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P U B L I C M E E T I N G

before

SENATE LAW, PUBLIC SAFETY AND DEFENSE COMMITTEE

on

S-3300

(An Act Establishing the Law Enforcement Policy Council)

ATTORNEY GENERAL'S LIBRARY

NOV 24 1981

Held:

August 19, 1981

Council Chambers

Town Hall

Paterson, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Frank X. Graves, Jr., Chairman

Senator Frank E. Rodgers

Senator John P. Caufield

Senator Walter E. Foran

ALSO:

Stephen E. Robbins, Research Associate

Office of Legislative Services

Aide, Senate Law, Public Safety and Defense Committee

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New Jersey State Library

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New Jersey State Library

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SENATE, No. 3300

STATE OF NEW JERSEY

INTRODUCED JUNE 15, 1981

By Senators GRAVES, MERLINO, HIRKALA, FORAN, RODGERS
and CAUFIELD

Referred to Committee on Law, Public Safety and Defense

AN Act establishing the "Law Enforcement Policy Council",
supplementing chapter 17B of Title 52 of the Revised Statutes
and repealing sections 1 and 5 through 12 of P. L. 1961, c. 56.

1 *BE IT ENACTED by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The Legislature recognizes that the citizens of this State have
2 a right to expect a level of police protection which is necessary to
3 guard them from criminal attack. Further, it finds and declares
4 that law enforcement officers at the State, county and municipal
5 level, being integral components of the criminal justice system,
6 are critical to the effective performance of the duties imposed by
7 law upon the Attorney General and the county prosecutors. The
8 Legislature further finds and declares that, while local law enforce-
9 ment services should remain under local control, there is a serious
10 need for the establishment of minimum standards and guidelines
11 governing law enforcement officers and agencies, which will be
12 tailored to each category of law enforcement officer and agency.
13 Accordingly, it is hereby declared to be the public policy of this
14 State that the Attorney General, in conjunction with the Law
15 Enforcement Policy Council, be vested with the power, responsi-
16 bility and duty to establish and promulgate minimum standards
17 with respect to recruitment, selection, training, promotion and
18 performance of law enforcement officers and minimum standards
19 with respect to the law enforcement operations of State, county
20 and local law enforcement agencies. All the provisions of this act
21 shall be liberally construed to achieve these ends and administered
22 and enforced with a view to carrying out the above declaration of
23 policy.

1 2. This act shall not be interpreted as altering the present
2 relationships among law enforcement agencies pursuant to the

3 "Criminal Justice Act of 1970" (P. L. 1970, c. 74; C. 52:17B-97
4 et seq.) and any other existing law, or as limiting the powers and
5 duties of the Attorney General as chief law enforcement officer of
6 the State and head of the Department of Law and Public Safety
7 or the role of the several county prosecutors as the chief law en-
8 forcement officers of their respective counties.

1 3. As used in this act:

2 "Council" means the Law Enforcement Policy Council.

3 "Law enforcement officer" means any person whose public
4 duties include any power to act as an officer for the detection,
5 apprehension, arrest and conviction of offenders against the laws
6 of this State, but does not include deputy attorneys general or
7 assistant county prosecutors.

8 "Law enforcement agency" means any department, division,
9 bureau, commission, board or other authority of the State or of
10 any county or municipality which employs law enforcement officers.

11 "Law enforcement operations" means those functions of a law
12 enforcement agency which are directed toward the prevention of
13 crime, and the investigation, detection, apprehension and arrest
14 of offenders against the laws of this State, but does not include
15 the exercise of the prosecutorial function by the Attorney General
16 or the county prosecutors.

1 4. There is created in the Department of Law and Public Safety
2 a Law Enforcement Policy Council whose chairman shall be the
3 Attorney General or his designee and whose membership shall also
4 consist of the following persons:

5 a. Three citizens of the State, one of whom shall be a full-time
6 law enforcement officer as that term is defined by section 3 of this
7 act, and one of whom shall be a full-time law enforcement executive,
8 and who shall be appointed by the Governor with the advice and
9 consent of the Senate for a term of 3 years.

10 b. The Director of the Division of Criminal Justice, the Super-
11 intendent of State Police, the Commissioner of Education and the
12 Chancellor of Higher Education, or when designated by them,
13 their deputies.

14 c. The president or other representative designated in accor-
15 dance with the bylaws of each of the following organizations: the
16 County Prosecutors Association of New Jersey; the Sheriffs
17 Association of New Jersey; the New Jersey Association of Chiefs
18 of Police; the Police Administrators Association of New Jersey;
19 in New Jersey State Patrolmen's Benevolent Association, Inc.;
20 the New Jersey State Lodge, Fraternal Order of Police; the New

21 Jersey Association of Counties; the New Jersey Conference of
 22 Mayors; and the New Jersey State League of Municipalities.

1 5. The council, at its initial meeting to be held promptly after
 2 the appointment and qualification of its members, and thereafter
 3 at each annual meeting to be held on the first Monday in February,
 4 shall select a vice-chairman from among its members, and shall
 5 meet within this State at such other times as it may determine, or
 6 at the call of the chairman. A majority of the council shall consti-
 7 tute a quorum for the transaction of business. The votes of a
 8 majority of members present shall be required for the performance
 9 of any duty or the exercise of any powers of the council.

1 6. The council shall maintain minutes of its meetings and such
 2 other records as it deems necessary.

1 7. The members of the council shall receive no salary but all
 2 members shall be reimbursed for their reasonable expenses in-
 3 curred in the performance of their official functions.

1 8. Notwithstanding any other law, rule or regulation to the
 2 contrary, the Attorney General, with the approval of the council,
 3 may promulgate rules and regulations, which shall apply to all
 4 law enforcement officers in any State, county or municipal law
 5 enforcement agency. Such rules and regulations shall concern the
 6 following:

7 a. Minimum standards governing the recruitment of law en-
 8 forcement officers.

9 b. Minimum standards relating to character, personality, edu-
 10 cation, physical and mental health and prowess, and age which
 11 shall govern the appointment of law enforcement officers.

12 c. Minimum standards for the training of law enforcement offi-
 13 cers, which shall include but not be limited to:

14 (1) Approval and continuation of approval of schools at which
 15 courses authorized by the Police Training Commission under P. L.
 16 1961, c. 56 (C. 52:17B-66 et seq.) are conducted;

17 (2) Prescription of the curriculum, courses of study and stan-
 18 dards of operation for such schools;

19 (3) Prescription of psychological and psychiatric examination
 20 of police recruits while in such schools;

21 (4) Prescription of qualifications for instructors and certification
 22 of qualified instructors at such schools;

23 (5) Prescription of in-service continuing education and training
 24 programs;

25 ~~(6) Certification of law enforcement officers upon satisfactory~~
 26 ~~completion of training programs.~~

27 d. Minimum standards governing the promotion of law enforce-
28 ment officers.

29 e. Minimum performance standards governing law enforcement
30 officers and the law enforcement operations of State, county and
31 municipal law enforcement agencies.

32 f. Minimum ethical standards governing all law enforcement
33 officers in State, county and municipal law enforcement agencies.

34 g. Such other rules and regulations as may be necessary to
35 carry out his duties and to accomplish the purposes and objectives
36 of this act.

1 9. The council shall provide assistance and advice to the Attorney
2 General in other law enforcement related matters.

1 10. The council shall report at least annually to the Governor
2 and the Legislature as to its activities.

1 11. Every State, county and municipal law enforcement agency
2 shall comply with the rules and regulations promulgated pursuant
3 to section 8 of this act.

1 12. In addition to any other remedy provided by law the Attorney
2 General, or the county prosecutor upon notice to the Attorney
3 General, may apply to the Superior Court by a proceeding in lieu
4 of prerogative writ for an order requiring the compliance of any
5 person or entity in the implementation of the rules and regulations
6 promulgated pursuant to section 8 of this act.

