
Public Hearing

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before

ASSEMBLY TASK FORCE ON AUTO THEFT

"Discussion of the increasing problem of automobile theft in this State, and possible remedies"

LOCATION: Council Chambers
Livingston Municipal Building
Livingston, New Jersey

DATE: December 8, 1992
7:00 p.m.

MEMBERS OF TASK FORCE PRESENT:

Assemblyman Monroe Jay Lustbader, Co-Chairman
Assemblywoman Marion Crecco
Assemblyman Harry A. McEnroe



ALSO PRESENT:

Miriam Bavati
Office of Legislative Services
Aide, Assembly Task Force on Auto Theft

New Jersey State Library

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MARION CRECCO
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New Jersey State Legislature

ASSEMBLY TASK FORCE
ON AUTO THEFT
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NOTICE OF PUBLIC HEARING

TO: MEMBERS OF THE ASSEMBLY TASK FORCE ON AUTO
THEFT

FROM: ASSEMBLYMAN MONROE JAY LUSTBADER, CHAIRMAN

SUBJECT: **PUBLIC HEARING - December 8, 1992**

The Assembly Task Force on Auto Theft will hold a public hearing on
Tuesday, December 8, 1992 at 7:00 P.M. in the council chambers, Livingston
Municipal Building, Livingston Avenue, Livingston, New Jersey.

The topic of discussion is the increasing problem of
automobile theft in this State, and possible remedies.

*The public may address comments and questions to Miriam Bavati,
Judiciary Section, Office of Legislative Services, (609) 292-5526. Those
persons presenting written testimony should provide 15 copies to the
committee on the day of the hearing.*

Issued 11/25/92

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ASSEMBLYMAN MONROE JAY LUSTBADER (Co-Chairman):

Ladies and gentlemen, good evening. This is the first of a series of hearings we intend to conduct pursuant to Assembly Resolution No. 1, the Auto Theft Task Force Resolution. Our charge, basically, is to investigate, make findings, take testimony, and make recommendations on legislation that will address the question of auto theft in general, and particularly carjacking.

I would like, just by way of background, ladies and gentlemen, to tell you why we are here tonight. The genesis of this Task Force is the public outrage in response to the heinous crime of carjacking, a particularly virulent form of auto theft. The crime of carjacking strikes at the core of our society. The ability to travel safely in a car or other vehicle is fundamental to modern life. The routine use of a motor vehicle is critical for most people to commute to and from work, to buy groceries or go shopping, and to take children to school.

Carjacking is changing all that. Now, for too many citizens, the use of a car creates anxieties about their safety. The fear is everywhere, both in the cities and in the suburbs, in the grocery stores, in the parking lots, and the shopping malls. The fear is perhaps even more acute for women who travel alone or with small children. Drivers of luxury cars, particularly foreign models, are particularly at risk, but no one should consider themselves above the risk.

It is particularly appropriate that the first hearing of this Task Force take place in Essex County, which has become a hotbed of rampant auto theft and consequential injuries. On a recent credible list of 20 cities nationwide with the highest rate of stolen vehicles, six are located in New Jersey. For those who are interested, number one on the list was Newark; number three was Irvington; number six was Camden; number seven was East Orange; number nine was Elizabeth; and number 13 was Trenton.

It is obvious, then, that we in New Jersey have the most to gain by halting this epidemic. The purpose of this panel is to galvanize the energies and insight of State legislators with the expertise and knowledge of local, State, and Federal officials to take dramatic, forceful action aimed at restoring the safety of motor vehicle travel.

The task that faces us is daunting. I believe that people of goodwill, however, working together, both in and outside government, can devise meaningful solutions. Today's hearing marks the first in a series of public hearings that the Task Force will hold to gather information and elicit testimony from law enforcement and other government officials, as well as the public at large.

Early in 1993, the members of this Committee will deliver a report of its findings to the Assembly, and appropriate legislative action is anticipated.

Before I introduce our first speaker, I would like to briefly summarize the procedures for conducting tonight's hearing. We will begin by taking a statement from each of our invited guest speakers. At the conclusion of the official remarks, the hearing will then be open to the floor, at which time any member of the audience will have an opportunity to ask a question or make a statement limited to three minutes in length. You also have the option of writing the Task Force, care of my district office at Roosevelt Plaza, 2 West Northfield Road, Livingston, New Jersey 07039.

The Task Force is grateful tonight to be in Livingston Township, and we would like to hear a few opening remarks from our Mayor of Livingston, Ed Sullivan.

MAYOR EDWARD SULLIVAN: Thank you, Monroe. As Mayor of the Township of Livingston, I welcome you and the Assembly Task Force on Auto Theft. Monroe, you had a long trip here tonight; 10 blocks from your Livingston office to the Town Hall.

I am here to urge you -- all legislators represented by this Committee tonight -- to give law enforcement professionals, such as our Chief, Don Jones, who unfortunately is sick, or he would have been right here with me tonight, and county and State criminal justice officials the tools they need to cope not only with car thefts, but also with the roots of such crimes.

We certainly urge the Assembly and the Senate to pass Senator Codey's bill, S-1324, to make carjacking a criminal offense with mandated imprisonment of at least five years.

Carjacking is the latest symptom of juvenile crime running rampant. Let's recognize realistically that the 17- and 18-year-olds who commit assaults, thefts, and worse, are not children. Lower the age for juvenile offenders from 18 to 16, just as many other states have done. We must give high priority to juvenile crime prevention. That means adequate resources for our criminal justice system -- prosecutors, judges, and correctional facilities.

Essex County taxpayers are especially burdened, with 30 percent of New Jersey's violent crimes and only 14 percent of the resources to deal with them. We need more State support. Carjacking shows that crime knows no borders. In last month's referendum, voters mandated State assumption of court expenses. Please remove this burden as soon as possible from Essex County taxpayers.

Juvenile offenders must be identified by fingerprinting, with files available to all police departments. Age must be established by proof. Chief Jones began positive identification in Livingston and our police identify chronic so-called first offenders who are really repeaters. Juvenile perpetrators of crimes against persons and their property must be prosecuted, incarcerated, and rehabilitated. We need juvenile detention facilities such as Essex County is planning to build, but more facilities are

needed; boot camps where juveniles will serve time away from their environment, experience discipline under supervision, and receive direction and rehabilitation.

The State must proceed to acquire such facilities at Fort Dix and in Cumberland County, for example. After their release from detention -- and it is important to stem this wave of crime that they be detained -- juveniles must get the care they need from the probation officers, from mentors, and from community groups.

Again, to deliver these services, it takes resources. We cannot afford to ignore our juvenile offenders and later discover that they have become hardened criminals. If the State doesn't redirect its resources now, we will pay a heavy price not only in terms of dollars, but in suffering and disrupted lives.

We look to the Legislature to provide the enabling statutes and the appropriations to allow our law enforcement, criminal justice, and correction professionals to convert outlaws into productive people.

Thank you very much for this opportunity.

ASSEMBLYMAN LUSTBADER: Thank you, Mayor.

Before we proceed with the first witness, I would like to introduce my colleagues. To my left is Assemblywoman Marion Crecco of Bloomfield, Republican, District 34. To my right is Harry McEnroe of South Orange, Democrat, District 28. There are several other members on the Task Force. It is a bipartisan Task Force.

With that, I would like to call U.S. Attorney Michael Chertoff, please.

U.S. ATTORNEY MICHAEL CHERTOFF: Thank you, Mr. Chairman. I am pleased to have a few moments to address the Committee.

Obviously, carjacking is a matter that affects all of us, not only in our professional capacities, but also in our

personal capacities. I want to tell you, if I may, an anecdote that occurred in my office a couple of years ago. Three Assistant U.S. Attorneys were leaving work in the Federal Building in Newark, and they went to their cars in the parking lot, which at that time was not patrolled. As one of the female Assistants got into her car, a group of youths drove up in what turned out to be a stolen vehicle. One of them got out and tried to force the Assistant into the car and grab the car. She was able to break away out of the car. He stole the car and ultimately it was found some distance away the next day or so.

This was a frightening experience, one that not only caused physical injury, but terror in the minds of, not only other Assistant U.S. Attorneys involved in the incident, but really in the minds of everybody in the office, who now had to contemplate this kind of aggressive violation of their personal space.

But, the moral of the story is not simply to say that we got concerned personally because it involved Assistant U.S. Attorneys with whom we worked. The moral of the story is to illustrate the way the Federal system worked two years ago when we had this carjacking episode, and that was before we called it "carjacking." You see, what these kids who committed this crime didn't realize was that they had, from their own perspective, made the unfortunate mistake of abducting, or attempting to abduct someone who was a Federal employee on her way from work. That made it a Federal offense. As it turned out, this was part of an evening crime spree that these three young people had been engaged in that had taken them in and out of various cars, in and out of the train station in Newark, and all over the Newark area.

They had had prior experience with the criminal justice system. They had an experience in which they had been arrested, processed, and then turned loose. But this time,

having encountered Federal employees on their way from work, they discovered that they were going to be arrested and enter the Federal system of justice, and that was a brand-new world. They discovered that they were going to be held without bail pending trial. They discovered they were going to go to trial within 90 days. They discovered that when they were convicted they were going to go to jail for a long time. And that experience, I think, illustrates one of the reasons that the Federal system is often looked to as a partial solution to the violent crime problems we have in society.

My suggestion here today is, as happy as I am to offer Federal resources and Federal laws as part of a comprehensive approach to address carjacking, I would also like to suggest that perhaps the State look to the Federal system in terms of guidance with respect to how we might improve the State system, so that we don't have to see the Federal system as a necessary component of combating the problem, but really as a coequal component of combating the problem.

Let me tell you what I mean: There is new Federal legislation on the books very recently that makes carjacking a Federal offense if it is committed with a firearm. It carries a 15-year penalty. If serious injury results, it is 25 years; and if there is loss of life it is a life term.

I know there are state penalties on the books now that apply to carjacking, and I know there are proposals in the works to increase those penalties. I applaud that, because I think it is important to have powerful tools and powerful punishments for people who commit these kinds of violent crimes. But I think there is a more important dimension to the Federal system that perhaps exceeds the amount of punishment in terms of its impact upon criminals, and that is the swiftness and certainty with which the system operates.

We do have a system in the Federal government for pretrial detention. What that means, is that when you have

people who commit violent crimes, if they cannot convince the judge, or, to put it the other way, if we can convince the judge that there is no way to protect the community from those individuals without holding them before their trial in detention, then we get to detain those individuals. They don't simply revolve through the system, get arrested and then hit the street again that evening or the next day to go on about their business.

The second part of the system -- and, of course, it is integrated with the detention aspect -- is that we have a Speedy Trial Act. Within 70 to 90 days, a simple violent crime has to go to trial in the Federal system. What that means, is that to the individual who is apprehended on a Federal charge, the prospect of going to trial and being punished is not a remote prospect that they are going to face two years down the line, or three years down the line. It is something that is very immediate. It has an immediate impact, and it is something that they become aware of as soon as they are caught up in the Federal system.

My belief is that it is that kind of immediacy which operates, not only to incapacitate violent criminals, but also to deter others who would commit violence. I think when word gets out on the street that you are facing the prospect of a trial within three months, or four months, that you are facing the prospect of going to jail within a measurable period of time, that people will start to think again about whether they want to engage in these kinds of crimes.

Again, the simplest example of this is one I draw from my own experience. Years ago when I was a young Federal prosecutor, we used to do occasional, what we used to call "Federal days" in narcotics enforcement. We would, one or two days a month in New York, arrest narcotics traffickers off the street, with the help of the New York police. Instead of sending those narcotics traffickers to state court, we would

bring them into Federal court, and they were engaged with pretrial detention and the Speedy Trial Act.

Now, we found very quickly that people on the street got the message. They knew that when they were picked up on Federal day that they were in for serious trouble. I used to hear defendants in my office tell me, "Oh boy, you know, if I had only known that this was Federal day today, I would not have come out." That, to me, is a measurable deterrent.

My suggestion is not that we federalize the criminal laws, because my office couldn't cope with it, and you've got a very fine criminal justice system in this State, which I think is perfectly capable of dealing with offenders, providing the system has the right tools. So my suggestion is going to be this: I encourage you to consider the enhancements of criminal penalties and the other enhancements that are part of the packages that are being proposed. But I also encourage you to consider what procedural devices are available to make sure that when we arrest people, they actually go to trial and get punished. You see, if all we do is raise the punishments to staggering amounts of time -- 10 years, 20 years, 40 years in prison -- it seems like we are being tough on crime, but if people don't ever see those prison terms because they don't get to trial, then what we are really doing is kind of playing with funny money.

So, we have to see what we can do to make the system move more quickly in violent crime cases. My suggestion is that the State look at the issue of pretrial detention in appropriate cases; that the State look at a Speedy Trial Act, at least with respect to violent crimes, or perhaps with respect to violent crimes committed by those people with a prior record; and that we see if there is a way to apply our resources to get those cases moving quickly. Whether that means additional judges, whether it means holding night sessions in court, or setting up special courts to handle these

matters, I think that if the community gets the message that carjackers are going to be treated not only strictly, but swiftly, that is going to have a real impact.

Then, of course, at the end of the line, we have to have adequate prison space. In some cases, that may mean boot camps for people who are first offenders or who are juveniles. In other cases, it may mean more actual jail space. Again, it is going to have to be an effort that I think everybody has to participate in. It is going to mean building boot camps in somebody's backyard, and that means that that person may not be very happy. But someone is going to have to provide the geographical location for this additional jail space and boot camp space, if we are serious about addressing this problem.

Let me also suggest that there is some prevention that is in order. I recently attended a press conference with the Governor and the Attorney General and a number of county prosecutors in which the State unveiled a very well-thought-out, comprehensive plan for dealing with carjacking. Part of that plan involves prevention. It involves engaging merchants and businesspeople who are operating in malls and other public facilities in the process of providing security so as to prevent carjackings from taking place. I think anybody in the business community who has common sense realizes that their livelihood depends upon the willingness of citizens to get into their cars and go shopping. Again, as we all know from talking to people in our communities, increasingly people are hesitant to get into their cars because they have the image of what might happen to them at the shopping mall or downtown.

We can't tolerate that as a society. Our economy can't tolerate it. I think the businesspeople of this State ought to be actively engaged in the process of contributing whatever resources are necessary to provide supplemental

security for shopping malls and other places of commerce, to make sure that we can prevent these things.

I don't want to get into the difficult issue of how you pay for these things, except to say this: We are paying for these things. Every time somebody doesn't go to the store because they are afraid of a carjack, we are paying for these things. The merchant is losing business; a businessman is losing his trade. So we do have to decide whether we are going to pay for them up-front in terms of curing the problem and punishing those who should be punished, or whether we are simply going to allow a kind of criminal tax to be imposed on our society, which occurs any time we let people use fear as a way to turn our citizens from going out and enjoying the highways and enjoying the shopping malls and enjoying the other amenities of a civilized community.

I would be happy to take any questions.

ASSEMBLYMAN LUSTBADER: Mr. U.S. Attorney, you are probably aware of the fact that the State Attorney General has made a recommendation of a legislative package that he would like enacted as soon as possible. It just occurred to me and the Task Force that perhaps you should have some input on that legislation. Maybe you can make some recommendations that will strengthen it and enhance the ability to coordinate your efforts. I just wouldn't want to see this package enacted without some oversight or input from your office as to whether or not this, in your mind, will do the job, or at least will address the problem as effectively as possible.

Perhaps I can arrange to have that meeting, with your permission.

U.S. ATTORNEY CHERTOFF: I want to tell you that the Attorney General-- I have spoken with him and the county prosecutors. I am generally familiar with the legislation. I am delighted -- I am always available to him, as he knows, because we work very closely together -- to offer any input.

If there is any input I can offer with respect to the Legislature, I would be delighted to do that, as well.

I have to commend the Attorney General and the county prosecutors in this State for having, during my tenure -- for being outstanding in their cooperation and coordination with the Federal government in law enforcement.

ASSEMBLYMAN LUSTBADER: Okay. Assemblyman McEnroe?

ASSEMBLYMAN MCENROE: Through you, Mr. Chairman, Mr. Chertoff, your comments were very much on target regarding swift and certain justice and the message that sends to people involved in crimes of this nature.

In our area, and in the experience we have had, there have been a considerable amount of juveniles involved in auto theft, as opposed to the latest carjacking circumstance. Now, as a Federal prosecutor, what is your response? Should we be treating adults-- Does the Federal system allow the treatment of adults -- I mean, the treatment of juveniles as adults, and what is your recommendation on this?

U.S. ATTORNEY CHERTOFF: Assemblyman, actually you have put your finger on a weakness in the Federal system. It is very difficult and cumbersome under the Federal system as it now exists to treat juveniles as adults. It is possible to do, but the procedural hurdles are such that we, frankly, tend to decline those cases.

There was a proposal by Attorney General Barr -- U.S. Attorney General Barr -- earlier this year to address that, but it got, I guess, swept up in the swell of other business, and it never actually progressed. I think we have all reluctantly come to the conclusion that the age of 18 is an artificial dividing line; that there are 16-year-olds and 17-year-olds, and maybe 15-year-olds, who are capable of taking responsibility for themselves, and who are every bit as dangerous as adults when it comes to committing crimes of violence. As much as we would like to honor the model of

juvenile justice that suggests we merely need to find these younger than 18-year-olds a suitable home and a suitable education, the fact of the matter is, there are some people to whom that model does not apply.

