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Perspective on the Consent Decree...Attorney General John J. Farmer, Jr.

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Consent Decree Confirms That New Jersey Is on Course with State Police Reforms*

by John J. Farmer, Jr.
Attorney General of New Jersey

One of the most challenging tasks associated with the racial profiling controversy has been coping with overheated rhetoric from all sides. Any indication that members of the State Police may have acted inappropriately represents to some a sellout of the organization and an abject failure to defend its members and tradition; any suggestion, on the other hand, that the vast majority of troopers are outstanding public servants represents to others a racist "whitewashing" of the issue and a failure to recognize the affront to human rights and human dignity that accompanies an unwarranted racially based traffic stop. My overriding goal throughout has been to refuse to allow this rhetoric to infect the substance of any solution.

The consent decree signed on December 22 between my office and the United States Justice Department holds tremendous promise to realize this goal. The measures undertaken by the State and endorsed by the decree will vindicate the lawful conduct of troopers, while at the same time assuring citizens that law enforcement in New Jersey is even-handed. I share the hope of the Justice Department's Bill Lann Lee that New Jersey will emerge as a national model for law enforcement management practices, and as a national leader for its bright-line insistence that race not serve as the basis for traffic stops.

To help reach this goal, however, there must be a clear understanding of the contents and import of the consent decree. That understanding is compromised by suggestions that the decree is a "rebuke" to Governor Whitman rather than an endorsement of New Jersey's pre-existing reforms.

On its own, New Jersey identified problems with racial profiling in the State Police. We set out to eradicate any discriminatory practices and to restore public confidence in the State Police as the finest police force in the nation. There is nothing required under the consent decree that is inconsistent with the course New Jersey has charted on its own. There is, moreover, no suggestion in the consent decree that New Jersey has not gone far enough in its proposed reforms.

The only addition of consequence is the appointment of an independent monitor, chosen jointly by the Justice Department and the state. The monitor has been mischaracterized as a punitive measure, the imposition of a "big brother" who stands ready to take charge of the State Police for federal authorities if the state falters. That's just not true.

The appointment of a monitor is a routine legal convention. Courts appoint monitors in consent decree cases as a matter of course, to enable the court to chart progress in achieving the terms of the settlement.

New Jersey entered into this negotiated settlement because its terms endorsed the direction in which we were already headed. We would have never abdicated our state's sovereignty by agreeing to direct Justice Department oversight of State Police reforms.

Because New Jersey is the first state to acknowledge racial profiling and to take measures to correct it, other states are watching closely. Misrepresenting the degree of Justice Department oversight—that would be unacceptable to any sovereign state—could have a chilling effect on the national effort to address this issue.

New Jersey has set in motion an ambitious course of reform that, now in partnership with the Justice Department, we will see through to conclusion. We will cure this problem, restore the image of the State Police and make New Jersey a better and safer place.

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