1 13. Except as provided by section 8 of this act, the functions,
2 powers and duties of the Police Training Commission are hereby
3 transferred to the Division of Criminal Justice in the Department
4 of Law and Public Safety. The Attorney General shall assign to
5 the Division of Criminal Justice such employees of the Department
6 of Law and Public Safety as may be necessary to assist the director
7 of that division in the performance of the duties imposed by this
8 act.

1 14. The transfer directed by this act shall be made in accordance
2 with the "State Agency Transfer Act," P. L. 1971, c. 375
3 (C. 52:14D-1 et seq.).

1 15. The Police Training Commission, created by P. L. 1961,
2 c. 56, s. 5 (C. 52:17B-70), is abolished.

1 16. The rules of the Police Training Commission in effect on
2 the effective date of this act shall remain in force unless superseded
3 by a rule or regulation promulgated pursuant to section 8 of this
4 act.

1 17. Whenever the term "Police Training Commission" or
2 "commission" occurs in P. L. 1967, c. 252, s. 3 (C. 52:17B-71.1)
3 and P. L. 1968, c. 265 (C. 52:17B-71.2 et seq.) or elsewhere in the

4 law, the same shall be deemed to refer to the Division of Criminal
5 Justice.

1 18. Nothing in this act is intended to prohibit any law enforce-
2 ment agency from maintaining or establishing standards which
3 exceed or are not inconsistent with those promulgated pursuant
4 to section 8 of this act.

1 19. Sections 1 and 5 through 12 of P. L. 1961, c. 56 (C. 52:17B-66
2 and C. 52:17B-70 through 52:17B-77) are repealed.

1 20. Sections 2, 3 and 4 of P. L. 1961, c. 56 (C. 52:17B-67,
2 52:17B-68 and 52:17B-69) are saved from repeal.

1 21. This act shall take effect immediately.

STATEMENT

In a report to the Governor entitled "An Institutional Response to the Rising Crime Rate in New Jersey," the Department of Law and Public Safety identified the need for several areas of reform in the criminal justice system. The report's most important recommendation was that it is desirable to establish minimum Statewide standards and guidelines with respect to recruitment, selection, promotion and training of law enforcement officers and the operations of law enforcement agencies. Following release of the report, the department held several public hearings and engaged in discussions with organizations of law enforcement officers, police officials and other public officials to receive their suggestions for implementing the report's recommendations. This bill represents the consensus of the views expressed by the various groups.

The bill would establish a Law Enforcement Policy Council to review and approve minimum standards governing all law enforcement officers in the State. The Attorney General with the Council will work directly with the groups affected in formulating the standards which will apply to each category of law enforcement officer and agency. The Police Training Commission would be abolished and its functions relating to police training merged into the new council. The membership of the council would consist of most of the present members of the Police Training Commission, plus representation from organizations of county and municipal officials. The staff of the Police Training Commission would be transferred pursuant to the "State Agency Transfer Act" to the Division of Criminal Justice to assist the Attorney General in his role as the Chairman of the Council and to continue to perform those Police Training Commission functions which are not vested in the council.

SENATOR FRANK X. GRAVES (CHAIRMAN): In order to to give those of you here the background of S-3300, I might say that there were three specific pieces of legislation introduced that dealt with the critical problems of public safety in the State of New Jersey. All three of the bills were sponsored by this committee and myself as the chairman. Two of the bills deal directly with increasing the number of uniformed police officers on the streets of the State of New Jersey.

One bill was sponsored by all of us sitting here at the table: Senator Caufield, Senator Foran, Senator Hirkala, and myself; and also Senator Rodgers and Senator Parker, who are expected any minute. I am speaking of S-1625, which is probably the most important legislation of the three bills. S-1625 has already passed the New Jersey State Senate almost unanimously, with every Senator present voting for it, about 33 or 35 votes, if my memory serves me correctly. It provides that the state increase local police departments throughout the state by a total of 1,000 additional police officers, whose salaries would be fully funded by the state, but would not erode local jurisdiction. Those police officers would be appointed in the same manner as appointments are made to the police department in a particular municipality. The state would provide the full salary and other benefits to which that police officer is entitled: his uniform, hospitalization, pension, etc. But, the municipality would do the appointing and the assigning. The state would require only two things: whatever the table of organization was of that police department upon entering into a contract with the Attorney General on behalf of the State of New Jersey, they could not erode the number of police officers. In other words, if Newark were given the employment of 60 police officers, it would not be set up so that the Mayor and the Police Director could fire 60 police officers and there would be no gain as far as the public is concerned. They must hold the number of police officers at that particular time, hold firm with that number, and the state would provide the additional 5%. The only other thing that the state would require would be that the police officer, during his 8 hour tour of duty, would have to be in full uniform and visible to the public.

It was the thought of this committee that if each one of those 1,000 police officers, by their very presence, was able to prevent one crime each week, our crime rate would decrease by 1,000 each in the state. If each one of those police officers made one arrest or one detention or one apprehension, it would mean that we will deal with 1,000 more people who take the law into their own hands. We feel that we could severely deal with approximately 100,000 crimes. That is why the Senate passed it unanimously. Then, it got to the Assembly and our counterpart committee in the Assembly released it unanimously.

Then, the second bill was introduced. This bill called for the funding. It had to be introduced in the Assembly because a bill providing for funding must originate in that body. It called for a one cent increase in a pack of cigarettes, effective immediately, and one cent more, effective January 1, 1982. Each penny on a pack of cigarettes brings the state approximately \$9.5 million. It was thought by those of us who studied this legislation--and I am referring to Senator Foran, Senator Caufield, Senator Rodgers, and myself, who were the prime sponsors of this legislation to deal severely with the criminal element in our state--that the two pennies would generate approximately \$19 million.

This bill has been enthusiastically supported by over 150 mayors, the State President of the PBA, who is standing in the back of the room, every PBA in the State of New Jersey, everyone who deals with law enforcement, the Governor,

one of the candidates for Governor, the former Attorney General, the present Attorney General, the head of the State Police, and practically everyone identified with law enforcement. But, by a vote of seven to seven not to release the bill in the Assembly Appropriations Committee, it has been bogged down. The State President of the PBA has been lobbying to have it released and Chris Jackman, who is the Speaker of the Assembly, has just notified me officially that he intends to post this bill for a vote on September 21. If he does post it and if they are able to pass it, we have every reason to believe, if all of those with responsibility in the state respond as the Senate has already responded and if the Governor keeps his commitment to sign it, that some of these police officers could be on the street by November 1.

We know of no more effective way to combat crime than by the presence of these additional police officers. All the state is doing is meeting its obligation to our citizens and we are not eroding home rule.

The third component of this package is Bill S-3300. This bill, unlike the other pieces of legislation that were written by myself, was written by the Governor's office. It is sponsored by us, but written by the Governor's office and the Attorney General. S-3300, on a broad base, deals with the appointment of all police officers in the state, the standards of every police officer in this state, the promotion of every police officer in this state, and the evaluation of every police officer in this state. It calls for uniformity of all police officers in the State of New Jersey. This is the first public meeting on it. The Attorney General is on his way. We have ascertained by two telephone calls today that he is on his way. We are waiting for him to arrive before we consider these bills.

(At which time the Committee held a public hearing and considered the question of the proposed Public Service Electric and Gas Company rate increases, which is contained in a separate volume.)

SENATOR FRANK X. GRAVES (CHAIRMAN): We will now publicly discuss S-3300. Mr. Attorney General, Colonel, and Mr. Prosecutor, prior to your arrival, we were explaining to the public the importance of these three pieces of legislation. One is S-1625, which has been given the full support of the Governor's office, the former Attorney General's support, and certainly Colonel Pagano who appeared before the Assembly committees on it. This is for the increase of the uniformed presence of 1,000 police officers to be distributed throughout the state on a 5% increase of municipal police departments, which would give approximately 400 municipalities no less than one additional police officer and would give the larger cities, such as Newark, an additional 60 police officers. The contractual arrangements were to be made through your office with the municipality and it was not with state interference on it. It was that the state was going to meet its responsibilities of providing extra police officers, fully funded by the state, and the only thing that your office was going to require was that the table of organization of the police department in that municipality not be eroded because of the extra police officers that would be gained and that they be assigned wherever that municipality felt best to preserve law and order within that community, but be assigned in full uniform during his tour of duty.