I think we do have to have legislation, which I think is now being considered, that will lower the age for certain kinds of crimes, and then we will streamline the process for deciding whether juveniles will be treated as adults. It may be that juveniles are amenable to a boot camp type of situation, but I think it has to be a structured, disciplined, coercive situation. It can't just be something that is kind of a dressed up foster home type of situation.

So I would encourage the Task Force, through the Legislature, to look seriously at expanding the age, or lowering the age limits for using the criminal justice system.

ASSEMBLYMAN McENROE: Thank you.

ASSEMBLYMAN LUSTBADER: Assemblywoman Crecco?

ASSEMBLYWOMAN CRECCO: Yes. I would like to thank you for your excellent testimony and input. But, what about insofar as parental responsibility in considering prevention of these crimes? What would your suggestion be on that? Do you agree that we should be able to do something in that vein?

U.S. ATTORNEY CHERTOFF: Well, of course, we don't have any law on the books federally that addresses that. I am all for parental responsibility. The question is: How do you enforce it? I know there has been some debate about the viability of an approach that imposes liability on parents depending on how much control they have over their children.

I think it is a complicated area. I wish I could -- as I have said in other contexts-- In the end, you can't really legislate-- Well, you have to legislate in conformity with morality, but legislation is no substitute for morality. In the last analysis, parents are part of the line of defense and the line of responsibility. It is too complicated an issue

for me to offer you an easy solution, except to say that I think you are going to have to balance the obvious desirability of forcing parents to be attentive to this, with the unfortunate reality that many parents really don't have control over their children. Many of the 16- and 17-year-olds who are committing the worst crimes are so far beyond their parents' control, that I don't know that exposing the parents to liability is really anything more than exacting a certain -- or exhibiting a response to our own frustration.

So I guess I leave you with the thought that of all the proposals, it is the one that is the hardest to reconcile in terms of balancing what we wish parents would do and the reality of what parents can do.

ASSEMBLYWOMAN CRECCO: Those 13 and 14 years of age-- Do you also feel they cannot control these youngsters if they are out at 3:00 in the morning?

U.S. ATTORNEY CHERTOFF: Do I think parents should control them? Of course I do. I guess I have enough experience dealing with people from different walks of life to understand the reality that there are some parents who really don't have control over their 12-year-olds and their 13-year-olds. I don't know that we can-- I don't know that it is a matter of compelling the parents. Maybe in some cases it is; maybe in some cases the parents have all the good will in the world, but they have just given up. Of course, it is in precisely those cases that the criminal justice system has to be prepared to address the 13- and 14-year-olds directly.

ASSEMBLYWOMAN CRECCO: Thank you.

ASSEMBLYMAN LUSTBADER: Thank you, Mr. U.S. Attorney. We appreciate your taking the time from your busy schedule to come to address us. Hopefully, we will be back to you with some recommendations that you may want to express some opinions on.

U.S. ATTORNEY CHERTOFF: I would be delighted. Thank you, and I encourage you to go on with this fine work.

ASSEMBLYMAN LUSTBADER: Thank you.

Next I would like to call the panel of Fred De Vesa, First Assistant Attorney General; Robert Winter, Director of the Division of Criminal Justice; Drew Ruotolo, the Union County Prosecutor; and Jim Mulvihill, Acting Essex County Prosecutor.

Gentlemen, good evening. I assume you are going to address us and address the audience in whatever order you choose to, and interact among each other -- whatever information you may want to give us. So, shall I leave it to you, or should I pick-- I get the feeling that you want to speak first, Mr. De Vesa.

F I R S T A S S T. A.G. F R E D. P. D e V E S A:
Yes. Thank you, Mr. Chairman. I am Fred De Vesa, First Assistant Attorney General. I am accompanied by, to my right, Director Winter -- Robert Winter -- Director of Criminal Justice; Acting Essex County Prosecutor Jim Mulvihill; and to my left, Union County Prosecutor, Drew Ruotolo.

First of all, we would like to thank you very much for extending the invitation for us to testify before this Task Force on Auto Theft. The Attorney General would have liked to have been here himself, but he had other pressing business.

As you know, the Attorney General has previously submitted a number of recommendations for legislative reform. Those recommendations are contained in a formal statement that has now been submitted to this Task Force, together with an outline of our proposals. They had previously been submitted to a Senate Judiciary Committee meeting here in Bloomfield. Two members of this Task Force -- Assemblyman Lustbader and Assemblywoman Crecco -- participated in that hearing and have fortunately sponsored a share of a nine-bill legislative

package that incorporates many of the measures proposed by our office. We thank you very much for your support in that regard.

The nine-bill package has a total of 14 sponsors, representatives from both parties. The Senate bill package has already passed without negative vote. Unfortunately, the Assembly package is still pending in the Assembly having been introduced on October 15, but there has been no further action. We urge this Task Force to recommend that there not be further delay in the study of these proposals, and that they move as expeditiously as possible through the Assembly.

We understand that there are complex issues, but we believe the legislative package that is now pending, although it may not necessarily be a perfect solution, is a well-conceived package of legislative proposals that will effectively deal with the auto theft problem.

We have done many things in law enforcement, from a programmatic standpoint and from a policy standpoint, to deal with the problem of auto theft. The gentlemen seated next to me will describe those measures very shortly, but at this point I think we need to stress that law reform is needed. Car theft is a serious and costly problem in this State. Six New Jersey cities ranked in the top 20 in the nation for auto theft in 1991. There were 71,000 motor vehicle thefts reported in this State in 1991. Sixty percent of the persons arrested for auto theft were, indeed, juvenile offenders, Assemblyman, as you have pointed out.

More troublesome, car theft is becoming an increasingly dangerous problem. We have juveniles who are leading police on high speed chases; ramming stolen vehicles into police cars; driving stolen cars at officers on foot; and now we have come to learn that this dangerousness has reached new levels with the emergence of these carjacking incidents that we are all too tragically aware of.

Our package has four major components: 1) measures to make imprisonment for auto theft more likely by including a presumption of incarceration for repeat offenders; 2) measures to increase the penalties for the life-threatening and dangerous conduct of alluding police and joyriding; 3) measures to permit extended terms of incarceration for persons who commit other dangerous offenses with stolen vehicles; and, perhaps most importantly from our standpoint, measures to deal with the perception and, in some cases, the unfortunate reality, that there are no consequences when juveniles engage in this dangerous conduct. The bills that we have recommended would impose reasonable mandatory sentences for juvenile offenders: community service or incarceration for first offenders, and incarceration for juveniles who commit a second offense.

To respond to your earlier question, Assemblywoman Crecco, our proposals would also permit, and indeed require, parents who neglect to exercise reasonable control and supervision of juveniles to compensate the victims of their children's car theft and joyriding.

We realize and fully appreciate that implementing mandatory sanctions for juveniles will not be easy and it will not be inexpensive. At current rates in Essex County, as many as 1500 juveniles per year could be required to perform community service or to undergo community education programs. Prosecutor Mulvihill will explain more fully the impact of mandatory sanctions on this class of offenders.

On the other hand, we have begun to see-- We have already developed some educational programs in Essex County. We have developed similar educational programs in the case of biased crimes, and we have begun to see very promising results. We think it is critical that we move forward in this area for juvenile offenders. Ideally, we believe that there

ought to be some type of mandatory community service or educational program for all juvenile offenders, not just those involved in auto theft.

Finally, we have now begun to turn our attention to this emerging and most serious and troublesome problem of carjacking. In addition to legislative proposals, there are a number of steps that have been taken by the Attorney General and the county prosecutors to deal with this problem of carjacking. I would like to turn the panel over to Director Winter, who will explain, with your permission, some of the measures that are currently ongoing.

R O B E R T T. W I N T E R: I appreciate very much the opportunity to address the Task Force and update it on the steps we have taken in the last month or so to try to attack the carjacking problem.

Let me say from the outset that there is absolutely no room for sympathy or leniency with respect to carjackers; no room in the law, nor any room in prosecutors' policy with respect to those cases. In that regard, the Attorney General, over two weeks ago, issued a directive to the county prosecutors that there will be no plea bargaining with respect to carjacking cases.

Now I know there is a bill pending which enhances the penalties for carjacking. This office supports the concept that people committing carjacking should be subject to first degree penalties, and that they should also receive penalty enhancements, and we are willing to work with the Assembly and the Senate in drafting and assisting on that bill.

Let me tell you a little bit about the carjacker. We started a little bit behind in this because we were not keeping statistics specifically on carjacking. We were keeping statistics on armed robbery and assault. So we had to spend some time -- and Jim Mulvihill and Drew Ruotolo have done the bulk of this work -- in pulling out what statistics we had. A

carjacker is not your juvenile who steals a car to do donuts. It is not a person stealing a car to joyride. These are people who are taking the car because they have just committed a serious offense and are trying to escape from that offense, or they are taking the car to commit a series of very serious crimes. In one particular case, they passed the car off to others, who would then travel around the various communities to commit serious offenses. So, these people-- As I say, there is absolutely no room in the law for sympathy for these people.

Now, with respect to the steps that we have announced -- we announced them about two weeks ago-- I know Mike Chertoff spoke before us, and we have worked out a good system, I think, with the Federal government to screen cases. Mike has assigned someone to work with us, and we have assigned various prosecutors to work on this committee, to screen cases that are appropriate for Federal prosecution. I don't think I am going to discuss the system that we put into place, but we have a system in place to screen cases that are appropriate for Federal prosecution. That is with the wonderful assistance of Mike Chertoff's office.

We announced that we were going to try to set up a system in the 21 counties for enhanced patrols in specific areas, particularly our shopping malls and some of our residential areas that had fallen victim to this carjacking problem. I can say that we have been very successful in that regard. There have been meetings in 15 counties, and programs have been put into place in the 15 counties as I speak. It has been through the wonderful cooperation-- Absolutely every agency that has been involved in this has cooperated fully. As you know, sometimes law enforcement agencies bicker, but not in this case. We have had wonderful cooperation amongst the variety of law enforcement agencies involved in this.

We have created four regional task forces to proactively investigate carjacking. Those task forces are now

in existence. They have had meetings. Drew Ruotolo can speak a little bit more about it, since he is heading up the Task Force in the Essex/Hudson/Union area.

Last, but certainly not least, is a public information system. Later this week we will have finalized that public information program that we put together with the wonderful cooperation of private industry. I think we have an excellent program, which we will complete by the end of the week, and make the announcement publicly as to the scope and breadth of the public information system we are going to put into effect.

So, you know, that is a brief indication of what we have done in the last couple of weeks. I just want to say that the cooperation amongst industry, law enforcement-- I have been in this business for 17 years, and I have never seen better cooperation.

ASSEMBLYMAN LUSTBADER: Thank you, Director. I guess you referred to some follow-up testimony by Prosecutor Ruotolo.

MR. WINTER: Yes.

ASSEMBLYMAN LUSTBADER: So, let's lead off with him then.

P R O S E C U T O R A N D R E W K. R U O T O L O: Thank you, Mr. Assemblyman. I will address carjacking and some of the innovative strategies that we are now contemplating and, in fact, putting into place. But before I do, let me just echo some of the testimony of the U.S. Attorney.

We cannot get away from the auto theft problem without examining the juvenile justice system in New Jersey. What Mr. Chertoff speaks to is this notion that if we don't back this legislation with appropriations which show that we can, once we convict juveniles, put them into a correction system where we don't just warehouse, but rehabilitate, then it becomes cynical legislation. I think we have to look at what we have going on now in New Jersey.

In a traditional case, a first offender in the juvenile system will not have any impact visited upon him, any accountability, and certainly won't go to jail. For a second offense, maybe they end up with some probation, some kind of counseling. Only when you are a third offender, we call it almost the baseball metaphor: three strikes and you're out in this State. That is not a result of prosecutors not wanting to do their jobs, or judges, but really in response to finite correctional facilities.

ASSEMBLYMAN LUSTBADER: Excuse me, Mr. Prosecutor. Some people have indicated that they are having a little problem hearing. I just might point out that this is a new system. I think there is a little shake-out going on. But if you would make an extra effort to speak into the microphone, we would appreciate it. I think some of the people in the audience would. Thank you.

PROSECUTOR RUOTOLO: I would be glad to, sure.

ASSEMBLYMAN LUSTBADER: Thank you. I think you have to speak into the black mike.

HEARING REPORTER: Both the silver and the black; the silver for recording. Please pull that toward you.

PROSECUTOR RUOTOLO: It would have been easier for Fred and I to have changed seats.

FIRST ASSISTANT ATTORNEY GENERAL De VESA: I was going to say that.

PROSECUTOR RUOTOLO: What Jim Mulvihill has done in his office is examine the auto thief and look at the pattern of recidivism, and it is extraordinary. We have arrested over 340 individuals with the Task Force that Jim and I work with. Of those, the majority are juveniles. Of those we have arrested, the model is this: Of the 100 we have arrested, 80 will have prior convictions. That means they have been arrested and convicted of auto theft-related offenses. Of that 80 percent, three-quarters will have been arrested more than four times.

You have to understand that you graduate out of the juvenile justice system by becoming 18. So we're talking about a system that allows people who have four or five convictions to be still out on the street, and they graduate out of the program not because of something the justice system does, but by virtue of chronology.

I think we can look around the country for models that work. In the State of California, they have a very sophisticated boot camp program where they do intake; where they select children to go to different boot camps, assigned whether they have to enhance reading skills, self-esteem, or skills, or vocational trades. It is a tremendous program, and they have the lowest recidivism rate among urbanized states. You are dealing with tough children out there, gang-related criminals and worse.

The Attorney General spoke about short-term and long-term solutions, when he testified earlier this year. He spoke of the short term, that it is important that we have bipartisan response and enlightened legislation which deals with it. In the long term, this Legislature has to speak to our needs on the corrections side of juvenile justice.

With respect to carjacking, I want to assure you that the direction of the Governor, the Attorney General, and my bosses in Trenton-- We are working every day to assuage public fears. We are enhancing presence in the shopping districts throughout the State of New Jersey. In the northern Task Force region -- Hudson, Essex, and Union, which is clearly the busiest of the-- We are talking about the fact that the vast majority of carjacks in the State occur in those three counties. We are dedicating ourselves to doing forensic crime scenes on every car recovered in a carjacking, as we would a murder scene. We're talking about expending tremendous resources to bring these people to justice. You cannot help us

with that -- that is a police effort -- but I assure you that that is being done.

It is also important to know that there has to be some certain myth breaking. Certainly the cases that get the attention are the ones that occur in malls or in highly visible areas. The vast majority of carjackings occur in residential areas; they occur late in the hours of the evening. In fact, only a very small amount occur in shopping districts. That isn't to say that we don't know that one highly visible carjacking can destroy a mall, destroy its reputation. If it is somebody in your family, it doesn't matter that that is a small amount of the statistical base. But it is important that the public recognize that this is something that is usually confined to neighborhoods, residential areas, and certainly late in the evening. Coincidentally, more men than women become victims of carjackings. My colleague, Jim Mulvihill will speak to the statistical base.

Director Winter speaks to the fact that we are cataloging all these carjackings; we are gathering information every day so we can make intelligent use of our resources. But, in the end-- Jim and I can prosecute these cases. You can give us the tools to give us strong sentences to send a strong signal.

Unless there is something on the other end where we can put these children -- these young adults -- and turn them around, then we will revisit this awful model of the 100 -- or the 80 percent recidivists, 75 percent of those 80, more than four times. We will be continuing almost like the figure in Dante to, you know, live our lives in concentric circles and we will never get out.

ASSEMBLYMAN LUSTBADER: Thank you, Mr. Prosecutor.
Acting Prosecutor Jim Mulvihill.

A C T I N G P R O S . J A M E S S . M U L V I H I L L :
Thank you, Assemblyman. I am very pleased to be here this

evening to speak to the Task Force on this very important problem.

I urge that the Task Force recommend to the Assembly that proposed legislation be adopted forthwith, because it is much needed, especially in the juvenile area, to give a higher priority to our juvenile justice system, which really, in Essex County and throughout the State, is not given the priority it should be, because if we are going to make a difference in terms of trying to change someone to go on the right track, we have a much better chance with a 13-year-old or a 14-year-old or a 15-year-old than waiting until they are arrested multiple times and are convicted of a violent crime, and then we sentence them to State prison; we warehouse them. At \$25,000 a year, it is not very cost-effective.

We have, in Essex County, tightened up our pleas in the juvenile area. Going back earlier this year, we started a Chronic Juvenile Offender Program in the Juvenile Division. Patrice Davis, who is here this evening, is head of that Juvenile Division. We put additional staff into the Juvenile Division -- two experienced Assistant Prosecutors and an additional investigator -- and we are seeing a substantial increase in the number of juveniles, chronic offenders, who are being sentenced to either Jamesburg or to one of the residential programs. So we are making a difference there.

