
Public Hearing

before

SENATE LAW AND PUBLIC SAFETY COMMITTEE

*“The Committee will hear testimony in person from invited guests
concerning various issues relating to police reform”*

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: July 15, 2020
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Linda R. Greenstein, Chair
Senator Joseph P. Cryan, Vice Chair
Senator Ronald L. Rice
Senator Anthony M. Bucco
Senator Declan J. O’Scanlon, Jr.



ALSO PRESENT:

Anne M. Stefane	Alison Accettola	
Office of Legislative Services	Jack Barnes	Sarah Fletcher
Committee Aide	Senate Majority	Senate Republican
	Committee Aides	Committee Aide

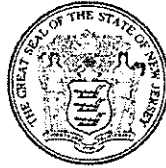
*This transcript was prepared using an outside recording not designed for transcription purposes.
Therefore, portions of this transcript may not be completely accurate as portions were inaudible and/or indiscernible.*

Meeting Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey

Linda R. Greenstein
Chair

Joseph Cryan
Vice-Chair

Nia H. Gill
Nicholas J. Sacco
Anthony M. Bucco
Declan J. O'Scanlon, Jr.



Wendy S. Whitbeck
Amanda D. Holland
Office of Legislative Services
Committee Aides
609-847-3870
Fax 609-777-2715

NEW JERSEY STATE LEGISLATURE

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATE HOUSE ANNEX • P.O. BOX 068 • TRENTON, NJ 08625-0068
www.njleg.state.nj.us

REVISED PUBLIC HEARING NOTICE

The Senate Law and Public Safety Committee will hold a public hearing on Wednesday, July 15, 2020 at 10:00 AM in Committee Room 4, 1st Floor, State House Annex, Trenton, New Jersey.

The public may address comments and questions to Wendy S. Whitbeck, Committee Aide, or make bill status and scheduling inquiries to Michelle L. McArthur, Secretary, at (609)847-3870, fax (609)777-2715, or e-mail: OLSAideSLP@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The committee will hear testimony in person from invited guests concerning various issues relating to police reform.**

Due to the public health emergency, the State House Annex remains closed to visitors and the public will not be allowed to attend the meeting in person. The public may listen to the meeting on the New Jersey Legislature home page, at <https://www.njleg.state.nj.us/>.

The public is encouraged to submit written testimony electronically in lieu of oral testimony. Written testimony will be included in the Committee record and distributed to the Committee members. Written testimony should be submitted to OLSAideSLP@njleg.org by 3:00 PM, Tuesday, July 14, 2020.

Issued 7/8/20

*Revised 7/10/20 –Hearing changed to remote-only format.

**Revised 7/13/20 – Hearing format changed – Invited guests will testify in person.

For reasonable accommodation of a disability call the telephone number or fax number above, or for persons with hearing loss dial 711 for NJ Relay. The provision of assistive listening devices requires 24 hours' notice. CART or sign language interpretation requires 5 days' notice.

For changes in schedule due to snow or other emergencies, see website <http://www.njleg.state.nj.us> or call 800-792-8630 (toll-free in NJ) or 609-847-3905.

TABLE OF CONTENTS

	<u>Page</u>
Gurbir S. Grewal, Esq. Attorney General Office of the Attorney General Department of Law and Public Safety State of New Jersey	3
Richard T. Smith President New Jersey State Conference, and Member Board of Directors National Office National Association for the Advancement of Colored People (NAACP)	54
Ras J. Baraka Mayor City of Newark	66
Senator Nellie Pou Legislative District 35	84
Peter C. Harvey, Esq. Former Attorney General State of New Jersey	88
Zellie Y. Thomas Representing Black Lives Matter Paterson, and Teacher Paterson Public Schools	101
Wayne Blanchard President New Jersey State Troopers Fraternal Association (NJSTFA)	108

TABLE OF CONTENTS (continued)

Reverend Dr. Charles F. Boyer Executive Director Salvation and Social Justice	124
Sean Lavin Executive Director Labor Council, and Chair Legislative Committee New Jersey Fraternal Order of Police (NJFOP)	136
John Scott Thomson Former Chief of Police Camden County Police Department	147
Jiles H. Ship Chapter President National Organization of Black Law Enforcement Executives (NOBLE NJ), AND Commissioner New Jersey Police Training Commission	166
Patrick Colligan President New Jersey Policemen's Benevolent Association (NJPBA)	186
Nadine Jones, Esq. Executive Director and Co-Founder The Initiative: Advancing the Blue and Black Partnership	209
Brooke Lewis, Esq. Trustee Social Justice Legal Advocacy Fellow New Jersey Institute for Social Justice	224

APPENDIX:

Testimony, plus <i>Internal Affairs Policy and Procedures</i> , and Attorney General Law Enforcement Directive Nos. 2019-4, 6, 7, and 8, and Letters submitted by Gurbir S. Grewal, Esq.	1x
---	----

TABLE OF CONTENTS (continued)

APPENDIX (continued)

	<u>Page</u>
Testimony submitted by Zellie Y. Thomas	122x
Testimony submitted by Wayne Blanchard	124x
Testimony submitted by Reverend Dr. Charles F. Boyer	128x
Testimony submitted by Nadine Jones, Esq.	132x
Testimony submitted by Brooke Lewis, Esq.	140x
Testimony submitted by Lloyd D. Henderson, Esq. President Camden County East Branch National Association for the Advancement of Colored people (NAACP)	145x
Testimony, plus attachments submitted by CJ Griffin, Esq. Director Justice Gary S. Stein Public Interest Center at Pashman Stein Walder Hayden	146x

TABLE OF CONTENTS (continued)

APPENDIX (continued)

	<u>Page</u>
Letter, addressed to The Honorable Linda R. Greenstein, and The Honorable Joseph P. Cryan from Melissa Wasser Policy Analyst Reporters Committee for Freedom of the Press	155x
Testimony submitted by Linda Foster, Esq. President The Association of Criminal Defense Lawyers of New Jersey (ACDL-NJ)	158x
Testimony submitted by Austin Skelton Private Citizen	161x
Statement submitted by William O. Wagstaff III, Esq. Attorney for the family of Maurice Gordon Jr.	162x
Statement, plus change.org petition (online only) submitted by Gale Muhammad President and Founder Women Who Never Give Up, Inc. (WWNG UP)	163x
pnf:1-230	

SENATOR LINDA R. GREENSTEIN (Chair): Good morning, everybody; and welcome to this very special meeting of the Senate Law and Public Safety Committee.

We're grateful to have a wonderful list of speakers today, albeit a long list. So we're going to -- we've told everybody to try to limit the length of their testimony a little so we have time for Q and A.

Let's begin with a pledge to the flag. (all recite the Pledge of Allegiance)

Thank you.

Okay; our first speaker today will be Attorney General Gurbir Grewal, who will be talking about his many efforts that are ongoing to deal with this issue of police reform.

General.

General, would you forgive me?

Sit right where you are. I just remembered I have an opening statement today, which I'm not used to having at these Committee meetings.

So let me start by giving my opening statement.

Over the last several weeks, I have spent most of my time talking to experts, including community leaders, about two issues. One is the future of policing in New Jersey and America; the other is America's long history of systemic racism that is evident in inequalities in wages, health care, housing, education, economic opportunity, and, yes, in the criminal justice system.

My goal in these hearings is to identify the needed changes that we can all agree on, and implement those changes. Then there will be certain issues where communities and police have differences of opinion, and I want

to explore those issues and see if we can come up with some solutions to them.

Ultimately, we will see where we are able to make legislative changes.

I believe that we need to build better trust between police and communities of color. I liked the Obama *21st Century Policing* report emphasis on police as guardians, not warriors. Police cannot be seen as an occupying force, coming in from the outside to impose control over the community.

Law enforcement agencies must do all they can to encourage diversity. They should have clear policies on the use of force and de-escalation.

Training and education must be top notch. I believe we need to improve psychological testing for recruits, and make sure that future officers eventually have a four-year college degree.

Whether it's in licensing or education for police, we need to engage community members, especially those with special expertise.

In today's hearing, we will be discussing licensing; training; use of force; minority recruiting; civilian review boards; body cameras; community policing; the changing role of police, including ideas for including social services as part of policing; and many other issues.

We want to create a more robust police disciplinary process, and ensure independent investigations of officer-involved shootings. As the Attorney General says in his *Excellence in Policing Initiative*, "The goals are professionalism, accountability, and transparency."

The culture of policing is beginning to change in that the Attorney General and the Superintendent of the State Police are building good relationships with community leaders. And at the same time, it is a moral imperative for us to address systemic racism, which refers to systems that create and maintain racial inequality in many facets of life. Governor Murphy recently said in a speech that, “Systemic racism is not the outward racism of hate groups, but the silent racism of complacency.”

The horrific George Floyd case seems to be the turning point where people of all races, ages, and backgrounds are joining together and demanding change.

I want to thank our wonderful group of speakers, Committee members, and our staff members who helped us put this together.

Thank you very much; and now Attorney General, you’re on.

ATTORNEY GENERAL GURBIR S. GREWAL, Esq.:
Thank you, Chairwoman Greenstein and members of the Senate Law and Public Safety Committee.

Thank you for inviting me to join you today to talk about policing reform; an area in which New Jersey, in many ways, has been a leader, but now has the opportunity to become not just *a*, but *the* national model.

The recent, tragic deaths of George Floyd, Breonna Taylor, and Rayshard Brooks -- among countless others -- have brought this issue to the forefront of our national conversation. These tragedies have sparked the largest protest movement in our nation’s history. Since May 25, according to some estimates, as many as 26 million Americans have taken part in nearly 4,700 demonstrations, including hundreds in this state. These protests have

highlighted not only the racial divides, but also the systemic and implicit biases that continue to affect so many Americans.

When it comes to policing, they have laid bare the gap in trust between law enforcement and many of the communities they serve, especially Black and brown communities. They have also led to calls for meaningful police reform, including increased accountability and transparency measures.

States across the country, including New Jersey, have responded to these calls for change.

But before discussing our recent efforts, it's important to note that this work started in New Jersey well before current events. Over the past two years, Governor Murphy and I have worked hard to make New Jersey a national leader on policing practices. We have recognized, since day one, that law enforcement officers cannot do their jobs without the trust of the people they serve. To build and maintain that trust, we must institute policies and programs that promote transparency, accountability, and professionalism throughout law enforcement. And that's precisely what we've done. Since 2018, we have implemented some of the most ambitious and progressive policing reforms in the country.

We expanded on those efforts this past December, when we launched our *Excellence in Policing* initiative, which we have continued to build on throughout this year.

Some of these programs are well underway. We mandated implicit bias training for all prosecutors, State and County detectives, and State Troopers. We created a statewide conviction review unit. We launched a first-in-the-nation officer resiliency program. We banned chokeholds, except in the most limited circumstances. We hold regular community

listening sessions in all 21 of our counties. We implemented the Independent Prosecutor Bill, that the Legislature passed and the Governor signed last year.

And many more projects are in progress. We are overhauling the State's police training programs. We're building a statewide use-of-force database. And we're rewriting New Jersey's use-of-force policies for the first time in two decades.

I encourage everyone to visit our website, nj.gov/oag/excellence, to read about these and all of the other projects we have launched. I've appended a summary of these initiatives to my written testimony today, and I'd be happy to answer your questions about any of these topics.

I'm especially proud that all of these reforms were developed collaboratively with all of the relevant stakeholders at the table. We've worked with everyone -- Civil Rights organizations, religious groups, law enforcement leaders, and community members -- to ensure that our systemic reforms have systemic buy-in.

And I am equally proud that our State-level reforms not only build on steps taken by my predecessor Attorneys General, but are also an extension of the innovation and creativity that's happening at the county and local level across New Jersey since well before I became Attorney General. New Jersey has a long history of progressive law enforcement initiatives, and I'd like to highlight several of these groundbreaking programs with you.

For example, the *Community Law Enforcement Affirmative Relations*, or *CLEAR* Institute, was established by Attorney General Porrino. It mandates that law enforcement receive de-escalation, cultural sensitivity, as well as other forms of training designed to build police/community relations.

The Newark Community Street Team is quickly becoming a national model for community-based violence reduction, thanks to the hard work of Mayor Baraka, Director Ambrose, and Chief Henry.

The reimagining of the Camden police force, which started with Chief Thomson and continues with Chief Wysocki today, is garnering interest from law enforcement agencies across the country that are looking for a new way to protect their communities.

In Cape May County, thoughtful leaders, like Chief Leusner in Middle Township, are championing trauma-informed policing by working with school districts and community stakeholders to prevent adverse childhood experiences, and, in turn, future violence victimization and perpetration.

And at the New Jersey State Police, Colonel Callahan has launched an innovative Citizens Academy that helps citizens better understand the work of law enforcement.

But despite all of this good work, there's one area where New Jersey lags behind the pack. We are one of a shrinking number of states where police disciplinary records remain shrouded in secrecy, virtually never seeing the light of day. In recent months, I have come to recognize that our policy isn't just bad for public trust, it's bad for public safety, and it's time for our policy to change.

Last month, I announced my intention to publish the names of law enforcement officers who have received major discipline -- that is, those officers who have been fired, demoted, or suspended for more than five days. Those plans are now on hold, pending the resolution of ongoing litigation.

Despite this delay, I think it is important to provide additional background about how New Jersey treats police disciplinary records, which implicate so many of the policing reforms underway in our state and that this Committee will contemplate.

I'd like to address just three topics in the balance of my testimony: how we got here, why the status quo is a problem, and where we need to go next.

In New Jersey, like almost everywhere else, law enforcement agencies are responsible for investigating allegations of misconduct within their ranks. These investigations are typically conducted by an agency's Internal Affairs unit, which operates outside the agency's normal chain of command so that it can investigate matters thoroughly and fairly.

By law, the Attorney General is required to establish statewide rules governing these investigations. The rules are contained in a document known as the *Internal Affairs Policy and Procedures*, or the *IAPP*, which was first published in 1991 and updated multiple times since. Since it was first published, and even long before then, New Jersey has treated the records of these disciplinary investigations as highly confidential. That includes not just the investigative case file, like the notes of witness interviews, but also the outcome of the investigation and any discipline imposed. These records are considered so confidential that even police officers outside of the agency's Internal Affairs unit are not allowed to access them.

It goes without saying that a wide range of other stakeholders who want to review the files -- from civilian review boards to members of the public -- are also denied access. We've made some recent exceptions, such as when a police department is considering hiring someone who used to be an

officer somewhere else. But generally, if an officer is fired or suspended as a result of an Internal Affairs investigation in New Jersey, very, very few people will know unless criminal charges are brought. This is true even in the most serious cases, including those where a police department concluded that its officer has improperly used excessive force or engaged in racially discriminatory policing.

New Jersey's extremely strict confidentiality is not an example of standard practice across the country. It makes us the outlier. A majority of states already release the names of disciplined officers, and many also make at least some additional information available. Some states go much further, making the entire disciplinary file public -- not just a summary of findings, but the underlying documents that gave rise to those findings. Those states include Florida, Arizona, Georgia, and, as of last month, New York, just to name a few.

This has been the policy in New Jersey for so long that for many of us, myself included, began to take it for granted. But I've now come to realize that the approach is wrong. Other states have moved away from confidentiality because they rightfully recognize that transparency promotes accountability, and, in turn, greater trust.

That's why I issued two directives last month, changing the Internal Affairs policy to require disclosure of the identities of officers who engage in serious misconduct. The first directive applied to all State, County, and local law enforcement agencies in New Jersey. And it required that, going forward, these agencies must include the names of any officers who were fired, demoted, or suspended for more than five days during the past year.

The first of these annual reports must be published by no later than the end of 2020.

The second directive applied to the three law enforcement agencies in the Department of Law and Public Safety; that is to say, the New Jersey State Police, the Division of Criminal Justice, and the Juvenile Justice Commission. For those three agencies, I instructed them to publish similar summaries of misconduct since the year 2000, each of which must include the officers' names. I chose the year 2000 in part because that was when the State Police began publishing its own anonymized annual summaries of Troopers' misconduct.

Why did I order law enforcement agencies to publish the names of disciplined officers? The answer is simple. At a time when tens of millions of people are expressing distrust of the police and questioning their legitimacy, I believe it's important to embrace that scrutiny head on. And I believe I need to stand up for New Jersey's law enforcement to show that, here in New Jersey, we have nothing to hide. Because here in New Jersey, we have among the best trained law enforcement officers in the country. Because here in New Jersey we are talking about an extraordinarily small number of officers, out of our state's nearly 36,000, who fall short. And because here in New Jersey, we will not protect those few to the detriment of the many. The public has a right to know that the vast majority of officers never commit a major disciplinary violation throughout their careers. That's only possible if we are candid and if we are transparent with the public.

At the same time, this type of transparency helps build a culture of accountability. It enables the public to identify repeat offenders, and, perhaps most importantly, it serves as a deterrent.

So at a time when the public is questioning the role of police in our society, these directives help to restore trust between law enforcement and the communities we serve.

And to be clear, the goal of publishing these lists is not to shame those who fall short, but remain in law enforcement. The mere fact that an officer was suspended does not mean that he or she is a bad person, or even a bad law enforcement officer. Plenty of people make mistakes in their lives, and they grow from the experience, and they turn their careers around. I have witnessed that growth firsthand, and rewarded it by promoting individuals over my career who have fallen short in the past. Instead, by publishing the names we are simply acknowledging a basic fact: that our society entrusts law enforcement officers with extraordinary powers, and the public has the right to know when an officer falls short of the profession's high standards.

For all those reasons, I was surprised, and frankly disappointed, by the reaction of some law enforcement officers to these directives. Over a one-week period, I was sued five times. The reaction demonstrated that, unfortunately, not all of my law enforcement colleagues see the benefit of this type of transparency. And the reaction was all the more remarkable given that releasing the names of disciplined officers is simply one of many steps that we must take in order to catch up with many of our sister states on transparency issues.

Simply put, this is both a historical moment and a moral moment in which we find ourselves in our country's history. And it offers us a unique opportunity to prevent further injustices, to strengthen police-community relations, and to improve public safety. We simply cannot let this moment

go to waste. Although I have broad authority under the IAPP to release information regarding police discipline, it appears likely that many of these efforts, no matter how legally sound, will be delayed through litigation by those intent on preserving the status quo.

I know that the Legislature is considering several bills on this subject, and I'm not going to comment on any particular proposal. But I think it would be helpful for me to share four general principles that have influenced my thinking in recent weeks about transparency, that could provide, perhaps, a roadmap of where we need to go from here.

First, when it comes to the transparency of police disciplinary records, New Jersey needs to end its outlier status and move towards greater openness. We can and should be a national leader on this issue.

Second, we must protect victims, we must protect witnesses and whistleblowers who wish to report misconduct. We cannot conduct effective investigations without their assistance, and we will lose their cooperation if we cannot provide assurances that they will not be identified if disciplinary information is made public.

Third, we must protect the integrity of ongoing investigations. Investigators cannot effectively gather evidence if their work is being released publicly while the investigation is still proceeding. As a result, we should only make disciplinary information public once an investigation is complete and the law enforcement agency has decided whether to impose discipline or, alternatively, to close the investigation.

Fourth and finally, we must ensure that we do not stigmatize officers who seek help for medical or mental health issues. We want to encourage officers to take advantage of programs designed to prevent or

correct misconduct, such as alcohol abuse treatment, mental health counseling, and officer resiliency programs. And we must ensure that an officer's participation in such programs, or the offer to participate in such programs, is not made public.

Although some of these reforms must be placed on hold pending the outcome of current litigation, I do plan to take several additional steps in the near future.

For example, last year I amended the IAPP to make it easier for civilian review boards to access police disciplinary files. At the time, I was trying to balance the interests of local communities in exercising greater oversight over police departments against the longstanding norms of confidentiality of police records. But now, as we move towards greater openness of police records, that balance must shift. I intend to reassess our position in the hopes of finding a way to help civilian review boards in Newark, and elsewhere, obtain access to the records they need. I look forward to working with Mayor Baraka, Director Ambrose, Chief Henry, and other law enforcement stakeholders, on a solution.

Similarly, my office is currently litigating a matter that has attracted significant public attention: the case of former Neptune Township Sergeant Philip Seidle, who shot and killed his wife in 2015. For years, the Asbury Park Press has sought access to Sergeant Seidle's Internal Affairs file, which runs nearly 700 pages long. My office joined the Monmouth County Prosecutor's Office in seeking to block the release of these files, citing our longstanding confidentiality rules.

But as we rethink those rules, so too must we rethink our position in that litigation. In the coming weeks, I intend to give that case a hard look and make a decision on the best path forward.

In addition, I look forward to working on a statewide police licensing system. Last month, the Police Training Commission unanimously endorsed plans to license New Jersey law enforcement officers. We need the ability to revoke licenses of officers who violate the public trust, and a statewide licensing system dovetails with our overall effort to promote accountability and transparency within the profession.

All of these steps are crucial to our efforts to strengthen public trust in law enforcement. I cannot promise that these changes will be easy or popular, but real reforms rarely are. As we face a once-in-a-generation reckoning over policing practices in this country, we must be ready to make the hard decisions that promote public trust and support public safety.

Thank you, Chairwoman.

SENATOR GREENSTEIN: Thank you very much for that comprehensive testimony.

On the issue of disciplinary records, there are still a lot of parts of it that I'm not completely sure about.

Now, one of them is -- in the directive that you put forth, the State Police and the local police have different times when they have to provide the information; different information that has to be provided. How did that differ by different types of police forces?

GENERAL GREWAL: Moving forward, Chairwoman, it's all the same. But going retrospectively backwards -- we want back 20 years, because we have the records for 20 years. We did not mandate that for local agencies,

because each agency has different record-keeping requirements. But we did encourage other departments to follow suit; and I'm encouraged that the Newark Police Department followed suit by also going retrospectively for a period of time. Paterson has agreed to do that, Bergen County has agreed to that for its 70-plus police departments. And I'm encouraged by the Union County Prosecutor's Office, which has done the same thing. They've taken bold steps that this moment requires, again, to promote public trust.

SENATOR GREENSTEIN: On the issue of the IAPP data, I guess you have an approach that would be described, perhaps, as a middle-of-the-road approach. I know that Senator Weinberg, for example, has a Bill in that I think would go further, because it would apply, I think, the Open Public Records Act to those police records and make it more completely open.

What's your thinking on going further on the IA records -- Internal Affairs records?

GENERAL GREWAL: Well, I think it's helpful to share -- and I touched on it in my testimony -- how I got here.

We are hearing from protestors across the country that there's a lack of confidence in policing; that there's almost a crisis-level lack of trust. And they are calling, in some case, for the dismantling of police departments.

Given my responsibility in the state, I do have to do everything I can to restore that trust. And one of the things that I've heard loud and clear from protestors across this country-- Because while I may have experienced discrimination in my life, I will never know what it's like to be a Black person in America. I will never know what it's like to experience the type of systemic racism that people are protesting today.

So I've listened, and I've responded to what I've heard by agreeing that we need more transparency to build trust. So I decided that while last year we were going to -- agreed to publish anonymized reports, that we need to have names attendant to those reports, or attached to those reports, so there can be that deterrent effect, there can be transparency. So we could say, "Those problems that you might see in other states -- not here." We have a very small percentage, and we're not going to protect those few to the detriment of the many. We're going to highlight the great work of the 99 percent

I thought I could accomplish that by going from zero to about here (indicates), you know? -- and make incremental change. That has been met with five lawsuits.

What the Senator has put forward is much broader than that, and would bring us in line with states like New York and other places where entire IA files are public. That is an area that warrants more discussion. I haven't talked to the Senator about her Bill, but I'm available to meet with her and see where she is headed with that. I think that there are certain principles that I outlined about the confidentiality of certain aspects of the investigative files, the processes, the witnesses, that all need to be considered as we look to how we get to transparency. Because I think the agreement is there -- that we need to be more transparent and highlight the good work of the vast majority of law enforcement officers, and not-- You know, when the public is saying that there's distrust because people are not being held accountable, that people are protecting their own, I think it's incumbent on us to tell them we hear them and tell them that's not the case. That where people do cross that line, we discipline them; and that where they don't cross

the line and do their jobs honorably and courageously, we need to highlight that, and show that; and that can only be done through the transparency measures we've outlined.

SENATOR GREENSTEIN: Going back for a second to the disciplinary records.

One of the criticisms I heard is that some of the infractions are not that serious. They're saying that we're sort of lumping together the really serious infractions with not so serious. Would there have been some way to do this on a kind of a scale basis, where it was only the most serious infractions that were being dealt with?

GENERAL GREWAL: So we found the line to be where the State Police described -- what the State Police describes as *major discipline*, which is discipline of more than five days, or that results in demotions or suspensions.

If you go through those disciplinary lists, there are serious offenses. They are candor issues, they are criminal issues, they are issues where people have lied on official reports. They are issues where people have committed serious offenses, which undermine their credibility as law enforcement officers, where people have received hundreds of days of discipline. Granted, there might be-- Because we use progressive discipline in a lot of departments, where if someone has a series of infractions, their third, or fourth, or fifth, might result in more than five days. But my answer to that is, that's going to be in the summary. And I have enough confidence in the public that they're able to read that Chief Smith in town So-and-So gave somebody six days for their third motor vehicle -- putting a dent in the

car, or something benign, which was not the result of an accident or a uniform violation.

I don't credit those types of arguments, because the information is there; the public has the ability to discern what's serious and what's not. And if you look at some of the summaries that are already available anonymized, when people receive 500 days of discipline I think the public has a right to know that.

SENATOR GREENSTEIN: A few more questions.

On the use of force, it hasn't been updated in 20 years. What do you think we'll see changed in the new use-of-force guidelines, generally?

GENERAL GREWAL: So we're undertaking, Senator, a robust process here. We are seeking robust public engagement. We are having listening sessions in each of our 21 counties. And we want a policy that reflects our values as New Jerseyans today, not what they were 20 years ago; and the realities of what the situation here is today in the national reckoning in which we find ourselves.

And so we are going to hear from community members; because just as we govern with the consent of the people, so too must we police with the consent of the people, or informed by their views. And so we have a portal set up at nj.gov/oag/force, where people can submit their input. But we're going to look at everything. We're going to look at what the continuum of force should look like, what de-escalation should look like, what our pursuit policy should be, what less-than-lethal policies we should be looking at, and what are the, sort of, grounding principles for us as we look at force. And Chief Thomson will be testifying later this morning. He has a very forward-

thinking policy that he implemented in Camden which I think can become a model of where our state goes.

And so everything is on the table. It'll be done with robust community engagement, robust law enforcement engagement; all law enforcement stakeholders are involved in that process as well. And I'm confident, at the end of it, we'll have a national model and different from other places in the country. It won't be a one-off; you know, in some places a major city can implement a very progressive policy that is forward-thinking on use of force; but that's just that city. Here, we have the ability to do it in all 530-plus police departments in this state, and truly be that national model that we can be, here in New Jersey.

SENATOR GREENSTEIN: I'm wrong; I actually have two more questions--

GENERAL GREWAL: Sure.

SENATOR GREENSTEIN: --and then I want to make sure everyone has time.

The issue of chokeholds. There are a couple of bills in right now, one of them I think is 1262, and I believe that that codifies what you've done, if I'm not mistaken. It, I guess, makes the chokehold part of the deadly force.

The other one goes much further, and it makes it a first-degree crime for -- pretty much for a police officer to use a chokehold in any situation. That's really a lot further.

What's your general-- And I'll tell you one of the thing I heard from a member of the community, who is actually going to be testifying. There's a real mistrust on this type of thing; first of all, that members of the community feel that no matter what happens, even if a chokehold is there,

that a police officer virtually never gets prosecuted for that. That's the general sense in the community. And that they would like to see it pretty much the way the second Bill makes it, which is if you use a chokehold it is going to not be legal to do that.

I know the police don't feel that way, and I understand that too -- that they feel that they need to have that arrow in their quiver to make sure if they're in a deadly situation that they can get out of it.

I wonder what your general thinking is on this, and how can we reassure the community that police officers who don't do the right thing can get prosecuted. Because I understand there is a Supreme Court case that talks about the reasonableness standard, and says that if it's reasonable to use it, then it's okay; and that perhaps a lot of police officers are able to successfully use that standard.

I wonder what you're thinking is on it, and how the community could be reassured about that.

GENERAL GREWAL: Sure.

So we did issue statewide guidance regarding the use of chokeholds, or neck restraints. And we said that they are prohibited except in limited situations when deadly force, as you articulated, would be necessary to address an imminent threat to life.

And we also established, in that guidance, that officers who misuse chokeholds and don't abide by that standard could be subject to criminal liability. It's important to note that our officers are not trained to use chokeholds or positional asphyxiation in the academies, so this has been the standard practice in New Jersey. And so we were just making clear what has already been trained on across the state.

As far as public confidence, I think the Legislature took a step in the Independent Prosecutor Directive, the legislation that the Governor enacted and we put in the form of a directive -- that should there be an incident where someone crosses that line, we have a mechanism and a process in place to investigate it, to present all of that information to a Grand Jury now, and let that Grand Jury make the determination on guilt or innocence. So they have to be presented in a case where it results in death.

So I think that measure has given confidence that it's not going to be an issue of someone making a discretionary call and not presenting a case; but rather a Grand Jury deciding, based on the facts of a case.

Other than that, I could only point to the steps we've taken to hold accountable officers who cross that line. We had the case of the officer in Camden County recently -- who actually is a perfect poster child for the need for police licensing in this state -- who jumped from Department, to Department, to Department, to Department, to Department, to Department, to Department, to Department -- nine Departments by the age of 32, able to hide his disciplinary baggage and then assaulted two young Black males, who were sitting on their front steps, with pepper spray. When we saw that, the Camden County Prosecutor held that person accountable.

So we do hold officers accountable when they cross that line. We do have mechanisms, like our Independent Prosecutor Directive, which is built on the legislation enacted by the Legislature and signed into law by the Governor. We do have body cams in more and more jurisdictions, which are an accountability tool. And I think all that, plus the steps that we're taking for increased transparency, should give the public confidence that we will hold officers accountable when they cross that line.

SENATOR GREENSTEIN: My last question is on the licensing issue.

GENERAL GREWAL: Yes.

SENATOR GREENSTEIN: What are some of your principles there? What are you looking at? For example, have you made a decision yet as to whether you're going to keep the whole thing in the Police Training Commission; might you go beyond that and form a separate group? What are some of the main principles with it?

GENERAL GREWAL: Well, I think the first step, Senator, was at our Police Training Commission. We asked them, in December of 2019, to undertake the hard work of examining police licensing systems in other states to see if this is somewhere where New Jersey should go and where we could go. And the Police Training Commission unanimously voted in favor of police licensing.

The Police Training Act, which created the PTC, authorizes them to certify law enforcement officers, but does not include that licensing ability and oversight ability. So that would be something for the Legislature to consider. The steps we are now taking with the PTC are looking at what that licensing system can look like in New Jersey; looking at models in North Carolina, and Georgia, and other states that have done it quite effectively.

And so some of this will require us to look at what we require before someone gets into the academy, the background checks before someone gets into the academy, the psychological examinations. Then it will require us to see what type of license someone gets when they leave the academy -- that it's a probationary license that is only made a full license after someone finishes their field training.

And then if someone is disciplined, fired from a department, then whoever that licensing body is -- whether it's in the PTC, which would require legislative change -- well, that license should then be inactivated; and could only be reactivated when an application is made, so we have that type of accountability. So we avoid that nine-department officer issue.

And then we also have to look at what would be the criteria for suspension of licenses or revocation of licenses. And all that hard work is now happening with the PTC and their working group on this issue. And hopefully, in the near future, we may have to come back to each of you to ask for those legislative fixes that we might need.

SENATOR GREENSTEIN: Right now -- I know you're just in the process -- but would the community be part of the licensing process -- let's say the Board that's making the decision?

GENERAL GREWAL: Well, right now, it's the PTC itself that's looking at this. And then, certainly, one of the hallmarks -- I hope people would think of our efforts over the last two years -- has been community engagement; our *21/21 Project*: 21 counties, 21st Century policing. We go in to community meetings to talk about issues of mutual concern. So I would foresee this being one of the topics for an upcoming 21/21. And we'll have about 21 of those meetings all across the state to talk about these issues and get public input that way.

SENATOR GREENSTEIN: Okay; thank you very much.

GENERAL GREWAL: Thank you, Senator.

SENATOR GREENSTEIN: Senator Cryan.

SENATOR JOSEPH P. CRYAN (Vice Chair): Thank you, General; thanks for being here, and thanks for your thoughtful testimony.

I have a variety of things to ask you about; some of which is related to your testimony today, some of which I just want to solicit your input on -- where you think we can go forward in a positive manner.

So I just want to follow up on the licensing, to begin with.

You mentioned it a little bit, but isn't one of the issues here-- And I want to talk about it in the context of test, background, and hiring.

It's clear that New Jersey's police force, overall, doesn't reflect the diversity in its communities. Is that a fair statement to say, overall?

GENERAL GREWAL: I think we have challenges, and we could do better when it comes to diversity in law enforcement.

SENATOR CRYAN: One of those things, one of those areas is in the hiring area. And you mentioned it -- background checks and so on. The standards in hiring are different almost by agency, are they not?

GENERAL GREWAL: Yes.

SENATOR CRYAN: Which is why I favor-- And am actually working on legislation with the licensing to support it, because it is somewhat arbitrary.

Is it reasonable-- But one of the things we should understand here is Minnesota is licensed, correct, right? The epicenter of where we are is a licensed police state.

But have you looked at the consistency in the hiring practices, and is that part of the PTC mission? I mean, one of the things I have concerns about -- and we can talk about officers who move around, and so on -- is-- And let's be clear here: Credit scores, which are demonstrably against minorities; financial records. Think about it: We accept the fact that we have income levels, disparate income levels. We talk about it, and then we

put arbitrary financial requirements on people, including credit scores. And then we wonder why we're not diverse enough, right? Much less the arbitrary figures of offenses that one can choose to not hire for; marijuana is certainly at the front of the list, given the current environment. But DUIs, and other things, that are also part of that.

So is that correct? Would you agree that we need some consistency in the hiring standards? And if you could comment, not only just for Civil Service, but for Chiefs tests as well, and how diverse those things can be.

GENERAL GREWAL: So certainly, this process is ongoing. But as I mentioned in response to Senator Greenstein's question about licensing, those pre-Academy standards -- the background investigation, the psychological investigation -- when we're looking at recruits, physical fitness, drug testing-- All those pre-Academy certifications need to be standardized. And it's my hope that as we look towards this licensing system -- which will bring a degree of uniformity -- that will be part of it. And then we will look at having a standard way in which we're evaluating candidates coming into our different academies.

As far as the Civil Service, and the Chiefs test, and the non-Civil Service, and non-Chiefs test -- yes, there is a wide disparity there on how the promotional processes are handled across the state. And it's my hope that will be part of the consideration that the PTC looks at -- the things that they consider.

SENATOR CRYAN: Well, it's one of the things I want to put in the Bill, because our-- Let's be candid here. If you don't start with your hiring process correctly, in many cases, the promotional process doesn't

reflect. Civil Service, by definition, is slow; a three-year test, right? And with COVID, they're behind at the moment. And then you get into who can afford extra help, and study, and those aides that go with promotional exams, versus who can't -- how all those things work, I think there's an inherent potential bias. Let's put it this way: There's a potential bias in that. One of the bills I have in, which I'd appreciate -- I wouldn't ask you to comment on the spot if we didn't have your testimony ahead of time -- is to ask Civil Service and, frankly, (indiscernible), to review promotional tests for inherent bias.

GENERAL GREWAL: I think, Senator, those are all terrific suggestions, and things that we have looked at. There are groups that offer that test prep at no cost to minority candidates in some cities. And that just highlights what you just raised -- that there are problems, and it advantages people who could afford those examination prep courses and things of that nature.