Your response and the Colonel's response to this legislation, since you assumed office, has been the same as the Attorney General who held that office prior to you. The only difference between then and now is that, if they were needed eight months ago, certainly the statistics that have been released of spiraling crime increases more than present a picture of the absolute, total need for this legislation becoming the law of the State of New Jersey.

In fact, very recently, and I have permission from the Chairman of the State of New Jersey's Democratic Committee to release publicly a 46 page survey that they made throughout the State of New Jersey on what are the issues that are prevalent on people's minds and, in particular, of the some 20 issues that hundreds and hundreds of people were questioned on, on what's on their mind in the State of New Jersey, crime is the number one issue. On a scale of ten, over 9%, 9.2% of those interviewed, considered crime as the number one issue in the state. This only amplifies what the Governor has said, and he has said it more than on one occasion, where there is total fear throughout the state, where our constituencies lock themselves in their apartments at night, where our seniors are afraid to enter our streets, where our businesses determine their business hours not so much by the clock, but by when the sun goes down. And, in particular, of the eight issues that have overwhelming support in the interview, one favors the increased tax on cigarettes to fund the cost of extra police officers in the State of New Jersey's municipalities in varying degrees. In North Jersey, almost 80% of those interviewed want it to as low as 72% in other parts of New Jersey for an average of 75% of our constituency, on this survey, who want the cigarette tax increase to fund extra police officers in their police departments.

As I have said before, the Committee is well aware of your support. Colonel Pagano appeared before the Appropriations Committee in the Assembly on a very important feature of this bill which called for the implementation of the tax itself. As we both know, it has been deadlocked in the Appropriations Committee on a seven to seven vote. But, since then, the Speaker of the House called me on Friday and notified me that the bill is going to be posted on September 21 and that's important. Let the chips fall where they may. If some legislators are against putting 1,000 police officers into uniform to give protection to our constituencies, so let it be known. But, those of us who have that responsibility are going to fight for this tooth and

nail because there is no substitute to deter a crime or to make an arrest in a crime than the presence of a uniformed police officer and I think the Attorney General and Colonel Pagano, at the Governor's order, have increased one of our local police departments by 35 troopers and the results in arrests and deterrent of crime have almost stopped crime in this one particular area, proving that with their very presence, we win.

A great concern to a lot of us is that there has been some talk that you need these troopers to be redeployed and you are about ready to make that decision and if that decision does come, that is all the more reason for this type of legislation because that one municipality where you have 35 troopers would gain 17 uniformed police officers through this bill and it would help head off what some might consider a free-for-all for those bent on crime.

The third bill is S-3300 which practically all of us sitting at this table have become sponsors of. Unlike the other bills, which were written by me, this bill was written by the Attorney General. Even though it has our names on it, it has been written by his office and given to us to introduce so that the tool of the public hearing and what it would gain for us and what he feels would be the necessity of this type of legislation and, for that reason, the Attorney General is appearing here with Colonel Pagano and Prosecutor Falcone and other members of his staff to enlarge upon this and, I guess, hopefully, win public support for the same. Mr. Attorney General, did you want someone to speak first?

J A M E S R. Z A Z Z A L I: If I may, Mr. Chairman, with your permission, Senator Graves, Senator Rodgers, Senator Caufield, and Senator Foran, initially and preliminarily, I make a plea and the plea is that the custodian of this establishment please insert a lightbulb in the men's room.

On a more serious note, I come before you today still somewhat ingenuous in the ways of these Senate and legislative hearings. This is only my second such hearing and the first hearing I had in connection with my official duties was the second day after I was sworn in last March at a budget hearing where I was subjected to Senator Foran's cross-examination skills.

I appreciate this opportunity and speaking for everyone at this table, we are grateful. When I came onboard, I tried, in my own mind, to establish certain priorities in connection with this term of office, however short it might be, and it seemed to me, as Senator Graves correctly stated, that the number one issue concerning the people of this state and this nation is the problem of street crime-violent crime. It seemed to me too that an arsenal of weapons which has been developed, to some extent, had to be rethought out or thought out again and new weapons had to be created and applied to the task at hand.

I would like to divide the task into two, a qualitative task and a quantitative task. By quantitative task I mean, quite simply, that we need more police officers on the streets today and that is what Senator Graves' bill is designed to do and that's why we enthusiastically support the proposal. It does not take great sophistication in law enforcement. All it takes is a little bit of common sense to realize that more police officers on the street is directly equivalent to safer streets. Colonel Pagano's task force, as you mentioned before Senator, I think amply attests to that fact. It is a remarkable experiment and by every measure, by every test, it is succeeding quite well.

The other half of it, of course, is the qualitative aspect. You, with a yeoman's effort, addressed the quantitative task and S-3300 seeks to address the

qualitative aspect of the problem and by that I simply mean the improvement of the services by law enforcement personnel to the people of the State of New Jersey. I do not, for a moment, suggest that the police officers themselves who perform these day-to-day duties are somehow in need of qualitative improvement. In my judgement, they do their job well, quite well, under some very difficult circumstances out there.

In coming back to the bill itself, if we go back to the street crime report which contained a discussion of the metro task force, it also, perhaps equally importantly, and perhaps I think in everyone's judgement more importantly, it contained the cornerstone of the improvement of police services and that is S-3300, the bill before you today. It is that bill which we think will complete the process and integration of the criminal justice system which began ten years ago under Attorney General George Kugler, as conceived by him. That is the integration of local, county and state law enforcement agencies. It was a concept that was brought to fruition by Attorney General Hyland and Attorney General Degnan, but we're not there yet.

At that time, ten years ago, the Legislature designated the Attorney General as the chief law enforcement officer of the State of New Jersey and vested within him the responsibility for the uniform and efficient enforcement of the criminal laws of this state. Now, what happened within my department is that the Division of State Police and the Division of Criminal Justice were able to work together, to start working together, I should say, as an integrated unit together with the county prosecutors, represented here today by County Prosecutor Falcone. A certain amount of mutual respect developed and a great deal of professional support developed. It was that kind of relationship which was nurtured and which only could have been nurtured in the context of an integrated system and that's the concept I'm trying to develop today which is currently the envy of the other 49 states in the nation.

Now, that's not a self-serving statement. Before I came into this position, having come from private practice, I often heard about the reputation of New Jersey in law enforcement circles. It was, quite simply, that New Jersey's state law enforcement system was among the finest, if not the finest, in the United States. Frankly, without being cynical, as any lawman does or any citizen does, I said to myself, "Well, perhaps it is self-serving." Frankly, it is not. It is the fact, it is the truth. Don't take my representation for it. Accept the fact that the Justice Department in Washington, the state attorneys general in other jurisdictions all look to New Jersey for leadership because of the trends developed by my predecessors over these ten years, the predecessors I mentioned before, by Colonel Pagano, by Ed Stier and his people, and by the people in the front ranks, the foot soldiers, that is the county prosecutors such as Mr. Falcone. It is a model for the United States. I attended the National Attorney General Convention in Wyoming some two months ago and, again, they look to New Jersey for leadership.

You may have read yesterday in the New York Times and in the Record, the Ledger and other New Jersey papers about the street crime-violent crime report issued by the United States Attorney General, William French Smith. That is the Commission that is chaired by former Attorney General Bell and Governor Thompson of Illinois. They furnished a report to the Attorney General. There are many fine recommendations in that report. Frankly, some of the raw material, some of the brainpower for that report came from a committee of six attorneys general throughout these United States. New Jersey was represented on that committee. New Jersey was represented not because of this particular speaker, but because of the reputation that was built up over the years in law enforcement circles and frankly, some of the recommendations in that report are attributable to the brainpower that exists to my left and right and that has been developed over the years.