We have upwards of 30 percent of the entire crime committed in Essex County, or more, being committed by juveniles, and we have inadequate resources. We have four judges assigned to the juvenile courts and 21 judges assigned to the adult courts. I think this Task Force, after dealing with the proposed legislation, can look at the juvenile justice system, especially the resources that will be needed. First Assistant Attorney General De Vesa mentioned community service, which is a very important component of this legislation. That is going to cost money. We know the municipal officials will

provide work sites; will provide the uniforms and the gloves and those things for these young people, but we still have to have them supervised. We still have to have people and vans to take them to the sites, take them back, and that is going to cost money, which in Essex County is not really available. So anything that can be done there will be very helpful to us.

In the adult area, we also tightened up the plea policy in January of this year on car theft. We are now-- Since September we have directed the police to sign warrant complaints for anyone who is arrested for auto theft, instead of summons complaints, where bail must be imposed -- set. They are photographed; they are fingerprinted. With the carjacking problem, which we saw coming in September, we formed, on November 2, a Chronic Adult Auto Theft Prosecution Unit, headed by Ted Brown, who is also here this evening, along with another attorney and an investigator and a secretary. They are focusing upon coordinating the investigation of carjackings in Essex County. We have had about 290 carjackings in Essex County since January 1. Again, we could use additional resources in that regard, as well.

We urge that the Committee recommend the bills, and also go on and really take a look at the juvenile justice system, which really has to be given a greater priority if we are really going to be dealing with this problem, not just on a quick fix basis, but on a long-term basis. We will have the magnificent cooperation of law enforcement, the courts, the police, all the people in the system. They will cooperate and respond very well to anything that you can do to help us in this regard.

Thank you.

ASSEMBLYMAN LUSTBADER: Thank you, Mr. Prosecutor.

I think there is a consensus in the Legislature that agrees with the U.S. Attorney that the societal cost of carjacking and car theft would exceed the cost of

incarceration. So those people, especially in Essex County -- and I have heard this said many times, that we just don't have the jail space-- I think the answer is simply, maybe we can't afford it, but we can't afford not to do it. So we are going to have to address that and find some facilities so that you people can do your jobs. I think that is the consensus of the Legislature, isn't it, Harry?

ASSEMBLYMAN McENROE: Yes, I think so.

ASSEMBLYMAN LUSTBADER: I appreciate it, gentlemen.

ASSEMBLYMAN McENROE: If I may ask a question?

ASSEMBLYMAN LUSTBADER: Oh, go right ahead.

ASSEMBLYMAN McENROE: Mr. Mulvihill, you touched on a point. I don't want to reduce the importance of this effort to dollars, but you mentioned the establishment in the Prosecutor's Office in Essex County of a Task Force, if you will, Assistant Prosecutor and staff people. Is there any interest -- and I direct this, really, to Mr. De Vesa, I would think, or Mr. Winter, from the Attorney General's Office-- Is there any opportunity that the Attorney General's Office could assign, on a permanent basis, or at least for the foreseeable future, attorneys from your office who would directly come into a county, such as Essex that is impacted greatly by this rash of car thefts and carjacking, to help us to-- In other words, not take people from their assignments within the Prosecutor's Department, but to have additional attorneys focusing on the need here in this county?

MR. WINTER: We have assigned lawyers to each of the four task forces which I have indicated. However, as you know, we are suffering as well. I mean, in the last year-and-a-half, we have laid off 21 lawyers. So it has become very difficult for us to provide the kind of support work that we have in the past done. For instance, we handled, two years ago, close to 400 to 500 cases to assist the county prosecutors. This year we have handled maybe 30 or 40, because I have had to cut down

on them. But in cases like this, in the kinds of incidents that are reaching crisis proportion, I do assign people to work with the prosecutors on that, but it becomes increasingly difficult, as we are all pressed in these hard times.

ASSEMBLYMAN MCENROE: Okay, thank you. One other question: You four have, you know, well-earned reputations in the area of enforcement as professionals with great responsibilities. There is interest presently among the legislators representing the people of our State that we should provide, as a part of our laws, requirements that every vehicle sold -- offered for sale in the State -- should have certain antitheft devices installed as part of their equipment.

Now, what kind of an impact would that have? Would that be a great help? Would it have any kind of priority? Or, would it be more important that we beef up enforcement and penalties?

PROSECUTOR RUOTOLO: You know, Senator Lautenberg has been, on behalf of the State of New Jersey, speaking to this issue on the Federal level, because obviously it is better if the United States Senate says to the manufacturers, "We are not going to allow you to import cars that are not difficult to steal and make it an even playing field for Detroit."

Certainly it is something that this Task Force should look into. We believe that this will be consumer driven, this issue, that somebody will come out with a car that is difficult to steal. We'll have a step on the market. I think it is appropriate.

I will tell you this: There is not a 14-year-old kid in this unique county who, given two hours with an auto thief, won't be able to steal any car in the parking lot right now. The idea of these tools that are being manufactured-- I don't want to voice it, because I don't want to hurt the product. But you can't get a fire extinguisher in most public buildings on Route 22 in Union County because they are stolen, and the

freeon from the extinguishers is used to freeze the locks, the devices, so that you can break them with a hammer. It has almost become status to drive around joyriding in a car with one of these devices still affixed to the steering wheel.

So, my suggestion to you is, yes, efforts have to be there. They can't just be Band-Aids. We use kill switches in our office. Every car is equipped. My detectives' cars are equipped with kill switches. It costs \$40 or \$50 for us to do it. It means that a person who is not familiar with the kill switch in the car can't drive more than three or four miles without the car dying on them. Manufacturers can do this.

ASSEMBLYMAN McENROE: So you are on the record as including that as a priority?

PROSECUTOR RUOTOLO: Absolutely. I support it. I hope it becomes a Federal argument, so that New Jersey does not have to go out on its own on this issue. It should be something that the Feds do for us. It is appropriate. It is a Federal issue.

ASSEMBLYMAN McENROE: Thank you.

ASSEMBLYMAN LUSTBADER: I would submit, Harry, that this goes beyond a consideration. It should be an obligation of the industry to contribute to the safety of the passenger. I think in a larger sense they talk about the safety of the passenger in the physical construction, so I would think that if they can build the automobile, they should also have the expertise to deter crime.

I agree with you that you can't deter all of it, but I think you can discourage it if you can, for rather nominal sums, build some kind of safety devices, panic buttons, whatever is available.

PROSECUTOR RUOTOLO: That is not going to address carjacking, of course, but certainly you would cut down on--

ASSEMBLYMAN McENROE: The one concern we have is that, as the U.S. Attorney said, it should be swift and it should be

certain. We don't want to tie into the law a requirement that cars sold in New Jersey have antitheft devices if it would wind up in the courts for a period of years. We would lose the whole momentum behind the legislation.

PROSECUTOR RUOTOLO: And if it hurts our economy, right.

ASSEMBLYMAN MCENROE: Sure.

MR. WINTER: I think the solution lies in Washington to use-- There is a bill pending, I am told, in Washington to do just this; to compel manufacturers to-- They are relatively cheap. The ones I have seen are pretty cheap to put into a vehicle, and it really has to be done in Detroit. I think, given our economy-- If New Jersey were the only State to do it, I don't think we would accomplish very much.

ASSEMBLYWOMAN CRECCO: I want to thank you, but I think we are talking about the excellent cooperation between law enforcement and legislation. I am wondering if we should give thought, also, to education, having the schools participate in educating these youngsters; starting to educate youngsters, as they always did, to respect, not just law and order, but to respect property, respect family.

PROSECUTOR RUOTOLO: Assemblywoman, I think he is too modest to speak to it, but my colleague from Essex County, Jim Mulvihill, and his group, have been in and out of the junior highs and the high schools throughout Essex County. You're right. What we have learned from the fight -- the war on drugs -- is that their program and its education component have been the most successful weapon we have had. You have to change attitudes before you change behavior. Jim Mulvihill -- and I will speak on his behalf, because he won't speak on his own -- has been in the forefront of this, and has shared his courses in Union County. We have been throughout our counties with this course. You're correct.

ASSEMBLYWOMAN CRECCO: That's good to hear. Thank you.

ASSEMBLYMAN LUSTBADER: Gentlemen, thank you very much for coming tonight. I am hopeful that we will be back to you with a legislative package for you to comment on.

ALL FOUR WITNESSES: Thank you, Assemblyman.

ASSEMBLYMAN LUSTBADER: Senator Rice.

S E N A T O R R O N A L D L. R I C E: Thank you very much, Mr. Chairman, and let me thank the Committee members for giving me the opportunity to speak. I hope the people in the back can hear me. I am also glad that I have the opportunity to speak behind the speakers before me, primarily because there are some issues that were raised here in terms of questions that no one had answers for, and I don't profess that I do. I concur with everything I have heard.

I need to go on record, for those who do not know me, to indicate as a State Senator that I have looked into the backgrounds vocationally of my colleagues in government. One of the problems I see is that we all want to respond to the occasion of the criminal justice system and try to make it better and protect our citizenry. That is really being done, primarily, by many lawyers -- and no disrespect to lawyers -- who do understand the law, and the judges. Then we start to do studies, and those individuals assigned on committees and the task forces do studies. Many times they have criminal justice backgrounds, but they are basically academicians and theoretical folk who do not live in cities like mine.

I would like to go on record, first of all, by saying not only am I a State Senator, but I am also the former Vice-Chair of the Law and Public Safety Committee in the Senate. My background academically is criminal justice administration and planning. I have taught the subject; I understand the theories.

ASSEMBLYMAN LUSTBADER: Excuse me. Could you take that black-headed mike and bring it closer so that the people can hear you? Thank you.

SENATOR RICE: I do understand where the academicians and the theoretical folk are coming from. I think what separates me from most of them is that I live in the City of Newark. I live with the problems 24 hours a day. I hear the communities in the urban cities, and I hear the people in the suburban part of my district mingling with the Oranges, etc., where the problem spreads itself. And there are some things that were said. I do believe very, very deeply that one of the problems we have is that we have not made punishment swift and certain. That is just the basics, the foundation of correcting the system.

I argue, like a voice in the wilderness, that those of us in Trenton must redefine the criminal justice system. We have to define what the correctional system is all about as it relates to the adult institutions, as well as the juvenile institutions. There are various schools of thought, and there are various theories. I happen to personally come from the school of thought that deeply believes that the adult institutions should not be for rehabilitation, and I will tell you why in a moment. They should be for punishment and repentance.

The juvenile system, we say, is also for rehabilitation, but there are some misnomers and myths about that, too. The adult institutions need to be for punishment and repentance, because only society can rehabilitate. We have to satisfy not only the biological needs of those incarcerated, but also the social and psychological needs, which institutions just simply cannot do. Can we be humanitarians and provide some basic programs? Yes. The juvenile is a whole different situation. The young people are not liberated. Mr. Winter said they don't have the mind-set and the development of the mind to think through some of the things and understand some of the consequences.

But all of us agree on one thing. We agree in this country, not only in the State of New Jersey, that the juvenile systems we have throughout the country do not work. The issue then becomes: What does work? All of us profess that we don't know. The problem in New Jersey -- and I have argued this over and over -- is that we are not willing to try something new. I'll just leave it at that by saying that some of the legislation that I have put in to try to address that will at least create awareness.

There was the issue by the U.S. Attorney as he tried to respond, and that was related to parental responsibility. Those of us who get elected by the voters understand that children don't vote, but adults do. There are too many of us who are too fearful to rise to the occasion, and say, "Let me tell you something, gentlemen and ladies and parents and guardians, you do have a responsibility. It is a moral responsibility; it is a legal responsibility; and it is a spiritual responsibility. If we do not have the right to regulate, or at least enforce and insist on those responsibilities, then my question that has been in some of my legislation is: Why is it when a youngster aged three, six weeks, six months, is dropped on the doorstep-- Why do we go looking for the parent? Is it any different to abandon a youngster at six months, three months, six weeks, than it is leaving a youngster on the street at 11:00 or 12:00 at night, without some accountability?

I get tired of people asking me: "Senator, why don't you clean up those corners?" "Well, you know, I have seen your kid out there. Why don't you go and get your kid?" "Well, I am afraid of my kid. My kid says he is going to punch me in my mouth." "Well, why should a Senator go and get punched in the mouth by your kid, without your accompanying me?" I mean, these are realities. It sounds like I am being facetious, but

I listen and I hear. It is not the majority of the folk out there.

Let me just say also, that things have to be put in chronological order. Young people don't commit crimes down here, but they do commit them up there. Unfortunately, the people who want to make the rules are the people who still believe in the old common law system and, once again, the theories. The old common law system said that from the time you are born up until a certain age -- which I believe is seven or 11 or someplace in there -- that that youngster who took a gun and said, "Give me your car or I am going to kill you," and you did not give up the car and the youngster pulled the trigger and killed you, that youngster did not commit a crime. The rationale is that the youngster did not understand the nature and intent of the act.

I totally disagree with that. I think our Founding Fathers, in those days, never saw technology advancing the way it is today; never thought that young people mature the way they mature today, although the Bible says that each generation gets weaker, but wiser. We have not paid attention.

The other myth that is out there with young people, is that they are stealing a lot of cars because it is the thing; it's joyriding. I'm telling you, it is the thing, but it is not joyriding. Joyriding, in many of those instances -- and this is without doing studies, because I am from a larger city-- I would say that in most of those cases, joyriding is something that is in-between the commission of a crime. And, let me tell you something else: When we talk about the cost to correct the system-- People ask me on my boot camp legislation, "Where is the money coming from?" Well, we took a \$100 million bond issue to clean the oceans up, but we had to do that. We just recently did \$300 million to spark the economy with employment. We know when we do highway construction that a lot of the urban dwellers and people who

come from depressed communities aren't going to fit into that mode, so we haven't changed much.

Well, let's talk about where the dollars are coming from. When I was Vice-Chair of Law and Public Safety and I started all this antitheft device legislation and mandatory sentencing, and the types of things you see, the research showed that there were something like \$357 million, or \$367 million, I believe, in 1989-1990 paid out by the insurance industry for stolen vehicles; not damaged vehicles, vehicles that actually left the locations -- stolen, removed. I believe the figures today would show something like over \$400 million paid out.

That is very interesting, because we can document that. On the record also, I am a former police officer and investigator. Let me tell you what police reports don't show in most cases, at least what the State records don't show. They do not show when the kids stole the car and went in front of a school to show off, and then left the school and went around the corner and snatched a purse. What was the value of that purse snatching? Then, that same kid, turned the next corner and hit a car in a hit-and-run, and someone came out here to take care of that damage. Then killed an innocent person, and there was a funeral and all kinds of grief and psychological damage done, and that then injured someone else. We don't see those figures, but I can tell you this: If we are talking about \$300 million to \$400 million being paid out in auto theft, and we have not put in the dollar amount of the other significant impacts that have taken place, we have some real serious problems when we debate the livelihood of the people in our State, whether it is Essex County or someplace else; whether it is done innocently or intentionally. When we try to equate dollars to that, that is the mistake government makes. Where do the dollars come from? We have to reprioritize what we are doing.

Let me also say, when you start to talk about removing the juvenile justice system from Corrections, I am going to tell you, you better take a look at that. Human Services has a role to play. There has always been a role to play. The problem is communication. Some of these youngsters have to be put away. A lot of them do not have to be put away. But the problem is, the ones that have to go cannot be in a Human Services environment because it takes a certain type of training to even secure those youngsters. By the same token, what happens down here?

When I came to the State of New Jersey -- and the people in Essex County know this, because they read the press -- I put down and basically indicted the school systems that are failing our young people. We can talk about not having enough money to accomplish the things we want in education, and to fix the buildings, but no one wants to talk about what happens to the dollars that are there. Then we wonder why these youngsters are on the street corner stealing cars and doing the kinds of things they are doing. Where is that accountability? We don't want to touch it politically, not those of us here -- that is why we are here -- but some of us in Trenton. That is costing us a lot of dollars.

Then we talk about the bills. When we in the Legislature put a bill in to say, well, we want to have curfews, for example, we the legislators debate that and say, "Well, that is not going to resolve the problem." We need to come to grips with the fact that there is no one bill that is going to resolve the problem. That is why I am happy to see this Task Force, because there is a combination of things that we have to do legislatively to accomplish the kinds of ends we want to accomplish.

When people tell me parents don't have a responsibility, most parents are responsible. I will take you to any shore community, and I will take you to any city, where

there is a problem with crime-- I will take you to the location and I will show you that on most occasions you are going to see the same youngsters out there; whether they are out there participating in crime, or out there innocently with no adult supervision. It is going to be, in most cases, the same youngsters, because the majority of our young people don't commit crime, and the majority of our parents are accountable.

Let's say a little bit more about parental accountability, because I am sure that most of you, if not all of you, except for the police officers, never had to pick the phone up to call a parent. There are some parents out there who, when you call them, will tell you to keep the kid. There are some parents out there who, when you call them, are never home. And there are some parents who really try to help abate the problem, and need help, as was said earlier.

The problem is, we can identify those parents, because those parents are reaching out to us for the help. That is why parents need to have some accountability. The question then becomes: "Well, what do you do?" because you don't want to do harm. Once you remove the presumption that a parent is not cooperating or at least trying to at least pick the phone up and say, "Help," then what you have to do is say, "We don't want to put you in jail. We want you with the kid. We are going to give you some community service time. We may assign you and your youngster to a school system. You may have to go to the PTA. You may have to go and participate in the United Way. But you are going to work with that kid," because some of these kids don't have any communication with their families at all. What they are doing is reaching out for subculture groups and are starting to adapt to the subculture groups' norms and their rules and regulations.

