

Peter C. Harvey, Attorney General
Division of Criminal Justice
Vaughn L. McKoy, Director

For Immediate Release: June 28, 2005

For Further Information Contact:
John R. Hagerty
Division of Criminal Justice
609.984.1936

**NEW JERSEY ATTORNEY GENERAL HARVEY IMPLEMENTS
"FIRST-IN-NATION" DIRECTIVE TO PROHIBIT RACIAL PROFILING
STATEWIDE POLICY MANDATES TRAINING FOR ALL POLICE**

TRENTON — Attorney General Peter C. Harvey today announced that New Jersey has established a first-of-its-kind law enforcement education program to eradicate racial profiling from the ranks of police by implementing a statewide Directive which comprehensively defines and prohibits the discriminatory practice of racially-influenced policing. The Attorney General's Directive requires every New Jersey police department and law enforcement agency to adopt and enforce a rule, regulation, or operating procedure, and requires every law enforcement officer -- from new recruits to the most experienced veterans -- to undergo an intensive in-service and Academy-based course of instruction.

In signing "Law Enforcement Directive No. 2005-1," Attorney General Harvey noted that the mandate and training program has received the support and imprimatur of the New Jersey State Association of Chiefs of Police, the New Jersey County Prosecutors Association, the New Jersey State League of Municipalities, the Police Training Commission, the New Jersey State Police, the Division of Criminal Justice, and state, county, and municipal officials. Additionally, the program has been presented to, and reviewed by, the Black Ministers Council of New Jersey, the NAACP, and the Rutgers Police Institute.

"As Attorney General, it is my responsibility to ensure that all of our police and law enforcement agencies are properly trained and are knowledgeable about the law, especially constitutional rights. This is a pro-active program that will help all police officers serve and protect the public more effectively," Attorney General Harvey said, "The State's new comprehensive non-discrimination policy is designed to safeguard the rights of all citizens and to protect police officers by providing clear rules regarding racial profiling. The comprehensive training course explains in great detail what police officers can do to enforce laws and protect the public safety consistent the State and Federal Constitutions."

Joining the Attorney General in support of the Directive were ranking members of New Jersey's law enforcement and governing community, including Vaughn L. McKoy, Director, Division of Criminal Justice; Chief Warren Wielgus, President, New Jersey State Association of Chiefs of Police; Hope Township Mayor Tim McDonough, Executive Board Member, New Jersey State League of Municipalities; Thomas F. Kelaher, Ocean County Prosecutor and President, New Jersey Association of County Prosecutors; Colonel Joseph R. Fuentes, Superintendent, New Jersey State Police; Assistant Attorney General Daniel G. Giaquinto, Director, Office of State Police Affairs; Assistant Attorney General John Kennedy, Director, Office of Government Integrity; Assistant Attorney General Ron Susswein, Deputy Director, Division of Criminal Justice; Hester Agudosi, Office of Bias Crimes; and Anne M. Kriegner, Chief State Investigator, Division of Criminal Justice. Additionally, dozens of county and municipal police chiefs stood in support of the Directive and training program.

"We are here today to cement our cooperative law enforcement responsibilities and initiatives and to assure the public that New Jersey's law enforcement community stands together in its resolve to eradicate any form of discrimination in the form of racial profiling," said Criminal Justice Director McKoy.

The Attorney General's Office, along with the New Jersey State Association of Chiefs of Police, recognized that the problem of racially-influenced policing was by no means limited to the State Police or to agencies that conduct highway drug interdiction. As a result, a specific definition of racial profiling was developed -- simply, that "a police officer may not consider a person's race or ethnicity as a factor in deciding whether that person may be involved in criminal activity, or in deciding how to treat that person. Unless the officer is responding to a suspect-specific or investigation-specific "Be On Lookout For" (BOLO) situation, a person's race or ethnicity may play no part in the exercise of police discretion."

