

Greetings from

THE POLICE OF NEW JERSEY

ANNUAL REPORT 2016



Defending Civil Rights in a Trump-Era New Jersey

BY DIANE DU BRULE
INTERIM EXECUTIVE DIRECTOR, ACLU-NJ

This annual report used to have a different introduction. It was about the incredible year and the progress we expected to see, along with the news that Udi Ofer had stepped down as executive director to lead the national ACLU's campaign to end mass incarceration.

Then Wednesday, Nov. 9, happened. Our reflections on 2016 instantly became outdated. Our new perspective demanded a new opening.

This report remains a snapshot of the advances in civil rights the ACLU-NJ achieved in 2016. But it also stands as a testament to how passionately we plan to fight in the future.

This summer, the ACLU noted that the promised policies of a Donald Trump presidency would pose a major constitutional crisis. As that crisis looms closer, the ACLU of New Jersey and the national ACLU are gearing up for the fight of our lives.

New Jersey, long a leader on civil liberties and civil rights, must stand as a bulwark of our freedom. The need for stronger protections at the state level only grows more urgent.

In an uncertain time, one fact is constant: we will need you for the fight ahead. We have been heartened that so many of you have taken up the cause of liberty with offers to volunteer and additional donations to underwrite our work.

We're still developing our plans. But here are a few examples of the next steps we expect to take:

- We will double down on our work with immigrant communities — particularly Muslim and undocumented communities — to provide legal representation; conduct Know Your Rights trainings; help



ACLU-NJ staff and volunteers demand justice and accountability at a march in Newark after nationwide police killings of unarmed Black men.

people questioned by the government; advance more protective policies; and train legal observers at demonstrations, among many other tactics.

- We will organize and mobilize to preserve our most cherished freedoms on a state and federal level.
- We will fight in the courts, in the Legislature, in the streets, and in the press for our fundamental freedoms.

It's probably true that we've never seen a leader quite like President-elect Donald Trump. It's also true that in our nearly 100-year history, the ACLU — working with dedicated allies and committed supporters — has overcome obstacles that at the time seemed insurmountable through social progress that now seems inevitable.

We fought back against the Red Scare — two of them, in fact. The ACLU first made a name for itself working against the anti-immigrant Palmer Raids in 1920, the year of our founding. In the 1940s, the ACLU challenged blacklists; in 1957, two ACLU Supreme Court cases shut the door on McCarthyism. We took on Japanese internment camps. We lost in court, but the ACLU's position eventually became the only acceptable one to hold. We defended Freedom Riders who were thrown in jail. The Supreme Court cases that finally recognized the right of same-sex couples to love each other without fear of arrest and ultimately guaranteed the right to marry were brought by the ACLU. After Sept. 11, we challenged unlawful detention, torture, no-fly lists, and illegal wiretaps.

When the path ahead seems daunting, our history offers some reassurance. Many of these movements took decades to culminate, but the fact that freedom prevailed gives us hope.

As difficult as we suspect the times ahead may be, I am optimistic about the future. Our efforts may take longer than we hoped to achieve results. We will undoubtedly wrestle with forces trying to erase both the gains we have made and the basic humanity of our society's most vulnerable members. But even if the

“This report remains a snapshot of the advances in civil rights the ACLU-NJ achieved in 2016. But it also stands as a testament to how passionately we plan to fight in the future.”

odds in every battle aren't on our side, we know that history will be. I have faith that, together, we will ultimately create a freer New Jersey and a freer America, no matter how long it takes.

Thank you for your support and for everything you do. We have a lot of work to do together, and we couldn't ask for better partners in seeing that work through.



Diane Du Brule
Interim Executive Director
ACLU of New Jersey
November 2016



The Newark Municipal Council passed into law one of the strongest civilian complaint review boards over police in the country on March 16, 2016.

PHOTO: AMANDA BROWN

Finally, Community Oversight of the Newark Police

ACLU-NJ AND ALLIES MOBILIZED TO CREATE ONE OF THE STRONGEST OVERSIGHT BOARDS IN THE U.S.

The evening of March 16, 2016, felt historic. Activists sang protest songs on the steps of Newark City Hall. Following testimony from community members, the packed audience raised their arms in a demonstration of “hands up, don’t shoot” at the moment of the final, unanimous vote to create Newark’s Civilian Complaint Review Board.

After more than 50 years of struggle, and a concerted two-year campaign driven by the ACLU-NJ and its partners in the Newark Communities for Accountable Policing coalition, Newark

has a formal vehicle for community oversight, charged with resolving complaints of police abuse. It is one of the strongest in the country. And, as long as the legislation remains intact and unchanged, it will be permanent.

WHAT MAKES THE REVIEW BOARD SO STRONG?

A majority of its 11 members must be appointed by community-based and civil rights organizations — including the ACLU-NJ. It has subpoena and audit powers, the power to make discipline stick when officers abuse their authority, and mechanisms to make the Newark Police more transparent.

PROFILE: Portia Allen-Kyle

THE ACLU-NJ'S NEWARK CCRB APPOINTEE IS WORKING TO INSTITUTIONALIZE STRONG, PERMANENT OVERSIGHT

IT WAS ALMOST INEVITABLE that Portia Allen-Kyle would become an activist.

Some of her earliest memories are of protests she attended with her mother. Shortly after Amadou Diallo was killed in New York, her mother took her to the vestibule where police shot him 41 times, almost as a pilgrimage.

“Even now, when she goes to museums and there’s an optional donation, she’ll give, like, 41 cents, for example, just on principle, for the 41 shots,” Portia said.

In 2015, the ACLU-NJ proposed a fellowship to translate New Jersey’s criminal justice data for the public — with the twofold mission of making law enforcement more transparent and discovering patterns in the state’s criminal justice system. It called for either a lawyer or an academic. In Portia, a doctoral student in sociology and a graduate of Rutgers School of Law, the ACLU-NJ got both. In June, she started as the organization’s Criminal Justice Transparency Fellow, funded by the Pratt Bequest Fund at Rutgers Law School.