But, we have to complete the process of integration. We have to make law enforcement agencies full-fledged partners in a truly unified law enforcement system. We have to use our resources more effectively. We have to use our technology more effectively. Perhaps most importantly of all, we have to establish uniform standards for local police departments. I think the bill that is under consideration today provides an excellent vehicle for accomplishing those goals and will assure a consistent minimum of police protection and service for all the citizens, irrespective of their residential environment and irrespective of their geographical or political sub-division. Let's be candid, as I think we have to be today, and that's why we will be receptive to questions at the conclusion of my presentation, which will not take more than a few minutes longer. The bill has been criticized by some--a few, I should say--and I think it is a parochial view as being an assault upon home rule. It is suggested that state government now seeks to take over and run every police department in the State of New Jersey. That is simply untrue. This speaker, this Attorney General, would never make such an effort and I'm confident that no successor of mine would ever make such an effort. Frankly, we would never get away with it. The simple fact is that I have had experience with municipalities over the years, particularly with police departments and police officers and police organizations such as the PBA and the FOP. I think they know me and I think I know them. Even if I chose to make an effort to intervene with home rule, which I would never attempt to do, the simple fact is that they would never let this speaker get away with it, and the same is true of any successor of mine. Given the fact that I know them reasonably well and have some rapport with them, if I cannot be successful in such an effort to intervene with home rule, I'm confident that any fears concerning my successor can be allayed.

Putting my disclaimers aside, the report that I mentioned before, which was issued in September of last year, states that it fully recognizes the need for local control--and I emphasize that and re-emphasize it--the need for local control over the daily operations of county and local law enforcement agencies. All we're talking about, as I say in the report, the initiatives that we wish to undertake will simply ensure greater state assistance and that's the key word in the report, "assistance", not interference, but assistance by the State of New Jersey, by the Department of Law and Public Safety, by Colonel Pagano, by Ed Stier and our assistants, because we think we have the expertise and the experience to help them with their day-to-day problems. The Department of Law and Public Safety is well equipped to render that assistance. If these local agencies would draw upon more often resources of Criminal Justice, the resources of the State Police and combine them with the broad expertise of the Law Enforcement Policy Council, which we seek to set up pursuant to this legislation, I think we can create an invaluable tool of information, of experts, and of service. I've not used the word, interference.

The most important element in this program of assistance would be the development of and the delivery of basic in-service police training. New Jersey is and should be justifiably proud of the record of the Police Training Commission in this field. While S-3300 would not continue the PTC, admittedly, as a separate entity, it neither repeals the policies which underly the establishment of the Police Training Commission nor will it abolish the important functions of the Police Training Commission. Rather the membership of that Commission will be merged into our Policy Council and our Council will have a broader base and a wider range of activities. The staff of the Police Training Commission would be retained within the Division of Criminal Justice.

There are other important services that the state could offer by way of research and planning and technical assistance. The chiefs of municipalities and the directors of public safety in these municipalities, they have these police departments. They are the professional managers who recognize the importance of dialogue with their contemporaries and the value, I think, of objective evaluation of their own operations. But, each year, I think we can be candid, their budgets contain less money to purchase technical service and federal grants, which were once a major source of funding for special projects, have all but completely dried up. The Training Commission has sought to fill this void, but because of its limited statutory mandate, it cannot do so.

Again, I come back to the fact that the Department of Law and Public Safety stands ready to offer whatever assistance it can to help these municipalities. But, again, I repeat, we have neither the expertise, the resources, nor the inclination to undertake operational responsibility for an individual, local law enforcement agency. I repeat--and I'm trying to allay fears that may be out there--we have neither the resources nor the inclination to take over one local law enforcement agency, much less the approximate 500 agencies which exist in New Jersey today.

More important than my disclaimers, I go back to the bill. The bill does not propose and would not permit the displacement of local control. It clearly recognizes that it is local law enforcement which must be sensitive to the needs of the community, whether it is in Harrison, whether in Passaic, whether in Newark or Flemington. They're the ones that are out front or to use my expression from before, they are the foot soldiers and it is only that local law enforcement system which will have the confidence and the support of the vast majority of the public. So, while the bill does grant the Attorney General's Policy Council the powers to promulgate minimum standards and guidelines in certain areas concerning law enforcement agencies and officers, these powers would be limited by the requirement of approval of the Law Enforcement Policy Council, which is the statutory creature of this statute. That Policy Council will consist not of 11 AG representatives and Division of Criminal Justice representatives and State Police representatives. I think there are a total of two or three representatives from the Department of Law and Public Safety on that Council of 16. Who will sit on that Council of 16? Sitting on that Council will be representatives from the Police Chiefs' Association, from the League of Municipalities, from the Conference of Mayors, from the FOP, from the PBA, from the Sheriffs' Association, and the Prosecutors' Association and whenever you can get that many constituencies of that nature together, I think you've accomplished something. To get the PBA and the FOP to agree on something, I think, is a significant accomplishment. But, that group, that Council of these local law enforcement representatives, as it were, will be the policy determinators, not I and not my successor. It's going to be done by vote. It's going to be done after dialogue, after discussion, after debate, if necessary, but it's going to be done that way.

I think if the decade of experience, these last ten or twelve years that I've described under the Criminal Justice Act has taught us anything, it is that state supervision does not mean the usurpation of local control. All we are proposing is the development of a system that guarantees a basic minimum of security and safety for every citizen in this state through the local police. I think it is the state's obligation to assist local police in the fulfillment of this mission, together with a bill such as Senator Graves has proposed on the quantitative aspect, more police officers. I think that bill in tandem with this kind of bill, it's not going to wipe out street crime, but it's going to make a dent and a very substantial dent.

I go back to the concerns that are out there. I think we've met those concerns. I think it is significant to note, as a gesture of our good faith, we have modified this bill in a couple of important ways and I will address them very, very briefly. For example, one of the areas where we would have proposed, through the Policy Council, to establish minimum standards is in the area of performance. Some of the constituencies that I've just enumerated to you are concerned about the fact that if this Policy Council were to establish standards in the area of performance, we would effectively be intruding upon the discipline of local police by the local police superior, be it the chief or the director. That has been deleted. So, I can assure you that there will be no interference with discipline.

Similarly, there was some concern, because we make reference to promotions, that we will interfere with the promotional aspect of law enforcement. I can assure you that there will be no interference with promotions or the right to promote. All we would address will be the question of eligibility standards for promotion.

Finally, as a gesture of our good faith, we've excised from the bill the reference to ethical standards or canons of ethics or codes of ethics, whatever they may be called, to be established by each local police department. We think that's something that is properly reserved to the local police departments.

I would finally note that this dialogue with the various associations continues and has continued for three months. It continued to this morning when representatives of the PBA addressed us in the lobby about some additional concerns. I make the representation to you, as I did to them, that we will, in good faith, and vigorously in good faith, attempt to resolve those problems. Obviously, I cannot make a guarantee because we do not know the parameters of their concerns.

Similarly, the Police Chiefs' Association, this morning, gave to me a letter which summarizes some additional thoughts on their part. I assured them this morning and I represent to you today that this will not be placed on some back burner back in Trenton. I will personally address their concerns and, again, without making a guarantee, I can assure them, as I assure you, that these concerns will be addressed in good faith and I am confident that they will be resolved. Without reading it, because the time is late, I would note that Mayor Fay of Parsippany-Troy Hills was here this morning. He had to leave and on behalf of the New Jersey Conference of Mayors, he endorses S-3300 and it is only appropriate that we introduce that into the record and I would close on the note that if the Conference of Mayors supports our proposition, it attests not only to the validity and the viability of our bill, but I think, more importantly, to put to rest forever any concerns about home rule. Thank you very much. I'm sorry I took so much time.