The Division of Criminal Justice, in concert with the Police Training Commission, then developed an up-to-date video training course that focuses on situations municipal police and other law enforcement officers are likely to

encounter. Two years in development, the video training course is based on the positive experience with training state troopers under a consent decree with the United States Department of Justice. The State Police training curricula earned high praise from independent monitors appointed by the United States District Court to oversee implementation of the consent decree, and the training is considered to have laid the foundation for significant reforms. For example, the training course makes clear that a police officer may not conclude that a person seems to be "out of place" or "up to no good" based on considerations of race or ethnicity. The training course also explains why police officers are prohibited from considering a person's race or ethnicity in deciding whether the person appears to "fit" or "match" the vehicle that he or she is operating.

"The issues of racial profiling confronts every police department -- large and small, urban, suburban and rural," said Chief Wielgus. "The New Jersey State Association of Chiefs of Police recognized that we must take decisive action to curb any instance of racial profiling and requested Attorney General Harvey to develop a comprehensive training program that would reach every police officer in New Jersey. The resulting training course was specifically adapted to address the needs of local police departments. This in-service training program explains in clear terms exactly what is prohibited under the law and our statewide non-discrimination policy.

We wish to thank Attorney General Harvey and the Division of Criminal Justice for making this course available. We are proud that New Jersey is the first state in the nation to require every police officer to participate in such a comprehensive examination of the racial profiling controversy."

The video training program, produced by the Division of Criminal Justice, will be provided through the New Jersey State Association of Chiefs of Police to nearly 51,500 police and law enforcement officers assigned to 479 full-time municipal police departments, two county police departments, three county park police departments, 13 college/university police departments, two part-time municipal police departments, 21 county prosecutor and Sheriff's offices, the NJ Transit Police, the Palisades Interstate Park Police, and police and law enforcement officers assigned to seven state departments and/or divisions.

"We must and we will do all that we can to assure the public that our state's mayors, elected officials and Police Departments oppose any form of racially biased conduct by our local law enforcement agencies. We firmly believe that the overwhelming majority of men and women who carry out the day to day law enforcement duties in our State's municipalities do so in a dedicated and professional manner and without bias toward any of our citizens. Those who have abused the public trust are a small number of individuals and they tarnish the reputations of their police colleagues. Training is important and must be provided on a continuing basis. We applaud the Attorney General for expanding the required training to include specific programs to ensure fair treatment of all of our citizens," said Mayor McDonough.

The Directive requires that all police agencies implement the rule, regulation, or standard operating procedure (SOP) within 60 days, and they must certify that all officers, regardless of rank or duty assignment, complete the training within 180 days. The county prosecutor's will serve as liaison to the Attorney General's Office and will assist in the implementation of the training program in their respective counties.

"Each of the 21 county prosecutor's have been part of the planning and development of the training program," said Ocean County Prosecutor Kelaher. "Each prosecutor will work with their police departments to implement operating procedures and to certify the training of individual officers. This program stands as a hallmark in the effort to ensure that racial profiling does not creep into our county and municipal law enforcement responsibilities."

Attorney General Harvey noted that the New Jersey State Police and the Office of State Police Affairs is anticipating the issuance of the 12th Independent Monitors Report as required by the 1999 federal Consent Decree. It is anticipated that the 12th Report will surpass the prior report issued in December, 2004, and which determined that there was no evidence of racial profiling by the State Police. The December, 2004, Report praised the New Jersey State Police for having made "remarkable progress" in such key areas as field operations, trooper training and personnel supervision.

"State Police leadership understands the concerns of minorities, the issues of disparate treatment, the need for accountability, and the importance of continued training and education to provide every law enforcement officer the knowledge and tools to perform their jobs fairly and impartially," stated Col. Fuentes. "This cutting edge training program will insure county and local law enforcement share in the state police commitment to protect the constitutional rights of all citizens."

"The police officer training program successfully developed for state troopers, and now adapted for municipal police officers, puts New Jersey's police and law enforcement community in the forefront of the effort to eradicate racial profiling from all levels and sectors of policing," Attorney General Harvey concluded.

Additional information, including Attorney General Directive 2005-1, the full text of the training program (Companion Guide), Skills Assessment, overview of New Jersey's Racial Profile Policy, a streaming video which

overviews the training initiative, a guide instructing police officers on what they can do to investigate criminal activity, along with web links to the Police Training Commission, federal monitor's reports, and related information is available via the Division of Criminal Justice Web page at www.njdcj.org.

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