



SEPTEMBER 2011

Investigating a Local Police Department in New Jersey

How citizens can investigate whether a local police department provides quality service and respects the legal rights of the people it serves

A Guide for Citizens Produced by the American Civil Liberties Union of New Jersey



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*From the Executive Director of
the American Civil Liberties Union
of New Jersey*

Our state, county, and local law enforcement officials have extraordinary powers, including ones that can curb a person's freedom. They are armed not only with powers to stop people, arrest suspects, and present criminal charges, but also with weapons, some of which are lethal. Generally police officers use these powers legitimately to prevent and investigate violations of the law. But at times, police abuse these powers, leading to claims of excessive force, false arrest and similar civil rights violations.

In addition to harming its victims, police misconduct harms taxpayers, who assume the costs of the lawsuits that inevitably follow. Those costs go well beyond financial. Police misconduct jeopardizes community safety and erodes the trust officers need from community members to effectively protect and serve.

Since its founding more than 50 years ago, the American Civil Liberties Union of New Jersey (ACLU-NJ) has worked to improve police practices. We have monitored, documented, and sued police departments and officers who violated their oaths to faithfully uphold the Constitution and our laws.

In September 2010, the ACLU-NJ included the results of a study of the Newark Police Department in a petition it submitted to the U.S. Department of Justice, asking for an investigation of the Newark police. In 2011, the Justice Department announced it would investigate allegations of civil rights violations by the Newark Police Department.

Producing a study of Newark's large, 1,300-member police department took a great deal of work, requiring extensive collection and analysis of information from public records. However, inquiries about smaller police departments can be done more easily.

That's where you, the informed and involved citizen, come in. Simply put, the ACLU cannot investigate every police department's conduct. However, a team of citizens, armed with the right information and the passion to follow through, can. There are three primary ways to examine whether a police department truly protects and serves its community:

- Crime statistics
- Litigation and threatened litigation
- Internal affairs and police officer discipline

A more advanced study could also look into other areas: officers' use of force, written rules and regulations and accreditation status. This manual will help citizens ask the right questions, get complete answers and share information with other members of the public. Only when citizens ask questions and demand complete answers can we hold our government accountable.

The ACLU-NJ is proud to offer this guide to investigating local police departments. The forms and information found within can show a team of citizens how to conduct a fairly thorough inquiry into whether local police departments are stopping crime, solving crime and respecting the rights of people they encounter.

Deborah Jacobs

Executive Director

American Civil Liberties Union of New Jersey

Legal Notice

This guide contains general information about investigative practices and various applicable laws as they exist in New Jersey. Although we go to great lengths to make sure our information is accurate and useful, we recommend you consult a lawyer if you want professional assurance that our information, and your interpretation of it, is appropriate to your particular situation. In addition, because the laws of other states may be different from New Jersey's, this guide is not applicable to other states.

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I. Understanding Crime Statistics

A study of a local police department might begin with an examination of the town's crime rates, which can be found in the State Crime Report, released each fall by the state Attorney General.

The State Crime Report provides specific data statewide and for each town. The data includes information on how many violent crimes were committed, how many crimes were committed for every 1,000 people, whether that rate increased or decreased from the previous year and how it stacks up across the county and state.

For example, in New Jersey in 2009, there were 3.1 violent crimes (murder, rape, robbery and aggravated assault) per 1,000 people and 20.8 nonviolent or property crimes (larceny-theft, burglary, auto theft and arson) per 1,000 people. You can review several years of crime reports online at <http://www.njsp.org/info/stats.html#ucr>.

The State Police prepares its own State Crime Report based on reports submitted each month by every New Jersey law enforcement department. These monthly reports (known as the UCR-365, UCR-370, and UCR-370u18 forms) count the number of "index" crimes reported and solved: murder, rape, robbery, aggravated assault, larceny-theft, burglary, auto theft and arson. They also break down the number of total arrests by age, race, gender and ethnicity. And they provide information about the number of serious crimes that are "cleared" or solved.¹

Because these documents are public records, individuals or groups may submit requests for them under the state's Open Public Records Act — which additionally means citizens can calculate crime information for an individual department well before the release of the annual crime report.²

By law, every police department must complete these forms. For towns that also have specialized public law enforcement agencies (e.g. New Jersey Transit Police or Rutgers Police), citizens would also have to request records from those departments for their

¹ Clearance of a case means a person was arrested for a crime. It does not mean that all responsible parties were arrested; it does not mean the correct person was arrested; it does not mean a conviction resulted. Nevertheless, we refer to "cleared" cases as "solved."

² Getting these forms is especially important if you want to study the rate at which crimes are cleared (solved) in your municipality. The State Crime Report will list crime rates statewide, countywide, and for every municipality. But the State Crime Report only list statewide clearance rates and does not list them for individual towns. An individual town's clearance rate can only be computed using the UCR-365 forms.

statistics to be complete. A municipal clerk handles requests for records in municipal police departments, and specialized departments designate a specific custodian to access the filings and make copies. Citizens can use the “Model OPRA Request Letter” attached as Appendix A as a reference.