Let me say something else about those of us who are in a leadership role, be it the minister, be it an elected official, be it the parent, be it the block association person,

be it the teacher: What is our message to our young people? The message to the young people committing crime-- Let's talk about auto theft. The message is for that youngster who stole all those cars, or stole that car and killed all those innocent people, but what do you expect? He or she is from a single-head-of-household family? True. In a shelter? True. Playground closed? True. School system failing them? True. But I still haven't heard the rationale for killing.

What are we doing when we say the word, "but"? "It's wrong, but what do you expect?" Too many of our youngsters-- I talk to them, and they interpret that as a way out. They interpret it as saying that what they are doing is wrong and we recognize that, but we understand it because of the negative social conditions. Our responsibility in government, and our responsibility in the community is to correct those social conditions, and work very hard at it. But, by the same token, we cannot allow any of our young people to use it as an excuse for killing themselves and doing the kinds of things they are doing.

If we don't correct those messages by legislating and enforcing the kinds of rules we write, if we don't take a look at the judiciary system and talk to our magistrates and, if need be, legislate the narrowing of that discretion which is hurting us, we are making some very serious mistakes.

Now understand, I have gone through these conversations before, but there are folk who disagree with me. They disagree with me for a lot of reasons. They disagree because they are special interests and they see things one way. They disagree because it is their livelihood and they pay their mortgage one way. But I am about protecting these people who live in Livingston, who have to go out on the streets and are not sure what is going to happen. I am about protecting the people in the State of New Jersey. I am about saving some of these kids. I am about making parents responsible, while at

the same time helping every family pull out of some of these negative conditions.

So, if we don't start taking a look and we allow ourselves to get caught up in that we can't hold parents accountable, we can't mandate kids in at a certain hour, we are not going to purge and correct and clean up the negative failing school systems, and we are not going to hold any of ourselves accountable, because we are more concerned, in some cases, in some cities, in some governments, about whether or not we can acquire enough votes to get reelected, because some special interest or some person wants to criticize us for doing the right things, then we are going to make a mistake.

In order to close this -- I know you have a lot of other speakers -- let me just say that I am going to try to make all of your forums, because I want to say the kinds of things that have to be said, because that is what my voters want done. There is a silent majority out there that is greater than all of those folk who are saying, "Don't do nothing." There is a silent majority out there that is greater than the aggregate of all those folk who try to confuse us when we try to do something. If we are going to debate, you know, all this legislation and why it won't work without giving it a shot, we will be making a mistake, because the one thing we do know is that what we have will never work even if we continue to pump more money into it.

The final thing you need to look at is the space in the State of New Jersey. We have something in the area of 500 to 700 beds for youngsters, juveniles, and we need to do something about that. By the same token, we talk about the "NIMBY" syndrome, but every county in the State of New Jersey does not have a Youth House for detention. What that does is overburden those which do have a Youth House, because we have to put people away for short-term detention to go before the court. We have to share. We are turning too many young people

loose. The law presently says that if you are 14 years old and you steal a car, you know, the Youth House is crowded, and you can sign yourself out. I don't think that any youngster should be released for those types of activities until some parent or guardian comes. If that means stacking them, or finding some additional places, then we are going to have to weigh that scenario with the possibility of releasing someone on their own recognizance and go through the experiences we have had on that of another life being taken, which may very well be their own.

Thank you very much.

ASSEMBLYMAN LUSTBADER: Thank you, Senator.

Assemblyman McEnroe?

ASSEMBLYMAN McENROE: Thank you, Mr. Chairman. I just want to commend the Senator for his leadership, really, on issues that have been very important in this State: The enactment of curfew legislation signed by the Governor in the past month; the boot camp proposal became a model for other jurisdictions, and that was yours, Senator; also, your leadership in the community on parental responsibilities and encouraging young people to be more responsible in their activities in society.

Thank you.

ASSEMBLYMAN LUSTBADER: Senator, I think you are to be applauded for your candor on this subject. It is a refreshing position to hear. We often hear too many of the apologists. You are saying it, as I see it, the way it has to be said. I appreciate your testimony. Please stay with us on this as we work toward our recommendations. Thank you again.

SENATOR RICE: I will, Mr. Chairman.

Mr. Chairman, one thing I neglected to say was that, I am the author of the antitheft device bill. There is no device that can secure anything. Your house-- A lot of people have alarms. Your car. A device of that magnitude is to hopefully deter and prevent. We went through the scenario with the

Federal government. The lobbyists came in, the manufacturers came in before the Law and Public Safety Committee when I was Vice-Chair of that Committee. They made it very clear that, yes, they could make these vehicles theftproof to some reasonable degree, and they could probably do it economically.

The reason they did not want to do it at the Federal level -- and they paid, a lot of lobbyists, to stop that from passing, and they will continue to do that -- is because they want to help, but there are other things pending in that particularly legislation which may very well open the doors to other things.

The point I am making is, we are going to be in a tough fight in New Jersey trying to save lives and protect people, if we continue to wait on the Federal government to respond. New Jersey need not follow all the time; sometimes we need to lead. That device bill, I recognized, was a bill that would, at least in my estimation, long term, diminish some of the auto theft.

It is true that our young people can learn the different systems, but young people don't know all the systems. If everybody on my block had a device-- If I had the Club, and you had door locks, and someone else had something else, that person would have to determine what system to bypass, and that is not happening. I tried to structure legislation that was fair; where they couldn't increase the cost of the device, they would have to stay with the market. We said the insurance companies would have to give some credit. In fact, I said the State had to kind of reimburse for the device, within reasonable grounds, but it would cost the State too much.

The point I am making, is that I spoke earlier in a short summary about parental responsibility, about leadership responsibility, but the tough part of governing and leading is that citizens who are not violating, who are trying to do the

right thing, still have to recognize that there is such a thing as self-help responsibility. We have to help ourselves. That antitheft device bill, to me, became very important. We will take some heat from it, but the thing is, hopefully we can diminish the number of cars leaving locations.

Thank you again.

ASSEMBLYMAN LUSTBADER: Thank you, Senator.

My colleague in the Assembly, Assemblywoman Maureen Ogden. Welcome, Maureen.

A S S E M B L Y W O M A N M A U R E E N B. O G D E N:
Thank you, Monroe. Members of the Task Force: It is a pleasure for me to speak after Senator Rice, because it gives me an opportunity to commend him for his long and strong commitment to this issue. I know it is an issue that is of particular concern to his constituents in the part of Newark that he comes from, but he is certainly to be congratulated on having devoted so much of his legislative career seeking solutions to this.

This issue of carjacking is really not one just of urban areas. It is also, certainly, suburban. It is changing the way we live. No matter what time of day it is, no matter which neighborhood you happen to be in, no matter where you are driving to, there is a growing fear in the minds of all law-abiding citizens that a carjacker may be nearby.

The carjacking murder of Piscataway mother Gail Shollar which occurred as a result of her abduction while on a routine shopping trip with her daughter is a tragic reminder to all of us of the kind of society in which we now live. A mother driving with her young or infant child, a woman shopping alone in a suburban mall-- I think this is in many people's minds as the holidays come and everyone is out shopping more, and particularly shopping at night. As a matter of fact, last night I was out at Toys-R-Us and found out that it was open until midnight. I don't think I would have wanted to be there

in the parking lot by myself much later. In fact, I don't think I would have gone if I hadn't gone with my husband. Or an elderly couple stopping at a traffic light, or a man traveling by himself-- All of us have become easy targets.

There was that senseless tragedy when people were killed in Newark during a high-speed police chase, in which the carjackers rammed innocent motorists who got caught in a fire storm of careening vehicles sent spinning out of control. It is this Task Force of yours that is now dealing with this significant problem and working, as we saw tonight, with all the various levels of government that have testified before you -- Federal, State, county, and others who are going to be testifying after me representing mayors of towns and certainly, most importantly really, you do want to hear what the public has to say and what their comments are.

As a sponsor of several bills that are before you dealing with car theft and also with fraud -- insurance fraud -- I am really pleased that you have taken such an aggressive role in dealing with this situation, because it is certainly one of the key ones before us.

Several years ago, two of my bills on car theft were signed into law. When I first proposed them I didn't realize how important they would become to me. You know, it was something that I read about in the newspapers. But after my husband's car was stolen out of our garage one night, when we were in the house and the garage is attached to our house, it became quite a personal issue. One realizes when something like that happens that it can certainly happen to you, whether it is going to be out on a parking lot in a shopping mall or possibly even out of the garage attached to your house. You never know when it is going to happen.

This is something that is an increasing source of fear to all of us. I believe we have to just put our very best minds to work on this issue. I was interested that the U.S.

Attorney talked about education, and certainly the Prosecutors talked about that. Senator Rice talked about the boot camps and parental involvement and parental responsibility. It is obviously a multifaceted process that you are going to go through with this Task Force.

Just briefly, even those in the audience who have not experienced -- or throughout the State -- carjacking or car theft, still all of us are victims. We are victims because of the very significant portion we are paying in our very high insurance premiums for car theft. I think Senator Rice just actually assigned some figures to that. It is an issue that concerns all of us.

In conclusion, I would just like to thank you for holding this Task Force -- for holding the hearing here in Livingston, in our district; for having so many prominent law enforcement people here to speak this evening. It shows that the interest is a very high and intense one. With all of us working together, hopefully we are going to find many of the solutions that are going to decrease this problem to a tremendous extent.

Thank you again. I have been pleased to be here to be a part of the hearing process.

ASSEMBLYMAN LUSTBADER: Thank you, Assemblywoman. I would hope that you would be supportive of our recommendations. We will be talking to you about them.

ASSEMBLYWOMAN OGDEN: I certainly look forward to doing that. Thank you.

ASSEMBLYMAN LUSTBADER: Our next witness will be-- May I call Mayor Spina and Chief Palardy, since they are both from West Orange?

I neglected to mention that because of time constraints imposed upon me by practical considerations-- I want to give people from the audience a chance to speak, so I

am trying to limit the presentations to five minutes. So I would appreciate that--

MAYOR SAMUEL A. SPINA: We certainly will.

ASSEMBLYMAN LUSTBADER: --cooperation. I am not zeroing in on you; I am just mentioning what I forgot to mention.

MAYOR SPINA: My Chief can talk for half-an-hour, if he wants. (laughter)

ASSEMBLYMAN LUSTBADER: We'll take two-and-a-half minutes apiece. How's that?

MAYOR SPINA: Not too long ago, a young lady called me. She had just moved into West Orange within the past year. She said, "Mayor, my car has been stolen a second time. What can we, what can you do about it?" That is when I said, "Enough is enough." I will add my voice to those who are disgusted with what has taking place during this stolen car epidemic.

It must come to an end. Almost everyone in Essex County has either had their car stolen or knows of someone who has. It seems strange that we look upon the theft of an automobile as a lesser crime, and yet if the same person who steals a car stole the monetary value of that car from a person, the crime would be looked upon altogether differently. For some reason, stealing automobiles is looked upon as a childish prank. It seems that everyone is losing sight of the fact that the average value of the automobile that is being stolen is between \$10,000 and \$20,000. I am being somewhat conservative. An automobile probably ranks second to the purchase of a house as an investment for a person.

Can you imagine the uproar if someone stole \$15,000 from you, or broke into your house and stole a like amount of valued items? In addition to the value of the automobile, we must take into consideration the inconvenience a person suffers by not having the use of their vehicle, and the added strain

that is placed on a citizen in the cost of automobile insurance. Most times even when a stolen automobile has been returned, a considerable amount of damage has been inflicted upon it. Any personal items that are missing from the automobile are usually charged against the home owner's policy, further aggravating the costly insurance problem.

Consider the inconvenience a person suffers by not having an automobile in which to go to work every day; the inconvenience of having to rent a car, if possible; the inconvenience of retrieval, if and when the car is found. Let's not forget the fact that there is usually a sizable out-of-pocket insurance deductible that must be paid by the owner.

Our police officers are at a major disadvantage when they are dealing with this type of criminal activity. We charge them with the responsibility of upholding and enforcing our laws, and yet we admonish them not to become overly involved in pursuing a stolen car. What a contradiction. I have the feeling that many people feel that car thieves are not aware of what they are doing. This cannot be further from the facts, because it is obvious that these youthful car thieves are extremely adroit at breaking into and driving off in almost any type of automobile. They are very knowledgeable of the burden that has been placed on the police officer who attempts to enforce the law. They also know that if you hit that front bumper you immobilize the police car by triggering the air bag. Very smart; very clever.

We have had incidences in West Orange where the life of a police officer was almost lost because he, following proper procedure, got out of his car. They immediately climbed back in theirs and drove right at him.

We must also consider the damage that is being inflicted upon the police cars and the burden this places on a municipality, which must repair or replace these vehicles. The

grief and aggravation that police officers must face should someone be injured as a result of a chase, would cause them to have serious doubts as to the duties and responsibilities of pursuing stolen vehicles.

Senator Rice was right on the money. He said what had to be said. One of the things that is a serious problem, and it is something that you have direct control over, because you initiated the legislation, and that is your 5 percent cap. It's fine that the Legislature is imposing this 5 percent cap on another governing body, our municipalities, but I would ask that you exempt all police budget expenses or items from the 5 percent cap, and, as you know, this year it is going down to 1 1/2 percent. That's impossible. There will be layoffs of police officers.

West Orange went from 110 police officers when I was first elected to office down to 95. Is that proper police protection for our citizens? I'll take the responsibility of the taxpayer if I have to provide police officers for the protection of our people. I'll take that responsibility, and I would ask you to give me that responsibility, and I will have to suffer the consequences. But right now, the people are terrified, and they want police officers. They want physical police officers; they want them out on the street; they want to know they're there protecting them.

Justice delayed is justice denied. When these young people steal a car and are sent to the Youth House, they are out the next day almost before the police officer writes his report. They are back out stealing another car. That has to stop, and the only way to stop it is to incarcerate that person for approximately one week, and charge the judicial system, the Prosecutor's Office, and the defense attorneys with preparing their case, having it ready, and they must go to trial within one week. At the end of that time, the case is adjudicated,

and if the person is found guilty, they are dealt with accordingly.

One of the ways to deal with them is the boot camp. I believe that a boot camp may be practical. It may help to save some of these young people. To throw them into a penitentiary -- ah, what are we accomplishing? Let's try to save them. Let's at least give them the benefit of the doubt and perhaps they can get schooling, which they are obviously not getting if they are out there at 2:00 in the morning. So, let's do something, and let's do it that way. If they fail in the boot camp, then we can take more stringent measures.

I could go on, but I know you have other people here.

ASSEMBLYMAN LUSTBADER: Do you want to defer to the Chief? (no response)

MAYOR SPINA: One of the things I think we should do, also, is lower the age from 18. Eighteen is not a magic figure. Look at some of these kids who are 16 years old. They are 6-feet tall, 180 pounds. They can weight lift my weight, which is considerable, and they're strong. They're tough, and, more importantly, they have master's degrees in street smarts. I will include myself, and say that they are probably smarter than any of us sitting up here, in an on-the-street sense. They know what they're doing. If the word gets to them that there is swift and sure punishment, and that they will not be doing donuts in the street the next night, they will think twice about stealing a car.

I'm sorry for taking so much time. Thank you very much for the opportunity.

I would like to introduce our Chief, Edward M. Palardy, who held a session not too long ago. To show you the concern that our people have for the theft of automobiles and for carjacking, it was probably one of the greatest numbers of people attending that session. About 500 people attended that

evening to hear his comments on carjacking and how to prevent it. Chief?

C H I E F E D W A R D M. P A L A R D Y: Thank you, Mayor. I believe I need both of these microphones.

ASSEMBLYMAN LUSTBADER: Yes. If you can put them together, it would be better. That's it.

CHIEF PALARDY: First, it is an esteemed honor to be here to speak before such an august body. I am a professional public servant. I have been Chief of the West Orange Police Department for the last 15 years. I am a 28-year veteran of the West Orange Police Department. I come from a very long lineage of police officers -- fourth generation.

First and foremost, I think we should address one issue. It is an issue that there is a perception on the streets, there is a perception in law enforcement -- the law enforcement community and the criminal justice system -- that we must avoid labeling or stereotyping one particular race as being responsible for these heinous crimes of auto thefts, and particularly carjacking. I think that is paramount. It has to be addressed, and I would like to go on record as stating that I unequivocally oppose anyone -- any person, any position -- labeling or stereotyping one particular race for these types of crimes.

In addition, we have heard repressive measures that should be taken this evening. Most of those measures I agree with, and I won't go into any long harangue or diatribe of the "injustice" system, as we call it in the law enforcement community. But there is another area which I would like to address, and that is massive public education and public awareness programs. We have to look at short- and long-term approaches.

Nothing is more needed, nothing is more direly needed in our society today, than massive education and massive public awareness programs. We have to address the public. When I say

"We," I am talking about governmental entities, local law enforcement officials, legislators, the community at large, and society. They are more important than reactive task forces or committees, and I am not taking anything away from, again, this august body this evening. I think it is very fruitful that we have these discussions. We have to develop intense interaction with the general public. This requires the Chief of Police, the chief executive, to serve as a catalyst for the community. He has to speak out on the issues. Right now, the issue that we are addressing is auto theft and carjacking. He cannot sit in his ivory tower and develop a seat-of-the-pants approach or knee-jerk reaction to these types of events. More succinctly, reactive policing. He has to take a proactive prospective in approaching criminality, particularly violent criminality, that is occurring in his or her community.