A Newark resident, she heard about the newly forming civilian complaint review board even before she had accepted the ACLU-NJ position.

“I remember hearing about the CCRB and thinking, ‘I wonder how one would go about being a part of that,’” she said.

Shortly after she was offered her fellowship, she got a phone call from ACLU-NJ public policy director Ari Rosmarin — was Portia interested in also serving as the ACLU-NJ’s appointee to the CCRB?

She was sworn in as an inaugural member of the Newark Civilian Complaint Review Board on June 27. Her goal is to steer the board to be as transparent as possible and go far beyond what the law requires.

“With everything in my life, I want to leave a positive social footprint, and that’s how I feel about the impact of the CCRB,” Portia said. “I want the work of the CCRB to leave a legacy.”

Portia Allen-Kyle, the ACLU-NJ’s appointee to the Newark Civilian Complaint Review Board, was sworn in on June 27.



A Federal Monitor to Reform the Newark Police

Newark and DOJ agree to make major, historic reforms to protect

It took 617 days to hammer out a final, binding consent decree to rein in the Newark Police after the Department of Justice announced it would intervene.

In truth, federal oversight took much longer: 49 years, with calls from the ACLU-NJ beginning in the aftermath of the 1967 uprisings in Newark.

At least 75 percent of police stops lacked a constitutional basis, the DOJ reported in 2014 when it announced the oversight agreement, confirming the concerns the ACLU-NJ raised in its exhaustive 2010 petition asking for federal oversight.

As of March 30, 2016, reforms are legally required and overseen by a federal monitor.

Now the hard part begins.

Here's how the consent decree proposes reshaping the long-troubled Newark Police:

- Transform the policing culture to one that respects civil rights through new policies and training to end unconstitutional and discriminatory arrest practices — stop-and-frisk abuses, excessive use of force, and arrests for First Amendment activities.
- Establish accountability through community oversight, strengthened internal affairs, a discipline matrix standardizing consequences for misconduct, early warning systems, and mandatory body-worn and dashboard cameras.

- Institute transparency by requiring collection and public release of data on who's stopped, how often and why, and when force is used.

There's still work to do and a few shortcomings in the agreement — we



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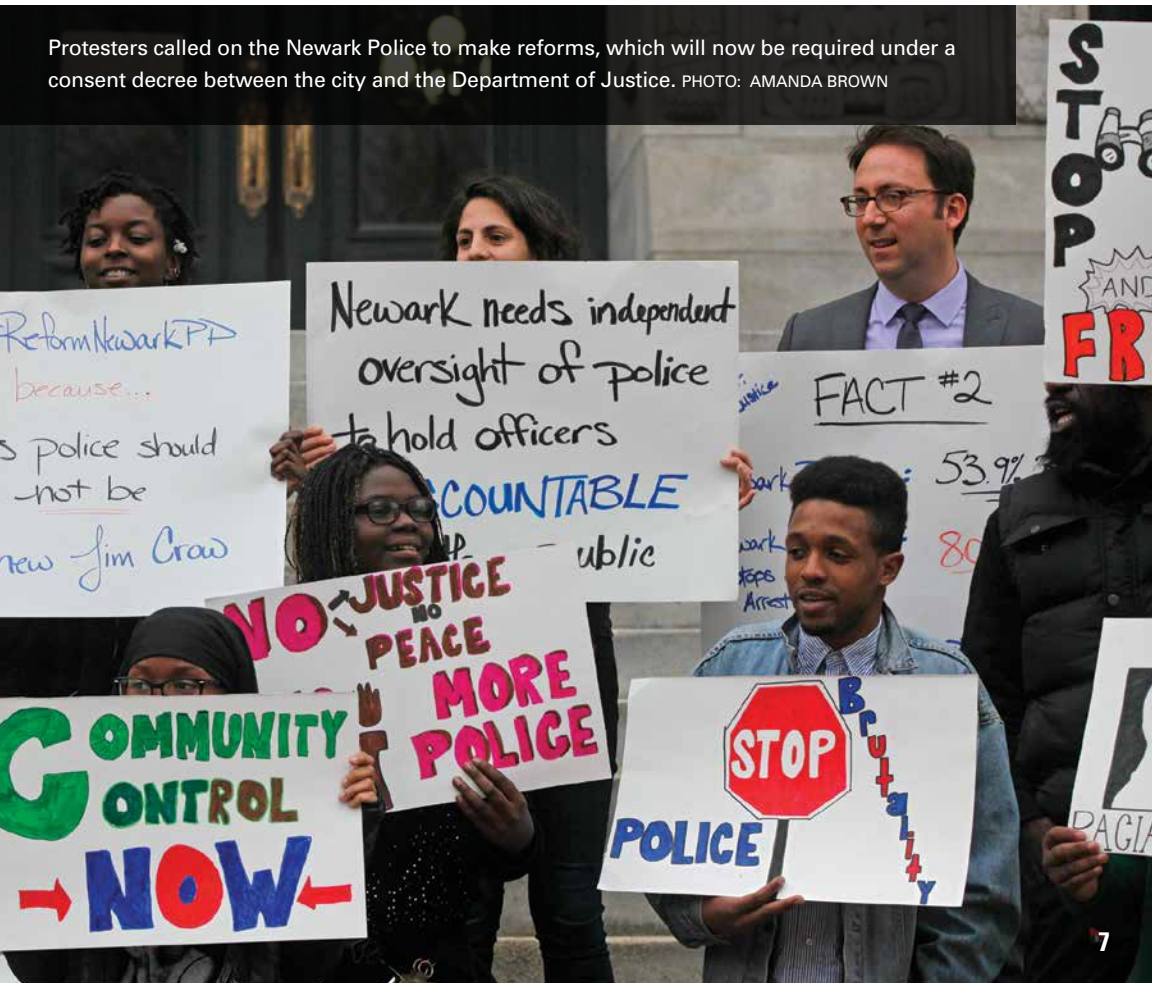
civil rights

wouldn't be the ACLU-NJ if we were satisfied with "good-enough." Three key things are missing: a requirement to publish raw policing data, public access to police-camera footage, and a ban on pretextual stops, which can still

happen with a supervisor's approval.

