

MEETING

of

ASSEMBLY TASK FORCE ON JUVENILE CRIME

"Disclosure of certain juvenile arrest records  
and public access to juvenile court proceedings."

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LOCATION: Western Branch of the  
Monmouth County Library  
Manalapan, New Jersey

DATE: March 22, 1994  
7:00 p.m.

MEMBERS OF TASK FORCE PRESENT:

Assemblyman Frank Catania, Chairman  
Assemblywoman Joanna M. Gregory-Scocchi, Vice-Chair  
Assemblywoman Virginia "Ginny" Haines  
Assemblyman Charles "Ken" Zisa

ALSO PRESENT:

Assemblyman Michael J. Arnone, District 12  
Assemblywoman Clare M. Farragher, District 12

Miriam Bavati  
Office of Legislative Services  
Aide, Assembly Task Force on Juvenile Crime



**New Jersey State Library**

**Hearing Recorded and Transcribed by**  
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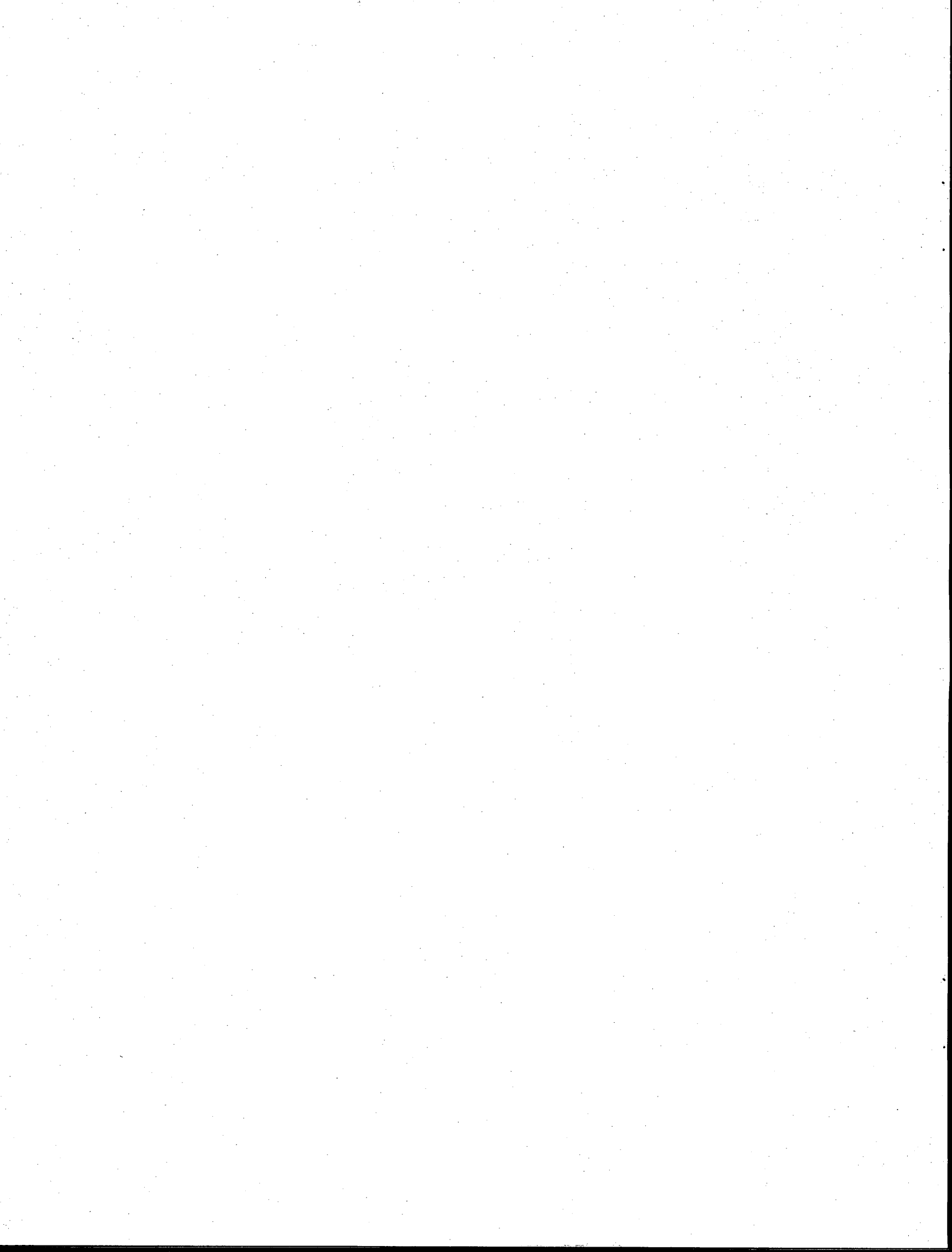
## PUBLIC HEARING NOTICE

The first meeting of the Assembly Task Force on Juvenile Crime will be held on Tuesday, March 22, from 7 p.m. to 9 p.m. at the Western Branch of the Monmouth County Library.

The topic will be disclosure of certain juvenile arrest records and public access to juvenile court proceedings.

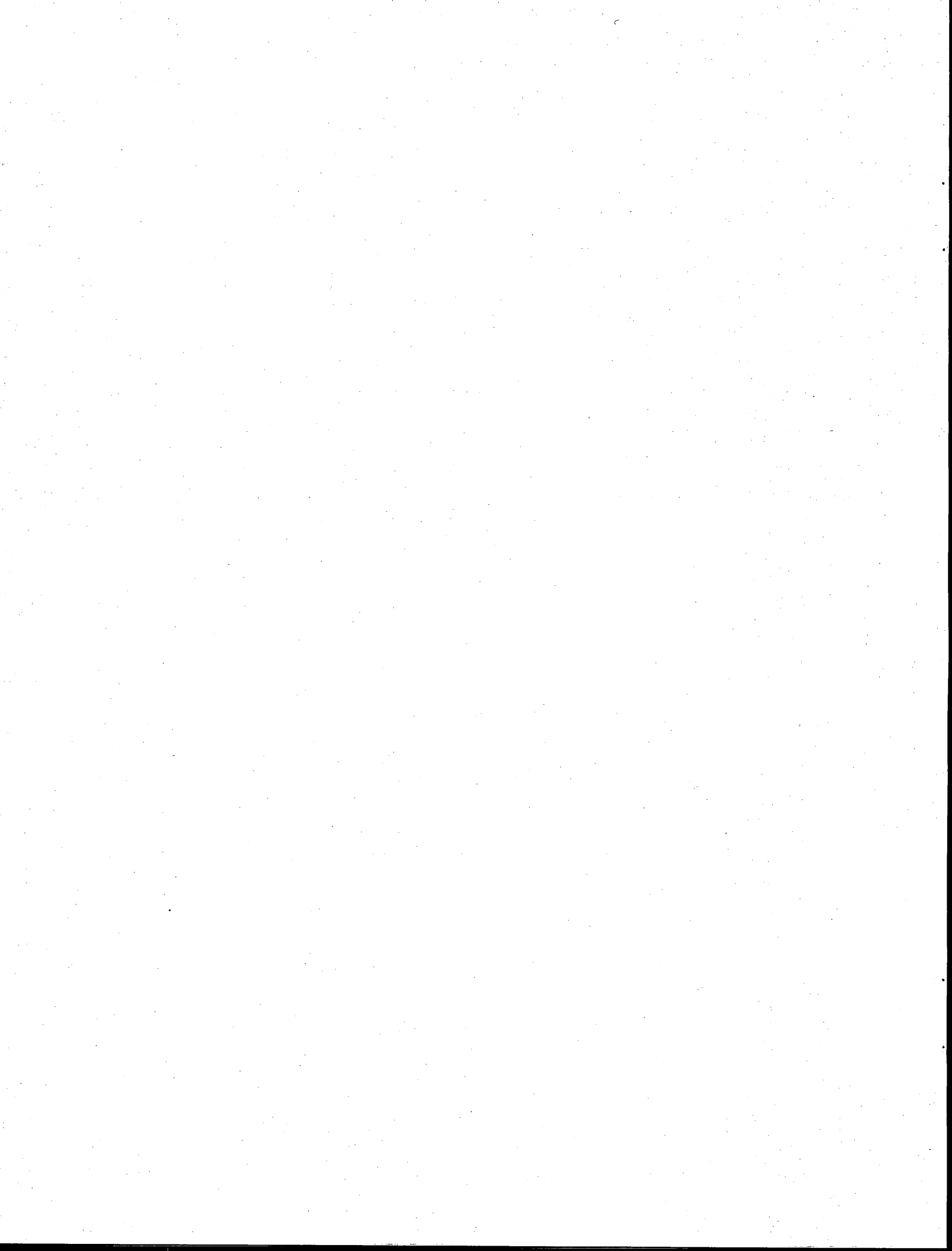
The public may address comments and questions to Miriam Bavati, Committee Aide and persons wishing to testify should contact Karen M. DeMarco, secretary, at (609) 292-5526. Those persons presenting written testimony should provide 10 copies to the task force on the day of the hearing.

