve the unlawful practice of joining unrelated defendants. [ACLU](#)

A \$239 Ticket Turns Burlington Township Court into a Debtors' Prison

When Anthony Kneisser appeared before the Burlington Township Municipal Court on a littering ticket, he hoped to set up a payment plan for his \$239 fine or repay his debt through community service. Instead, he was given a five-day jail sentence.

He's fighting to make sure no one has to go through something similar, and the ACLU of New Jersey has joined him.

He was cited for tossing a cigarette butt out of a car window. Then a 20-year-old student, Anthony was earning \$9 an hour as a part-time short-order cook, bringing home less than \$200 a week.

At the courthouse to pay the ticket, he was sent to a cashier to arrange a payment plan. Burlington Township Municipal Court posted a policy on the window: \$200 minimum payment. Not able to pay that day, he went back before the judge. When he said he wouldn't have the money until his next paycheck, the judge told him to call someone to ask for a loan. Anthony had already asked family, and they had told him no. When he told the judge he had no one to call, the judge sentenced him to jail.



Anthony Kneisser, pictured, couldn't pay a ticket immediately when he was 20, and the judge gave him a choice: get the money or spend five days in jail. He now works as a truck driver.

[Continued on page 3](#)

Christie Tramples Human Rights with Veto of Solitary Confinement Reforms

More than 1,300 prisoners on any given day in New Jersey are in solitary confinement, according to data straight from the state government. Yet Governor Christie claims that solitary confinement in New Jersey does not exist.

Governor Christie repeated this fiction in his Dec. 5 veto of legislation passed in the New Jersey Assembly and Senate to ban solitary confinement abuse.

"Christie chose to make the most vulnerable people in our prisons and jails continue to suffer for no good reason, and he chose to make all of us, including corrections officers, less safe," said ACLU-NJ Senior Staff Attorney Alexander Shalom. "The Department of Corrections covers its eyes to the reality of solitary confinement, and Christie helps pass out the blindfolds."

The legislation would have:

- Banned solitary confinement for the most vulnerable populations, including children, people who have mental illnesses, pregnant women, and people with various disabilities.
- Prohibited solitary confinement for more than 15 consecutive days or 20 days in a 60-day period.
- Required medical clearance and daily evaluations for prisoners in solitary confinement.

Solitary confinement is defined as being held in a cell or enclosed space for 22 hours a day or longer, either alone or with another inmate, with severely restricted activity, movement and social interaction.

The data concerning the number of people in New Jersey prisons and jails in solitary confinement was released in light of Christie's veto after being compiled by



Governor Christie vetoed a bill that would have ended solitary confinement of the most vulnerable people, like pregnant women and people with mental illnesses. Pictured: Passaic County Jail.

Students for Prison Education and Reform: Princeton, known as SPEAR. SPEAR plans to release this data in a report with the ACLU-NJ and Solitary Watch to be issued in 2017.

The data, which took a snapshot of prisoners in 2015, found that 80 percent of the roughly 1,300 people in restricted housing units— another word for solitary confinement — were found in administrative segregation or the Management Control Unit, a form of solitary confinement regularly used at administrators' discretion. This finding directly contradicts Christie's veto statement, which contended that solitary confinement is not used as a form of punishment.

The research also found that 409 prisoners were in solitary confinement for longer than six months, and

137 were in solitary confinement for longer than a year.

"The overwhelming harms of solitary confinement make the practice little more than cruelty for cruelty's sake," said Ari Rosmarin, ACLU-NJ public policy director at the time of the veto. (He has since gone to work for the national ACLU's Campaign for Smart Justice.) "Solitary confinement exists in New Jersey, and we've seen that it's used routinely instead of as a last resort, to the detriment of people's mental health, human rights, and safety."

