

# “WE THE PEOPLE”

MEANS ALL OF US



# ACLU

New Jersey

ANNUAL REPORT 2019

Dear Friends,

I hope this note finds you safe and in good health and spirits.

We initially planned for this annual report — a wrap-up of 2019 in its entirety, from the vantage point of 2020 — to reach your mailboxes and inboxes in March.

Then, the coronavirus hit. Along with everything else, the pandemic threw our timeline into disarray. As with many unprecedented crises in the last 100 years, the ACLU has sprung into action to confront new threats to our rights. The era of COVID-19 is no different.

This pandemic has exposed the fault lines of a society that we know has always been unequal. To be sure, the response to COVID-19 is a racial justice issue. Every institution in our country has been plagued with systemic racism, and those injustices have further surfaced and been exacerbated by this pandemic. In short, we see our role as ensuring that we limit the spread of the virus so that it does not devastate the most vulnerable communities, and addressing the injustices that are created by both insufficient and overzealous government response.

Here's just some of our recent work:

- We've secured the release of several medically vulnerable people from immigration detention. We're working in the courts, through political channels, and through online grassroots activism to ensure the release of many more.
- We, alongside the Office of the Public Defender, secured an order from the New Jersey Supreme Court to release nearly 700 people incarcerated in county jails.
- We filed a lawsuit demanding urgent release of people in New Jersey's state prisons, and sent a similar plea to Governor Murphy. Thousands of ACLU-NJ activists reached out to the governor. Days later, the governor issued an executive order allowing for the release of those who are elderly and medically vulnerable, along with others. We're fiercely pushing for the government to do more and to do it faster.
- With our coalition partners, we're mobilizing community members to push for inclusion of all people, regardless of immigration status and income, in desperately needed government relief.

Every day, we're holding those in power accountable. We're protecting rights and defending democracy. And we're planning long-term advocacy for our new version of normal — a vision of justice for all, achieved by confronting the vicious inequities that have made this pandemic so catastrophic.

I think you will find reading about all we achieved together in 2019 to be a source of hope. It serves as a reminder that together we can achieve real, meaningful change to make our world better, even when the world itself has shifted. The issues addressed in this report — inequality, bigotry, restriction of rights — are the same ones we're confronting now. Normal life may be on pause for many, but the fight for civil rights for all must always move forward.

Onward,



Amol Sinha  
Executive Director

# 2019 was monumental. In 2020, we'll go even further.

**For more than three years**, unprecedented threats from the federal government have tested the strength of our freedoms. The vacuum at the top has left an opening for leadership.

We in the states have taken up that mantle. And New Jersey is leading the way.

Some of what we achieved in the past year alone: The strongest limits to solitary confinement in the nation. Expanded access to driver's licenses to all who are qualified. Ending racial discrimination based on hair style and texture. The right to vote restored to people on probation and parole.

Your support made this work possible. As we mark our 60th anniversary, our mission remains as essential as it was in 1960.

Your support helped change lives in our state. In 2020, we'll go even further. We have big ambitions: legalizing marijuana with a focus on racial justice, protecting abortion and access to reproductive healthcare, and maintaining a strong line to distinguish the functions of local law enforcement from federal immigration agents.

New Jersey sets an example for what "we the people" can achieve when it includes *all of us*. Together, we will continue leading the way.



A handwritten signature in black ink that reads "Amol Sinha".

**Amol Sinha**  
Executive Director



A handwritten signature in black ink that reads "Marc Beebe".

**Marc Beebe**  
Board of Trustees President

Supporters rally outside the statehouse to urge legislators to vote yes on expanding driver's licenses for all. November 9, 2019, in Trenton, NJ.

## WHAT WE ACHIEVED:

# Driver's Licenses for All

**In New Jersey, we're known for identifying ourselves by highway exit.** But until a bill-signing ceremony on Dec. 19, countless New Jerseyans lived in fear because they couldn't get a license. That made dropping off kids at school, shopping for groceries, and actively participating in community life that much harder for the more than 700,000 New Jerseyans who could not obtain a license because of their income, immigration status, or gender identity.



After years of fierce campaigning, that changed with the stroke of a pen.

The Let's Drive NJ coalition, of which the ACLU-NJ was a founding member, consistently led demonstrations and rallies in front of the statehouse, enlisted community support across the state, and went office-to-office to whip votes. Together, we were able to pass this commonsense law, to the benefit of all New Jerseyans. We're now one step closer to building a more inclusive and equitable state.