Issued 3/16/94



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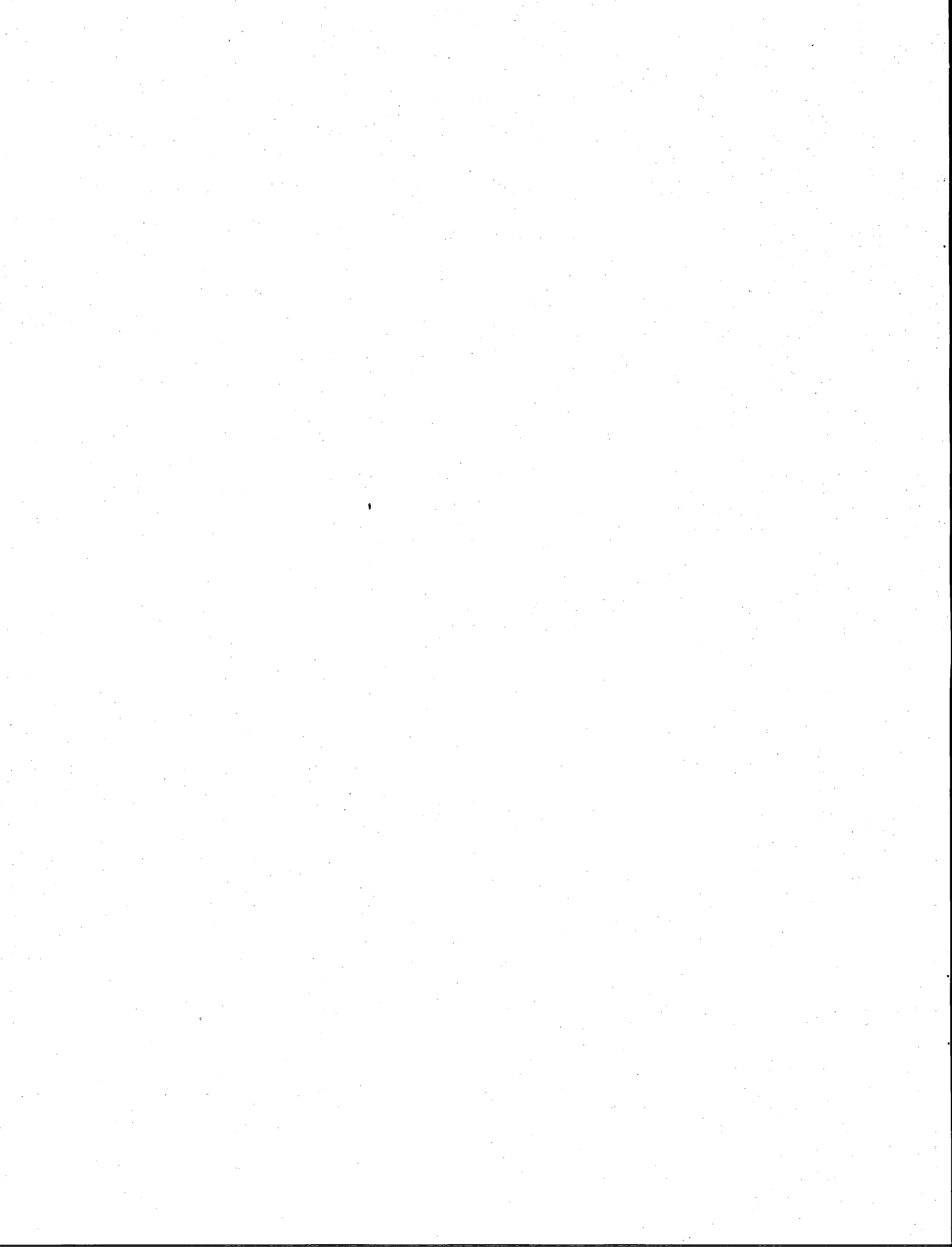


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**ASSEMBLYMAN FRANK CATANIA (Chairman):** Can I just remind everyone, anyone wishing to speak tonight should sign a slip that's at the door and give it to the legislative aide.

Kevin, if you would just pick up whatever ones are out there?

**MR. FRECHETTE (Assembly Majority Staff):** Sure.

**ASSEMBLYMAN CATANIA:** First of all, I want to thank everyone for coming to the first meeting of the Assembly Task Force on Juvenile Crime.

My name is Assemblyman Frank Catania. I represent the 35th District, which is in Passaic County. I will also be serving as the Chairman of the new Task Force.

I'd like to introduce my Vice Chairwoman of the new Committee, and that's Assemblywoman Joanna Gregory-Scocchi; also Assemblywoman Ginny Haines, a member of the Committee, and tonight we have Mike Arnone, Assemblyman from this district; Clare Farragher, also an Assemblywoman from this district. Another member of the Committee, Charles Zisa, and Rose Heck is not here right now. Assemblywoman Rose Heck is also going to be testifying with regard to her bill that she has introduced.

First of all, we have come here tonight with heavy hearts and a deep feeling of sadness over the recent murder of Amanda Wengert. Nothing that we say or do this evening can ever erase the pain and loss that the Wengert family is experiencing. Unfortunately, there is nothing we can do to bring back Amanda, but maybe tonight we can channel our hurt, our anger, and our frustration into correcting the problems which currently exist in New Jersey's juvenile justice system.

I know some members of the community have already spoken out on the issue and have taken an active role in seeking changes to the current law which protects the rights of juvenile offenders, but offers little protection to the unsuspecting victims.

Even before this terrible tragedy occurred, Assembly Speaker Chuck Haytaian was preparing to form this special Task Force to tackle the issue of juvenile crime in our State. The mission of the Task Force has been clearly defined by the legislation which created it. We have been instructed to hold public hearings throughout the State and to get input from you, the citizens of New Jersey, about our State's juvenile crime problems. The Task Force will then report back in 90 days to the Legislature with its findings, and submit recommendations to reform the State's juvenile justice system.

It's unfortunate that the death of little Amanda Wengert has to be the backdrop for our first meeting, but Amanda's murder underscores some of the serious problems that exist in our juvenile justice system. It also sends a chilling message to a society that, perhaps, we need to take a completely different approach with the way we deal with juvenile crime in New Jersey. In fact, we are witnessing an increase in juvenile crime in New Jersey, and recent statistics show that one out of every five crimes in our State is committed by a juvenile. We all know that some of the most vicious and violent crimes against society are committed by juveniles.

This evening we want to receive your input on three proposed legislative reforms to our juvenile justice system. The first is a bill which would require the courts to consider an adult offender's previous juvenile record as an aggravating factor in imposing sentence on the adult offender. This legislation will make certain that juvenile offenders would no longer be swept under the rug during sentencing procedures for adults.

The second, or Assembly Bill Nos. 26 and 35, as they have been sponsored by Assemblywoman Heck and myself, which would permit disclosure of juvenile offenders' records unless there is a demonstrative likelihood that such disclosure would

cause specific harm. Also that same legislation would open court proceedings to the public, again, unless there is likelihood of specific harm to the juvenile.

The third measure, A-1584, has been sponsored by your Assemblypersons, Assemblyman Mike Arnone and Assemblywoman Clare Farragher, and that would upgrade an offense of criminal trespass to a crime of the third degree, if the offense is committed on school grounds when children are present.

Ladies and gentlemen, we can and we must work together to make sure that our justice system takes every precaution possible to prevent another tragedy like we have witnessed in Manalapan. We look forward tonight to hearing your thoughts and ideas as we begin this effort to make the State a safer State and a better place to live. I'd like to now call on Assemblyman Arnone for some remarks.

ASSEMBLYMAN ARNONE: Thank you, Mr. Chairman.

I would like to welcome you and the other members of this Committee into Monmouth County here in Manalapan. And I'd also like to thank you for focusing on this very important issue, especially to the people of Manalapan.

I think many of you have noticed in the papers that you saw a downpouring of bills that are legislative responses to the tragedy that happened here. It occurred just a few blocks from here, and obviously this is-- The time has come when, I think, we have to reopen the book on juvenile crime. Possibly, this child that committed this crime was on probation and went through a program in Monmouth County, the POP program, that's the Probation Officer Offenders Program.

There is a possibility maybe our system has failed us. Maybe, possibly, we need a treatment modality after the age of 18. Possibly, we need more custodial programs; possibly we have got to reexamine our waiver policies so maybe possibly--

These types of things maybe we can bring back to the Governor, who just signed Executive Order Number 10, which has resurrected the Advisory Council on Juvenile Justice that will include Commissioner Waldman, and I hope, also, our Prosecutor, John Kaye, might be on that panel. Possibly what we gather here tonight can be put in a coherent package, and we can go forward. Thank you very much.

ASSEMBLYMAN CATANIA: Thank you, Assemblyman.

Assemblywoman Gregory-Scocchi.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Hi. We have all convened this meeting here tonight on the occasion of a terrible tragedy. We are all grieving for the family of Amanda. Of course, tonight there is really no action that this group can take, or in the future, which can erase or diminish the pain felt by this family.

However, we have before us tonight a package of bills designed to prevent this type of tragic event from ever happening again. I believe that this legislation before us that we're considering, and that we will continue to consider as our Task Force goes forward, will make the first step in keeping our streets and our school yards safe.

As a mother of two young children, seven and three, I certainly grieved when I heard the story of this, and I still continue to grieve.

I know that today we live in a society that is very, very different from the times when I grew up and was attending school. However, I must tell you that as a newly appointed member of this Legislature, I am really relieved that I can start to bring my experiences and my input into this Legislature, to turn around what we have before us tonight and start the process.

We need to give our schools and our communities another tool in preventing assaults against our children, and I'm fortunate tonight that I have the ability to take action and make New Jersey a little safer for my children and yours.

ASSEMBLYMAN CATANIA: Thank you, Assemblywoman.  
Assemblywoman Haines.

ASSEMBLYWOMAN HAINES: Thank you, Mr. Chairman.

It is truly unfortunate that a tragedy of this magnitude had to occur for us to realize the weaknesses within our juvenile justice system. The goal of this Task Force is to review the current juvenile crime laws on the books and make improvements where they are going to be necessary.

We are going to work very closely with the Senate and with the Governor's office to ensure that the bills we hear today are passed and signed into law in a timely manner so that we may try to do something, so that a tragedy such as this will be prevented. I just would like to thank each and every one of you for coming here tonight and giving us some testimony, so we know what direction we need to take. Thank you.

ASSEMBLYMAN CATANIA: Thank you, Assemblywoman.  
Assemblywoman Farragher.