The full report on New Jersey's use of solitary confinement will be released in early 2017. The Department of Corrections memo describing the range of time in solitary confinement for various infractions can be read online: <https://www.aclu-nj.org/solitary> [ACLU](#)

ACLU-NJ Board of Trustees

The ACLU-NJ Committee on Trustees presents candidates filling five open positions for three-year terms and five open positions for two-year terms on the organization's Board of Trustees. Because this year's election is uncontested, we are not asking members to submit a ballot.

The ACLU-NJ depends on strong, quality leadership and encourages its members to serve on its Board of Trustees. Interested members may contact the ACLU-NJ at 973-642-2086 or email: nominations@aclu-nj.org.

In addition to the official nomination process, any member of the ACLU-NJ can appear on next year's ballot by gathering signatures of 50 ACLU-NJ members on a petition. Those petitions must be submitted by Sept. 30, 2017.

TWO-YEAR TERMS



CJ Griffin

I am honored to be nominated to continue my service on the ACLU-NJ Board of Trustees. I am a Member of the Firm at Pashman Stein Walder Hayden, P.C., in Hackensack, New Jersey. There, I focus my practice on assisting

journalists, activists, and citizens in gaining access to government records through the Open Public Records Act. I believe that transparency is key to ensuring that our government is accountable to the public and that our civil liberties are protected. For the past two years, I have focused heavily on advancing transparency in law enforcement, including fighting for greater access to records involving the use of force by police officers. Prior to being a lawyer, I worked for several non-profit LGBT organizations and I bring that experience to the ACLU-NJ's board. Over the years I have volunteered hundreds of hours serving as a cooperating attorney for the ACLU-NJ on a variety of cases spanning a number of important issues, including government transparency, First Amendment rights, marijuana legalization, and criminal procedure matters. I look forward to continuing my service on the board.



S. Nadia Hussain

I am interested to continue my service as a member of the Board of Trustees of the ACLU of New Jersey. Now more than ever, we need to stand up for the rights and liberties of our communities. As the Maternal Justice Campaign Director at the organization MomsRising,

I advocate for the reforms that will impact our criminal justice systems while also focusing on police reform and maternal morbidity. I have spent the last seven years dedicating myself to organizing young people around voting rights; working with inner-city youth on issues of environmental justice and harm reduction; and organizing and advocating for the reproductive rights and immigrants' rights of women of color. I have applied my skills to co-founding a Bangladeshi women's advocacy organization in Paterson. I feel humbled to bring these experiences and perspectives to the ACLU-NJ, and look forward to contributing to and advancing this great work!



Valerie Jules McCarthy

I am honored to be nominated to serve on the Board of Trustees. I am an experienced attorney specializing in family law, assisting families and individuals with sensitive personal matters rising from divorce, child

custody, and guardianship matters. In addition, I have a track record working as an advocate for victims of domestic violence. In my personal and professional life I have placed great importance upon the belief that all people are entitled to be treated with dignity and respect and should be afforded all civil and individual liberties guaranteed by our Constitution. Being of Haitian descent myself, I have also worked to stand up for the rights of immigrants, both in the U.S. and abroad, including through legislative efforts to condemn the Constitutional Court of the Dominican Republic's ruling that rendered hundreds of thousands of Dominican-born persons stateless simply because of their parents' immigration status. I am passionate about the ACLU's legal, legislative, and public education programs, particularly issues involving women's rights and reproductive freedom and criminal justice reform. I would be thrilled to continue to serve on the Board of Trustees and have the opportunity to help the ACLU-NJ advance its important initiatives.

Amardeep Singh

I would respectfully like to continue to serve as a member of the ACLU of New Jersey's Board of Trustees. I have substantive experience with national security and human/civil rights concerns in the United States as a part



of my job as the Program Officer for National Security and Human Rights at the Open Society Foundations. This experience includes devising strategies to combat discrimination experienced by Muslim, Arab, and South Asian communities in the U.S., mass surveillance and targeted surveillance of the American Muslim community, and unlawful detention. It includes promoting accountability for the use of torture, unlawful detention, and targeted killing (through drone strikes) in the name of national security.