And on the implicit bias point, one of the things that the State Police has done remarkably well is not just train every State Trooper on implicit bias, but also those who are doing the background investigations of potential candidates, and also those who are doing the candidate review boards -- the people who are evaluating people for entry into the State Police Academies -- on implicit bias.

So I agree with you. I think that is a very thoughtful policy suggestion that should be implemented more broadly.

SENATOR CRYAN: Also the psyches that are part of the background. Do you think that they have an inherent bias and in any way should be reviewed for racial bias?

GENERAL GREWAL: So I don't know enough about psychological examinations to answer that question. But one thing that I have talked to the PTC and our folks internally about is that we need to standardize the psychological testing, because it varies as to what different municipalities do, whether on the front end or even during fitness for duty and things like that. And so there needs to be more standardization there for sure.

SENATOR CRYAN: One of the things I'd like to see -- and I admit, this is a little self-serving -- put a Bill in-- People change, right? Nobody here is the same as you were before COVID. Is that a fair way to put it? Everyone is different now.

GENERAL GREWAL: I'm 30 pounds less.

SENATOR CRYAN: Thirty pounds less.

And we look at psychological-- I'm not there anymore, but in law enforcement a fitness for duty or psychological is looked at punitively. You only give it when there's a purpose and an event that creates that. And psyches aren't cheap. But I think psyches should be given every three to five years; I think they should have a bias -- I think they should be given before the academy and, frankly, I think they should be given before the end of the probationary period. And frankly, I think that if they're used effectively, they can derive support for those on the front line, as opposed to being punitive. I know the negative is cost; they're not cheap. But I think we should look at things like that to be inherent tools to help officers we've invested in to fix a problem before it becomes a problem, if that's reasonable.

So you'll see a Bill, I hope, somewhere in this Committee; I hope.
(laughter) So we can at least get it here.

I want to follow up on your comments with the release of the documents and the 20-year discipline.

On page four of your testimony -- that you were kind enough to give to us -- you mentioned repeat offenders. Why not just begin with the release of repeat offenders?

GENERAL GREWAL: I'm sorry, say it again.

SENATOR CRYAN: Why not just begin with the release of repeat offenders? I think the concern here is, you know, I mean, those are folks-- I don't speak for the unions, but they're pretty clear. They don't want bad offenders either. Why not just start there?

GENERAL GREWAL: Well, a couple of reasons.

One, you, in some cases, may not know if someone's a repeat offender, right? Because perhaps they've moved from agency to agency; or perhaps you didn't release a name from last year, and the offense happens this year, so that puts a different type of burden.

But I think the broader point here, Senator, is that this is about transparency; and this is about-- We're not talking about a lot of people here. I have had conversations with Chiefs who've raised the same issue with me, and I've asked them, "Well, tell me how many people fall into these categories in your own Department?" They say, "Well, it's one." And so we have to realize that we are making -- if we start making exceptions like that, we defeat the purpose -- the broader purpose here, which is transparency, which, in the end, promotes accountability in my mind.

And so that's where I would like to go.

SENATOR CRYAN: In your own testimony, you noted repeatedly that the pendulum was too far -- for lack of a better way to put it

-- to confidentiality. And I think many people agree with that. Although in fairness, don't agencies provide Internal Affairs documents, to every Prosecutor's Office; and summary reports? And they're there for them to review -- who report to you, right? That's correct, isn't it?

GENERAL GREWAL: In a very summary fashion. And we improved that last year in the IAPP, which is now -- was about to take effect until I made this change -- where we were going to have more robust summaries and information provided to the County Prosecutor's Office, and to put on each police department's website. And then we asked for more robust oversight by our County Prosecutors, to do exactly what you did. But that's in the most recent changes that we enacted.

SENATOR CRYAN: But the information is there. And let's face it: If the Prosecutor calls and wants your IA files, over they go, right? That's the way it works.

I just -- I see both sides of it, and I appreciate the transparency argument. But when you've had that much confidentiality-- My concern is for the victimless ones. Anybody who's done anything that has hurt an individual -- we all sign up. I don't think anybody's arguing that. I do worry about the guy -- and you mentioned it here, in one of your precepts, about not shaming the person who's in rehab and things like that. There's often situations that lead to that. Essentially, they're victimless: the person who is late; the person who's clearly had a couple drinks because they've had life issues that we just mentioned earlier, and it's psychological. And I'd ask you to consider that piece. No one -- no one, at least not anybody who I know of -- supports hiding any documents for anybody who's been a victim of a crime of bias in any way, shape, or form. But you do have officers, just like we have

people in our lives, and in families, and the rest, who have gone through a DUI situation, down to a rehab-- You mentioned it in your testimony.

GENERAL GREWAL: Yes.

SENATOR CRYAN: And they're stellar afterwards. And the one thing I would say to you is, I would disagree. If you release the names, they're shamed; they are. They'll be in the locals, and they'll be in the rest. I'd like to think life is better that way, but I think they'll be shamed, and their families will be shamed, and the rest; and in many cases, retired -- all for anybody who shows a bias. I can list-- You just mentioned it -- I can think of a few names when I had the privilege to be Sheriff, or Undersheriff -- of folks who should absolutely be released. I'd be happy to give them to you, all right? But I can think of a couple where life's situations -- they went to where we wanted them to go and finished their careers in a stellar fashion. And to tell you the truth, I kind of question myself -- whether or not they should be out there, having to explain to their grandkids, or to their young kids at the time -- now adults -- as to what happened. I just wonder about that. You can weigh that for what it's worth and take it.

Can I just switch gears with you a little bit?

GENERAL GREWAL: Sure.

SENATOR CRYAN: I really want to solicit your opinion on a few other things; if that's all right, Madam Chair.

School zones; I'm interested. Do you think there's an inherent bias in the school zone laws?

GENERAL GREWAL: I'm sorry; I didn't catch th--

SENATOR CRYAN: School zone laws.

GENERAL GREWAL: School zone laws?

SENATOR CRYAN: Yes; do you think-- One of the things that's always struck me is, I represent a city that has schools everywhere. And there's inherent double penalties for that, and God bless them.

But they're also aware of where minority folks live. And we talk about the pressures that are there; we've doubled the penalties. Is there a fairness in that, or is that something we should review these days? Or do you think that those laws are pretty consistent?

GENERAL GREWAL: I know that there are studies out there that they are unfairly punitive to urban areas where there's a higher concentration of schools, or schools might be closer in proximity to areas where criminal activity sometimes may happen. And I think -- I don't have the data at my fingertips, but I think we should be looking at all these systemic issues right now, in this particular moment. I think the work of the Criminal Sentencing Disposition Commission -- which issued a report and provided legislative suggestions to this body to address disparities in our jail populations -- highlights some of these inequities and some of these issues. And so I think we should be looking at those issues.

SENATOR CRYAN: Okay; I appreciate that.

A couple others, and then I'll finish up.

Forfeiture dollars -- is there a place to go where the balances on forfeitures are available? And I want that in the connotation of defunding the police conversation, where we're looking at-- And I know I support the idea of alternative recreation, alternative-- I think Mayor Baraka is going to give us some things that I think he's worked with you on, right?

GENERAL GREWAL: Yes.

SENATOR CRYAN: -- for alternatives there.

Are forfeiture dollars-- First, is there enough? And two, is there an opportunity to, potentially, help at a time when we're going to have World War III tomorrow on a borrowing bill to keep government functioning?

I was wondering if you could comment on that.

GENERAL GREWAL: Well, I mean, you can't use it to supplant things that are budgeted for; so that might answer the second question.

But the first question, should forfeiture dollars be better used or--

SENATOR CRYAN: Used in community act--

GENERAL GREWAL: Yes.

SENATOR CRYAN: I mean, the things that we talked about, right? The idea is to divert to mental health, youth-- I'm sure we'll hear more testimony on that today.

GENERAL GREWAL: Yes.

SENATOR CRYAN: Would you support that?

GENERAL GREWAL: Yes, certainly. We have been using forfeiture dollars creatively to fund drug diversion programs, like Operation Helping Hand; to fund Police Athletic League programs, like we funded in Atlantic City; to look at crime prevention programs or hospital-based violence interruption programs -- looking at forfeiture dollars. But, more importantly, VOCA dollars, to use them more creatively towards crime prevention.

So as long as it's within the parameters that are set, that govern forfeiture money -- which there are pretty strict rules that apply, I think.

SENATOR CRYAN: Are those rules State or Federal?

GENERAL GREWAL: Well, it depends. There are Federal funds, so a lot of our local departments get a share in Federal forfeiture

dollars, if they have people on loan to the DEA or other task forces. And so that's governed by the Federal rules. And then there are State rules. But generally--

SENATOR CRYAN: State rules we can always change, in light of where we are, right?

GENERAL GREWAL: You can do a lot of things. (laughter)

SENATOR CRYAN: Okay.

And part of the reason I wanted to follow-up on the forfeiture dollars, I did want to ask if there's a place where we can find the balances. Because it struck me that in the body cam question that was asked -- because I think whether it was you or your predecessor; I don't remember -- helped fund body cams in Union County. We put them in the Sheriff's Office.

GENERAL GREWAL: Yes.

SENATOR CRYAN: Which, by the way, were embraced, and have saved me at least two or three times. I went back and looked at a film and knew that the complaint was false. The body cams protect the officers, and I know we've heard that here in this Committee. But in real-life experience, I know it to be true.

But I was struck that not everybody has a body cam. Who doesn't, and why?

GENERAL GREWAL: Who doesn't?

SENATOR CRYAN: What departments don't have body cams, and why?

GENERAL GREWAL: You know, the last time we did this survey, I think over 200-something departments did have them.

To your point about forfeiture dollars -- we've made grant money available to departments, sometimes funded by forfeiture dollars or other monies available; given it to departments that have applied for it, that have only, then, turned around and given us the money back, because it's cost-prohibitive on the back end on the storage costs--

SENATOR CRYAN: Cloud costs.

GENERAL GREWAL: --and the Cloud costs, redaction costs--

SENATOR CRYAN: Yes, it is expensive.

GENERAL GREWAL: --and things of that nature.

But I agree with you. I think body cams are an incredible accountability tool; that law enforcement officers behave better. The entire interaction is better sometimes because of body cameras, and sometimes there's no question about what happened.

But we're working with the Essex County Prosecutor's Office, as recently as a couple of weeks ago, to try to get some of the departments in Essex County body cameras by finding forfeiture dollars that we can make available to them.

SENATOR CRYAN: Okay

Could I, through the Chair, ask for the members of the Committee -- is it possible to get a list of departments that don't have body cams? Do you have that, or is that something--

GENERAL GREWAL: It's a dated survey, but I think what would probably make sense right now is to do another canvassing of the different departments -- of all the departments across the state to see who's up on body cams and who is not. And we will provide that information to you.

SENATOR CRYAN: Two other quick points -- follow-up.

As the Chair mentioned, and you noted, no police officer today in New Jersey is taught a chokehold to my knowledge, correct?

GENERAL GREWAL: That's correct.

SENATOR CRYAN: And none has been, correct?

I was interested in your comment about -- you can use it in the use of force, in a deadly situation; that's it. But to be clear, it is not part of the PTC curriculum.

And I wanted to follow up with the chokehold with de-escalation. You talked about it here; it has certainly become, in light of watching the Floyd nightmare video--

De-esc, the way I understood it, is only taught in the Academy; that there's limited-- It's only three hours in the Academy, at least the Academy I'm familiar with. De-esc is only taught three hours in the Academy, and I don't think that there's any follow-up -- New Jersey Learns, or any other place, at the moment.

Are you addressing that? I know I have a bill in, and some others do. But can you talk to us about that, given the current discussion about de-escalation and where it is?

GENERAL GREWAL: Yes, certainly.

So de-escalation is part of the Academy training that law enforcement officers receive pre-service. In-service -- Attorney General Porrino established the CLEAR Institute, which made it mandatory for all law enforcement officers to get a number of hours of de-escalation training in-service.

But I think that's an area where we can and should do more. One of the initiatives that Governor Murphy and I announced in the wake of what happened in Minneapolis was that we were going to expand CIT team training to additional departments across the state. That's Crisis Intervention Team training, which is a national model for de-escalation. And it's intensive, because it's a 40-hour training. It's 20 law enforcement officers, 20 stakeholders, social workers, mental health professionals, who come together from different departments, sit together and get trained on different de-escalation techniques to recognize, for example, that a person who's not responding to you might not be ignoring your commands, but perhaps may be going through a psychiatric crisis. And so here are different techniques we could use to de-escalate that situation.

That is a best-in-class training. A lot of our counties are already doing it, but we're piloting that now with the Troopers. Our plan is to pilot it here at the State House, to pilot it in Millville, Atlantic City, Paterson, and then Trenton PD. And so we hope to figure out a way where we could replicate that across the state. That doesn't mean every law enforcement officer gets this training, but you have a representative sample on each force who have this training. So if there is an interaction with somebody going through a psychiatric crisis, that you have additional tools in that officer's toolkit to bring that situation down in a peaceful manner, rather than resorting to the use of force.

SENATOR CRYAN: Incredibly important; yes.

All right, last two things, because I know I'm -- I can feel the look over my shoulder that I'm way too long already.

One is, I wanted to ask if you took a look and had an opportunity-- The *Asbury Park Press* did some really fine reporting on police car chases; the impact, particularly in minority communities. Disparate -- the idea that you can actually follow and do a -- you can do a police chase on a vehicular infraction. Literally, as simple as a right-on-red, potentially --those sorts of things.

I was wondering if you'd had a chance to look at it, if you have thoughts on it, wanted to comment on it.

And the last thing I wanted to ask you was, how do you candidly, in the organizations that are police departments-- Pastors in my District say to me, "We should abolish; but we certainly, at least, need to be transformational."

One of the struggles that always is with reform is the actual implementation of the reform in breaking that culture. I know you know what I'm talking about here; it's tough to do. I was wondering if you could comment on that. I know they are two separate subjects, but that will close me out.

The *Asbury Park Press* -- really fine reporting on the disparity with minorities there; and then secondly, how do we actually make reform happen and make it long-term, have meaning, and serve its purpose?

GENERAL GREWAL: So on the pursuits -- that's going to be squarely addressed by the use-of-force listening sessions that we're doing. It's one of the things that we flagged as a bullet point that we want to talk about -- is our pursuit policy, and under what circumstances should pursuits be happening, and under what circumstances should they not. For minor traffic infractions, I think there are a limited number of situations in which pursuits

can happen. I don't have our guidelines in front of me, but that is certainly an area we want to look at more, and certainly disparities -- we would like to see that data. And we have the Asbury Park's data, and we--

SENATOR CRYAN: So it's on your radar.

GENERAL GREWAL: It's on our radar, and if you look at our website on the use-of-force reform, it's one of the points we'll be looking at, as this process is underway, which will be done by the end of the year.

On the issue of changing culture, really it is a process. And I think it is a process that we may disagree on, but requires more transparency than we have right now. And I think that transparency will help in that regard, because that transparency will lead to greater accountability and help build a culture of accountability that that we need. It rests on professionalism. It rests on making sure that we have the best possible training, that we are best in class when it comes to those types of measures. And it rests on pure accountability -- that we are using the IA process and holding folks accountable when they do cross that line.

It also rests on what you said earlier -- recruiting the best possible candidates into law enforcement. It's not an easy process; and as we can tell over the last number of months, it's been a painful process in this state, which is best in class as it is. But what we are hearing -- and we should be hearing, and listening to the public, and those who are protesting right now -- is that we need to do more. And so that's what we're committed to doing. The Governor and I announced those initiatives in June; there are more things that we would like to work on.

But it's going to be an uneasy change, but its necessary change right now.

SENATOR CRYAN: Yes.

You know, when I got to be Sheriff -- had the privilege of doing that -- our census population of officers of color was less than 5 percent. And in Union County, at the time, the 2010 census was close to 20 percent. We were trying to match your thing. When I left, we were close to 16 percent, because we recruited. But we also had the opportunity to use some investigators, and we got lucky in our recruitments, and Civil Service, and the rest, and we were able to work through. And frankly, I had the support of others.

Do you have any tips, or any-- Like, one of the things I've thought about doing, but haven't, is actually-- I'm pretty certain we're going to end up requiring diversity plans for agencies to be reflective of a community; and I thought about the idea of actually adding investigators there, you know, so that you can get there if you're going to hire, and be part of that, and be reflective.

I haven't vetted it, so this is probably a really stupid place to talk about it, without having done all that. But do you have any guidance -- and I'll close with that -- how do we get there? How do we, like-- I can tell you, it was tough to do. We were at every college, we were at every-- We lived at Kean, we lived at Union County College, we went to high schools; bilingual officers -- all the things that you do to go out and recruit. We must have noticed the Civil Service test 10,000 times. We offered to pay for folks, where there is-- By the way, a Civil Service fee is a struggle for some people, you know, which is real. So we had sponsors that did the rest, and never mind the mentoring after we got folks in NOBLE -- I see Jiles back there -- and folks who helped us.

Any other tips or guidance for those of us who want to look for a more diverse police agency, that you would be reflective of or could share?

GENERAL GREWAL: So I think what we started with was being candid about where we are; and we started publishing our diversity and inclusion numbers on our website. And not just for law enforcement, not just for the law enforcement agencies within the Department of Law and Public Safety, but also the Prosecutors, also the DAGs, also-- You know, all levels. So I think we have a baseline of where we stand today.

And then we have a Chief Diversity Officer. So we have those recruitment initiatives that you talked about. Are we at the right places? Are we talking to the right groups? Are we working with NOBLE? Are we working with John Jay, which is a majority-minority institution in criminal justice? Are we out there at the right job fairs?

We could do all that, and we are doing all that. But the challenge, Senator -- and Pat Colligan can speak to it; all the other law enforcement experts could speak to it -- is that not a lot of people want to be a law enforcement officer today, and you could imagine why. It is challenging environment in which to work. The scrutiny has never been greater. The challenges have never been greater. And so we saw that firsthand. That despite all of the church basements, despite all the community centers, despite all of the outreach that the Colonel and I did when we had the last class for the State Police to increase the diversity of that pool we got the same percentage in diversity, but we had a smaller pool overall. Because less people wanted to go into the State Police where, years ago, it would be brimming over -- that pool.

And so that's a challenge. So you have twin challenges: First, it's hard to recruit minority law enforcement officers; it's a challenge. But now it's just hard to recruit law enforcement officers, period, given all the other attendant challenges to this profession.

SENATOR CRYAN: Thanks for your comments and your time.
Thank you; sorry, thank you.

SENATOR GREENSTEIN: Senator O'Scanlon.

And what I'm going to say is, we knew that the Attorney General was going to be the longest speaker. He did *his* very concise. I knew the Q&A was going to be long.

After the Attorney General, I'm going to ask that we limit ourselves to about two or three minutes of questioning, because we have a lot of people who came a long distance. I want to make sure we get through them.

So thank you.

SENATOR O'SCANLON: Thank you, Madam Chairman.

Attorney General, thank you for being here.

You and I have shared an interest in these issues that predates the George Floyd murder tragedy. You and I met January 22, 2019, about some of these very issues.

You mentioned earlier that you could never know what it's like to be a Black person in this nation. With my pale Irish skin, I'm frequently the whitest guy in most rooms that I'm in. It's impossible for me to know what it's like to be a Black person, or person of color, in this country.

But if we care about justice -- and those of us who were elected and appointed to positions, such as Attorney General -- the fact that we can

never know what it's like makes it even more incumbent upon us to care, and to care about it, if we care about justice. And that should be one of the top two or three prime directives, I think, for all of us.

So while it's awful that it took this tragedy to really get us focusing, you were ahead of the curve. You were doing some things here in New Jersey, and in the previous Administration as well -- you mentioned General Porrino before you.

It is vital that we seize upon this moment to really make change. And we've seen fits and starts in the past, where there have been incidents, and everyone says, "We can never let this happen again," and it does, again and again. And I think it's unfair to blame police, overall, for this; and that's happening throughout the country. As I think you said, and I think Senator Cryan mentioned it, and the Chairwoman mentioned it, 99.99 percent of police are folks who got into the business to protect and serve, genuinely. And we're going to hear, I know, from Pat Colligan and others today, who are going to let us know that, and it's true.

But we still have these problems, we still have these incidents. And you've mentioned it -- changes in police culture, changes in our culture, police training, their mission. We make the mistake, government makes the mistake, collectively, of frequently pitting police against the very people who they're expected to serve, Black and white, by pitting them against each other for performance evaluations, for instance. I've spoken to hundreds of police officers during my career, and most, when they're honest, will tell me, "Oh, yeah, two-thirds of the tickets I write I wouldn't write but for someone breathing down my neck. I would educate rather than punish."

And that aspect of our system is a real problem. Everybody resents it, including the police who are writing the tickets. And it's the poor and minorities who are most victimized by that part of our system. We need to fundamentally change that. You and I spoke, back in January of 2019, about taking the profit out of policing. Local officials shouldn't ever care one whit how many tickets a cop is writing, unless he's not doing his job. But the emphasis should be the greatest amount of compliance with the least amount of punishment. We shouldn't dumb down our laws to the point where any one of us can be pulled over at any time. And everybody in this room broke what are very likely unreasonable laws, or laws not set to sound engineering criteria on their way to this meeting today.

We should undo that, because those laws, and rules, and restrictions that don't adhere to sound engineering criteria permit anyone to be pulled over at any time. And then that small percentage of cops who are intent on victimizing folks of color, or otherwise, find it very easy and facilitate it, partly because of the mission that we've given our folks.

So I'm really happy to see that this is happening now, despite the tragedy that warranted it. But I'm fully onboard. I will be introducing legislation soon that would collectivize fees and fines so that there is no incentive on any individual municipality to push their cops into being revenue generators, into fomenting either unnecessary stops or strife when they interact with the public.

A couple of quick things.

You mentioned that you're going to take another look at -- and in the name of brevity, I'm going to skip over a batch of things that I wanted to talk about; but we will have a chance in the future. But you mentioned

you're going to go back and reconsider the Seidle release of documents. I wasn't going to bring that up today; I'm glad you headed me off because it really conflicts dramatically with what seems to be in your heart. Your office is joining in blocking the release of that information. There's going to be embarrassment, there's no question. The local officials there, maybe; the police union, maybe. But it might be a good exercise for us all to go through. When we talk about changing the culture within our police community, it means changing the union culture. We've seen in the start of this, with the NJEA accepting that not everybody who gets a teaching degree belongs in a classroom, and weeding out the ones who don't. That needs to happen across the board. The union can't take the position that, "We're going to defend everyone all the time." The union has to be a partner in improving the morale and the quality of folks who are wearing badges. And the very few who don't belong there -- we all need to get behind removing before their lives are damaged and other lives are damaged in the process.

So when do you think you'll be done with that re-review of the release of the Seidle?

GENERAL GREWAL: Well, we'll do it as expeditiously as possible. I mean, I can't put a time frame on it. But as you could see from all the steps we've taken to date, we've tried to move quickly, because some of this requires us to act swiftly and to address issues before they become larger issues.

This is an unprecedented moment, and so that's why we're taking these hard looks at positions we've taken in the past. And without putting a time frame on it, it's not going to be long.

SENATOR O'SCANLON: Okay, I appreciate that. I mean, the sooner the better.

Regarding transparency -- and Senator Cryan touched on it -- you know that I've been a proponent of making certain that investigations, discipline records follow an officer; the cumulative record follows an officer from one institution or employer to the next. That's a huge problem. These things seem to get wiped away, and then you find out later that there were multiple instances, and you find hiring entities shocked when someone who made it through their process was hired and had a problem; that two jobs ago there was a problem. The flip side is, we don't want to stigmatize. And Senator Cryan was right; once you release that someone made a mistake, there is going to be a stigma; I think no question. And that gets back to us changing the cultures of future hiring entities.

I'm not sure how to do that; I'm not sure that that's -- that's going to be a tough haul. But at the very least, when there are multiple instances, then certainly it becomes a time when this information needs to be public. But certainly the cumulative folder or file needs to follow an officer. I guess my question to you is, how do we do that? Or is your plan right now just to make everything public so it's impossible to miss it? Help me understand a little bit.

GENERAL GREWAL: To your point, we've mandated, in the Internal Affairs policies and procedures that we have now, that if you are a New Jersey Chief hiring from another department, you have an affirmative obligation to get that Internal Affairs file and that personnel file. That never before was required. And so we've required that in the IA guidelines that we have out there.

The disciplinary records that we want to put forward and make public are those who have been subjected to major discipline. I understand the point that the Senator makes. I would respond by saying, "Take a look at the lists that are out there already." I think the instances that you're highlighting are few and far between. I think you will see more where it is acting in a capacity to bring dishonor to the division by doing X, Y, and Z; or candor issues; or issues where -- a lot of it is going to be criminality, where they are no longer part of law enforcement.

So there will be those outliers, for sure. There will be those cases where it's going to be embarrassing. But I'm not here to shame them. To your point, Senator, I took steps well before this year, when we put in Early Warning Systems, to say, "You know, listen. We want to intervene early when someone is on a path to this type of behavior so they never trip red flags." We instituted a first-of-its-kind, first-in-the-nation-- We have people coming from other countries and other states to come see what we're doing on officer resiliency -- to your point, Senator -- so that asking for help is not viewed as a sign of weakness, but rather a sign of strength; so someone can get the alcohol treatment that they need, they can get the mental health treatment that they need. That they could stay in law enforcement if they're able to address those issues.

So we've tried to change the culture that way, long before the events of this moment. All of those steps were taken in partnership with many people in this room.

So I would like to see those lists -- which are small already to begin with, of 20 people, in the case of the State Police, in a given year, out of 2,700 or 2,800. I'd like to see them dwindle down to 5, or 6, or even less;

or to 0. That's where we should be focused on. We should be focused on highlighting the 2,800 Troopers who do their jobs without incident, rather than fighting for the small number. And for those who might have done something embarrassing, maybe it was a substance abuse issue, let's get them the help that they need on the front end. And we have those programs in place.

So this is not about punitive policies, it's not about shaming people. It's about fixing and changing culture, like both of you have talked about today. And I think you can't look at any one of these policies in isolation, because they all stand on each other and fit with each other, and that's how we change culture.

SENATOR O'SCANLON: And that's how we become fair to everyone. The people who our police interact with, and the human beings who are police as well.

Thank you, Attorney General; I look forward to working with you on these issues, going forward.

GENERAL GREWAL: Thank you, Senator.

SENATOR GREENSTEIN: Senator Bucco.

SENATOR BUCCO: Thank you, Chairwoman.

Is it still morning? (laughter) Good morning, General.

GENERAL GREWAL: Good morning, Senator.

SENATOR BUCCO: Thank you for being here.

I was happy that you started off your testimony by saying how proud you are, and how proud I am sure many of our colleagues are, of our state's long history of groundbreaking programs to make our law enforcement agencies the best in the nation. And while we rightfully are here today to

focus on these reforms -- and this has become the subject of the moment -- we can't lose sight of the fact of all the good that law enforcement is doing out there. And I think we need to promote that more, even as we go through this process. You know, just this week, in my District, I had a police force that delivered a baby on the way to a hospital in a car. I attended a food distribution, and as people were coming through the line, carrying heavy bags of groceries, I watched two law enforcement officers, without being asked, without any direction, step up, grab the groceries from those people's arms, and carry them to their cars so they could do it without struggle.

So while we are rightfully talking about these reforms, I think it's incumbent upon all of us to continue to point out the majority of great work -- like you said, 98 percent of the great work that our law enforcement community is doing around the state. And that's, quite frankly, a result of the programs that we have started in the past. You referenced the prior programs by General Porrino, and the work in Camden, and the State Police instituting the community policing projects.

And I think this comes down to one issue, and that issue is the community having faith and respect for its local law enforcement agency. And I think the key issues to getting us to that place is community policing, making sure our departments match the communities which they represent, and then finally transparency.

And the first one, community policing, I think is a pretty easy one. And I think many agencies have done that successfully over the years, quite recently as well. Do we have a policy that requires community policing in each agency? Do we have a set of guidelines that establishes the

community policing aspect of what departments have to do to be out in the community, to promote these programs?

GENERAL GREWAL: So that's an excellent point.

We don't, because it's different for each department, Senator. And *community policing* is just such a broad term. It could encompass the engagement work that we've mandated for our County Prosecutors to get out in the community, on a quarterly basis, to have community conversations. So that's something we've mandated -- that 21/21 Project; 84 meetings a year, which have led to hundreds more over the last number of years.

But community policing for Chief Thomson in Camden -- I mean, that's the expert. For him, it meant getting his officers out of the car, getting them to engage with community members. That's what Chief Wysocki is doing. And so these are local policing decisions that a lot of Chiefs are thankful for and our state has embraced. I mean, on that list we talked about at the beginning -- for sake of brevity, I could go on. I could talk about the third-year policing program in Gloucester City that the former Chief put in there; or Pine Hill -- what they're doing with Volunteers for America. So many of our departments are doing this great collaborative work, and it doesn't get highlighted as it should. Chief Parker in Manchester, the Not Even Once program, getting into the schools and talking about paths to addiction.

So a lot of our departments are doing it. It's hard to mandate something like that, because it's what works from a public safety perspective.

Newark, again, is the model. The Newark Community Street Team and the Trauma to Trust program that they're doing, partnering with local stakeholders. Or making sure the new recruits are doing community

work right out of the Academy. A lot of folks are doing this, but it's hard to mandate because it doesn't -- it's not a one-size-fits-all.

SENATOR BUCCO: And I've never been a proponent of one-size-fits-all for anything; but perhaps some guidelines that departments can consider and promote might be something that would be beneficial in gaining that public trust.

GENERAL GREWAL: Certainly.

SENATOR BUCCO: In terms of -- and I'll be brief, Chairwoman, because all of this has been covered -- in terms of the hiring practices, have you looked-- I know that for those municipalities that are under Civil Service guidelines, that it is even more difficult to be able to hire folks who kind of match the community, to mirror the community. Have you looked at the Civil Service statutes, and are there areas in which you're going to recommend changes to those statutes -- I mean, they're antiquated, they're outdated -- that will help agencies be able to use a better hiring practice model?

GENERAL GREWAL: That is certainly an issue that the Chiefs' Association has brought to our attention; that we sat down with leadership from the Chiefs' Association in the past and brought them together with the Civil Service Commission. And so those are things that we are looking at on an ongoing basis. I don't have a specific fix or an ask there, but it is definitely a concern that's been brought to our attention by a lot of departments as being a barrier to achieve the type of diversity that they're trying to achieve in their local departments.

So these are things that we're having ongoing conversations about.

SENATOR BUCCO: Well, as we go down this path -- and I agree with my Senate colleague, Senator Cryan -- that being able to find that the pool is hard enough. But if we have barriers, statutory barriers, that once we find the pool we can't get to, then we need to change those statutory barriers. Otherwise, we're fooling ourselves.

And so I would look forward to your recommendations on which statutes are becoming a barrier to us meeting this goal.

And then, lastly, transparency; and I think Senator Cryan did a nice job of talking about his concerns, and I associate my concerns with your concerns.

When you go from complete confidentiality to complete transparency, that's a huge shift. And I do worry about a young officer who, maybe, gets progressive discipline. I do worry about the stigma that would be attached to that officer, and not being able to turn that officer around. A lot of these police officers are young, and sometimes they make foolish mistakes. And I agree -- if it doesn't involve bias or it doesn't involve a victim, we really need to consider whether or not we release that information. Because I do believe it will become a stigma for them, it will become harder for them to mature in the department and to grow as a police officer.

I've witnessed it firsthand in some of the municipalities that are in my District, where a young police officer comes in and crashes the car three times. Doesn't hurt anybody, backs into another car in the police station, does some things. And then, all of a sudden, the Chief is calling the Mayor and saying, "Hey, this is a real problem." And yet the young police officer never really -- it was just his inexperience and youth. It didn't involve a victim, it didn't involve bias.

If we're now going to put that report out there, there's not going to be an opportunity to rehabilitate that officer, and then bring them to this potential or her potential that they have inside. And that concerns me; and I would suggest that you consider that when you're looking at this to-- And I think we need to talk to the folks who are on the ground, right? You said you've had conversations with the Chiefs' Association, with the State Police. We need to -- I think we need to get their input and their support of how you ultimately design that program. Because they're the ones who are going to have to implement it, and they're the ones who see some of these things that maybe we don't necessarily see on a daily basis.

So I would encourage you to continue that dialogue as we proceed with this. But I also think that this is a huge seismic shift from one position to another. And I think we need to make sure that we get it right so that we don't have less people applying for these positions in the future; and not questioning themselves.

And just one last question. Do you know how many other states currently license police officers?

GENERAL GREWAL: So we are part of a handful of states that don't I think we're one of five states that don't license police officers presently. And so we're an outlier there.

And just want one point, Senator. I appreciate your comments, and I will take them back with me, and we'll let them inform how we move forward here.

We went from complete confidentiality *not* to complete transparency in the state. We cracked the door open just a bit. Complete transparency is what New York did with the release of IA files. We cracked

the door just a little bit to associate names with those files of serious discipline cases. And I think the example you're using is one that I hear all the time from those who don't agree with this slight opening of the door. And I think that is the exception, the one that you're pointing to. And I think all that would be made plain in the summaries that are provided.

But to be clear, we didn't go from one extreme to the other. We went from complete confidentiality -- which I agreed with for a long time, and I fought for in a lot of different cases. But to your point, I've listened. I'm listening to what I'm hearing from people who are expressing distrust, and I see this measure that I've taken -- which is, again, not from one end to the other, as an incremental step. And it's an evolving process, which will require the input of all stakeholders.

SENATOR BUCCO: Yes.

And don't take my comments wrong. I'm not using that one instance to say, "Don't proceed."

GENERAL GREWAL: Yes.

SENATOR BUCCO: What I'm saying is, use that instance to shape how you proceed.

GENERAL GREWAL: Yes.

SENATOR BUCCO: We definitely need more transparency, and I think everybody recognizes that and supports that. But use those certain instances to shape how you proceed so that we don't end up stigmatizing officers who have the ability to be rehabilitated--

GENERAL GREWAL: Sure.

SENATOR BUCCO: --and who should not be removed from a police force.

GENERAL GREWAL: Yes.

SENATOR BUCCO: One last thing; Chairwoman, I'm sorry.

Who would be the person responsible for preparing the summaries?

GENERAL GREWAL: The summaries?

SENATOR BUCCO: The summaries, yes.

GENERAL GREWAL: So it would vary from department to department. But in the case of the State Police, it would be their Office of Professional Standards. In the case of the Division of Criminal Justice, it'll be a different group. And local departments will prepare their summaries to provide to the County Prosecutors.

SENATOR BUCCO: So the individual agencies within themselves would be preparing the summaries.

GENERAL GREWAL: That's correct.

SENATOR BUCCO: Okay, thank you.

SENATOR GREENSTEIN: Thank you all.

And my big mistake was not just building the hearing around you, General; because clearly we could have done hours just talking to you.

And I'm going to ask if you can come back sometime in the future -- near future -- to talk further and answer more questions. Because clearly, we all have lots of questions on these issues.

But I want to give you a chance to do some of these things, so it won't be tomorrow. But certainly, we'd like to have you back in the future.

And we really appreciate all your testimony.

GENERAL GREWAL: All right; thank you, Senators, thank you, Chairwoman.

SENATOR GREENSTEIN: Thank you very much; thank you.

So now I'm going to actually institute a bit of a rule, because I want to -- and thank you -- I want to have everyone have a chance to testify.

So they're going to give their testimony, which they were asked to do about 7 minutes. And then we're all going to only -- just to get us through this -- we're going to have two questions apiece; that's it. We're going to leave it at two questions apiece; if you can do one, that's even better. If you can do none, that's okay, too. But just keep it to two, and then we should be able to breeze through this, I hope.