ASSEMBLYWOMAN FARRAGHER: Thank you, Mr. Chairman.

I would like to let the community know that we thought long and hard in making this decision. It was not made lightly. There were discussions between Assemblyman Arnone and Senator Bennett and myself as to the wisdom of appearing to jump on a situation, but I felt that this wasn't something that could be done from Trenton by press releases, letting you know secondhand that action was taken.

We very strongly believe that you all need to be a part of the changes that we expect will be made, most especially in giving an extra tool to the police department and the schools in dealing with trespassers. While that would not have prevented the murder that did happen, it certainly would have alerted the community that there was an individual who was behaving improperly, and you could have taken steps to protect your loved ones. This is the goal of this Committee, to provide you with more information, so that you can take better steps to protect your children.

I have four daughters, and I have a granddaughter. This tragedy hit home to me so closely and so personally that I myself have been reliving something that happened to me 40 years ago that I have probably repressed. There are many of us who have had situations in the past where perhaps we were abused by someone. I urge anyone who's having flashbacks like this to seek counseling and get help as I have done.

The other reason that this hit so closely to home for me is, my granddaughter, who is not quite two-years-old, is named Amanda. And everytime I hear Amanda Wengert, I think of my own Amanda. This Committee intends to take action for Amanda Wengert, and my Amanda, and all the Amandas out there to make sure that we can protect them properly. Thank you.

**ASSEMBLYMAN CATANIA:** Thank you, Assemblywoman.

We're going to hear from Assemblywoman Heck at a later time. We'll start calling people to testify. I would ask if you are called to testify that you give your name and spell your last name, because the transcription will need that.

Freeholder Ted Narozanick. You've got to give me a hard one -- first one. You want to spell that, Ted? (laughter)  
**F R E E H O L D E R T E D N A R O Z A N I C K:** Yes, and thank you very much. My name is Ted Narozanick, N-A-R-O-Z-A-N-I-C-K.

Chairman Catania, distinguished members of the Assembly Task Force on Juvenile Crime: As I indicated, my name is Ted Narozanick. I am a member of the Monmouth County Board of Chosen Freeholders. Last Thursday our Board of Chosen Freeholders discussed this matter in great depth and detail. On Thursday evening, we will be meeting in this very room to adopt the necessary resolutions supporting the various pieces of legislation that have been introduced in the Assembly.

May I compliment you, Mr. Chairman and the members that have spoken, for your very articulate and eloquent and most sincere statements that you made at the opening of this

hearing. We believe that with your leadership and your initiative, we will have positive results, and that we will have the tools for our prosecutor, our police chiefs, our municipal officials, and school officials to properly handle matters in the future.

On March 5th, admittedly, it was a very tragic incident in this community. Much has been written; much has been said, but again, with your leadership and your sincere interest, we're going to have the results that will prevent incidents like this again.

On behalf of the Monmouth County Board of Chosen Freeholders, may I extend a very warm and cordial welcome to you all for having this very important meeting here in our Manalapan, Monmouth County Library. We hope that you will pursue the matter with a great deal of vigor, so that we can finally see the end results.

Thank you once again for your concern and for having your first meeting here in Manalapan and Monmouth County. Thank you, Mr. Chairman.

ASSEMBLYMAN CATANIA: Thank you, Freeholder.

Does anyone have any questions or-- What we'll do is, if someone testifies-- If any of the members intend to ask any questions, just state that you would have a question, and at that time, at least, the person will be able to stay there.

At this time, I would like to call upon Assemblywoman Rose Heck, who, by the way, just came down from North Jersey, and spent an hour and a half on the road to come down here tonight.

ASSEMBLYWOMAN ROSE MARIE HECK: I want to thank Assembly members Clare Farragher and Michael Arnone for inviting me down here. I am very saddened by the reason for my being here for the first time, but I also note the importance of coming together from all parts of the State to address this great problem. And there are many here who

have -- are actually crime victims, fighters from all over the State, and we join together in your work to make sure this never happens again.

And Michael, I thank you very much, and the Chair, for inviting me to testify. As you know, I do have a Council meeting to attend later, so I want to give this testimony. I could have sent it down, but I felt it's important for us to visibly show that this is a very, very serious matter, a very important matter, and I put it on paper so you may have a copy as well.

I'm honored to be here in Manalapan tonight, with all of you, concerned parents and the friends of the Wengert family. Let me open by reading you the title of my talk with you tonight: "Why juvenile records must be opened: Ending secrecy procedures that kill, through the 'Amanda Act.'"

That title is very appropriate, because when it comes to life and death matters, there should be no secrecy.

I introduced A-26 to prevent the victimization of innocent people. And, just shortly after I introduced that legislation, a tragedy occurred which pointed to its need.

Little Amanda Wengert was brutally murdered by someone who had the protection of secrecy -- allegedly, 19-year-old Kevin Aquino. This young man was convicted of three counts of aggravated sexual assault when he was 17-years-old. His punishment as a juvenile was up to one year of probation, and the confidentiality of records prevented his violent crimes against three children under the age of 10 to be made public.

I have named my bill "The Amanda Act to Insure Justice for Crime Victims" because her memory reminds us that secrecy does result in death. Sometimes the cloak of secrecy is something juvenile offenders can hide behind, and a cruel joke is played on good citizens who believe that their neighbors are the same caring people they are. There are no family secrets

under my "Amanda Act." Instead, parents can't shield their offender children, and by doing so, present opportunities for them to repeat crimes.

One year of probation for sexually assaulting three children under 10 years of age seems unconscionable. As the prime sponsor of a seven-bill package of domestic violence reforms, let me assure the parents of children in this room tonight that no one, whether he is 17 or 70, should get away with molesting and raping children.

I know there are those individuals who want to protect the juvenile offender from being persecuted and having a stigma. They argue that confidentiality of juvenile records is warranted. However, I have stood with crime victims so many times, and I know their pain. My response to the advocates who want to protect the confidentiality of juvenile offenders is simple: How can you justify the invasion of a person's body by the horrific violence of rape? How can you counsel a victim of a violent crime and tell them, "Oh, he was just a kid?" How can you replace Amanda's life, or any other child's life?

Life is too precious, and the "Amanda Act" strives to protect innocent children and other victims of juvenile offenders who may repeat the crime if secrecy exists.

I ask you all to please see that A-26 and A-35 are passed into law. I am proud that Governor Whitman has announced support of these bills, and I hope it will move swiftly through the Legislature.

Thank you.

**ASSEMBLYMAN CATANIA:** Thank you, Assemblywoman.

Are there any questions?

Assemblywoman Farragher.

**ASSEMBLYWOMAN FARRAGHER:** I want to personally thank Assemblywoman Rose Heck for agreeing to call her legislation the "Amanda Act." While we are prevented by law from

officially entitling it that, I can give you a good example of a law that has a person's name. It's the Brady Bill. There is a precedence for that.

The Wengerts want nothing more than that their child's life should not have been given in vain, and they are very grateful that we are calling the Heck bill, the "Amanda Act." I spoke to the Wengerts this evening, and they felt that they were not ready to be here, but they are very, very moved by the outpouring of support for the changes we wish to make. I already have over 150 letters in my office in support of these measures, in addition to the petitions that have been signed by all. And just so you know, all of these letters -- the petitions -- will be made part of the official transcript, so that even if someone is not able to speak tonight, rest assured, your voice will be heard in the form of your letter being recorded in the transcript.

Thank you, Rose.

ASSEMBLYWOMAN HECK: Thank you, Clare.

ASSEMBLYWOMAN FARRAGHER: Thank you, Mr. Chairman.

ASSEMBLYMAN CATANIA: Thank you, Assemblywoman.

I'd like to call Prosecutor John Kaye, Monmouth County Prosecutor.

J O H N A. K A Y E, E S Q.: Thank you.

I wanted to mention to the panel and to the people here that I am perhaps the only person in this county that cannot discuss any prior matters involving Kevin Aquino. So if anyone has any idea that I should, I want to caution you in advance, and I want to tell you why, because it is important to know why, and it goes sort of to the heart of what Assemblywoman, Mayor Heck has mentioned.

If I discuss this young person and his prior history, it is a basis to dismiss the current charges. You can discuss it. Everyone in this room can discuss it, but I cannot. And it seems even more incredulous when I am the person who

probably has more information about this than anybody. Hopefully, that matter will be resolved, too, in the future.

I wanted to echo something that Assemblyman Arnone said. I was in Trenton today with all the 21 county Prosecutors and the Attorney General. I discussed with them, generally, that I was going to attend this meeting tonight and discuss this matter with you. I want to emphasize that the Governor signed Executive Order No. 10 last week. That Order creates or rejuvenates the Advisory Council on Juvenile Justice.

There are a host of bills that have come out as a result of this catastrophe. I have looked at all of them. You've been nice enough to send them to me: Assemblywoman Scocchi's bill; I've looked at Catania's bill. I looked at your bill, Rose. I've looked at them all, and I can say that generally, I support all of them. I find a great deal of merit in all of them, but I think it's important that when we look at changes here, we look at the overall picture.

We have an opportunity, as a result of this horrible event, to make dramatic changes in this system, which doesn't serve anybody very well. It certainly doesn't serve the juvenile. They learn quickly that there is no punishment for what they do throughout their entire teenage years, and it certainly doesn't serve the victims of crime.

What I am suggesting is, therefore, that all of the work that you do, at some point be coordinated with the Advisory Council on Juvenile Justice. There are several prosecutors that are going to be appointed to that. Quite frankly, I hope that I will be, and it would be best if we do this as one integrated whole.

In that regard, I wanted to make three points in general, not specifically talking about your legislation, although, they do talk about it.