My job also requires me to extensively review the internal workings of social justice organizations to which I make grants. This includes reviewing an organization's executive leadership, board governance, presence in the public sphere, external reputation for effectiveness, and its finances. Finally, as a person of color and a member of a religious minority, I bring a personal, lived experience that I believe deeply informs how I think about social justice work.



Justice Gary Stein (Retired)

I write to express my strong interest in continuing to serve as a member of the Board of Trustees of the ACLU-NJ.

I continue to be very positively impressed by the work of ACLU-NJ and I have enjoyed my participation as a board member over the past

few years. My basic and overriding interest in ACLU board service derives from a lifelong commitment to public service and to the ideals supported and represented by ACLU's diverse efforts. I believe that the ACLU occupies a position of extraordinary importance in our society, because of its willingness to represent the most disfavored views and, frequently, the most disfavored entities in American life. Moreover, the ACLU consistently supports claims, ideals, and litigants that otherwise would lack adequate representation. It plays an indispensable role in providing that representation, often in controversies in which the legal position it espouses is unpopular and widely opposed. My personal interest in serving on the board is based on a desire to continue to support to whatever extent I can the organization's profoundly important mission.

THREE-YEAR TERMS



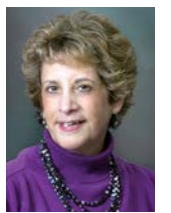
Marc Beebe

I'm honored to run for my fifth three-year term on the ACLU-NJ Board of Trustees. One day I hope that there is no longer a need for the ACLU. However, it is clear that we need to continue to hold our government — local, state, and

federal — accountable, and the ACLU-NJ is one of the best organizations to do that.

I'm currently the National Board Representative of the ACLU-NJ board, which means I also serve on the National ACLU board. In the past, I've been Vice-President; chaired the Budget and Finance Committee and served as Treasurer; chaired the Strategic Planning Committee; and co-written a number of grants. Being on the ACLU-NJ Board of Trustees is an important responsibility, and I take the responsibility seriously. I'm currently in charge of strategic research, humanitarian activities, and corporate development for another large nonprofit, and I'm a Certified Association Executive.

I look forward to continuing to work hard to protect the civil liberties of all people of New Jersey.



Peggy Brooks

I am pleased to stand for election to my third term on the board of the ACLU-NJ. I am currently on the personnel committee. For almost two decades, I was a civil rights lawyer working on prison brutality, employment

discrimination, and privacy cases. It took our country over 200 years to develop the rights we enjoy today, but officials in Washington continue to tell us that we must surrender our rights so that they can protect us from things they can't tell us about. Often, the ACLU is the only organization willing to fight back. It is critical that the ACLU continue to challenge policies that threaten our liberty. The ACLU-NJ plays an important role in New Jersey, educating the public on issues, urging government to do the right thing and going to court when necessary. I hope to bring my years of legal and managerial experience to strengthen the ACLU-NJ.



Frank Corrado

I would be honored to continue as a member of the ACLU-NJ board. I know of no more important work today than defending the Constitution's guarantees of individual liberty. As a civil rights attorney in South Jersey, I have handled numerous civil rights cases both in

my own practice and as a cooperating attorney for the ACLU-NJ, focusing in the area of free speech. I have taught the First Amendment at Rutgers School of Law in Camden and at Richard Stockton University. I am the board's immediate past president, and believe I bring a useful historical perspective to the board. Over my years representing civil rights plaintiffs, criminal defendants, and even municipalities, I have developed a good deal of knowledge and expertise. By working with the ACLU-NJ, I can put my abilities to their best possible use. Thank you.



Joseph Parsons

I have been a longtime member of the ACLU, and an ACLU-NJ board member since 2009. In 2011, I became the treasurer and have worked on various financial and policy projects. I seek to continue my work on the board to promote and protect civil liberties, both

locally in New Jersey and across the nation. I was initially introduced to the ACLU by a high school friend who aspired to be an ACLU attorney and fight for civil liberties. I was inspired by his vision and became a member of the ACLU soon after getting a paycheck.