Okay; so the next person to speak is Richard Smith, the State President, or the NAACP New Jersey State Conference President.

And then the speaker after that will be Mayor Ras Baraka from Newark, New Jersey.

RICHARD T. SMITH: Good morning.

My name is Richard Smith. I bring you greetings from the NAACP National Office, where I serve as one of the 64 members with the National Board of Directors; and greetings from the NAACP New Jersey State Conference, where I serve as the State Conference President.

I say without hesitation or fear of equivocation that there is no branding more recognizable in the country when it comes to Civil Rights, social justice, and equal opportunity -- none like the NAACP. We are a 111 years old, and when we look at the condition that this country finds itself in today, we very well may be around for another 111 years.

I want to thank Senator Greenstein for the invitation to come before you this morning, and I want to thank you as a Committee for the

opportunity to speak. And I thank each of you for your service and commitment to the residents of New Jersey.

I'd like to reference friend and colleague Judge Stein, and I think he put it best in a recent op-ed when he said, "Our state and our nation have been devastated by the combined anguish caused by the COVID-19 pandemic and by the ruthless killing of George Floyd while in the custody of Minneapolis police officers. Both have disproportionately affected Black Americans. But there is a profound difference between these two events. The pandemic is first of its kind in over a hundred years, and the murder of George Floyd is only the latest in a mind-numbing sequence of unjustified killings of Black men and women in the custody of white police officers."

The frequent reoccurrence of those killings have galvanized the public into demanding specific and systemic reforms in two critical areas: Ending police violence toward Black citizens, and adopting policies to mitigate and heal the racial divisions in America that have persisted since our founding.

This time, the public will not accept excuses like, "We have to do better," from police chiefs, mayors, governors, and from Congress. Now is the time for us to act, and to act promptly and firmly for both the short and long term.

The plight of Black Americans has struck a chord of conscience in America. Suddenly, Black America is the flavor of the week. It's sexy, it's popular to now value those of us who have been marginalized over the long haul of the years. The question is, will the appetite for the flavor of the week be a one-meal wonder, or will the appetite this time around be insatiable?

We will ensure, this time, that we aren't dazzled with crumbs and then dismissed, going away with no substitutive results or progress.

The late, great Malcolm X said that white America will try to satisfy us with symbolic victories, rather than economic equity and real justice. Symbolism, crumbs. We now see the T-shirts, posts on Instagram, hashtags, even politicians tweeting that Black lives matter, when their voting records say otherwise. Taking down statues of slave owners that should have never been put up in the first place, taking down names on buildings on college campuses, banning the Confederate flag, changing the names of sports teams -- that's what they are presently giving to our community.

So we cannot get distracted by the crumbs. We need a commitment to real change. Police reform, schools, hospitals, food, economic opportunity, meaningful jobs, climate justice -- change, real change.

We don't want crumbs, we want the whole plate. We are in it for the entire meal, and we are hungry for justice.

So you heard from the Attorney General this morning; and he gets it, and it has been a pleasure to work with him. The Attorney General's recent announcement of a three-pronged initiative to address police misconduct looks like a step in the right direction toward increased police accountability. He's proposed a statewide database to track use of force by police officers, so officers who are persistent offenders -- like former Minneapolis cop Derek Chauvin -- can be identified and removed. He also proposed the creation of a licensing system for police officers, and committed to promptly revising the State's policy on use of force by police. Great steps in the right direction, but we need more. We need directives to be codified

into legislation, into law, to hold law enforcement officials accountable for their actions.

I advise that you reach out to my colleague and dear friend, Senator Rice, and the Legislative Black Caucus, who have a comprehensive package of 10 bills that address much-needed reforms that we support. And I know that the Senator will speak to that this morning.

A police reform package of laws that ban chokeholds and no-knock warrants; body-worn cameras on every single law enforcement officer in the State of New Jersey; remove ironclad protections for police officers, such officers such as qualified immunity; and racial and religious profiling, duplicating and supporting, instead of opposing, the implementation of citizen review boards in municipalities to hold police departments accountable and build public confidence -- using the example that the great Mayor of Newark has done with their Civilian Review Board -- and requiring a residency requirement so that the officers live in the communities that they serve. Legislation like this would represent unprecedented action and a significant first step to prevent and address violence against the Black community by law enforcement.

For far too long police across the country have operated with impunity and no regard for the people they are sworn to protect and to serve. We have witnessed the tragic consequences in the brutal killings of George Floyd, to Breonna Taylor, to Elijah McClain, and countless others who have lost their lives to state-sponsored violence.

Legislation like this would represent the only way forward. If we've learned anything from these past months it's that the American people

are demanding systemic change. We need bold, transformative action to rethink policing and reimagine public safety in our communities.

We now call upon this Legislature to put partisanship aside; be less concerned about police union endorsements, and do the right thing by passing strong legislation that speaks directly to the issues at hand.

The Black community and, indeed, our entire nation cannot afford to risk one more life and wait for one more day. We urge you to seize this extraordinary moment in time to push for the elimination of racism in policing; and in the criminal justice system, writ large; and to rid our society of the structural inequality that has tormented and held back our nation for far too long.

By the way, while we're seizing the moment, I respectfully request that you move to halt the plans to spend \$160 million on building youth prisons and, instead, invest those resources in building up the kids in communities most impacted by youth incarceration. In New Jersey, to spend almost \$300,000 a year on incarcerating a young person on the back end -- my friends, just imagine what could be done if we invested in those young people with that funding on the front end. White children get stationhouse adjustments; Black kids get the long ride.

In closing, the uprisings we're witnessing in Atlanta, Chicago, Dallas, Minneapolis, New York, Oakland, Washington D.C., and many other cities across the United States, are the direct consequence of racism, bigotry, violence, subjugation against Black people that has festered in this country for far too long. The murder of George Floyd, and the subsequent lack of accountability by the police, has set into motion what can only be described as a moment of reckoning for our nation's conscious. How we become the

land of the free depends largely on what happens next. As we continue to advocate in memory of George Floyd, now is the time to ask ourselves, “What does justice look like?” Justice for the George Floyds of the world means bringing an end to the criminalization of Black skin. It means holding police departments accountable for their role in terrorizing communities for years. It must mean a complete and thorough policy reset, so that no Black person is ever put on trial for their own murder, as we saw in the case of Trayvon Martin, Eric Garner, Sandra Bland, and Michael Brown.

To ensure our survival as free Black people in this country, two things need to happen.

First, what has now become clear to the world is the ongoing practice of police brutality, specifically against the Black community. It’s not only a Civil Rights issue, but it is also a human rights issue.

Secondly, we need sweeping police reform, mandating a zero-tolerance approach and penalizing and/or prosecuting police officers who kill unarmed, non-violent, and non-resisting individuals in an arrest.

Dr. Martin Luther King reminded us that, “We are caught in an inescapable network of mutuality, tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.”

We will continue to protest peacefully, demand persistently, and fight politically. But most of all, we will vote in November.

Thank you so much for your time and the opportunity to speak to you this morning.

SENATOR GREENSTEIN: Thank you very much.

I have at least one question, maybe two.

Okay; the first one is, we have heard about community-- And we will hear from Mayor Baraka about community policing. Do you know anywhere else where it's been done effectively? And do you think that would go a long way toward helping to solve some of the problems?

MR. SMITH: I think you're going to hear from former Chief Thomson this morning--

SENATOR GREENSTEIN: Yes.

MR. SMITH: --and I think that there is a prime example of what they have been able to do in Camden. And I know he can expound on that to greater lengths.

GENERAL GREWAL: Okay.

MR. SMITH: But I think that that is a good example. And, of course, what the great Mayor of Newark, Ras Baraka, has been able to do in regards to the police force there in Newark, as well.

SENATOR GREENSTEIN: Okay.

And the only other question I would have is, as part of your mission as President, have you met with any of the police unions and the police groups? I'm sure that probably has happened. What have been your experiences with that?

MR. SMITH: We have a great relationship with the New Jersey Chiefs of Police Association -- years back. We've worked together, because I indicated to the 41 Branch Presidents across the State of New Jersey that there should never be a time when an incident occurs in their community, or their area where they provide leadership and service, that the first conversation with their Chief of Police is a cold call. So we, working with the New Jersey Chiefs of Police Association, have been able to connect our local

Branch Presidents with their Chief of Police. Because, at the end of the day, we have to have a relationship of respect, but also of communication. So that when something occurs, the phone can be picked up, a call can be placed, and a conversation can be held in regards to what the occurrence was and how we, as an organization, along with the leadership in the police department, can work together to ensure safety in our communities.

SENATOR GREENSTEIN: Senator Rice, do you have question?

I'm just going to remind everybody -- two questions max; thanks.

SENATOR RICE: No, Madam Chair; I don't have any questions because the NAACP President is a member of the New Jersey Legislative Black Caucus Civil Rights Partnership, a statewide coalition. We meet once a week on issues.

The stuff that comes before you, from the Legislative Black Caucus, comes before you from this organization and in our network of many organizations. And when I give my testimony, it will give some historical perspective.

But I can say, at least while the President is here, we have this conversation all the time. And I tell the Senate President -- I think some of you have heard me say this, and I tell my Caucus members -- the legislative staff and administrative staff in the Governor's Office, the legislative staff over here cannot define social justice, economic justice, criminal justice reform, environmental justice, and healthcare justice for people of color, when we are the victims of those definitions. We can define, and will define, those things for us; what the State should be doing, and what is being implied by the President, is helping us by providing the resources -- human resources, financial resources -- to build capacity. Then we will fix the problems that

are impacting the Black and brown community, which we understand because we are Black and brown people. If it was Irish, Italian, Jewish, then we would be supporting providing the resources and supports to build capacity, while you define the issues and what they look like.

SENATOR GREENSTEIN: Senator O'Scanlon.

SENATOR O'SCANLON: Just a real quick follow-up.

You mentioned that you are interacting with the Chiefs of Police organization. How about the PBA, the FOP, the unions? I don't agree with them on all policy, but their leaders -- the current leadership has proven to be really good partners. We've developed great relationships, and we can have a dialogue even if we disagree.

Are you finding receptiveness there to a changing culture?

MR. SMITH: I have not had an opportunity to speak to their leadership. I'm looking forward to being able to do that, especially in this time when we're talking about police reform. I think it's time for us to come together. Because I think it has been stated that the vast majority of our police officers get up every morning, go out to protect and to serve, and do a stellar job. You know, we're talking about a small percentage, so we don't want to imply that we're saying that all police are an issue. But I think that as we are coming together in this time in our nation, talking about police reform, it would be good for us to be able to have that conversation with the FOP, with the PBA, to ensure that we're all on the same page. We may not agree on everything, and that's fine; but at least, again, the fact that we are communicating and respecting one another.

SENATOR O'SCANLON: Good; I appreciate it.

Thank you.

And great testimony; thank you.

MR. SMITH: Thank you.

SENATOR GREENSTEIN: Senator Cryan.

SENATOR CRYAN: I just have a couple comments; and thank you for your powerful testimony.

First is, how do we recruit more minority officers, from the NAACP's view?

MR. SMITH: That is the million-dollar question.

I think we need to put more resources in regards to recruiting in communities where we live.

SENATOR CRYAN: Do you see it lacking in a particular area?

MR. SMITH: I think it's all over; I think it's all over. I often have a conversation about how the State Police, in some instances, is generational. "My grandfather was a State Trooper, my father was a State Trooper, I'm a State Trooper." We need to be able to develop that same process within our own community. Because at the end of the day, a lot of these police forces are not going to be changed from the outside in; we need to change them from the inside out.

And I think that you talked about some of the issues that we have in regards to the whole application process, and some of the things that remove us from the pool. You talked about credit checks. "Well, I have bad credit; well, that's why I'm trying to get this job so that I can earn some money, and have a career, and pay off some of the bills that I have."

So we need to take a look at the application process. We need to take a stronger look at the recruitment process, in regards to the resources, like Senator Rice said, that are being committed to our communities. And I

think a lot of that will play into the fact that I think the end result would be that more people of color would actually be able to become law enforcement officers here in the state.

SENATOR CRYAN: I think you answered it, but my second was going to be, what's your view of the licensing requirements?

MR. SMITH: I think it's great. I think policing is the only profession that they talk about *bad apples*. I mean, you don't hear that in regards to doctors, you know? So we have to be able to continue to do that work. And I think the licensing issue will help in regards to the "bad apple" not going from department to department.

So we wholeheartedly agree with the Attorney General in regards to the licensee premise. And I think a part of the 10-pack of legislation that the Legislative Black Caucus has put forth touches upon that as well.

SENATOR CRYAN: Thank you for your insight.

MR. SMITH: Thank you.

SENATOR GREENSTEIN: Senator Bucco.

SENATOR BUCCO: Thank you.

Senator Cryan really addressed the one issue that I had concerns about, and that is the hiring practices.

But if you wouldn't mind, and submitted obviously through the Chair, if you have a list of suggestions or recommendations of things that could be changed to help in that hiring practice, I would love to see it. Because I do think that trying to mirror the force to the community would go a long way.

And I think, currently, right now, we have a number of statutory and regulatory impediments to getting that done. And I think that should

really be a priority for the Legislature to look at, and make those changes to be able to achieve that result.

And then, just one last thing.

Do you know, based on -- and if you don't, maybe you could find out through your local agencies -- which municipalities have community policing programs in them in each of the Districts? I'd love to know which ones in my District don't.

MR. SMITH: And I would, too. You know, I think we referenced Newark, and I think we referenced Camden. But it would be great information for us to be able to see what other communities--

SENATOR BUCCO: Yes; because I think, at that point, if we had that list of which communities didn't have a community policing program, I think the legislators-- At least I would be willing to work with your local agency to meet with those chiefs and talk about initiating that process.

MR. SMITH: And when we have blueprints like Newark and Camden, I think it gives us the opportunity not to have to recreate the wheel--

SENATOR BUCCO: Right.

MR. SMITH: --but share best practices. And I think that that's something we look forward to, trying to get that information.

SENATOR BUCCO: Thank you.

SENATOR GREENSTEIN: Thank you very much.

MR. SMITH: Thank you.

SENATOR GREENSTEIN: Okay; next, Mayor Baraka, Ras Baraka, from Newark.

Thank you very much. Sorry -- I apologize to everybody for the wait, but--

I'm realizing this issue really needs lots of discussions. So my goal today is to get the testimony out, and then we'll try to bring some people back to discuss further. Because that's what we need; we need to talk about it.

Thank you.

MAYOR RAS BARAKA: Thank you.

I hope you don't mind if I leave my mask on.

So I just want to thank Senator Greenstein for allowing me to be a part of this. And all of the members of the Committee, thank you for listening to us and including Newark.

I'm glad to see a Senator Rice here, and the NAACP, and all the other people who are going to testify today.

I think it's important for us to note that the reason that we're here today is not simply because of police officers making mistakes, or licenses, or any other thing. We're here because people are being killed in our communities who are unarmed and are, for the most part, not resisting. We're not here because people don't like police. I'm the Mayor of the largest city in the state, predominantly Black and brown. Most of our residents want police officers; they want police officers in their neighborhood, they want safety, they want security. What they don't want is their children shot to death in front of recreation centers who are playing with water guns, or people choked to death for selling cigarettes, or people with their knee on your neck until you die for \$20. That's what they don't want.

And so we're here to figure that out; and if we can figure that out, I think we will be a lot further on than we are now. And this moment in history gives us a chance to do some incredible and exciting things. Or we will shrink in this moment, and do nothing; or put together small pieces, which will never get us to where we need to be.

In Newark -- I'd like to talk about a few things that we're trying to do, and things that we think will help us continue the things that we are doing.

I'd like to start by saying we are, right now, in the Supreme Court, State Supreme Court, trying to win this argument over a Citizen Complaint Review Board. We won in the Appellate Court, and it was taken to the Supreme Court now, because we want the right to investigate, just like Internal Affairs.

We also want the right to subpoena documents and individuals before the Review Board. And we want to be able to make recommendations to the Chief of Police about incidents such as, and not limited to, excessive use of force; abuse of authority; unlawful arrest; unlawful stops; unlawful search; discourtesy or use of offensive language, including but not limited to, slurs relating to race, ethnicity, religion, gender, age, sexual orientation, gender identity or expression; and disability and theft; and other categories that are protected under the law. And we believe the citizens have the right to do this, and we are fighting to make sure that that, in fact, happens.

We also, in this era of defund, have what we call *Office of Violence Prevention and Trauma Recovery*, which is now, in the City of Newark, the law. It will initially be funded by 5 percent of the Public Safety budget, or about

\$12 million. The ordinance calls for a precinct to be closed -- or the precinct that was the central building and institution responsible for the 1967 Rebellion that we had in Newark. And that precinct will be turned into, one, a museum, but also a Center for Violence Prevention and Trauma Recovery.

We have codified the practices of the Brick City Peace Collective, that I'll talk about; Newark Community Street Team; Newark Street Academy; West Ward Violence Reduction initiative; and the Violence Intervention at our hospitals; as well as a myriad of other initiatives that we have in our City, including the hiring of social workers that we've already begun doing before all of this, through police budget. They'll all be focused in one office, and we began to run our services out of there.

Why is this important? We also believe that violence is a public health issue, and it needs to be treated as a public health issue. And one of the reasons why we have such a large Federal police in our neighborhoods, or over-policing -- and, in some cases, under-policing -- is because of violence and crime. We believe that the resources, and data, and information that we can use to help reduce violence and crime in our community will help us decrease the need for the over-policing or the over-presence of police in our neighborhoods. And with a collective approach, we can help reduce crime and violence and, at the same time, reduce the interactions of police in our neighborhoods.

Proof of that is, in 2013, right before I took office, we had over 100 homicides in the City. Last year, in 2019, we had 51. We had more arrests in 2013 than we actually had in 2019; which means we've arrested less people, but we reduced crime substantially at the same time. Which shows us that there is no direct correlation between the reduction of crime

and the increase of police in our City. It means that there's a collective approach to this, a holistic approach, which allows us to do a myriad of things to make our community safe, and make our community safer. What does that mean? Make our community *safe* from violence and crime, but also makes our community *safer* from police interactions that turn ugly and distressful in our communities.

We also are supporting Assembly Bill 3386. The Bill addresses the residency of local police officers and firefighters in our community. It's a permissive Bill, and I hear many people talking about what do we need to do about the hiring practices. Newark has -- 70 percent or more of our force is Black and brown; and this is a recent phenomenon. Assembly Bill 3386 requires police officers and fire officers to live in the community for at least five years once they become employed by the police department. It gives them a six-month grace period, but it asks them to live in our community. And we think this is important because data has shown us that residency requirements create a greater social symmetry between public servants and residents. Additionally, employee performance is improved by greater personal knowledge of the city's conditions and a feeling of a greater personal stake in the city's progress. In addition, public servants who live in the communities where they work contribute to the local tax base, help share useful information to residents, and represent community interests in their agencies.

I have to say a little bit about the consent decree, because the consent decree has been very helpful to us.

Obviously, we are under a consent decree, and it began as soon as I took office in 2014. Because of the consent decree, we have many new

policies that people are talking about here, and nationally, that we have already done. Bias-free policing policy, 2017; body-worn camera policy, 2018; in-car camera policy, 2018; use-of-force policy change, 2018; use-of-force reporting, investigation, and review policy, 2018; firearms and other weapons policy, 2018; arrest policy, 2018; search policy, 2018; and stock policy, 2018.

And I might add that all these policies, once they are written -- the community had input on the development and implementation of all new policies and training, because we had community engagement meetings before the policies actually became instituted.

And then, there was training. Forty (*sic*) hours of mandatory training annually. Obviously, eight hours of community policing; 16 hours of stop, search, and arrest; eight hours of use-of-force training; eight hours of bias-free training; initial division-wide consent decree training; eight hours of first-aid training; eight hours of body-worn and in-car camera training.

We also have Trauma to Trust that the AG talked about; the Trauma to Trust program and roll call training by consent decree personnel.

We have something called the All Force Investigation Team, which tracks, reviews, and monitors all uses of force. It makes it transparent and available. And then they're also responsible for investigating serious use of force; and low level or intermediate level use of force, and investigate that as well.

Here are the results.

In 2010, the excessive force complaints were 89 citizen complaints, no Department complaints, and none of the complaints were sustained at all.

In 2019, we had 21 citizen complaints, 10 Department complaints, and 11 complaints were sustained.

We had excessive force lawsuits from 2010 and 2014. We had 48 cases resolved that cost the City \$1.3 million; almost \$1.4 million, in fact.

From 2015 to 2019, we only had 18 use-of-force cases, and it cost the City \$51,000, right? Which is tremendous.

In terms of the Trauma to Trust training -- we work with Equal Justice USA. We take both the community and officers on a journey to examine the foundations of trauma, the legacy of white supremacy in policing, and healing tactics.

We have a LGBTQ policy and training development with Equal Justice USA, partnered with the Newark Police Department. So it's a series of listening and working sessions to help inform the development of the City's new LGBTQ policy and training.

We have what's known as the South Ward Public Safety Roundtables, where, bi-weekly, South Ward Public Safety Officers get together with residents and they talk about key issues around community violence, but also about police violence as well.

With the new defunding policy -- for lack of a better term -- it allows us to move those Public Safety roundtables to not just the South Ward, but all over the City as well.

What's more, Victims Outreach, right? So we work with the Captain of the 6th Precinct, contributing to the crime reduction rate in the West Ward by using the centralized office to engage at-risk youth and adults with counseling and case management services. We engaged over a hundred participants this year alone; responded to the scenes of crimes; and assisted

the police with crowd control, as well as mediation of neighborhood situations; facilitated an eight-week Flipping the Game program for victims and perpetrators of violence and crime; 25 individuals received 0-for-30 certificates in electrical, carpentry, welding, and construction.

Assistance from MPP to assist with getting warrants recalled and advocating for participants at court dates.

Patrolling and canvassing the hot spots in the West Ward weekly to provide resources.

University Hospital: University Hospital offers a weekly support group called *Link Up*, where participants and staff from the hospital-based Violence Intervention Program have the opportunity to therapeutically provide peer support by sharing stories of their experiences with victimization and community violence.

HVRP has also partnered with the Friends of Fairmount Green Spaces, a collection of residents and community stakeholders whose mission is to provide quality programs and services for neighborhood residents. Everyone gets a garden program for our Fairmount neighbors. Fairmount residents are being provided with startup gardens, mainly for school-aged children, that are done by victims of violence.

The Newark Street Academy: The Newark Street Academy takes students who have dropped out of school and do not have employment at the time. We service an age population of 16 to 24, Newark residents without high school diplomas. They play an extensive role, also, in mental health and peer support to over 300 young folks, by food donations, Pamper drives, homeless and housing issues, drug treatment, domestic violence, working with probation and parole officers of the youth. The Newark Street Academy

continues to teach knowledge of self, as well as allows our students to get their GED.

The Newark Community Street Team, which is being talked about all over the nation, has a three-pronged approach to reduce violence in the City. The first one is high risk intervention, which is engage in high-risk intervention, both mediating ongoing disputes that may result in violence, and preventing retaliation often in areas where the police cannot go. Provide mentoring through a case management model to those at the greatest risk of becoming a victim or perpetrator of violence. Provide supports to crime survivors who are overlooked by traditional victim service agencies.

Dispatch response, individual and group mediation, community intelligence, rapid response hotlines, and hospital Violence Intervention Program.

Safe Passageway to School: Violence deterrents around schools; shifting image of non-traditional leaders, offer students safe passage at targeted Newark schools -- University High School, Malcolm X. Shabazz, Weequahic, Brick, Peshine, Brick Achieve Academy, North Star -- all these schools are in the South Ward. And with new violence, officers will be able to expand these programs throughout the entire City.

We also provide victim services, legal advocacy and support, and emergency relocation through the Newark Community Street Team.

There are various other organizations, too; but I think the one that's important for me to also mention is the Rutgers Newark School of Criminal Justice. They have been incredibly important for us as a partner.

The Rutgers-Newark Anchor Initiative focuses on the use of data analytics, under the data-informed Community Engagement framework, to

assist community groups in their efforts to problem solve and proactively address the environmental conditions that give rise to expressions of criminal behavior across Newark.

Through the Division of Diversity, Inclusion, and Community Engagement, local agencies can mobilize existing resources while adding accountability and transparency to public safety strategies -- an evolution from previous public safety approaches -- that empowers community groups to address elements of social justice, economic inequality, and to find ways to address public safety issues by other means other than police enforcement.

Community Partnership acts as the backbone of a comprehensive public safety strategy. And that is our approach in the City of Newark -- to have a comprehensive public safety strategy, which involves community-based organizations and community-based initiatives that work with the police, that say the police are not *the* answer to crime; they are a part of a larger puzzle -- a piece of a larger puzzle that helps us reduce crime and violence in our city.

I'll stop there.

SENATOR GREENSTEIN: Thank you, Mayor.

First, we really appreciate your coming and giving us the benefit of what seems to be a very great approach that Newark is taking under your leadership. It seems like a lot of really good things are happening there.

We keep hearing about the community policing; and it sounds like you have a comprehensive approach. But did you get that started, or was that already in place?

MAYOR BARAKA: No, we started it when I became Mayor.

SENATOR GREENSTEIN: And what do you think has made that successful; more successful, it appears, than in many other towns?

MAYOR BARAKA: Well, I think the relationship that they have with the Police Department has made the approach successful. The willingness of the Police Department to work with these alternative organizations, these community-based organizations, has been incredibly important in not just police success, but community success as well.

SENATOR GREENSTEIN: And then, the other question I would have -- you said, very eloquently, in the beginning, these are the things we don't want to happen. We don't want somebody to be choked in a chokehold, we don't want somebody to have a knee on their neck -- all of the different bad things that have happened in different places around the country.

What is Newark doing to make sure that doesn't happen? In other words, how are your relationships with the police? And what do you think would make that less likely to happen right now?

MAYOR BARAKA: Well, it's a myriad of things.

One, I think because of the consent decree, we've already changed use-of-force policies and stop policies. All those things have been changed, and that tends to change the culture of what police think they can do and can't do.

Secondly, we have deliberately changed the makeup of the Police Department, and have made it predominantly Black and brown to represent the people of our community. We have over 200 women who were hired, who are working in our Department, and we are promoting them into

leadership positions. We're doing that deliberately and actively, as a part of the reform of our Police Department.

We've also civilianized some aspects of Internal Affairs. And I believe what's also important is all of the extra training that our officers are getting that they never had before; and the deliberate approach that Director Ambrose is using to make sure that police officers and community are working together. For example, in ComStat, you not only have to report the number of arrests, you also have to report the number of community contacts -- how many community meetings you went to, how many stores you stopped in, how many residents you talked to.

The community engagement part is really, really, really high on the priority list. And we've trained hundreds of residents of the City, through the Citizen Clergy Academy. So we have a clergy-citizen kind of academy where they have their own cars, they come out to protests, to rallies. They come to crime scenes. They help de-escalate situations that can become volatile, and they talk to police officers regularly.

SENATOR GREENSTEIN: Senator Cryan.

SENATOR CRYAN: Two quick questions.

One, how many officers in Newark?

MAYOR BARAKA: Over 1,000; I don't know the exact number, but I know it's over 1,000.

SENATOR CRYAN: That's cool.

And then, just secondly, I was hopeful you could just -- there is so much that you presented, and thank you.

The Newark Street Academy, the dropout situation -- could you just expand your comments on that? Because you were moving when you

spoke. (laughter) Sixteen to 24 dropouts -- could you talk about that a little bit? I think when we look at census data in some of our cities -- in the State of New Jersey, I think only 81 percent of our adult population has a high school degree. And I know in some of our cities, that number is, 1 in 4 do not.

MAYOR BARAKA: Yes.

SENATOR CRYAN: So these are serious numbers and a new way to look at things. And I was wondering if you could talk about it a little bit more.

MAYOR BARAKA: Yes.

So Newark, by itself, has a whole kind of Opportunity Youth Network that Newark Public Schools kind of does to target this population. We put something together called the Newark Street Academy that kind of employs folks to begin actively going out and finding people who are separated from the system. That means they've dropped out of school, they're unemployed; they're just out there.

So we identify those folks, and we give them a stipend to go back to training or school to get them ready to pass their equivalency exam. But they're also required to do community service, and they receive not just the educational component of it, they also receive mentorship and counseling, as well while they are in this program.

SENATOR CRYAN: Is there a time frame on that, or is it--?

MAYOR BARAKA: Yes, there is a time frame. I think it's six weeks, I believe.

SENATOR CRYAN: Six weeks?

MAYOR BARAKA: Either six weeks or six months; I have to get back to you on that.

SENATOR CRYAN: You can check on it; I didn't mean to-- It's not trivia time.

And you find the success rate to be--

MAYOR BARAKA: Yes; I mean, it's been incredibly successful. I think the first class was a little challenging; but we've been doing it now for at least three years. This last class -- 90 percent of the people who came out of there received their equivalency diploma, or have been connected to some sort of job or career training program.

SENATOR CRYAN: Thank you.

SENATOR GREENSTEIN: Senator O'Scanlon.

SENATOR O'SCANLON: Thank you, Chairwoman.

Mayor, thank you for being here; I'm a big fan.

MAYOR BARAKA: Thank you.

SENATOR O'SCANLON: What you've done in Newark is really pretty impressive. From the outside it looks like a real turnaround and a lot of progress. And the time I spent there -- the vibe is pretty neat. So it's interesting to watch; you're doing some good things.

You hit on one thing; I'll just touch on this one.

You've been able to reduce crime at the same time that you reduce police interactions. And that, to me, is really interesting. We have big things here: racism defeating that where it is; use-of-force protocols. But some of the nuts and bolts things, like figuring out how to stop the proliferation of unnecessary interactions that can escalate is a big deal. And we've seen it in a number of areas; but you've been able to do it in Newark.

Can you just expand on that a little bit?

MAYOR BARAKA: So I just want to be clear. The police interactions are high. What we've been able to reduce is the number of arrests, right?

SENATOR O'SCANLON: Got it.

MAYOR BARAKA: So we've arrested less people. And I say interactions are high because they're deliberately made high because of all of the police meetings, community engagement events that they have to go to now, and they have to be a part of.

But I think a lot of it has to do with intelligence and targeting crime, as opposed to this idea that you arrest everybody in the community and somehow you get to the criminals, hopefully. This whole broken windows model -- that did not work, and does not work -- we moved away from that and began focusing on trying to target people who are making our communities unsafe. And beginning to partner with organizations like Newark Community Street Team, like West Ward Violence Outreach, and Newark Street Academy to help reduce crime in the neighborhood, which makes it unnecessary for police to have these kind of interactions and arrests that they usually have.

SENATOR O'SCANLON: Thank you.

So productive interactions, rather than potentially confrontational interactions.

MAYOR BARAKA: Right.

SENATOR O'SCANLON: Thank you; I appreciate it.

SENATOR GREENSTEIN: Senator Rice, any questions?

SENATOR RICE: No, I don't have any questions for the Mayor. I'm very much aware of all that he's doing. We love him to death; we watched him grow. And he understands this stuff because he came, like I did, from the streets of Newark. We know the participants, and I think it makes it a lot easier in cities like Newark, because we live there. We interact, we watched these young people grow up, even the ones who commit the violent crimes and things. It was the Mayor -- who was Deputy Mayor, being paid \$1 as a young man, under the James Administration -- who brought the Crips and Bloods together to get a truce in our town.

So I'm his champion, and I love him to death. We watch him, and we're growing him. And so there is a lot you can learn from this Mayor.

But I think, also, what happens in cities like Newark is the Mayor has created relationships that we didn't have before. He has tightened it up with our border communities. And so the Mayor of Orange, and East Orange, and Newark, and Irvington the "minority cities" with the highest crime rates, all work and interact together. And I think that's very important. So if you take a look at Irvington -- which I represent, you'll see the rate is very, very low. But it's because he does that, and they're duplicating programs.

So I just want to thank you for your leadership, Mayor, and the things you do. But a lot of the legislation -- some of the legislation we're trying to get through has come from the Mayor. We meet with the Mayors' delegation in Essex County, and many of the other counties are just starting to do that on a monthly basis. Like, I think there was supposed to be a meeting today to discuss the needs, versus what we can do. The problem is, as Black elected officials and Latino elected officials representing these towns, all too often we get pushback on legislation we need when we come to

Trenton, or folks want to modify it, which dilutes it, that takes away the whole notion.

That's why I prefaced my remarks earlier by saying that we cannot allow folks in Trenton to define justice for people of color; we just cannot do that. Because it does more harm, and we become the victims of it.

And so I think that's important to take back, too; and it's not to offend anyone, it's just historical. And we'll talk about history.

SENATOR GREENSTEIN: Senator Bucco.

SENATOR BUCCO: Just real briefly.

One of the things that you mentioned, Mayor, was the residency requirement, which kind of struck me as being opposite of being able to open the pool, right? Is that something new that you started, or did you change it at all? Was there a residency requirement in the beginning? Because now that I think about it, with the six-month grace period, you could essentially attract somebody from outside the City, but then get them in to become a resident of the City.

MAYOR BARAKA: So what happens now is that there's a-- The State law allows us to have a one-year residency requirement. What happens is, you have to live in the City at the time that you apply to be the police or firemen. And so what you can do -- which has been the practice -- is you can be from another town; you could come to the City of Newark for the purpose of taking the test, for the purpose of going through the Academy. Once that's done, you go back to the city where you live.

The reverse problem is that there are people who were born and raised in the City, who go to college, might find a wife, they get married, they go live in a city next to Newark -- in Irvington, or Orange, or somewhere else

-- and they always wanted to be a police officer. They just can't do it in the town that they were born and raised in, because the resident requirement won't allow them to do that.

We think that's a problem, and we want to fix that, right? Not only do we think that should be fixed, we think it benefits us to have police officers and fire officers live in our City, for a brief period of time at least, to get some of those tax dollars back, to help them understand their community. And maybe they'll make a decision, "I want to stay here." And maybe they say, "No, I want to go," and they have the opportunity to do that as well.

SENATOR BUCCO: Thank you.

SENATOR GREENSTEIN: Thank you.

SENATOR RICE: Madam Chair, before the Mayor leaves, let me say this.

I'm a former police officer from the City of Newark, and I can tell you this. The police officers -- white police officers, when I was a cop, lived in the City of Newark. And Senator Cryan can tell you that. His father was the Essex County Sheriff, and they lived in Newark; the firemen lived in Newark. When the transitioning started to take place, for a lot of different reasons, they moved out.

And so they want to be in their City. All of a sudden, when Black officers come on, the rules changed. But whites, traditionally, in the cities -- they were family. If you talk about the Caufield family, the Cryan family, you name them, the Givenan (phonetic), who are still around. They were family, and through the politics and relationships, they got family members, generation after generation there, and they went up the ranks.

Bronze Shields -- we had to push back on some of those things; but we lived there, too, and we got along fine. Now, all of a sudden, police unions don't want cops to live in the cities, which doesn't make any sense to me, or to us, when we're talking about prospective. It does not do any harm now.

And I can also say this, and close on this comment: The average person who wants to be a police officer does not care about all the rules. If the rule is that you will live in Newark for *X* number of time, period of time, they say, "Fine." If the rules are that you're no longer Civil Service, they say, "Fine;" they just want to be cops. It's once they become cops that they want rules to change.

And that's very important, because coming from law enforcement I support them; I've been doing it for 30-some years. This is the one piece that really galls me with my brothers in law enforcement. When we talk about -- when I talk, I'm going to talk not about all these bills, but the historical nature of why we are where we are today, and why so many people are demonstrating -- not just in this country, internationally -- is because there's a handful of people who are stopping and putting barriers in the way of us getting this right. And then you have another piece that's called racism. And so we need to talk about that and address that.