Openness: I am in favor, personally, of having no secrecy whatsoever in any juvenile proceeding. I've believed

that for many, many years, and this is the first time anyone has ever listened to me. I hope there are-- The majority of the prosecutors in this State agree with that. Some do not, some disagree.

I would caution you in one regard, and I spoke to Assemblywoman Scocchi about this the other day. I think that you cannot have open proceedings when it may damage the victim. I am not talking about the person who's accused of the crime -- the juvenile. I am talking about the little girl or the little boy who may not be so willing to testify, whose emotional composition will be, in fact, destroyed by testimony. I think we have to be very careful here how we handle this and in whose discretion that judgement lies.

Which brings me to the second point: Currently, we have waiver. Waiver in this State says anyone 14 years of age, if they commit certain crimes -- generally, heinous crimes -- that the prosecutor can request that these be waived up to the adult court, and that the juvenile, in effect, be treated as an adult so the penalties are enhanced and there is a jury trial. Many of the so-called safeguards that juveniles have in a family court would be gone, and this person would be treated like an adult.

We don't do too many of those, but the ones that we do cause a problem. The problem is that the decision has to be made by the family court judge. All of these cases that are sought to be waived, the juvenile is represented by a public defender. There are very few, if any, private attorneys in this business. In fact, in the entire criminal procedure these days, there are very, very few private attorneys. The result is the taxpayers pay for all ends of the process. They pay for the police officers that investigate the crimes. They pay for the judges who listen to them. They pay for the probation department. They pay for me to prosecute them. And they pay for the public defenders who defend them, as well as the line

of expert witnesses that the public defenders put before the judge on these waiver hearings. One psychiatrist after another, after another, after another testifying for days on end about the harm that is going to occur to this juvenile who is accused of the crime.

Personally, I believe that waiver decisions should be made by the prosecutor. Naturally, I have a self-interest in that, but I also think that it is much more efficient. We know the value of the case. It's no different than if we were handling an adult case, and we decided whether or not we could go to trial or we couldn't go to trial. You know, our evidence isn't great in every case, and a lot of times we have victims who have problems. In some cases, in fact, cases right here that you are talking about, we have victims that couldn't even qualify as a witness in an adult court because they are so little, so young, and they don't understand; they also don't remember. So with that in mind, I would suggest that you look at the consideration to change the law in regard to the way waiver happens.

And the last item is, what the public wants may not be what the public can afford to pay for. If the result of your work is going to be stronger and harder penalties for those who commit juvenile crime -- and I happen to favor that -- we have no place to put them.

There are very few facilities in this State for juveniles. Skillman was closed, as you probably know. Jamesburg is legally set for 356 youths; there are over 500 in the place. Bordentown has 178; I don't know how many it's legally supposed to have. And the last one is the Pinelands, which you are all familiar with, which is where they treat juvenile sex offenders. That's a 16-bed facility in Chatsworth, New Jersey. It's full all of the time.

If the result is, like I say, stronger punishment, more time, more segregation of these violent predators from the

rest of us, we're going to have to put our money where our mouth is, at some point, and create some additional facilities to contain these people.

That's all I have, Assemblyman.

ASSEMBLYMAN CATANIA: Mr. Prosecutor, I just have a couple of questions.

Do you believe it would be practical to-- You said that there should be no secrecy in any juvenile delinquency proceedings. Do you think that would matter, no matter what the age of the child is, or should there be 14, 13-- What age would you suggest?

MR. KAYE: I think it's 14.

ASSEMBLYMAN CATANIA: I know it's 14 right now.

MR. KAYE: I think it should stay 14. But that's just my opinion. I'm not a sociologist, and I don't know how to back that up.

ASSEMBLYMAN CATANIA: No, what you are is you're probably -- you're the chief law enforcement agency in Monmouth County, and there are only 21 counties in this State, so we respect your opinion, because you're handling this on a day-to-day basis, and that's the process we are looking for. We're looking for people like you to tell us that it should stay at 14, but that all proceedings should be open to the public.

MR. KAYE: Yes, I believe that.

ASSEMBLYMAN CATANIA: Are you saying, even on situations where there may be some juvenile delinquents charged with damage to a school, even on minor cases, that they should be open to the public?

MR. KAYE: I believe they should. I don't see any difference in them. Now, there are other people that disagree on that. See, my attitude on this, I think it will probably be very similar to yours, and that is, you have to weigh the advantages and the disadvantages. When you put into the scale

the safety of the community and the public well-being of the other citizens, then that's what wins.

I don't consider the publication of this information to be overly detrimental to these children, anyway. As a matter of fact, I can tell you some of our more violent people that we deal with are very, very proud of the fact that the information somehow gets out. It enhances their reputation in the neighborhood as a tough guy.

ASSEMBLYMAN CATANIA: You basically have no -- there's no fingerprinting, no mug shots taken of juveniles. Is that correct?

MR. KAYE: The law says that if you're over 14, you can take fingerprints, but you have to destroy them at the end of the case. Now, the bill which Senator Bennett introduced, which is the administration bill--

ASSEMBLYMAN CATANIA: I think that hasn't been introduced yet.

MR. KAYE: I thought it was Monday. No?

ASSEMBLYMAN CATANIA: No, I think the bill Rose Heck and -- we have the bill.

ASSEMBLYWOMAN HECK: Frank and I have that bill.

ASSEMBLYMAN CATANIA: We have the bill -- the bill, it's our bill.

ASSEMBLYWOMAN HECK: It's A-35.

MR. KAYE: Well, this bill would permit that.

ASSEMBLYMAN CATANIA: Yes.

MR. KAYE: And I'm very, very in favor of that.

One of the problems that we have is that, generally, there is no centralized repository for keeping records of juvenile criminals. So, for example, if someone committed a serious crime in Manalapan Township -- a juvenile -- and that same youth then committed a similar crime in Asbury Park, there would be no way for the police to run on their computer that this is the same kid, unless they came to Freehold and went up to my office and went through the files by hand.

I hope that Freeholder Narozanick and I are going to have a talk about this in about a week or so, and we are going to see if we can resolve that.

ASSEMBLYMAN CATANIA: I have one hypothetical question for you. If a juvenile were, say, in Passaic County and may have had different arrests-- Well, you can't even call them arrests. They actually were detained for juvenile crimes, and they could have been vicious crimes, however, it may have happened three or four times and they moved to Monmouth County. That particular juvenile, when he becomes an adult, he'll fill out an application to become a police officer, and when they ask, "Have you ever been convicted of a crime?" can say no and actually can become a police officer, because no one will ever know about it.

MR. KAYE: That's correct. That's right.

ASSEMBLYWOMAN GREGORY-SCOCCHI: I just have one question.

MR. KAYE: Of course, in New York that doesn't stop them. I understand, recently, that they can go to the academy with convictions so--

ASSEMBLYMAN CATANIA: Assemblywoman Gregory-Scocchi.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Hi, Prosecutor. I know you and I have spoken several times, and I appreciate all the assistance that you've given me.

My one question goes to the waiver issue that you and I have been discussing. Right now, from what I understand, it is in the judge's discretion to move it up to the adult court or keep it in the juvenile court. How much cooperation, or do they take a look at the past offenses that the juvenile has committed, or is that completely barred?

MR. KAYE: No, no. The judge can look at the past offenses. It's the same judge, family court judge, the status as a juvenile remains the same, and he or she will look at past offenses.

ASSEMBLYWOMAN GREGORY-SCOCCHI: And what is the typical-- I mean, is it often that it gets moved up to adult court, or do they tend to keep it in the juvenile system?

MR. KAYE: No, generally we only ask when we have a good idea that we are going to get it, and we do, perhaps, 20 a year in this county. And this county is, depending upon how you look at the numbers, third or fourth highest in the State for reported crime, unfortunately. So it's probably a little less or a little more in other counties. The problem with it is not whether or not the judge will grant it. The problem with it is how long it takes and how expensive and inefficient it is.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Okay.

MR. KAYE: Because generally the judges do grant it. And that has to do with the normal judicial mind-set, too. They don't want the case. You know, this judge in this county handles 2500 cases a year by himself.

ASSEMBLYMAN CATANIA: They only have one juvenile judge?

MR. KAYE: One family court judge, and we have 6000 boys or girls arrested a year in this county on juvenile complaints. We weed out a lot of them. We end up with 2500 cases. Now assuming he goes on vacation and he gets sick every now and then, that's 30 cases a day for one judge, and a probation which is very, very understaffed. It's a serious problem.

ASSEMBLYWOMAN GREGORY-SCOCCHI: Thank you.

ASSEMBLYMAN CATANIA: Assemblywoman Haines.

ASSEMBLYWOMAN HAINES: Oh, thank you.

Just one question. One statement you made, you said, in regard to the waiver that they would go up to -- be up to -- go into adult court. One of the problems I see, even with our adults when they are charged with a crime such as that, many times their sentencing is very light. I mean, do you think

that we need to then go into looking at the adult sentencing for individuals and do something there, because sometimes they can get off on a very light sentence in that respect, too?

MR. KAYE: It could, Ginny. But I'd say, actually, I think our sentencing in New Jersey is not light for adults. We are one of the toughest sentencing states in the nation. And you know, you may not think so, but when you go around the rest of the country, you'd be very surprised. We can, if they get into the adult side, even if they don't go to jail, they can at least be on probation for an extended period of time.

The penalties in a juvenile court are so minimal. For example, other than murder, the maximum sentence you can get is four years, period, that's it. And the way the system works with parole, you serve one-fifth of your time. So that means that if someone got a four-year sentence, they would be out of jail in about nine and a half months, no matter what they did. That would be for first degree aggravated assault, what we commonly refer to as rape. You'd get four years max, and you'd be out in nine and a half months.