After graduating from college, I moved from the Northeast to Houston, Texas, where I began my career. My experience in that multicultural environment produced a particular interest in immigrants' rights and economic justice, which I continue to advocate for.

I am currently the Executive Vice President, Chief Financial Officer, and Chief Operating Officer of Michael Kors Holdings Limited and have had previous positions as an executive at fashion apparel and accessories companies and a large public accounting firm. I have an undergraduate degree from Eisenhower College and a Master of Accountancy from the University of Houston.



Jeff Wild

I am a litigation partner at Lowenstein Sandler LLP, a firm of approximately 300 lawyers with a commitment to pro bono service. I am a chair of the firm's Capital Markets Litigation and Trust-and-Estate Litigation groups. I am thrilled

to be a candidate for another term on the ACLU-NJ Board of Trustees, which is a natural extension of my personal dedication to civil liberties. For more than 30 years, I have represented individuals incarcerated at a federal mental hospital; advocated the rights of children in foster care through Columbia Law School's Child Advocacy Center; worked on death penalty appeals and other civil rights cases at the Paul, Weiss law firm; secured the release of an individual who had been in debtors' prison in New Jersey; helped obtain a landmark settlement in a case involving HIV-positive discrimination in the context of adoptions; and am currently working to advocate for the rights of the homeless in New Jersey through the New Jersey Coalition to End Homelessness, which I helped establish. I would be honored to continue representing you on the board.

OP-ED:

ACLU-NJ: New Jersey Should Build a Wall

BY ARI ROSMARIN
FORMER ACLU-NJ PUBLIC POLICY DIRECTOR



The election of Donald Trump understandably has many New Jerseyans afraid. ACLU of New Jersey staff was scared too — and then we got to work.

The ACLU has spent nearly 100 years defending our fundamental rights and liberties. We don't kid ourselves about the challenges ahead. Every new appointment signals new, serious threats to freedom and equality. Attorney General Jeff Sessions has called the ACLU and NAACP "un-American" for "trying to force civil rights down people's throats."

If Trump thinks name-calling will deter us, he's wrong. In Congress, courts, state legislatures, towns, and the streets — all across the country — the ACLU is gearing up to fight like hell for your rights.

In New Jersey, we're planning to build a wall. No, not on the U.S.-Mexico border. New Jersey must build a fortification of our rights and freedoms.

Our state has long been a civil rights leader. With racist and white nationalist movements emboldened, we have a duty to both defend vulnerable communities and march on toward fairness and justice. Here's our proposal, brick by brick.

To start where Trump's campaign began, New Jersey has a duty to protect immigrant families. Trump has promised mass deportations and crackdowns on sanctuary cities.

New Jersey, a shining example of the diversity that truly makes America great, must stop local law enforcement from assisting in deportations. Counties should refuse to rent out jail beds to the feds, and towns and campuses that give refuge to immigrants deserve the state's support. The Legislature must expand driver's license access for undocumented New Jerseyans and provide lawyers to community members facing deportation. We can build a wall to keep our immigrant communities safe.

Amid this nativist atmosphere, Muslims face serious threats — to safety, their ability to worship, and the right to live without discrimination and surveillance. New Jersey must reject unconstitutional targeting of Muslims, whether from federal registries or zoning to stop mosques. Our wall must insulate Muslim communities from hatred.

Trump's administration poses unprecedented threats to privacy on at least two fronts. First, women could face restrictions on intimate reproductive



A celebration of the Lunar New Year at Ellis Island, located near Liberty State Park. Now the Ellis Island National Museum of Immigration, it was the country's busiest immigration processing site between 1892 and 1954.

health decisions. New Jersey must expand access to contraception and abortion. Second, we expect expanded domestic surveillance. Our state needs twenty-first century privacy laws. Police should need a warrant before getting our phone records, flying surveillance drones, stockpiling data about our travels from license plate readers, or deploying new ways to spy on us. Our wall must shield privacy.