And that's why the Black Caucus is so adamant, and the Latino Caucus, on some of these things I say in Caucus. Even though the Senate President, sometimes, doesn't appreciate it, and maybe my colleagues don't appreciate it, we can't stop saying it. So we have to irritate, agitate, and now we're going to have to start litigating, if we can't get some of this stuff done that we've been talking about.

So I just wanted to say that, Mayor, because we have these conversations all the time. And I just don't want people to think that we're racist; we're realists.

SENATOR GREENSTEIN: Mayor, thank you so much.

MAYOR BARAKA: Thank you; thank you, Senator. I appreciate it.

Thank you; take care, everybody.

SENATOR GREENSTEIN: Thanks a lot.

Okay; now we're going to have Senator Nellie Pou.

SENATOR NELLIE POU: Well, good afternoon; good afternoon to everyone, and especially those who are tuning in online.

I want to take this opportunity to thank the members of the Committee; but most especially to our Chairwoman, Senator Greenstein, for inviting me to testify on behalf of the New Jersey Legislative Latino Caucus.

I'm honored to join all of these distinguished guests and speakers that you've already heard from.

America's criminal justice system has been in different stages of reform for decades. The role of the police in our society has come under intense scrutiny in recent weeks as the nation seeks to heal itself from the actions of a misguided few who somehow forgot that the sanctity and preservation of life remain at the heart of American policing.

Police, as the most public arm of the justice system, have the unique distinction of being the face of this system in our communities.

I am incredibly grateful to the Committee for establishing these hearings in this moment. It is paramount that we take heed of the times,

listen to the pain and anger coming from our streets, and act to make policing safer, less biased, and more equitable.

This is about being better. All of us, as public employees, should be continually striving to improve the lives of those we serve. You've heard, from some of the speakers before, many of the different recommendations and comments. Well, you may hear some very familiar thoughts.

To start with -- for police progress could and should be made on a number of fronts -- we should make it a priority to lighten the load that we have placed on our police departments. What do I mean by that? Police are not and should not be social service providers. By investing more in local programs and staff for social services, we can take responding to non-criminal activity off the plate of the police. Yes, that would include redirecting some of the budget resources; but it would make for better outcomes and stronger community relations in the end.

We should continue to demand that police departments recruit more from the communities they serve, particularly in our Black and brown communities, in order for the force to better reflect the places they patrol. You've already heard that, previously, by many of our former speakers.

We can also, clearly, do much more when it comes to de-escalating training and tactics, so deadly submission and reaching for the gun are truly the last possible resorts.

We should also, if for no other reason than to uphold the dignity of the badge, ensure that when an officer breaks the law or acts in a way that is contrary to their oath of protecting and serving, that they are held accountable for their actions. These actions will ultimately build that vital element that has so rarely been extended into the Black and brown

communities -- the element that has been basically non-existent since the system's inception, and that is trust.

I know I speak for every member of my Caucus when I say we are ready, willing, and determined to work with the community leaders, activists, police officers, union leaders, and our fellow legislators to fix devices in the system, build trust in our communities, and improve the outcome for both law enforcement officers and the public at large.

Madam Chairwoman, I want to thank you once again. I've been listening to the testimony since 10 o'clock, actually; so it's been almost just shy of three hours. I'm enlightened by many of the comments that have been provided in testimony by all the speakers before me.

I'm also encouraged that we are doing the right thing by having this particular hearing, and coming up with ways on how we can, indeed, make our state a much safer place and a much more fair place to live in -- in terms of community outreach, community policing, and for the community at large; for everyone to be able to feel as though they are well served, as well as protected.

I want to thank you, once again, for this opportunity.

SENATOR GREENSTEIN: Thank you very much, Senator. We really appreciate it.

The one question that I would have for you is, in terms of the particular needs of the Latino community, what do you see as some legislative things that can be done that you think might actually help? What are the problems they see, and what do you see as some of the legislative fixes that are most important?

SENATOR POU: Well, thank you very much for that question.

As you know, I, along with several members of my colleagues in the Senate, as well as some of our members in the Assembly, have introduced a number of different pieces of legislation. Some have already become law, which are very important and vital to our Black and brown community.

But in particular, since your question is about the Latino community in general, let me just say that it's important that we recognize the disparities that exist -- the disparities that exist, not only in terms of employment opportunity, education opportunity, housing opportunity, and the matter of how Latinos are also incarcerated disproportionately to their white counterparts.

I certainly -- I know that both Senator Rice, and myself, and members of each of our Caucuses have spoken about this a number of different times. We have legislation that is currently being sought out. I overheard one of the speaker's earlier on, the President of the NAACP, who talked about a series of Bills that are being introduced. Well, those bills are being introduced with the help and support of not only just the Black Caucus, but also the Latino Caucus as well, because I know that some of our members are very actively involved with those bills.

We are also looking-- Senator Cunningham and I have worked on a series of bills that we believe will also help to change some of the sentencing, and decriminalizing some of the mandatory sentencing that currently exists, currently are in statute. We believe that that is really going to help to move our communities in a much different direction, and help to improve the lives of so many. Because if we start at a very young age, Madam Chairwoman, of making sure that we provide for all of our community in a very fair and equitable way, we're going to be able to ensure that there will

be a change, in terms of our society, because they'll be, also, having the very same benefit as everyone else, regardless of where their zip code happens to be.

SENATOR GREENSTEIN: Thank you, thank you.

Senator O'Scanlon or Senator Bucco, do you have any questions?
No?

Senator Rice, did you want to ask anything? Do not? Okay.

Okay; well, Senator, thank you so much. We really appreciate it. Thank you so much for the waiting also.

SENATOR POU: Oh, my pleasure. Thank you so very much, again, as I said, for doing this. This cannot come at a more important time in our society, in our lives. And it will certainly make a difference.

I thank you for your leadership.

SENATOR GREENSTEIN: Thank you very much.

Okay, the next person who I'm going to call is -- I'm changing the order a little, because some people have to leave -- I'm calling Peter Harvey, former New Jersey Attorney General; and monitor in Newark -- police monitor in Newark.

Thank you.

PETER C. HARVEY, Esq.: Thank you; hi.

Thank you, Senator Greenstein and members of the Committee.

Let me give you some general comments.

First, thank you for inviting me to offer a few ideas.

Let me give you some general comments, and then I hope that I can point you in the direction of some ideas for legislation.

The question that we are focusing on here in New Jersey, and, indeed, have been wrestling with for some time -- ever since Attorney General John Farmer, in 1999-2000 circa, wrote that racial profiling is real and not imagined, which ultimately led to a consent decree with the New Jersey State Police -- is police reform. I think Mayor Baraka said it best, and I think we all share the view. We need good policing services. This concept about defund the police is, frankly, incomprehensible. I suppose if you put 10 people in a room, you would get seven different explanations as to what it means. It can mean that some services are transferred to social services agencies; but those agencies will need training and they'll need to be open 24 hours a day, 7 days a week.

For whatever reason, police officers generally see us at our worst, and they have to deal with a lot of situations. So when you're thinking about reform, think about culture change. What is the culture that you want embedded in the organization that delivers police services? Because it is a service, much like fire, much like emergency medical services. It's a service.

And what you don't want is police abuse. You don't want a violent culture. You don't want a confrontational culture, a warrior culture, or a disrespectful culture.

As some of you may know, I've been serving as a monitor under the Federal consent decree that was filed in the United States District Court for the District of New Jersey, being supervised by Federal Judge, the Honorable Madeline Cox Arleo. Through that process, we have helped Newark rewrite over 15 policies, and they have rewritten and written brand-new training. Some of these policies, as Mayor Baraka outlined, are brand-new. Bias-free policing, for example; community engagement. I purposely

use community engagement, and not community policing. Because if you put the same 10 people in a room and asked them what *community policing* is, you will get everything that ranges from visits to schools, visits to senior citizens' centers, to an occupying force. So you have to determine what you want.

I define it as *community engagement*, because I think that's what it is. For example, as Mayor Baraka pointed out, when Newark PD wrote a new policy, or rewrote the use-of-force policy, they had community meetings to get community inputs: suggestions, comments, ideas. The same with the training that accompanied that policy. And there is a community engagement policy that focuses specifically on requirements, precinct by precinct, for the Command Staff to follow. And that Command Staff has to produce reports, because that is how you measure whether or not something has been done or not done.

Here are the areas where police organizations get into trouble.

One is with respect to hiring. Not everybody who wants to be a police officer should be a police officer. There are some people who come to the job because they need a job. There are some people who were bullies in high school, and they want to continue that same sort of physical and personal dominance once they join forces. And then there are people who honestly -- and these are most of the people who join police organizations -- they actually want to improve the lives of people in a particular neighborhood, in a particular city.

What we cannot get determined is how to measure fear. We cannot also determine accurately how to measure bias. I would submit that there should be an education threshold for any person joining a police force.

It should be at least two years, because I think that the maturity that comes along with having two years of college can help. I would almost argue four years; but my concern is that I know a lot of young people who are smart and determined, and would finish four years of college; but they simply run out of money. I was Chair of the foundation at the Morgan State University in Baltimore. And we know students who were doing quite well, some of whom were on the Dean's List, who literally had to drop out of college because they were \$1,500 short.

And so I would suggest that, in terms of hiring, we impose an education requirement, a minimum threshold.

Another area is bias-free policing. There should be a policy in every police department that prohibits an officer from engaging in bias-based conduct. And if you do, it should subject you to immediate discipline, including termination.

Community engagement. As I talked about that earlier, there has to be a defined community engagement policy. You can call it *community policing*, if you want; but it has to be a policy that has measurables and deliverables, precinct by precinct. Because every area of the city is different, in the way that we have 21 counties in New Jersey and the 21 counties are different. And so one community may have an issue with respect to playgrounds and persons driving down the street at 80 miles an hour near a school playground, or they may have an issue with a restaurant or a bar staying open late at night on a school night and people fighting outside of the bar. They may have more senior citizens, and so they're worried about, "Has Ms. Davis been seen by anybody in the last couple of days?"

And so the issues change, community by community. And so you need the Command Staff of that precinct, meeting with the community on a quarterly basis, and talking to them about what services the community thinks are useful.

Use of force. This is really where police departments get into trouble. Because you must have de-escalation training, and you have to have it every year. Because if you don't, there is an opportunity for officers to use discretion in a way that will get them disciplined by their departments, fired, or even indicted.

You also have to examine stop, search, and arrest policies. Stops on the streets, arrests with or without a warrant, and searches with or without a warrant. Additionally, Internal Affairs -- I was very happy to hear the Attorney General of our State outline for you The Internal Affairs approach that New Jersey is taking. I can tell you that, right now, in New Orleans -- which has been under a Federal consent decree -- the New Orleans PD has embedded, in their Internal Affairs unit, an agent from the Federal Bureau of Investigation because they had corruption issues so serious that they thought that it would be useful to have the FBI participating in the process of reforming that entity.

Here in our state, we need more involvement by the County Prosecutor, particularly where use of force is being challenged; certainly where there has been a death in police custody, certainly where there has been the use of deadly force, or force that has resulted in serious bodily injury; especially in smaller departments. In larger departments, you have the luxury of having a separate Internal Affairs unit; in smaller departments, you don't, because you just don't have the personnel to do it. So you have to make sure

that for certain types of force you send that to the County Prosecutor's Office to be investigated, or you send it to the Division of Criminal Justice to be examined very carefully. And data systems. I cannot emphasize enough the importance of data systems, whether you call it an Early Warning System, whether you call it a system to identify behavior that you want to correct.

SENATOR GREENSTEIN: Mr. Harvey, can I -- I'm going to start doing this with all the speakers, because we have to-- Can you wrap it up in about four minutes or so?

MR. HARVEY: I sure can.

SENATOR GREENSTEIN: Thank you.

MR. HARVEY: Less than four minutes.

What I can tell you about data systems is this. You cannot have a police commander or manager sit at a desk and have to go office, to office, to office to gain the records of a particular officer; meaning, the Internal Affairs records, the body camera footage, the car camera footage, the arrest reports, the stock reports. That data should be available at a desktop.

So if you're thinking about policing services, and if you're thinking about licensing, think about these components.

Number one, what will be the educational requirements as a matter of threshold for you to even join a force and obtain a license? What should they be?

Secondly, if you want to put together a commission, you ought to be sure that that commission is a multidisciplinary group of people. You want representatives from various organizations, as well as police unions, as well as from the FBI, DEA, and some Federal law enforcement. You need

civilians and police professionals to give guidance with respect to what the licensing criteria is going to be.

If you're going to create a database, I would suggest, in addition to what the Attorney General has announced, you also should include a database, a statewide database, that goes back to the year 2000, that is cumulative, that captures not only serious discipline -- meaning suspensions for five days or more; not only terminations -- but you also ought to include indictments, whether or not an officer is convicted. Because as Chief Justice Weintraub once said in the New Jersey Supreme Court, an indictment means something.

You also ought to be sure that in addition to that, any time an officer is found civilly liable for a wrongful death or use of force, that should be included in the database. It should be the case that a Chief in this state who wants to find out whether an officer has been disciplined by another department has the ability to do so, and can do it from a database.

You also want to be sure that there are continuing educational requirements for the license. Cultural education requirements, de-escalation requirements, community engagement. And there should be an annual report, also, on who's teaching this; not just on what the requirements are, and should be, but who's teaching it in the academies? Is there a diverse group of instructors teaching it throughout the state?

And lastly, I think that you have to have very careful data systems that are available to law enforcement officers. I think you need some level of independent body to help those Chiefs who want the help. In other words, if a Chief right now says, "I am gaining an increasingly diverse community, and I need better policies, I need better training, I need a

review,” where does that Chief go? It could be a licensing commission. It could be an independent center, like the Rutgers Center on Policing, which I have been using as part of the consent decree. That Center has also been helping Baltimore in connection with its compliance with a Federal consent decree.

So I offer these ideas to suggest to you that there is a lot of room to improve police services in this state; and we can be a state model. Frankly, I think Newark and Camden are both state models. But they are because they have decided to engage with the community on a regular basis.

And after the murder of George Floyd, one of the reasons why you did not have violent outbreaks in Newark and Camden is because the day-to-day experience with police officers is different in Newark and Camden today than it is in Minneapolis, and a whole lot of other cities. And that’s in stark contrast to the way it is in other cities in the nation.

Those are my observations, those are my comments; I hope they are helpful.

SENATOR GREENSTEIN: They are very helpful. We really appreciate it. It’s been a pleasure to talk to you and learn all the different things that you’ve been thinking about.

One issue that I don’t feel like I know very much about is the whole issue of databases. I don’t picture that that’s that easy to do; just -- you suddenly decide you want to establish one. I imagine there are existing ones. But what databases exist right now that you think would be helpful in moving ahead on this issue?

MR. HARVEY: Under the consent decree that the State Police were under, we had to create a system called MAPS. I think the State Police

now is in the process of even updating that system to a more current data system.

I want you to think about it this way. If you are a Lieutenant, and a squad comes over to you, and you want to conduct a review of every person on that squad, how do you do it? What is the tool you would use to do it? Are you really going to have the time to go department by department in your own police organization, and look at the paper records of Officer Greenstein? And are you really going to cull through the paper records, and then look at the paper records juxtaposed to the video records from the body cam and the car camera? That would take you a month.

So you need a system in the same way that we use digital tools now to search whatever it is we want. There are police organizations -- New Orleans has one -- there are police organizations that have up-to-date data systems that allow Chiefs to look at what is happening, precinct by precinct. It allows you not simply to *crime map*, but also to look at an officer to determine, "What have been the stops over the past 30 days? I've noticed that you've stopped people between the ages of 19 and 25; they're almost all Black. And I noticed that you seem to stop them between 10 p.m. and 2 a.m. in the morning. Now, let's have a conversation about why this is happening." "Well, I did it for this reason." "Well, I looked at the body cam footage, and it doesn't appear that way."

That's what a data system should be able to do for you; and you have to construct them. You cannot go to a store and buy them in a box, and load them in your computer, and voila, they work. You have to construct them, and you have to interview the officers on your force to find out what

is the data we need, both with respect to public safety, what is also the data we need with respect to monitoring the behavior of officers.

Because sometimes officers need counseling, sometimes they need more training, and sometimes they need to be disciplined, and sometimes they need to be terminated. But you need information in order to make those nuanced determinations.

SENATOR GREENSTEIN: Thank you.

Senator Cryan.

SENATOR CRYAN: I have a couple of questions, and thank you for your incredible insight. I couldn't agree with you more on databases. Maps isn't a bad system; at least, it wasn't when we were around.

I was struck on the educational threshold, and I just wanted to, kind of, understand it.

I've shared this story about using investigators. One of the mandatory things was, once we hired you, within four years you had to get your two-year Associates. And we used an EMT; you had to become an EMT, because that was helpful for what our mission was.

I thought your comments were that we should have that threshold before we hire.

MR. HARVEY: That's correct.

SENATOR CRYAN: And I'm concerned about what that means to the goal, in particular, of hiring minorities. Is that an additional impediment? I'd like to hear your thoughts on that.

MR. HARVEY: Look, there's going to be a challenge. But I don't subscribe to the idea that African Americans and Latinos don't go to college. We do.

SENATOR CRYAN: I don't subscribe to that either, but I do subscribe to the fact that they graduate on a less percentage basis; anywhere between 10 to 15, in some cases higher. That's just data.

MR. HARVEY: I don't know if that's right for community college.

SENATOR CRYAN: It's not bad, believe me.

MR. HARVEY: I think that you want smarter officers and, more importantly, more mature officers.

SENATOR CRYAN: Okay.

MR. HARVEY: And I think that one of the ways that you can help with the recruitment effort-- You know, the State Police have -- or they used to -- the Trooper Youth Camp. Police departments could have youth camps like that throughout the state.

SENATOR CRYAN: We had a Youth Academy; a couple hundred kids every summer.

MR. HARVEY: And through that, if you recruit through churches, through schools -- middle schools, high schools -- so that young people know about it, and you recruit them actively into the ranks, you will begin to develop a pool of prospective candidates for the police. And you can do that even in community colleges. And if you want to provide educational incentives or scholarship incentives, if you come into public service-- You know, VISTA -- some of us are old enough to remember Volunteers in Service to America, VISTA. Some of these programs forgave debt if you gave service in the public arena. You could do that in police agencies.

So I think we can recruit, aggressively, African Americans and Latinos to participate in police services, come into it with all the right

intentions. Newark is doing it; Newark is bringing in a number of African Americans and Latinos.

So I think people will join if we are more purposeful and intentional about inviting them into the process.

But I do think we need maturity, because officers are entrusted with decisions regarding the deprivation of liberty and the deprivation of life. And we need maturity there, and we need well-trained officers with good judgment.

SENATOR CRYAN: That's why we love a vet, right? Everybody wants to hire a vet because they have that discipline to begin with, right?

Just a last comment.

Can you offer incentives in a Civil Service environment or in a Chief's environment legally? Can you do that?

MR. HARVEY: I think you can offer incentives with respect to the onboarding of persons, because they aren't necessarily Civil Service persons at that time. They aren't necessarily enrolled in Civil Service.

SENATOR CRYAN: Okay, I got you.

MR. HARVEY: And by the way, I would also extend the probationary term for officers. In the same way that you can extend the probationary term in sports organizations, you may want to do it in police organizations to really give a person a look-see, to determine whether this person is suited for this job, and is performing a job in such a way that they should be there permanently.

SENATOR CRYAN: So take the year, make it two, or some other number.

MR. HARVEY: Either make it two or three years, because remember: This job is equally as critical as teachers. And so you just don't want to bestow tenure on someone too early. I'm not sure 12 months gives you a track record sufficient that you will know how this officer will behave 5 years, 10 years down the road.

SENATOR CRYAN: Interesting.

I'm sorry; I'll close with this.

I mean, as Undersheriff and Sheriff-- Union County College was a home for trying to gain recruits, and we never, I really felt, got there. Maybe it was just the terrible speaker. (laughter)

But trying to do that-- I like the idea of more education. I'm sure most of-- We did it on the back end.

I appreciate your comments very much; thank you.

MR. HARVEY: I hope it helps.

SENATOR GREENSTEIN: Senator O'Scanlon.

SENATOR O'SCANLON: Other than to say, it's great input for our policymaking -- concise and right up the alley with a lot of our lines of thinking. So I appreciate-- It gives me some clarity about some of the licensing requirements that I've been clamoring for.

So I may be back in touch as we go forward.

MR. HARVEY: Sure.

SENATOR O'SCANLON: So thank you very much for being here.

MR. HARVEY: I'm happy to help.

SENATOR O'SCANLON: Thank you.

SENATOR GREENSTEIN: Senator Rice.

SENATOR RICE: (Indiscernible)(mike was not activated)

MR. HARVEY: Thank you for having me; be well.

SENATOR GREENSTEIN: Zellie Thomas, from Blacks Lives Matter. I don't know if you're in the other room, or--

There you go; come on up.

ZELLIE Y. THOMAS: Good afternoon.

My name is Zellie Thomas, or Zelli Imani. I'm from Black Lives Matter Paterson, but I'm also an educator in Paterson as well. I'm a 3rd grade teacher; I've been teaching in the Paterson Public School District for over 10 years now, and it's a job that I love and something I'm passionate about.

I'm extremely passionate about my community and ensuring that my children -- because I call them *my children*, even though they are my students -- ensuring that they live in a world that they can be able to thrive and survive in. And that's what I'm passionate about and why I am here to today, in order to protect them and to let them know that their lives really do matter.

So again, I want to thank everyone for allowing me here today to give some testimony on behalf of Black Lives Matter Paterson, and give my perspective as a representative of Black Lives Matter Paterson, and as a person who is Black who is living in America.

So I would say that currently, we are living in a very important moment in history. We are protesting police violence that is disproportionately killing Black people in the midst of a pandemic that is also disproportionately killing Black people. We, in a sense, are outside, almost every day now, risking our lives in order to save lives.

Over-policing of Black and brown communities leads to not only police violence and mass incarceration, but the reduction of resources for programming and initiatives that will actually make communities safer. Police violence will only end when we end what is now known as *policing*. We shouldn't have to wait until a certain number of people are strangled to death to ban chokeholds. We are not asking for more diversity, because a fist hurts, regardless of the skin color. We are not interested in body cameras, if it means seeing more Black bodies harmed and their killers walk away freely.

End qualified immunity. Implement Civilian Complaint Review Boards with subpoena power. We want accountability but, more importantly, we want to live. But not just to live, to thrive.

Children need to be alive to go to school. Young adults need to be out of jail to go to work. In order to create a safe and sustainable community where residents can thrive, we need to forego past practices and approaches in favor of better ways that heal individuals and communities, instead of feeding into a vicious cycle of violence and re-incarceration.

Community policing and hot spot policing doesn't work. If they did, the same hot spots wouldn't be the continual sites of violence. We don't need memorials; we need solutions that work.

The globally recognized Cure Violence approach, for example, treats violence like a disease. Cure Violence uses disease control and behavior-change methods to stop the spread of violence in communities by detecting and interrupting conflicts, identifying and treating high-risk individuals, and changing social norms -- resulting in reductions of violence of up to 70 percent in communities where Cure Violence programs are active, for example, like in the South Bronx and Chicago.

Recently, Newark Mayor Ras Baraka signed an ordinance to divert about \$11.4 million, 5 percent of the city's public safety budget, towards violence prevention programs, amid a growing push from activists to defund the police after George Floyd's death. Similarly, Los Angeles city leaders voted to slash the Los Angeles Police Department budget by \$150 million. Funding will be used, instead, to provide services and programs for communities of color, including a youth summer job program.

Divest from institutions that are harming Black and brown communities, and invest in initiatives that make us safe.

Being tough on crime traps many of our young men and women into a cycle of re-incarceration. Instead of re-entering the community rehabilitated, folks are marked with a giant scarlet letter denying them access to living wage jobs to sustain themselves in their communities.

The safest communities don't have more cops; they have more resources. Residents of safe communities have access to living wage jobs, quality health care, affordable homes, and high-quality education. You don't fight crime by hiring more police officers; you fight crime by fighting poverty. Our approach to achieve public safety is not through mass incarceration, but by providing resources to our residents, especially the most marginalized and vulnerable.

We all deserve to live in safe and thriving communities, regardless of our race, creed, gender, or zip code. Safety doesn't come with more police or foot patrols. You're still not safe from eviction. You're still not safe from foreclosure. You're still not safe from losing your job. Safety comes from equal access to resources and opportunities. Safety comes from transparency, and when those that do harm are held accountable.

Together, we can take the steps to make this state safe for all.
Black Lives Matter, Justice for Jameek, and Justice for Maurice
Gordon.

Thank you.

SENATOR GREENSTEIN: Thank you very much.

MR. THOMAS: Yes.

SENATOR GREENSTEIN: You're a very articulate
spokesperson for the movement.

You've been involved with it since the beginning, you told me,
right?

MR. THOMAS: Yes. I've been involved since the very
beginning, when Trayvon Martin was killed in Florida; but more specifically,
in August 2014, when Mike Brown was killed in Ferguson, Missouri. I
actually flew down there to stand in solidarity with the protesters there. And
the things that we experienced were really horrific and pretty much
traumatized me to this day. We were out there every day being tear-gassed,
maced, and shot at with rubber bullets.

And just experiencing that made me realize that it wasn't just a
Ferguson thing, and it just wasn't a New York thing. Because at that same
time, remember, in July of that year, Eric Garner was choked to death as well.

SENATOR GREENSTEIN: Right.

MR. THOMAS: So I knew that it wasn't just a New York thing,
or a Ferguson thing, or a Baltimore thing. But it was also happening here in
New Jersey; but it wasn't getting the spotlight that it desperately needs right
now.

And I think we're at a crucial point in history, where we'll be able to change some legislation and fight for funding in order to protect lives, and not just protect police officers.

SENATOR GREENSTEIN: And I think you made some really good points. I like a couple of your quotes, like the one about -- it isn't just more and more police that ends violence, but its resources in a community. And we have to begin to think more about that than we have been.

The other, that you talked to me about, was chokeholds. And it made me realize that it's that lack of trust that's such a problem. Because no matter what law we have on chokeholds, there's going to be a feeling among some members of the community that somehow a police officer will get off if he does an illegal chokehold. And so I think what's so important is just building that trust.

The last question I have is, do you see hope for building the trust with the police? Besides the idea of needing more resources, do you see any programs or any ways that you think the trust can be built?

MR. THOMAS: Yes, I think that's the most difficult part right now -- trying to build trust. A lot of times people frame it as if they want to rebuild trust with the Black community, when trust never really existed at all. So it's hard to rebuild trust when their trust never really existed, or stood on shaky foundations.

And nothing's more apparent than-- Again, with Eric Garner being choked to death on film six years ago, and he died saying the exact same words that this gentleman George Floyd died saying, "I can't breathe." And both of these incidences were caught on camera, so we can't even say that, you know, having footage is going to achieve justice for individuals;

because Eric Garner's killers are walking freely. And the individuals who were involved in George Floyd's death have not yet been, obviously, convicted.

Even though we've seen small rise in charges on police officers, it's that the amount of officers who have actually been convicted is still very, very small across the country.

SENATOR GREENSTEIN: Senator Rice.

SENATOR RICE: I want to thank him for taking the time out of his busy schedule to be here. I know we reached out at the last minute.

You did an excellent job, putting things in perspective. It's not just policing, it's the history of what has not happened, and is still not happening; and we're going to talk more about that as we give testimony.

Thank you very much, my brother.

MR. THOMAS: Thank you, Senator.

SENATOR CRYAN: I'm off-topic here, a little bit.

Because they were great comments.

We got bills in on stuff, and we're going to make changes.

Any ideas on corporate responsibility? I know I'm hitting you out of left field, but you're-- I dropped a Bill to put tax credits in for corporations and the salaries that they -- that add diversity training.

Let's face it: One of the biases here is that we don't move up -- folks don't move up the corporate ladder either, right?

MR. THOMAS: Yes.

SENATOR CRYAN: Any ideas on that? I just want to-- I know it's out of left field a little bit, but have you got any thoughts on that? You've obviously been around in the movement.

MR. THOMAS: Yes, I think we've seen a lot of companies and a lot of brands, right now, taking into consideration diversity; and also tackling this rough issue of racism. And that's the real troubling thing for them to say, right? Because you had a lot of companies, when this thing started, making statements saying, "Black lives matter." But then, their own employees are looking at them, like, "Hey, I had some incidents here at this workplace, and you guys didn't, you know, follow through." Or there are a lot of people who were not hired. If you look at a lot of these companies, their board of directors aren't Black. The higher you go up in the company, they aren't Black. So how can they say Black lives matter?

So I was involved in a couple of different workshops recently to pretty much explain what racism really is. Because even in the talk today we had a lot of people saying, "I'm not racist and I'm not racist." It's really not a matter of "I'm not racist;" we live in a racist society, we live in a sexist society. We always get flooded with these internalized images and internalized thoughts.

So we're not really trying to say that you're racist or you're sexist. I think all of us have to recognize that we may have said some things that were sexist before, we may have said some things that were racist before. But the most important thing is to say, "I recognized that I had some bad thoughts, or thought something. It is now onto me to do better."

And I think that is being a part of being anti-racist. So we're not really concerned if you say that you're racist or not racist; I want to hear people say they're *anti-racist*, meaning that "I may slip up, I may think something wrong; but I'm committed to doing better, and making sure that this world is safe for everybody."

SENATOR CRYAN: Thanks for your insights.

Sorry to hit you out of the corner.

MR. THOMAS: Thank you.

SENATOR GREENSTEIN: Senator O'Scanlon.

SENATOR O'SCANLON: That was well-said and it was articulate.

Thank you for being here.

But you're exactly right -- we have to accept that people are fallible, and that we have internalized, all of us, over the course of our lives; and change direction in many of these areas.

So I get it, and thank you.

MR. THOMAS: Thank you.

SENATOR GREENSTEIN: Thank you so much.

MR. THOMAS: Thank you so much; thank you for having me.

SENATOR GREENSTEIN: Next, I'm going to have Wayne Blanchard, President of the State Police.

WAYNE BLANCHARD: Good afternoon, Madam Chairwoman and members of the Committee.

It's an honor to be here, and I graciously accept the invitation.

The State Troopers Fraternal Association is the exclusive bargaining unit that represents over 1,500 rank-and-file New Jersey State Troopers. Today, we also stand here united with our colleagues in the State Troopers Non-Commissioned Officers Association, and the State Troopers Superior Officers Association on these issues before us today.

STFA members, along with our colleagues, and all good Americans, were unequivocally disturbed and disgusted by the actions of four

Minneapolis police officers on May 25, 2020. Furthermore, we publicly condemn the actions of those officers.

We appear before this Committee today to aggressively discuss and tackle issues such as use of force, implementation of Civilian or Community Review Boards, enhancing the recruiting of minority candidates, greater opportunities for promotion of minority officers, and even greater transparency and accountability by police agencies.

We cannot implement reforms just for the sake of implementing reform, some which would have the potential to put police officers and communities in harm's way. In addition, we ask that other stakeholders come to the table with the understanding that police unions have a legal obligation to uphold and defend workplace, contractual, and the constitutional rights of our members. That being said, the State Police unions, and all other law enforcement unions, have continually elicited, and especially in the current climate, that we are not in the business of protecting bad actors with a badge.

The New Jersey State Police has been operating on principles of accountability and transparency for over 20 years, and we are very proud of that. In 2009, to the Division's credit, Governor Corzine signed into law the Law Enforcement Professional Standards Act, which codified the many progressive reforms that the State Police made as a result of operating under a Federal consent decree. In fact, at a September 21, 2009 press conference, then-Attorney General Anne Milgram was quoted as saying, "The reforms had made the State Police a model for law enforcement throughout the country." In addition, the Reverend Reginald Jackson praised the agency's progress and called for an end to the consent decree. Meanwhile, the Director

of the ACLU, Deborah Jacobs, was quoted on the reforms stating, “I think the consent decree served its purpose and resulted in a lot of improvements.”

In a joint press release issued by the three New Jersey State Police Unions on June 19 of this year, we highlighted many levels of accountability and transparency practices that the Division of State Police has been engaging in for many years in order to ensure public trust. These practices include mandatory utilization of mobile video recorders in troop cars, and body worn cameras; mandatory monthly review of camera footage by numerous levels of supervision; mandatory review of camera footage by numerous levels of supervision *for all* incidents involving arrests, searches, K-9 deployments, vehicle pursuits, and use of force.

Each Troop region throughout the state is staffed with an Integrity Officer and a Risk Management Unit, which serve as an additional layers of review.

The Office of Law Enforcement Professional Standards, or OLEPS, is a full time, civilian-staffed entity that is tasked with overseeing the accountability of all the reviews and adherence to other policies across the board.

An Early Warning System -- which alerts supervisors when a Trooper is involved in either two instances of use of force in a 12-month period, or is the subject or the target of three internal investigations in a two-year period -- has been implemented.

Mandatory gathering of data -- such as race, gender, and age -- from every motor vehicle stop is kept. And additionally, on a quarterly basis, analysis of each Trooper’s stop data in comparison to his or her peers.

Strict, streamlined, transparent process for the public to report complaints of misconduct are available, including a 24-hotline number to report misconduct; and mandating Troopers to maintain both English and Spanish complaint forms as part of their mandatory equipment for a patrol shift.

Internal Investigations are conducted by the Office of Professional Standards, which is an independent section within the Division of State Police, and is staffed full-time by civilian and enlisted members, and operates with strictest adherence to the Attorney General's Internal Affairs Policy and Procedure Manual.

We agree that criminal justice reforms have been a long time coming, and rightfully so. We must do so with a commitment to the professionalism of Troopers and all law enforcement officers in the State of New Jersey. We are focused, on a daily basis, on fostering positive relationships with members of the Legislature, community leaders, faith-based leaders; and many of our joint accomplishments in these areas of criminal justice reform should not be lost. Through these efforts, we continue to improve in areas such as minority recruiting; engaging in implicit bias training; engaging in mandatory annual training modules, such as the handling of mentally ill persons; recognizing issues when interacting with members of the LGBTQ community; and the development of a policy on interacting with transgender individuals.

Just last month, we publicly supported legislation, passed in the Assembly, corresponding with these issues; and will continue to improve the record that the New Jersey State Police has on minority recruiting. For instance, in 2013, the 152nd State Police Class was touted to be the most

diverse State Police Class in history. That was then followed, shortly thereafter, a few months later, by the 153rd State Police Class, which had an aggregate rate of 47 percent minority graduates in that class.

The numbers still remain strong, where about a third of minority Troopers graduate the State Police classes; but we stand by our commitment to do a better job. And that's why we stand behind that legislation that was recently passed in the Assembly.

Excellence in recruiting can only be achieved with the support of the Legislature, via funding mechanisms. Funding must be in place, not only for effective recruiting campaigns, but to have places in State Police classes for minorities to be enlisted in. We would love nothing more than for the State Police to be the model across the nation of being the most representative police department in the most diverse state in the nation.

Rightfully so, police use of force seems to be the most highly scrutinized issue at this point. Let's be clear: Police use of force is never pretty, and Troopers and all law enforcement officers deal with the worst that society has to offer. But more importantly, it is not a welcomed aspect of the job by any means. It is clear after consulting experts in the field of use of force that better and more frequent training in self-defense and restraint tactics is a must. Defensive tactics and restraint tactics are highly perishable skills if Troopers and law enforcement officers are not given the opportunity to frequently practice this skill set.

In addition to physical training and tactical maneuvers, there must be accompaniment of training in de-escalation techniques, and further training on de-escalating situations.

We realize the danger of the utilization of maneuvers, such as chokeholds. Let me be clear on this as well. The chokehold is an unorthodox maneuver, which is not currently taught as a tool at the New Jersey State Police Academy. A chokehold is an absolute last resort as a life or death option, and we concur and support recently passed legislation in the Assembly classifying the chokehold as deadly force maneuver on the Use of Force Continuum.