So treating them as an adult is a dramatic difference, because that same crime has a 15-year presumptive jail sentence, 15-year presumptive, which means that if the judge doesn't give it, I can appeal it. It's one of the few cases that the prosecution can appeal. So I think it makes a big difference. Here's what it does: it gives you a lot of pleas. If you get by moving them into the adult court, all of a sudden you see the defenses go away. That's what happens.

ASSEMBLYWOMAN HAINES: Oh, okay. Thank you.

ASSEMBLYMAN CATANIA: Assemblyman Arnone.

ASSEMBLYMAN ARNONE: Yes, I'd like to thank you, Mr. Prosecutor, for coming here tonight. I know your busy schedule.

MR. KAYE: Yes, John.

ASSEMBLYMAN ARNONE: I want to ask you a question, and possibly it might go beyond your prosecutorial duties, and it

might be difficult for you to answer. But it seems to me that if a child -- a sex offender, a juvenile sex offender -- goes through the POP program, or in the case of Bergen County their TREAD program, that once they become age 19 or their 19th birthday, there seems to be a void there, no place for them to go.

MR. KAYE: No doubt.

ASSEMBLYMAN ARNONE: And many of them want help. What would you suggest?

MR. KAYE: I would suggest that we have to treat them as adults. Just what Assemblywoman Haines and I were talking about. That let's us hold them better.

I don't personally believe that you can ever rehabilitate a sex offender. I've said that before and I will say it again, and I know that there are psychiatrists and sociologists who disagree with me. What these programs do is, they do not change the character of the people they are dealing with, but they hold them in a bit of control. They have a touch with them. And when there is no program, there's nobody to report to, these people tend to float back to the way they were before.

We have another terrible case right now, a juvenile who we've put into prison for years as a juvenile -- we just arrested him this afternoon, when he got off another school bus -- who is out of the program. He was in the POP program. He did well in the POP program, but now he's not under any supervision, and we have a reoccurring problem. He hasn't murdered anybody, but we have some very, very serious charges.

ASSEMBLYMAN ARNONE: Thank you very much.

MR. KAYE: Okay, thank you.

ASSEMBLYMAN CATANIA: Assemblyman Zisa.

Mr. Prosecutor, one more question.

MR. KAYE: I'm sorry.

ASSEMBLYMAN ZISA: I just wanted to touch on a few

points that you made. I believe you said that on the fingerprint records of juveniles, they would have to be destroyed.

MR. KAYE: Correct.

ASSEMBLYMAN ZISA: I don't believe that is the way the statute reads, that when a juvenile 14 years of age or older is charged with delinquency, fingerprint records taken pursuant to the paragraph may be retained by law enforcement agencies for criminal identification purposes, and that is 2A:4A-61.

MR. KAYE: Yes, the way I read the statute it says that you need a court order or consent of the juvenile to take fingerprints; they must be destroyed at the end of the case. The institution in which he is incarcerated -- and I say he only generically -- can take a print if he is in custody. The 14 year old's prints can be kept only if that child is charged with an adult crime, and you cannot take a photograph of a person under 14 without a court order.

ASSEMBLYMAN ZISA: What statute are you reading from, Mr. Prosecutor?

MR. KAYE: These are my notes. I don't have the number. This is what we do, too, you know.

ASSEMBLYMAN ZISA: Okay, but the State statute states, and I wish you had it in front of you, that fingerprint records may be retained by law enforcement agencies for criminal identification purposes. So I disagree with your interpretation.

MR. KAYE: Well, that is if he is charged with an adult crime.

ASSEMBLYMAN ZISA: No, it's not. That is when a juvenile, 14 years of age or older, is charged with delinquency, according to State statute.

MR. KAYE: I'm unfamiliar with what you're--

ASSEMBLYMAN ZISA: I don't want to leave everybody with the impression that that can't be done, because I disagree

with your interpretation. And it is done throughout the State. So unless there is something different in the statute that's been interpreted by a court somehow, this is done.

MR. KAYE: Okay.

ASSEMBLYMAN ZISA: I just want people to understand that.

Secondly, you made a point about centralized records, that there is a problem, and you might want to clarify that, about no access to centralized records.

MR. KAYE: We have access now to the court -- it's called FACTS, I believe that's what it is -- which is a computer system run by the Administrative Office of the Courts, which allows prosecutors' offices to hook into information about arrest -- excuse me, not arrest -- about adjudications. In fact, we just got access to that six months ago -- something like that. Even though the system has been operating for a number of years, we just got access to that.

What we are talking about here are people who have been arrested for prior crimes and have a delinquency record. We do not have, in this county, a centralized repository for that information that is available to the police who may be making charging decisions in other jurisdictions.

We have 53 municipalities, 48 police departments, and generally what they do, they have to call Freehold, and then they look through the file cards.

ASSEMBLYMAN ZISA: Because I do want to point out again, that according to State statute, that a central registry of the records of law enforcement agencies relating to juveniles for the purpose of exchange between State or local law enforcement agencies is permitted by law.

MR. KAYE: Oh, yes, it's permitted.

ASSEMBLYMAN ZISA: And I want also to point out that the reason why I believe that that hasn't been done is because nobody has been willing to dedicate the funds to it.

MR. KAYE: You are right.

ASSEMBLYMAN ZISA: It is something that we have been crying out for, for a long time. It is something that is already available to us in the law, and for no other reason than nobody is willing to dedicate funds to it, it hasn't been done. And I want everybody present tonight to understand that there are things -- that there are tools available, according to State law, that already exist that haven't been implemented, and that concerns me.

And that would bring me to another question that I would ask. As the Prosecutor in Monmouth County, and I am from Northern Jersey, if you could-- And I know it's tough, off the top of your head, but if you could give me a ballpark figure, how many waivers would you say that your office has sought in reference to trying juveniles as adults for serious and violent offenses -- an approximate percentage?

MR. KAYE: I'd say we probably do 15 to 20 a year. Something like that.

ASSEMBLYMAN ZISA: Out of a total of how many cases?

MR. KAYE: Out of a total of about 2500 formal cases. Now, formal may or may not be violent. Formal may be drug dealing. Out of violent cases, it really would be tough to say, but it's not the norm. It's the exception when we seek it.

ASSEMBLYMAN ZISA: Well, that's the point that I want to get to. This is available according to the law. It is available to you as a prosecutor and to your office. I am curious to know why, out of 2500 cases, your office would chose to seek a waiver in only 15 or 20 cases?

MR. KAYE: We determined those were cases that were sent up. These still are juvenile cases. We still do have a family court system. That's what happens; it goes into the family court system. If some, we believe, are so heinous they ought to be treated as adults, they're the ones we do.

ASSEMBLYMAN ZISA: And you feel that in 2500 cases, there are probably only 15 or 20 cases you would consider violent or heinous?

MR. KAYE: That's about what we do. I mean, if I had to go back and look through every one, I may second guess people on some and not on others.

You know, you can change the statute and say we have to do it in all cases, then there wouldn't be any problems.

ASSEMBLYMAN ZISA: Well, I am not looking to change the statute. What I am, again, trying to point out is that there are certain tools that have been available to law enforcement since 1984, when the Juvenile Justice Code went into effect, and for one reason or another-- And I don't want to point a finger at the prosecutors' office or the courts -- but for one reason or another, those tools have not been utilized. And we are here tonight as a result, not just of this particular horrible tragedy, which has been referred to earlier, but this has been growing -- this has been growing over a period of time -- because the judicial system has failed. And the judicial system has not failed because the laws are not available to us. And we are rushing to change a lot of laws that may or may not have been the problem.

MR. KAYE: Sure.

ASSEMBLYMAN ZISA: There are many things available to law enforcement that haven't been used. And you made another comment before, which I want to highlight, and that is-- And I call on all my colleagues in the Legislature to move very carefully as they seek to revise the Juvenile Justice Code, and as you pointed out, to try to do it in a manner that is not a question of who can throw in the most bills the quickest, but can we get a plan that addresses the problem in a comprehensive way with some type of advice and counsel from the people in the system who have worked with it for years.

And if I sound frustrated tonight, it's because I am, because for the last 15 years of my life, I have been a juvenile officer in the City of Hackensack. And while I, from 1979, have been crying out for these laws, nobody listened and nobody heard. And now, all of a sudden, it seems like the spectrum is moving to the far end. It may not be popular in here tonight to say that not every kid is a bad kid. I know we want to open everything up to the public. And I know we want to prosecute every juvenile to the full extent of the law. But if we move too quickly and if we don't move carefully, we will hurt many more people than we will help.

And I want to point out that in this total spectrum of juveniles, maybe 6 percent are violent offenders, which leaves 94 percent as teenagers who are experiencing growing pains. And I beg everybody in this room never to lose site of that. So when we move, I ask you as a prosecutor and I ask my colleagues and I ask everybody to please move together very carefully to determine what is best for the residents of this State, and the residents of this State do include young people, old people, victims, Democrats, Republicans, prosecutors, and police officers, and that is all I have to say.

Thank you, Mr. Prosecutor.

MR. KAYE: I happen to think most of the kids are pretty good, too.

ASSEMBLYMAN CATANIA: I'd have to say that first of all, I think that this Committee has been put together to work in a systematic manner throughout the State to get input. And that we're not going to be jumping on any type of bills that would -- are out there just to grab headlines. In fact, many of these bills that we are talking about, right now, were in the hopper way before this current tragedy happened in Manalapan. And I know that the Prosecutor has not only his concern about prosecuting juvenile delinquents, but has concern about those good juveniles, in his discussions with our office in Trenton. So I do want to thank you for being here.

At this time, I'd like to call Joseph Scozzari.

Mr. Scozzari will you spell your last name for me, please.

J O S E P H F. S C O Z Z A R I: S-C-O-Z-Z-A-R-I.

ASSEMBLYMAN CATANIA: Thank you.

MR. SCOZZARI: I'm Joe Scozzari. I'm the Superintendent of the Manalapan-Englishtown School District. I'm here tonight representing the school district. I have a brief statement, which I'd like to read into the record.