So again, massive education/public awareness programs. The Mayor alluded to that. It was in The Star-Ledger. I'm sure everybody read about it. It was very successful. There needs to be developed and provided understanding, communication, and trust with the public. How do we do this? We develop too many policing programs. The style or wave of policing as we approach the 21 century will encompass community policing. It is getting back to the basics; getting police officers back on the streets; letting people know who their police officers are, those faceless individuals behind the wheel of a marked radio unit, who are tuned in to a police radio, and who are confined to that police radio, and are responding in a reactive mode.

We have to get the cop back out on the street. He has to get to know the public, and the public has to get to know the police officers. Face-to-face contact is the best communication; the best way to develop rapport, understanding, public awareness, and particularly, the problems that are occurring in our community. The Police Department cannot

shoulder that responsibility. It should not be delegated or abdicated to the Police Department, because the community is the Police Department, and the Police Department is part of the community. The public has to understand the life-style of its members and provide a meaningful link between the citizenry and governmental services.

I have enumerated several -- maybe a score -- of recommendations I have this evening, because I think that if we are going to attack this problem, we are going to need mass education, and again, public awareness. Hopefully I am not sounding redundant, but that is the theme of my talk this evening. We have to stress the importance of non police resources in fighting the war on crime. What do we mean by non police resource? I am talking about the private sector. Today we opened up a substation in Essex Green, very successful -- it was a great day in West Orange -- where our police officers will be off-duty employed to assist all management in removing that perception of personal fear, and hopefully creating a reduction of crime within our malls.

We have to define the total responsibility and accountability for public safety. We have to identify programs, strategies, and policies. When I say "We," again I am talking about police chiefs, police directors, and those individuals who are appointed by an appropriate authority, in this case my Mayor, Sam Spina. We have to have successful crime prevention, and this depends upon the community and the police, working in a partnership. We have to develop a partnership. We have to remove that dichotomy, that we/they mentality, that myopic thinking, that certain police officers and certain members of the public have about each other. Again, that could all be dissolved through public education and communication.

The problem with crime control is related to the problem of the public's fear of crime. We have to remove the

fear of crime. Fear is determined by a host of personal, social, and environmental factors. Police chiefs have to address innovative approaches that deal with individual self protection, collective action, collective action of the community, and environmental design, when we are talking about new construction in our community. Our planning and construction officials have to be involved along with the police departments and the contractors. The media and public education-- That is a tremendous tool at our disposal, and we have to use that in the right direction.

I think Senator Rice addressed school-based initiatives. The schools have to be involved. The two bastions of society are the home and the schools. The Police Department is society's garbage collector, so we have to start with the home and the schools. I applaud him for those initiatives.

Business-based initiatives have to, again, be addressed. You have to involve yourself -- the business community -- by crime prevention measures; security and surveys; door-to-door contact; getting to know those businesspersons and those merchants within your community. We have to-- Strike that last comment. The primary means of preventing crime is to foster a sense of community. How do we accomplish this? By organizing local residents. We have to develop community walks. Last night we met with a new organization in the community, the Valley Civic Organization, and we discussed public safety issues. We talked about community walks. Young men, young women, walking their neighborhoods. The neighborhoods, unfortunately, have been dissolved because of the economy and other social factors. We have to bring that sense of community back to our communities.

We have to train citizens in the basics of government and other services that we provide to them as governmental officials. We have to encourage more frequent positive social

interaction among community members. How will we reduce fear? We will reduce it because when communities are competent and self-regulated, they are able to control crime and other forms of deviant behavior that cause fear.

The traditional preventive approaches to fighting crime -- rapid response, identifying and apprehending criminals -- has not worked. We need new innovative approaches. I strongly encourage elected officials to be the catalyst within their communities to ensure that their police departments, particularly their chiefs, serve as the impetus and the catalyst for change, and that he identify the problems within his community; and he develops, or she develops, a community policing program, where we work together as one team, and not eight different teams going in eight different directions.

Again, I want to thank the Committee for this opportunity this evening to speak on behalf, hopefully, of the law enforcement community -- the trench people, the line people -- who do the job every day, and should be applauded. Our apostles in blue. Being the Chief from West Orange, I want to thank Mayor Spina for the opportunity to be here this evening. I also applaud his comments this evening. So, thank you.

ASSEMBLYMAN LUSTBADER: Thank you, Mayor Spina. Thank you, Chief Palardy.

MAYOR SPINA: By the way, we have taken an initiative. We are distributing these flyers and these cards throughout our community, and I would like to leave them with you. They do give people an idea of what to do to deal with auto theft and carjacking.

Thank you for your time.

ASSEMBLYMAN LUSTBADER: Thank you, gentlemen.

Let the record show that I have received this statement from Mayor Michael Steele, which will become part of the record.

Is Newark Police Captain Richard Fanning here?

UNIDENTIFIED SPEAKER FROM AUDIENCE: He had to leave.

ASSEMBLYMAN LUSTBADER: He had to leave? How about Atlantic City Police Detective Craig Hamblin? (no response) All right then, I think I am going to open it up to the audience now. I am going to work off a list. I would remind those people who choose to speak that we are talking about a three-minute presentation, either by question and/or statement.

So I will start with Mr. Ron Park.

HEARING REPORTER: Mr. Chairman, would you please ask the people to identify themselves for the record?

ASSEMBLYMAN LUSTBADER: Surely.

HEARING REPORTER: Thank you.

ASSEMBLYMAN LUSTBADER: Mr. Park, will you please state your name and address for the record?

R O N A L D P A R K: My name is Ron Park. I live at 10 Wellington Road, Livingston.

I have come here tonight, having read the article in the paper, just as a citizen. I believe it is important for the panel to look at and identify the many types of car thefts that are taking place, and take appropriate action. I also think it is important, with respect to juveniles, that the law enforcement community, by itself, will not be able to correct the problem.

I believe the educational system, the community itself, must get involved. I also believe that it is important to bring the youth into the discussion. If it is only going to be the adults talking about it, the youth are never going to come into play and bring their input on how to change the situation.

The last thing I would just say is, I just think it is important that the Legislature and the community leaders act. I think it is important that you act right away. The longer you delay, the greater the problem.

Thank you.

ASSEMBLYMAN LUSTBADER: Thank you, Mr. Park. Your remarks will be considered during the course of our deliberations. Thank you.

I am working off a list, so nobody think I am trying to manipulate priorities. I am going in strict order here. Mr. John Budzash.

J O H N B U D Z A S H: I made a couple of copies of some things.

ASSEMBLYMAN LUSTBADER: Name and address for the record, please.

MR. BUDZASH: Okay. John Budzash. I am with the New Jersey Taxpayers' Task Force. We are at 48 Driftway Road in Howell, New Jersey.

Let me see if I have all of these. Of course, I only have three copies, but to give you a little idea of what I am talking about-- (witness passes out materials to Task Force members)

In January of 1978 -- and I really don't recall the exact date -- I was suffering from the flu. I felt kind of bad; I had been cooped up in the house all night, so I went out for a drive. Unfortunately, the car on the first page (demonstrating) is what I was driving. While driving down the road, the lights went out, the car died, and I coasted off to the side of the road. I opened the hood because I am a mechanic, and I tried to fix the car. I was looking for the source of my problems, but I noticed my heart dancing around underneath me. I looked inside, and there was someone trying to take my car. He was with two other people. I now have a scar over my right eye for fending off the attack.

Two weeks after that happened -- and I was hospitalized that night -- my car was successfully stolen by someone, and the car was never recovered. I offered a reward of \$10,000 for a car that was worth, at the time, about \$7500.

I was able to trace the car down to Florida, Orlando specifically, and then the car was lost. It was never recovered. From 1978 until now, the car is just gone. I do hold hopes -- the car was extremely customized -- that some day I will find the car and eventually trace it back to the person who took it.

The second page (of materials given to Task Force members) is a 1969 Corvette that I built for myself, another custom car, the following year. That car was stolen, and you can see the pictures of what became of it. Both cars, by the way-- Neither were complete. The body work was finished; the paint was finished, the interiors were done; the engines were done. They just needed a little tiny detail to be perfect, and both cars were taken from me before I had the possibility of finishing them.

I know what it is like to have things stolen from you. I don't like the feeling, which is why I offered the \$10,000 reward for a car that was worth \$7500. I was outraged. The result is that car insurance in New Jersey has been going up astronomically.

One of the big problems is that antitheft devices really don't work. When someone carjacks a car, they come over and take it. The car is already running, the device is turned off, so they can take it. That is probably the biggest problem you are trying to address here today -- the carjackings.

The other problem for cars that are locked with antitheft devices and parked somewhere, is that it is a challenge. When you are in the inner cities, and sometimes in the suburbs, when it is a gang -- and it doesn't matter white or black-- By the way, the three guys who attacked me and tried to steal my car were white. So this, as someone said a little earlier, is not a racial thing. It just happens to be who gets the most publicity or who does the most heinous crime during this car theft situation.

Yet, professionals can pick a lock and get a car with no problem. The '63 Corvette, the very first one, was taken within seconds. The person was a professional. He took it early in the morning, on a Saturday morning. I got up, the car was there. I got in the shower. When I got out of the shower, the car was gone -- about 8:00, 8:30 in the morning. It is unbelievable that people can come to a populated area and just have the gall to go in and attempt a theft, and actually, unfortunately, be successful at it, which makes it a little bit more thrilling for them and gives the other people who know they have done it an incentive to go out and try to top their feat. "Let me try to make this a little bit more outrageous, a little bit better. Maybe I can slap somebody. Maybe I can use a gun. Maybe I can use a knife. Maybe I can steal in broad daylight instead of sneaking around at night."

It becomes status with some of the people. Unfortunately, with my car -- the first one in the picture that was stolen -- that was stolen by a professional who resold the car for profit. The second Corvette you see, that car was also stolen in broad daylight. That was stolen about 5:30, just as it was starting to get dark, in front of my business. The car was recovered underneath a full-sized Pontiac. The car was driven so fast that, according to witnesses who stood and saw the car going by, you could walk over underneath the car, jump up in the air, and still not touch the bottom. It was that high airborne at one point in time. The car hit a car broadside, and put the car up in the air so high that it came down on top of my car. To add insult to injury, I had to pay, I believe it was \$150, to the tow truck company to lift the car off of my car, so my car could then be towed back to my shop, so I could argue for the better part of a year about the value of that car. The insurance company said my car was worth \$500. I continuously argued with them until I was actually paid about \$7500, and I was able to keep the remains of the car.

New Jersey State Library

One of the things that the insurance company told me that really frustrated the hell out of me and made me want to jump through the phone and strangle the guy, was-- In the beginning, my car was worth \$500. When I told him at the end of negotiations, or toward the end of the negotiations, that I wanted to keep the remains because I am a body man and I did want to fix the car back again, he then wanted \$7500 for the remains of the car, which, in all actuality, were worth about \$500. He informed me that he could sell that car for \$7500 just like that. So I asked him, "Who would buy a car that doesn't have \$7500 worth of parts?" Obviously it was only worth about \$500 or \$600. The only parts that were really good on the car were the interior and the rear clip. Maybe the guy could have gotten about \$2000. I'm talking prices at the time, which today they are considerably more expensive, but at that time.

Well, he wasn't concerned about that. I told him, "You know who you are going to be selling that car to? You are going to be selling it to a thief, who is going to take the I.D. tags off of that car, steal another car, put them on it," and he said he was not concerned. I said, "Why aren't you concerned? It is your insurance company that is probably going to be insuring the other car that is going to get stolen, and you are going to have to pay for that, too." Well, again, he didn't care; it was not his business. His section of the insurance industry was that he sold the cars. He had to get the most money for them that he possibly could, which is a big problem. New Jersey has tightened up some of the laws regarding the sale of wrecks. It used to be that you could buy a wreck; you got a clear title. All you had to do was take the tags off and put them on another vehicle, and sell the other vehicle as a good car. Take a torch, cut up the remains of the old car, and just sell them for scrap metal -- you can't do that anymore -- but that is only with what is determined to be

totaled vehicles. Other cars are sold as rebuildable wrecks and they have clear titles. That is something that has to be looked into also. If you are going to prevent auto theft, you have to prevent the possibility of these things happening where you can take one car, take the I.D. tags, and put them on another car.

We do need extreme measures enacted with the State Division of Motor Vehicles, actually, also. One of the pictures you have there is from a magazine, okay? I actually ripped out a couple of pages from a magazine. You'll see something that car enthusiasts discovered a long time ago. You don't let anybody see your license plates if you don't have to, because with your license plate they can send \$5 to DMV, find out where you live, go to your house, and take your car. So that's why in those pictures you see there they put little license plates on that say "Hot Rod," which is the name of the magazine. It is not on there to promote the magazine; it is there to hide the license plates.

What I would like to see done is a law passed to prohibit the Division of Motor Vehicles from releasing any licensing information to anyone except a recognized law enforcement agency. That would help to take the bite out of that. I, personally, have taken to -- quite some time ago -- registering most of my vehicles to a post office box. That way they don't know where I live. Well, unfortunately, when I became kind of a semipublic figure, that didn't do any good, because people were able to find out my address and everything through the phone book, and I saw no need to continue that expensive measure of going for the post office box anymore.

We do need much stricter jail sentences -- mandatory jail sentences -- for anyone who commits a violent crime, and add stiffer penalties for violent carjackings and illegal entry into homes, which violates your total existence. If you have ever had your home broken into or your car stolen, you know it

is a horrible feeling, because, one, you don't know who did it. It could have been a neighbor; it could even have been a friend; it could have been a stranger. What right does a stranger have coming into your home?

ASSEMBLYMAN LUSTBADER: Mr. Budzash, in fairness to the others, we are trying to keep it to three minutes.

MR. BUDZASH: Okay, I'll try to sum this up. What we do need is to build jails. I agree with everything everyone in here has said already. I will emphasize that we do need to build more jails to hold criminals, and put aside other projects the State has right now, such as possibly the airport we are talking about building and expanding in Atlantic City.

We can use Fort Dix or any other facilities that can be available to hold the boot camps, which is an excellent idea. We cannot afford to back down from violent crime. We have to mandate that violent criminals, if they are youths, be tried as adults. There is no other way to get around it, because once they get away with it one time they think it's easy and they continue on and on and on.

We need laws to reward and protect those who identify a crime. I, personally, have turned in people for insurance fraud in one body shop in particular that I had worked at, for massive amounts of fraud with the insurance industry. Nothing was done to the person. That I found to be totally incredible, but unfortunately that is part of the way the system goes sometimes.

We have to work very diligently on this. I have a background of over 29 years total automotive experience. I would be willing to volunteer my time and my effort to help to put together any kind of high school programs that can be brought about. One of the pages I gave you mentions a high school program getting kids involved in an automotive sport such as drag racing. It would help to get them away from drugs. Well, this can be expanded also to include drugs, but

to try to get people interested -- the children interested in something other than going out and being cool hanging around a street corner and stealing. Automotive sports were really what kept me from being involved in problems. I was raised in a poor-to-middle-income area, racially integrated, and most of the kids I grew up with turned to some kind of crime and were mostly involved in jail sentences from time to time.

I am fortunate. I became involved in cars. I took up an auto body vocational course in high school, and that is what really got me into it. It enabled me to really get to where I am.

ASSEMBLYMAN LUSTBADER: Mr. Budzash, please conclude.

MR. BUDZASH: Anyway, as I said, I would be very willing to donate my time and my effort and my automobiles, of which I have an extensive collection, to go around to various high schools in the State and to try to promote something other than crime to the kids.

ASSEMBLYMAN LUSTBADER: Thank you. We appreciate your comments. Thank you for coming.

Mr. Louis Gerstein.

L O U I S G E R S T E I N: Thank you, Assemblyman. My name is Louis Gerstein. My business address is 20 Evergreen Place, East Orange, which is District Parole Office No. 2 in the State of New Jersey.

I agree 100 percent with what Senator Rice said. The biggest problem today is the juvenile justice system and education. By the way, I am speaking as a private citizen, not as a representative of the Department of Corrections. The biggest problem is the juvenile justice system and the lack of education. The bulk of my parolees for violent offenses do not have a high school diploma. If they have a tenth grade education, they're lucky.

We have lost a generation. To save the next generation, we must have education. We must have the boot

camps. We could combine education and vocational training, something to show these young men/children a way to go away from crime. Changing the law to make 16-year-olds adults, I am in favor of. I have seen 16-year-olds with 20, 30, 40 arrests, not just simple shoplifting, but rape, arson, murder. They're juveniles. What comes out -- it's on the record -- is "juvenile delinquency."

Gentlemen, please, I support what Senator Rice says. I agree with him. Take his comments to heed. He speaks for a lot of people. Thank you.

ASSEMBLYMAN LUSTBADER: Thank you.

ASSEMBLYMAN McENROE: May I ask, through the Chair: Mr. Gerstein--

MR. GERSTEIN: Yes, sir?

ASSEMBLYMAN McENROE: --you have a background in dealing with juvenile parolees, I understand.