However, we must have further conversations with respect to additional pieces of legislation with respect to the utilization of chokeholds by a law enforcement officer. As stated before, chokeholds may be a last resort, life or death maneuver, for an officer who has to make a split-second reaction based upon the reasonable and objective facts and circumstances presented to him or her during an encounter.

Some aspects of the additional pending legislation are simply unfair to Troopers and law enforcement officers because they sometimes must make a split-second life decision.

We cannot make progress in any way, shape, or form without investing in training and partnerships. One aspect that we view as a potential partnership is the implementation of Civilian Review Boards in towns and cities across the state, including State Police-patrolled areas. Although we already have exclusive civilian oversight at this time in the New Jersey State Police -- via the Office of Law Enforcement Professional Standards -- we believe working with members of the community to improve transparency and enhance trust in our Troopers would be welcomed.

We have had great dialogue with the sponsors of the legislation, specifically Assemblywoman McKnight, pertaining to the implementation of

the Civilian Review Boards. With a few improvements to that legislation -- such as confidentiality components, and training of board members in areas such as use of force and police practices so they have a better understanding of participation and analysis on these boards -- we believe this legislation will be positioned well for us to support.

We were delighted to hear, a few days ago, of the introduction of Assembly Bill A-4392, which would require an increased self-defense training in the police academy, and in in-service training throughout a police officer's career. We look forward to working with the Bill's sponsor on this legislation, Assemblyman Johnson, that will make the utilization of use of force safer via practice.

We do have grave concerns with pending legislation that would cease the authorization of no-knock warrants. Quite frankly, a no-knock warrant is an essential tool in providing protections to Troopers and police officers executing search warrants on the residence of a credible threat. We welcome a seat at the table with the Bill sponsors and the Attorney General to discuss our concerns for Trooper safety, which we believe would be compromised if this Bill were signed into law.

Finally, we must have a conversation regarding the examining and release of police discipline records. As stated earlier, the State Police unions will not carry the water for any bad actors, and agree that, moving forward, the public has the right to know about the discipline of Troopers and police officers who engage in acts of excessive use of force and incidents of racial bias or disparate treatment. We only wish we were given the opportunity to discuss this with the Attorney General.

Last month we supported legislation in the Assembly which would require law enforcement agencies to provide Internal Affairs files and personnel files of law enforcement officers -- and I know this topic has been discussed a lot lately -- to other police agencies under certain circumstances. This Bill was quickly joined by an identical Senate version and signed into law on July 1. This Bill remedies the scenario discussed by previous speakers today of the bad actor slipping through the cracks and moving from agency to agency, while it still balances the confidentiality components that we, as union leaders, find important in protecting our members.

We believe this Bill works for all the stakeholders. However, additional Bills have recently been introduced which we believe would have an extremely detrimental impact on many good police officers who have been disciplined during the course of their careers, many for minor infractions. The current OPRA laws, with respect to personnel files and discipline files, are governed by strict confidentiality requirements, and for good reason. The release of Troopers' names and disciplinary files would be detrimental to law enforcement agencies and communities as a whole.

There are several unintended consequences that would manifest as a result of the haphazard release of disciplinary records just for the sake of releasing the records. We stand ready to work with the Legislature, and specifically with the Attorney General, to create positive policy on this aspect of which the by-product would be enhanced public trust and good policy for all.

I wish to thank Chairwoman Greenstein, and all the members of the Committee, for the invitation to speak here today and listening to the union's perspective on this issue.

And we also wish to thank all of our partners and stakeholders for their continued partnership, dialogue, and commitment to positive and sound criminal justice reform.

Thank you.

SENATOR GREENSTEIN: Thank you so much. We really appreciate your excellent testimony.

And I was also impressed with the information in that open letter that you put out. It really highlighted all of the different things that you're active with.

So I want to ask you two things; one is about minority recruitment. How are the numbers looking now, and how do you -- what do you feel about what some of the barriers are, if you see any?

MR. BLANCHARD: And that's exactly why-- We didn't support that piece of legislation just to say we supported a piece of legislation. We've seen it been touted, just a few years ago, in 2013, as very well, achieving the highest levels ever.

But again, to be committed to that purpose -- I do, personally, have concern that it dipped down back to about 33 or 35 percent in the last few years. So we could certainly do a better job; and as part of that legislation, we would love to see a funding mechanism in place. I think we do a great job as the State Police; we're out in the communities, we're even engaging high school students, at this point, to mentor them through high school and then get them into a criminal justice program in the university. But listen, we could always do a better job, and that's why we're committed to that, and we would love to see those numbers go back up to where they were in 2013, of record highs.

SENATOR GREENSTEIN: The other question I have is this idea of going from just a certification program to a licensing program. What are your thoughts on that? What is something you can accept there, and what do you think is not a good idea?

MR. BLANCHARD: So I have concerns about it, to be truthful with the Committee. I think it's a little bit cumbersome. And when you look at a Trooper, or a police officer, or a corrections officer in the State, they get a basic academy certification. And then you get certification in radar, laser, the Alpha test, the old breathalyzer, your MEB baton, the Taser -- you get certified in basically every aspect of the job. So to put an additional layer to license a police officer -- I'm not so sure that's a good idea. It seems to be kind of -- it's been represented by some people that it's used as a tactic to pull that officer offline and prevent them from gaining future employment.

But you look at two things: Number one, with the disciplinary process, they're certainly not going to be engaged in police work, at that point, if they're disciplined, suspended, or terminated. And then what we've done with A-744, where agencies can now share files, I think that that's going to prevent those one or two bad apple officers from being terminated or released from an agency, and then slipping through the cracks to another.

So I'm not so sure the licensing component is necessary. I mean, it's something we would be willing to have further conversations on, though, for sure.

SENATOR GREENSTEIN: Senator Cryan.

SENATOR CRYAN: Thanks.

I'm not sure I'm with you on the licensing things. Universal hiring standards, as we talked about here, are at least one part of those goals

-- I think pretty necessary at some point, especially when you have the variety of it.

But that's not what I wanted to ask you about.

Two things, Wayne. And by the way, thanks for your advocacy. You're accessible, you're reachable, and you make sure that people understand the point of view. It's appreciated.

Just two: If you could talk a little more about the no-knocks -- what the issue is. Because it has come up, and it will come up.

And then, two, I was just curious, do you happen to know-- You mentioned the Class of 2013 to be historic, in terms of diversity and representation. Do you know if we retained those officers? Are they still there?

MR. BLANCHARD: Yes; thank you, Vice Chairman.

So first of all, I appreciate your compliments, and that's why I am committed to having further discussions on the licensing issue. So we will have those, and I'll certainly seek you out on that, and any other legislator interested.

So first, with the no-knock issue -- I believe, like I testified to-- I mean there are credible threats out there that are presented to police officers. So I think there's a very transparent and eclectic process in obtaining a no-knock warrant. And I know within the State Police -- I'll speak specifically for the State Police -- the amount of safeguards that we have in place.

So first of all, you develop intelligence and conduct an investigation. And then that investigating Trooper or detective then becomes an applicant, and obviously makes certification to the court. But prior to the certification made, there are several levels of supervision. When I was in the

street gang unit, in 2009 to 2011, I mean, I would say that at least four or five more experienced Troopers and detectives of rank, all the way up to the Major, read an application for a search warrant when you submitted one. And then, obviously, look -- the facts are articulated. Whether you have information from an undercover or a confidential source, that's pretty good credible information that there's the presence of a weapon or that person's known to handle a weapon. So that's all articulated in an affidavit application.

But most importantly, it's signed off on and authorized by a Superior Court Judge. But it doesn't stop there. Again, specifically with the State Police, we then have a search warrant authorization form that is filled out by the affiant, reviewed by the supervisor, and then submitted to the prosecuting authority for review so things don't slip through the cracks there.

Then we have the detective, the affiant, and his or her supervisor complete an operations plan; part of that operations plan is to go physically identify the location and both sign off on that. Then, beyond that, our Tactical Unit, our teams unit that will actually execute the search warrant, will pair up with the affiant and again identify the location that they're going to hit, for several reasons -- safety being the most important.

Now, speaking further with members of the Tactical Unit yesterday, they also engage in a practice of -- although it's a no-knock warrant and they're not required to announce anything, they still, once they get in the door -- for the safety of them and the targets in the house -- they do announce themselves very quickly after gaining entry.

So there are a lot of safeguards on there. And I just think when you have that amount of evidence and those amount of safeguards identifying

somebody, or a certain amount of persons in a residence as a danger to law enforcement, I can't support us going away from no-knock warrants.

SENATOR CRYAN: Thanks for your insight; thank you.

MR. BLANCHARD: If could repeat your second question.

SENATOR CRYAN: I was curious if-- You know, one of the things we talked about is getting more classes in. And I know I've talked about this hiring thing a lot today. But it's also retainage, right? Like, for example, we didn't offer lifetime benefits. Poaching -- whatever polite term you want to use -- happened often in the office I was in, because those that had an advantage, in terms of lifetime benefits, we were able to poach, shall we say.

That said, do you know the retain-- I'm just curious if you happen to know. You brought it up.

MR. BLANCHARD: I think, to be honest with you, Senator, our darkest days are behind us. You know, when we speak about retention, I think we're doing a good job now. But speaking from a collective bargaining aspect, when wages were frozen for a period of time a few years ago we did lose -- I think it was 25 or 26 Trooper, in under four or five years, who left for other agencies. But the compelling fact in that is, a lot of them were minority officers, because other agencies that were engaged in contracts, and had good contracts and didn't have their wages frozen -- they were able to attract Troopers to their agencies, specifically minority Troopers. I forget the actual percentage, but it was very high, and I'll get that to you.

SENATOR CRYAN: Through the Chair; I appreciate that.

Thank you.

SENATOR GREENSTEIN: Senator O'Scanlon.

SENATOR O'SCANLON: Wayne, thanks for being here.

And you're right in saying -- and we said this to other folks here today -- that the State Police force is a force that we should be proud of. It's come a long, long way in the past 20 years. And the receptiveness to change and receptiveness to some of these reforms that we're looking at now -- much appreciated, and I appreciate your accessibility always.

You mentioned -- Senator Cryan kind of hit on my question -- but you mentioned that our darkest days of recruitment are behind us. What has accounted for that? The new contracts, the salary increases -- is that what's driving it?

MR. BLANCHARD: Well, I think it's twofold. Number one, as I said, we're doing a better job getting out. I think the high school component that I learned about recently, in the last few days, prepping for this hearing today -- I think that's only evolved within the last year or so. I could be wrong, but that's kind of what I got out of conversations. So I think that that's important. I think there's a good fostering aspect there, and then they mentor and pair up with a prospective minority recruit and see them through a university program.

So I think we do a good job conceptually. But certainly getting out of a wage freeze and turning around a couple of collective bargaining deals very quickly with this Administration -- and I will give Governor Murphy credit for working with us -- and his staff -- on getting good wage packages together, and that's absolutely going to retain Troopers going forward.

SENATOR O'SCANLON: Okay; thanks again, Wayne. I appreciate it.

SENATOR GREENSTEIN: Senator Bucco.

SENATOR BUCCO: Thank you, Wayne; thank you for being here.

And I want to echo Senator O'Scanlon's remark about being proud of our State Police and all that your agency does.

What's the comparison, in terms of wages, between State Police and the local? You said you've lost a number to other agencies. Where do the State Police salaries fall in that category?

MR. BLANCHARD: So I could tell you, recently, through hard work, we've gotten a lot better. But there were -- I could say \$20,000 to \$30,000, potentially, pay gaps between Troopers -- at one point, significantly during the pay freeze -- and a lot of local departments. That was usually centered regionally; like, for instance, municipalities in Bergen County -- higher cost of living, greater tax base. They're able to pay their officers more through collective bargaining. As you go down south, not so much.

But there was about anywhere from a \$10,000, to \$20,000, to \$30,000 pay gap, at certain points, between top-step municipal police officers and top-step Troopers.

SENATOR BUCCO: Okay. And I'll repeat what I said to the Attorney General in the beginning.

As we go through this process of reform, and we focus on reform -- and rightfully so -- and as Senator O'Scanlon mentioned, your help is certainly welcomed and appreciated. But we also need to get those great stories out there about what our Troopers are doing on the road, and the lives that they're saving, and the good work that they're doing. We don't want everything just to be focused on the bad stuff. We have to get the good stuff

out there too, because that's the vast majority of your work, and I just think it's really important to make the narrative reflect what's really going on.

MR. BLANCHARD: Thank you for that, and we appreciate your continued support and compliments. And that's-- Quite frankly, when we put the message, open message from the unions, it's obviously to the citizens; but, also, importantly, to the Legislature. And we're very proud of all the levels of oversight we have, and the good job that we've done through it, and the transparency, and the trust I think that we've built. And then you couple that with the good stories of saving a life on the side of the road--

SENATOR BUCCO: Right.

MR. BLANCHARD: --I think there's not a better story than that, and that is something that-- We've looked in the mirror and said, "We need to do a better job of pushing that information out."

So thank you.

SENATOR BUCCO: Absolutely. If you want the public to trust you, you have to show that you're there for them. And we all know that -- that you're there for them; and I just think we have to continue to exhibit that and show the examples.

So thank you.

SENATOR GREENSTEIN: Senator Rice, do you have anything?

SENATOR RICE: No, madam Chair.

SENATOR GREENSTEIN: Thank you so much.

MR. BLANCHARD: Thank you.

SENATOR GREENSTEIN: Thank you; we really appreciate all your support, and we'll continue to work with you.

Thanks.

MR. BLANCHARD: Thank you.

SENATOR GREENSTEIN: Next, we have Reverend Charles Boyer, Executive Director, Salvation and Social Justice.

Hello, how are you?

REVEREND DR. CHARLES F. BOYER: Good; how are you, Senator?

SENATOR GREENSTEIN: (Indiscernible) for the first time, even though we--

REVEREND BOYER: Yes. (laughter)

Yes; thank you so much, Senator Greenstein, and to all of the Senators on the Committee. Thank you for the invitation.

Thank you for this opportunity to share Salvation and Social Justice's vision regarding policing in this critical moment.

New Jersey Advance Media analyzed five years of police use-of-force data from every department in the state to develop *The Force Report*, which is New Jersey-specific. And I don't think I've heard that raised at all here today.

The Report found that at least 9,302 people were injured by police from 2012 through 2016. And while this number alone is troubling, the analysis also powerfully illustrates concerns that New Jersey's Black community has raised for decades.

Statewide, Black people are more than three times more likely to face physical force by police; and in certain areas, like Lakewood, that disparity is up to 21 times higher. This data, which predates George Floyd, reveals New Jersey's role in America's inhumane, immoral posture towards

Black bodies. The Black body continuously endures inequitable treatment throughout American history, and this is evident, obviously, from slavery, to Jim Crow, and mass incarceration.

The Force Report found that Black people were more likely to be punched, kicked, pepper sprayed, struck with a baton, and attacked by a dog in police use-of-force situations; and more than twice as likely to be shot. Of the more than 4,600 uses of force against people under 18, slightly more than half of the subjects were Black, though Black youth only represent 14.5 percent of the child population.

And, unfortunately, this narrative is not new, yet very few of our departments analyze racial profiling.

This is a critical moment that requires complete deconstruction of abusive policing. So in response, in 2019, Salvation and Social Justice held hearings in Newark, Paterson, New Brunswick, Elizabeth, and Burlington; and the testimony in those hearings was overwhelming. The clear, shared call from each testimony was to abolish officers' rights to use force with impunity, and the need for community accountability at all levels.

So Salvation and Social Justice established several priorities to abolish abusive policing. Today we offer three of those for the Committee's consideration.

First, is to change the deadly force standard. That means changing language as it relates to police, and protocols, and laws that give police the ability to use deadly force if they have a *reasonable* fear for their lives. The law should require officers to attempt to control an incident by using time, distance, communications, and available resources, in an effort to de-escalate a situation whenever it is safe, feasible, and reasonable to do so.

The law should limit the use of deadly force, as defined, by an officer to those situations where it is necessary, as defined, to prevent and defend against a threat of imminent and serious bodily injury or death to the officer or to another person. The law should prohibit the use of deadly force by an officer in a situation where an individual poses a risk only to him or herself.

The law should also limit the use of deadly force by an officer against a person fleeing from arrest or imprisonment to only those situations in which the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving serious bodily injury or death; and there is an imminent risk of death or serious bodily injury to the officer or to another person.

You can see the proposed attached amendments to the law in the testimony that you have been given.

Second, establish county-level community accountability boards. Much of the use of force incidents happen in -- what is borne out in the data of *The Force Report* and the testimonies that we heard -- they happen in white towns that are adjacent to Black neighborhoods. So these boards should have appointment power by statewide or local community advocacy organizations, and should be disproportionately occupied by people of color; because people of color are disproportionately the recipients of force by law enforcement.

And these boards should have subpoena power, real-time investigatory insight, access and the authority to fire and discipline officers.

Third, robustly fund public-health-first responses to all nonviolent, youth, mental health, and drug-related offenses. Eugene, Oregon; Los Angeles, California; and, as you have heard, here in Newark -- cities are

beginning to move resources to public health responses. Additionally, violence must be understood as a public health crisis, and resources should be directed towards violence interruption.

It is critically important to understand that violence and crime are symptoms of poverty. Crime in Black communities is not a pathological, natural, or cultural connection to Blackness. To believe so is racist by definition. But rather, it is the direct result of New Jersey making a choice to fund police and prisons rather than people.

Structurally racist systems -- from housing segregation, redlining, predatory lending, mass incarceration, inadequate education, unfair wages, etc. -- are the leading contributors to crime as we know it. And New Jersey has chosen to invest billions of dollars to control and warehouse people, rather than heal them. This has led to New Jersey having the dubious distinction of having the nation's worst racial disparities in its adult and youth prison systems, the largest racial wealth gap, and a leader amongst the most segregated schools.

To be clear, Salvation and Social Justice is advocating and asking this Committee to reimagine public safety. In the short term, it means changing statutes which give too much discretion for taking Black life, greater investments in public health responses, and community-led accountability structures. In the long term, it means fundamentally shifting our approach to public safety from policing and prisons, to eradicating poverty and prioritizing people's healing.

Thank you for this opportunity to share.

SENATOR GREENSTEIN: Thank you so much; really good testimony. And I enjoyed speaking with you about these issues.

REVEREND BOYER: Same here.

SENATOR GREENSTEIN: One of the things that stuck with me was, you described how you would sometimes bring police groups to a church to talk to the people in the community, and a lot of the right things were being said. “Oh, gee, we have to improve our training,” or, “We have to do this and that.” But somehow you didn’t feel that anyone had ever gone to the next step

What do you see that next step as being, besides just talking about, “We have to make these improvements,” and maybe even making some improvements.

REVEREND BOYER: Yes, certainly.

So we see, whenever these instances take place, a lot of clergy and churches open their doors to law enforcement, and we have these discussions; and those discussions are very necessary. And we are in no way diminishing the importance or the value in those discussions; and in things like training, recruitment, diversity, and all of these things.

But in this moment, and in this instance, what we are challenging New Jersey for is to really be transformational; to do something beyond coffee with a cop and PAL leagues, which should have been done long before this moment.

We find it interesting that New Jersey Advance Media released this Report several years ago, and we had no hearings about police abuse right here; but it takes something that happens in Minneapolis in order to get our attention.

As we know, New Jersey has a dubious history with racial profiling, right? So we are not new to this. And so for us to do, I think,

what is the easy fruit to pick from the tree, is not something to be extremely proud of. We should be doing the most difficult things, which is about changing the mode of accountability. California has already done it, Colorado just implemented a law around qualified immunity. We should be doing the hard things in this moment, because a couple of months from now many folks will hope that the energy from the protests will be gone and we can just go back to the status quo. But this moment demands much more than that, and I'm prayerful that New Jersey stands at the forefront in being the vanguard of changing -- fundamentally changing the way that we're doing things.

SENATOR GREENSTEIN: Thank you.

Senator Rice, do you have anything?

SENATOR RICE: No.

Just for the record, once again, Social Justice and Salvation, Reverend Boyer, is a member of our statewide Civil Rights Coalition Partners; we meet once a week and we discuss these issues often.

And, once again, the legislation that's coming through and that we continue to promulgate -- not just criminal justice, housing, etc. -- it's all a part of our policymaking.

Once again, I say we cannot allow the staff members of the Administration and Legislature define policies regarding social justice, criminal justice reform, environmental justice, healthcare justice, and education justice, when we're the victims of it. We have to define it; this is another example of us defining.

And he's right; this is the time, and the movement is not going to stop. What we've been trying to avoid, as Civil Rights leaders, and our

statewide network in New Jersey -- Black Elected Officials Policy Alliance, the school board members, the Congress that we organized in 2015 -- we're trying to avoid the kinds of situations on the streets because of the frustration, and because of the failure to address this historically -- not just with this Legislature, but those before us as well. We don't want that.

But we also are committed to doing what's necessary to get our agenda accepted. So if it means keeping people on the streets -- and I'll talk about that -- if it means litigating-- Whatever it takes, we're going to have to do it, because we feel that the only people who understand our needs and agenda are people of color -- Black and brown have the greatest impact on it.

There are other goodwill people; but there's a history here.

So I just want to thank you, Reverend, for your continued leadership.

REVEREND BOYER: Thank you, Senator.

SENATOR GREENSTEIN: Senator O'Scanlon.

SENATOR O'SCANLON: Thank you; thank you, Reverend, for being here. Insightful testimony.

I don't want to take up too much time, but you hit on some statistics that I've been interested in a long time.

We generally stand, in New Jersey, as being proud that, overall, we have dramatically reduced our incarceration rates. You touched on a racial disparity that could still be a problem there; I'm going to look into that.

If you readily have those numbers, if you could get them to us, through the Chair.

REVEREND BOYER: Oh, certainly, yes.

SENATOR O'SCANLON: I hadn't realized that there was that, so I'm interested in that.

REVEREND BOYER: Yes; so New Jersey -- in regards to who's incarcerated-- Even though -- once the population went down, the disparities skyrocketed even more. So New Jersey incarcerates Black people at 12 times the rate as it does white people. The national average is 6-to-1, making us twice as bad as a horrible statistic.

SENATOR O'SCANLON: That's troubling.

REVEREND BOYER: It's very troubling.

SENATOR O'SCANLON: And I was unaware of it until just now.

REVEREND BOYER: Yes, and you can look at the *Sentencing Project* data; all of that data comes from the various Departments of Correction, in regards to who's incarcerated.

SENATOR O'SCANLON: Okay, thank you for enlightening me; I appreciate that.

REVEREND BOYER: Yes.

SENATOR O'SCANLON: Thank you.

SENATOR GREENSTEIN: Senator Cryan.

SENATOR CRYAN: And thanks, thanks for your advocacy; thanks for all of it.

The Force Report -- didn't it create-- It's from, actually, law enforcement-reported data, right?

REVEREND BOYER: Yes, sir.

SENATOR CRYAN: So I am a little rusty here, so help me.

Didn't it create a portal that's accessible for people? Were there things that happened from that Report that they did?

REVEREND BOYER: Certainly.

SENATOR CRYAN: Could you just-- I literally am a little rusty on it, and I apologize.

REVEREND BOYER: Yes.

SENATOR CRYAN: Could you talk about that, or what--

REVEREND BOYER: Yes.

So one, what was supposed to happen was, a database was supposed to be created.

SENATOR CRYAN: Right.

REVEREND BOYER: That was supposed to come from the Attorney General's Office. What actually happened was that police officers filled out these paper files, and they were held within desks and cabinets within police departments.

New Jersey Advance Media did OPRA requests, etc., etc. They obtained all the records, they created their database. The Attorney General is in the process of creating the database, which is ultimately supposed to exist from the State.

SENATOR CRYAN: Okay; thanks.

REVEREND BOYER: Yes.

SENATOR CRYAN: I appreciate the education, as to all of this.

REVEREND BOYER: Certainly.

SENATOR CRYAN: *Transformational* -- that's the term?

REVEREND BOYER: Yes, sir.

SENATOR CRYAN: All right; thank you.

REVEREND BOYER: Yes, sir.

SENATOR GREENSTEIN: Senator Bucco.

SENATOR BUCCO: Thank you very much; it's good to see you.

REVEREND BOYER: Good to see you.

SENATOR BUCCO: Just a couple of quick questions.

Are you able to take any of those statistics that you have, break them down into localities, and then determine whether or not those localities have a community policing component?

REVEREND BOYER: Well, what I can-- I do not have who's doing community policing.

SENATOR BUCCO: Right.

REVEREND BOYER: What *The Force Report* does -- you can look specifically; you can look in Morristown, Morris County, or any of the cities, and you can see the use-of-force data. So that's at *force.nj.com*, I believe; and it can be broken down by locality. I do not know all of the different municipalities that have community policing.

SENATOR BUCCO: Well, earlier I asked for -- through the Chair, obviously -- for a list of -- if we could get through the NAACP -- that has contact with the Chiefs' Association in each one of the municipalities -- to find out whether or not they have a community policing program. It would be interesting to see how those statistics compare to the towns that have and don't have community policing.

So this might be a good project that I'd be more than happy to work on--

REVEREND BOYER: For sure.

SENATOR BUCCO: --to kind of see how that goes. Because I can tell you that one of the great resources, I think, in each community is the -- oh, geez, now I'm losing the proper word for it -- but the clergy councils.

REVEREND BOYER: Right.

SENATOR BUCCO: Right? That get together from the various faith denominations and meet often. I know that I often sit with Pastor Williams, who you know--

REVEREND BOYER: Yes.

SENATOR BUCCO: --from the Bethel AME Church in Moorestown; we have a great relationship. And it's very insightful to have those clergy councils involved, because they have their fingers right on the tips of the community--

REVEREND BOYER: That's right.

SENATOR BUCCO: --through, obviously, their daily worship with our parishioners. So I just think we need to encourage more of that -- more interaction with them. And I think the community policing, through those clergy councils, would be a great asset for us in this area.

So I'm interested in talking to you further about that whole community policing aspect and getting that done.

Do you have any suggestions about the hiring practices? I know you've heard us talk about it today. I think that's also an area that I think the State puts up a lot of roadblocks, and municipalities put up a lot of roadblocks, some of which are not intentioned, but they are a result of antiquated laws and regulations that exist out there.

Do you have any comments in regard to that?

REVEREND BOYER: So certainly. I mean, let me just say a couple of things about hiring and recruitment.

I mean, one, we believe -- and one of the reasons this isn't a major piece of our platform, is because the distrust is so great that it really-- It's going to take a paradigm shift in order to really get young Black people, particularly young Black men, interested in law enforcement. So I want to make that very clear.

Two, we also believe that through changing the way we do public safety, and by opening up doors to public safety through other means other than a guy with a gun, could be a very good way to increase-- And those professions, those new mechanisms should be disproportionately people of color, as well, so that they have cultural competency and lived experience.

With all of that being said, specifically to hiring and diversity -- if we're going to put-- There's a lot of good research about the higher the education the less the use of force. There's also a lot of good research around women are less likely to use force than men. And obviously, yes, there are problematic Black officers; but there's something to be said for the lived experience of being a Black person.

In the hiring situation, if we really want to increase diversity, and if we want to get at some of the problematic areas, we should be very intentional to lower the threshold for Black officers and make the threshold higher for non-Black officers. So maybe for a non-- The lowest threshold should be for a Black woman, the highest threshold should be for a white man.

Now, I know that that sounds radical; but if the violence is disproportionately attributed upon Black people, then we need a

disproportionate response to how we get at it. So I would highly recommend that the different thresholds should be lower for people of color, particularly women of color, to get into these ranks; and the threshold should be higher for those who have traditionally, systemically been able to access these jobs much easier.

SENATOR GREENSTEIN: Thank you.

Anybody else? (no response)

Thanks again; thank you so much.

REVEREND BOYER: Thank you.

SENATOR GREENSTEIN: Thank you very much.

Okay, next is going to be Sean Lavin, the New Jersey Fraternal Order of Police Legislative Committee.

Thank you.

S E A N L A V I N: Good afternoon, Madam Chairwoman and members of the Committee.

Thank you, on behalf of the Fraternal Order of Police, for allowing us to be here to testify on this very important issue.

As you're aware, the Fraternal Order of Police, New Jersey State Lodge represents roughly 13,000 active and retired New Jersey law enforcement officers who are serving, or have served, at the State, Federal, County, and local levels. Our members have served the citizens of New Jersey faithfully with courage, professionalism, compassion, dedication, honor, and integrity. We've done so, and will continue to do so, and display this commitment to our communities, our oaths of office, and ourselves.

Honor and integrity are the cornerstones of our service, the hallmark of our dedication and commitment to our communities, and a

promise we keep to the people of this state and to our professions. We take our oaths to protect and serve as a mantra that we will always uphold, even if it leads to our own demise. We uphold these principles, whether it's during wars, pandemics, terror attacks, natural disasters, or civil unrest. This is evident by the fact that more than 1,500 law enforcement officers have made the ultimate sacrifice throughout this country since 2010 alone. Since the pandemic, over 137 officers have lost their lives to COVID.

The murder of George Floyd was a tragedy; a senseless killing, and was avoidable. And no one is more incensed by this than the law enforcement community. The National and State FOPs have repeatedly issued statements to this effect on social media and in the press. The response by our fellow Americans has been profound and their outcry for reform has not gone unheard.

Understand that the FOP is equally enraged, angered, and saddened, but the actions of a small percentage of our profession cannot, will not define us. We are asking to be part of the change our fellow Americans are demanding. However, far too often we move too quickly to address an issue because we are hurt, frightened, angry, fed up, or despondent.

But now we have this one opportunity to address not just a singular issue or issues, but to truly address systemic change for ourselves as a profession and all the communities we serve. We believe that change and reform is too profound to address quickly for expediency, but will be best served by having all the stakeholders address the issues, concerns, problems, and perspectives to find solutions and to truly enact substantive change.

We in law enforcement truly want to be part of this change. We need to have everyone involved at the table. I think today's previous

speakers, myself, and the other speakers to come are evidence of all the stakeholders being present, having everyone involved, and having these hard conversations.

I want to go into some of the issues that we see.

I want to first address the Civilian Review Board. As you may or may not be aware, that is currently in litigation. We are not going to speak on that; other than an anecdotal response, if you will.

To suggest to have a Civilian Review Board review what police officers do, who do not have the training or experience that a law enforcement officer has, I would merely give you this anecdote.

In the medical profession, they have a review board; it's comprised of medical professionals who review in case there's an issue with what a doctor has done, a licensed professional. These experts then review those actions and make a determination.

I'll leave you with that, as the litigation that's currently before the Superior Court really speaks for itself.

I want to move on to police discipline. It is one of the most protected and misunderstood actions, and needs to be clarified to be understood.

Discipline is outlined in the AG Internal Affairs Policy and Procedures. First to retrain; and then to ensure compliance conduct with standards, laws, and practices. It is not meant to demean or humiliate members, but to ensure understanding of the laws, rules, and regulations, and that these are adhered to and applied fairly, evenly, and properly. When they are not, there is a progressive process of discipline for some infractions, and

immediate severe discipline for egregious or blatant acts, up to and including criminal charges for direct violations of the law.

One of the cornerstones of this process -- as written by this Attorney General in the latest review in December of 2019, all the way back to the first Internal Affairs Policy and Procedures -- is due process, or the right of the individual member, encompassed in the policy and the various pieces of case law that it cites.

Due process ensures fairness in a process that enables a member to protect their rights in a court of law, if needed. During this process, and per the current AG policy -- which is currently at stay in the Appellate Division; I understand it's going to be heard in September -- the names of individuals will be released while awaiting final adjudication.

So how does this work? Whether some of you know this or not -- and I know two of the members of the panel, being in law enforcement, have a very good understanding of this -- when discipline is administered, it's heard internally in what's called an *administrative hearing*; what colloquially, in the union parlance or in police parlance, is called *kangaroo court*, because the outcome is, most of the time, predetermined; and the officer or member or members are administered punishment.

From there, there are several avenues. Whether it's the Civil Service Commission, the Special Arbitrary Panel in PERC, the courts, or the Administrative Law, they have to appeal under this current policy the Attorney General wants to enact. While that appeal process is going on, the names of the member officers would be outed.

There is no final adjudication, they're still under appeal. Sometimes this takes years. I will tell you right now, talking to our State

legal defense attorney -- one of their associate attorneys -- I believe the average wait, right now, for an AOL appeal for an Administrative Law Judge is two years. So during those two years, this officer is outed.

What mechanism is there if the discipline is overturned, if it's reduced to a minor discipline? So for two years, that member is castigated publicly.

Later, the discipline is reduced or it's removed. There's no process for correcting that. Once that cat is out the bag, you don't fix it. You've accused that individual of something before their full due process rights were heard.

In another vein, and very similarly, going back 20 years -- what is the true purpose of that? We keep saying *transparency*; but as we've heard here from the Attorney General and other members, it's progressive discipline. A lot of that discipline could be for something as minor as not wearing your hat at a traffic stop -- and yes, we've had members suspended 10 days for that -- for being late, abuse of sick time. And now that's being put out there publicly.

That's not what the issue is, as we understand it. The issue is about uses of force and other issues that have come before you in the various speakers. So I don't think that gets to transparency. Also, in the last 20 years, most of those officers are probably retired, some of them have passed, some of them have given their lives in the line of duty. And their families will be -- it's a public shaming to their families. I don't see the value in that, and I don't think there is one.

Next, we have to look at -- there are already systems in place. In 2018, the Guardian Tracking System was enacted where all discipline,

counseling, and training is going to Guardian Tracking and uploaded to the local Prosecutor's Office. Now, the Prosecutor's Office can take those matters, if they feel that they're egregious, or of such a nature; an investigator can continue to move them forward to the criminal process.

So this is already being done. There's already a watchdog, if you will, in the Guardian Tracking. Everyone had to enact it, all the departments. It's being uploaded to the Prosecutor. The fact that the Prosecutor chooses not to move it forward tells us something. So that aspect of transparency is also already happening.

Another aspect I think that needs to be looked at is, a lot of the issues we're dealing with -- and I believe Senator Cryan brought this up earlier this morning -- deal with a nature that might involve HIPAA issues, if an officer had a drug or alcohol problem. Now you're putting their name out there. What if that member -- it went to court, and the judge sealed the record? And now, by function of the Attorney General, he's opening that record in violation of a court order.

I think there are too many variables here, which is why I believe the Appellate Division put a stay on releasing the records until this matter could be fully heard.

I want to move now--

SENATOR GREENSTEIN: Sir?

MR. LAVIN: Yes.

SENATOR GREENSTEIN: Can you wrap up in about four minutes?

MR. LAVIN: You have, maybe, three more from me, and that's it.

SENATOR GREENSTEIN: I'm sorry?

MR. LAVIN: I have, maybe, three more and that's it.

SENATOR GREENSTEIN: Okay.

MR. LAVIN: Okay.

On the use of force-- As the Reverend was talking about a minute ago, if you read the use-of-force guidelines, they are very strict -- when a police officer can use force, at what level of force, how they use force, and when they have to report it, which is it all times. Every time there's a use of force, you have to fill out a use-of-force report. It's online through your CAD system, or whatever online system you have, and that's supposed to be submitted through your chain of command to the Prosecutor's Office.

Chokeholds are not taught in New Jersey police academies. That being said, if you're fighting for your life -- I'm talking really fighting for your life -- are you going to deny a human being the right to defend themselves? It's a significant question we ask. But it's not taught in the academy, it's not something put in our tool belt, the academy doesn't demonstrate their use. So I think it's a misnomer; what happens in other states does not happen here in New Jersey.

Also, the Attorney General has put together a new task force on use of force; and I know they just met recently. And the FOP is part of that, and we're proud to be part of that. And we want to continue to work with that Committee to reform the use-of-force guidelines to the best ability that we can be of assistance.