ASSEMBLYMAN CATANIA: Sure.

MR. SCOZZARI: On behalf of the school district, I wish to thank you for the opportunity to provide our support for necessary legislation needed to improve the safety of our community. We applaud your attempts to create a more reasonable balance between individual rights and the rights of society to be protected from violence and other serious crimes. We believe schools should be safe havens for the academic, social, emotional, and physical development of children. In order for us to accomplish this, we need to have access to juvenile records and to share information about potentially dangerous individuals with personnel who work in our schools.

The schools, local and State police, and other support agencies should be on the same track. Much like a railroad, which cannot operate effectively unless the tracks are on the same gauge, we need to exchange information appropriately to work together on the same track. Our common goal should be to keep our schools safe and to protect our community.

Many of my colleagues have related horror stories to me concerning placement of convicted juveniles in schools, when services to monitor and/or to help these individuals are not present. Closed juvenile records and a confidentiality imposed in such cases puts the safety of others in jeopardy, unjustly so.

It is not uncommon for juveniles to be moved from one school to another without the schools having access to prior records and/or without the ability to disclose the record, if they obtain the information. Sometimes we are fortunate to get a confidential call, which alerts us, but this may be illegal, and our response must be limited. Confidentiality remains important, but only if individuals are not permitted to mix with students who they may endanger. A balance must be struck.

We must be able to exchange information to maintain reasonable safety and should be -- serious crimes committed by juveniles should be treated as such and should be considered as part of the record in fair and just punishment. Appropriate treatment for psychological disorders must be mandated for the protection of all.

You have no easy task in accomplishing your charge. We trust that you will give careful consideration in correcting a system which needs improvement.

The question of whether little Amanda could have been saved under a better system will haunt us forever. The only path for us is to do a better job. A community deserves no less -- your help.

I'd just like to hit one thing. I was listening to John Kaye, and I think I would support a common database system which would make the exchange of that information a reality. I think the schools, with the local agencies, can use that system, especially since we have such a mobile community in this area. Children are constantly moving back and forth, and we are very frustrated in turning that information.

Thank you very much for your attention.

ASSEMBLYMAN CATANIA: Just one second, Superintendent. Does anyone have any questions?

Yes, Assemblywoman Farragher.

ASSEMBLYWOMAN FARRAGHER: I think that Mr. Scozzari did the best that he could, given the tools at hand, as did the

police department and the prosecutor's office in the case of the trespassing incident. And I think that the best gift that we, the Legislature and the Governor, can give to the children of the State of New Jersey is the upgrading of the trespassing law. If upgraded to a crime of the third degree, it would be the best thing to give the kids to go off on summer vacation, so they can come back in the fall secure in the knowledge that anybody who should even attempt to intrude in their schools-- Let's stress that school security is always primary by the school officials.

This was an instance where a door was left ajar by someone else. But still, I think it's the best gift that we could all give. And I think that bill is separate and apart from all of the juvenile considerations, which I know from my seven years in the Legislature is going to be given heavy discussion, heavy debate. The bills as they are presented now are not what is going to be final, because we are going to take all the input; we're going to take the time; we're going to take the 90 days of hearings and file a report that goes to the Assembly Judiciary Committee, who will again consider the bills. And fine legal minds will look at it and make sure that we are not overstepping and overdoing what needs to be done. I just feel though, that the criminal trespass bill is one that should be considered separate and apart from that.

Thank you, Mr. Chairman.

ASSEMBLYMAN CATANIA: Thank you, Assemblywoman.

Thank you, Superintendent.

James O'Brien, New Jersey Coalition of Crime Victims, also a Morris County Freeholder.

Thank you, Mr. O'Brien.

**F R E E H O L D E R D I R E C T O R J A M E S O ' B R I E N :**  
Mr. Chairman, Assemblymen, Assemblywomen, I'd like to shed, if I could, the role of Freeholder Director of Morris County, and concentrate tonight strictly on my role as the Chairman of the New Jersey Coalition of Crime Victims.

Several people today have asked me, when they learned I was coming down here, whether this was a knee-jerk reaction to, obviously, the tragedy that happened down here. And I assured them that it wasn't. I related to them that one week before the inauguration of Governor Whitman, I sat with her and eight others in a very small conference room, alone, and we talked for over two hours in a very freewheeling, open discussion on the issue of crime and victims. And this was not a panel; this was, as I say, a very open discussion. And the Governor's agenda was very clear as we went through the two-hour session, and one of them was very pointedly confidentiality and the removal thereof.

I just finished as the Vice Chairman of the Governor's Sentencing Policy Commission. We issued our report in January, and to answer your question on waivers, 201 last year throughout the State, they were bumped up. That doesn't mean there weren't more who tried, but there were 201 that were successful. The Commission has, in our report, stressed that longer, stiffer sentences should be given to juveniles who commit violent crimes, but agreeing totally on the point that there are the majority of juveniles who do not commit violent crimes; they do not commit heinous crimes. And even the Governor agreed with us that this is the area where we have to concentrate on to prevent them from moving up to the violent crimes.

To deal with the problem of juveniles today, it's my feeling that we-- It's almost like trying to fight a modern war, and the tools and the weapons that we're using were built in the 1930s. Juveniles today are no longer going through the age of innocence as we did when we were younger. It has been taken away from them; it's gone. The youth of today are more mobile; the youth of today are street smart; the youth of today are constantly bombarded by television and the media with sex, drugs, and violence on a daily basis.

No longer does he rob an apple as a young man from a fruit stand. Today there is the tendency for him to rob the store that has the apple. No longer does he steal a kiss in a lover's lane from his girlfriend. In that same lane today, he sexually abuses her. No longer does he bring a slingshot to school; he brings his .38 tucked into his waist. And no longer does he sneak a cigarette behind the high school; he sells crack in the men's room.

To put it quite simply, we are dealing with juvenile crime today, with laws that have to be changed. As I said before, I think it's a matter of looking at the record, and you will find that juvenile crime over the last 10 years has decreased, actually decreased, but what has not decreased is the new juvenile offender who is emerging as a violent offender.

In Morris County alone, and I am sad to say this, over the last ten years, violent juvenile offenders have increased by 35 percent; Bergen County, 82 percent; and over the last 10 years, Middlesex County, 39 percent. We are dealing with an entirely different type of juvenile, and in order to deal with them, it is my honest opinion that confidentiality is an antiquated practice that serves two groups very differently. It serves the offender to hide his record, to enable him to get lesser sentences and then, when he turns 18, to give him a brand-new life, a brand-new lease going through the criminal justice, because his record is sealed.

And the other people, they're the law enforcement, they're the judges, they're the school officials, social workers who live in a vacuum without criminal knowledge of the person that comes before them, and therefore, the sentences are lighter. Rehabilitation, in many cases it would have been effective, is not guaranteed, because you don't know what his problem is.

And I might comment on the prosecutor, who I have the highest respect for. He said that one of the problems that

will be created would be the fact that we would have no place to put these violent offenders. The record is very clear. In the State of New Jersey there has not been a bond issue for a prison, jail, or detention center ever proposed and given to the voters that they have not passed -- not one. So I don't think, in my own opinion that that is a problem.

I will say that the problem is that we do not have rehabilitation centers for drug addicts and alcoholics in the juvenile area. And as our Commission strongly recommended, both in the adult and the juvenile area, we must start rehabilitating them rather than warehousing them, because all you're doing is taking the drugs away from them while they're in the detention center. The minute they get out, they're the same addicts that went in. They have no money. Then they turn around and they start to rob and create more victims and cost the taxpayers more money, because we've got them right back in and we're warehousing them.

In sealing the records-- I'd like to give you an example of what happens when you seal the record of an individual. I'm going to read a record of an individual that I have firsthand knowledge of. I'm going to go back to 1960; it will only take a minute.

From 1960 to '61, between the age of 13 and 15, he was arrested 15 times and was released for minor crimes. In 1961, he was sent to Greystone mental hospital for observation, where he checked himself out. In 1962, at the age of 15, he was sentenced on various charges and sent to Jamesburg prison. In 1962, the same year, in a fight at the prison, he tossed a youth out a third story window and seriously injured him. In 1962, a little time later, he lost his temper and pushed a five year old boy visiting the prison through a plate glass window and was transferred to Allendale. In 1962 again, he was sent out on a work day detail, and he and another prisoner hit a guard over the head and escaped. The guard is seriously

injured. I know the man, and he never returned to work. It ruined his career, and he was a career guard.

He and another inmate holed up in a house after they escaped, where there were weapons supplied to them, and they literally, two 15-year-old boys, shot it out with the State Police and local police for over two hours.

In 1964, he was again arrested and sent to Bordentown Youth Correctional Institution and was released in 1966. At that time he turned 18 years old, and his record was sealed.

The next offense he committed was a brand-new start. The judge had no prior knowledge of his record. It took only 18 months, and he robbed a store with a .38 caliber pistol and threatened to kill the owner and went to jail.

To make a long story short, this man, in the next 10 years, was to kill a man; he was to be sent to prison where he escaped, recaptured, kills a man in prison, is released. And then 5 months after release, at age 34, he kidnapped, raped, and stabbed two young women 12 days apart. Again, no criminal record from 18 on back.

This man happens to be the man that killed my daughter, James Jerold Koedatich, serial killer. Could something have been done for this boy at 18, 17, 16? I believe so, but the system failed because of the confidentiality.

On the other side of it, I want to compliment you on one of the items in the bill, and that is the openness of the record and the openness of the court in juvenile cases where the victim and the victim's family will be able to attend. If we remember back -- really when the constitutional amendment, Article 1, Paragraph 22 of the Bill of Rights of the New Jersey State Constitution took effect on December 5, 1991, it did not stipulate that the victim or the victim's family was not to be barred from only adult cases. It said all cases, all trials. Yet, I know for a fact that this has happened. It's in direct violation of the Constitution of this State, to bar a victim

from any criminal proceedings, unless they are sequestered because they are testifying at that trial.

