



New Jersey Libertarian Party

Police Accountability Project

John Paff, Chairman

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Jersey City Police Department

Internal Affairs Unit

8 Erie Street

Jersey City, NJ 07302

(via Fax only to 201-547-5512)

RE: Sergeant Edward Nestor and Detective Keith T. Ludwig

Dear Sir or Madam:

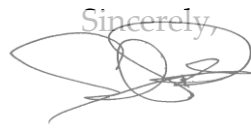
I chair the New Jersey Libertarian Party's Police Accountability Project and ask that you accept this letter as an Internal Affairs complaint. We would like your agency to investigate whether the captioned officers and other personnel employed by your agency acted in accordance with department policy and the law regarding agency interaction with Jerome McGhee on October 27, 2009.

As Libertarians, we seek the repeal of all laws prohibiting the production, possession, or use of alcohol, drugs and drug "paraphernalia" by adults. But, as long as this senseless "drug war" is being waged, we insist that police agencies scrupulously abide by individuals' rights to be free from warrantless and unreasonable searches and seizures.

According to the Appellate Division's decision in *State v. Jerome McGhee*, Docket No. A-2278-10T3 (on-line at <http://www.judiciary.state.nj.us/opinions/a2278-10.pdf>) a warrantless search of McGhee's shoe found "fifteen glassine bags of heroin, branded "Star Track," and two vials of cocaine with clear caps." Yet, the Appellate Division found no reason to excuse these officers from the requirement of securing a search warrant before conducting the search. Ultimately, the court reversed McGhee's conviction.

In addition to determining whether rules or laws may have been violated, we ask that you determine if there were training and policy failures within your agency as they relate to this incident.

Please acknowledge your receipt of this complaint, investigate and notify us of the outcome.

Sincerely,


John Paff