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Police will be held more accountable under new N.J. reforms

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After decades of lax oversight, New Jersey's top law enforcement officials are looking to set new standards for police accountability in the Garden State.

Attorney General Gurbir Grewal announced on Wednesday a series of rule changes for how police and prosecutors do business, from how they track use of force to how internal affairs probes are handled.

The reforms follow a series of news media investigations revealing troubling blind spots in New Jersey's oversight of law enforcement as well as high-profile prosecutions of cops accused of beating and robbing suspects around the state.

Flanked by more than 20 police chiefs, county prosecutors and other law enforcement officials, Grewal said the five directives and three letters to police leaders released Wednesday amounted to "the most significant restructuring of policing practices, certainly during my tenure as attorney general, and perhaps in the history of the office."

They include a new public database of police use of force rates, increased public access to videos of violent encounters and more robust internal affairs requirements, among other changes. The attorney general also directed county prosecutors, whom he oversees, to develop clear policies for the timely disclosure of evidence to criminal defendants, including information about cops with credibility problems.

The attorney general said the vast majority of New Jersey's more than 36,000 police officers do their jobs honorably and that some of the reforms, including reinvestment in the state Police Training Commission, were intended to help them perform even better.

"We are devoting all these resources today, and all these guidelines, to find that one bad apple," he said. "And also, importantly, to prevent someone from becoming that next bad apple, by investing in training on the front end."

State authorities dubbed the package of reforms the "Excellence in Policing" initiative.

Richard Rivera, a former West New York police officer who has examined use of force and internal affairs policies at departments around the state, lauded the announced reforms. But he said New Jersey has been behind the curve amid a national movement toward policing reform and has acted only when problems bubble to the surface.

“New Jersey is usually the last to offer anything progressive,” he said, pointing out that the state was slow to adopt Tasers, has few civilian oversight boards and is one of the few states in the U.S. that does not require licensing for police.

Rev. Charles Boyer, whose group Salvation and Social Justice held a series of public hearings on police use of force around the state this year, also praised the reforms. At his public hearings, residents in minority-majority cities like Newark, Paterson, Pleasantville and Burlington complained of over-policing and excessive force.

“There wasn’t this strong ‘F the police’ sentiment,” he said. “Obviously there was tension, there was anger, I don’t want to underplay that. But it was far more, ‘How are people being made accountable? How do we get justice?’”

Boyer said his group supported the attorney general’s overhaul but would continue to push for legislation to address issues such as community oversight boards and body cameras, noting that unlike laws, attorney general directives can easily be repealed.

“When there’s a new sheriff in town it can be very, very different,” he said.

NEW USE OF FORCE PORTAL

When a police officer in Millville was using force against suspects during arrests at a rate higher than any other cop in New Jersey, nobody knew, because authorities weren’t keeping track.

That officer, Joseph Dixon, pleaded guilty last month to assaulting two women during separate arrests. His use of force record was flagged in The Force Report, an NJ Advance Media investigation that found major disparities in how police officers use force and who they use it against, as well as paltry oversight and no standard reporting practices.

The investigation included a statewide database of every reported instance of police use of force, which the news organization built by compiling and analyzing more than 70,000 pages of forms collected from more than 500 individual police departments.

After its publication, state authorities acknowledged an historic failure by the state to track police use of force and pledged to make their own database.

Grewal announced Wednesday that six towns – Bridgeton, Dover, Linden, Millville, Paterson, and South Brunswick – will report uses of force directly to the attorney general using a secure online portal as part of a pilot program before the state requires all departments to use the electronic reporting system.

In an interview, Grewal said the six towns were selected because they represented a “cross-section” of New Jersey’s different police departments. The list also includes “departments that, frankly, have had issues,” Grewal said.

Seven of Paterson's police officers have been charged so far in an FBI corruption probe that found officers used excessive force, were shaking down suspects for money and other wrongdoing. Paterson Police Chief Troy Oswald said Wednesday that the "trust of the community we serve is vital to our effectiveness.

"This new electronic reporting system—like the other initiatives being announced—will help us strengthen that trust."

Jody Farabella, the police chief in Millville, where Dixon was charged with assaulting suspects, declined to comment on his former officer, but said he hoped the pilot program would make force reporting more consistent statewide.

"I'm all for it," he said.

The attorney general said Wednesday that his office was also convening a panel to rewrite the state's use of force policy, which has not been updated in nearly two decades.

PROSECUTORS MUST PONY UP EVIDENCE

Across the Hudson River in New York, "bad cop" lists maintained by local district attorneys offices have drawn scrutiny from the media, and some of those lists have been made public.