And I know of a tragic case in Newark, where a young man 25 years old, coming out of a pizza parlor with a pizza, got into his car, was hijacked and shot in the head. And when his family went to go to the hearing of the man who killed him, who happened to be 16 years old, they were barred from that hearing on the fact of confidentiality.

So I compliment you and I praise you for what you're doing. I also agree with the prosecutor and with you that we must proceed carefully on these, and they must be well thought out. And I emphasize, please pay attention to the young offender who is not a violent criminal, and let's get him, as the Sentencing Policy Commission said, before he becomes one. They're the keys.

Thank you, I appreciate it.

ASSEMBLYMAN CATANIA: Thank you, Mr. O'Brien.

Does anyone have any questions? (no response)

Thank you, Mr. O'Brien.

Assistant Prosecutor of Middlesex County, Carolyn Meuly.

C A R O L Y N M E U L Y, E S Q.: It's Meuly? (pronounces name) Nobody ever gets it right.

ASSEMBLYMAN CATANIA: Meuly. You know, what happens is that I just can't read the writing.

MS. MEULY: No, it's not that.

Mr. Chairman and members of the Assembly Task Force, I thank you for giving me the opportunity to address you this evening.

I am here on behalf of Prosecutor Robert Gluck, who is the Prosecutor of Middlesex County, and who is unable to be here and asked me to attend in his place.

I've been a prosecutor for about 20 years, and in those 20 years, I headed our juvenile section for about five

years, and I also headed our sex crime unit for four years. In both of those positions, I think I had day-to-day, direct experience with both the frustrations, which some of these speakers have already expressed tonight, as well as the trauma, certainly, which endures, which sex crime victims particularly tend to have, perhaps forever after being a victim of a sexual assault.

Generally, I think the Middlesex County Prosecutor's Office is in agreement with most of the proposed changes that are contained in the bill by Assemblywoman Heck. There were a couple of items which I thought were of some concern.

The idea of opening up all juvenile hearings to the public: One question that occurred to me, and it might occur particularly in a sex crimes case where victims, whatever age they are, are very, very fearful of the public aspect of trials. So, obviously, if the defendant in a sex crimes case is an adult, the victim has no opportunity to request a private hearing. But I am wondering whether, perhaps, there should be a provision built in where the victim in certain serious cases might have the opportunity to ask, on his or her behalf, whether the juvenile hearing would not be open to the general public. Currently, newspapers and reporters, I think, are responsible and not reporting the names of sex crime victims, but that is really a tremendous fear that these victims face, and I think that is something that you might want to consider.

Prosecutor Kaye addressed waiver, as did Mr. O'Brien. The problem with the waiver statute is that occurs after the fact. By the time a prosecutor's office is considering waiver, the crime has already occurred; the death has already occurred; sexual assault has already occurred. And I think what you're trying to do is come up with legislation which would attempt to prevent those crimes, not just address them after the fact.

I am briefly commenting on the waiver statute. I know when I was in our juvenile section, a concern that we had, and

I think it was a valid one, is that some 14 year olds, as we all know, look like 9 or 10 year olds. They're little; they may look angelic; they barely show up over the head of the table. And I think it's a legitimate concern to wonder if adult juries will be able to convict that person of a crime, no matter how compelling the evidence may be.

I also agree with the comments, I believe were made by Assemblyman Zisa, that perhaps sometimes, prosecutors' offices have not been as aggressive as we should be in using what's already in the statutes. One suggestion that came to mind, when I reviewed the statutes before coming tonight, is the current disclosure statute is actually fairly broad. It allows disclosure with the judge's consent in most crimes, first, second and third degree crimes and a whole slate of special crimes.

I don't know if the prosecutors' offices, as a regular daily occurrence, make applications to have that information provided to the press and to the public. I think one of the difficulties in the current statute is that there are no standards built in to help the judge in making what is essentially a discretionary decision, in whether or not to allow disclosure. At least in Middlesex County, I think the way this generally happens is at the dispositional hearing or the sentencing hearing, the prosecutor makes an application for disclosure; the defense attorney opposes it; there is a brief oral argument, nothing really has been provided in writing before hand; and the judge makes a decision without having had clear cut standards built into the statute to make, perhaps, always the correct decision.

I would suggest that prosecutors' offices try to use the statute that we now have, and in every case that's applicable, make an application for disclosure, and if it's granted, supply a press release since the press, at least

currently, would not be present at a juvenile proceeding, you would have no real way of knowing, even, an important case was taking place.

So, I do agree with some of the earlier speakers that there are some teeth in the current statutes which, perhaps, have been underutilized. I think part of the reason for that is, as Mr. O'Brien said, historically the juvenile court addressed a very different type of juvenile from a very different time, and perhaps the laws haven't always kept up with many of the unfortunate changes in modern society, and that's something which the Legislature can address.

My thoughts are that, perhaps, you might want to consider -- and I certainly haven't had time to flesh this out at all -- but some sort of a two-tier juvenile system. So that for all those juveniles who thankfully are still the majority, who commit minor offenses, who are first offenders of it -- all the weight in a sense of what some of these proposals are would not necessarily affect them; that there would still be protection provisions built into the statute and at least some ability for a private hearing, the lack of disclosure. But for serious offenders, for juveniles with long records and committing serious offenses, certainly, I agree that the full weight of disclosure, the lack of confidentiality, should apply.

I wanted to very briefly address the two other items which were listed on the agenda: Should juvenile arrest records be used when sentencing adult offenders? I think clearly the answer to that is yes. But, in fact, that does really happen to date. There is case law in New Jersey which allows a juvenile's prior record to be considered by the adult charge at sentencing. However, adjudications for delinquency are not crimes, so that prior record may not be given the same weight by the judge as a prior crime, but currently, the pre-sentence report which the judge receives does contain a full juvenile record. So that information is available to the

judge, but it doesn't have the weight the prior adult convictions have, and that might be something, additionally, that you would like to change.

And the third item here is, should the offense of criminal trespass be upgraded when committed on school property? Again, I think the answer to that is yes, but I would go even farther and say that there should be enhanced penalties for all crimes committed on school property, whether they are by juveniles or by adults.

As the -- I believe it was a school superintendent who spoke earlier -- was discussing some of the frustrations that school officials and administrators face today -- and currently I am dealing with the schools in law enforcement as a liaison person -- there are clear cut frustrations. Nobody's quite sure what information can be shared, quite what they can do. And there is frustration on the part of school officials that when crimes are committed on school property, generally the penalties are very, very minor.

So my thoughts are that all crimes, whether they are criminal trespass, or whether they're something more serious like vandalism, burglaries, assaultive behavior, bringing weapons to school, that all of those crimes should have enhanced penalty provisions, and that those offenders should be treated differently. Just as we have treated drug offenders differently, who sell drugs within a school zone, I believe that anyone who commits any crime within, perhaps, even a school zone or on school premises should be treated in a harsher fashion, because the schools must try to remain the havens that they have always been.

I think pretty much those are my comments. One suggestion that I also have, which I think will probably never, never pass muster of all the review that changes have to go through is my feeling, which was reinforced continually when I was in the juvenile courts, that we have things -- rather than

having the cart before the horse, I think we have the horse before the cart, or maybe that's backwards.

What happens in juvenile court, currently, is that an offender comes to that court many, many, many times before he or she ever sees a detention home in general, unless it's a very serious crime, and certainly before he or she is ever sentenced to a term of incarceration. The system works best for those who are least likely to come before it.

My suggestion would be that a judge should have the discretion to send a juvenile who has committed a first offense, be it a very, very minor offense such as shoplifting, be able to send that juvenile to a detention home for one night, for two nights, for a weekend and scare that child, at the time when that child is vulnerable and perhaps can be rehabilitated. By the time the juvenile gets to the detention center or a juvenile incarceration facility, now it's way too late.

I used to hear the kids laughing in the corridors. They weren't scared of the judge, because what the judge always said was, "Well, if you come back, next time I'm going to do X, Y or Z." But that next time either never comes, or by the time it comes, it's simply too late. So that is another suggestion that I have.

Thank you very much for your time.

ASSEMBLYMAN CATANIA: Thank you, Carolyn.

Does anyone have any questions? (no response)

Thank you.

MS. MEULY: Thank you.

ASSEMBLYMAN CATANIA: Mayor Ben Rosenberg.

**M A Y O R B E N R O S E N B E R G:** Mr. Chairman, members of the Assembly Task Force, first, as Mayor of Manalapan, we certainly welcome the fact that you sought to kick off this public forum in Manalapan Township. I think it's important for the Assembly to know that the elected officials at the

municipal level support what you're doing. And two weeks ago, right after a meeting following the unfortunate heinous situation, the crime that was committed here, the Township adopted a resolution that I'll read in a second. It's a resolution that supports the legislation which is pending. And I think since the time that we adopted the resolution, there have been other resolutions that have been offered. I'd like to read -- and I think it's important, again, to understand that this is -- I'm talking to you actually as a representative of Manalapan Township, and we've contacted the surrounding townships as if you were trying to get some support for the legislation and hope that it spreads.

"Whereas, due to the recent tragedy which occurred in Manalapan Township and brought current laws in the State of New Jersey in force.

"Whereas it is found that current statutes do not cover certain aspects which would prohibit and punish peeping toms.

"Whereas bills have been introduced in both Houses of the Legislature to strengthen current law.

"Now, therefore, be it resolved that the Township Committee of Manalapan strongly supports the Assembly Bills No. 790 and 290."

And again, I will add to that. At our meeting tomorrow, we will increase and add to that the other bills that have been introduced.