Trump has proposed expanding stop-and-frisk and mocked calls from Black Lives Matter and others for police reform. With a Justice Department possibly

hostile to civil rights, New Jersey must ensure fair, constitutional policing. Our police departments need stronger oversight from lawmakers, the attorney general, and the public for transparency and accountability.

The path to ending mass incarceration also goes through the states. New Jersey has an opportunity to lead nationally on reforming bail, ending mandatory minimum sentences and banning solitary confinement abuse. We can fix parole, wind down the drug war, and help people return home after incarceration. With racial justice in mind, our wall can fortify a fairer criminal justice system.

Trump, Congress, and a future U.S. Supreme Court could unravel federal protections for LGBTQ people. Much discrimination is illegal in New Jersey. But we must affirm marriage equality, prevent bigotry disguised as religious expression, and provide transgender New Jerseyans access to health care and birth certificates. Our wall must secure the LGBTQ community's rights and expand protections.

The right to protest is fundamental. We've already seen attempts to silence opposition. Our wall must block any crackdown on dissent and prevent suppression of speech.

The ACLU cannot build this wall alone. New Jerseyans from all communities, faiths, and political persuasions must band together to cement the promises of our Bill of Rights and renew our shared vision for a fair, equal, and just society.

The threats to our freedoms are real. Let's get to work—we've got a huge wall to build.

Ari Rosmarin served as public policy director of the ACLU-NJ from 2013 to 2017. In February 2017, he took the role of deputy director of the national ACLU's Campaign for Smart Justice to end mass incarceration. [ACLU](#)

Debtor's Prison

Continued from page 1

He had two thoughts: how would he return his mother's car, and who would take care of his dog?

"It was humiliating to be treated like a criminal just for being broke," Anthony said. "I filed this suit to get justice, not just for myself, but to make sure that no one else has to go through what I went through or worse for being broke."

Fortunately, Anthony's father was able to loan him the money, and he was released from jail a few hours later. However, others may not have friends or relatives able to help them in the same way.

Anthony's story is part of a much larger pattern, and his case is part of a larger ACLU-NJ project.

Through a grant from the Rutgers University Maida Fellowship Program, attorney Alexi Velez has begun a year-long project examining the role of municipal courts in the criminalization of poverty. Through litigation, public policy advocacy, and research, Velez will challenge municipalities' reliance on municipal fines and fees as a source of revenue — and all too often, revenue generated on the backs of the poor.

"When people cannot pay their fines and fees, they find themselves trapped in the maze that is the criminal justice system — and are sometimes even incarcerated — because they cannot pay debts arising out of things like parking or traffic tickets," Velez said.

Velez is actively seeking stories of people who have been punished by our justice system for no other reason than being poor. If you have a story or know someone who does, please contact her at: tellyourstory@aclu-nj.org. The ACLU-NJ plans to release a report in 2017 on the criminalization of poverty.

Read more about Alexi Velez's project in page 4's Profile in Liberty. [ACLU](#)