Using these data, you can compare crime rates in your town with statewide averages and determine whether crime generally, or a particular kind of crime, is up or down compared to the prior year.

Putting Crime Rates in Perspective

Having this data in hand is especially important when municipal officials make announcements about crime trends in the town. For example, if a town issues a blanket statement proclaiming a decrease in crime, citizens need to analyze which crimes have gone down compared to last year, and which have gone up. Additionally, how does that municipality’s crime rate compare to neighboring towns or the state as a whole?

Even if crime rates dropped from the previous year, it’s important to keep the statewide rate in perspective, especially when officials rely on data to advocate for tactical or staffing changes.

This same question — has crime actually gone down? — should be asked with consideration for all types of crime. A town with annual increases in rapes and murders might proclaim that “crime is down” if robberies and burglaries have decreased. Unless the data is provided in context, bold statements about crime statistics are rarely complete.

Besides putting the numbers in context, advocates can look for problems with the data itself. Are certain races or ethnicities targeted disproportionately when considering the demographics of the town?³ And if so, is it from unethical practices like selective enforcement or racial profiling, or could more benign circumstances explain a disparity?

Another key marker to look for is the “clearance” rate, based on crimes solved and perpetrators arrested, and to compare local clearance to clearance statewide. For example, the 2009 State Crime Report listed a clearance rate of 53 percent for murders and 58 percent for aggravated assaults. A town that solves only 32 percent of murders and 41 percent of

³ In general, you can find demographic information about a town, such as its racial and ethnic composition or socioeconomic data from the Census Bureau’s American Community Survey. See <http://www.census.gov/acs/www/>.

aggravated assaults, for example, might demonstrate a need for better training or more detectives to keep pace with the state average. Citizens can use this data to advocate for more changes in the police department.

Before you embark on a study of crime rates in your town, we encourage you to visit the ACLU-NJ's website, www.aclu-nj.org, to understand the steps we took to complete this kind of research. You can find our request letters, the municipality's response, and a spreadsheet we prepared to analyze this data for the City of Newark at www.aclu-nj.org/theissues/policepractices/howtounderstandnewjerseycr/cityofnewarkdata.htm .

Keep in mind, however, that this data does not cover the other specialized police agencies that operate in Newark. Nevertheless, it's a good example of the kinds of data citizens can expect in response to their requests for crime records.

II. Finding Records of Litigation

Court records are important sources of information about any police department. Police officers, along with their towns, are sued hundreds of times a year by citizens or members of their own force. The complaints range from unlawful arrest, to claims of discrimination in the department.

Researching cases against the police within an appropriate time range gives the most accurate picture. Generally, cases filed or settled within the last three to five years will provide the best benchmark. Cases from 10 or 20 years ago will most likely not reflect the current performance in a police department, while focusing on only pending cases will not give a full context of the department's activity.

Filing an Open Public Records Act request is a simple yet potentially incomplete way to find pending lawsuits against the police department (see Appendix A for a sample letter).

OPRA requests work best for getting information about settled lawsuits. Because most court cases are settled without a trial, no record of the amount paid as a settlement will appear in the court's records. However, New Jersey precedent clearly dictates that settlement documents involving a public entity are public records, even when the agreement has a confidentiality clause.⁴

A. Search Systems at Federal Courts

Some of the cases brought against the police come to the United States District Court for the District of New Jersey, which has offices in Newark, Camden, and Trenton that hear cases for a defined area of the state. The records there will include information about cases and settlements.

Members of the public can search for information about lawsuits involving their town using PACER, a federal docketing system available on computers at each courthouse clerk's office and also accessible from home. Personnel at the clerk's office will generally assist you in learning how to use the PACER system. PACER has an online user's manual at www.pacer.gov/documents/pacermanual.pdf as well.

⁴ *Asbury Park Press v. Monmouth County*, 406 N.J. Super. 1 (App. Div. 2009), aff'd o.b., 201 N.J. 5 (2010).

Once you’ve entered the system, you will see a query screen that looks like this:

The screenshot shows a web-based query interface. At the top left, the word "Query" is written in blue. Below it is a grey header bar with the text "Search Clues". The main area has a yellow background and contains several search fields:

- Case Number:** A text input field.
- or search by:** A central text label.
- Case Status:** Three radio buttons labeled "Open", "Closed", and "All".
- Filed Date:** Two text input fields separated by the word "to".
- Last Entry Date:** Two text input fields separated by the word "to".
- Nature of Suit:** A dropdown menu with three options: "0 (zero)", "110 (Insurance)", and "120 (Contract: Marine)".
- Cause of Action:** A dropdown menu with three options: "0 (No cause code entered)", "02:0431 (02:431 Fed. Election Commission: Failure Enforce C)", and "02:0437 (02:437 Federal Election Commission)".
- Last/Business Name:** A text input field with the example text "(Examples: Desoto, Des*t)" to its right.
- First Name:** A text input field.
- Middle Name:** A text input field.
- Type:** A dropdown menu.

At the bottom left of the form area is a "Clear" button.

