

The ACLU Supports the Rights of Law Enforcement Professionals

*The ACLU is well known for its efforts to combat police misconduct, but is less recognized for its legal advocacy on behalf of police officers. Like everyone else in the United States, police officers deserve constitutional protections. The ACLU has defended the rights of police officers, firefighters and corrections officers throughout the nation. Here are a few highlights.**

Freedom of Speech

In 2008, the ACLU of New Jersey filed court papers to support the rights of a Newark Police officer who was disciplined for posting his opinions about issues of public concern on www.NewarkSpeaks.com.

In 2001, the NYCLU sued and won a case on behalf of the Latino Officers Association, which challenged a policy requiring the police commissioner's permission to speak publicly about departmental matters. On First Amendment grounds, the NYPD could no longer prohibit officers from speaking out about the department.

In 2001, the ACLU of Rhode Island filed a lawsuit against an airport that censored a correctional officer union's billboard criticizing prison privatization. The airport backed down and agreed to display the ad.

In 1999, the ACLU of Michigan represented an Oxford Township Police officer who was sued for defamation after he reported that his chief had altered a report. The ACLU of Michigan won a motion to dismiss the suit, upholding his right to criticize government and act as a whistleblower against the chief's misdeeds.

In 1998, the ACLU of Georgia won a \$1.25 million judgment on behalf of four former Jefferson County deputy sheriffs who were fired in retaliation for not publicly supporting a newly elected sheriff. The jury ruled that the sheriff had violated the fired deputies' First Amendment rights.

In 1998, the ACLU of New Jersey spoke out to defend the free speech rights of North Wildwood police officers prohibited from wearing flags on uniforms as symbols of military service.

In 1987, the ACLU of the Nation's Capital represented a police officer who was subjected to retaliation because of his spouse's speech and won a settlement on the officer's behalf.

In 1985, the ACLU of the Nation's Capital represented a firefighter who was denied a promotion because he had filed complaints alleging racial discrimination in the Washington D.C. fire department and had participated in a firefighters' rally that was critical of the department. The officer won the case and was awarded a retroactive promotion and back pay.

In 1980, the ACLU of the Nation's Capital represented a police officer who was discharged because he spoke and lobbied for legislation to increase police pay. The federal appeals court held that his statements were protected by the First Amendment and his discharge was improper.

Freedom of Religion

In 2008, the ACLU of Nevada won a case on behalf of an Orthodox Jewish police officer who was not being allowed to wear a beard at his desk job for the Las Vegas Metropolitan Police Department.

In 2001, the ACLU of the Nation's Capital filed suit on behalf of several firefighters who were suspended for noncompliance with grooming regulations, which they argued infringed on their religious practices. The firefighters won the first round in court, but the case is still under appeal as of September 2008. In the meantime, they're allowed to wear their beards.

In 1999, the ACLU of New Jersey filed a brief in support of the religious freedom of two Newark Police officers who faced termination for wearing beards in accordance with their Muslim faith. The appeals court affirmed the trial court's decision in favor of the officers.

In 1990, the ACLU of Rhode Island filed a complaint on behalf of a police applicant who challenged the department's standardized psychological test because it asked questions relating to religious beliefs. The questions were eliminated from the test.

Discrimination

In 2006, the ACLU Women's Rights Project represented two New York City corrections officers who faced departmental discrimination and retaliation for reporting sexual and physical assaults made by co-workers, in accordance with the department's procedures. The plaintiff settled the case for \$95,000 plus costs and attorney's fees.

In 2006, the ACLU Women's Rights Project fought against a Suffolk County Police Department policy barring pregnant officers from short-term limited duty assignments, forcing pregnant women to take unpaid leave instead of being reassigned. A federal jury in New York found that the policy amounted to discrimination against all women officers. The department dropped the policy after the trial.

In 1997, the NYCLU filed a class action lawsuit challenging age restrictions for NYPD candidates – people 35 and over could not serve on the force. After lawsuits were settled on behalf of 33 men and six women, the department appointed 39 qualified men and women over the age of 35.

In 1995, the ACLU of the Nation's Capital successfully settled a case on behalf of a firefighter who challenged the Washington D.C. Fire Department's grooming regulation based on personal appearance discrimination. The ACLU argued against its policy banning beards, handlebar mustaches and hair below the top of the collar.

In 1991, the ACLU of the Nation's Capital represented a D.C. police officer in training whose random urinalysis for drugs disclosed that she was pregnant, which an instructor at the training academy disclosed to all of her classmates. The case was quickly settled.

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