The consent decree is strong — ACLU-NJ pressure helped get it there. The ACLU-NJ's persistence will ensure the reforms it brings outlast any one mayor, and hopefully all of us.

Protesters called on the Newark Police to make reforms, which will now be required under a consent decree between the city and the Department of Justice. PHOTO: AMANDA BROWN



A Blueprint for Statewide Police Reform

Five policy reforms to address major civil rights problems

Civil rights abuses in police departments take place regularly throughout the state. The ACLU-NJ has a bold, five-point proposal to start fixing it.

But first, the problems.

RACIAL DISPARITIES IN POLICING

The ACLU-NJ examined four very different cities — Millville, Elizabeth, New Brunswick, and Jersey City – and found Black people were between 2.6 and 9.6 times more likely than whites to be arrested for low-level offenses like loitering, disorderly conduct, and trespassing.

RACIAL PROFILING IN POLICING

The ACLU-NJ in 2016 anonymously received a 2014 email from the Wyckoff police chief: “Profiling, racial or otherwise, has its place in law enforcement ... Black gang members from Teaneck commit burglaries in Wyckoff. That’s why we check out suspicious black people in white neighborhoods.”

After the ACLU-NJ called for an investigation, the Attorney General and Bergen County Prosecutor found Wyckoff violated the state’s ban against

racial profiling. The chief was demoted, and Wyckoff officers will start receiving anti-bias and de-escalation training.

SECURITY AND VIOLENCE IN POLICING

A case before the New Jersey Supreme Court will determine the limits of transparency when justices answer this question: *when police kill, should the public have access to police audio and video?* Yes, the ACLU-NJ says, unequivocally.

Requests for public records, including police footage involving the high-speed chase and police shooting of Kashad Ashford, were denied, and a lawsuit, *North Jersey Media Group v. Lyndhurst*, began. Nine civil rights groups signed onto the ACLU-NJ’s amicus brief.

If a lower court ruling stands, officials at all levels can deny the public almost any record related to police investigations, from a scrap of paper to body-camera footage. Local governments have already used the decision to justify withholding information about police.

Read the report: <http://bit.ly/lowlevelnj>

Marchers demand accountability and civil rights in policing statewide.



A BLUEPRINT FOR REFORM

The ACLU-NJ released its five-point blueprint for reform in August, and it caught on quickly.

Five policy reforms could go a long way to correct pervasive injustices:

- **Independent prosecutors** and investigations when officers kill or seriously injure people.
- **Body cameras** for police, only with public access to the footage and privacy protections.
- **An end to policing of low-level offenses** such as panhandling, disorderly conduct, and marijuana possession, and addressing such behaviors outside the police and criminal justice system, which aren't equipped to handle the root social and economic causes of many low-level offenses.

- **Ending civil asset forfeiture seizures** in which police unfairly take people's property and money.
- **Transparency** through the collection and public release of data from police departments.

In October, the Senate voted yes to a bill requiring independent prosecutors when officers kill, and the ACLU-NJ gave testimony for a bill to add transparency to civil asset forfeiture. The ACLU-NJ will be working in communities and with the Legislature to make sure each element of the blueprint becomes law.

Download Mobile Justice, an app to film the police and send the recordings to the ACLU of New Jersey to examine for civil rights violations:

<https://www.aclu-nj.org/TheAppPlace>

The Urgent Need for Marijuana Legalization

The war on marijuana has had devastating consequences, especially for people of color

STEEP COSTS IN THE WAR ON MARIJUANA

With the kids out at a relative's party, Lee, a lifelong Newarker and a wedding singer, planned a romantic evening with his wife. They received unexpected guests: police in riot gear who burst into their home, looking for a suspect who wasn't there. Lee immediately told the police about three small bags of marijuana in the bedroom, totaling less than an ounce. He and his wife, still in their underwear, were thrown on the floor and handcuffed. Lee was arrested for marijuana possession.

The police made holes in the walls of Lee's home, pulled a door from its hinges, and ripped pillows open. When Lee returned home the next day, his young children asked why their rooms were torn apart.

Lee was given community service. Not everyone is so lucky. Marijuana offenses can carry collateral consequences that jeopardize housing, employment, and even custody of children.

The story of Lee's marijuana arrest, to be featured in an ACLU-NJ report on the racial disparities and human costs of marijuana enforcement, paints a portrait

of just one of the 24,689 marijuana possession arrests made in 2014. It was the second-highest in New Jersey history, after 2013. More arrests were made for marijuana possession than for any other offense.

Like Lee, the vast majority of those arrested for marijuana offenses in New Jersey are arrested for possession. And the marijuana possession arrest rate for people of color, such as Lee, is higher than the possession arrest rate for white New Jerseyans, despite similar usage rates. Justice and fairness are two of the major reasons why the ACLU-NJ is fighting for legalization in NJ.

LEGALIZATION WITHIN SIGHT

To end unjust and discriminatory marijuana enforcement, the ACLU-NJ is working hard to legalize, tax, and regulate marijuana for use by adults 21 and over as a leading organization in the New Jersey United for Marijuana Reform (NJUMR) coalition.

Four NJUMR leaders, including one from the ACLU-NJ, traveled to Colorado, where marijuana is now legal, with a bipartisan delegation of lawmakers,

advocates, prosecutors, and other experts to observe and learn, so New Jersey can create a system that ends the current injustices and benefits all New Jerseyans.

According to a first-of-its-kind study released by the ACLU-NJ, NJUMR, and New Jersey Policy Perspective in May, those benefits could be considerable: up to \$300 million in sales tax revenue per year to reinvest in New Jersey communities. That's in addition to new

jobs and business opportunities, and the \$143 million our state would save from ending wasteful marijuana enforcement practices.

Since NJUMR launched in 2015, support for legalization and regulation has grown tremendously in New Jersey. NJUMR has lobbied and educated lawmakers up and down the state and the list of those ready to vote yes grows every week.