TRIBUTES

In honor of Louis Billow
Carol Billow

In honor of Kelli Comegys
Julia Whall

In honor of David E. Comroe
Kyra Comroe

In honor of Arlene Corsano
Svetlana Lisanti

In honor of Joan & Peter Eilbott
Lassus Wherley & Associates

In memory of Chester Feldman
Rhoda L. Feldman & Susan Feldman

In honor of Alicia Francis
Tavi Sookhoo

In honor of Jack Gartenberg
Gary Gartenberg

In honor of Jane & Larry Gershel
Sheila Siderman

In honor of Ruth Bader Ginsburg
Jerald Baranoff

In honor of Joseph Iannucci
Lisa Iannucci

In honor of Maria Jaisle
Svetlana Lisanti

In honor of Roger & Becky Kafer
Stephen Hugg

In honor of Susan Kammerman
Svetlana Lisanti

In honor of Susan Kapoor
Sheila Siderman

In honor of Julia & Dan Karlin
Andrew Karlin

In memory of Ed Kessler
Nicki Kessler

In honor of Shlomo Ketner
Aaron Ketner & Devra Ketner

In honor of Kenneth Kolwicz
Svetlana Lisanti

In honor of Daniel Koplowitz
Ellen Rothman & Ed Koplowitz

In honor of Molly Lane
David Cushing

In honor of Anton LaVey
Darren Kramer

In honor of Nathan Lin
Iris & Wilson Lin

In honor of Svetlana Lisanti
Susan Kammerman

In honor of William Lynch
Emilie Gannon

In honor of Randall Mitch
Marysa Mitch

In honor of Udi Ofer
Edith Oxfeld

In honor of Udi Ofer
Ellen Rothman & Ed Koplowitz

In honor of Judith L. Parken
Kyra Comroe

In honor of Mike Pence
John Petrolino

In honor of Joyce, David & Becky Luiken Popiel
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In honor of Leslie Reid
Anne Reid

In honor of Heidi & Jim Rockwell
Susan Bayles & Jeff Rakitt

In honor of Judy Rosenbloom
Susan Rosenbloom

In honor of Stan Rosenbloom
Susan Rosenbloom

In honor of Dolores Schmidt
Susan Rosenbloom

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Avi & Justin Smolen

In honor of Jonathan & Christina Schneider
Daniel White & Jennifer Haro

In honor of Rich Schumacher
Dan Fatton & Alex Justino

In honor of Jeffrey Sessions
Jeffrey Wild & Susan Wild

In honor of Alexander Shalom
Elena & Nicholas Delbanco

In honor of Alexander Shalom
Evelyn & Stephen Shalom

In honor of the Sunada Family
Bob Flack & Frances Forman

In honor of Louisa Thompson
Svetlana Lisanti

In honor of Donald Trump
Stephanie Sheerin

In honor of Michael A. Van Allen
Toby Schreiber

In honor of Barbara Van Doren
Lauren Rodda

In honor of Gideon Weingarten
Larry Leder

Tributes are contributions made to honor or remember special friends, family, colleagues and occasions.

To have your tribute appear in the *Civil Liberties Reporter*, please contact the ACLU-NJ office at: 973-642-2086 or P.O. Box 32159, Newark, NJ 07102.

PROFILE IN LIBERTY

Alexi Velez

ACLU-NJ MAIDA POST-GRADUATE PUBLIC INTEREST FELLOW, THROUGH RUTGERS LAW SCHOOL



Ending Punishment of Poverty

New Jersey Superior Court’s Criminal Division handles about 50,000 cases each year. In New Jersey’s municipal courts, that number is closer to 6 million. For the next year, Alexi Velez has one focus: to address the criminalization of poverty in New Jersey’s more-than 530 municipal courts.

She plans to challenge practices that criminalize poverty through litigation and by advocating for policy reform.

As a Maida Post-Graduate Fellow at the ACLU-NJ through Rutgers Law School’s Maida Public Interest Fellows program, Velez watched hundreds of court proceedings in dozens of municipal courts, where some judges preside over about 100 cases per day. The pressure to move cases quickly puts strain on due process, Velez said.

Velez has seen a cross section of people’s lives in these courts. Downgraded domestic violence cases playing out in front of crowded courtrooms. People who volunteer to serve jail time in lieu of fines and fees they cannot afford. And although judges can waive or lessen the \$200 fee for a public defender, Velez has seen very few municipal judges exercise that discretion.

“In New Jersey courts, people often pay a steep price for poverty,” Velez said.