Finally, I want to talk about licensing. We have a draft from PTC on licensing that involves collective bargaining and several due process measures that we feel are an excellent good start. We think it accomplishes,

or is the beginning of accomplishing, what everyone is looking for. We want to continue to be part of that process, and work with that Committee at PTC to ensure that licensing, when it's done, ensures that the rights of the members are protected, while the needs of the community are respected and created.

Finally, I want to touch on one other thing. There's been a lot of talk about what has been called the *municipal shuffle* -- cops moving from department, to department, to department, to department.

I represent over 91 individual bargaining units as the Executive Director for the New Jersey FOP Labor Council. That's 1,500 members. Ninety-nine-point-nine percent of the officers who leave, leave for three reasons: pay, schedule, and opportunity; not because of discipline. They leave because they're in a department -- maybe, because they were offered a job, they started their career in law enforcement; maybe it's in Corrections. Maybe it's in a Sheriff's Office, maybe it's at a college PD or a smaller department. And they have an opportunity to go to a department where maybe there's greater opportunity for advancement, or specialized units that they have an interest in. Or there's better salary and benefits. That's 99.9 percent.

We've talked about one officer -- the Attorney General -- one officer in Camden County who moved from nine departments. And this kind of goes to my point about discipline. It's almost like a pillory. He hasn't been adjudicated guilty of anything. And I saw the video, but I wasn't there. And in America, we have due process rights. Maybe what he did was wrong, but that hasn't been adjudicated. But to put it here, in such a way that that's a bad officer, without having any record or any due process, is unfair not only

to that officer, but it was unfair to our profession. Everyone has due process rights.

We're not saying that there shouldn't be discipline, we're not saying that there aren't officers who shouldn't be police officers. But there's a process, let's follow it. It's in the Attorney General's Internal Affairs Policy and Procedures; let's use it, and move forward. We'll weed out those who shouldn't be here; ensure those who are just making mistakes are retrained, or disciplined, and put on the right track, so we have the best possible police officers on the street. That's what we want to be part of -- ensuring that when it's done, it's done properly, it's done fairly, and it's done evenly.

Finally, I want to end with recruitment and diversity.

I sat on the Civil Service Recruitment and Diversity Committee meeting in January, and I have to tell you -- I sat with NOBLE, the PBA, the other unions, the Civil Service Commission. One of the biggest driving factors, we believe, in the FOP that will lead to diversity is community policing. Not just one Community Police Officer, but community policing as an ideology: Being out there in the communities amongst the people we serve, getting to know them, understand them, getting them to know us. When people see us, and can interact with us, and talk with us, that has value. Our younger generations will see that, will see the pride and professionalism we have in our jobs and what we do, and hopefully that will engage them to want to see careers in law enforcement.

But that's the cornerstone. It's the cornerstone for transparency, it's the cornerstone for better community police relations, and it's the cornerstone for better recruitment.

And with that, I will end. I know it's been a long day, and I'll answer any questions anyone on the panel has.

SENATOR GREENSTEIN: Thank you so much; we really appreciate it. It's always great to work with the FOP and hear your views.

I guess one of the main things that we've heard in here today are the words *lack of trust*. In some communities, particularly the minority communities, there is often a lack of trust, and we've heard a lot about it today.

What are some of the things that you can think of that would help that, in terms of police activity?

MR. LAVIN: Well, I can only give you some examples that I know I've done in my career.

For several years after Hurricane Katrina, I went to Barringer High School in Newark. One of my friends was a retired law enforcement officer and had a law enforcement teaching curriculum there. And he would bring officers from various departments, various disciplines from throughout the state, to meet the young people, and we would talk to them.

I will tell you the first time I walked in there-- You know, I come from Mercer County, New Jersey. Newark is a big city; I think there were 65 kids in the classroom. I'm never used to being in front of that many high school kids. It was a learning experience for me, because of some of the questions they asked me, and some of the things that they saw in my presentation about our response to Hurricane Katrina.

But that's a beginning. I know in my time when I worked with Mercer County Sheriff's Office, when they had National Night Out or any other community event in Trenton, we would be out there riding around the

streets, not to patrol but to go to the various community events to meet people, to talk to them, let them get to know us, us get to know them -- even if just for a few minutes. That community engagement, I think, is the cornerstone of trust. If you don't know somebody, you're never going to trust them. But if they're approachable, if they are someone you can talk to, I think that begins the relationship that can build trust; and that's where I think it begins. I don't have a one-size-fits-all answer; I can just tell you, from my own experience, that that did work here in the City of Trenton.

SENATOR GREENSTEIN: Thank you very much.

MR. LAVIN: Thank you very much, everybody.

SENATOR GREENSTEIN: Thank you so much for coming.
We really appreciate it; thank you so much for coming.

MR. LAVIN: Thank you; have a good day.

SENATOR GREENSTEIN: Thank you -- whatever is left of it.
(laughter)

Okay; so this is going to be the order of the rest of these.

Is Scott Thomson here? Scott, we'll have you next; then we'll have Jiles Ship. Jiles? Okay, great. And then we'll have Pat Colligan; great. And then we'll have Nadine Jones; I don't know if you're in the room or not, but you were here before. Yes, there you are. And Brooke Lewis, from the New Jersey Institute for Social Justice; and then we'll end with Senator Rice.

And I am going to leave the room for 30 seconds, but you can begin.

J O H N S C O T T T H O M S O N: Chairwoman Senator Linda Greenstein, Vice Chair Joe Cryan, thank you for the invitation to provide testimony to the Committee here today.

My name is John Scott Thomson; I was the Police Chief in Camden, New Jersey, from 2008 to 2019, leading both the dissolution of the City police force and the creation of the County Police Department, which occurred on May 1, 2013.

The City Department I first commanded was routinely censured and scathed, by the State and others, for being mismanaged, inefficient, and ineffective. And each year we were, essentially, labeled as *the nation's most dangerous city*.

I then had the opportunity to build a new organization. We created a Community First policing organization and emphasized police as being guardians, rather than warriors. President Barack Obama endorsed policing in Camden as an exemplary model when he visited the Department in 2015; and again in 2020, in response to current events.

I was also the elected President of the Police Executive Research Forum, otherwise known as *PERF*, from 2015 to 2019. PERF is a Washington D.C.-based think tank that has over 3,000 law enforcement executives as members.

Today, I'll briefly share with you some experiences and insights regarding policing in Camden and nationally.

Today's a watershed moment for policing. Police officers who serve with courage and honor find themselves questioning how the perception of law enforcement became so negative so fast. What's more important at this juncture is not for police to attempt to debate or discount the merits of the public's concerns, nor ignore demands for change.

It is important to acknowledge the public's legitimate grievances, take an accurate inventory of the criminal justice system, be committed to

redressing harm, and invite the community to have a hand on the steering wheel as we seek a new destination for policing.

Police executives and elected leaders must view this as an opportunity for meaningful change. It is within this crucible that our actions will determine our fate. If we assume a defensive stance and embrace the mentality of circling the wagons, we risk further losing the public's confidence and only delaying the inevitable.

Rather, now is the time we must exhibit the same broad shoulders that honorably accept the mantle of responsibility for the public safety and well-being, to also hear and try to empathize with their objections. As government, we must never forget that our authority to create or enforce the law is contingent upon the consent of the people.

How government uses force upon its citizenry is internationally recognized as a fundamental human rights issue. For far too long, policies that govern the police use of force have been written exclusively by cops and for cops. In Camden, we took a different path. We listened to the concerns of our community and the people of the nation. Last year, with the help of the NYU Law School Policing Project, the Camden County Police Department co-produced a use-of-force policy that included the feedback from the community, the New Jersey ACLU, and the Fraternal Order of Police. This policy, and its inclusive development, is a first of its kind in the nation, and has been used as a model by progressive police departments across the country.

The bedrock principle of this policy is the sanctity of life. It codifies the mandate that officers only use force as an absolute last resort after de-escalation attempts have been exhausted. Continuous training and

creative use of body-worn camera footage serves to reinforce behaviors and ensure accountability.

It is critically important that police be experts at diffusing volatile situations for the safety of the public, as well as for the officers. Just because a police officer *can* use force doesn't mean they should.

To support this cultural shift, I brought a specialized de-escalation program to Camden. The training was the *ICAT* model -- *Integrating Communication, Assessment, and Tactics*, which was developed by PERF. The benefit of ICAT is best exemplified in a video that was featured by the *New York Times* in 2017. The video displays a man in mental health crisis who repeatedly attempts to slash Camden County police officers with a large knife. Prior to ICAT training, our officers, most likely, would have shot and killed this man in a manner consistent with traditional police training. Like so many other tragic encounters, it would have been a lawful, but awful, incident.

Rather, the officers were trained on how to safely reposition themselves, and de-escalate the situation in a way that resulted in everyone safely making it through the night, including the armed suspect. Killing this man was not necessary to achieving our goal of keeping everybody safe that evening. In fact, it would have prevented us from achieving this very objective. Thus, the sanctity for human life must underpin all actions taken by police at all times.

It is important to note, refining the skill of de-escalation can only be mastered through reality-based training and repetition. However, 80 percent of the police departments have fewer than 50 officers, and often do not have the resources to do this on their own.

I recommend PERF's ICAT training be adopted as the statewide standard for de-escalation training, to be both instructed in the police academy and in-service trainings, which can be delivered regionally. We did this in Camden County in 2017. We benefited from learning from other departments in our region, as well as from the Toronto Police Department, which traveled more than 500 miles to participate in our training.

Although today's crisis in policing is extremely challenging and saddled with a negative history of race relations in this country that cannot be ignored, our current dilemma is not a Gordian knot. Leaders, and bodies such as this before which I testify today, will earnestly look for novel approaches to long-standing complex issues. However, we cannot overlook the basic principles of treating people with respect and dignity.

The starting point for this, for us, was on a city street corner with an interaction between a police officer on the beat and a member of that community: a polite and respectful introduction by the public servant, followed by a sincere inquiry if there was anything that could be done to help. These are the beginning variables in the equation of community policing. It is the most effective prescription to put us on the path of healing with our current affliction. It is how one of the country's most unhealthy cities rapidly reversed course, with each passing day, and has a more promising prognosis as acknowledged in the *President's Task Force on 21st Century Policing* report.

This past Sunday's *New York Times* reported how Camden, a city that once had a dubious distinction of having one of the highest crime rates in the nation, saturated with flagrant open-air drug markets, is now on a positive trajectory through relationship building and reducing crime.

There is still much work to be done, and it's important to qualify these accomplishments as *progress* and never *success*. But with fewer mothers burying their children and a challenged city navigating times like today without violent civil unrest, credit must go to the resilient residents of Camden.

These are their accomplishments; police merely serve as guardians and facilitators to help achieve their vision for the City, instead of inflaming tensions by acting as warriors and enforcers. This vision was enabled by the police developing a new playbook, which involved giving away ice cream, barbecuing hamburgers, and inviting youth to play in the police department's mobile video game trailer delivered to their corner.

This, in turn, allowed parents to begin to let children play in front of their houses. Corners that once held narcotic buyers and sellers are now home to pick-up games of street ball, foot races, and push-up competitions between the neighborhood cops and kids. The community is much safer today through less incarceration. And the constant sounds of gunshots and sirens have largely been replaced with laughter and conversation.

Community policing is not an option; it's an affirmative obligation. Community policing cannot be a program, a unit, strategy, or tactic. It must be the core principle which establishes the foundation of a police department's culture.

Along with implementing use-of-force and de-escalation policies and training, procedural justice and implicit bias training should be integrated into the core curriculum at all police training academies and departmental and service training to better establish police legitimacy.

Police officers should be held to the highest standard. The time has come for our State to certify and license police officers, much like we do medical and legal professionals. Government, whether it be the State, a county, a city, or a tiny borough, bears the responsibility to ensure the men and women they employ can properly meet society's standards and expectations. If the town cannot, or does not have such capabilities, then they should not be permitted to place ill-prepared officers in life-or-death situations.

Moreover, it is critically important that police organizations do not solely measure their effectiveness by traditional outputs, such as arrests, tickets issued, or investigative stops of people. The success of individual officers, and their collective departments, must instead be measured by the quality-of-life outcomes derived from their efforts. A recent New Jersey Supreme Court Committee examined injustices associated with municipal court revenue generated through fines. Many of the fines levied by tickets or summonses have little to do with advancing justice. We have seen firsthand the damages and disparities of quota policing and racial profiling. It is immoral and illegal, and does nothing to make communities safer. Yet, unfortunately, these are still performance metrics for many departments. This must change.

The pathway forward for police must be informed by lessons learned over the last two centuries. In 1829, the father of modern policing, Robert Peel said, "The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it." The absence of crime and disorder can be best achieved through police serving as guardians, rather than occupying communities as warriors.

Camden's progress over the last seven years has been a growing process informed by listening and learning from the community. Camden is not Utopia, and the police department is not without sin. But by mostly all measures, things are much better today than they were yesterday, with a determination to make tomorrow even better. Murders have been reduced by more than 60 percent, and crime is at a 50-year low. The employment and high school graduation rates are steadily climbing, too; a rising tide lifts all boats.

Change has occurred, and residents have proven it to be sustainable as we approach its first decade. However, Camden still struggles with having a diversified police department because of the State Civil Service system of hiring and promoting. Activists and community leaders have rightfully bemoaned this issue for years, even predating the County Police Department.

One of my greatest frustrations was having a public responsibility for that which I did not have the authority to change. This bureaucracy may work for some communities, but it has failed Camden residents of the opportunity for gainful employment and to serve their own community.

Finally, although there is not a single police officer today who committed the atrocities on the opposite side of the Edmund Pettus Bridge on Bloody Sunday in Selma, Alabama, in 1965, it must be realized that although not individually responsible for it, the uniform is responsible to it -- just as is the case with the murder of George Floyd.

With clear vision, unwavering resolve, and leadership from Chiefs and elected leaders, policing will and must change. That which needs to be done is simple; it just isn't easy.

Thank you for this honor today, and I look forward to any questions you may have.

SENATOR GREENSTEIN: Thank you.

And it's been wonderful to get to know you, if only on the telephone -- now in person -- and to learn about the success that Camden has had. And certainly, you can't argue with that; there's a lot of it, and we appreciate that.

I'm wondering -- because you were in a special situation, you had more police-- And I know you were the Chief during both periods, before the big change and then after the big change. But later, you were able to get additional money, additional police officers. To what extent did being able to get that additional funding assist you in accomplishing what you did? Do you think it would have been harder if you didn't have the real support that you had for the changes?

MR. THOMSON: Well, just for the record, Senator, there was no additional money that came. It was actually the same money that was appropriated. It was under a different collective bargaining agreement that gave the ability to staff with more officers.

Look, I believe that cops count and police matter. I believe that what we saw was that the community benefited, not by having less police officers-- In fact, when we had laid off half the police force, in 2011, our crime exceeded that of third-world countries. But what we found is that we were able to shift from having very high levels of mistrust with the community, to one in which we actually were able to start to develop something positive. And what we learned was that it wasn't that the community did not want us to be there; the community just wanted us to

behave differently. They wanted us to take more of a medical approach of “first, do no harm,” rather than going into neighborhoods and just arbitrarily and capriciously enforcing low-level offenses, which oftentimes-- Look, when you’re dealing with a very poor community, where the per capita income is less than \$14,000 a year, a cop handing a \$250 ticket to a single mom who works two jobs is life-altering. And we were ignorant to a lot of the unintended consequences of our actions. And it wasn’t until we started to listen to the people that we altered our behaviors, and we were able to start to develop some type of bond and trust.

SENATOR GREENSTEIN: The other thing you brought up -- as did many of the other speakers -- this issue of the problems with getting a diverse police force because of the Civil Service rules. And I’m wondering if there are some things in there that we can look into changing. Because clearly, it sounds like that’s a big problem.

MR. THOMSON: Yes. My experiences with Civil Service has been-- Look, I understand why it exists, and I do think that there are some good benefits of it with de-politicizing situations. However, the infrequency at which they would give tests; the inability to diversify; the inability to really hire individuals who you want, who embrace the ideology that an organization wants to utilize -- its extremely limited. I remember times when we were looking to hire 100 police officers, and we would get 500 names from the State and all the people lived 50, 60 miles away, they were not reflective of the community, and then they would leave us the first chance they got to go back to their hometown.

You know, when we look at -- even from the licensing perspective, or bringing police officers on board, it’s very difficult in the State

of New Jersey to become a police officer. If you're not sponsored by an agency, getting in through that door is not a simple one; so the inability-- For people from disadvantaged backgrounds to become police officers -- the barriers are very, very high.

SENATOR GREENSTEIN: Thank you.

Senator Cryan.

SENATOR CRYAN: Thanks; I do have a couple questions, and they do go to recruitment, and retainage, and so on.

But I have to tell you, this was a great story. I did notice-- I have to admit, though, it surprised me. I didn't realize there was a diversity issue there, because the picture doesn't show that. It just surprised me to see that here.

This is the *New York Times* story Sunday (indicates); it's a great read, all right?

What's the TO in Camden?

MR. THOMSON: I'm sorry; what's the question, Senator?

SENATOR CRYAN: How many officers is fully staffed?

MR. THOMSON: Fully staffed is at 400; I don't think the organization ever had 400. Generally, it has fluctuated between 310 and 350.

SENATOR CRYAN: Okay; so why hasn't it hit 400?

MR. THOMSON: Well, a lot of it had to do with the retention issues, of officers leaving. And the fact that the ability to replace officers was just -- the time that it took. It is very difficult to keep the staffing numbers high.

SENATOR CRYAN: Okay, all right.

Are salary issues there an issue as well -- pay?

MR. THOMSON: Well, compared to other jurisdictions, most city police department's don't pay that well, when police officers do have the ability to go to other places. And particularly what we found is, that because of Civil Service we were compelled to hire people who did not live in proximity to Camden; so they were traveling great distances to work a 12-hour shift.

SENATOR CRYAN: Well, they had to hire within County, right?

MR. THOMSON: I'm sorry?

SENATOR CRYAN: Within County, or no?

MR. THOMSON: Well, once those lists are exhausted, we would be hiring people from Ocean County, Burlington County, Salem County.

SENATOR CRYAN: Okay; but the original intention is at least within the County, correct?

MR. THOMSON: Well, the original, yes.

SENATOR CRYAN: The original is within City.

MR. THOMSON: But part of our problem was that the infrequency of the test being given -- once every three years -- we would very quickly go through the list of City residents, and then County residents. And then, for the next two-and-a-half years, we were being forced to hire people who didn't have proximity to Camden.

SENATOR CRYAN: So you didn't have people choosing to become a Camden police officer on the test, right?

MR. THOMSON: Well--

SENATOR CRYAN: Because they choose what they want to do.

MR. THOMSON: Well, I think, Senator you know from your law enforcement background, a lot of people just -- they want to get their foot in the door, and getting trained in New Jersey is very difficult. So they will take the training, they'll come to you, they'll work for you, and they'll leave you with the intention of, that was what they wanted to do in the first place.

And as you also know, to replace an officer generally takes about an 18-month period. From the onboarding to the academy, that's six months; and then the Field Training Officer program.

SENATOR CRYAN: Right.

MR. THOMSON: So it's not--

SENATOR CRYAN: And if you're losing them, you're losing not only this, but the officer and the money. We had academy costs pegged at about \$23,000 an officer.

MR. THOMSON: Yes.

SENATOR CRYAN: I don't know what number you used.

MR. THOMSON: But I have to tell you, I do think that-- We had a one-year relaxation from Civil Service rules when we started the County police force. And I think, at that point in time, we were able to hire the most diverse, most qualified people. And they weren't necessarily coming to us for money or leaving us for money. These were people who wanted to be a part of something that they thought was bigger than themselves. And when we had that ability to get people who were like-minded, who were educated, who were diverse -- these folks stayed with us. Once the Civil Service shield dropped down upon us and we were obligated to follow their rules, we found

our ability to diversify the organization was extremely limited. Our ability to diversify promotions was extremely limited.

SENATOR CRYAN: Well, that's still one of the challenges that has been discussed here. I'm just surprised. I mean, 310 is about 75 percent of what the TO is, right? You're running on 75, 80 percent?

MR. THOMSON: Yes, about that.

SENATOR CRYAN: What challenge does that bring?

MR. THOMSON: Senator, the City, at one point in time, was policing with 50 percent reductions.

What we see -- where we have found the benefit of police officers, was for them to be able to be in our most challenged neighborhoods being guardians. So when our staffing levels drop, we will see a direct correlation between spikes now starting to happen of violent crime within particular neighborhoods. And it's not because we're not in there doing enforcement, it's because we're not in there playing basketball, it's because we're not in there walking the beat, riding bicycles, and being that presence, which is deterring the flagrant criminal activity.

SENATOR CRYAN: Last question, because I'm only supposed to do two, and I blew that.

How do you recruit? If Civil Service is there -- and I absolutely get your frustration -- but for many of us, it's there. I got poached all the time.

MR. THOMSON: Yes.

SENATOR CRYAN: I used things like pre-academy college courses, enticing different clubs -- all sorts of different ways to try and

enhance. The bottom line, too, is we didn't offer lifetime benefits, so we would lose people a lot.

MR. THOMSON: Yes.

SENATOR CRYAN: And that was the predominant thing. And our pay scale was less.

So where you talked about municipalities paying less, at least from my experience they paid more, and folks would leave because of that. So it's, maybe, just being different areas.

How do you recruit today, or how does Camden recruit today? It's a question I've asked others--

MR. THOMSON: Yes.

SENATOR CRYAN: --and how does that work?

MR. THOMSON: So that's a great question. And as you know, Civil Service -- you're extremely limited.

What we did do -- and we were creative in our approach -- but under law, even a Civil Service organization can hire virtually anyone as a Special 2 Officer. We did that en masse. We hired Special Officers who were from the City; they were Hispanic, they were African American. We put them through training, and we, at one point in time, had amassed about 80 of them. And then we turned to Civil Service and said, "We want these people to be police officers," and under Civil Service regulation they couldn't.

But Civil Service did work with us to give us a one-time pilot exemption, which means we only got one bite at that apple. So at that one point in time -- that happened about three-and-a half-years ago -- gave us the ability to make the Department a majority-minority organization; and it has since fallen off.

So my answer to your question is, that if there were other ways that you could on-board-- And one that exists that we utilized was, we hired people as LEO 2s, we put them through the academy, they were fully trained, and then we applied for a waiver.

SENATOR CRYAN: Okay; and did you retain them? Because you make so much-- That's one of the things we haven't talked about today. We invest as a community, as a department -- you talked about 18 months.

MR. THOMSON: Yes.

SENATOR CRYAN: You spend a lot of money to go get a police officer. When you lose them, you wait and you lose a lot of investment, probably more after we do these reforms.

MR. THOMSON: Yes.

SENATOR CRYAN: What is the retainage rate, if you have it? Because I know you are the *former* Director.

MR. THOMSON: Yes, I--

SENATOR CRYAN: And what was it for you, or did you lose a lot of folks, or how did that work.

MR. THOMSON: No, the City folks we hired stayed on.

SENATOR CRYAN: So the 80 hung out -- the 80 stayed on.

MR. THOMSON: Yes, the SLEOS -- the people who were City residents -- we recruited them, they came on board, we put them through our own process, and then we applied for a one-time application from the State to allow them to become police officers. Those folks have stayed.

The other thing I would suggest--

SENATOR CRYAN: Do you know your retainage rate on the Civil Service class?

MR. THOMSON: I could ask the current Chief and get you what the number is.

SENATOR CRYAN: If you don't mind. It's one of those things we're going to look at here.

MR. THOMSON: Yes.

SENATOR CRYAN: It would be helpful, given the outstanding information that's there.

MR. THOMSON: Yes.

SENATOR CRYAN: I'm sorry, I--

MR. THOMSON: Just the one other thing that the State of New Jersey should consider, particularly in light of looking to diversify organizations, would be to open up the alternate route *route*. And even if that could be incentivized, where if people in extremely challenged neighborhoods would be provided stipends, almost like scholarships, they can go to the police academy, and now they can be gainfully employed, and they can apply themselves throughout the state. I think that you would find that organizations that are looking to diversify-- I think those candidates would be in extremely high demand. And it would be removing a lot of the barriers that stand in the way for kids from extremely challenged communities -- young people from extremely challenged communities to become police officers.

SENATOR CRYAN: And that would be in non-Civil Service communities.

MR. THOMSON: That's correct.

SENATOR CRYAN: Okay; thank you so much.

I'm sorry to take time; thank you.

MR. THOMSON: Thank you, Senator.

SENATOR GREENSTEIN: Senator Rice.

SENATOR RICE: I just want to add -- I'm on the police side.

I disagree with non-Civil Service communities. Civil Service is protection, and there are those who have been trying to abolish Civil Service for a lot of jobs. Where those of us in the Legislative Black Caucus -- even when Congresswoman Bonnie Watson Coleman was here -- who were always talking about strengthening Civil Service, Civil Service reform, but doing it in the way where it makes good sense. Civil Service is a barrier right now to people coming into public service work, particularly police work. But that's because it's set up in a way to be the barrier.

So you don't abolish Civil Service; what you do is, you reform it where it works.

Also, I do think that because these special police officers in Newark -- because you have different classes, okay? -- they have to go through everything the Newark Police Department goes through. And so we need to look at that. That's like a training school to us, because it gives them an opportunity to participate in the private sector work under our leadership. But it gave us an opportunity, over the years, to observe them in terms of how they managed to interact with people. And I also think that they get a good interaction in some of the stores they work in that are commercial, with a lot of population.

So we know we have to go back and do some reformation, if you will, with Civil Service and things like that.

We also know we have to create more programs. And that was part of the Kerner Commission report, back in the day, when they recognized

the problem was not what Johnson thought it would be. And the whole report came down to creating jobs, job training, and those kinds of things.

So I don't disagree with what was said; I just disagree to abolish.

And also, it's a contradiction. You said all over the state. But we're arguing-- And he was really -- the Chief is also implying the reason we need the residency rule is for the reason he was talking about, okay? You get officers in your town who go right out. Just like judges; I appoint judges from Newark who are lawyers, and they move to South Orange. I say, "Well, I need you here to be the role model."

And so we can't contradict ourselves on what our needs are. And so that's (indiscernible) ability, because it gives the people in the community-- And I know Camden very well; I used to go down with Randy (Indiscernible) and all of them. You get the people in the community to recognize -- say, "Hold it. All these folks live in my neighborhood." Now, when they transition out, you have other folks who live in that neighborhood who want to be, because their role models -- they're there. And they know they live there, pretty much, most of their lives, and not all. And they are going to be there at least another five years, once they become a cop.

And so we have to look at residency, etc., and make it work for us, in terms of hiring.

The final thing I want to say -- because I keep hearing this, because I live this stuff every day -- if you talk to Black people, a lot of them want to be State Police. But the reason we have a problem recruiting is because of the reputation of the State Police relating to minorities, even going back to the days of profiling, when the Black Caucus was addressing it. So they would rather be a local police officer than a State Trooper, okay? Which

is interesting, right? And that's just the case. And so we get it, because they do know that there's a value being local.

A lot of the transition that has taken place in police departments is because -- and nobody talks about it -- is when we cut budgets, the first who get laid off or terminated are police, and public service workers, and education, okay? And so those police officers who are young enough, under the Rights Bill, go to another department. And as the Senator was asking, most urban police departments, in particular, are operating under the TO. So Newark has over 1,000 officers, but we're something like maybe 400 or 500 or more down. And every time we recruit a class, if we put 100 on, we have 200 going out. So it's like we can't catch up unless we do something differently.

And I just wanted to put that on the record, yes.

SENATOR GREENSTEIN: Anybody else? (no response)

Well, again, thank you so much; this has been very enlightening, and I'm sure we'll all be (indiscernible).

MR. THOMSON: Thank you, Senator.

SENATOR GREENSTEIN: Thank you.

MR. THOMSON: Thank you.

SENATOR GREENSTEIN: As I said, Jiles Ship will be next; Jiles Ship, President of NOBLE, the National Organization of Black Law Enforcement Executives.

How are you; how are you doing?

COMMISSIONER JILES H. SHIP: Good afternoon.

SENATOR GREENSTEIN: Good. Or is it evening, or is tomorrow? (laughter) I don't know.

MR. SHIP: Yes, right; that's right.

SENATOR GREENSTEIN: Anything is possible.

COMMISSIONER SHIP: I was waiting for them to bring dinner in. (laughter)

Well, Senator, thank you, first and foremost, for having me to testify here today.

And thank you for your leadership on this issue.

Many of the other members at the table know me, and they know of NOBLE and the work that NOBLE has done, not only in this state, but nationally as well.

So for the sake of time, unless you want me to do other, I'll forego a lot of the information regarding NOBLE.

But let me start out by saying, for the record, my name is Jiles Ship. I am the New Jersey Chapter President of NOBLE, former National President of NOBLE. I served over 34 years in law enforcement at a municipal and a State level.

Additionally, currently I serve as a Commissioner on the New Jersey Police Training Commission.

I'm here today on behalf of NOBLE. NOBLE is one of the nation's most respected law enforcement organizations. For the past 45 years, the National Organization of Black Law Enforcement Executives, better known as *NOBLE*, has been at the forefront in developing solutions and addressing critical issues germane to improving the law enforcement profession and its delivery of services to the community.

NOBLE is an organization of Chiefs of Police, commanders, academics, and criminal justice practitioners from Federal, state, and local

law enforcement agencies and universities. NOBLE has over 60 chapters and represents over 5,000 members worldwide. The combined fiscal budget oversight of our membership exceeds \$8 billion.

A few areas of training that NOBLE has been awarded for include community policing; less-than-lethal force; information technology; domestic violence; law enforcement recruitment, retention, and training; homeland security; use of force; traffic safety; bias-based policing; environmental crimes and justice; and law enforcement ethics and integrity.

NOBLE has a wide array of opportunities for professional development and mentoring.

We were selected to serve as one of the 11 members of the Task Force on 21st Century Policing. We had also been called on, and have served on, a number of U.S. Attorneys General task force panels to deal with an array of areas of policing, such as the Bureau of Justice Assistance, body-worn camera expert panel, law enforcement efficiency to address critical operation issues and community crime problems, and the U.S. Department of Justice task force on law enforcement best practices.

NOBLE serves as a member of the following entities: Commission on Accreditation for Law Enforcement Agencies, better known as *CALEA*; Community Policing Consortium; Law Enforcement Technology Council; Law Enforcement and Youth Partnership for Crime Prevention; and the National Law Enforcement Officers Memorial Fund, to name a few.

We have also been called on to give expert testimony at congressional and legislative hearings before the U.S. Senate, U.S. Congress, New Jersey Legislature, and various other criminal justice panels, boards, and commissions.

NOBLE has conducted relevant research on matters of concern, and offers technical assistance and training in a multitude of areas of police practices. As a result of the work that NOBLE has done nationally, and through its respective chapters, public safety and police community Partnerships have been enhanced throughout this nation, across our country, and abroad. NOBLE has been honored for its work by presidents -- both Republican and Democrat -- the U.S. Senate, the U.S. House of Representatives, U.S. Department of Justice, governors of the State of New Jersey, New Jersey State Legislature, and the New Jersey Legislative Black Caucus.

All that being said, let's not let this opportunity to better serve the citizens of New Jersey go unanswered.

First, I've talked to a lot of legislators; as you all know, there is plethora of legislation out regarding police reforms and other measures that many people think will enhance policing practices in the State of New Jersey.

Not a lot of people want to be police officers is something I heard earlier. I want to dispute that; and I can tell you, firsthand, my son is a police officer. He's 34 years old; last year, he made \$160,000. That's enough to take care of his family, all right? So with that kind of salary, I know you have people waiting in line. If I was just now graduating college and I still had my youthfulness, I would be looking for an opportunity like that.

So one of the problems that we have, in regard to that -- and I'll speak more specifically to an experience we had right here in New Jersey -- but one of the problems that we have -- One, that myth goes out there, and it's spread. But also, when we talk about hiring people from diverse communities, we tend to have a myopic look to our approach to that. And it

became very apparent to me when I served on the team that the Department of Justice put together to go out and review St. Louis County PD, after the shooting that was there -- the Michael Brown shooting out there. And myself and four other Chiefs from around the nation, were a part of this team. One was from Sacramento; one was from Boston; one was from a smaller town, Eden, in North Carolina; and the other one was from Yale University. And the Chief from Sacramento -- his wife worked for Verizon -- and he said, "Verizon's not having a problem finding people." And he says, "What we do so much -- the same people, with the same problems, are in the same room, trying to figure out the same thing, and we come out with the same answers as we did the year before that."

So that's one of the problems. We don't have a diverse pool of people putting together the prerequisites of who should be police, number one. And number two, when we have people investigating backgrounds of individuals who should be police officers, we don't have a level of cultural competency in that mix to know that some things that may appear to be one way in one community-- We're all the sum-total of our life experiences. And if you don't have experience in being in another community, you may look at something totally differently than I do. So that's one part of it.

And at the end of the day, the final review board makes a determination. After you've pass all the other qualifications, the final review board is going to make a determination. And if that final review board is not diverse, and hasn't shared some of the experiences that those candidates have shared, they will view them differently also.

So, example: There were 14 disqualifiers for the New Jersey -- entry-level New Jersey State Police recruit program.

We met with the Attorney General on this -- myself, the Attorney General, the President of the NAACP, and other Black clergy. There were 25 predominately African American and Latino candidates. There were 14 disqualifiers. They had none of the 14 disqualifiers; but still, because of subjective reasons, they were not allowed to go into the New Jersey State Police class.

So that tells me there's a deeper problem. And we won't solve it today, but that's something we need to look at more closely.

The other thing that I wanted to speak to, also, is that in New Jersey we do a great job, for the most part, on collecting data. And I know there was a lot of conversation today about data. But once we get that data, what do we do with it? Do we look at it? Do we analyze it? Do we make it an intelligible document so we can move forward? Do we have our metrics in place? Do we measure what we're doing? Because if we don't measure what we're doing, I can assure you, two years from now, we'll be back here having the same conversation.

So until we start measuring that data, and finding out from that data how can we improve policing, it basically becomes an academic exercise, and it gets shelved again. And the next Attorney General will come in, and we'll have these conversations again. So until we start intelligently looking at that data, it's just going to be data.

One of the groups that we work with, that does a phenomenal job with analyzing data and making it useful, is the Center for Policing Equity. They do a phenomenal job with it. There are case examples of where that has benefited those communities that they went to and they worked on. And I think that's a direction--

SENATOR GREENSTEIN: Is it that guy Goff, G-O-F-F?

COMMISSIONER SHIP: Yes, yes, Professor Goff, yes; and Dr. Tracie Keese, who is a former Deputy Chief with the Denver Police Department.

Also, there was talk earlier-- We're currently working, now, with the Civil Service Commission. That's one aspect of what we need to do. There are regulatory rules that are in Civil Service that can be provided -- changes can be provided to local municipalities. So there's some wiggle room in there. And I agree with Senator Rice -- Civil Service is not there just because Civil Service was created. Civil Service was a necessary tool. One of the problems, though, that we identified already with Civil Service is the fact that even if you-- Again, even if you make it through the Civil Service process, that local municipality -- Civil Service is just a testing facility. If you make it through that process, and you rank on the list, it's still up to that local agency to determine if they want to hire you or not. And there's a coding system that's associated with that. So we can't even tell -- and you can't even tell, as a Senator --

So if we're not digging deeper into that and finding out why these individuals are being denied, then we will never get to the bottom of it. So that's one of the concerns with that system. As I said, we're meeting with them on that now.