The next steps: implementation to make sure the law treats people fairly, and extensive community education once it goes into effect in 2021. We have started to carry out a campaign to ensure that communities can use this new law in practice, and we're making sure the government takes necessary steps to create an easy, accessible process.

## Building a Team To Change Lives & Protect Rights

**When Sarah Fajardo became policy director in April 2019,** she had ambitious goals: address disparities based on race and identity, help immigrant communities build power, and form on-the-ground partnerships of activists to create a better, more equitable future for all New Jerseyans.

In the last year, the ACLU-NJ has made strides on every count, with a stellar team of advocates

who make up one of the most respected policy shops in the state.

The victories in this report demonstrate the power of integrated advocacy, in which all parts of the organization's work reinforce the others. For each tactic, and for each issue, every victory builds a stronger foundation for liberty as a whole.

## WHAT WE ACHIEVED:

# Enacting the Strongest Solitary Confinement Reform Law in the Country

**“I watched strong men mentally deteriorate, and I watched sick men become swallowed up by their physical and mental illnesses.”**

Those words of a survivor of solitary confinement helped lead New Jersey to severely restrict the practice. On July 11, 2019, Gov. Phil Murphy signed what national advocates have called the strongest restrictions to the use of solitary confinement in the country.

One day earlier, the ACLU-NJ delivered a letter to the governor with 682 signatures, ranging from hundreds of ordinary New Jerseyans and international organizations alike.

When the law takes effect on Aug. 1, 2020, prisons and jails cannot hold anyone in solitary confinement for more than 20 days consecutively or 30 days in a 60-day period. They must conduct mental health evaluations, and certain vulnerable groups, including people living with mental illness, pregnant people, and LGBTQ communities, cannot be subjected to solitary, with very limited exceptions.

New Jersey’s historic step forward has already inspired advocates and lawmakers nationwide in the movement to end solitary confinement. The ACLU-NJ will play an active role in drafting regulations for the law, and we will take steps to make sure facilities comply.



ACLU-NJ Executive Director Amol Sinha, left, and rock star Tom Morello, center, listen to stories from survivors of solitary confinement on May 8, 2019 in Asbury Park, NJ.



ACLU-NJ policy team members Daniela Nieves, Alejandra Sorto, and Ami Kachalia on their way to rally in support of driver's licenses for all on November 9, 2019 in Trenton, NJ.

Along the way, Fajardo has built a team of indispensable advocates. Campaign Strategists Ami Kachalia and Alejandra Sorto joined the policy department in the fall of 2019, along with BOLD Fellow Daniela Nieves over the summer. Their expertise in coalition-building, community organizing, and campaigning has strengthened our impact in some of our toughest fights.

As we continue addressing our most urgent priorities in 2020, our entire ACLU-NJ team is stronger and more prepared for the work ahead.

## WHAT WE ACHIEVED:

# Voting and Electoral Representation for Tens of Thousands of Disenfranchised New Jerseyans

**In a long-overdue step toward a fairer democracy**, New Jersey restored the right to vote for up to 82,988 people on probation or parole. The Dec. 16 signing was a landmark moment for civil rights.

But we're not done.

More than 19,000 people in New Jersey's prisons and jails still remain disenfranchised, and their right to vote never should have been taken in the first place. We're working to end this Jim Crow-era policy.

About half of those who are denied their right to vote because of a criminal conviction are Black. For perspective, Black people are 15 percent of New Jersey's overall population. Our state's Black-white disparity in imprisonment is the highest in the country, with Black people 12 times likelier to be incarcerated than white people.

In this dangerous time in the national landscape, it's especially important that New Jersey model the centuries-old principle of one person, one vote, in our effort to truly achieve a representative democracy.



ACLU-NJ Policy Director Sarah Fajardo, center back, with Governor Phil Murphy at a bill signing to re-enfranchise people on probation and parole. December 18, 2019, in Newark, NJ.

## WHAT WE ACHIEVED:

# Prohibiting Racial Discrimination Based on Hair in NJ Law

When a New Jersey high school wrestler from Buena Vista Township was forced to cut his dreadlocks or forfeit a wrestling match, hair discrimination was brought into the national consciousness.



ACLU-NJ Senior Staff Attorney Karen Thompson, right, speaks on a panel about the CROWN Act at Rutgers University on January 29, 2020, in New Brunswick, NJ.