Steps of a search for case files and court records:

1. Choosing an Appropriate Time Range

In the “filed date” or “last entry date,” enter a reasonable period of time. As discussed above, you might want to try looking back three to five years.

2. Components of a Strong Search

In the “Last/Business Name” box, you may need to try a number of formats to capture all of the cases you are looking for. For example, without incorporating a string of search terms, such as “Camden,” “City of Camden,” “Police Department of Camden,” in a search for cases about Camden, you may miss cases. Be creative, including with abbreviations (e.g. “twp.” for township, or “dep’t” or “dept.” for department).

3. *Determining Relevant Cases*

The list of cases that will appear after submitting a search may be long. Over time, you will get a sense of the cases that involve the police versus government cases that are less relevant. In particular, look for cases that list one or more police officers, the police chief, or public safety director as defendants.

4. *Finding the Most Useful Section: The Complaint*

Look for the complaint or amended complaint for each of the cases that interest you. The complaint will be among the first documents in the case docket.⁵ An amended complaint will not exist in all cases, but where it does, it often provides further details about the litigation. Case files often contain other useful documents, such as opinions and summary judgment motions, but the complaint or amended complaint is most beneficial for investigative purposes.

5. *Understanding What Happened in the Complaint*

The complaint or amended complaint will generally have a fact section that lays out the most important details: the citizens and officers involved, the sequence of events, dates and times, where the events took place, and any other court actions that may have occurred. If the facts are in a separate section, which they usually are, you don't have to closely analyze other information in the complaint such as the causes of action or legal theories.

6. *Paying Fees for Copies of the Records*

Searching the PACER system at the courthouse is free, copies of documents cost 8 cents per page. If you provide the case's docket number and the docket entry number of the particular document you seek, the court clerk can print it for you there.

7. *Searching at Home*

You can search for PACER cases from your home or office, but instead of paying only for copies of documents, you would also have to pay for the search itself. A PACER account with U.S. District Courts can be created at www.pacer.gov/psco/cgi-bin/regform.pl for 24-hour access to case information.

⁵ Sometimes you will see that the first document in federal court is something called a "Notice of Removal" and the complaint will be attached to it. This is a

sign that the lawsuit originated in state court but was 'removed' by the defendant to federal court for strategic reasons.

B. State Courts: Limitations in Search Systems

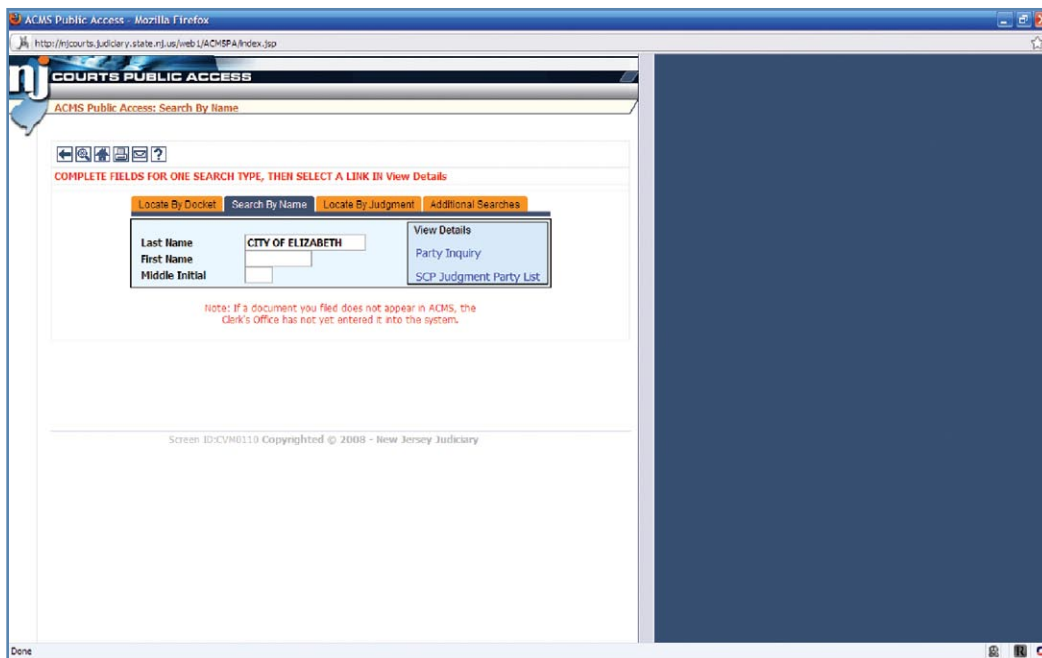
Most lawsuits against police departments are heard in state court, which has its own indexing and record-keeping system. Searches in this system are free, whether conducted at the county courthouse or online, at <http://njcourts.judiciary.state.nj.us/web1/ACMSPA/>.