SENATOR GRAVES: It's so important, I don't think we can rush it.

SENATOR FORAN: It's also important, the fact that we've gotten over a hundred letters from municipalities that are totally against the bill and I told Senator Graves this morning that maybe I would want to withdraw as a sponsor of the bill, but I like what you said.

MR. ZAZZALI: Thank you very much.

SENATOR GRAVES: I urged him not to withdraw as a sponsor of the bill.

MEMBER OF AUDIENCE: Excuse me. We can't hear you back here. You were speaking so nice when you were talking about the PUC. I didn't hear what you said.

SENATOR FORAN: Well, I said that I liked what the Attorney General said concerning home rule and the fact that they have amended the bill to the point where the Conference of Mayors is going to support it. I was trying to explain to the

Attorney General that I have received about 100 letters from around the state, from various municipalities totally against this bill to the point where, when I came in this morning, I was going to withdraw my sponsorship. That's all I said.

SENATOR GRAVES: I will also repeat what I said. I said, yes, we have 127, to be exact, letters from mayors throughout the state opposing this bill, along with their city managers, governing bodies and what have you, and I urged Senator Foran not to withdraw from the bill because we started this together and we'll end it together. I think what we want to do is take advantage of the fact that the Colonel, the Attorney General, and the Prosecutor is here and bring some of you that have expressed to us what they consider dissatisfaction with this legislation and I think that you, because of your elected position, along with Chief Hanna and the head of the Chiefs' Association that's here, would the three of you join us at the table? We're going to do something that's usually not done in government. We're going to open it wide so that we can gain from your experience. Would you come up and sit down? The only thing we're going to ask you to do is introduce yourselves for the record.

CHIEF BLANE: I'm Chief Kevin Blane and I represent the New Jersey State Chiefs as the Chairman of their Legislative Committee. I have with me Tom Simpson, who also serves on the same committee.

CHIEF HANNA: I'm Chief James C. Hanna, Paterson Police Department.

MR. GINESI: Frank Ginesi, President of the New Jersey State PBA.

SENATOR GRAVES: Mr. President, I think you should be the first. We want to take advantage of the presence of the State staff. So, the things you've been asking us, would you ask through the Chair, so that maybe we could amplify on some of them?

MR. GINESI: Mr. Chairman, Members, Mr. Prosecutor, Attorney General, Colonel Pagano, we would like this committee to hold up on this bill, not to let it out of committee for several reasons. One of the main reasons that we have is that we feel that if this bill goes through, it will not help police because in a year or two from now we will be right back where now, at square one. Right now, we're losing over 2,000 police in the State of New Jersey because when a man retires, they do not replace him. They say they can't go over the cap law. The cap law is a big thing with all the mayors. You know how the mayors play games with their budgets. The first thing to get hit is the police. There's no question about it. You've seen what happened in Newark. I didn't see any bigshots get laid off, but about 300 cops got laid off and it's a shame. We need police on the street today. Now, we have asked the Attorney General to put an amendment onto this bill. He says he can't put it in this bill, he needs a separate bill. Well, we'll hold up this bill until that bill accompanies this bill. That bill would say that any future negotiating or contract that any municipality gives to the police, or county or state will be exempt from the cap law, fully exempt from the cap law. That's the only way you're going to keep police on the job because if we don't, we're going to go right back and get into square one and the mayors are going to lay them off. They don't care. So, we can't let this bill out of committee until we have this from the Attorney General. I know that he has said that he would look into it. He gave me his word and there's not a man I trust more in this world than Jimmy Zazzali as Attorney General.

SENATOR GRAVES: S-1625 responds, in some degree, to what you have just said. When a municipality enters into an agreement with our vehicle, meaning the Attorney General, unless that's been diluted in the Assembly, that municipality must hold firm its table of organization in order to gain the state paid additional police officers. The only way it can avoid that is either through the permission of the

Attorney General or through three quarters vote of the governing body of that municipality. We insulated that in that particular area, knowing that some mayor, someplace, would take advantage of the fact that we were adding police officers to them and would diminish the importance of that by firing 50 of their policemen and taking officers that are being paid for by the state.

MR. GINESI: S-1625, isn't that a temporary measure? It only goes for a certain amount of years, right?

SENATOR GRAVES: No. The original intention of it would be for a minimum of five years, but the further intention was that this would be a commitment from the State forever. Of course, somebody two years from now could introduce legislation and change everything that we're doing around. So, anything we do, we may consider forever, but some next group of elected officials could change that. But, the intentions of the four of us who are sitting here are strong in that area and we only and we only gave in a little bit of it because Mayor Gibson's representative, Barbara Sachs, appeared before us and was concerned about some municipality being forced into having more police officers than it needed because maybe population diminished. It's possible that a municipality had a population of 30,000 and then all of a sudden only had a population of 20,000 and didn't want to get locked into that position. So, we amended it so that three quarters of the municipal governing body would have to vote at a public meeting before they gave up any of their police officers. That was pretty firm in 1625.

MR. GINESI: Senator, I'm all for 1625. We express our thanks for what you're doing for the police, 100%. But, I am not convinced, in no way, that without this amendment to S-3300 that we can get by. We have to have it on there because, if we don't have it, we're not going to get by. Somehow or another, they're going to find a way. Don't forget, these mayors have about 527 municipalities and that's about 520 lawyers and they will come up with some angle on how to beat us. The first thing they scream is the cap law. We want this protected. We have it for the Education Department. We have schools closing every day. Yet they keep raising the educational programs and our money. Yet, they do nothing for the police and we need this. Where is their safety? What about people in business, like that shopkeeper that got killed yesterday? Nobody knows how. It's a shame. It's really, really a shame. We have police right now who go on duty in certain cities--and I won't mention their names, but I will if I have to--and they're an hour behind before they start. How ridiculous can we get?

SENATOR GRAVES: Mr. President, the four of us, as I've said, legislatively--and so does every member of the Senate because they voted on it--we firmly believe that there is absolutely no substitute available, that we know of, except the presence of a uniformed police officer. The only thing that we're doing different than other legislators may have done, they may have thought that way, but we're addressing the problem and saying that it is the state's responsibility to provide for the safety of its residents. For too long now we've been sitting back on a legislative basis, on a statewide basis, and said, "Hey, c'mon little municipality or big municipality, get people out in the street." We're passing the laws, we're building the jails, we're supplying the judges and then stepping aside and forcing the municipality to do it. For the first time in the history of this state, this state, under S-1625, is standing on its two legs and saying, "Not only are we going to pass the laws, but we're going to provide the tools to see to it that it's done," and without it, it can't be done. There are 16,000 police officers in the State of New Jersey today.

We have every reason to believe that four years ago there were over 17,000 police officers. We agree that municipality after municipality is eroding the presence of its front line troops, as the Attorney General has called them. They are the real front line troops, as far as preventing crime is concerned, and we locked that in with 1625.

MR. ZAZZALI: Senator Graves, with your permission--Frank, maybe we can get into your concerns and see if we can't address them and walk out of here with a concensus that might be satisfactory to all concerned. I go back to when I came on duty five months ago and with all the other concerns, valid concerns, toxic waste, the casino question, garbage strikes, I remain convinced that the priority problem confronting the people of New Jersey, confronting law enforcement remains the issue of street crime and violent crime. The good news is that if this bill gets through in the next few weeks, these bills get through within the next few weeks, Senator Graves' bill to get the people out there and our bill to improve the quality of law enforcement services, as I said in my closing remarks, we can make not just a dent, but a substantial dent, starting immediately, starting this Fall, in the X number of murders and the X number of rapes and X number of house burglaries. The bad news is, unless we all get behind this and swallow a little bit and try to achieve a concensus that's an honorable concensus, the bad news is that if it doesn't happen this time, if it happens in 1982, six months or a year would have elapsed, during which time you would have had X number more murders, X number more rapes, and X number more house break-ins. What I suggest to you is what we suggested before and that is, I think that we should support the release of this bill from committee and then we make the committment to you that we can immediately start the discussions between Criminal Justice, between Colonel Pagano, between the Governor's office, and by immediately, I don't mean after Labor Day. I mean tomorrow. That's my committment, to start tomorrow to address these concerns, to see what can be worked out and I'm confident that they can be rationally worked out. Then, if they're not worked out and I'm proved wrong, two or three weeks from now, after this bill is released, we're all confident in your legendary legislative skills and we know that you can exercise your perrogatives and your options at that time. But, in the mean time, we will not have lost the critical time which is so essential in these next few weeks to get this bill rolling. What I am suggesting is to have this bill released and that doesn't prejudice the position that you have taken and that you want to take. And, I'm confident we can resolve those concerns.