While such behavior is hardly new for communities of color, the brashness of the act sent shockwaves that rippled across the country.

Less than a year later, New Jersey has made that kind of discrimination illegal.

The “Create a Respectful and Open Workspace for Natural Hair” Act — or CROWN Act — amends New Jersey’s Law Against Discrimination to overtly ban discrimination based on characteristics of hair

associated with race, such as texture, hair type, and hair style. It’s part of a nationwide movement to address hair discrimination.

As the New Jersey attorney general noted, the CROWN Act addresses a form of persistent anti-Black racism rooted in white, European standards of beauty, and accompanying prejudiced views that harmfully label traditionally Black hairstyles as “unprofessional” or “unkempt.”

***Black hair is a prompt that too often reveals the bigotry of people who imagine themselves to merely be upholding professional ‘standards’ — standards that too often treat textured hair and protective styles as unsuited for the office, classroom, and board room.***

—Senior Staff Attorney Karen Thompson  
as she testified before the Legislature



ACLU-NJ supporters rallied for immigrants' rights on February 20, 2020, in Newark, NJ.

## WHAT WE ACHIEVED:

# Holding the Line that Separates Local Law Enforcement from Federal Immigration Agents

**When the Immigrant Trust Directive was issued in late 2018**, New Jersey made it clear: in the Garden State, immigrants and their families should not have to fear that reporting crimes or seeking help from local law enforcement will result in detention or deportation.

In 2019, Attorney General Gurbir Grewal revised the directive by ending New Jersey's participation in a program that deputizes local law enforcement to act as agents for Immigration and Customs Enforcement.

Then came the legal challenges attempting to undermine this landmark policy. The ACLU-NJ was ready. We have gone to court to defend New Jersey's policy of keeping criminal law enforcement separate from immigration enforcement, filing a friend-of-the-court brief in support of the Immigrant Trust Directive.

The first lawsuits came from Cape May and Ocean counties. Now, the Trump administration has filed suit, seeking to dehumanize and intimidate immigrants rather than protect public safety and human dignity.

We will continue defending the important principles of the directive in court, side-by-side with dozens of community organizations who joined our brief and agree that New Jersey communities are safer when police protect and serve all residents.



## WHAT WE ACHIEVED:

# Shining a Light Through the Thick Walls of Prisons and Jails

**Prisons and jails are notoriously opaque places** — literally and figuratively. With the signing of the Dignity for Incarcerated Primary Caregivers Act, New Jersey established a historic level of oversight.

In addition to improving conditions for incarcerated parents and pregnant people, the law forges new ground nationally by giving the independent Office of the Corrections Ombudsperson, who reports directly to the governor, substantially increased authority to monitor and report on conditions in prisons and jails.

The ACLU-NJ's advocacy helped create opportunities for incarcerated parents to connect with loved ones, while increasing transparency, accountability, and oversight of the Department of Corrections.

Under the law, facilities must provide menstrual health staples on request for free, and parents will have greater possibilities to be in facilities closer to their children. Going forward, we will keep working to ensure that the law is implemented in a way that lives up to its promise.

## WHAT WE ACHIEVED:

# Advocating for the Rights of Trans People in Prison, Laying the Foundation for Large-Scale Reform

**Sonia Doe (a pseudonym) entered prison in March 2018.** For a year and a half, she was confined in four different men's facilities. The Department of Corrections had known that she is a woman, but because Ms. Doe is transgender, DOC forced her to spend more than 500 days in men's prisons.

When she took her case to court, that changed.

A month after the ACLU-NJ filed a lawsuit challenging her discriminatory treatment, Ms. Doe was transferred to New Jersey's women's prison.

People who are transgender, non-binary, and gender nonconforming face extraordinary risk of emotional and physical harm in prison. In men's prisons, Sonia Doe endured extreme harassment, discrimination, and violence. Her bravery in asserting her rights, and the DOC's quick decision to transfer her to the women's prison, creates momentum for broad-based reforms.

This lawsuit is part of our larger effort to make prisons safer for LGBTQ+ people. The ACLU-NJ served on New Jersey's Transgender Equality Task Force — which recommended sweeping policy reforms for state prisons and county jails — and will continue to leverage our integrated advocacy model to change DOC policies.

Senior Supervising Attorney & Director of Supreme Court Advocacy Alexander Shalom testifies before the Legislature in support of re-enfranchisement on December 12, 2019, in Trenton, NJ.