MR. GERSTEIN: Yes, I do. I was what they call a Juvenile After Care Program Specialist for a year-and-a-half in Jersey City. I dropped out of that program and became a straight parole officer. I handle adults right now, but I have a background with Scouts and with juveniles on parole.

ASSEMBLYMAN McENROE: Just a comment then: How about a proposal that would involve educators and peer groups helping to reach young offenders? Do you think you would have any opportunity for success?

MR. GERSTEIN: Yes, I do, within the correctional system. I cannot see juvenile offenders, though, going into Health and Human Services, which are geared toward social work, as compared to Corrections. The area I work in, Corrections, has to be the way. But seeing teachers and other educators working within the correctional system-- I think that is very important.

ASSEMBLYMAN McENROE: Do you think many of the youthful offenders are hardened to a point where interaction

with young, successful students who are pursuing, in a sense, what we consider the right path in life-- Do you think that would help, in a circumstance, to have them confront each other and try to assist?

MR. GERSTEIN: Maybe 15 percent.

ASSEMBLYMAN MCENROE: Fifteen percent?

MR. GERSTEIN: Fifteen percent maybe. As a rule of thumb, I work-- Fifteen percent of the parolees are going to fail no matter what is done. Fifteen percent are going to make it. The bulk -- the 70 percent -- can go either way.

ASSEMBLYMAN MCENROE: But do you think that would assist them in making a decision to right themselves and correct their ways?

MR. GERSTEIN: I think it would. I have several parolees, adults, who have succeeded; one in particular who is in the process of buying a third house. He has credit established. He is running a program on drug education for adults and for younger people. He is really involved with several municipalities in Essex County.

ASSEMBLYMAN MCENROE: So you think that if young offenders are reminded of their responsibilities to their families, to their society, to the fact that they have an opportunity in a great country to live a good life-- Do you think it would be helpful?

MR. GERSTEIN: Some of them, yes. The bulk of them, no.

ASSEMBLYMAN MCENROE: Do you think it is worth the effort, though?

MR. GERSTEIN: It would be worth considering, but basically the area I work in, I am seeing hardened criminals at 16 years old.

ASSEMBLYMAN MCENROE: I appreciate your comments, because based on your experience, they were very good.

MR. GERSTEIN: My experience, yes. I work basically urban Essex County. I work out of East Orange; my district is East Orange itself.

ASSEMBLYMAN MCENROE: Thank you.

ASSEMBLYMAN LUSTBADER: Thank you, Mr. Gerstein.

MR. GERSTEIN: Thank you.

ASSEMBLYMAN LUSTBADER: Mr. Louis Zembeno.

L O U I S R. Z E M B E N O: My name is Louis Zembeno. I live at 540 North 5th Street in Newark, New Jersey. I live in the North Ward of Newark. I am here tonight as a private citizen.

I would like to really get a definition of what carjacking means, as far as a whole definition, because an incident happened on Sunday, and if you will pardon me, I will read it as I quickly wrote it up:

On Sunday morning, at approximately 1:00 a.m., about four blocks from my house, an 18-year-old, Mr. Sanchez, the driver, and a passenger, were chased after being bumped near Park Avenue by a car occupied by two or three males. Mr. Sanchez's car was finally cut off about five blocks later near the Newark School Stadium, about a block from Bloomfield Avenue. Mr. Sanchez was shot point blank in the head while his passenger watched.

My question concerns the definition of carjacking: Will Mr. Sanchez's case, and similar cases, be treated as carjackings?

Another question concerns the media and the reporting of this type of case. Since this incident happened Sunday morning, it took until today, Tuesday, for the crime to be reported in the newspaper, but not as a carjacking, which is what his close friends say happened.

Another thing that concerns and angers me, is that I called The Star-Ledger last evening complaining that the killing was not in Monday's paper anywhere. Today, Tuesday, on

page 70, a small article appeared without mentioning the word "carjacking," or a possible carjacking.

What I would like to know is how the media, and possibly law enforcement, is going to treat this type of attempted carjacking? As being not worthy because a youth was involved, or because he was a Hispanic living in the City of Newark, and not a caucasian living in the suburbs?

Finally, I would like to add that I didn't personally know Mr. Sanchez, but the people living downstairs from me -- their young brother did. That is just too close to home for me, my friends, or my family. I am here because Mr. Sanchez shouldn't be dead because he was driving his car. We, the people in Newark, should also not be the victims of such crimes, nor should it be assumed that because we live in Newark we are the cause of these crimes.

Thank you.

ASSEMBLYMAN LUSTBADER: Are your questions rhetorical, or do you want some answers?

MR. ZEMBENO: Well, I have a copy of what was in the newspaper.

ASSEMBLYMAN LUSTBADER: Okay, all right.

MR. ZEMBENO: I would like to know, what is carjacking?

ASSEMBLYMAN LUSTBADER: Well, just briefly, without belaboring it, I think usually the issue of indictment is one for the prosecutor. It could be a multifaceted complaint against any perpetrator. It could be murder one; it could be murder one including a carjacking; it could be other offenses for which a person could be indicted. So I think usually what happens is, the county prosecutor makes those determinations when he presents it to the grand jury, and then there will be the appropriate indictment.

So I think the answer is, it could be any number of things.

MR. ZEMBENO: Thank you.

ASSEMBLYMAN LUSTBADER: Mr. Bill Phelan? Is he gone?
(no response) Mr. Joseph Menza?

J O S E P H D . M E N Z A: My name is Joseph Menza. I live at 220 Monmouth Street here in the town of Livingston. I have lived here for 30 years. When I first came to Livingston it was a very wonderful town. You could leave your doors open; you could leave your car outside the garage, and you would never have a problem. I think you all know, especially you, Mr. Lustbader, that this has changed.

The mall which-- I went to court 11 years ago to see if we could prevent the mall from coming to this town, because I thought it would create a problem. I think the record speaks for itself. It is a haven for stealing cars, raping women, and committing thefts.

Our local paper has nothing but pages, item after item, on shoplifting, and these people who do these sorts of things are not incarcerated.

Mr. Spina covered a great many of the things I wanted to say. I happened to be an insurance agent in the City of Newark for 37 years, with approximately 2000 cars insured at one time. It is slowly diminishing because of the outlandish insurance rates that are being charged the inner-city people, those of them who can even get coverage.

I must impress upon you to take a couple of points in when you go to the Legislature. One is, uncuff the Police Department. Please allow them to do their job. It was astonishing to hear one of the witnesses indicate that some of these people stole a car once, twice, a third time, and a fourth time. We talked about parental responsibility. Who is ducking the issue here? If the parents do not accept the responsibility, make them accept the responsibility. Make these juveniles accept the responsibility. Incarcerate them. There are some people who think they should be exterminated,

since they are predators, and all predators should be exterminated.

If the boot camp thing won't work, and if the incarceration won't work, then we can't spend \$800 million on a lost cause. Let's spend that money on the new generation of people who want to learn; who want to pay attention; who want to abide by our society's rules. Many of the ones who have chosen to take the other avenue are uncontrollably out of control. They are, in my opinion, not worth the effort. You can try, but if we fail, there comes a point in time when you must give up.

Please. You have no idea how it is to sit in an insurance office where people who, because of a mandatory State law, must carry liability insurance. They cannot afford comprehensive, which is fire and theft, so they drive without it. We have domestic people who are doing domestic labor, who scrounge to get up the premiums so that they can get a car. These people are being deprived of their transportation. They have to get up at 7:00 in the morning and drive to places where there isn't any mass transportation. And their cars are taken away from them.

If a car is returned at some future date, these people lose wages; they lose money; they lose-- If that isn't cruel and unusual punishment to these people, yet we consider, why be cruel and unusual to the perpetrator? Yet, the poor person who has personal property stolen is given no consideration. This is cruel. These people cannot afford it. If they ever get their car back, they can't afford the tow charges, because they don't have insurance. They can't afford to get it fixed. They lose something, and the person who took it walks away, literally time and time again.. You must take the plight of these people in your hands and pass legislation to stop this.

My final thing on what I would like to see you do, is to bring some sort of legislation -- and it was brought up

briefly -- for restitution. Somebody has to pay for this lady whose car was stolen. Somebody has to pay the \$700, or her \$500 deductible, if she was fortunate enough to have insurance. Somebody has to give this lady-- She did nothing wrong. She must be reimbursed, whether it be the parents-- If they give up on a kid and say, "Shoot him," as one of them said, then let this kid, or person, go to work in a boot camp at \$3 a day and not be relieved from this incarceration until he pays back the person he caused this damage to.

I don't want to hear about this "parental supervision." I recall a while back -- a long time back -- that we came from a very poor family. I remember that if I wasn't home at 8:30 at night, or when the playground closed, or wherever we were, if I hung on the corner-- If I wasn't home by 8:30, I can show you scars on my head to prove what happened. This is the parental thing that we need. My mother and father would be responsible for me. These kids' mothers and fathers must be responsible. If they abandon them, then why shouldn't we abandon them? As far as I am concerned, they are predators, and, like predators, possibly could be exterminated. Short of that, let's not let them walk out and steal a car for the fourth, fifth, and sixth time. Change the laws, please. It is in your hands.

I thank you.

ASSEMBLYMAN LUSTBADER: Thank you, Mr. Menza.

I have completed my list. I take it from the fact that I have completed this list that there is no one left in the audience who is signed up to speak. So, at this point, I will just ask my colleagues if they have any concluding remarks. (no response) If not, I would like to tell you that I think this has been an enlightening experience for us as legislators. I think it proved the wisdom of the Legislature in putting together this Task Force and giving us an opportunity to listen to the people directly, from a

grass-roots perspective. I happen to believe that law enforcement does not have all the answers. This is an important component of our efforts here. We will continue this process, probably in other areas of the State. When we have gotten all of the information available, we are going to sit down with the best minds we can find and try to resolve some issues here, and perhaps address this whole very acute situation in a meaningful way.

I thank you for attending -- all the dignitaries and all the people who have taken the trouble to come. Thank you again.

(HEARING CONCLUDED)

APPENDIX



STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL

ROBERT J. DEL TUFO
ATTORNEY GENERAL

FREDERICK P. DE VESA
FIRST ASSISTANT ATTORNEY GENERAL

STATEMENT BY
ATTORNEY GENERAL ROBERT J. DEL TUFO
Assembly Task Force on Auto Theft
December 8, 1992

THANK YOU FOR THE INVITATION TO ADDRESS THE MEMBERS OF THIS TASK FORCE ON AUTO THEFT. MY RECOMMENDATIONS FOR LEGISLATIVE REFORM NECESSARY TO ADDRESS THE PROBLEM ARE, I BELIEVE, WELL KNOWN.

ON SEPTEMBER 23, I PRESENTED THOSE RECOMMENDATIONS AT A PUBLIC HEARING HELD BY THE SENATE JUDICIARY COMMITTEE IN BLOOMFIELD. TWO MEMBERS OF THIS TASK FORCE, Assemblyman Lustbader and Assemblywoman Crecco, ALSO PARTICIPATED IN THAT HEARING. SUBSEQUENTLY, THE REFORM I SUGGESTED WAS INCORPORATED IN COMPANION BILLS INTRODUCED IN BOTH HOUSES OF THE LEGISLATURE BY SPONSORS FROM BOTH SIDES OF THE RESPECTIVE AISLES.

THE SENATE AUTO THEFT BILLS WERE INTRODUCED ON OCTOBER 8. THE COMPANION, ASSEMBLY BILLS WERE INTRODUCED ON OCTOBER 15.

THE LEADERSHIP PROVIDED BY THE CHAIRMAN OF THE JUDICIARY COMMITTEE, SENATOR GORMLEY, AND THE COOPERATION OF THE FOURTEEN LEGISLATORS WHO SPONSORED THE NINE BILLS THAT INCLUDE THE PROPOSED REFORM ARE GREATLY APPRECIATED.

AS THE MEMBERS OF THIS TASK FORCE KNOW, OUR PROGRESS WAS POSSIBLE BECAUSE SO MUCH OF THE WORK HAD BEGUN BEFORE THE SEPTEMBER HEARING IN BLOOMFIELD. NUMEROUS BILLS DEALING WITH AUTO THEFT HAD BEEN INTRODUCED PRIOR TO THE SENATE HEARING, AND WE WERE ABLE TO DRAW ON, HARMONIZE, CONSOLIDATE AND SUPPLEMENT THOSE PROPOSALS. WITH THIS STATEMENT, I AM SUBMITTING A DOCUMENT THAT DESCRIBES IN DETAIL THE LEGISLATION I ENDORSE.

THE SENATE PASSED THE AUTO THEFT BILLS ON OCTOBER 19 WITHOUT NEGATIVE VOTE. TO DATE, HOWEVER, THERE HAS BEEN NO FURTHER ACTION BY THE ASSEMBLY. THIS TASK FORCE HAS THE BENEFIT OF THE TRANSCRIPTS OF THE BLOOMFIELD, AND THE STATEMENT I SUBMITTED AT THAT TIME.

TONIGHT, I MUST STRESS THAT I BELIEVE THAT THE TIME TO MOVE THE LEGISLATION PROPOSED AS A RESULT OF THE COOPERATIVE, BIPARTISAN EFFORT THAT FOLLOWED THE BLOOMFIELD HEARING HAS COME. IF EXPERIENCE SUBSEQUENTLY PROVES THAT FURTHER REFINEMENT OF THOSE PROPOSALS IS NEEDED, WE CAN ADJUST THE MEASURES.

EXPERIENCE TO DATE HAS SHOWN THAT WE CANNOT FOREGO REFORM WHILE WE WAIT TO ASSURE OURSELVES THAT WE HAVE THE "PERFECT" SOLUTION. THE "SCIENCE" OF LAW REFORM IS NOT EXACT.

CAR THEFT IS A SERIOUS PROBLEM IN THIS STATE. SIX NEW JERSEY CITIES RANKED IN THE TOP 20 IN THE NATION FOR AUTO THEFT IN 1991. IN 1991, 71,868 MOTOR VEHICLE THEFTS WERE REPORTED. WHILE THIS IS A SLIGHT DECREASE (1%) FROM THE NUMBER OF AUTO THEFTS REPORTED IN 1990, THE RATE IS INTOLERABLY HIGH.

MOTOR VEHICLE THEFT IS A COSTLY PROPERTY CRIME. EVEN WHEN VEHICLES ARE RECOVERED, AS THEY WERE IN 69.1% OF THE CASES IN 1991, DAMAGE DONE TO THE VEHICLES OFTEN REQUIRES COSTLY REPAIR. AND, THE ADDITIONAL INDIRECT LOSSES SUSTAINED BY VICTIMS IN TERMS OF TIME AND EXPENSE RESULTING FROM DEPRIVATION OF NECESSARY MEANS OF TRANSPORTATION ARE OBVIOUSLY GREAT.

FURTHER, MOTOR VEHICLE THEFT IS INCREASINGLY BECOMING A CRIME DANGEROUS TO LIFE. PARTICULARLY AUTO THEFT COMMITTED BY JUVENILES. THE EVENTS OF THIS SUMMER SHOWED THAT. KIDS DRIVING STOLEN VEHICLES WITH A HIGH DEGREE OF RECKLESSNESS "FOR FUN" AND, WE ARE TOLD, AS PART OF A "RIGHT OF PASSAGE," SERIOUSLY INJURED THEMSELVES AND OTHERS. THEY LED POLICE ON DANGEROUS HIGH-SPEED CHASES, AND A FEW EVEN TOOK TO RAMMING THE STOLEN CARS INTO POLICE VEHICLES AND AIMING THEM AT OFFICERS ON FOOT.

WE ARE ALL TOO FAMILIAR WITH THE INCIDENTS. THIS TREND OF RECKLESS AND MALICIOUS DRIVING OF STOLEN MOTOR VEHICLES BY JUVENILE CAR-THIEVES IS ESPECIALLY ALARMING WHEN WE RECOGNIZE, AS WE MUST, THAT 60% OF THE PERSONS ARRESTED FOR AUTO THEFT IN NEW JERSEY IN 1991 WERE JUVENILES.

FURTHER, IN ADDITION TO CAR THEFT THAT TURNS VIOLENT BECAUSE OF THE MANNER IN WHICH STOLEN VEHICLES ARE OPERATED, WE FACE THE PROBLEM OF PERSONS WHO USE FORCE OR THREATS TO TAKE CARS FROM THEIR OWNERS. THIS FORM OF ROBBERY, WHILE NOT NEW, HAS BECOME COMMON ENOUGH TO HAVE BEEN GIVEN A NEW NAME -- "CARJACKING."

AS YOU KNOW, WE IN LAW ENFORCEMENT HAVE TAKEN STEPS TO DEAL WITH THESE PROBLEMS. BY SEPTEMBER OF THIS YEAR, A TASK FORCE ON AUTO THEFT IN ESSEX AND UNION COUNTIES, FORMED IN DECEMBER OF 1991, HAD MADE MORE THAN 250 ARRESTS AND RECOVERED ALMOST AN EQUAL NUMBER OF STOLEN VEHICLES. WE ACCOMPLISHED THIS WITH THE HELP OF MORE THAN \$200,000 IN EQUIPMENT PURCHASED WITH FORFEITURE FUNDS.