Progress in the Movement to Stop Solitary Confinement

The Legislature passed a historic bill to end routine use of solitary confinement

A 3-YEAR SOLITARY CONFINEMENT SENTENCE FOR THROWING A BUCKET OF FILTH

It might come as a surprise to learn that New Jersey doesn't use solitary confinement. But that's what the New Jersey Department of Corrections (DOC) said in the case of Rigoberto Mejia.

"It's not like Steve McQueen in *Papillon*," said a DOC lawyer in court, comparing prolonged isolation in New Jersey prisons favorably to the 1974 film, set in a French penal colony.

But New Jersey's prisons and jails most certainly do have solitary confinement, and they use it routinely.

Rigoberto Mejia, a mentally ill prisoner serving time at New Jersey State Prison, had been sentenced to three years of solitary confinement for throwing a mixture of feces, urine, and water at a guard. The ACLU-NJ was asked by the court to represent him, and his rights were vindicated. Although the judge who authored the opinion acknowledged it was too late for Mejia to benefit from the ruling, the opinion recognized that the Department of Corrections had violated his rights by

giving him an inappropriate sentence through an unfair process.

The judge's written opinion expressed the expectation that no other mentally ill prisoners would receive such inordinately, unlawfully long solitary sentences — and it suggested skepticism at the DOC's reasoning behind its claim that solitary confinement does not exist in New Jersey.

WHAT SOLITARY IS, WHY IT'S WRONG, AND WHAT WE'RE DOING ABOUT IT

The ACLU-NJ is working to eliminate abuse of solitary confinement in New Jersey. All too often, solitary confinement is a first-line punishment in New Jersey and not a last resort. Use of prolonged solitary confinement — being held in an enclosed space for 22 hours a day or longer, either alone or with another inmate, with severely restricted activity, movement and social interaction — is common, despite wide recognition that it amounts to torture. The practice exacerbates mental illnesses and can cause mental illness in people who were not diagnosed as mentally ill before.

Following advocacy from the ACLU-NJ, the New Jersey Legislature passed a bill to restrict solitary confinement in New Jersey's prisons and jails.



Following concerted ACLU-NJ efforts — and thanks to the leadership of Sen. Ray Lesniak, as well as the advocacy of the National Religious Coalition Against Torture and partners in the clergy — the Legislature passed a monumental bill to allow solitary confinement only as a last resort. It's one of the strongest bills in the country: it does not allow more than 15 consecutive days of solitary confinement or 20 days total in a 60-day period. It would forbid solitary confinement of members of vulnerable populations — LGBTQ people, pregnant people, and people with disabilities, including mental illnesses. Routine

solitary confinement as punishment for inmates like Rigoberto Mejia would become a thing of the past.

In June, the Senate approved this bill, S51, and the Assembly voted in October to send it to Governor Christie's desk.

The ACLU-NJ leads the fight to severely restrict solitary confinement in New Jersey. We represent Middlesex County Jail detainees in a class action lawsuit challenging solitary confinement. The individuals are held in the "C-Pod" isolation unit, locked in small cells, not allowed outside, and deprived of visits from family, and we advocate for others subjected to solitary confinement.

Defending Free Speech

Campaign sign bans, blacklists, and curse words

SIGN ORDINANCES ARE NO MATCH FOR THE FIRST AMENDMENT

ACLU-NJ TAKES DOWN UNCONSTITUTIONAL POLITICAL SIGN RESTRICTIONS

It happens almost every presidential election cycle. Every four years, political lawn signs come out, and every year, enforcement of unconstitutional sign restrictions follows.

The ACLU-NJ had two victories challenging these ordinances: one for a Trump supporter and one supporting Josh Gottheimer for Congress. (Always nonpartisan!)

In West Long Branch, Joseph Hornick received a ticket for flying flags that said “Trump — Make America Great Again.” The town’s ordinance banned political lawn signs until 30 days before the election.

The municipal judge dismissed the ticket, “in the interest of justice,” as he described it. In the interest of free speech, the town repealed the ordinance.

Wyckoff, in Bergen County, had a similar sign restriction. Police came to Stan Goodman’s door with his Josh Gottheimer signs, saying they violated an ordinance limiting political signs to one month.

Goodman knew the restriction well. In 2012, an official told the press that displaying yard signs for a community

initiative could mean a \$500 fine — per sign. With the ACLU-NJ’s help, the town stopped enforcing the ordinance at that time.

But this year, the ACLU-NJ’s advocacy went further. The ACLU-NJ persuaded Wyckoff to rescind the unconstitutional parts of the ordinance in October.

A RETURN OF BLACKLISTS

THE STATE WILL PUNISH COMPANIES FOR NOT INVESTING IN ISRAEL IF THE REASONS ARE POLITICAL

The ACLU-NJ put up a strong fight, but in the end the Legislature brought back political blacklists. A new law prohibits the state pension fund from investing in any company that boycotts Israel or Israeli companies. The government will investigate companies’ reasons for not investing.

Disturbingly, the law isn’t punishing companies for anything they do, but for what they believe.



If two companies don't invest in Israel, one for business reasons and the other for political ones, only the political choice is punished. The ACLU-NJ is vigilantly watching implementation.

**ANOTHER RELIC RESURFACES:
DECENCY LAWS
RAISING A MIDDLE FINGER AND
CURSING IN PROXIMITY TO POLICE
AREN'T CRIMES**

Bill Martin thought he was running an errand. Unknowingly, he and his middle finger were standing up for speech.

A driver tailgated his car, and Bill impulsively gave him the middle finger. The man he flipped off was a police officer in an unmarked car. He wrote Bill a summons for disorderly conduct.