There are three main obstacles to conducting efficient searches in the state indexing system:

- You cannot limit searches based on a case's date. Once you enter a person's name in the index screen, the search returns all cases listed in that active index, even if they are relatively old cases.
- You have to conduct two searches: one from the database of current cases, and a second from the archive database. Even comparatively recent cases can be found in the archives.
- Unlike federal cases, the docket index is available online, but the documents are not. The cases and documents must physically be retrieved from the courthouse.

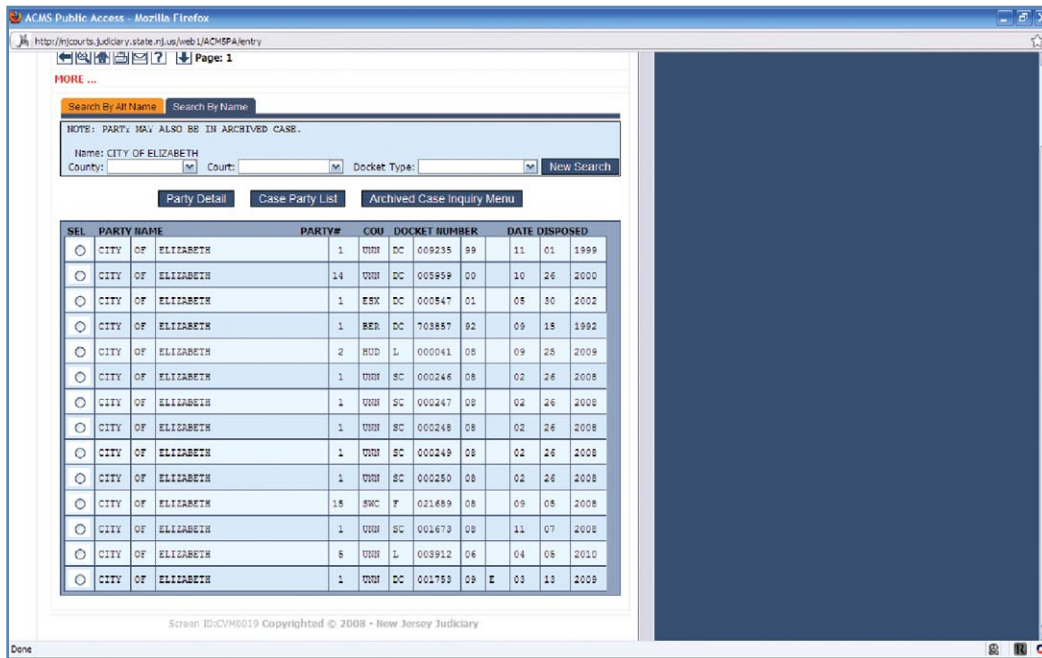
Nevertheless, there are strategies to deal with each obstacle. Here are the steps to conducting a search of the state court database:

1. After logging on, a screen that looks like this will appear:



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- In the “last name” box, you will have to do a number of searches including variations like those discussed for federal cases (e.g. “Elizabeth,” “City of Elizabeth,” “Elizabeth Police Department”). Once you have entered your search terms in the search fields, click on “Party Inquiry.” The resulting screen will give you a list of cases much like this screen:

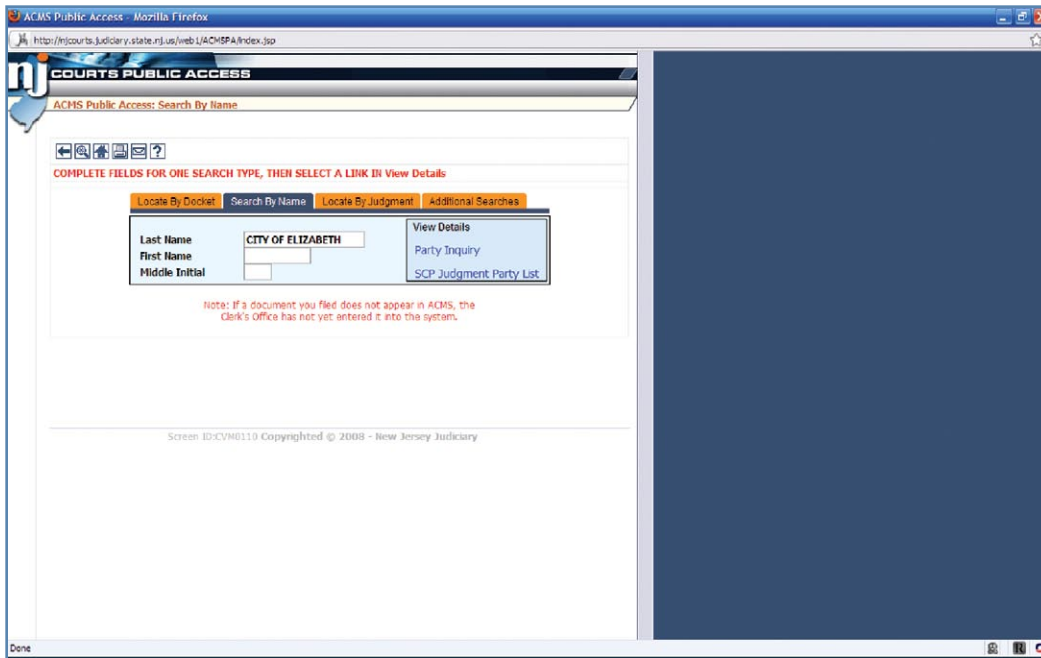


The screenshot shows a web browser window titled "ACMS Public Access - Mozilla Firefox" with the URL "http://ncourts.judiciary.state.nj.us/web/ACMSPA/entry". The page displays search results for "CITY OF ELIZABETH". The search criteria are: Name: CITY OF ELIZABETH, County: [dropdown], Court: [dropdown], Docket Type: [dropdown]. Below the search fields are buttons for "Party Detail", "Case Party List", and "Archived Case Inquiry Menu". The main content is a table with the following columns: SEL, PARTY NAME, PARTY#, COU, DOCKET NUMBER, and DATE DISPOSED. The table contains 14 rows of case data.

SEL	PARTY NAME	PARTY#	COU	DOCKET NUMBER	DATE DISPOSED
<input type="radio"/>	CITY OF ELIZABETH	1	UNH	DC 009235 99	11 01 1999
<input type="radio"/>	CITY OF ELIZABETH	14	UNH	DC 005959 00	10 26 2000
<input type="radio"/>	CITY OF ELIZABETH	1	ESX	DC 000547 01	05 30 2002
<input type="radio"/>	CITY OF ELIZABETH	1	BER	DC 703887 92	09 18 1992
<input type="radio"/>	CITY OF ELIZABETH	2	HUD	L 000041 08	09 28 2009
<input type="radio"/>	CITY OF ELIZABETH	1	UNH	SC 000246 08	02 26 2008
<input type="radio"/>	CITY OF ELIZABETH	1	UNH	SC 000247 08	02 26 2008
<input type="radio"/>	CITY OF ELIZABETH	1	UNH	SC 000248 08	02 26 2008
<input type="radio"/>	CITY OF ELIZABETH	1	UNH	SC 000249 08	02 26 2008
<input type="radio"/>	CITY OF ELIZABETH	1	UNH	SC 000250 08	02 26 2008
<input type="radio"/>	CITY OF ELIZABETH	15	SNC	F 021489 08	09 08 2008
<input type="radio"/>	CITY OF ELIZABETH	1	UNH	SC 001670 08	11 07 2008
<input type="radio"/>	CITY OF ELIZABETH	8	UNH	L 003912 06	04 06 2010
<input type="radio"/>	CITY OF ELIZABETH	1	UNH	DC 001783 09	03 10 2009

Screen ID:CV00019 Copyrighted © 2008 - New Jersey Judiciary

- The documents that pertain to you will have case numbers beginning with an “L” or “C.” Disregard cases with docket numbers that begin with SC, DC, or F, which are either small-claims or foreclosure cases. You can also disregard cases that are older than your search range, which can be determined by the last two digits of the docket number.
- Finally, any case that was not filed in the county you’re looking at will likely not be useful to you. (In this list, for example, the third and fourth cases are from Essex and Bergen, respectively, so they will probably not relate to inquiries for Elizabeth or Union County.) As you scroll through the multiple pages comprising this list, write down the docket number of any potentially relevant case.
- A thorough search will also include a search of archived cases, which can be found through the “additional searches” tab under “archived case inquiry.” For searches of archives, simply repeat the same steps as above.



6. Once you have finished making a list of cases that interest you, you should visit the records room of your county courthouse to retrieve their records. Unless a case (or a part of it) has a sealing order, which is rare, case files are public records. Therefore, you should be able to get the actual case files. To do this, ask the clerk on duty for any cases bearing the docket numbers you are interested in. On occasion, some of the files may be in a judge's chambers, which may mean you need to visit the judge's office to access the files.
7. Once you have the case file, review it to find the complaint and any amended complaint. If you want, make copies of any other documents you think might be useful to your investigation. Copy fees are limited by law to 5 cents a page for letter-size and 7 cents a page for legal-size paper if the clerk duplicates them for you. (Some self-serve photocopy machines may charge more.)

C. Electronic Legal Research and the Relevance of Criminal and Habeas Cases

Attorneys, law students, reporters and others who have access to electronic legal databases like Lexis or Westlaw may be able to find other cases of interest to a police department investigation. Aside from trial and appellate opinions in civil police misconduct cases, a search of these databases may also turn up cases where courts suppressed evidence because of improper searches or seizures or other misconduct by the police. Knowledge of these cases will be helpful in an individual's investigation of a police department's overall conduct.

Other documents to look for in electronic databases are opinions on habeas petitions (which challenge someone's detention) or post-conviction relief petitions (which challenge a previous conviction). On occasion, courts may cite local police misconduct in these opinions, which could help a citizen investigating a police department.

D. Municipal Council Minutes and Settlements

Unless the town you are investigating is one of the few in New Jersey that are self-insured, such as Newark, a search of the municipal council minutes will probably not yield very much useful information. While every citizen should pay attention to these public documents to generally stay informed, a careful review of these documents will likely be unhelpful where the town has insurance. This is because case settlements in such towns do not need approval from the municipal council. But as explained in the introduction to this section, you should still request settlement documents of lawsuits in your OPRA request.