WE RECENTLY STARTED A CHRONIC JUVENILE OFFENDERS PROGRAM THROUGH THE ESSEX COUNTY PROSECUTOR'S OFFICE TO ENSURE THAT YOUNG PEOPLE WHO ARE RESPONSIBLE FOR A DISPROPORTIONATE AMOUNT OF CRIME, INCLUDING CAR THEFT, ARE TARGETED FOR EXPEDITED PROSECUTION AND CUSTODIAL TERMS.

WE HAVE BEEN WORKING WITH THE CORRECTIONS DEPARTMENT ON A MODEL JUVENILE PROGRAM TO REHABILITATE NON-VIOLENT OFFENDERS

THROUGH A HIGHLY-STRUCTURED CUSTODIAL PERIOD OF UP TO THREE MONTHS AND A LATER ROUND OF CLOSELY-SUPERVISED COMMUNITY SERVICE. WHEN AT ALL POSSIBLE, WE WANT TO RETURN THESE YOUNG OFFENDERS TO THE COMMUNITY WITH A SET OF SKILLS AND A SENSE OF PURPOSE.

GOVERNOR FLORIO HAS SUBMITTED AN EXECUTIVE REORGANIZATION PLAN FOR JUVENILE JUSTICE THAT SHOULD FACILITATE THE DEVELOPMENT AND DELIVERY OF GOOD PROGRAMS FOR JUVENILE OFFENDERS BY CONSOLIDATING RESPONSIBILITY FOR THOSE PROGRAMS IN A DIVISION OF JUVENILE JUSTICE IN THE DEPARTMENT OF HUMAN SERVICES.

WE HAVE ALSO UNDERTAKEN SPECIAL INITIATIVES TO COMBAT THE VIOLENCE OF CARJACKING. THE ENFORCEMENT PROGRAM (THE DETAILS OF WHICH WERE ANNOUNCED ON NOVEMBER 24 IN EDISON, NEW JERSEY) INVOLVE COOPERATIVE EFFORTS OF LOCAL, COUNTY, STATE AND FEDERAL OFFICERS. I AM SUBMITTING, WITH THIS STATEMENT, MATERIALS DESCRIBING THAT PROGRAM.

I WOULD LIKE TO FOCUS NOW, HOWEVER, ON THE MATTERS BEFORE THIS TASK FORCE -- PROPOSED LEGISLATIVE REFORMS.

WE NEED STRICTER PENALTIES TO DETER WOULD-BE CAR THIEVES AND TO INCREASE THE LIKELIHOOD THAT A JOY RIDE IN A STOLEN CAR WILL LEAD TO A SOLEMN RIDE IN THE BACK OF A CORRECTIONS VAN, PARTICULARLY WHEN THE CRIME INVOLVES RECKLESS DRIVING, OR ELUDING OF POLICE.

WHEN THE SAME KID IS ARRESTED FOR THE SAME OFFENSE AT THE BEGINNING AND THE END OF THE SAME POLICE SHIFT, AND WHEN FEWER THAN A HUNDRED JUVENILES ARE RESPONSIBLE FOR MORE THAN A THOUSAND CAR THEFTS, THE LAW NEEDS TO BE CHANGED.

WHEN INNOCENT BYSTANDERS ARE MOWED DOWN BY CAR-SPINNING THIEVES WHO VIEW THEIR ACTIONS AS A SPORT, THE STATUS QUO IS NOT ACCEPTABLE.

AND, ALTHOUGH CURRENT LAW DEFINING ROBBERY IS GENERALLY ADEQUATE TO DEAL WITH CARJACKING, WE COULD IMPROVE THAT LAW BY MAKING ALL CARJACKING (LIKE ALL ARMED ROBBERY) A CRIME OF THE FIRST DEGREE AND BY ENSURING THAT EVERYONE WHO COMMITS THIS TYPE OF ROBBERY WILL SERVE SOME TIME IN JAIL.

THESE ARE THE ELEMENTS OF THE LEGISLATIVE PLAN:

PUNISHMENT FOR CAR THEFT MUST BE MORE CERTAIN. UNDER CURRENT LAW IT IS UNLIKELY THAT A PERSON WHO STEALS A MOTOR VEHICLE WILL GO TO JAIL. THE CRIME IS ONE OF THE THIRD DEGREE, AND COURTS ARE REQUIRED TO PRESUME THAT FIRST OFFENDERS SHOULD NOT BE INCARCERATED. EVEN WHEN DEALING WITH A SECOND OFFENDER, JUDGES ARE EQUALLY FREE TO IMPOSE A SENTENCE OF PROBATION OR JAIL.

OUR PROPOSALS FOR REFORM ON THIS POINT ARE INCORPORATED IN S-1208 (KOSCO & SINAGRA) AND A-48 (LUSTBADER):

TO MAKE JAIL TERMS FOR REPEAT OFFENDERS THE RULE RATHER THAN

THE EXCEPTION, THE BILLS WOULD CODIFY A PRESUMPTION OF INCARCERATION FOR PERSONS WHO HAVE PREVIOUSLY BEEN CONVICTED OF MOTOR VEHICLE THEFT OR JOYRIDING.

TO MAKE JAIL TERMS FOR FIRST OFFENDERS A REAL POSSIBILITY, THE BILLS WOULD DEPRIVE FIRST OFFENDERS OF ANY PRESUMPTION OF NON-INCARCERATION.

THE PENALTIES FOR ELUDING MUST BE INCREASED. THOSE WHO TAKE LAW ENFORCEMENT OFFICERS ON MOTOR VEHICLE CHASES CREATE AN INTOLERABLE RISK TO HUMAN LIFE AND INTERFERE WITH THE ADMINISTRATION OF JUSTICE. YET, UNDER CURRENT LAW, ELUDING AN OFFICER IS A DISORDERLY PERSON OFFENSE, UNLESS THE FLIGHT CREATES A RISK OF DEATH OR INJURY, IN WHICH CASE IT IS A CRIME OF THE FOURTH DEGREE.

OUR PROPOSALS FOR REFORM ON ELUDING ARE INCORPORATED IN S-1205 (GIRGENTI) AND A-45 (CATANIA & R. BROWN).

THESE BILLS WOULD ELEVATE THE BASE OFFENSE FROM A DISORDERLY PERSONS OFFENSE TO A CRIME OF THE THIRD DEGREE, AND GRADE THE OFFENSE AS A CRIME OF THE SECOND DEGREE WHEN THE ELUDING CREATES A RISK OF DEATH OR INJURY.

THEY WOULD REGRADE RELATED AGGRAVATED ASSAULT OFFENSES TO MAKE ANY ELUDING THAT RESULTS IN INJURY A CRIME OF THE SECOND DEGREE, AND REQUIRE A MINIMUM TERM OF INCARCERATION FOR PERSONS WHO INJURE ANOTHER WHILE ELUDING.

THE LAW MUST TAKE JOYRIDING SERIOUSLY. JOYRIDING CAN NO LONGER BE TREATED AS IT IS NOW - A MINOR OFFENSE EQUIVALENT TO THE TEMPORARY TAKING OF ANOTHER'S BICYCLE OR SURFBOARD.

OUR PROPOSALS FOR REFORM ON THIS POINT ARE INCORPORATED IN S-1207 (BUBBA & RICE) and A-47 (CRECCO & HARTMANN), S-1208 (KOSCO & SINAGRÀ) and A-48 (LUSTBADER), S-1205 (GIRGENTI) and A-45 (CATANIA & R. BROWN):

THE BILLS WOULD UPGRADE JOYRIDING TO A CRIME OF THE FOURTH DEGREE FOR MOTOR VEHICLES ONLY, AND BOOST THE OFFENSE TO A CRIME OF THE THIRD DEGREE WHEN THE MOTOR VEHICLE IS OPERATED TO CREATE A RISK OF INJURY TO PERSON OR DAMAGE TO PROPERTY.

THEY WOULD CODIFY A PRESUMPTION OF INCARCERATION FOR PERSONS CONVICTED OF JOYRIDING WHO HAVE PREVIOUSLY BEEN CONVICTED OF MOTOR VEHICLE THEFT OR JOYRIDING.

THEY WOULD TREAT THE OFFENSE OF CAUSING INJURY WHILE JOYRIDING LIKE A SIMILAR OFFENSE FOR ELUDING - AS A CRIME OF THE SECOND DEGREE, AND ELIMINATE THE PRESUMPTION OF NON-INCARCERATION FOR JOYRIDING IN THE THIRD DEGREE.

THE LAW SHOULD PROVIDE INCREASED PENALTIES FOR PERSONS WHO COMMIT CRIMES WHILE IN POSSESSION OF A STOLEN MOTOR VEHICLE. USE OF A STOLEN MOTOR VEHICLE DURING THE COMMISSION OF A CRIME AGGRAVATES THE SERIOUSNESS OF THE UNDERLYING CRIME. PROFESSIONALS OFTEN USE STOLEN MOTOR VEHICLES WITH THE INTENT OF AVOIDING DETECTION AND APPREHENSION WHEN THEY COMMIT A MORE SERIOUS OFFENSE. FURTHER, USE OF A STOLEN MOTOR VEHICLE INCREASES THE LIKELIHOOD OF DANGEROUS FLIGHT AND ELUDING -- OFFICERS FREQUENTLY ARE LED ON HIGH-SPEED CHASES BY PERSONS WHO COME TO THEIR ATTENTION BECAUSE THEY ARE DRIVING VEHICLES THAT HAVE BEEN REPORTED STOLEN.

SCS-1090 (BUBBA & RICE) WOULD PROVIDE INCREASED PENALTIES FOR PERSONS WHO USE OR ARE IN POSSESSION OF A STOLEN MOTOR VEHICLE DURING THE COMMISSION OR FLIGHT FROM THE COMMISSION OF A CRIME. THE BILL WOULD MAKE THIS CONDUCT AN AGGRAVATING FACTOR TO BE CONSIDERED AT THE TIME OF SENTENCING, AND IT WOULD PERMIT EXTENDED TERMS OF IMPRISONMENT FOR PERSONS WHO POSSESS OR USE A STOLEN MOTOR VEHICLE IN THE COURSE OF COMMITTING OR IN FLIGHT AFTER THE COMMISSION OF MANSLAUGHTER, AGGRAVATED ASSAULT, KIDNAPPING, AGGRAVATED SEXUAL ASSAULT OR CONTACT, ROBBERY, BURGLARY, ELUDING, ESCAPE OR DRUG DISTRIBUTION).

A-1719 (CRECCO) (requiring sentence for a crime of one degree higher if a stolen motor vehicle but not providing for proof of the elements at trial as is required by the constitution) is similar to S-1090 as introduced and would be endorsed if amended to conform with SCS-1090.

CARJACKING

THE ISSUE OF "CARJACKING" WAS NOT DISCUSSED AT THE SEPTEMBER HEARINGS ON AUTO THEFT. SINCE THAT TIME, CONGRESS HAS MADE "CARJACKING" A FEDERAL CRIME, AND BILLS PROPOSING A STATE "CARJACKING" OFFENSE HAVE BEEN INTRODUCED IN THE SENATE AND ASSEMBLY.

WHILE CURRENT NEW JERSEY LAW IS GENERALLY ADEQUATE TO DEAL WITH THE PROBLEM OF CARJACKING, THE ATTORNEY GENERAL WOULD SUPPORT LEGISLATION STRENGTHENING THAT LAW.

CARJACKING INVOLVES THE USE OF FORCE OR THREATS IN THE COURSE OF TAKING A CAR. THIS IS ROBBERY. A CRIME OF THE SECOND DEGREE. IF THE THIEF IS ARMED OR CAUSES OR ATTEMPTS TO CAUSE SERIOUS INJURY, ROBBERY IS A CRIME OF THE FIRST DEGREE.

A ROBBERY IN WHICH THE PROPERTY TAKEN IS A CAR, LIKE ARMED ROBBERY, IS PARTICULARLY LIKELY TO EXPOSE THE VICTIM TO DANGER AND IS PARTICULARLY TERRIFYING.

FOR THESE REASONS, ROBBERY INVOLVING THE THEFT OF A MOTOR VEHICLE, CARJACKING, LIKE ARMED ROBBERY, SHOULD BE A CRIME OF THE FIRST DEGREE.

AND, A CARJACKER SHOULD RECEIVE A MANDATORY MINIMUM TERM, EQUIVALENT TO THE MANDATORY MINIMUM TERM GIVEN TO THOSE WHO COMMIT ROBBERY WITH A GUN.

S-1324 (CODEY) AND A-2047 (ZANGARI & R. BROWN) PROPOSE REFORM OF THIS NATURE, WITH MODIFICATIONS THESE BILLS ARE ONES THAT WARRANT SUPPORT.

FINALLY, WE MUST PROVIDE STIFFER SANCTIONS FOR JUVENILES. MOST OF THE PEOPLE WE APPREHEND FOR CAR THEFT ARE JUVENILES. A-46 AND S-1206 PROPOSE MANDATORY DISPOSITIONS. UNDER CURRENT LAW, SANCTIONS FOR JUVENILE DELINQUENTS ARE LEFT TO THE DISCRETION OF THE COURT. WE PROPOSE THE FOLLOWING MANDATORY SANCTIONS:

* EITHER INCARCERATION FOR SOME TERM OR 60 DAYS COMMUNITY SERVICE FOR MOTOR VEHICLE THEFT BY FIRST OFFENDER, JOYRIDING THAT CREATES A RISK, AND ELUDING.

* INCARCERATION FOR A MINIMUM OF 60 DAYS FOR MOTOR VEHICLE THEFT BY A REPEAT OFFENDER, ELUDING THAT CREATES A RISK, AND AGGRAVATED ASSAULT BY A JUVENILE WHO IS JOYRIDING OR ELUDING.

* INCARCERATION FOR SOME TERM OR 30 DAYS COMMUNITY SERVICE FOR SIMPLE JOYRIDING.

* INCARCERATION FOR A MINIMUM OF 30 DAYS FOR REPEAT VIOLATORS OF SIMPLE JOYRIDING OR ELUDING.

WE NEED THE COOPERATION OF PARENTS. MANY INCIDENTS INVOLVING YOUNG JUVENILES OCCUR IN THE MIDDLE OF THE NIGHT. A-46 AND S-1206 WOULD ENCOURAGE PARENTS TO EXERCISE REASONABLE CONTROL BY AUTHORIZING COURTS TO REQUIRE THOSE WHO DO NOT TO COMPENSATE THEIR CHILDREN'S VICTIMS.

WE REALIZE THAT IMPLEMENTING THE MANDATORY SANCTIONS WILL NOT BE EASY OR INEXPENSIVE. FOR EXAMPLE, I AM ADVISED THAT AT CURRENT RATES IN ESSEX COUNTY, AS MANY AS 1,500 JUVENILES PER YEAR COULD BE REQUIRED TO PERFORM COMMUNITY SERVICE UNDER THE PROPOSAL OUTLINED ABOVE. AT CURRENT RATES, THAT NUMBER WOULD BE REDUCED TO 800 OR 900 PER YEAR IF COMMUNITY SERVICE WERE REQUIRED FOR SECOND OFFENDERS ONLY.

THE CONCEPT OF COMMUNITY SERVICE SHOULD BE BROAD ENOUGH TO INCLUDE MEANINGFUL EDUCATION PROGRAMS SPECIALLY DESIGNED TO REACH JUVENILES WHO ARE FIRST OFFENDERS. SINCE THE LAST HEARING ON AUTO THEFT WE HAVE BEGUN TO DEVELOP EDUCATIONAL PROGRAMS FOR SUCH JUVENILES. THE DIVISION OF CRIMINAL JUSTICE HAS ESTABLISHED A MODEL EDUCATION PROGRAM FOR JUVENILES INVOLVED IN BIAS CRIMES. AND, THE ESSEX COUNTY SUPERIOR COURT HAS CRAFTED AND IMPLEMENTED A PILOT PROGRAM FOR FIRST OFFENDER-AUTO THEFT, WHICH INVOLVES EDUCATION FOR JUVENILES AND THEIR PARENTS. THE PROGRAM IS SHOWING PROMISING RESULTS.

IDEALLY, PROGRAMS OF THIS SORT SHOULD BE AVAILABLE AND REQUIRED FOR ALL JUVENILE FIRST OFFENDERS. OF COURSE, SUCH PROGRAMS REQUIRE DEDICATION OF RESOURCES.

THE REORGANIZATION PLAN FOR JUVENILE JUSTICE SUBMITTED BY GOVERNOR FLORIO ON NOVEMBER 30 WILL FACILITATE THE DEVELOPMENT AND DELIVERY OF THE NECESSARY PROGRAMS FOR JUVENILES ADJUDICATED DELINQUENT BY CONSOLIDATING RESPONSIBILITY FOR JUVENILE PROGRAMS.

I URGE THE TASK FORCE TO RECOMMEND PROMPT ENACTMENT OF THE PROPOSALS APPROVED BY THE SENATE. TASK FORCE STUDY CAN AND WILL CONTINUE AFTER ENACTMENT. THE NEWLY CREATED SENTENCING POLICY STUDY COMMISSION WILL EXPLORE THE ISSUES IN ITS COMPREHENSIVE REVIEW OF SENTENCING.

UNDER THESE CIRCUMSTANCES, THE REFORM WHICH HAS ACHIEVED SUCH BROAD BASED, BIPARTISAN SUPPORT SHOULD NOT BE DELAYED.