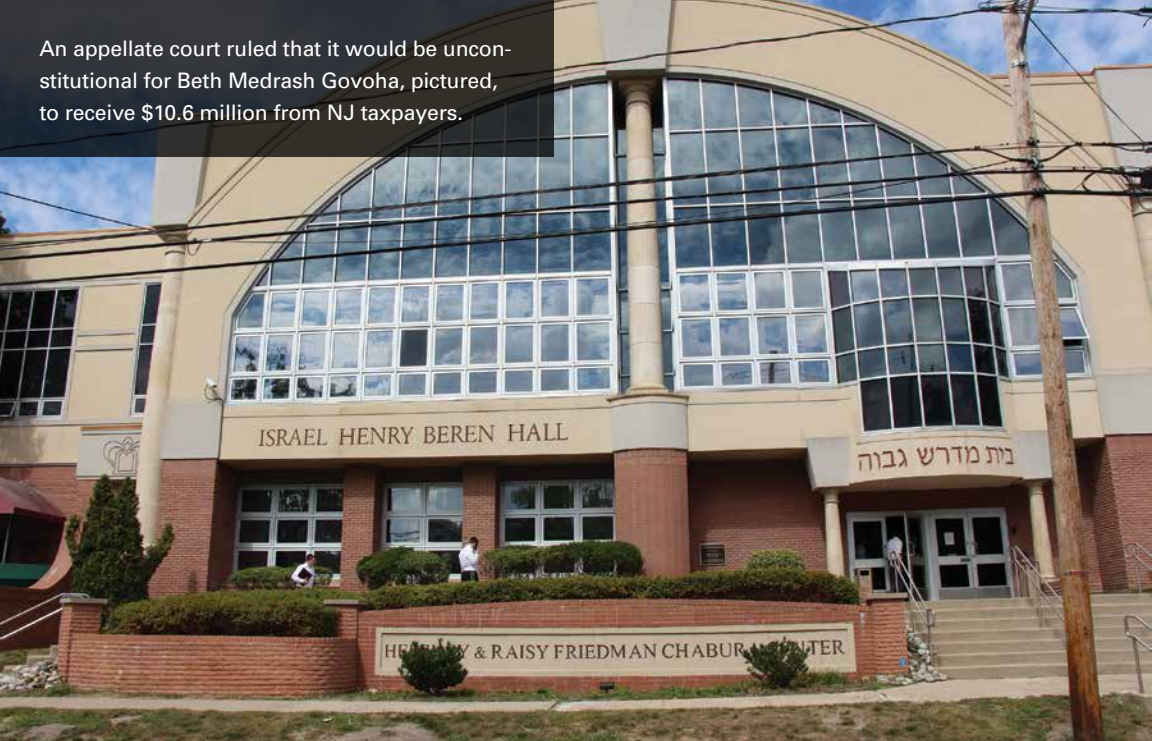
The ticket was for: "extending his left arm out of the driver's side window and raising his left middle finger." But that's not constitutional. The ACLU-NJ intervened, and the charge was dismissed.

Around the same time, a Lake Como resident said "fuck!" on his cellphone during an upsetting call. A cop overheard and issued a noise citation. The ACLU-NJ argued the ticket was unconstitutional; the charges were dropped.

The ACLU-NJ helped a man fight a ticket for flying "Trump" flags, and the town revised its unconstitutional ordinance.



An appellate court ruled that it would be unconstitutional for Beth Medrash Govoha, pictured, to receive \$10.6 million from NJ taxpayers.



Religious Freedom & of Religion

Major ACLU-NJ victory in suit over millions of tax dollars pledged

MILLIONS TO YESHIVA & SEMINARY BROKE CONSTITUTION, SAYS APPEALS COURT

The government can't spend taxpayer money to support a religious institution, and a New Jersey appeals court issued a landmark ruling in an ACLU-NJ case confirming it.

The ACLU-NJ argued that the state's planned \$10.6 million grant to Beth Medrash Govoha, an orthodox Jewish yeshiva, and \$645,323 to Princeton Theological Seminary violated the

state Constitution's ban on tax dollars supporting a ministry. The court agreed.

Both schools are dedicated to religious training, and both engage in discrimination.

The funding is on hold during the constitutional challenge, which the ACLU-NJ filed on behalf of a Unitarian Universalist minister, a former Hebrew school teacher, and two New Jersey taxpayers. The State of New Jersey has asked the New Jersey Supreme Court to review the decision.



An appellate court ruled that it would be unconstitutional for Princeton Theological Seminary, pictured, to receive \$645,323 from NJ taxpayers.

Government Support

to yeshiva and seminary

ANTI-MUSLIM DISCRIMINATION, THROUGH BUREAUCRACY

The Islamic Society of Basking Ridge tried for four years to build a mosque in Bernards Township. But after 39 hearings, the Bernards Planning Board finally said the town wouldn't allow it.

The rejection smacked of religious discrimination. The ACLU-NJ filed a brief standing up for the Islamic Society's right to worship freely.

Once the Islamic Society met the town's zoning restrictions, Bernards simply

changed the restrictions. For example: they changed the ratio for parking spots from one based on seats to one based on prayer rugs.

The Bernards planning board had allowed exceptions for other religious groups. But the planning board took the position that the exceptions only applied to literal "churches," a category that they said excluded mosques. That double standard for churches and mosques violated federal law and the Constitution, and the ACLU-NJ joined a lawsuit filed by Muslim Advocates to uphold those principles.

Safeguarding the Rights of Immigrants

Our Constitution protects the rights of everyone in America

GIVE REFUGE IN THE GARDEN STATE

Chris Christie was one of the first governors to announce that Syrian refugees were not welcome in his state. Dozens followed.

The ACLU-NJ warned Christie that barring refugees based on national origin is unconstitutional discrimination. (Just in October, a federal appeals court ruled in favor of the ACLU of Indiana that Governor Mike Pence “clearly discriminates” by excluding Syrian refugees from the state.)

Christie scrapped his plan. Instead, New Jersey would stop settling all refugees, leaving it to non-profit resettlement agencies to shoulder that burden alone. The ACLU-NJ and its supporters urged him to reverse his decision.

Telling people fleeing a humanitarian crisis that they are not welcome is not who we are, as Americans or New Jerseyans. It won't make us safer, and it won't accomplish any public policy goals.