Here in New Jersey, an Asbury Park Press investigation found county prosecutors across the state had a patchwork of policies for disclosing the wrongdoing of police officers to the people they arrest.

In response, Grewal on Wednesday ordered all county prosecutors to "establish policies and procedures" for disclosing exculpatory evidence to defendants, including cops with credibility problems.

But the AG's directive only requires the counties to develop a policy, and Grewal said "how they track this is up to them." The attorney general added that he believes "lists are not the best tool" to disclose potential credibility issues for state witnesses to judges and defense attorneys because they lack the necessary context.

POLICE SHOOTINGS, INTERNAL AFFAIRS PROBES

A pair of directives signed by the attorney general Wednesday will revamp how authorities probe police shootings and set standards for internal affairs investigations.

Many of the changes were done in compliance with a bill signed by Gov. Phil Murphy earlier this year, over Grewal's objections, that put his office in charge of all fatal shootings.

The “independent prosecutor directive” outlines a 10-step process for investigating police shootings and deaths in custody and requires the release of video evidence in most violent encounters within 20 days if requested by the media or members of the public.

The internal affairs directive requires a standardized citizen complaint form in several languages that police departments must make readily available and a stricter 45-day timeline for most internal affairs inquiries.

It also requires county prosecutors to more closely watch the internal affairs functions of local police departments, including “random reviews” and investigating patterns of bad behavior at specific departments.

The internal affairs directive also allows police departments to share information about officers with checkered pasts if those officers seek employment at another department, and creates a mechanism to share similar information with civilian review boards.

EARLY WARNING, OR EARLY INTERVENTION?

Grewal said he would overhaul the system meant to track potentially problematic cops.

Last year, he mandated that all police department establish an “early warning system.” An officer was flagged if they were regularly absent or accused of domestic violence, among other behavior. But cops who frequently used force against suspects weren’t automatically reviewed, an omission criticized by experts.

Many cops also viewed being flagged as punishment, Grewal said, even though the system was meant to head off issues before they became serious problems.

Thomas Eicher, the head of Grewal’s Office of Public Integrity and Accountability, said the goal was to flag and fix behavior long before it become a major problem.

“The effort to move from an early warning ‘gotcha’ system to an early intervention ‘help you’ system is so vital,” Eicher said.

Grewal said a proposal for a new system would be ready in a year.

POLICE TRAINING OVERHAUL

Every school that trains officers in New Jersey is overseen by the state’s Police Training Commission.

Yet only six people work for that group. That’s hardly enough to keep up with paperwork, according to Grewal’s office, much less effectively monitor training.

In the short term, Grewal said members of his staff will help the commission, likely five to ten people. He pledged to ask lawmakers for more money, although he said he didn't currently have a specific dollar amount.

He also promised to publicly release two reports the commission will create next year, including one that will consider licensing officers.

"New Jersey licenses the practitioners of many different professions, from accountants to veterinarians and cosmetologists to plumbers," Grewal acknowledged in a letter to the commission released Wednesday.

"Yet we are one of only a handful of states that do not license the police officers we authorize to carry weapons and deploy deadly force."

The letter asks the commission "to prepare a report on the pros and cons of licensure."

MUNICIPAL PROSECUTORS UNDER SCRUTINY

Grewal's office also flagged a troubling lack of oversight for municipal prosecutors in the state.

You face a municipal prosecutor if you're in court for driving under the influence, "disorderly conduct" or other low-level offenses, but officials currently don't track who they are. Municipal prosecutors are also not bound by the same ethics rules that guide county prosecutors.

Grewal ordered his office to begin registering municipal prosecutors, as a first step to developing more rules on what they're allowed to do.

"Certainly, a baseline code of ethics needs to exist," Grewal said.

The change comes on the heels of a troubling report released last year by the state judiciary, which found that some towns abused the law to squeeze money out of poor residents. Another report from the city of Linden recently found that a state senator often failed to show up for court when he worked as a municipal prosecutor.

Grewal declined to comment on that specific case.

CORRUPTION OFFICE CODIFIED

A corruption office created just over a year ago to root out bad cops and crooked officials was reorganized, although much of the staff remains the same.

The Office of Public Integrity and Accountability will continue to oversee police shooting investigations, which are no longer handled by local prosecutors. It also reviews

potentially wrongful convictions, cold cases and civil rights violations. Investigators from that office were the ones to look into former Millville Officer Joseph Dixon.

Grewal said investigations into other cops who frequently used force were still underway, but he declined to say how many, or how far along they were.

The office will still be led by Eicher, the former head of the criminal division at the U.S. Attorney's Office in Newark.