MR. GINESI: Mr. Attorney General, with due respect to you, whenever we were told that it would be taken care of later, later never came. Let's be honest. Once we were promised something, we never got it. When we went after it and we acted on it, fine, we got it. Right now, I feel it is necessary and if I have to pull all 25,000 cops off the street to go down and march on Trenton, I will. I want that amendment to be in there. It has to be because we need it badly. Newark is getting, what, 78 police officers, which is fine. But, what about the other town that might only get one, might get two and then the cap law still hurts them and the end line is that Trenton says, "No, you can't spend it."

SENATOR FORAN: May I jump in for a minute? The only objection, apparantly, the State PBA has with S-3300, the way it is now, is that you want exclusion or you want wording in there to get relief from the cap laws in order to allow the mayors to keep these added cops on, is S-1625 is signed into law. I just wonder whether this bill is the appropriate bill to provide relief from the cap law, where we might

be able to amend it with A-2365, which is the funding bill of the cigarette tax. I can visualize what you're talking about, but I think, at this stage of the game, if the only objection you guys have on this particular bill is that you are not protected by exclusionary type laws--in other words, when this concept first came up, and I'm sure you were down there listening to it, I raised hell because there were a lot of little towns--and I can tell the public here, the largest town I represent is 8,000 people, although the total number is the same number as Senator Graves and Senator Caufield and Senator Rodgers. I still represent about 180,000 people. That's a hell of a lot of towns. Under the original concept, they wouldn't have gotten any additional police and you will recall that I prevailed upon Senator Graves to accept an amendment of mine to the original bill to allow a town like Flemington and Milford and so forth to pick up one or two policemen. The point I'm getting at is the propriety of putting relief of the cap laws--should it be in S-3300 or could it be put into A-2365, which is the funding bill and/or do you honestly think it would be better to put a new bill in again. What do you think?

MR. ZAZZALI: I have no problem with your suggestion. You know the legislative machinery better than I do. I think your suggestion makes good sense and I think it would meet Frank's concern.

SENATOR FORAN: Well, I know his concern because I've seen it happen. I know Senator Caufield has lived with it in Newark every damn day and the thing that bothers me is the fact that if we add, say, twenty officers to Trenton to replace Colonel Pagano's task force and Mayor Holland sees a way to save \$160,000 in salaries by us picking up the cost of twenty officers down there, he might just let twenty of them go to maintain the status quo and this is what the law strictly prohibits. I think we built that in, didn't we, Frank?

SENATOR GRAVES: We insulated it from one person making that decision. We are forcing the Attorney General to concur with it or the governing body at a public hearing would have to let the whole world know what they're doing.

SENATOR FORAN: I don't understand the concern that the PBA has if we can amend. I understand what you're talking about on the cap law, but I also can see a hell of a lot of floor fighting on anything that is going to relax the cap laws. Now, I think if the Governor would buy or we're talking about the concept of a new bill, we might be able to let it go because, if we amend 2366, which is just scheduled before the Assembly, to exclude these additional officers from cap costs to cover, I can see all kinds of hell being raised in the Senate.

SENATOR GRAVES: I think that 1625, which is the parent of what we're talking about, the intention of that is to continue forever the state's responsibility. I don't think, Frank, that the state President of the PBA should be concerned, like any municipality might, that there the state comes, gives you the candy stick and says, cram it down and walks away from it. I think it is up to us, if 1625 is implemented that the state participates in it forever.

SENATOR FORAN: I can understand his concern, Mr. Chairman, and what I'm trying to do is figure out a good way, any way, not necessarily the best way, to alleviate Frank's fears and to accomodate the Attorney General and Colonel Pagano and to get something done to stop this crazy street crime problem that we have in the state.

SENATOR GRAVES: I think the state President of the PBA is going further than 1625. My interpretation of what he was saying was that he wanted police departments excluded from cap laws, not just the extra police officer, but all police excluded from cap laws. Is that right, Mr. Ginesi?

MR. GINESI: S-1625, Senator, only covers municipal police. I'm looking for the whole unit, the whole 25,000 police covered. Now, before S-3300 was drawn up, we had numerous meetings with Attorney General Degnan and Ed Stiers and they guaranteed me that that was one of the major things that they would put in the bill and I think Colonel Pagano was there at the time when they spoke about this. But, now, S-3300 does not say that. So, Senator Graves, I asking you as Chairman, let's just drop S-3300 and let's go with the two bills that would give us 1,000 police. We need them very badly and let's just go on with that.

SENATOR GRAVES: I understand you and I hope that we will go with those two bills. But, this is a concept of every police officer in the state. This is something for uniformity and clarification for all 16,000--you say 25,000, but you probably include sheriff's officers and other officers who belong to your division of the PBA. If you're looking at something that we may be agreeable on, I don't know whether incorporating it in S-3300 is answer to what you are saying. If you're saying that there should be legislation introduced to free the harness over municipalities who are able to beg off to their constituency by decreasing the number of available police officers to fight crime and the municipality gets up and says they do it because of the cap law and you want it so that the municipality can't use that as an excuse and can't bargain off law enforcement in trying to save their budgets, I agree with you.

MR. GINESI: Absolutely.

SENATOR GRAVES: That's a whole different concept and I'm supportive of it and I think maybe we might all be and I think it may be bigger than what you think it is.

MR. GINESI: How come we allowed Amboy to lay off 16 two months ago? In Weehawken, they are laying off half of their Police Department and nobody is doing anything about it? Are they going to send troopers in?

SENATOR GRAVES: This man sitting here just lost half of his police department, the man sitting behind you.

MR. GINESI: That's right, I was there, and I had to fight like hell to get these guys back on the midnight shift, is that right, Chief?

SENATOR GRAVES: The reason that they're doing that in a lot of cases is that they're saying it's because of the caps and confiscatory taxation. So, we're addressing that and we're saying that we're going to pay the full salary and every tool that goes with it of 1,000 police officers. We're also saying that if you try to erode your number, we're going to take these away from you. So, it would be stupid if you try to lay off ten cops and we give you ten cops. You're going to lose 20.

MR. GINESI: Senator, Mr. Chairman, your two bills, we're going to oppose you all the way to the 23rd--I hope it's on the board--and this S-3300, I think it ought to be redrafted to the point where we're satisfied with it.

SENATOR GRAVES: No. Let's take advantage of the fact that you're sitting here today and get from you some other aspects of it. You see, you're giving us one important hangup, a really legitimate hangup, on S-3300. It's a good one, but let's not scuttle 3300 just because of that one hangup because there may be a solving of that. Let's see if there are some other things here, now, that you or your allies feel about in this bill, so that we can address them and get to it.

MR. GINESI: Let me ask you a question. How can I turn around--and this man right here, there is no man that I have more faith in. He knows this. I've known Jimmy Zazzari for eight or ten years. I think there is no lawyer better in the country

than he is. But, he did not sit down with me and talk with me about this bill, nor did the Prosecutor, nor did Colonel Pagano. The two people who sat down with me were Attorney General Degnan and Ed Stiers and what they told me is entirely different than what this bill calls for right now. All I'm asking for is a fair shake for my 25,000 people.