COUNTY JAILS ACTING AS ICE AGENTS

Three counties — Hudson, Monmouth, and Salem — had a chance to stand up for residents, the rights of immigrants, and public safety by refusing to act as enforcement agents for ICE, federal Immigration and Customs Enforcement. Unfortunately, despite strong outcry, these counties renewed or entered into the voluntary 287(g) program to enforce federal immigration law, sending the message that local law enforcement would prefer to be deportation agents than build relationships with local immigrant communities. 287(g) is the same program that emboldened former Maricopa County Sheriff Joe Arpaio in Arizona to racially profile Arizonans and mistreat immigration detainees in his keep.

Before the vote, activists in “End 287(g)” t-shirts packed the Hudson



Advocates gather outside of the Hudson County Freeholders Meeting in Jersey City to testify against a 287(g) agreement with ICE.



County Freeholders' chambers and offered testimony about the breakup of families. County officials received emails from hundreds of ACLU-NJ supporters. The ACLU-NJ and other groups in the New Jersey Alliance for Immigrant Justice embarked on a three-mile march from Hudson County Jail to the freeholders meeting, with rallies along the way, before testifying a second time. The work continues.

MUNICIPAL IDS GIVE BETTER LIVES TO TENS OF THOUSANDS

Now, the bragging rights: New Jersey has more municipal ID programs than any other state in the country, thanks to efforts of the ACLU-NJ and its partners

in the New Jersey Alliance for Immigrant Justice. On the first anniversary of its municipal ID program, which the ACLU-NJ was instrumental in creating, the City of Newark announced 9,600 cards had been issued.

The municipal IDs available to residents of Elizabeth, Roselle, Perth Amboy, Plainfield, Dover, and Paterson, which have all passed legislation creating municipal IDs, mean that vulnerable community members unable to secure state-issued ID — undocumented immigrants, transgender people, and the homeless — will have a way to prove who they are. When you can prove your identity, you can make meaningful contributions to community and civic life.

Lessons in Students' Rights

The fight for fair testing and protection of students' speech

PARCC GRADUATION EXAM TESTS THE NEW JERSEY CONSTITUTION ACLU-NJ IS SUING TO STOP DRACONIAN GRADUATION REQUIREMENTS

If the Department of Education's new policies had been in effect, about 41 percent of the class of 2016 would not have graduated. Many would have been students of color, economically disadvantaged young people, and English language learners.

The ACLU of New Jersey and Education Law Center are fighting unconstitutional and unfair changes to graduation requirements. The new policies violate state education law and disadvantage poor students and English language learners. The ACLU-NJ and ELC convinced the DOE to ease restrictions in May through a settlement. But the DOE has now doubled down and made the new policies official, so we're taking the DOE to court.

WHAT THE NEW GRADUATION REGULATIONS MEAN FOR NEW JERSEY STUDENTS

In 2016: The PARCC tests become a graduation requirement for 2017 graduates, with no alternative besides fee-based tests like the SAT and ACT or limited portfolio review.

In 2021: Starting in 2021, if you don't take PARCC, you don't graduate. Only students who have taken all high school PARCC tests can substitute a portfolio. Opt-outs can't graduate.

These regulations violate students' civil rights and the New Jersey Constitution's promise that every child has a right to a thorough and efficient public education.



Bethany Koval was accused by school administrators of bullying for a political tweet she posted during her winter break.

A Student's Speech Rights Trend on Twitter

Bethany Koval's tweets were contentious, but they weren't bullying

"I'M SOOOOO GLAD that pro-Israel girl from my school unfollowed me! I'm so FREE now like...F-ISRAEL..."

It's understandable that someone might find that tweet offensive. But is it bullying? Fair Lawn High School administrators told Bethany Koval that it might be. Under New Jersey's strict anti-bullying laws, the consequences could include suspension and expulsion.

The ACLU-NJ stepped in to represent Bethany, nicknamed Benny. The 16-year-old junior, who posted the tweets from home during her school's winter break, inspired a nationally trending hashtag: #IStandWithBenny. She also became the subject of local protests.

Ultimately, the school principal determined the tweets were not bullying. Yet the episode exemplifies the ACLU-NJ's concerns that the 2010 bullying law can be misused to stifle free expression rather than address harassment. The ACLU-NJ and other rights organizations, including Garden State Equality, sent a letter in October recommending changes to stop the bullying law from punishing free speech.

The best news for Bethany? After the investigation was over, her mom let her go back on Twitter and return to her 11,000 followers. She's interested in a career in civil rights.



New Frontiers for Civil Liberties

The ACLU-NJ continued to expand the frontiers of civil liberties



THE PRESS OF ATLANTIC CITY

ACLU New Jersey sees rights issues in Atlantic City takeover

We advocated for Atlantic City residents' right to self-determination.

Decriminalize prostitution

ACLU of New Jersey joins call to help prevent human rights v

ACLU: It's time to decriminalize prostitution
opinion

civil libertarians, we

We sounded a call to protect human rights by decriminalizing sex work.

The New York Times

Ahmad Khan Rahami's Father and Wife Retain A.C.L.U. to Defend Him

The question of legal r
accused of carrying ou
Shore, took a new turn
of New Jersey said tha
defend him on federal charges, at least until he was given a federal public defender or other lawyer.

We defended the Sixth Amendment right to counsel when it was taken from Ahmad Rahimi.

NJTV NEWS

ACLU Challenges Law Enforcement Asset For

By Star-Ledger Guest Columnist
Follow on Twitter
on July 06 2016 at 10:40 AM, updated July 06 2016 at 2:08 PM

WNJC

We called for an end to civil asset forfeiture.

Jeanne LoCicero and Udi Ofer

Published in
The Brian Lehrer Show

New Jersey Transit Eavesdrops on Your Commute

ACLU to Newark: Stop arresting city's prostitutes

Passengers, ACLU concerned
about new NJ Transit cameras

We successfully challenged sweeping video and audio surveillance of NJ Transit passengers.

department for a sting operation that netted 13 prost
during its time targeting "consenting" adults.