New Jersey Department of Law and Public Safety

Office of the Attorney General
Robert J. Del Tufo, Attorney General

FOR IMMEDIATE RELEASE
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OFFICIALS ANNOUNCE PLAN TO COMBAT 'CARJACKINGS'

EDISON - Governor Jim Florio and Attorney General Robert J. Del Tufo, along with federal, state, county and local law enforcement officials, today announced a series of steps to combat "carjackings," including increased patrols, hard-line prosecution, regional task forces and a public awareness campaign.

Gov. Florio and Del Tufo outlined the plan after a meeting with U.S. Attorney Michael Chertoff, FBI Special Agent Jim Esposito, Criminal Justice Director Robert Winter and Col. Justin Dintino of the State Police, Prosecutors Jim Mulvihill, Andrew Ruotolo and Ronald Fava, President of the Prosecutors Association, Sheriff William Simon, President of the Sheriffs Association, Lt. Donald Wactor of the Crime Prevention Officers Association, Jim Arena, Director of the Division of Highway Traffic Safety and a representative of the Police Chiefs Association at the municipal building here. The meeting followed a session last week involving representatives of the business community and various law enforcement organizations.

"There is no right more important than the right to be safe," Gov. Florio said. "The people of New Jersey don't have to tolerate the fear and senseless violence brought about by these carjackings. There can be no excuses for behavior like this."

Said Del Tufo, "We will step up our police efforts, administer the most vigorous prosecution and urge motorists to take some common sense precautions. We will not allow a handful of thugs to terrorize our roadways and parking lots."

The elements of the anti-carjacking plan include:

- * A policy to reject plea bargains in carjacking cases except in extraordinary instances.

- * A system for referring carjacking cases to federal authorities when possible to take advantage of a new law carrying tough penalties, no bail and a quick trial date.

- * The use of special county law enforcement committees to marshal additional patrols in high-risk areas.

- * The creation of four regional task forces to investigate and apprehend carjackers.

- * A public information campaign to help motorists guard against carjacking incidents.

- * A new computerized reporting system to determine the scope of carjacking crimes, identify the areas in need of targeted enforcement and assist police in spotting carjacked vehicles.

"Our communities have come together on this with good ideas and a spirit of cooperation that will help attack carjacking," Gov. Florio said. "Working together, we can give law enforcement the support they need to do a tough job."

Del Tufo noted that new measures put in place this summer to counter auto thefts in the Newark area have contributed to a decline in those offenses.

"We have demonstrated that a focused law enforcement effort can have an impact on crime. We are confident that our approach to carjacking will produce similar results," said Del Tufo.

Robert T. Winter, director of the state Division of Criminal Justice, said the anti-carjacking plan focuses on prosecution, public safety and prevention.

"A coordinated law enforcement effort and an alert public are the keys to reducing incidents of carjacking," said Winter.

Attorney General Del Tufo said prosecutors will be directed to shun plea bargains in all but extraordinary carjacking cases.

"We will charge these individuals to the hilt and send them away for as long as possible," said Del Tufo. "It won't take long for the message to get out that we are serious about punishment for this crime."

In addition, Del Tufo said a system will be established to refer carjacking cases to the jurisdiction offering the toughest potential penalties and speediest results. U.S. Attorney Michael Chertoff's office has recommended a "Carjacking Task Force" made up of federal, state and county law enforcement officials to coordinate prosecutions.

A federal carjacking statute enacted last month provides penalties of up to 15 years imprisonment without parole for the taking of a vehicle by force. A defendant faces up to 25 years imprisonment if someone is seriously injured in the armed theft,

and life imprisonment if a homicide is involved. The federal law also allows authorities to hold defendants without bail and calls for a trial within 90 days.

"A successful attack on the menace of carjacking requires a combined federal, state and local team effort," Chertoff said. "We anticipate employing tough federal pre-trial detention and carjacking laws as a powerful element in this combined effort to eliminate carjacking.

"The threat of carjacking scares people off the highways and roads, deters people from shopping in our stores and reduces everybody's freedom of movement. Protecting citizens against carjackers is protecting their basic civil right to freedom of movement," Chertoff added.

Under New Jersey law, most carjacking incidents are considered first degree armed robberies, punishable by a prison term of up to 20 years and a maximum fine of \$100,000. Additionally, the majority of carjackings are committed with a firearm, making them "Graves Act" offenses with mandatory minimum sentences.

Del Tufo announced that special county law enforcement committees will be mobilized to identify specific locations and neighborhoods in need of additional patrols. Many of those committees have already met over the past few day to map out a local law enforcement strategy to combat carjackings.

County prosecutors, sheriffs, local police chiefs and mall security officials will determine which areas warrant the extra protection in each county as a result of high-risk factors for carjacking, according to the Attorney General.

Some of those committees have already designed plans to crackdown on carjackers, including the use of undercover decoy teams and surveillance units at shopping malls. The committees will also be conducting public information campaigns to help citizens guard against becoming a victim of a carjacker.

"The public must be assured that law enforcement is watching. And we will be out there," Del Tufo said.

"We will coordinate our efforts to increase patrols, particularly at the most effective locations and times," said Del Tufo. "Manpower will be provided where and when necessary to deter carjacking and to apprehend those who defy the law."

State Police Superintendent Justin Dintino said the State Police will also increase patrols in major shopping areas they cover.

"The State Police, in cooperation with New Jersey's law enforcement community, continues to take a serious approach to this heinous crime. The stern actions being readied, send the message that carjacking and related crimes will not be tolerated, Colonel Dintino said.

"The commitment to provide increased State Police patrols along our heavily traveled highways and to beef-up patrol activity in and around shopping areas along interstate and state highways and towns covered by Troopers will certainly act to deter this activity, Dintino added.

The Attorney General added that representatives of shopping centers and malls are working with authorities to ensure safe surroundings, particularly as the busy holiday shopping season approaches.

Del Tufo encouraged malls and other shopping areas to increase private security and to consider measures implemented in certain locations such as watchtowers to scan lots for trouble, roving patrols and even valet parking.

"We should go out of our way to assure the safety and confidence of our citizens and ease the understandable alarm over carjacking," Del Tufo said.

Del Tufo announced that four regional task forces will be formed to coordinate law enforcement efforts involving carjacking.

The task forces will hold monthly meetings to share intelligence, review information and address the investigation and apprehension of those involved in specific cases of carjacking.

The task forces - one including Essex, Union and Hudson counties, a second including Bergen, Passaic, Morris, Sussex and Warren counties, a third including Hunterdon, Somerset, Middlesex, Mercer and Monmouth counties, and a fourth including the southern counties - will include county prosecutors, the Division of Criminal Justice, the Division of State Police, the FBI Violent Crimes Fugitive Task Force and municipal police departments which have experienced carjackings this year.

The state's anti-carjacking program also includes a public information campaign to provide motorists with common sense precautions against carjacking, according to Jim Arena, Director of the Division of Highway Traffic Safety.



ROBERT J. DEL TUFO
ATTORNEY GENERAL

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF THE ATTORNEY GENERAL

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Summary of Auto-Theft Legislation
Measures Endorsed by Attorney General Robert J. Del Tufo

I. ADULT OFFENDERS

A. Jail Terms For Motor Vehicle Theft. Under current law it is unlikely that a person who steals a motor vehicle will go to jail. The crime is one of the third degree, and courts are required to presume that first offenders should not be incarcerated. Even if the person has stolen cars in the past, there is no presumption that a prison sentence is proper. Given this State's relatively high rate of auto-theft, more deterrence is needed.

A-48 (Lustbader) & S-1208 (Kosco & Sinagra) would do the following:

1. Make jail terms for repeat offenders the rule rather than the exception -- BY codifying a presumption of incarceration for persons convicted of theft of a motor vehicle who have previously been convicted of either motor vehicle theft or joyriding.

2. Make jail terms for first offenders a real possibility -- By Revising the statutory presumption of non-incarceration for first offenders convicted of third degree crimes to exclude persons convicted of theft of a motor vehicle.

B. Increased penalties for Eluding. Eluding an officer (flight in a motor vehicle) is currently a disorderly person offense unless the flight creates a risk of death or injury to any person, in which case it is a crime of the fourth degree. This grading does not adequately account for the high degree of risk to human life and the interference with the administration of justice.

A-45 (Catania & R. Brown) & S-1205 (Girgenti) would:

1. Elevate the base offense from a disorderly persons offense to a crime of the third degree;

2. Grade the offense as a crime of the second degree when the eluding creates a risk of death or injury;

3. Regrade related aggravated assault offenses -- causing serious bodily injury while eluding (2nd degree) and causing bodily injury while eluding (3rd degree) -- to make any eluding that results in injury a crime of the second degree; and

4. Provide a mandatory minimum term of incarceration for aggravated assault while eluding. (This amendment to 2C:43-6 proposed but has not yet been incorporated in any pending bill

C. Joyriding: Provide Increased Penalties That Recognize the Seriousness of The Property Crime and The Dangers To the Safety of the Public and Law Enforcement Officers.

The penalties for unlawful taking of a motor vehicle (joyriding) do not reflect the seriousness of the property crime. The legal distinction between joyriding and theft of a motor vehicle is fine -- essentially, whether the person's intent at the time of the taking was to deprive the owner of his vehicle for a period of time or permanently. The difference in the sanctions for these offenses, however, is dramatic -- theft is a crime of the third degree (3-5 years) and joyriding is a disorderly persons offense (0-6 months).

Further, the penalties for unlawful taking of a motor vehicle, do not account for the dangers posed by the conduct. Unlike theft offenses motivated by profit, joyriding frequently involves thrill seeking in the form of reckless driving.

The costs to motor vehicle owners and the threat to the public safety demand greater deterrence. Joyriding can no longer be treated as it is now -- a minor offense equivalent to the temporary taking of another's bicycle or surfboard.

A-47 (Crecco & Hartmann) & S-1207 (Bubba & Rice) would:

1. Upgrade joyriding to a crime of the fourth degree for motor vehicles only (drivers and passengers);
2. Upgrade joyriding to a crime of the third when the motor vehicle is operated to create a risk of injury to person or damage to property;

A-48 (Lustbader) & S-1208 (Kosco & Sinagra) would:

3. Codify a presumption of incarceration for persons convicted of joyriding who have previously been convicted of motor vehicle theft or joyriding.
4. Eliminate the presumption of non-incarceration for joyriding in the third degree, and

A-45 (Catania & R. Brown) & S-1205 (Girgenti) (discussed above) would:

5. Revise aggravated assault to treat the offense of causing injury while joyriding like the offense of causing injury while eluding -- as a crime of the second degree.

D. Commission of A Crime with A Stolen Motor Vehicle. Under current law, in order to deter the use of firearms in the commission of certain crimes, we provide special penalties for commit crimes with guns. Recent events make it apparent that there is a need to deter the use of stolen motor vehicles in the

commission of other crimes. Some car theft is motivated by the desire to obtain a vehicle for use in the commission of a crime that will not be traced to them. Many a dangerous getaway attempt is made in a stolen motor vehicle. There is good reason to provide increased penalties for persons who use or possess stolen motor vehicles in the course of committing or escaping from the commission of a crime.

SCS-1090 (Bubba & Rice) would

1. Make use of a stolen motor vehicle and aggravating factor to be considered at the time of sentencing; and

2. Permit extended terms of imprisonment when a stolen motor vehicle is used in the commission or flight from the commission of manslaughter, aggravated assault, kidnapping, aggravated sexual assault or contact, robbery, burglary, eluding, escape or drug distribution.

A-1719 (Crecco) (requiring sentence for a crime of one degree higher if a stolen motor vehicle but not providing for proof of the elements at trial as is required by the constitution) is similar to S-1090 as introduced and would be endorsed if amended to conform with SCS-1090.

E. Carjacking. While current law is generally adequate to deal with the problem of carjacking, the Attorney General would support legislation strengthening that law.

When force or threat is used in the commission of a theft, as it is in carjacking, the crime is robbery. Robbery is a serious offense with stiff penalties. It is always at least a crime of the second degree. It is a crime of the first degree if the thief is armed or causes or attempts to cause death or serious bodily injury.

Given the serious danger of personal injury posed any time a person uses force or threat in taking a motor vehicle from the possession of another, it is appropriate to treat every robbery involving the theft of a motor vehicle, like every robbery involving the use of a deadly weapon, as a crime of the first degree. The Attorney General would endorse such legislation.

S-1324 (Codey) and A-2047 (Zangari & R. Brown), which would create a first degree -- "carjacking" -- are generally consistent with the reform the Attorney General suggests. And, with minor modification warrant support.

II. JUVENILES

A. Mandatory Sanctions. Under current law, sanctions for juvenile adjudicated delinquent are left to the discretion of the court.

A-46 (DiGaetano & Kelly) & S-2106 (Bassano & Corman) would require the following dispositions, in addition to any others the court is authorized to and does impose.

Either incarceration for some term or 60 days community service for the following offenses:

1. Motor Vehicle Theft by first offender
2. Joyriding that creates a risk or injury or damage to property
3. Eluding

Incarceration for a minimum of 60 days as follows:

1. Motor Vehicle Theft by repeat offender
2. Aggravated assault (while joyriding or eluding)
3. Eluding that creates a risk of injury

Either incarceration for some term or 30 days community service for simple joyriding.

Incarceration for a minimum of 30 days for repeat adjudications of simple joyriding or eluding.

The mandatory sanctions outlined above are similar to but less stringent than those proposed in earlier bills. S-1093 (Bassano, Rice and Codey) proposed mandatory incarceration for first offenders (30 days) second offenders (60 days) and third offenders (2 years). And, A-314 (Crecco) proposed mandatory incarceration of 90 days for second offenders.

Where the option of community service or incarceration is provided, no minimum term of incarceration is required. This gives the court maximum flexibility to order a disposition consistent with the programs available -- i.e., a brief period of incarceration or the specified period of community service.

We realize that implementing mandatory sanctions for juveniles will not be easy or inexpensive. At current rates, in Essex county, as many as 1,500 juveniles per year could be required to perform community service under the proposal outlined above. That number would be reduced to 800 or 900 per year if community service were required for second offenders only.

The concept of community service should be broad enough to include meaningful education programs specially designed to reach

juveniles who are first offenders. Since the last hearing on auto theft we have begun to develop educational programs for such juveniles. The division of criminal justice has established a model education program for juveniles involved in bias crimes. And, the essex county superior court has crafted and implemented a pilot program for first offender-auto theft, which involves education for juveniles and their parents. The program is showing promising results.

Ideally, programs of this sort should be available and required for all juvenile first offenders. Of course, such programs will also require dedication of resources.

The reorganization plan for juvenile justice submitted by governor florio on november 30, 1992, will facilitate the development and delivery of such programs by consolidating responsibility for juvenile programs.

There is clearly a need for development and delivery of programs of community service and incarceration. The Juvenile Justice Reorganization Plan submitted to the Legislature by Governor Florio on November 30, 1992 should facilitate both.

The Legislature has also suggested promising programs, A-2020 (McEnroe), for example, calls for the development of a new community service program for juveniles adjudicated delinquent. And, ACS A-258/A-1042 (S-52) propose "boot camp" type programs for young adult offenders. The Attorney General strongly supports efforts to develop such measures.

To the extent that A-2020, however, would give the Department of Corrections and the County Prosecutors responsibility for development of the program, however, it is inconsistent with the Executive Reorganization Plan. Further, to the extent that the bill would dictate the duration of the program of community service it envisions (90 days), it would deprive those responsible of the flexibility needed in allocation of resources.

B. Restitution: Parental Responsibility. A-46 (DiGaetano & Kelly) & S-2106 (Bassano & Corman) would also authorize courts to require parents or guardians of a juvenile adjudicated delinquent to make restitution for auto theft or joyriding when the adult "has neglected to exercise reasonable supervision and control."

This is the standard that currently applies in tort actions against parents or guardians of a child who has injured another. The proposal is similar to one incorporated in A-1068 (McEnroe & Kronick).

Current law allows juvenile courts to require a juvenile to pay restitution, and current law requires adult offenders to pay restitution in auto theft cases.

These safety tips include locking car doors, rolling up windows, avoiding poorly lit and isolated areas, complying with the demands of anyone who may be armed, driving to the nearest police station if bumped from behind and staying alert when stopped in traffic or at red lights.

The public information effort will include public service announcements for commercial and cable television stations, brochures included in government correspondence and well-placed signs.

Meanwhile, the FBI, the State Police and the county prosecutors will develop a computerized reporting system that will identify carjackings and enable authorities to target enforcement efforts.

An investigative data base is expected to be created and will be accessible to all county and local law enforcement agencies.

FBI agents from New Jersey have already made a visit to Washington D.C. to inspect an investigative computer program developed by the FBI in response to the carjacking problem in Washington.

"Once we are all using the same system for identifying and reporting carjackings, we can pinpoint specific areas in need of attention," said Winter.

Del Tufo said the plan was developed with the help of a number of agencies, including the prosecutors offices in Essex, Union and Passaic counties, the State Prosecutors Association, the FBI, the State Police, the U.S. Attorney's Office, the New Jersey State Association of County Sheriffs, the New Jersey State

Association of Police Chiefs, the New Jersey Crime Prevention Officers Association, Division of Highway Traffic Safety, the New Jersey Retail Merchants Association and the International Council of Shopping Centers.