I know somebody said, earlier, too, a lot of this information can go to the Prosecutor's Offices. We have to-- You know, whether it's real or perceived, I was always taught it's still a problem, and you need to address it. And there are many who look at certain Prosecutor's Offices, and don't look at them as a legitimate entity either. So as much as we can, bring the

responsibility to the most independent body in this State, which would be the Attorney General's Office or the Division of Criminal Justice. We need to lay that responsibility on them as it relates to collecting data, as it relates to all of the other issues that were discussed today.

So Robert Peel -- people consider the father of modern-day policing. One of his famous quotes was -- and I also teach at Rutgers University, and this is what I teach my students -- one of his quotes was, "The community are the police, and the police are the community." And by that, he meant simply this: Any type of policing models that we put in place -- whether it's community policing, community engagement -- if we're not doing it in partnership with the community, we're missing the boat. And we will never get to where we need to be unless the community is at the table at every level -- at every level, the community has to be there.

And I heard people talk about community policing today. Let me tell you, for the record, what community policing is not. Community policing is not going out to the community with your local law enforcement agency and having a barbecue. That's not community policing. It's not having an event with the Girl Scouts. I am a certified Community Policing Practitioner, certified by the Department of Justice. Community policing is a department-wide philosophy. And if that entire department, starting with its leadership, is not on board with that, it will not work. And that is one of the problems with community policing now. Over the years, it has become a perverted version of community policing.

A question was asked earlier, too, about data, and does community policing work. There is empirical data that was developed in the Department of Justice that shows that when community policing is in full

effect, community police partnerships go up, crime goes down. There is empirical data to support that. That is the reason why, when I served on Governor Murphy's Law and Public Safety Transition Team, not only NOBLE -- which I was there representing -- but also the State Association of Chiefs of Police was there, and also Officer Renshaw, who was the PBA President of 105. We stressed that issue at that time; it was incorporated into that report.

We also sat with the Attorney General, as a leader, or the Chief Law Enforcement of the State, and we said, "This is the direction we should go; we know this works." It never happened, and we find ourselves here today.

But the other thing that I wanted to touch on, too -- and I'll open up, after that, for any questions -- is that we won't get anywhere in policing if we have this us-versus-them mentality. And that goes back to police academies; it has to start there. And we have to be taught, in the academies, that we are guardians. The first and most important job of a police officer is to protect the constitutional rights of the citizens; that's our first and most important job. And you can do that as a guardian of those individuals who you serve. It won't happen if you're perceived to be a warrior.

So I'll stop there, and I'll open up for any questions that you may have.

SENATOR GREENSTEIN: Well, thank you for your excellent testimony. I learned a lot in our discussions, and I really appreciate it.

Just on this issue of community policing, you're not the first one here who said -- and I think the person right before you, Scott Thomson, I

think, said also -- it has to be incorporated as part of the police department itself. It's not just going to a barbecue.

But in effect, how do you do police -- don't you do community policing by going to the barbecues and being active? How do you do it?

COMMISSIONER SHIP: Yes; one of the ways that you do it -- you have to make those decisions collaboratively, with the community at the table. If the community feels that that is going to work in that specific neighborhood, then, with the support of the leadership of the police department-- But not only there. Community policing goes much bigger and broader than just the police and the citizens who they serve. Community policing also incorporates businesses in a town, it incorporates corporations to be at the table, social service agencies -- all have to be a part of that collaborative. And what that group comes up with at the end of the day has to be driven by those community members. Because then you get those stakeholders' buy-in. And if a person is a part of something, they're going to work harder and make sure it works. And God forbid something does go awry in policing -- people are human, they may make mistakes. But that community entity or collaboration that you put together -- they will be the first ones to step up to the plate and say, "The mistake happened; let's work through it and continue to move forward."

So it needs to be a collaboration, and it needs to be driven by those community members.

SENATOR GREENSTEIN: (Indiscernible) (mike was not activated)

COMMISSIONER SHIP: Yes, there is no formal list; but you can Google-- One of the best that I've seen -- Newark is doing a great job,

Camden has done a great job here in this state. But also St. Petersburg, Florida is doing a phenomenal job with their community policing efforts.

SENATOR GREENSTEIN: The last question I want to ask you, and this is what I meant to ask all the speakers, and I think I forgot to do that.

Just generally, when you talk about *the problem*, what is *the problem* right now? How would you summarize that? I mean, I think it's lack of trust in the communities. But how would you summarize the problem that we're facing, and what direction do we need to take?

COMMISSIONER SHIP: Yes; out of my 34 years in policing, I have never seen the community and police-- And I wasn't policing, actually; I know the history of the Kerner Commission and the Knapp Commission reports, and all of those things, but from the time I started policing in 1985, I have never seen the community and police so polarized as they are today. And we have to bring them back together. And if not, we're not going to move this any further.

But we also need to have transparency, and we need to have accountability, because we have to win back the public's trust. And is critical that we have the public's trust because, if we don't -- we can't put a police officer on every block. We need to work with the community to let us know what's going on in that community. And if they don't trust us, or look at us as a legitimate entity, they won't do it.

Also, we need those same individuals from those communities to testify at hearings and different court proceedings. And if they don't trust you, or look at you as a legitimate entity, they won't testify.

And lastly, but not least, those community members are also the people who serve on the juries. And we want juries to turn back just verdicts. And if they don't trust you, or look at you as a legitimate entity, they will not turn a just verdict.

SENATOR GREENSTEIN: Senator Cryan.

SENATOR CRYAN: Thank you, and thanks for your comments. See, it is polarized, just like the rest of America right now, right?

COMMISSIONER SHIP: Absolutely.

SENATOR CRYAN: And one other thing -- we didn't talk about it today, which I hope we do at some point -- that's the lack of diversity in the Judiciary. I think there are 359 out of 400-plus judges in the Superior Court and Supreme Court who are Caucasian; 78 minority. When you look at that and get the folks of color, it gets pretty low, which is something that needs to be a part of it. If you're going to talk about this part of Justice, we should really be talking about the other one.

I wanted to follow up with you on the suggested solutions to some of the hiring issues that you were kind enough to talk about.

COMMISSIONER SHIP: Absolutely.

SENATOR CRYAN: And we talked about it here -- I know you've been here a long time -- in terms of the subjective nature of some of that.

I was hopeful that you could just take a minute and maybe expand upon a couple of things. The reporting -- at least to me, I think it's fair to do the reporting -- I never thought about it -- the reporting of those who are not hired--

COMMISSIONER SHIP: Yes.

SENATOR CRYAN: --and what should be done. Like, was it arbitrary or financial, or those sort of things.

I was interested in the comments on here -- if you don't mind, I'll just do the three things, and let you talk -- that; the second piece being-- I never thought about it until this memo, all that much, along the way -- but how many times you disqualified somebody because you sent them a certified--

COMMISSIONER SHIP: Yes.

SENATOR CRYAN: --sent them a letter, and they never responded.

COMMISSIONER SHIP: Yes.

SENATOR CRYAN: I mean, we hired-- For us, it was 1 in 8, 1 in 10.

COMMISSIONER SHIP: Yes.

SENATOR CRYAN: And I didn't realize how pejorative that was; I was hopeful you could comment on that.

And then, obviously, as I do with most, could you talk about recruitment?

COMMISSIONER SHIP: Okay, yes, absolutely.

Now, your first question was specifically on the process that allows people to be -- the coding system?

SENATOR CRYAN: Where you're disqualifying somebody for a subjective-- It's a standard that, maybe, isn't the same in every department.

COMMISSIONER SHIP: Absolutely.

SENATOR CRYAN: And you talked about cohort report, basically. Could you talk about that a little bit?

COMMISSIONER SHIP: Well, it's critically important that we have people on the review boards. I'll give you a very quick example. A young lady was in from Brooklyn. There was one African American female on the review board to join the DEA. And be it not for that one person who was there, she would have never gotten into the DEA. And obviously, she was qualified. She serves as an Assistant Special Agent in Charge now for the Philadelphia Division, and getting ready to be made SAC.

One person who we had in that process -- he said that when someone came to his neighborhood to do his background investigation, he stopped on a corner. He lived in a public housing project, and he stopped on the corner. And he has guys who he saw on the corner, "Do you know such-and-such?" the person's name. And they said, "Why do you want to know?" He took that information and wrote it up in his report, and translated that to say that when they went out to his community, people were very standoffish. No, they weren't very standoffish. People who live in that community protect people in that community. And you come up there in an unmarked police unit, without announcing yourself, they're going to be reluctant to give you information.

So that's just a very low-level way of -- that if a person had a certain level of cultural competency, they may have looked at that situation differently. And that's critically important that we have diverse teams of people who are-- Even if you're not the person investigating that person, if you had a diverse team of people that you came in and met with, back that evening when you were debriefing, that person could tell you, "Oh, no," you know? And you could exchange information and ideas.

I'm sorry; what was your next question?

SENATOR CRYAN: You actually do certified mail?

COMMISSIONER SHIP: Yes.

SENATOR CRYAN: I just found that to be-- Because you had at least 2 out of 10 just on the response rate.

COMMISSIONER SHIP: Absolutely. And that's why it's important to -- when we're making these decisions, not only in the Attorney General's Office, but in other licensing agencies -- that we have a diverse body of people at that table. Because there may be another way to contact that individual. For example, if they say, "Now we're contacting everybody by Internet," there's a digital divide in our communities. And they just found that out recently when a lot of the educational facilities now had to have children learn via the Internet, via virtually. Some people are not connected to the Internet.

SENATOR CRYAN: Eighty-three thousands students did not have access.

COMMISSIONER SHIP: Yes, yes.

So that's why it's important for us to have that diverse group of people, whatever policies that we're putting in place, or whatever prerequisites that we're developing. And especially when we're talking about recruiting or inducting people into various different occupations.

SENATOR CRYAN: And last, for me, is recruiting. I'm sorry, but you guys are the experts. What do you do if you want-- Do you have any ideas on recruiting for agencies, as to how they-- My expectation here -- it's just me; I haven't talked to anybody -- is that we're going to do a lot of requirements for diversity plans; that we're going to make agencies report against diversity plans and how to attain--

COMMISSIONER SHIP: And that's critically important, and we support that legislation. But that legislation, by itself, is not enough.

SENATOR CRYAN: So that's my point; how do you get there?

COMMISSIONER SHIP: Until you start to take some affirmative steps in requiring and making people justify as to the reasons why they have been -- certain people have been shut out-- Until we do that, we're not going to have the information we need to go forward with, to improve that situation. So we have to require that.

To give you another quick example: When we went to the State Police regarding those 25 applicants who were turned back subjectively, we asked-- Because we brought them there, we partnered with the State Police on that recruitment effort. We had a major recruitment effort at Rutgers University in Newark. And we vetted those individuals, most of them. And when we asked them; "Oh, well, we can't tell you, because we wanted to -- maybe there was some prepping we could do for them the next time around." So when we would ask them; "Oh, well, we can't tell you why we knocked them out, because it's personal." "We didn't ask you for names; we were just asking you for some of the reasons why they were put out of the process so we could better prep them the next go-round, you know?" So it's roadblocks.

And I will leave you with this. One of our members -- he was a Lieutenant Colonel for the Louisiana State Police. And I asked him -- because we always seem to be having challenges here in New Jersey -- so I asked him, "What did you do" -- and he really diversified that department -- I said, "What did you do to diversify your State Police in Louisiana?" He said, "Jiles, it was easy." He said, "The governor told me -- she told me to get it done, she gave me the resources I needed, and I made it happen."

So if you have the leadership that wants to get it done, and a willingness to do it, and are provided with the resources, it can happen if they want it to happen.

SENATOR CRYAN: Thanks.

I will tell you we're generating legislation now on the cohort piece. The will, I think, is here now.

COMMISSIONER SHIP: Very good.

SENATOR GREENSTEIN: Senator Rice.

SENATOR RICE: Yes, I just want to add a couple of things to what Jiles said.

First of all, the last statement is the most important. There has to be commitment on the part of the Administrator, the Mayors, the governors, the county execs, etc., and the Legislature. And if there's a commitment, then the resources have to be placed there. And it's not just in policing, it's in everything we do. And this is why New Jersey is still one of the most discriminatory states and racist states in the country, and we don't want to speak on it; at least the Federal government, under Lyndon Johnson, spoke on the realities of racism, okay? It offended people, but he spoke on it.

And the reason we say that, we have a Chief Diversity Officer now in the State of New Jersey. She (indiscernible) a lot of things, but the reason I raised the office is because the reason procurement practices in New Jersey are still 2 and 3 percent is because none of them had real commitment; they had real rhetoric.

New York -- everybody, the governors, including the governor who is there now -- in fact, he put some more money in -- they actually went

from 2 to 3 percent to over 30 percent procurement because they were committed to diversification. But they knew in order to that, it took resources, and they didn't short-change the resources. They put in what was necessary to make it happen.

There are a couple things in policing, and all the stuff that is impacting us, to help people on the streets right now that no one likes to talk about, because they don't like to use the word. *Racism* is still real, and biases in some of these departments -- not all -- and with people in leadership.

And politics is the other variable; and exclusion. You put those three together, we're never going to get from point *A* to point *B*.

So how do you talk about diversifying a police department, and not have a diverse team talking about what the policy should look like, what the barriers are? And that's what's happening right now in the State of New Jersey, and that's why we keep saying -- and by the way, this is another member of the New Jersey Legislative Black Caucus Civil Rights Coalition Partners, okay? -- and how do you tell us that you're going to do these things, and drive policy?

So the Attorney General was here today; the Attorney General is driving policy. And he says he's talking to Black folks, but what Black folks? Who are the Black folks? Why is-- There's a relationship between NOBLE, but yet some of the stuff that came down -- that we don't really agree with the way it is; we believe the intent -- NOBLE was never invited to the table.

I used this as an example: When you talk about diversity in the State of New Jersey it's usually a team of white folks, or they may reach out to a friend or a pastor who is of color, if you will. But they never reach out to the Legislative Black Caucus, or the Latino Caucus, and say, "Look, you

are going to be at the table.” Because the only people who can make policy in this state are legislators. But yet, we’re not at the table to hear what’s said, to have input.

The same thing in the Legislature. You know, we’re on different Committees; oftentimes we get stuff through, but sometimes it’s just to patronize us, and no one is paying attention -- at least, in the leadership role -- to what we’re really saying.

And so we’re getting ready to spend all kinds of money, and there’s not going to be diversity in that decision; I know that, okay? Even though I’m going to try to get it.

And so I think we need to be real clear about the history of where we’ve come from. So when I get the opportunity to speak, I always speak from 1619 to the present. A lot happened in between that, and people didn’t do what they were supposed to do for the politics, if you will. And the exclusionary piece was part of the racism -- and the politics, in and of itself -- and the racism. Had they addressed those things -- even in 1967, if you look at what occurred then, and why it occurred, then 2020 is 1967; and it was ignored. And today we’re still ignoring, and I know, as Chairman of the Legislative Black Caucus, and our (indiscernible) partners, we know that every time we do something successfully, working together, it’s like pulling hen’s teeth, okay? We know that we’re always up against it, because as Richard Smith from the NAACP said, we’re the most popular thing in America right now -- Black folks. Everybody wants to help Black and brown people, you know? -- until the people get off the streets. And that’s the way it was. When we got off the streets, we stopped going to courts, we stopped

acting crazy, okay? We can act intelligently, but when we stop acting crazy, then folks do what they want.

And I can name every governor since I've been here. As far as I'm concerned, the best Governor we've had, since I've been here, was Governor Tom Kean. The rest of those Democrats were patronizing us; and today, we're still being patronized. And I know the Governor says he doesn't like the word *patronism*, but we know what patronism is, in terms of the definition to us -- our definition.

So on the community policing piece, I came from one of the first community policing concepts, when I was in the Police Department back in 1973 in Newark. And it was called *team policing*. It worked effectively. But one of the things, when I hear people talk about community policing today, they talk about the interactions and what the elements -- the human resource elements should be. But they forget the one piece, and that's the intelligence piece. You cannot have community policing that's going to be effective without an intelligence piece out there. Someone has to know that everybody is interacting and working together, okay? And those things are happening. But someone else needs to be saying, "Hold it. We're doing good, but something is getting ready to go down in the community;" and they need to get a grip on that before it happens in order to keep the community from going. So intelligence always has to be placed in community policing.

SENATOR GREENSTEIN: The good thing is our Committee is getting a start on this by having the hearings. We've learned a lot, we're going to learn a lot more, and then we can decide what can be done legislatively, what might need to be done in a different way.

But at least we're on the path to getting some good things done, I hope.

SENATOR RICE: At my last meeting with the members of the Legislative Black Caucus and the Civil Rights Partnership -- we meet every Tuesday -- we feel this Committee is going to do good work. But we believe, at the end of the day, there are folks who are not going to listen. And the Committee's good work has to be inclusive of those of us in the Caucuses. And I know you respect that; exactly, exactly.

But the leadership has to be committed to it, and not politicking in both houses. The Governor has to be committed to it, and not politicking. And that's why we said that we have to define *justice* for people of color.

SENATOR GREENSTEIN: (Indiscernible) (microphone not activated)

Thank you very much.

COMMISSIONER SHIP: Thank you. And I can just say--

SENATOR GREENSTEIN: See all this great discussion that--

COMMISSIONER SHIP: Yes.

And just for the record, too, the Minority Chair has reached out to us and has been working aggressively with us also; so folks from both sides of the aisle.

So my hope is that we will come out with something from all of these discussions that I know -- not only productive, but will also have an impact.

Again, thank you.

SENATOR GREENSTEIN: Thank you very much.

The next speaker is Pat Colligan, President of New Jersey State Policemen's Benevolent Association.

PATRICK COLLIGAN: Good afternoon.

SENATOR GREENSTEIN: Good afternoon.

MR. COLLIGAN: I'm here before the lights go out, so I guess that's a good sign.

First of all, I am honored to be here amongst incredible professionals in all their respective professions; honored to be here and honored to have the opportunity to speak to you in the Committee.

As you know, I have the honor of being the President of the New Jersey State PBA. The State PBA represents the vast majority of law enforcement officers here at the Federal, bi-state, State, County, and local level of government.

But regardless of the union affiliation, I know that the men and women who become law enforcement officers do so with pride in themselves and an overwhelming desire to serve the people of their communities. I've always called it a *vocation* and not a *job*.

I would hope that we have been asked to participate in this hearing because you know and trust us. We do not take irrational positions on legislation or matters of public policy. And you know that we bring solutions and expertise to the table.

We always take a thoughtful approach; and when we enter a debate, there is no more critical time for reasonable discussion on policing and police officers than now.

The State PBA has been in existence for almost 125 years; and in all that time, we have led the charge for a more professional, better trained,

better respected law enforcement profession. So I will continue to speak out on behalf of the security and treatment of New Jersey law enforcement officers.

I understand, very clearly, that we are not having a national discussion on policing and the mistrust of the police simply from one heinous act. I respect that there are those in our communities who do not see the police as friendly, helpful public servants. I'm never going to stand here -- I never have -- and say we do not have officers who tarnish their badges or commit acts that violate the trust.

I was among the first law enforcement professionals in New Jersey to call George Floyd's death *murder*, and a shameful act that shocked the conscience.

We're not trained to be social workers, and sometimes circumstances that involve violence can't wait for one. Mental illness is a perfect example, because as you know from the statistics here in New Jersey, the majority of police deaths involve people with mental illness. We must be honest about this. Government made that the problem of the police when you legislated the closure of our State's mental health institutions.

We do not ask for those encounters. We have never been sufficiently trained to deal with them. But do not blame an officer when dangerous split-second decisions about public safety are dropped in our laps.

I know that you're curious to know where the PBA stands on major reform issues, like training, licensing and funding for policing. I will touch on those issues now.

I say, frequently, that New Jersey's police officers are the best trained and most professional in the entire United States. That is not a brag,

it is a reality. You can train as an officer here, and get hired on the spot almost anywhere in the nation. But we do not accept training from other states as equal to ours; it is not. Whether in the police academies or as continuing education, our officers spend most of their adult lives in training for this profession of ours. There is a reason why we are the densest state in the nation, and yet we ranked 47th in the country in officer-involved deadly force encounters.

I'd like to talk about training, which brings me to the Police Training Commission.

Back in 2008, the State PBA fought to prevent Attorney General Milgram from disbanding the Police Training Commission. Sadly, since that time, and through the Christie Administration, staffing for the PTC has dwindled to single-digit numbers and has never been replaced. The Legislature continues to mandate more training, but you've effectively crippled the effectiveness of the agency designed by law to do the job.

The Police Training Commission was formed in 1961; its powers have not been updated much since. We believe the PTC should be empowered with the flexibility, and with the oversight as such, to enhance the training and professional standards for law enforcement.

The PTC recently approved the licensing provision for New Jersey police. As a PTC member, the State PBA voted in support of that concept. *Licensing* sounds like a powerful word, but it doesn't create a perfect cop. Don't forget that Minneapolis licenses its police officers, too.

In the end, the officer who killed George Floyd has forfeited his job, just the same as if any New Jersey officer committed a felony or any official misconduct today -- without licensing.

We want to work with you to empower the PTC to review a police officer's job under certain circumstances. The Internal Affairs process and the authority of a County Prosecutor already have standards to take cops off the streets. I've said it a hundred times: There is no County Prosecutor, there is no County, with any lack of indicted police officers in this state.

But a Police Training Commission with the set of standards and, most importantly, an understanding of the training and obligations of the profession, and a fair due process for the officers, would enhance this profession.

Some people deserve to be fired, and some are probably not cut out for police work. But out of a combined number of nearly 40,000 State Troopers and other State, County, and local law enforcement officers, those people are few and far between. And I'm asking you to help stop the false PR campaign that every town is hiding a bad cop.

I'm sure you heard the Attorney General adopted an Early Warning System, in 2018, to help identify officers who have issues on the job so they can be directed for guidance and support. You've heard about the Early Warning System today from several of our speakers, and the Attorney General himself. This will help agencies and the public know that a potential bad apple has been identified, given an opportunity for correction, or shown the door.

We support the endeavor as a fair system for evaluation, and would ask that you give it time to work.

That is why we supported the resiliency program the State is undertaking today to make sure any cop who wants help can get it without

fear of internal retribution, and where specially trained resiliency officers can identify and reach out to those they see may be in need.

Again, I would respectfully ask that you look at police officers as individuals, as people who carry much more than a badge and gun with them when they go to work every day. The State PBA, our membership, experienced 17 police suicides last year. It's the worst call to get. To me, that's a preventable officer's death. It's a hard call to get, and, unfortunately, I get it more than once a month.

I also want to say a few words on funding for police. We heard a lot about *defunding* the police today. It wasn't a word I knew of before May the 25, 2020.

To some, it means using government resources for social services that can better serve to keep people out of the criminal justice system. And to some, it means what it says: Cut all funding and close police departments for good.

The first obligation of government is for the safety of the people. You can't have a free and prosperous society where people feel unsafe. I hope that nobody is immune or ignoring this incredible rise of recent violence we have witnessed around our entire country. It certainly isn't at the hands of the police. This experiment of defunding the police and letting politicians make policing decisions has already reared its ugly head with breakneck speed. Look at what is happening right across the river in New York City, or what happened in the so-called *Autonomous Zone* in Seattle where serious crime exploded when the police were driven out, or handicapped, by politicians.

New York just had its bloodiest June on record since 1996 -- 24 years ago. Shootings in New York City are up over 200 percent. We're seeing significant rises of violence right here in our own state. There was an article yesterday about Salem County being a shooting gallery now.

These are nowhere near margin-of-error statistics; nowhere near. It seems the only group not surprised by these incredible numbers are the police themselves.

We only need to go back to just before the 2008 fiscal crisis to see what cutting police did around the state. Our towns lost tax revenue and State aid in 2010. Cops were laid off across the state, and crime rose, especially in places like Trenton, Paterson, and Camden.

The first things cut are community policing units -- which I'll talk about again at the end of my discussion -- then gang and gun task forces, and then calls are prioritized. "A bullet hit your house, but no one is hurt? We aren't sending a cop; fill out a report at the station." That is not a fictional story.

It is a balancing act. If you want more community policing, don't allow our budgets to be so slashed that we can't provide basic services on top of that. If you want a professional, highly trained and experienced law enforcement profession, there needs to be funding for it. You can mandate all the training you like, but it's government's obligation to fund it.

Is the Camden policing model the answer? We heard from the past Chief. The national media seems to think so; but those who really know what occurred there know that Camden Metro sets a dangerous precedent that, today, is full of smoke and mirrors.

They use crime statistics -- and the Chief admitted it here today; it's the first time I've heard him say it -- they use crime statistics that occurred after the Department was almost halved. And they continue to take credit when the entire state later experienced a drop in crime in virtually every single crime category. That was without a blank check from the Department of Community Affairs.

I will tell you what happened there. In short, the City and the union couldn't agree on a contract, and the powers-that-be simply refused to hire officers. Crime exploded as a result, and the police department, and its union contract, was replaced. The new contract is an embarrassment, and despite having almost a decade to do so, they have yet to completely fill their ranks. Another -- I finally heard it in person here today by the Chief. Quite frankly, they never will.

There's a reason Camden Metro loses more officers to transfer than anywhere else in the entire Northeast, and it isn't just because the job is dangerous. What happened there was wrong; union-busting is not the solution to building a better police force. And make no mistake about it: Camden was not an example of defunding the police.

When elected officials and those completely unfamiliar with the law enforcement community jump on the bandwagon for dramatic change because of a horrific incident in a faraway state, it profoundly affects morale. I'm not implying that we should be stagnant and not change; but I'm saying that many of the changes I'm seeing around the country will have a profound effect on crime prevention and crime rates all over the country; changes we see already.

He was murdered at the hands of a depraved individual who we all know now should have never worn the badge. Like others in my profession, like others in all of our professions, those individuals tarnished the hard work and dedication that we all commit to our professional lives.

But I beg you to remember that police officers are hurting, too, today. The phrase *systemic racism* is patently offensive. Is there systemic racism in our country? I'm not going to disagree with that. But to continue with systemic racism in our field is offensive. I reject that premise, and call on you to reject it, too. We deserve more respect than what we are getting, and piling on us does not make our communities any safer, nor does it improve police relations with anyone. It merely drives away good, professional people from wanting to take the job; and it forces active officers to second-guess if putting their lives at risk every day is worth it when forces in the media and in government treat us all as potential criminals.

I've not seen officers more dejected than I do today. The flood of retirements by officers is already national news. We had a national recruiting problem before May 25, 2020. If the list of people who want the job is so long, then the Camden ranks would have been filled the day after Camden Metro opened.

I am proud to be a police officer; I'm proud of the men and women of the State PBA, proud of all of New Jersey law enforcement. I'm going to continue to be a voice demanding respect for our profession as we continue to serve New Jersey as the best our nation has to offer.

Since I spoke quickly and I know I'm under seven minutes, I just want to address a couple questions that I know will be coming.

The first is Civil Service. Civil Service, quite frankly -- and in deference to the current Director -- she inherited decades of mismanagement and defunding of Civil Service. It is easier to move this building 10 feet to the left today, than to have Civil Service change their rules and regulations, quite frankly. I'm being very honest.

I asked, in the one of the meetings a year-and-a-half ago, when I gave her a list of questions of things that we thought -- or suggestions that we thought could improve Civil Service -- I asked why the applicants aren't given an e-mail of where their status is; because they complained about the amount of letters that were coming back. There is not another segment in the computer system to allow an e-mail address to be entered. This is 2020; the Civil Service Commission cannot enter an applicant's e-mail address.

Community policing: I said it earlier, and I'd like to touch on it, because I know Senator Bucco has been asking it a few times.

It's the first item to cut. As Jiles Ship duly noted, it should be a department-wide issue, but it's still something that can be cut when budgets get tight. And last time I heard -- especially from COVID -- I don't think that there's a secret faucet of cash in the basement of the Senate chambers that you can turn on and get all the money you need for these programs. I understand that, and I know the community understands that, too.

Residency: I had the opportunity at this table, a couple of years ago, when the Essex delegation first brought up residency, as Senator Rice duly noted. I feel strongly that if you *incentivize* residency, the officers will move in on their own. When you *require* residency, as I testified at this table

two years ago, the day the five-year limit is gone, the U-Haul truck will be backing up to the officer's house or apartment.

We need to incentivize our officers to get there. I gave a list of 13 or 14 items -- take-home cars, tax breaks, construction application breaks -- there's a myriad of things that will get those officers, that can be money-saving, money incentives, and morale incentives to get them to move to the cities. We don't need to legislate that.

I have to address two issues that were brought up by the Attorney General.

The first -- I was actually offended that he characterized our lawsuits, the five law enforcement unions in New Jersey, as trying to go after -- are hiding rogue cops. We have had a seat at the table with the Attorney General, and we appreciated it, for every single policy that's come out. We've brought great change to this State since the Attorney General took over.

He came out with that policy on a Tuesday; we knew nothing about it. And we had the opportunity to sit with him for two hours, which is why I found his comments disingenuous. Before we filed the suit, we sat with him for two hours and told him what our issues are. Our issues are specifically -- officers who did not violate the public trust. If you want to expose an officer who violated the public trust for the last 50 years, I'll support it. But if you want to expose officers who were merely given major discipline for minor offenses -- alcohol abuse, possibly a domestic violence -- you're going to cause harm to those officers for the rest of their careers.

And Officer Seidle -- I will submit, because I heard that the unions were protecting Officer Seidle. I would submit-- And the history of Officer Seidle -- long supports that the agency knew what was happening with

that Officer, and the Prosecutor's Office knew what was happening with that Officer. So to blame the unions for protecting him is also disingenuous.

Again, I've sat at this table, I've sat in the Assembly chambers. I'll never discount that we don't have bad cops. We will always, unfortunately, despite what testing we do, despite what psychological testing we do, we'll always have those bad cops. Robots do not do this job. I wish they did; I would help represent them, too, I guess.

But in all seriousness, we will always have those officers. But I say again, I've said it in the press, and I've said it here, in 2020 we root them out faster than we ever did.

I sincerely appreciate the opportunity to discuss those issues, the important issues, with you today; and I'm happy to take your questions.

SENATOR GREENSTEIN: Thank you.

First of all, I want to say that -- and I mean this sincerely -- it's always wonderful to work with your organization. I agree with how you characterized yourself earlier -- that you're straight on the issues, you put it out there as you see it, and your pretty on-target with just about everything.

But I'm wondering what your thought is here, in terms of-- First of all, I do want to mention that it didn't seem like there was that much discussion on defunding, and all of the things that it can mean. There's the extreme view, and then whatever. But it was interesting to me that there really wasn't. I don't think that's a big focus of this group, for whatever reason.

So that was interesting.

MR. COLLIGAN: I hope it's because of our professionalism in New Jersey law enforcement.

SENATOR GREENSTEIN: Well, it probably is, to a great extent; I'm sure it is.

How would you-- You've heard a lot here about lack of trust. How would you define the problem in the communities that Senator Rice and others spoke about today? What do you see the problem as being?

MR. COLLIGAN: I agree a thousand percent. And like recruiting -- which I'm sure will eventually be a question -- there's no magic answer there.

I think when you look at the press, the way the press treats officer-involved shootings -- the press will call an agency, like they did mine, and say, "You had a shooting." "Yes." "What race is the officer, what race is the suspect?" "Thank you." Click. "Goodbye."

So are there trust issues? There are absolutely trust issues. But I think that question goes into the midnight hour, and I'm sure nobody wants to sit here at the midnight hour.

There are a lot of answers to that question; there are a lot of issues, and we all have to work on those issues.

SENATOR GREENSTEIN: Yes. Well, I'm just trying to think of-- Because, really, we are in a unique time right now; I think most of us would admit that. And trying to think of how you bring people together-- I mean, we're all kind of hearing so much about community policing. I think one of the things that communities have to vow is, that when they have a program in that, they shouldn't cut it. I mean, we should do everything in our power to make sure that is put up as a big priority.

MR. COLLIGAN: You have DARE, you have GREAT, you have a myriad of programs that all get cut first. When the Chiefs find themselves

at skeleton crews-- You know, I'm sure the Sheriff and Senator Rice remember those days that you have a minimum shift, and there's no extra manpower to do the extra stuff.

SENATOR GREENSTEIN: Right, right.

And I almost hesitate to bring this up, but in my opening statement I used the term *systemic racism*. And you said the cops feel disrespected.

I know I didn't mean it that way; I'm talking about it as part of a general problem in society. I don't think I'm thinking of individual police officers, but I'm thinking of institutions--

MR. COLLIGAN: And Senator, it wasn't directed to you.

SENATOR GREENSTEIN: Oh, I know.

MR. COLLIGAN: It's-- I've never heard the word *systemic* -- more in the last two months than I've ever heard it in my entire life.

SENATOR GREENSTEIN: It was also *institutional*. It means about the same thing, but I think the way--

MR. COLLIGAN: We have implicit bias issues; there's no doubt about it.

SENATOR GREENSTEIN: Right.

MR. COLLIGAN: Implicit bias training has been valuable for our officers to understand that, yes, they do have an implicit bias. I don't care who you are, you have an implicit bias.

SENATOR GREENSTEIN: Yes, right.

MR. COLLIGAN: So to that point, it wasn't directed to you. It's just--

SENATOR GREENSTEIN: No, no, I know. I wanted to say, because I did mention it, I see it as part of a larger problem in society that most of us just live with and don't think about most of the time.

MR. COLLIGAN: I would agree.

SENATOR GREENSTEIN: Now, Senator Rice and the Black Caucus do talk about it and think about it a lot. But I think, for whatever reason, we all just live with the way this is. And I think we're all saying to ourselves now, "Maybe we need to examine some of these institutions." But just lack of opportunity.

MR. COLLIGAN: We always have room for improvement. We never want to be stagnant, especially in our field.

SENATOR GREENSTEIN: Yes, so hopefully we'll all consider that, and talk about it, and see what we might come up with, I hope. That's the goal of today.

MR. COLLIGAN: Yes, agreed.

SENATOR GREENSTEIN: Do you have anything, Senator Bucco?

SENATOR BUCCO: Pat, it's always good to see you.

MR. COLLIGAN: Same, Senator.

SENATOR BUCCO: You took my question away about community policing. (laughter)

MR. COLLIGAN: I gave you two free ones, Senator. (laughter)

SENATOR BUCCO: I'm a big supporter -- you obviously can tell -- of the community policing. I've really seen that work. You know, there's nothing better than to have the police officer out there, interacting

with the public, getting them so that they know who they're talking to on a daily basis. I'm just a big proponent of that.

One of the questions that hasn't been asked today -- and I'm wondering maybe you're just going to say "No, it's no impact," but years ago we had big to-do about quotas. Is it still an issue today, and does it have an impact in this area?

MR. COLLIGAN: It's still an issue today.

With the advent of the 2 percent property tax cap, these towns and counties have no opportunity to increase taxes, unless they go through the rules promulgated by the Senate and Assembly, on how to do that.

So there is one way to do it, and that's to send the officers out writing tickets, writing summonses, writing quality-of-life tickets. As I think, maybe, Senator Rice or Jiles Ship -- a \$500 ticket is life-changing for many people. And it's not easy, as an officer, to be ordered to go out and have a zero-tolerance policy. It's happening right now; it's happening in some cities right now, as we sit here.

And that has always been a difficulty. It gives the officer no discretion; it doesn't allow the officer-- You know, the one thing that they haven't taken away from us is discretion; the ability to say, "Hey, you're urinating in public." Okay, he's intoxicated; okay, let's get him to a homeless shelter -- whatever. When we're told to come back with a quota -- I don't want to say *quota* -- but when we're told to come back with tickets, we need to come back with tickets or it's in our evaluation.

So yes, it's still going on. It has a profound impact on policing, especially in the urban communities.

SENATOR BUCCO: Thank you; and if we need to address that, we certainly can.

MR. COLLIGAN: I believe Senator Turner has a bill that we've helped craft a couple years ago, and it's been sitting. But we're happy to move that along again.