ACLU concerned about

Passengers, ACLU concerned about new NJ Transit cameras

April 12, 2016 8:58 PM

Passengers, ACLU concerned about new NJ Transit cameras

We won the right to counsel for poor parents in private adoption proceedings.

app.com ASBURY PARK PRESS
PART OF THE USA TODAY NETWORK

Civil Liberties
this decision
riders specifi

ACLU representing NJ and NY bombing suspect

associated22press 10:24 a.m. EDT September 27, 2016

Poor parents have right to lawyer when challenge private adoptions, NJ Supreme Court rules
211 parents will no longer face the risk of losing their children

Liberties

and rights this year

nj.com NJ.com
@njdotcom

4 #NJ school districts sued by ACLU over enrollment practices nj-ne.ws/1W4zV58

nj.com
True Jersey

Ebola nurse lawsuit against Christie continues despite judge tossing federal claims

Portland Press Herald

Kaci Hickox replies to Chris Christie's a block lawsuit over Ebola quarantine

The nurse, who moved to Maine for a while after New Jersey put her in quarantine, is pursuing civil rights lawsuit.

THE ASSOCIATED PRESS

We stood up for the rights of immigrant school children and families to enroll in school.

We argued for a court victory that means a nurse quarantined during the Ebola epidemic will have her day in court.

The CHRISTIAN SCIENCE
MONITOR

LU is taking up the alle

New Jersey bomber's case

The civil rights group says that Ahmad Bahami has the right to counsel. Author... m, saying he has not yet

A SNAPSHOT OF THE ACLU-NJ IN THE COURTS

September 1, 2015, through August 31, 2016

Number of briefs filed with the NJ Supreme Court: **20**
Number of times argued before the NJ Supreme Court: **12**
Number of argued cases that were decided: **11**
Wins out of the 11 decided: **8**

Number of direct cases we opened this year: **14**
Number of friend-of-the-court briefs filed this year: **26**
Total cases opened: **40**

Number of cases decided or settled: **23**
Number of favorable decisions or settlements: **17**

Number of first-time civil liberties complaints submitted online: **1,447**



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Followers

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Police seized \$171 from a N.J. man. It'll cost \$175 to get it back.

23

Activism Spurred by Compassion

PROFILE OF ACLU-NJ SUPPORTERS
JOE AND COLETTE PARSONS



Joe Parsons was a philosophy major when he met his wife, Colette, in college. Colette, a lifelong do-gooder, assumed she would become a social worker at the time. It didn't turn out that way exactly.

Joe, a Michael Kors executive raised in a family in which his Presbyterian minister father was patriarch, went into accounting. Colette spent her career in advertising. But at their core, they're the same philosophical, compassionate idealists who packed up their VW bug and drove to Texas to start their adult lives. And they're still as committed as ever to the principles of the ACLU.

Joe, who has served as the ACLU-NJ's treasurer since 2011, first heard about the ACLU in high school from a friend who hoped to become a civil rights lawyer. The friend didn't become a civil rights attorney, but he created a lifelong member in Joe. As soon as Joe started earning a salary, he joined the ACLU.

"In those days I couldn't give very much money, but it was the type of thing I thought was right and an organization that I supported," Joe said.

Injustice left a deep impression.

"My sister lived in a nice middle-class neighborhood," he said, describing an experience he remembers vividly during a visit to El Paso, Texas, in his youth. "Not very far away, you could look over into Juarez, Mexico, and literally see miles and miles of slums. You looked one way, and you saw slums. You looked the other way, and you saw a lovely middle-class neighborhood. And that really forced you to understand how much injustice there is."

Protecting immigrants' rights and narrowing the gulf between rich and poor are issues close to his heart. As ACLU-NJ board treasurer, Joe chaired a panel that

researched economic justice when the organization was contemplating adding new focus on the issue. The findings shed light on the ways poverty endangers civil liberties. In the time since, the organization has defended the rights of the poor by challenging the inequalities of civil asset forfeiture, calling for an end to debtors' prisons, and reforming New Jersey's system of money bail.

"It's hard to stay completely up-to-speed on all of the areas where marginalized communities and people denied their civil rights need help, so we look to people and organizations whose work we feel in sync with. And the ACLU fills that role."

Colette volunteered in childhood with the Girl Scouts and as a teenager with Head Start, where she remembers making her first charitable donation — about \$2. Growing up in Arlington, Virginia, Colette stuffed envelopes for the John F. Kennedy Center for the Performing Arts before it opened while in high school. She became an usher, but the higher-paid job of ticket-taker could only go to men.

Colette and another female coworker wrote a letter to The New York Times.

“We do not seek to dominate the positions but are asking, or rather demanding, that our equality be respected and demonstrated through equal job opportunities,” they wrote in the letter, which ran in 1972 under the headline, “Bias at the Theater Door.”

The Kennedy Center ended its unfair policy, and Colette knew the power of advocacy. It was the beginning of a lifelong fight for the rights of women and girls. She remembers a time in the 1980s when an interviewer told her he couldn’t give her a job, even though she was an experienced ad executive: he apologized and said the company already had one woman.

As their two children have become adults, Joe and Colette are able to devote themselves more fully to the causes they believe in.

“We’ve always had the impulse, but now we’re in a position to give more support and a time commitment as well,” Joe said.

With their fellow Unitarian Universalists, they have served as witnesses to the human rights violations of Sheriff Joe Arpaio’s notorious immigration detention in Maricopa County, Arizona. They joined 80,000 people in a Moral Monday March in Raleigh, North Carolina, to protest the state’s discriminatory restrictions on the right to vote. (A federal appeals court in July struck down the law in a case brought by the ACLU’s Voting Rights Project; the Supreme Court’s decision not to take the case means North Carolinians who would have been disenfranchised can now vote.)

The Parsons lobbied in Trenton as part of the ACLU of New Jersey’s 2013 marriage equality campaign. They passionately support Black Lives Matter.

Working with their congregation, Colette has helped support under-resourced schools — donating coats, feeding children, cleaning up trash, giving holiday gifts to students — and served on reproductive justice task forces.

They see the ACLU-NJ almost as a proxy for the issues they care about most, both at the local and national levels.

