

“Social justice should be the underlying goal of all humanity.”
-Alan V. Lowenstein, Institute Founder



TESTIMONY OF YANNICK WOOD
NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE
IN OPPOSITION TO A3119
NEW JERSEY ASSEMBLY LAW AND PUBLIC SAFETY
MONDAY, JUNE 5, 2023

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do social justice.

Chair Spearman, Vice-Chair Chaparro and members of the Assembly Law and Public Safety Committee:

Thank you for the opportunity to present this testimony in opposition to A3119, a bill that is overly broad and will expand qualified immunity and other rights and privileges of municipal law enforcement to individuals who are not municipal law enforcement.

My name is Yannick Wood, and I am the Director of the Criminal Justice Reform Program at the New Jersey Institute for Social Justice. We empower people of color by building reparative systems that create wealth, transform justice and harness democratic power.

We oppose A3119 because it (1) extends the rights and privileges in chapter 14 of Title 40A of the New Jersey Statutes (N.J.S.A.) to individuals who are not municipal law enforcement, (2) this type of extension of qualified immunity and other provisions runs counter to public safety and (3) A3119 may increase New Jersey's stark racial disparities.

1) *A3119 extends the rights and privileges in chapter 14 of Title 40A of the New Jersey Statutes (N.J.S.A.) to individuals who are not municipal law enforcement.*

A3119 uses overly broad language to extend the rights and privileges of municipal law enforcement¹ to persons selected by the governing body of “any institution of higher education, academy, school or other institution of learning.”² A3119’s language does not restrict who these persons may be but merely states that they must “act” as law enforcement officers.³ As a result, the list of individuals who qualify may include security officers,⁴ campus police, or school resource officers, all of whom may have similar powers to law enforcement officers and may “act as law enforcement officers.”

As a result, the rights and privileges in chapter 14 which were envisioned for municipal law enforcement workers is now being extended to individuals

who are not ostensibly municipal law enforcement workers. The unfortunate result is that campus police in universities like Montclair State University⁵ and New Jersey Institute for Technology⁶ who have been accused of misconduct for excessive force will receive increased protections. Across the country, campus police have also been accused of various misconduct including mishandling investigations⁷ and systemic racism.⁸

2) *This type of extension of qualified immunity and other provisions runs counter to public safety.*

A3119 extends qualified immunity⁹ as well as provisions related to suspension and removal that may harm public safety to the above-mentioned individuals. Qualified immunity shields officers from legitimate civil suits denying compensation to injured members of the public. It is increasingly unpopular with the public and contributes to police violence. As a state, we should be rolling it back, not extending it. Also, the various provisions related to suspension and removal¹⁰ provide barriers to the removal of law enforcement for misconduct and may allow officers to maintain employment even after being found guilty of misconduct.¹¹ The Institute opposes qualified immunity and seeks to create internal affairs processes that protect the public and opposes all efforts to broaden the current law.

3) *A3119 may increase New Jersey's stark racial disparities.*

New Jersey is home to stark racial disparities – disparities that may worsen if A3119 becomes law. Already, Black people in the Garden State are three times more likely to have the police use force against them compared to white people.¹² Since 2015, Black people accounted for 42% of all people shot and killed by New Jersey police¹³ despite being 15% of the population.¹⁴ Any measure that will limit the liability of officers may make it more likely that officers engage in conduct that harms communities of color.

Conclusion

For the above-mentioned reasons, we oppose A3119. Instead of expanding the rights and privileges of municipal law enforcement to individuals that are not municipal law enforcement, New Jersey should instead be advancing measures that improve police accountability.

¹ N.J. Stat. Ann. § 40A:14 (West, 2023).

² Asm. B. No. 3119, 200th (N.J. 2022), https://www.njleg.state.nj.us/bill-search/2022/A3119/bill-text?f=A3500&n=3119_l1.

³ *Id.*

⁴ N.J. Stat. Ann. § 40A:14-146.1 (West, 1971) (Stating that security guards have the same powers as municipal law enforcement).

⁵ *Student Backlash After Montclair State University Campus Police Draw Guns on Fighting Students*, 4 NEW YORK, (Sept. 7, 2018 10:49 AM), <https://www.nbcnewyork.com/news/local/montclair-campus-police-draw-guns-on-students-controversial-backlash-state-university/1822640/>.

⁶ Kevin Shea, *Disciplined N.J. cops can go to arbitration. Now, college officers can too, court rules.*, NJ.COM, (Nov. 29, 2022 11:14 PM), <https://www.nj.com/education/2022/11/disciplined-nj-cops-can-go-to-arbitration-now-college-officers-can-too-court-rules.html>.

⁷ Courtney Tanner, *What the University of Utah continues to get wrong with campus policing, according to a new audit*, SALT LAKE TRIB., (Apr. 21, 2022 3:01 PM), <https://www.sltrib.com/news/education/2022/04/20/new-audit-finds-failures/>.

⁸ Eddie R. Cole, *The racist roots of campus policing*, WASH. POST. (Jun. 2, 2021 6:11 AM EDT), <https://www.washingtonpost.com/outlook/2021/06/02/racist-roots-campus-policing/>.

⁹ N.J. Stat. Ann. § 40A:14-152.2 (West, 1971).

¹⁰ *Id.* at § 40A:14-147.

¹¹ *Id.* at § 40A:14-150.

¹² Disha Raychaudhuri & Stephen Stirling, *Black People in N.J. say they're more likely to be punched, kicked by cops. Now data backs that up*, NJ.COM (Sep. 24, 2019, 2:38 PM), <https://www.nj.com/news/erry2018/12/69f209781a9479/black-people-in-nj-say-theyre.html>.

¹³ *1074 people have been shot and killed by police in the past 12 months*, WASH. POST. (June 1, 2023), <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/> (Select Filter results, Select "New Jersey," Select Race "Black," Observe value "41," Deselect Race "Black," Observe value "97," Divide 41/97 for 42%).

¹⁴ *QuickFacts N.J.*, U.S. CENSUS BUREAU, <https://www.census.gov/quickfacts/NJ> (last visited June 3, 2023).