SENATOR BUCCO: Thank you.

Chairwoman, I apologize. No disrespect to the last three witnesses -- I have a meeting back in my District for my work. So I'm going to have to leave.

SENATOR GREENSTEIN: Thank you for spending such a long day here.

SENATOR BUCCO: Thank you, thank you. Your leadership was great today, through this process.

SENATOR GREENSTEIN: Thank you.

SENATOR BUCCO: Thank you.

SENATOR GREENSTEIN: Senator Rice.

SENATOR RICE: Yes; we can agree and disagree.

I just want to correct something. When the Essex delegation met with the PBA, and some others, it was a very interesting meeting because when we had the meeting, we explained the rationale for what we were supposed to be doing; and it's perspective and permissive. And the first question, if you remember -- I never forgot the words -- the first question that came about was, "What's in it for us?" And I looked around, and said, "Excuse me? We pay you every week; this is prospective."

SENATOR GREENSTEIN: Do you remember who said that?

MR. COLLIGAN: Not me, ma'am; not me, Madam Chairwoman.

SENATOR RICE: No, no, it was the other guy. (laughter)

But I said to myself, "You have to be kidding me." And I went off, because I'm a former cop. I pay dues into these organizations, okay? And I never said "no" to them, pretty much; and they've been supportive, too.

But there's another aspect to that, because when you stabilize your community for professionals -- like police officers and others, teachers, etc. -- then your tax base stays steady, you give more money to the merchants. So when you talk community policing, you're also talking about the fact that John Caufield, a fireman, and then the Police Chief who lives around the corner from me, went to the corner store.

So that was community policing; even off-duty, it was still a community. They recognized -- they respect the fact that the Chief lived around the corner.

And so there's value to that, and we never talk and debate the value. It's not to do harm to folks.

And then I remember, during that period of time, we used to tell police officers we'll give you \$5,000 to assist you with home ownership. Then the sanitation guy said, "Wait a minute. We don't make much money, but why do you always say fire and police? What about us? We live here, too."

And then I remember the cop who we hired from Newark, a Black cop-- He lived in Newark pretty much all his life. As soon as he became a cop, he moved to Plainfield. Then when we said we're giving an incentive, \$5,000, he called me and said, "I understand you are paying us to move back

to Newark.” I said, “We’re not paying you anything. We’re paying you to do your job.”

So it’s kind of mind-boggling, okay?

So I don’t call it *incentives*; it’s to do the right thing.

And it’s not that you’re there forever. You’re there a year now, if you want to be, okay? And so I don’t know what that pushback is, but I do want to say that pretty much what Pat said is right on the money. And when we talk about racism, Pat, I know myself, and I know the Senator and others -- we’re not talking about across the board. That’s why I keep referring back to the 1960s, because we know what that was like before we moved all of this Federal legislation for integration, and all of that. But I also go back to the Kerner Commission report, because what happened back there, and the reason for it, is happening today. Had someone listened back then, we wouldn’t be talking about it. And this is not society as a whole, this racism; it’s a handful of folks.

In the Legislature -- I’ll say this openly, because I don’t mince words. I’m like you; we’re like brothers, okay? -- is that in the Legislature there’s racism, but it’s not intended. There is some intended, I believe; but it’s not intended -- there’s unintended racism as well. And that’s only because of actions -- things we do -- and that’s because of a lack of education and other kinds of things.

So I don’t like us to use language out of turn, but I also don’t like us to shortchange language. When I told the Governor we don’t like being patronized as Blacks -- because he understands Civil Rights -- he said, “I hate the word *patronism*.” And he really does. It does something to him, because he doesn’t feel he’s patronizing, and he’s not. But people in his

Administration are, and we know when we're being dragged along, and dragged along, and dragged along. We know when a bill passes a Committee, and then it sits up there and never gets posted; or we know when a bill gets into Committee and never gets released, okay? But we watch whose bills do get released -- that's the politics of the process.

So unless we remove those kinds of barriers, then we're never going to get to where we're supposed to be.

The policing -- and I need to say this, because I may not even give testimony, but I need to say this for the record -- the idea of policing is to have an orderly society. And so the whole job of police is to deter crime, prevent it, and to do apprehensions when necessary; but also diminish or eliminate the opportunity for the crime. It's not all this other stuff that's running around, okay? And that's why we lost it by-- And by the way, funding -- I would never vote to defund police departments. I've been trying to figure out how to get funds to increase the numbers, because every police department I know of, in major cities, are already diminished in the number of officers they should have, and the kinds of things they need to do, to do good policing, okay? So I would never defund it.

Now, if you want to talk about how we are using funds, in terms of programs and things like that, that's a whole different thing.

And so I think that we need to not even have a conversation about defunding; redirect, or reassess, and etc.

So I just want to say that we're on the same page. We disagree in the Legislature-- And I'm going to tell you the pushback. The pushback is when-- Because the way Black folks get hurt, and brown people in our communities, is when our supporters -- who support me, support you, and

someone else -- they start to push back with the support of events and things that we do. And then legislators know that we are right about the policy, but we don't move the policy. We don't tell folks that we're going to move this anyway; we're not going to harm you, we're going to see how this works, we can always come back and change it. There are not too many things we can't change here.

And that's the problem that we have, and that's why the Black Caucus and our Civil Rights groups have to step up to the plate. If you take labor organizations -- not police, labor organizations -- the trades. We know we have to sit there and have a tough conversation about getting more people in the trades, because we cannot keep funding stuff -- even though they support us with tickets, and financial, and help us get elected -- we can't keep supporting the same old system when folks in our cities aren't being trained for the jobs. And then when we put money in for training -- like we did under the Corzine Administration; one-half of 1 percent -- the money goes back into General Revenue.

So as Black elected officials, Black Civil Rights leaders -- we're placeholders if we don't understand the history of how we got here. And our voice should be for everybody. But we have an awesome responsibility, and a particular responsibility to speak out for minorities and women. And we should not be ashamed of that; which means that I'm not going to be the Chair of a Committee for doing that, because I offended somebody with the politics. But I'm going to fight to get my stuff through. It may mean I may not get elected the next time, because the support system decides, well, on these one or two issues, they want to push against me, or you, or someone else, and we're no longer here.

Well, that cannot weaken our ability to move forward with what's right. And by not having people at the table having these discussions-- When I spoke with these State organizations -- Senator Singleton and I -- it was very clear that a lot of things were happening without input. I would rather talk and have Pat tell me, "It isn't going to happen," and say, "Well, you know what, Pat? We had this conversation. We can't work it out? It is going to happen," and then we fight.

But if you're never called to the table, you're excluded. And that's what happened with minority leadership, statewide, at all levels of government; and women leadership, all levels of government -- is the exclusion, the politics, and the racism that are the barriers to what's stopping the progress of today, and creating problems for law enforcement, communities, etc.

That needs to be said; and like I said, there's a whole history behind that.

SENATOR GREENSTEIN: Senator Cryan.

SENATOR CRYAN: Quick, because we're certainly late.

Civil Service doesn't have e-mail? I just need to digest that one for a second. (laughter)

MR. COLLIGAN: And that was one of our many, many recommendations.

Two pages of recommendations, including to the Chief of Camden's point -- having a yearly test would resolve a ton of problems; just having a yearly test. They have the infrastructure set up to do it.

So one of the things that they said was, that a lot of the-- They apply for the Civil Service test, they send out a mailing. If you're living in an

apartment or you're living in a rented home, chances are you're going to move within a couple of years. And by the time the test comes around, they get thousands of cards back. And I asked the simple question: Why aren't we just e-mailing them? And they looked at each other and said, "We can't do it. We have no room left in our system to add an e-mail box."

SENATOR CRYAN: That's amazing.

One of the things Jiles Ship, in his recommendations -- was text in this day and age, right?

MR. COLLIGAN: Right.

SENATOR CRYAN: E-mail or text; I'm pretty sure we're going to look at that.

And my other two questions are requests. Can we get a copy of the incentives? Is that okay?

MR. COLLIGAN: Yes, absolutely, Senator. I'll do it through the Chair.

SENATOR CRYAN: Can we get a copy of the Civil Service stuff? Is that through the Chair?

MR. COLLIGAN: The questions I presented a year-and-a-half ago? Absolutely.

SENATOR CRYAN: Well, you know, we'll catch up, right? That's what we do.

And my final thing is, I would like you to comment a little more on the mental training; which struck me, from the gentleman from Camden -- I didn't go on it too much, because we're short on time -- his assertion that someone in 2011 was going to be shot; I found it offensive. And I was just

wondering if you could talk about mental health training and those sorts of things.

MR. COLLIGAN: Look, the cry for training has really, since Ferguson, been palpable. And the Police Training Commission, unfortunately, I know it's part of the initiatives that the Attorney General has, is to profoundly impact and change the Police Training Commission, because I think it does need to be changed. It can't, now, with three or four staff members, but--

SENATOR CRYAN: By the way, how many should it have? I'm sorry, but I was shocked by that.

MR. COLLIGAN: They have single-digit staffing right now. They're down to three or four people at the Police Training Commission.

SENATOR CRYAN: We should really look at that.

MR. COLLIGAN: When I was on the Transition Committee for the Governor, that was one of the issues I brought up -- the Police Training Commission.

SENATOR CRYAN: Okay.

MR. COLLIGAN: But the problem-- The archaic issue with the Police Training Commission is, we have a set -- we have a syllabus that's 21 or 22 weeks for the basic course for police officer. When you want to add something, you literally have to take something out. Hopefully, what you're taking out is old, or it's no longer-- But there's no easy way to add additional training. I would say add a week to the Police Training Commission.

SENATOR CRYAN: Why can't you?

MR. COLLIGAN: It seems easy to me. But like the Civil Service and moving this building over 10 feet -- I think what I hear often is, "That's

the way we've always done it." And when I became President of the State PBA, in my own office I said, "I never want to hear that phrase again -- that's the way we've always done it." That's a poor excuse.

This is how we have to do it, and that's what I hope will happen with the Attorney General's-- The Attorney General is going to be asking for more money for the Police Training Commission, he's going to help to revamp the Police Training Commission, and we are solidly behind him with those initiatives.

SENATOR CRYAN: Thanks for waiting today, too.

MR. COLLIGAN: Thank you, sir.

SENATOR GREENSTEIN: Thank you very much; we appreciate it.

MR. COLLIGAN: Thank you, Madam Chair.

SENATOR GREENSTEIN: And thank you for waiting all day.

MR. COLLIGAN: Thanks.

SENATOR GREENSTEIN: The next person is Nadine Jones from The Initiative; it's called *The Initiative*. She'll tell us about it.

NADINE JONES, Esq.: You must all be exhausted.

My name is Nadine Jones, and I'm the Co-Founder and Executive Director of The Initiative: Advancing the Blue and Black Partnership.

I am a 2003 graduate of Howard University School of Law. I worked as an Associate at a major Washington, D.C. law firm, and also served on a temporary Congressional commission.

For the last eight years or so, I have been the Vice President of Compliance and Corporate Counsel for a multibillion-dollar logistics company, with the U.S. headquarters based in Jersey City.

First and foremost, I want to thank the Senate Law and Public Safety Committee, and Senator Greenstein in particular, for giving me and my organization the opportunity to have a voice in these critical discussions. The opportunity is not lost on us, and we are grateful for the chance to provide input today.

Next, allow me to explain a little bit about who we are and why we are in this space.

A group of Howard University alumni and their friends founded The Initiative to end police violence and implement a collaborative approach to building healthy, scalable, and immediately actionable community policing models. *The Initiative* builds upon the long history of Civil Rights advocacy and education at the Howard University School of Law and our collective corporate training.

Many of us, also, are parents of Black children, and parents of Black sons, in particular. This year has been challenging for all of us, dealing with COVID-19 and the eventual shutdown of the country. We were watching the death toll rise from this virus across our nation; these images and numbers climbing each night, representing the loss of human lives.

Then we saw another horror that will no doubt forever be seared into our consciousness. We witnessed the horrendous killing of Ahmaud Arbery, by a former police officer, while he was jogging in Georgia. It piled on yet another layer of distress to a country already weakened by enormous pain.

When George Floyd was killed, for many of us -- at least, for those of us who founded The Initiative -- we simply could no longer sit by the sidelines on this issue. The fear of Black Americans, borne out of a history of negative interactions with the police, is a fear that mostly every parent of Black children share. For us, we had reached our emotional, mental, physical, and spiritual maximum capacity of what we could bear.

In addition, we felt compelled to act because we knew we could draw upon our professional training, experience, and network to effectuate a meaningful and impactful solution. We had no choice but to act.

I'm sharing this with the Senate so that you can understand our *why*. Many of us in the Black community have normalized this fear of police interaction with our children, and have accepted it as being inevitable.

Each parent of a Black child knows that it is imperative to have "the talk" with our children about how they should interact with police; or how to ride through a community; or not to carry backpacks in the store in order to avoid interactions where they are viewed with suspicion, which could ultimately save their lives.

This "talk" isn't the normal talk that most parents of children of all races have -- so namely, stay away from drugs; get good grades; don't text and drive; don't bully, or let someone know if you are being bullied; don't let anyone touch you in an inappropriate way; and last but not least, make sure you know what to do if there's a school shooting. Sadly, these are universal fears that all parents of children of all races share.

But "the talk" to which I am referring to is the discussion that parents of Black kids have, over and above the other fears that other parents

might have, which teaches children what to do if stopped by the police. We consider this talk to be imperative to them surviving the encounter.

I respectfully submit that there is no age-appropriate time for a parent to have this talk with their children, when the basis for this discussion is solely the color of their skin.

So understanding this backdrop will better allow you to understand why our approach to police reform leans heavily on taking immediate, actionable steps as a necessary corollary to solutions that rely on more traditional approaches, such as long-term litigation. We support the latter, and understand that advocacy and litigation are important to advancing Civil Rights and human rights. But the benefits of these efforts likely will not be seen for many years to come.

So The Initiative, and our approach, is unique, and it is unique for three reasons.

We seek to implement change at the ground level, at a local level, in a manner that can generate demonstrable and measurable results in the near or immediate future. Why does that make us unique? It means that we are operating at a different frequency than many others operating in this space. For example, we wholeheartedly support changes to legislation that would ensure that qualified immunity cannot be abused by the law enforcement officers that the doctrine actually exists to protect. But to the extent there is Federal or state legislation on this issue, we would also anticipate there will be challenges to that legislation in courts, up to and including the U.S. Supreme Court.

And so while we support these legislative and judicial processes, it is not the frequency at which The Initiative seeks to operate. We would

seek to implement measures that can more immediately restore public trust in the police, while the legislative and court challenges to immunity, or other changes, are underway.

At its root, the renewed interest in revising, or even eliminating qualified immunity for police, stems from the fact that a significant portion of the public has lost trust in the judgment of the police. If this trust can be restored, or at least improved upon in the near future, it allows for an immediate improvement to police-community relations that may actually create a basis for successfully addressing these changes down the road.

I'll go quickly.

The second approach that makes us unique is that we are applying a corporate, compliance-based, scalable approach to solving this problem. Professor Barry Friedman, Director of the Policing Project at the NYU School of Law -- who is an advisor to us, The Initiative -- notes that this is a key distinguishing feature of our program that simply does not exist in police departments today.

So as we all know, or may know, the Federal Sentencing Guidelines provides companies and corporate institutions with a roadmap for developing an effective compliance program. And it encourages ethical conduct and a commitment to compliance that seeps into the culture of an organization. And I've heard that mentioned throughout the day -- that culture can be very separate and different from policy.

The third element of our approach necessitates collaboration amongst key stakeholders -- Senator Rice, I specifically heard you mention that -- and it's important that we develop a shared vision of community policing. We intend to work with state and local legislators, state and local

leaders -- governors, mayors, police leaders, police unions -- if they're willing to work with us -- and Black and brown community leaders, to develop and implement our proposed solution.

We will also be working closely with the Thurgood Marshall Civil Rights Center at the Howard University School of Law to ensure long-term viability of these approaches.

How are we on time? Do we have a few more minutes?

SENATOR GREENSTEIN: (Indiscernible).

MS. JONES: Okay, okay; I'll go really quickly.

Okay, so I just wanted to touch on some key areas of reform that we believe can be actionable by the Senate.

The first we've already talked about, or you've already talked about, which is the mental health first responders. We happen to think that New Jersey's far ahead of many other states, because it does have PerformCare, which is like the equivalent of mental health 24/7 responders, for residents who are age 21 and under.

And so we applaud New Jersey's progressive stance in this area, quite frankly. And the recommendation that we have to the Senate is to create a statewide version of PerformCare for residents over 21 years old. And also we would advocate allowing 911 operators to direct calls to PerformCare, or a similar institution, as part of their triage function. So Eugene, Oregon, and CAHOOTS have already employed this with much success.

We would incentivize our police departments -- we would recommend incentivizing police departments to track-- So year-over-year reduction in misconduct lawsuits or complaints could inquire to maybe a

budget increase. So have the police departments track the excessive force complaints and lawsuits, freeze budgets for police departments with excessive force complaints, exceeding a specified number. And you work with the police -- you work with the police unions to find out what that number is. Increase the budgets for police departments with excessive -- that are able to achieve a year-over-year reduction in the number of excessive force complaints, and lawsuits, and settlements.

And we would also recommend -- which I'm sure will be met with some controversy -- but recommend that each police division pay, out of their own budget, 10 percent of all settlements or judgments arising from excessive force lawsuits due to conduct by a police officer within that division.

So why do we think this approach will be successful?

The police department's themselves will be incentivized to identify officers with a high number of citizen complaints for excessive use of force because there is a natural progression from complaints to lawsuits. If a police department's budget will be tied to the number of lawsuits filed and settled, then there is an internal motivation to identify, intervene in, or even remove officers who are not able to perform their duties without evoking a high number of excessive force complaints.

And, very briefly, the third -- the last point is that performance and promotion evaluation should be heavily weighted to the values that we say we want to see police officers employ in their policing. So if community policing is the value, the standard, which we want to see policing universally in New Jersey -- and I would say, quite frankly, New Jersey should be the beacon, can be the beacon, for the rest of the country. And as we now know,

what happens in one city can affect the other. So as your rising tide lifts, you are raising boats across the country, because we're all connected.

So Camden, and New Jersey's, police departments received high praise; also Newark has shown great progress. We believe that alignment of performance evaluations and promotional opportunities will ensure that community policing remains an important element of policing. And it will eventually elevate those officers who have a natural gift, leadership skills, and talent for policing in this manner. It is important to reward officers who do this well, and encourage those officers for whom community policing does not come naturally to try to develop those skill sets.

And I will end here. I just want to say that we're so grateful for the many steps that New Jersey has already taken in this space. We've looked at a number of jurisdictions in different states, and we think New Jersey is ahead of the curve, quite frankly; not to say there's not more work to be done.

But I do want to leave a final statement to say that, in conclusion, that there is not a community in America today that does not want to feel safer, or a police officer who does not want to feel supported. We understand that. And so the time to act is now.

Thank you, again, for your time.

SENATOR GREENSTEIN: (microphone not activated)

MS. JONES: The main problem -- and I've evolved since starting this Initiative, because I've spoken with such wonderful police officers who are doing great things in other cities and here -- I think the main problem is, the police department has a credibility crisis. So that's different than saying there's systemic racism that's rife within the police departments. I agree that there's bias; absolutely anti-bias training needs to be had. But

there's a credibility crisis. A significant percentage of the population, across racial lines -- I mean, these were protests that I had never seen before -- don't trust the police. And they're not credible.

And so we really need to work at changing that, and I'll tell you why. As a Black woman, a mother of a Black son, if I don't trust the credibility of the police, then I don't feel safe around them. And I believe that I have a right to feel safe around police, just like I believe the police have me to feel supported. I can only imagine how difficult that must be to go into a community that is hostile towards you because they don't trust you.

So there really is no way, in our mind, for us to resolve these issues in silos. It has to be done in a collaborative way. It can't just be top-down; we have to listen to the Black community and the brown community and see how they want to be policed. What do they need to feel safe?

We need to talk to the blue community, right? Because they're the experts. You don't just wake up one day and know how to make a widget, right? You need to talk to somebody who's been studying widgets for 30 years, and so forth.

So we do this often in the corporate world, bringing different voices, different lenses. You know, you have to learn how to speak money to the business folks, you have to learn how to speak IT. I mean, in order to get anything done, you have to be able to form some type of coalition and see the issue through other people's lenses. And you come through with a solution that works and can be measured.

And that's what we propose to do.

SENATOR CRYAN: Your stuff is thought-provoking, a little bit out of the box, and much appreciated.

Do you guys have a website, or anything like that, for—

MS. JONES: We have a website, a press release.

SENATOR CRYAN: Okay.

So I tried to Google while you were talking; do you know the website off the top of your head?

MS. JONES: Sure; it is *theblueandblackpartnership.org*.

SENATOR CRYAN: And I just wanted to follow up on the incentivizing thing.

MS. JONES: Sure.

SENATOR CRYAN: They're interesting ideas, and should be discussed. You're darn right -- they would be a little bit controversial, right?

Have they worked in other places, has there been anything like that in other parts of either New Jersey or the country that you're aware of?

MS. JONES: Not that I'm aware of; not that we are aware of. This was something that we, again-- I mean, we're not trying to turn the situation into a corporate issue, but these are incentives that we see commonly in the corporate world when dealing with customers.

SENATOR: Sure.

MS. JONES: Policing is an interesting area, because it can also be disconnected from the prime consumers of the service, which is the community, right?

SENATOR CRYAN: That's a good point.

MS. JONES: So they do things in isolation. And when you're in the corporate world, you don't have that luxury. Your consumers will let you know, pretty quickly, how you're doing; and you react to that.

SENATOR CRYAN: I just want to leave with this.

I find the résumé, your time, your dedication to this, and the difference that it clearly makes -- much appreciated.

Thank you for that; thank you very much.

MS. JONES: If I could quickly say -- and I know you have another person -- I really want to just mention that my company put me on a paid sabbatical for six months to do this -- we'll have to find a replacement after me, of course -- but it's because they feel so strongly.

SENATOR CRYAN: Really?

MS. JONES: Yes, they did.

SENATOR CRYAN: The logistics company you work for?

MS. JONES: Yes, Kuehne and Nagel. They're pretty much a private company; they don't really like their name out there. But for the record, I'm going to put them on the record, because they did that. Yes, they did.

SENATOR CRYAN: I think it's safe to say, on behalf of all of us on the Committee, thank your company for us.

MS. JONES: I will; thank you, Senator.

SENATOR RICE: Do you have copies of the written testimony?

SENATOR GREENSTEIN: Yes.

SENATOR RICE: What's the name of it again?

MS. JONES: *The Initiative: Advancing the Blue and Black Partnership.*

SENATOR RICE: Okay; is there a contact?

MS. JONES: Yes, and I can leave my business cards for you; I'll leave them at the table.

SENATGOR RICE: Yes, do that, it was very interesting. I did attend Howard University my first year of college, so I guess that's why I speak the way I do.

But I'd like to, maybe, have more dialogue; I'm going to share this with the Black Caucus members.

But I want to say that one thing you mentioned -- and I just need to ask that -- I wasn't clear-- When you said to tie something, a penalty, to the police budget-- What was that you were saying?

MS. JONES: I wouldn't say *penalty*, but more or less a freeze. So if they're unable to reduce excessive force complaints, use-of-force complaints, year-over-year. So let's say year 2020 they get 20 complaints. If they can reduce it by a certain amount in 2021, then they're eligible for a budget increase. If they are unable, year-over-year, to reduce excessive force complaints and/or settlements of claims, lawsuits, arising from excessive force, then their budgets are frozen, as opposed to those police departments that are able to get those reductions. Because then it internalizes the incentive to find the police officers -- and we're not even saying remove them outright, depending on what the violation is, of course. But some people just need more intervention and more training. And you now have an internal incentive to identify and intervene in those police officers who, over time, you know are going to start to play havoc with your budget.

Conversely, you can give more money to those police departments that are very proactive in community policing, which we think will have a natural result of less complaints, less use of excessive force, and so forth. And so you keep increasing those budgets, and they can have great programs, attract great recruits. Although I've learned a lot about the Civil

Service process, so it would just (indiscernible) here. But you are incentivizing them to be proactive to address this issue.

SENATOR RICE: So that could be problematic; and I'm just speaking from being a former police officer; and my background is criminal justice administration and planning. And I'm a former Deputy Mayor and City Councilman in the City of Newark.

And reason I say this is because -- I think if we had a program to give incentives that create competition, that that's one thing. I think when we have a program that freezes a budget, when there is a need to increase budgets in a division or a department, etc., it does harm to the community.

Sometimes is not the police officers. The numbers are not doing what they're supposed to do, in terms of being diminished. Sometimes it's because of leadership, and that may have to be weeded out sometimes in terms of getting it done.

So there's a thin line in that concept that could very well do more harm -- unintended consequences, more harm to the community, particularly in urban communities. Because, traditionally, we can identify bad actors; but the problem in having to identify the bad actors, many times it's been the system protecting some of the bad actors for different reasons, okay?

MS. JONES: Right.

SENATOR RICE: I may be the Chief's friend; or they may be afraid because I'm Black -- you know what I'm saying? Is it a combination? And then you have these networks. Like in Newark, if you look at what happened to Santiago -- they had a little clique going on, and Blacks weren't really a part of that, or minorities. And they eventually kind of, grew; and

then the network stayed supportive to make sure *I* got to be the chief, say, in Bloomfield, and then *he's* the chief over here.

But there are folks around you who may be problematic; but they never get called out because they are part of the team. Do you see what I'm saying?

MS. JONES: Right.

SENATOR RICE: And those of us who come from policing background in the areas, we know the relationships and the actors. It doesn't mean they are bad guys, okay? It's just that --

So my division, or my department, or my agency stays frozen, and I'm in charge because I've gotten those numbers down. And meanwhile, he's on the street suffering, because he can't get the equipment he needs, because he can't get increased funding.

It's something to think about in terms of a concept. But I think if we stayed -- because there are some departments, I think, that are already doing this -- if we stayed with the competitiveness of who can do the best job in overseeing--

And I'm going to tell you something else, for the record; one thing for the record, before we leave, that didn't come up, is the fact that in policing-- I lost my thought--

Anyway, the incentive piece is probably better than using it that way. And there are other issues there, but there was something I wanted to say, and I just lost my thought when I turned and looked away. But it may come back to me.

MS. JONES: Well, one option could be to not tie it to the actual budget, but create the metric -- so that they know that it's something that

the Senate is watching -- to create year-over-year decreases in excessive use. And then that's a red flag for you. If you see a division that is unable to do that, now you can intervene. Do you need more training? What do you need? Why are we not seeing reductions -- but we're seeing them in 20 counties, but the one county can't seem to get it done? It could be leadership, and you might be able to intervene and try to win some hearts, and minds, and changes there. But maybe you don't, out of the gate, tie it to money, but you let them know, "This is a metric that's important to us. We want to see reductions." That leaves it internal, and they themselves will -- hopefully, if they are -- they themselves will identify what needs to be adjusted to bring those types of complaints down.

SENATOR RICE: Madam Chair, through you, as we exit.

Today's conversation has been pretty much on the police as an entity and as officers; and that's good to know those things.

But hopefully I'll be invited back to give testimony, because I think that we're not looking at this from a holistic perspective. The majority of the police officers are good. The question is, why do we have some of these incidents, and a lot of variables for that. Some may need mental health, some may be because of the frustration of not having enough police officers, okay? Some of it may be peer pressure. But what's more important, if in fact the notion is to stop the abuse and reduce crime at the same time -- protect communities -- then we have to go back, once again, to the 1960s and understand that the same conditions exist today. Where people back then, when the Johnson Administration sent the Kerner Commission out to see why, what, and when, and all those causations -- he thought they were going to come back and say that Black folks were agitating and the Klan was doing

this. And they came back and said, “No, your problem is that jobs, housing, health care, education, those things -- if you get those things right, which cost money, then you’re going to have a community that’s working together, you’re going to have a community that is not in poverty, and you’re going to reduce crime, which means you’re not going to have bad officers.”

SENATOR GREENSTEIN: (microphone not activated)

MS. JONES: Thank you so much; thank you.

SENATOR GREENSTEIN: Our last speaker is Brooke Lewis from the Institute for Social Justice.

Thank you.

Did you submit -- you submitted testimony, right?

B R O O K E L E W I S, Esq.: Yes, we did; yes.

SENATOR GREENSTEIN: Okay, thank you.

And you will be our last speaker of the day.

MS. LEWIS: Thank you so much.

So thank you, Senator Greenstein and members of the Senate Law and Public Safety Committee.

I really appreciate this opportunity.

So my name is Brooke Lewis; I’m the Trustee Social Justice Legal Advocacy Fellow at the New Jersey Institute for Social Justice.

So for those who don’t know, the Institute -- we are a legal advocacy organization that works to ensure that people of color live in a society that respects their humanity, provides equality of economic opportunity, empowers them to use their voice in the political process, and protects equal justice.

The undeniable truth, that Black lives matter, is being tested everywhere in our country, particularly in the context of law enforcement killings of numerous Black people in states across the country, including here in New Jersey.

The time for deep structural change is now.

Any police reform effort must center on the community's voice so that new policies and practices directly address the safety needs of those communities. We take this approach, in our role on the Monitoring Team, overseeing reforms to the Newark Police Division under a Federal consent decree; where, through community surveys, public meetings, and ongoing community feedback, we ensure that community needs are at the heart of the reform process.

It's essential, though, that even as we implement these reforms in policing, we simultaneously rethink the entire institution of policing and start working towards reducing its footprint in communities, with a focus on what community members need to feel, and be, safe and protected. This includes investing in alternatives to policing that focus on demilitarization, the use of restorative justice, non-police first responder models, and increased funding for community resources that will allow communities to develop their own methods to keep themselves safe and outside of law enforcement intervention.

This moment, perhaps more than any other in recent history, reveals that America is sick with the virus of racism. We see it in the persistent disparities in wealth, in the persistent discrimination in criminal justice, in the persistent attempts to suppress the vote, and in the persistent violence by police on Black bodies.

All of these things are true right here in New Jersey, where Black people face some of the worst racial disparities in America.

A Black child is 21 times more likely to be in prison in New Jersey than a white child, the highest youth incarceration disparity in America, even though Black and white kids commit most offenses at similar rates.

Black adults are 12 times more likely to be incarcerated than white adults and, unsurprisingly, these racial disparities begin early in New Jersey's criminal justice system, where a Black person is more than three times more likely to have police force used against them.

We urge the Legislature to take the following six immediate steps to transform this unacceptable reality.

First, New Jersey must reform its use-of-force practices by banning chokeholds. Currently, pending in the Legislature, are two Bills: Assembly Bill 4284 and Senate Bill 2617. Both of these will make the use of chokeholds by law enforcement a first-degree crime, punishable by up to 20 years in prison and/or up to a \$200,000 fine. We urge you to pass them.

Second, New Jersey should pass legislation that eliminates qualified immunity for law enforcement. As you know, qualified immunity is a legal rule that provides immunity to officers who commit Civil Rights violations, unless those rights were clearly defined. This rule has prevented countless victims of police brutality from obtaining damages from their assailant in court.

Recently, Colorado passed a bill that eliminates qualified immunity defense for police officers who violate Colorado Constitution's Bill of Rights.

Similar to Colorado, New Jersey should pass legislation that eliminates the qualified immunity defense to claims brought under the New Jersey Civil Rights Act.

Third, it's important that New Jersey safeguard the right to criticize and record police conduct. A citizen's ability to record police conduct without fear of retaliation is critical to ensuring police accountability, and bystander recordings have proven to provide critical evidence in cases of police misconduct, including in the murder of George Floyd.

As part of a Federal consent decree, the Newark Police Division drafted a new policy that provides specific procedures for how police officers must interact with recording bystanders. The policy expressly prohibits officers from stopping, detaining, or arresting citizens for recording police conduct. It limits the exigent circumstances under which an officer may pursue a warrantless search and seizure of a recording device, and expressly prohibits officers from threatening force or arrest towards citizens who criticize police.

New Jersey should create statewide standards for protecting the First Amendment right to record police conduct, modeled after the progressive safeguards outlined in NPD's policy.

Fourth, New Jersey must stop police militarization by discouraging local police departments from participating in the Department of Defense's 1033 program, and increasing statewide oversight of the transfer of military equipment to local law enforcement agencies.

Since 2018, New Jersey has received a total of \$11.8 million worth of equipment statewide. Police militarization undermines the public's

trust and does not reduce violent crimes or increase officer safety. We urge New Jersey to pass Senate Bill 1632, which will increase statewide oversight and transparency regarding the transfer of military equipment to local departments.

And then fifth, New Jersey must redirect law enforcement funding toward developing a non-law enforcement first-response system to address mental health crises. Those living with an untreated, severe mental illness account for at least one-in-four of all fatal police interactions, making those with untreated, severe mental illness 16 times more likely to be killed during a police encounter.

While New Jersey's plans for expanding the Crisis Intervention team training is helpful, it's not sufficient. New Jersey must also take a meaningful step toward limiting interactions between law enforcement and people with untreated, severe mental illness, through the creation of a non-law enforcement first responder system. In Oregon, for example -- which has been mentioned several times today -- the CAHOOTS program has, for 31 years, provided 24/7 crisis intervention with an emergency response team that consists of a medic and a crisis worker.

Similar to Oregon, New Jersey should develop non-law enforcement response teams to respond to mental and other health crises.

And then, finally, New Jersey should start investing in restorative justice practices, including restorative justice centers. Restorative justice focuses on resolving conflicts and harms by engaging people who have been harmed, those who have harmed, and, when possible, family and community members, through dialogue and consensual resolution instead of punishment. The practice helps to facilitate collective and individual healing, diverts

individuals away from the criminal justice system, and strengthens communities.

While we rightly focus on urgently reimagining policing and what Black communities need to feel protected and safe, we must also keep our eye on the larger picture -- on the pressure that has built up from the widespread cracks of structural racism. We must repair these cracks and build a foundation if we are ever to become a New Jersey that lives up to its promise: a New Jersey where Black lives really matter.

Thank you so much.

SENATOR GREENSTEIN: Thank you very much.

I know that your organization does great work. You're right in the center of all of this, so we certainly appreciate your being here today.

And we'll be having other hearings on this, so we'll talk more in the future. I'll have a chance to review your testimony.

Does anyone have any questions?

SENATOR CRYAN: (microphone not activated)

MS. LEWIS: So that's a very good question.

And I think this First Amendment policy is one of the highlights, personally speaking, that's come out of the consent decree in Newark.

So believe it or not, the First Amendment right to record police conduct is relatively new. So we're in the Third Circuit, and so they announced in a case called *Fields v. Philadelphia* that's it's actually a First Amendment right to record police conduct.

And so one of the things that you have -- you've seen a lot of behavior where officers, quite frankly, don't know how to handle it. Because some instances we actually see -- which is interesting -- and I mentioned here

that it limits the exigent circumstances under which you can pursue a warrantless search and seizure of the device. The reason that's relevant is because it's not uncommon if somebody is recording police conduct, that in doing so they might record evidence of a crime. And so that would, then, fall under *exigent circumstances* which would warrant a warrantless seizure, where an officer could pursue that.

So it's important to kind of narrowly focus under what circumstances, specifically, that would be appropriate, to make sure you're not discouraging people from recording police conduct.

SENATOR CRYAN: (microphone not activated)

MS. LEWIS: Well, sure. So whether or not that video recording becomes public is a different question. The question is, how do we make sure police know how to interact with people who are filming them, in a way that doesn't discourage them from doing so.

SENATOR CRYAN: (microphone not activated)

MS. LEWIS: Yes, of course.

Are there any other questions? (no response)

All right, thank you so much.

SENATOR GREENSTEIN: Hearing is adjourned. Thank you very much.

(HEARING CONCLUDED)