SENATOR GRAVES: We're not going to give you any less than a fair shake.

MR. GINESI: They have 16 people sitting on this board. We only have two seats. They're going to be making hard rules for my 25,000 people. We were promised 5 seats.

SENATOR GRAVES: That is what we want to hear from you. Give us some other things that you don't like.

MR. ZAZZALI: Frank, I think it is fair to say the main concern has to be the cap situation. I know you are hungry for lunch. The other items dealing with representation are things that can be worked out. When the Senator says you are going to get a fair shake, I am here and I can assure you that we're going to give you a fair shake in good faith. There won't be any shenanigans and the problems can be resolved. But, don't throw out the baby with the bath water.

MR. GINESI: My question is, Mr. Attorney General, this is August 19 and the Senate doesn't come back until the 23rd and then they're only going to stay in session about two or three weeks and they're going to go out campaigning and by the time they finish that, they will go on vacation for two weeks because they will all be tired out. So, we're talking about the end of November and very possibly we will have all new people coming and what do we look like?

MR. ZAZZALI: And, that's why you have the commitment from me that we can start our discussions tomorrow, in my office, at nine o'clock.

SENATOR GRAVES: We want to use the accordance of this to get some more information. Now, you're talking about a second thing.

MR. GINESI: Well, most of the things we have to work out with the Attorney General's office and if I can get this one thing clear for my people, they will be satisfied and will go along with it.

SENATOR FORAN: Do you honestly think that this could be amended to include a cap law exemption?

MR. GINESI: Yes.

SENATOR GRAVES: You'll never get it passed.

SENATOR FORAN: Rather than a new bill?

SENATOR GRAVES: I introduced a bill that gave relief to the caps on utilities and nobody can argue that point. We just got it through. Russo and some others unbelievably fought it and that was something over which the municipality had no control. What are you going to do, give up a policeman, a fireman, a school teacher to pay your gas and electric bill? So, we got an exclusion on that. Caps are going to be a murderous institution to circumvent. I don't think you just mean the 1,000 police officers. I think you mean any further erosion in the public safety system. That's what you're talking about. That has to be dealt with in an entirely new piece of legislation. I think anybody that understands and they're not aware of the four main issues in the State of New Jersey, I'm going to go one step further without the permission of--

MR. GINESI: Senator Graves, I talked to Senator Russo and he said that he is willing to sit down and he would agree to a compromise if we could come in with a fair compromise.

SENATOR FORAN: I still think that calls for a new bill.

SENATOR GRAVES: 9.2 people interviewed, on a scale of ten, in this state, feel that the ranking statewide problem is controlling street crime in this state. That is 9.2 on a scale of ten. It is the only one that showed an increase in the last three months. This is what the people want. This is what most of the people that we represent are interested in.

SENATOR FORAN: Mr. Chairman, could we possibly put a statement in at the end of S-3300 stating that the effect of this bill would be effective only when there is a passage of cap law leeway for police departments?

MR. GINESI: I'll buy that.

MR. ZAZZALI: That's a way of approaching it, but I think there are other ways too.

SENATOR GRAVES: What about the Chiefs of Police Association here? What's your input on this?

CHIEF HANNA: I am James C. Hanna, Chief of the Paterson Police Department. To begin with, I would like to say that I am very, very much in favor of the bill introduced by Senator Graves for the addition of more people maybe because, as you said before, I just lost 32 men because of budget considerations and I need those 32 men back.

I am opposed to S-3300. I am opposed to it because, number one, the bill, in my opinion, is ambiguous. We have been talking for the law few months about the committee that would be responsible for setting of standards and goals. I think what has happened here is that in order to get concensus, the committee has been expanded to where it is going to be unwieldy. I think that the committee would be expanded even further in order to get the concensus that is necessary and the more it is expanded, the more unwieldy it will be and it will, in my opinion-- and again, I am speaking for myself, not for the state chiefs or the county chiefs-- in my opinion, it will concentrate too much power in the hands of too few people who will be able to manipulate the committee.

I am not opposed to high standards. The Paterson Police Department, for years, even before I became Chief, has set high standards for its members. As far as training goes, the Paterson Police Department was involved in the training of its recruits and an in-service training long before the state thought of the Police Training Commission. When the Police Training Commission came into being and training became mandatory, they had a minimum that the departments throughout the state had to adhere to. We far exceeded that minimum. We still exceed the minimum in the number of hours. We exceed the minimum in the number of subjects that are taught. We have our own cadre of instructors, high quality instructors who are well qualified. We have gone into one of the things mentioned in the bill, the psychological testing. We were one of the first, if not the first in the state, to go into psychological testing. We have, over the years, seen the quality of the officers improve because of the psychological testing. Over the years, we have also seen the cost of the psychological testing increase dramatically. Right now, it is costing us \$125 per man for the initial interview. When they go back for a re-interview, it is costing us additional money. We are carrying this burden and we are carrying it gladly because we realize that what we are getting from this are better people.

The thing that I heard or the idea that I heard right from the beginning is that the people of the State of New Jersey are concerned with crime on the street.

You may have believed that what I was leading up to was that I am in agreement with the bill. I repeat that I am totally opposed to it because, in spite of the high standards we have set for our department, in spite of the high standards we have set for our individual members, we have not been able to reduce crime. I'm sorry to report that. Last year alone, we had an increase of almost 30%. This year, the increase has been roughly 10 or 11%.

I indicated before that we just lost 32 men. I also lost 32 men about a month ago. There hasn't been enough time, we haven't been able to compile enough statistics, but everything that we have compiled indicates that because of the loss of the 32 men, crime is continuing to rise. I think, as the Attorney General said before, rather than looking at this in a parochial way, I think that we have to look at it in an all-encompassing way. We can't just single out the police and say, "If we upgrade them, we will have a better say, there will be less crime, there will be less violence." I don't think we can do that. I think we have to look at the entire criminal justice apparatus, and I purposely did not use the word "system" because as far as I'm concerned, and I'm sure that there are others who agree with me, we don't have a system. A system to me means that we have some kind of flow, an even flow through the process. There are bottlenecks all along the line. The reasons for the bottlenecks may be obvious in some areas and may be hidden in other areas. I think that you, in your wisdom, have to look at all the parts of the criminal justice area and, again, not rush into something. After looking at all of these, then you can come up with something that will be workable, something that will be all-encompassing in the whole apparatus and I'm sure that then we can have some kind of better statement as far as the criminal system is concerned.

SENATOR GRAVES: The Chiefs' Association?

CHIEF SIMPSON: I am Chief Simpson and I represent the State Chiefs as Sixth Vice-President. With me today is Kevin Blane, who is our Legislative Chairman.

We had some concerns which we presented to the Attorney General and he has assured us that he will respond to them and respond to our committee. Mr. Attorney General, if there are going to be more meetings such as between yourself and Mr. Ginesi--

MR. ZAZZALI: You will be in on those meetings.

CHIEF SIMPSON: I would hope that the chiefs would be included in that.

MR. ZAZZALI: Absolutely.

CHIEF SIMPSON: The Vice-President of our Association who usually does this was unable to be here today.

MR. ZAZZALI: You will be invited to those meetings.

CHIEF SIMPSON: Fine. I appreciate that. Kevin, did you want to add anything?

CHIEF BLANE: I did want to make one comment. I think the concept of S-3300 as far as I'm concerned and I'm sure all of the State Chiefs support what what you are trying to accomplish. There is no question at all that we need police officers on the street, notwithstanding the PBA's concern. We do need some method here whereby we circumvent the caps in order to make sure that the police officers are properly paid and paid a commensurate salary with the responsibilities of their job.