## A Consequential Presence at the State's Most Consequential Court

**Between March 2019 and February 2020,** the New Jersey Supreme Court heard 70 oral arguments. The ACLU-NJ was involved in more than one quarter. Apart from the government itself, no one appears before the court more often.

The cases that follow give a sense of the ACLU-NJ's impact in protecting and expanding our rights at the state's highest court.

## WHAT WE ACHIEVED:

# Expanded Protections for Juveniles in Police Custody

Argued by Laura Cohen of the Rutgers Criminal and Youth Justice Clinic on Oct. 23, 2019  
Decided Jan. 15, 2020

**When police officers interrogate a juvenile**, they must attempt in earnest to have parents or guardians present. Police cannot, however, eavesdrop on a private parent-child conversation to use it as evidence of a crime, as the New Jersey Supreme Court confirmed unanimously.

Fifteen-year-old A.A. was arrested and taken in for questioning by Jersey City Police. The police gave A.A.'s mother permission to speak with her son, but they hovered within earshot and listened in. They never read him his Miranda rights. Neither A.A. nor his mom knew the officers would use their seemingly private conversation as evidence against him.

The ACLU-NJ argued that police used A.A.'s mother to conduct an interrogation by proxy, and that anything he said should be inadmissible. The Court agreed and added a layer of protection for the rights for juveniles. Now, the juvenile must hear their Miranda rights before police can question them, and before allowing the juvenile to speak with a parent or guardian — and they can't use that conversation against them.

## WHAT WE ACHIEVED:

# Stronger Limits on Unreliable Eyewitness Identifications

Argued by Lawrence S. Lustberg of Gibbons, P.C. on Jan. 2, 2019  
Decided July 23, 2019

**For years, eyewitness identification has come under scrutiny** as an unreliable tool in criminal investigations. At the New Jersey Supreme Court, arguments from the ACLU-NJ helped strengthen our state's rules governing the eyewitness identification process.

The case began when a Newark Police detective pulled a photo array for a woman who reported a robbery. The officer failed to set the department's photo-management program to "witness" mode, which prevents duplicate images of a single suspect and removes identifying information. Most importantly, "witness" mode keeps a record of viewed photos.

In briefs and oral arguments before the Supreme Court, the ACLU-NJ argued that the identification could not be used in the prosecution. Additionally, the unreliability of eyewitness identification and the potential for technology to further compromise its validity demand stronger reporting requirements.

The court agreed, and our rights are stronger as a result.

# 2019 by the Numbers



**700,000+**

**New Jerseyans** will be able to access a driver's license for the first time



Up to **82,988**

**New Jerseyans on probation or parole** are now able to vote

**2,294** calls were made to lawmakers urging them to vote yes to expand driver's licenses, facilitated by ACLU technology

**682** signatories,

including activists, national organizations, and local groups, added their names to ACLU-NJ's open letter urging Gov. Murphy to sign the Isolated Confinement Restriction Act

**70**

**decisions**



were issued by the New Jersey Supreme Court between March 2019 and February 2020, the ACLU-NJ was involved in 17 of them

ACLU-NJ lawyers and cooperating attorneys delivered **17** arguments before the New Jersey Supreme Court, covering topics such as:

- eyewitness identification • search and seizure • sentencing
- police interrogations • jurisdiction of drug laws • civil asset forfeiture
- sex offender registration • juvenile justice • rules of evidence
- due process in child abuse determinations • workplace discrimination
- discovery in civil commitment proceedings • scientific reliability of drug recognition evaluations • medical marijuana



**8** permanent full-time staff members were hired since March 2019, expanding our team to **25** strong

# Financials

## Income & Expenses 2019

<b>INCOME</b>	<b>Total</b>
Contributions	\$1,754,645
Grants	\$661,396*
Bequests	\$25,053
Dues	\$1,425,720
Investment income	\$166,337
Other	\$32,210
Legal case awards	\$97,940
<b>Total</b>	<b>\$4,163,301</b>
<b>EXPENSES</b>	<b>Total</b>
Program	\$2,001,871
Management & general	\$524,103
Fundraising	\$267,471
<b>Total</b>	<b>\$2,793,445</b>
<b>Net, before investment valuations</b>	<b>\$1,369,856</b>

In this edition of the annual report, we wanted to use every available page to show you the victories you helped achieve. To do that, we have not included a roster to thank our generous donors. In its place, we hope to give a window into how your support has changed the lives of all New Jerseyans for the better. We're looking forward to going even further in 2020, together.