E. Tort Claims

An important source of public information about police misconduct is the notice of tort claim received by the town in question. A person must file a notice of tort claim with the municipality before filing a lawsuit against a police department or officer for many state claims. Although these notices usually lack the factual detail of a lawsuit, a notice of tort claim may illustrate some of the claims that may lay ahead for a municipality.

The attached "Model OPRA Request Letter" (Appendix A) includes a request for tort claims for a reasonable period of time. You can review any copies of the records you receive to digest the relevant information as you would while reviewing a lawsuit.

F. What to Do with Pending and Settled Case Information

Once you complete your case search and receive the tort claim, complaint and settlement information, it will help in the long run to write up a brief summary of each case while the information is still fresh in your mind. This is exactly how the ACLU-NJ began to organize the information we collected concerning the Newark Police to present to the U.S. Department of Justice. We wrote a paragraph with the key factual details of each tort claim, lawsuit or settlement we found and cross-referenced any officer mentioned more than once. This exercise makes it easier for others to see the big-picture story of the police department you're reviewing.

G. Internet Searches

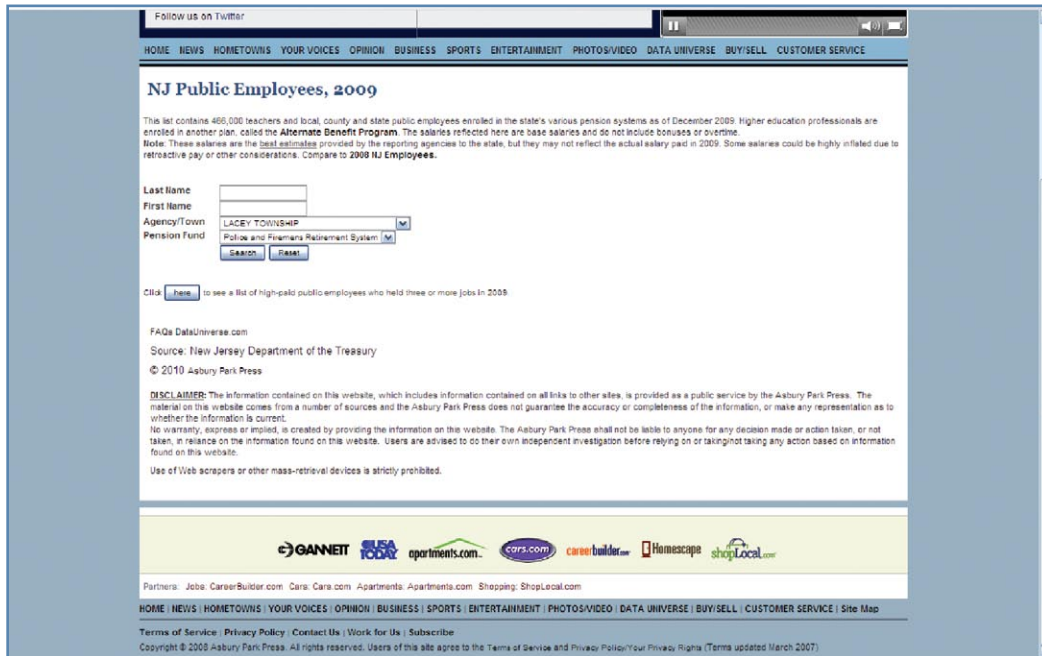
Using Google or another search engine, you can find a surprising amount of information about police issues in a town that you might have missed using other sources. You can use searches like “[name of town] police department” or “[name of town] police brutality” or “[name of town] police lawsuits.”

New Jersey newspapers, including the Star-Ledger and the Gannett papers also maintain extensive archives of past stories. Although they sometimes require a fee, past news stories about a town’s police department can be illuminating in a citizen investigation.

III. Discipline and Labor Management Issues

A. Who are the Police Employees in Town?

The Gannett newspapers based in New Jersey — the Asbury Park Press and Home News Tribune, among others — have created a searchable database of public employees, including the names and salaries of police employees. Although the database is usually kept current within one year, it does not distinguish between uniformed officers and civilian employees. If you visit www.app.com/datauniverse, search in the “public employees and police” category, selecting the appropriate town, along with the “police and fire retirement system” as the appropriate pension fund. A screenshot appears below.



You can also make an OPRA request with the municipal clerk for more current information about an employee in a particular department, although the online Gannett database should be current enough for most investigative purposes.

B. Contracts and Collective Bargaining Agreements

Police collective bargaining agreements or union contracts can be helpful in shedding light on how a police department operates. Usually, one agreement covers officers, while another

covers the rank of sergeant and above. A third agreement may cover civilian employees, like dispatchers. The salaries and benefits individual police officers receive can help put the overall costs and value of running a police department into perspective.

Current and historical police contracts can be reviewed at the New Jersey Public Employee Relations Commission (PERC) at www.perc.state.nj.us/publicsectorcontracts.nsf.