MR. ZAZZALI: I just thought I should address the comments of the Paterson Chief. I respect his views. He certainly has the right to present them and he articulated his position well. Obviously, I disagree. There is no question that

some chiefs out there disagree. The simple fact is that, outside of a couple of reservations that we're working on, the Chiefs' Association support this, as do the Sheriffs, the Prosecutors, the leading municipalities, the Conference of Mayors, they all support the bill. In terms of it being unwieldy, because we're adding people on, you gentlemen know better than I that government remains the art of the possible. We have to add people. It is not unwieldy. The senate functions quite well with, what, 60 senators. We have a committee of 16 or 18 and maybe it will go up to 20. I don't know. I'm confident that that committee can function well. My concern is that, in terms of the unique experience in Paterson where the improved standards has not resulted in a decrease in crime and that's a unique situation. Generally, the experience is when you have more police officers, as per Senator Graves' bill, better law enforcement, as per our bill, together it is going to improve the situation. I think that is beyond question. In a word, we can no longer afford to fight a 1981 battle with a 1950 mentality and with 1960 resources.

SENATOR CAUFIELD: Frank, I have just one observation to the Chief of Paterson. Perhaps if he hadn't upgraded things the way he had, the increase would have been even greater.

CHIEF HANNA: If I can expand on that a little bit, over the years, we did have a decreasing crime rate, but over the years, through attrition, we lost something like 43 people. As the number of men went down, the crime rate increased. Again, we lost another 32 people. I'm afraid of what the crime rate is going to be when it is published at the end of the year.

SENATOR GRAVES: That's why we're pushing these bills.

SENATOR CAUFIELD: That wasn't my point. My point was the fact that crime has gone up and probably has no relationship at all to the fact that you increased the training and the quality of your police officers.

CHIEF HANNA: The training and the quality of the people were there long before the crime rate started to go up.

SENATOR CAUFIELD: That's right, and the crime rate was going down. So, certainly, the quality didn't contribute to it going up. I think someone coming from the outside, sitting here today, could logically conclude from what you said that since we improved the quality and made it very high and crime keeps going up anyway, therefore, why improve it.

CHIEF HANNA: I'm not saying that. If anyone has gotten that impression, I want to correct that right now. I am saying that that is only one facet. You have to look at the entire area of criminal justice.

SENATOR FORAN: You mean education and everything.

SENATOR GRAVES: Mandatory sentencing is one part of it.

CHIEF HANNA: Senator Graves mentioned a judge that sentenced a man to 15 weekends in jail for firing at a police officer. This is an indication to me that the police themselves are not entirely at fault. Maybe we are at fault in some areas, but we are not entirely at fault and we have to look at the entire system before we can say this will reduce the amount of crime in the State of New Jersey.

SENATOR FORAN: Chief, this is just the first talking period on this bill.

MR. GINESI: Senator Graves, you made one statement and I'm not going to agree with the Chief of Paterson on his theory because I feel that I'm lucky that I live in New Jersey because I feel that we've always had a damn good state

police. I think we have one of the best in the nation. I think we also had a damn good Attorney General who did the job and I am proud of that. But, all I'm asking now is for you to do something so these tricky mayors don't lay off any more cops. We need to have these men put on the job and keep them there. I have no argument with the prosecutor. I think they do a great job. You are doing a job for us and we're very proud.

SENATOR GRAVES: We have a mayor over here who is not tricky.

MR. GINESI: Well, I hear stories about him and he's all right. Senator Rodgers is a perfect gentleman.

SENATOR GRAVES: In conclusion, we're going to adjourn. We're not going to walk away from this legislation because it is too important a piece of legislation. It has too much basic foundation to it that will improve the police system in our state, rather than permit to happen, over and over again, what could happen. This legislation addresses that and I'm more convinced than ever that from this has to be born something that will increase the alertness, the availability, and the betterment of our public safety system. We sat here today with the highest law enforcement officer in this state, the head of the State Police, Colonel Pagano, the Attorney General, the Prosecutor of Passaic County, the Chief of Police of this community, the State President of the PBA, and members of the Chiefs' Association, and four senators who are charged with the responsibility of getting legislation together for law and public safety, because that's our title, the Committee on Law and Public Safety for the State of New Jersey. All of us agree on one important issue, number one, that crime has gotten away from us in the State of New Jersey. None of us can disagree with that. There is absolute fear within our constituency of their safety. Among the answers to this is the immediate addition of 1,000 uniformed police officers, spread out throughout our municipalities, fully and totally paid for by the State, to help meet the responsibility of curbing this. I don't think anybody can find a substitute for this and shame on any member of the Legislature of this State who has that responsibility on a full-time basis or has that responsibility from the elected point of view of representing police officers or chiefs of police who walks away from this responsibility and doesn't say, "Put those police officers on now." For a lousy penny on a pack of cigarettes, they ought to bury their heads in the sand.

The other aspects of the bill are the overall policy of retooling these departments. I think both Senator Foran and I both had entered this room with some misgivings about this legislation. But, as the Attorney General has outlined some changes and offered some amendments, these amendments have to be distributed to us for study, and his willingness to work out the objections to this legislation is something that we have to jealously guard and work forward to. To that end, we're committed.

SENATOR FORAN: Mr. Chairman, I would like to move, at this time, that we hold S-3300, pending the proposed amendments, as well as the conversation between the parties and the Attorney General and move that we have another public hearing in Trenton at the call of the Chair.

SENATOR GRAVES: Senator Rodgers?

SENATOR RODGERS: From what I have gathered here this morning, with regard to holding the bill over, so as not to lose any time, I think that we should turn the thing over to the Attorney General and the law enforcement people here to meet with you people in the interim so that there will be continuous dialogue.

And, after that is done, you people can report back to us and maybe we will be a little closer to the passage of this bill, with the amendments.

MR. ZAZZALI: Can we suggest another public hearing prior to Labor Day? Is that possible?

SENATOR GRAVES: That's September 8.

SENATOR RODGERS: But, in the meantime, you said that you were going to meet tomorrow or the next day or so. I think you should meet with those gentlemen so, perhaps, you could come to a conclusion.

SENATOR GRAVES: Gentlemen, I think the important thing is not so much that we meet before Labor Day, but that we have another public hearing before we go back into session on September 21.

MR. ZAZZALI: So, we have a month.

SENATOR GRAVES: Yes. If necessary, we could meet two or three times.

MR. ZAZZALI: I don't think that will be necessary. It seems to me that we could wrap this up or not.

SENATOR GRAVES: When you conclude your meeting with this group here, will you tell us what is suggested, outline to all of us, send a letter to us?

MR. ZAZZALI: We will contact you or I will write you.

SENATOR GRAVES: We don't want to lose the momentum of this type of legislation and though we only meet four times before election, I'm sure we'll need to meet six times after election. Don't forget, we're still in service, no matter what happens in the election, until the middle of January. We don't go out of business on December 31. We continue right on until the middle of January. So, I think we would be better off if we got this passed now and didn't wait until we see who gets elected and see how they feel about it and start all over again. I think, professionally, we can lose that momentum. I think we want to take advantage of everybody working in the same direction.

MR. ZAZZALI: Well, without sensationalizing it or dramatizing it, the risk is that we will lose lives in the process.

SENATOR GRAVES: Well, every day that 1625 doesn't become a law in this state we potentially lose a life.

MR. ZAZZALI: You're right. I'm speaking of both bills.

SENATOR FORAN: I would like to move on my motion, Mr. Chairman.

SENATOR GRAVES: Is there a second to that motion?

SENATOR RODGERS: I'll second the motion.

SENATOR GRAVES: Is there any discussion? A roll call, please?

MR. ROBBINS: Senator Rodgers?

SENATOR RODGERS: Yes.

MR. ROBBINS: Senator Caufield?

SENATOR CAUFIELD: Yes.

MR. ROBBINS: Senator Foran?

SENATOR FORAN: Yes.

MR. ROBBINS: Senator Graves?

SENATOR GRAVES: Yes. All right, the meeting is adjourned.

(MEETING ADJOURNED)