“It’s hard to stay completely up-to-speed on all of the areas where marginalized communities and people denied their civil rights need help, so we look to people and organizations whose work we feel in sync with. And the ACLU fills that role,” Colette said.

They have been struck by the organization’s public outreach, from grassroots-lobbyist training to presentations on mass incarceration.

“It’s becoming increasingly important to preserve our liberties and to create social justice,” Joe said. “Certain things have improved — like marriage equality and police oversight in Newark. At the same time it seems like there are more and more barriers and inequalities being set up.”

“Like reproductive justice, for example,” Colette chimed in. “We already did this fight — how could this possibly be happening again? What a nightmare. I can’t believe I’m living this again.”

As they get closer to retirement, they plan to devote more energy to activism to advance civil liberties, civil rights, and education.

And Joe plans to pursue another interest: “I say, ‘When I retire, I’ll start studying philosophy again.’”

**Read Colette’s letter to the editor in
The New York Times:**

[http://www.nytimes.com/1972/04/10/
archives/bias-at-the-theater-door.html](http://www.nytimes.com/1972/04/10/archives/bias-at-the-theater-door.html)

"It's becoming increasingly important to preserve our liberties and to create social justice. Certain things have improved — like marriage equality and police oversight in Newark. At the same time it seems like there are more and more barriers and inequalities being set up."



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The ACLU of New Jersey gratefully acknowledges all who have made our work possible during calendar year 2015 through their generous financial support.

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The inaugural members of Newark's Civilian Complaint Review Board are sworn in at City Hall.

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*deceased

DeSilver Society Members

DeSilver Society Members have made a lasting commitment to defend civil liberties by naming the ACLU in their wills or through other planned giving.

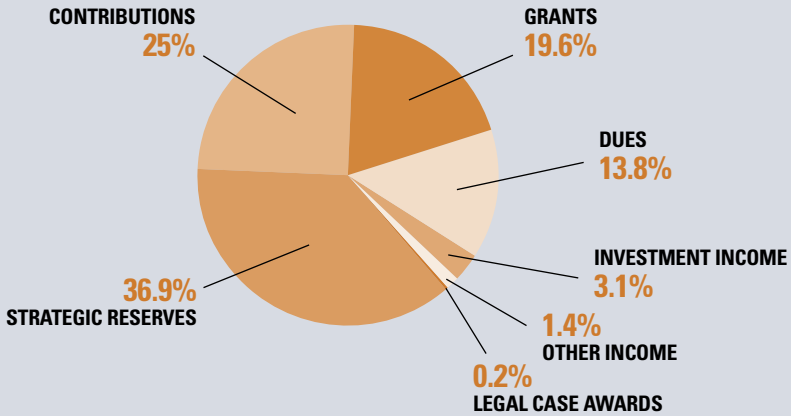
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Financial Resources

Income & Expenses 2015-16

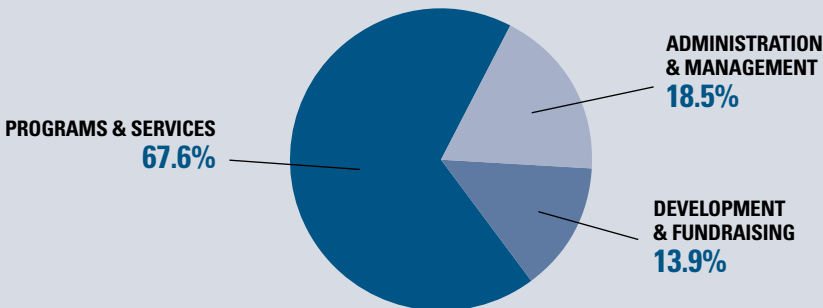
Income

Contributions	\$492,084
Grants	\$385,000
Dues	\$270,715
Interest & Dividends.....	\$61,717
Other Income	\$27,459
Legal Case Awards.....	\$3,000
Transfer from Strategic Reserves	\$724,893
Total operating income.....	\$1,964,868



Expenses

Programs & Services	\$1,327,545
Administration & Management.....	\$363,434
Fundraising	\$273,889
Total Expenses	\$1,964,868



Consolidated Audited Statement for ACLU-NJ and ACLU-NJ Foundation,
Fiscal Year 2016 (April 1, 2015-March 31, 2016)

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Thank You for Doing Your Part to Defend Freedom

A Message from Board President Deb Guston

We've spent this year confronting emerging threats to our civil liberties and we've kept up the strong defense of our essential constitutional rights. The ACLU of New Jersey has had a successful and active 2016.

We also know that the coming year promises renewed and new challenges. We thank you for the support that you have already given to us and for your ongoing dedication in the fight for civil rights and liberties in the Garden State.

We have made dramatic progress in New Jersey in 2016. No matter the climate or challenges ahead — we will never yield and we will continue to expand the boundaries of our freedom.

The ACLU-NJ will move forward with fierce determination to assure that our hard-fought rights endure, no matter the threats.

This is what makes the ACLU of New Jersey so vital and effective: we evolve to meet the needs of the day while remaining true to the principles that have always defined us. And this makes us uniquely prepared to fight for civil rights and liberties in an uncertain time.

The truth is, the country is counting on us. With the incoming presidential administration guided by a platform that emphasizes returning our country to an era when civil rights were restricted and civil liberties ignored, the states are the front lines of defense.



ACLU-NJ staff, interns, and volunteers — along with friends, family, and pets — during an outing in Sandy Hook, New Jersey, summer 2016.

Historically, New Jersey enshrined essential civil rights well before the federal government. From extending the franchise to women in state elections in 1797 (a first that unfortunately did not last) to protecting transgender New Jerseyans from discrimination in 2007 (a right that federal law still does not recognize), New Jersey has been a national leader in protecting its residents' rights.

New Jersey will stay a beacon, and we know our supporters will help us light the way. We will be as vigilant as ever in defending and advancing our most important fundamental rights. We are extremely grateful for you — our friends, partners, and allies who stand tall and keep watch over our freedoms alongside the ACLU of New Jersey.

From Deb's
twitter feed:
@DebGuston





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