C. Civil Service Commission Decisions and Administrative Law Judge Opinions

Decisions by the Civil Service Commission on police discipline cases are some of the only public records documenting police discipline cases. Under the state Attorney General's directive on Internal Affairs Policy and Procedure, virtually all information and records about police discipline are regarded as confidential. Unlike other public employees, attorneys and judges, a strict veil of secrecy often covers these records.

There are a few other instances where police discipline records are public:

- A lawsuit can sometimes reveal an officer's disciplinary history.
- A police chief may reveal limited information to the news media, especially in a high-profile case.
- An officer may appeal to the state Civil Service Commission if he or she feels the disciplinary action was unfair. When this happens, a public record of disciplinary history will be revealed in case documents, including the judge's decision.

To search decisions from the Civil Service Commission or an administrative law judge, go to <http://lawlibrary.rutgers.edu/oal/search.html>. In the search box, enter the name of the town and the word "police" to locate records related to police departments. Inevitably, some listings will be irrelevant, but it will give insight on general police discipline matters in the municipality. You can try other search strings as well to explore a range of discipline cases.

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Kevin Reiss, Digital Services Librarian at Rutgers Law - Newark, has programmed an RSS news feed for new New Jersey Administrative Law Decisions. The feed can be accessed here: [RSS](#). The BBC has an informative page explaining RSS and how it works [Here](#). (Firefox users can also click on the "Subscribe" button at the bottom of your browser. That will make the news feed a self-updating bookmark folder.)

For other New Jersey courts and resources, [click here](#).

Additional Information:

Recent Opinions	Search the text of the collection	List all decisions by agency	Locate a decision by docket number	Search by date of decision	Search by judge or party name	Important notes for users
Citation of Administrative Law Decisions	An explanation about Docket Numbers	Help for Searching	Update and Maintenance Policy	Credits	Copyright	About Hyperlinks

Database last updated on

SEARCH THE N.J. ADMINISTRATIVE LAW INITIAL DECISIONS

Please type a query in the search dialog. You may use compound searches using **and** and **or**. (Note: do not use the **&** symbol for and). See [Help for Searching](#) for more information.

Please enter your search term(s) below:

LIST ALL (Initial and Final) DECISIONS BY AGENCY

Please select an agency from the drop-down list below, then click the "submit" button (located below the agency list).

Select Agency:

D. Internal Affairs Statistics

Every police department in New Jersey must annually report to the Attorney General the number of internal affairs complaints against their officers and how they were answered. While the officers, complainants, and specifics of each complaint remain anonymous, the report provides a limited overview of discipline in a particular police department. We recommend you request these documents and report on them as you complete your police inquiries. The "Model OPRA Request Letter" contains a request for this document in Appendix A.

IV. Advanced Tools

A. Use of Force Reports (UFRs)

Under state law, police must file a special report when they use force in an encounter, ranging from use of a firearm to mace, and even unusual amounts of physical force to restrain a suspect. These reports, called Use of Force Reports (UFR) are public records.

These forms can help identify officers who frequently use force. While this is not automatically a sign that an officer needs more supervision, a review of the UFR forms may reveal patterns about police behavior.

Unless the department you are studying is small, we don't recommend going through a UFR search as part of an initial investigation, given the time and effort it takes to collect and analyze them.

B. Police Regulations, Rules, General Orders or SOPs

A municipality's book of police regulations offers the public a useful tool for general insight into your town's police practices. These can be called regulations, rules, general orders, or standard operating procedures (SOPs), and perhaps other names.

If you decide to request and analyze these documents, we suggest limiting them to three specific areas: internal affairs (IA), hiring and promotion, and the department's early warning system (sometimes called a performance improvement system or risk management system).

Internal Affairs

Internal affairs is a special office of a police department that investigates complaints against police officers. You will want to see what the department's IA policies say about receiving a complaint, investigating it, and informing the complainant of the result. You should evaluate it against the state's Internal Affairs Policy and Procedure (IAPP) document, available at www.state.nj.us/lps/dcj/agguide/internalaffairs200ov1_2.pdf.

Hiring Policies

A local department's rules on hiring, and whether the department has such policies at all, can give you insight into whether the department is being run properly.

Early Warning Systems

Early warning or risk management systems aim to identify problem officers — “bad apples” — before their conduct escalates to harm citizens. An OPRA request will tell you whether the department has such a policy, and comparing it to the provisions in the state’s Internal Affairs Policy and Procedure will tell you whether it is comprehensive.

C. Accreditation

Police departments become “accredited” by establishing comprehensive policies and procedures to be reviewed by an accreditation agency, which evaluates the department based on a set of standards. Accreditation generally improves police practices, but it is no guarantee that the policies are actually followed.

Many experts regard the Commission on Accreditation for Law Enforcement (CALEA) as the “gold standard” for accreditation of police departments. But other less rigorous accreditations exist, including the New Jersey Public Safety Accreditation Coalition.