To Velez, two basic reforms are especially urgent: ending routine suspension of driver’s licenses as a form of debt collection, and giving New Jerseyans more lenience in setting up affordable payment plans or repaying court debts through alternatives like community service, without having to rely on a judge’s discretion.

“It’s not unusual for someone to say, ‘Okay, I’ll serve the remaining days in jail, because I can’t afford the cost to leave.’ Sometimes the hardship of spending time in jail for a few days is less severe than the hardship of coming up with money that you just don’t have,” Velez said. That is a choice no New Jerseyans should have to make.

Anthony Kneisser, whom Velez now co-represents, almost found himself in that situation. He was refused a manageable payment plan and was ultimately given a choice between immediately paying at least \$200 — more than a week’s pay from his job as a short-order cook — for a littering ticket or spending five days in jail. Fortunately, a relative loaned him the money he did not have and he was released. However, some people undoubtedly lack the same emergency support.

Velez’s fellowship consistently intersects with other aspects of the ACLU-NJ’s work. In December, two other ACLU-NJ fellows, Iris Bromberg and Rebecca Livengood, began a court battle to learn the amount of property Middlesex County

has seized through civil asset forfeiture, a practice also known as policing for profit. Law enforcement can take property based on any suspicion that it was involved in a crime, even if there are never any charges.

Rebecca Livengood, ACLU-NJ Skadden Fellow, filed a lawsuit against Hudson County for egregious abuse of this practice. Her client would have had to pay a \$175 fee to even attempt to get his seized money back — even though the amount taken was \$171.

Livengood, together with ACLU-NJ Transparency Fellow Iris Bromberg, surveyed every county to learn how much property each had seized. Only one county refused the request: Middlesex County, which demanded an \$800 service fee.

Bromberg filed a lawsuit under the Open Public Records Act. The exorbitant fees were unwarranted under the law, as suggested by the other 20 counties’ compliance.

The combination of civil asset forfeiture and criminal charges — as well as unnecessary fees to receive public records — can be financially devastating.

“Since it’s limited to a year, my project is only going to be the tip of the iceberg,” Velez said.

By identifying the most pressing needs and promising strategies to confront criminalization of poverty, Velez will plant the seeds of change that enable the movement for economic justice in our municipal courts to grow. [ACLU](#)

Alexi Velez, left, is undertaking a year-long project confronting the criminalization of poverty in New Jersey’s municipal courts — about 530 of them. Transparency Law Fellow Iris Bromberg, center, and Skadden Fellow Rebecca Livengood, right, are in litigation related to civil asset forfeiture.

CIVIL LIBERTIES REPORTER

Published Winter, Spring, Summer, and Fall by the American Civil Liberties Union of New Jersey, P.O. Box 32159, Newark, NJ 07102
973-642-2086 ■ info@aclu-nj.org ■ www.aclu-nj.org

ISSN: 0009-7934

Need some hope? The ACLU’s Jeff Robinson can give you some on March 14.

Donald Trump showed us early on that he planned to make good on his terrifying campaign threats.

The ACLU has already started making good on our own promise: to stop the Trump administration’s assault on civil liberties. Hear how on March 14.

ACLU-NJ Lights of Liberty Awards Dinner

Tuesday, March 14, 2017
Cocktails at 6 p.m.
Dinner & Awards at 7 p.m.

The Manor
111 Prospect Ave.
West Orange, NJ 07052

RSVP online at: <https://www.aclu-nj.org/events>



ACLU Trone Center for Justice Director and Deputy Legal Director Jeffery Robinson, pictured, will give the keynote at this year’s Lights of Liberty Awards Dinner.



LIGHT THE TORCH OF LIBERTY

Help the ACLU of New Jersey build a safe and free future by investing in its mission. Defend liberty by making a tax deductible gift to the ACLU-NJ Foundation. For more information on the many ways to give, call us at 973-642-2086. Visit our website to make a gift today: www.aclu-nj.org/donate

Address Service Requested

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