*\* This total includes \$341,000 in prepaid grants received for projects being implemented in FY20.*

## WHAT WE ACHIEVED:

# A Place for the Next Generation of Advocates To Expand Their Experience — and Expand the ACLU-NJ's Work

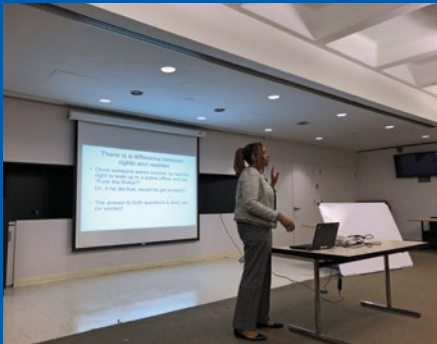
### Meet the sometimes-unsung heroes of the ACLU of New Jersey: our fellows.

For more than eight years, the ACLU-NJ has had at least one fellow on staff. In 2019, we had six. They represent the next generation of civil rights lawyers, leaders, and advocates. Members of our staff know this firsthand — some were fellows themselves.

Fellows typically come on board for one or two years to carry out a specific project, but their work can be wide-ranging. Some advocate for clients, draft bills, and deliver testimony. Others draft legal briefs, advocacy reports, know-your-rights materials, model legislation, and lead innovative lawsuits. All play a pivotal role.

**Katie Haas** investigates solitary confinement in immigration detention and advocates for detainees. She argued as amicus curiae twice at the New Jersey Supreme Court, and was key in formulating policy that created an oversight body for the Essex County jail.

**Joe Johnson's** work bridges policy and advocacy, focusing on racial disparities in criminal justice. He has drafted policy memoranda for marijuana reform and works to tackle racial disparities in jury service.



ACLU-NJ Law Fellow Ky'Eisha Penn gives a Know Your Rights presentation at Rutgers University on March 4, 2020 in Newark, NJ.

**Molly Linhorst**, a Justice Catalyst fellow, focuses on immigration detention conditions and addresses the financial incentives in federal detention contracts.

**Daniela Nieves**, a fellow with the BOLD Foundation, founded by Helen Gurley Brown to expand women's leadership, sheds light on the most powerful officials you've (probably) never heard of: New Jersey's unelected county prosecutors.

**Ky'Eisha Penn**, a fellow focusing on transparency and civic engagement, enlists litigation, policy, and community engagement to foster New Jerseyans' involvement in the political process. She

investigates government impediments to participation, including social media blocking and interference with the right to record public meetings.

**Liza Weisberg**, a 2017-2019 Justice Catalyst fellow whose central project focused on ending civil forfeiture abuses, helped her clients reclaim tens of thousands of dollars' worth of wrongfully taken property. She helped formulate New Jersey's civil forfeiture transparency law and argued two amicus curiae cases at the New Jersey Supreme Court.

# ACLU-NJ Staff

## CURRENT STAFF

Paloma Aguas, *Communications Associate*

Farrin Anello, *Senior Staff Attorney*

Tess Borden, *Staff Attorney*

Priyanka Dhar, *Administrative Assistant*

Diane Du Brule, *Development Director*

Sarah Fajardo, *Policy Director*

Katie Haas, *Law Fellow*

Elyla Huertas, *Staff Attorney*

Joe Johnson, *Law Fellow*

Ami Kachalia, *Campaign Strategist*

Tracey Kelley, *Executive Assistant*

Molly Linhorst, *Justice Catalyst Fellow*

Jeanne LoCicero, *Legal Director*

Andrea Long, *Donor Relations Manager*

Eric McKinley, *Office & Technology Manager*

Daniela Nieves, *BOLD Fellow*

Kate Oh, *Digital Communications Associate*

Allison Peltzman, *Communications Director*

Ky'Eisha Penn, *Law Fellow*

Lillian Rivera, *Legal Administrative Assistant*

Alicia Rogers, *Program Assistant*

Alexander Shalom, *Senior Supervising Attorney  
& Director of Supreme Court Advocacy*

Amol Sinha, *Executive Director*

Alejandra Sorto, *Campaign Strategist*

Karen Thompson, *Senior Staff Attorney*

## FORMER STAFF

Jennifer Monge, *Temporary  
Administrative Assistant*

Jonathan Nendze, *Temporary  
Administrative Assistant*

Liza Weisberg, *Justice Catalyst Fellow*

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