An OPRA request will tell you whether the department you’re investigating is accredited and by whom. If the department is not accredited, a citizen is perfectly entitled to ask for specifics, such as:

- Whether the police have sought but been denied accreditation
- Whether the department plans to pursue accreditation in the future, and
- Which accreditation agencies have considered them or will consider them in the future

V. Conclusion

More than 2,000 years ago, a Roman orator, Juvenal asked a question that has continued to resonate through time: “Who will guard the guardians?”

While police departments can be secretive at times, citizens can access information to determine whether they are fulfilling their duty to protect and serve residents. Informed citizens can guard the guardians — the police — by obtaining and sharing relevant information about them. The answer to Juvenal’s question today is this: the guards are guarded by citizens who know their rights, acquire knowledge of those acting on their behalf, and share that knowledge with their fellow citizens. If you’ve read this far, you’re one of those citizens! Thank you for doing your part.

We hope the tools in this booklet will help you as a guardian of the guards.

Appendix A. (Model OPRA Request Letter)

VIA FACSIMILE xxx-xxx-xxxx & REGULAR MAIL

March 3, 2011

Township Clerk
Township of xxxxxxxxxxxx
[STREET ADDRESS]
[CITY STATE ZIP]

Re: Request for Documents

Dear Clerk:

This is a request for information pursuant to the Open Public Records Act, N.J.S.A. 47:1A-1 et seq., and the common law right of citizens of the state to obtain access to public documents. *South Jersey Publishing Co. v. New Jersey Expressway Auth.*, 124 N.J. 478, 487-89 (1991). Please note that this letter contains the statutory requirements for a written OPRA request and I am not required to fill out an official form. *Renna v. County of Union*, 407 N.J. Super. 230 (App. Div. 2009).

The documents I am seeking are:

1. The [TOWNSHIP NAME] Police Department's completed form UCR-365 (Monthly Count of Offenses Known to the Police) for the months of January 2008 through the present;
2. The [TOWNSHIP NAME] Police Department's completed form UCR-370 (Age, Sex, Race and Ethnic Origin of Person Arrested - Ages 18 and Over) for the months of January 2008 through the present;
3. The [TOWNSHIP NAME] Police Department's completed form UCR-370u18 (Age, Sex, Race and Ethnic Origin of Person Arrested - Under 18 Years of Age) for the months of January 2008 through the present;
4. A list of all lawsuits and cases in which [TOWNSHIP NAME] or [TOWNSHIP NAME] Police Department, or any officer of the [TOWNSHIP NAME] Police Department is a defendant, which were filed from January 1, 2008 to the present;

5. Copies of the Complaint and any Amended Complaint in any lawsuit or case described in Paragraph 4;
6. Copies of any settlement agreement, consent order, or other document that resolves any lawsuit or claim brought against [TOWNSHIP NAME] or [TOWNSHIP NAME] Police Department, or any officer of the [TOWNSHIP NAME] Police Department, from January 1, 2008 to the present. This includes any document in which [TOWNSHIP NAME] or an representative, agent, insurer or other party acting on its behalf, makes or agrees to make a monetary payment or transfer of other valuable consideration to resolve a lawsuit or claim;
7. All Notices of Tort Claim presented to the Township under N.J.S.A. 59:8-1 to 11 since January 1, 2008. If possible, I would like to review only those notices that relate to the Police Department or its employees; if that is not possible, I will review all notices;
8. A copy of the Internal Affairs Summary Report Form for [TOWNSHIP NAME] Police Department, as filed with the State or County Prosecutor, for the years of 2008 to the present. This document is required by pages 47 and 48 of the Attorney General's Internal Affairs Police and Procedure;

[OPTIONAL ITEMS]

9. Copies of all Use of Force Reports filed by members of the [TOWNSHIP NAME] Police Department from January 1, 2008 to the present;
10. Copies of all police rules, regulations, general orders, or Standard Operating Procedures whose subject is any of the following: (a) Internal Affairs; (b) Hiring and Promotion of Police Officers; (c) Early Warning System, Risk Management System, and/or Performance Improvement System, designed to detect and correct potential misconduct by officers;
11. Copies of any accreditations sought, received or renewed by [TOWNSHIP NAME] Police Department from January 1, 2008 to the present. These include accreditations from the Commission on Accreditation for Law Enforcement (CALEA), New Jersey Public Safety Accreditation Coalition, or any other accrediting body.

Kindly respond in the manner and within the time prescribed by law. If you determine that any portion of the requested materials are exempt from release, please specify the portion that you believe exempt and provide me with copies of the remaining, non-exempt portions.

Also, if any or part of this request is denied, please send me a letter describing the material and listing the specific exemption(s) on which you rely.

If the cost of copies for this request does not exceed \$100, proceed without further approval and send me an invoice with the records. Otherwise, please advise me of the costs before filling the request so that we can discuss arrangements.

Thank you for your attention to this matter and for your assistance. If you have any questions, please contact me at xxx-xxx-xxxx.

Very truly yours,

[Signature and printed name]

A Guide for Citizens Produced by the
American Civil Liberties Union of New Jersey



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973-642-2084
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