"Be it further resolved that the Township Committee of Manalapan urges all neighboring municipalities and their legislative representatives to support these measures to the fullest, so as to bolster the statutes which protect our citizens.

"Be it further resolved that the Clerk's Office forward a certified, true copy of this resolution to the following townships: Millstone, Freehold, Marlboro, Old

Bridge, Monroe, and Englishtown, and also to legislative 12th representative districts, Senator Bennett, Assemblywoman Farragher and Assemblyman Arnone."

This was adopted. And I think what's very, very important, although as Assemblyman Zisa mentioned, the fact that there are statutes on the books -- they may have been on the books, whether they were enforced or not enforced, or not enforced to the fullest, I think what has happened here, and whether it was highlighted through a heinous situation -- heinous crime -- the result is that what you're doing is highlighting -- if there was something which was not done -- highlighting it to the point that it should get done now. And not only get done, but that you're going to watchdog it to see that it gets done, and that prosecutors will be able to know that they have the support of the Legislature. And as Clare mentioned before, to know that this family will know that what happened to their little girl will have a positive effect on the community and other children.

Although this is something that is very unusual, as far as Manalapan Township to have happened, it shows -- and we were highlighted through national television as a quiet community, which we are -- where this could happen. I think it's important to know that this could happen anywhere. And what you're doing deserves the greatest respect and the greatest praise to know that happening once is too much. Almost happening is also bad.

Although we have to take into account, as was pointed out, the fact that we have to understand that it has to be a comprehensive program, I think with the intention of the Legislature and the way that this whole situation has been highlighted, that it's not going to just go away; that your Committee and the Task Force is sincere to know that these laws that will be passed will be enforced; to know that you have the cooperation of the township; to know that you have the

cooperation of organizations such as Mr. O'Brien's, who, through his own personal tragedy, was able to talk on a level that very few of us can talk on.

So again, I compliment you and welcome you to Manalapan and certainly make our facilities available to you anytime you want to conduct future hearings.

Thank you very much.

ASSEMBLYMAN CATANIA: Thank you, Mayor Rosenberg.

Joe Dias.

J O S E P H D I A S: Well, the main reason I'm here is the same as everyone else. I had two particular things I wanted to mention. One pertained to statements made by the Monmouth County Prosecutor, John Kaye. I was able to speak to him outside of this room and tell him how the residents of Cherry Hill Lane, where I live, disagreed with what he said, which was that everyone in that close-knit community knew everything they needed to know about Kevin Aquino, and the changing of the law would not have prevented that crime.

I can't say what would have happened with the crime. I can say that the people of Cherry Hill Lane did not know the past infractions that Kevin Aquino committed. We did not know about the three sexual assaults, nor the burglary, nor the fact that he had entered two schools in October. We knew basically just the October incident, thinking it was one school, and most of us not being aware of the fact that it even resulted in an arrest.

He apologized to me. He's going to apologize to Ron Wengert, Amanda's dad. And he said he'll make a statement to the press to negate what he had said earlier this week.

The second item I wanted to-- And I wanted to use that as an example of how he might have possibly opened the door for anyone to think that people in communities that possibly have violent criminals such as Kevin are aware of it, just because they are friendly and good neighbors, and the fact

that possibly all of his crimes occurred on that street, which I would think might be true. I don't know.

But the parents of the victims obviously have difficulty telling anyone, and I guess rightfully so. And the people closest to Kevin, his parents, as outraged as we are about the fact that we were not informed as to some of the things he had done, they never volunteered that information possibly thinking that he was getting better, or the fact that it would help him that the neighbors didn't know. And if you know anything about that particular block or that particular area, you'd know that it was a haven for a predator such as that.

There are children, including my five-year-old daughter, who are playing outside and in the backyards all day long. I also have a 15-year-old daughter, and that was the second example I wanted to bring up as to how it seems that everyone is unaware of Kevin, as well as any other violent juvenile offender. The children on Cherry Hill Lane--

My daughter is a sophomore at the high school. The bus -- the designated stop for them, is in front of Kevin Aquino's house, and the kids, most of them high school girls, wait in the driveway everyday for the bus.

On rainy days, Carmela, Mrs. Aquino, would open the garage door and they would wait inside his garage for the bus to pick them up. And they still wait in that driveway today, as we speak. And I am not saying that that needs to be changed. The point is, here's this fellow that has a pattern of violent crime, maybe incidents that we are still unaware of, and even the school system is designating his house as the stop for the children to wait for the bus.

After the incident in October, I told my daughter never to go into the garage, regardless of rainy day or not.

But it's just a few examples, I felt, that needed to be mentioned. I didn't think I'd get an opportunity to speak

to the prosecutor until this moment, so that was one of the big reasons for coming forth. I don't want anyone leaving this room or anyone who has read about the case thinking that this wonderful close-knit community, which it is, because of that fact, we somehow could prepare for this, or neglected to prepare, even though we had all the details we needed, which is not true.

And I don't know if Mr. Scozzari is still here, but it's just something for him to think about also, the fact that we're even telling the children to wait here for the school bus, and we have no idea where we're designating the stop to be. Maybe if school officials and everyone in the law enforcement community, as well as the communities where violent offenders live, was aware of that fact, some of the minor things like that could be changed and maybe ultimately prevent a crime such as what happened two weeks ago.

**ASSEMBLYMAN CATANIA:** Thank you, Mr. Dias.

**MR. DIAS:** You're welcome.

Does anyone have any questions for Mr. Dias?

**ASSEMBLYWOMAN FARRAGHER:** Mr. Dias, you should notify the regional high school district and also the elementary district of the fact that that bus stop is there. They may not be making the connection. And I would urge you to let them know, although maybe at this point, you know, he's locked up, but certainly let them know. I'm sure they'd change it.

**MR. DIAS:** Okay, I appreciate that.

Thank you.

**ASSEMBLYMAN CATANIA:** Thank you, Mr. Dias.

**MR. DIAS:** Okay.

**ASSEMBLYMAN CATANIA:** Fran Handley, representing the Monmouth County Freeholders. You're representing Freeholder Amy Handlin is it?

**F R A N H A N D L E Y:** Correct.

Honorable members of the Legislature, my name is Fran Handley. I am here this evening on behalf of Monmouth County

Freeholder Amy H. Handlin, who is presently out of the State. Amy feels very strongly about the issues being considered here this evening. Therefore, she has asked me to read her written testimony.

"The tragedy that recently occurred in Manalapan Township involved both criminal trespass by a juvenile offender, and a situation where disclosure of juvenile records might well have resulted in better supervision. Therefore, both criminal trespass and disclosure of juvenile information legislation could have made a difference in Monmouth County.

"As a Monmouth County Freeholder, I am strongly in support of current efforts to enact A-1584, criminal trespass legislation, and to reform P.L. 1982, disclosure of juvenile information, by enacting Assembly Bills Nos. 26 and 35. Criminal trespass legislation such as A-1584 being introduced by the Senate and General Assembly is needed to ensure that a child's school becomes a refuge and not a trap.

"As the situation now stands, a disturbed individual may enter a restroom, a locker room, or any other supposedly private area and wantonly violate children's privacy, safety, and dignity, secure in the knowledge that he or she cannot be charged with any crime more serious than a disorderly person's offense.

"The purpose of criminal trespass legislation is simply to call a spade a spade. In this case, to label and treat a criminal offense as exactly what it is. I also think it is important that you know Monmouth County Prosecutor John Kaye and I have signed petitions calling on the Legislature to enact so-called 'Peeping Tom' legislation.

"Peeping Tom legislation could help identify potential sex offenders at an early age, before they experiment with more aggressive or physically abusive crime. The juvenile disclosure laws as they now stand are more protective of hardened or seriously disturbed young criminals than of the

public. Most of these laws date back from a time when the most serious juvenile offenses were playing hookey or perhaps petty shoplifting.

"Today, we are dealing with youngsters who assault, maim, rape, and murder. The sole argument against loosening current juvenile disclosure restrictions is that the future of some young criminals may be compromised; their opportunity to rehabilitate themselves impaired. I believe this is probably a well-founded fear, however, our society is based on tradeoffs, on balancing the rights and responsibilities of disparate groups.

"When a young person commits a first, second or third or even fourth degree crime, I believe that young person should forfeit some of his rights in partial restitution for the damage he has done to others. This is not radical. This is simply fair."

Thank you for giving me the opportunity to speak.

ASSEMBLYMAN CATANIA: Thank you.

Does anyone have any questions? (no response)

Roy Paterson.

**R O Y P A T E R S O N:** Yes, I'm Roy Paterson, resident of Manalapan for about 10 years, and the State of New Jersey for about the last 20 years. I also work with an organization called Safe Streets, Incorporated out of Washington, D.C.

Safe Streets approached me about two years ago asking me to help them bring to the attention of the nation the terrible problem we face with crime. During that time, I have watched this nation struggle to find the answers. Let me say this, I don't think I've seen a single anticrime bill that I don't like, and that certainly applies to what I've heard here tonight.

But very often we attempt to solve a major problem -- a hemorrhage, if you will -- with a Band-Aid, and I think if we're truly going to address the situation of crime in this

nation and in this State, be it adult crime or juvenile crime, we must refocus the direction of our criminal justice system.

When we hear of a tragedy like the one that hit this community, every fiber of our nervous system, every bit of our emotions cries for justice, and that justice means punishment, and in fact, that is the rule of law in just about every nation in this world. And up until 20 years ago, our criminal justice system looked for punishment, but somewhere along the line, a small voice in the back of our conscience said, "Vengeance is mine, sayeth the Lord." That small voice said, "If I'm slapped on one cheek, then I should stand up straight and proud and turn the other cheek."

It led to a new focus of our system. It led to a focus that said, "reform and parole," and indeed, that's what we have tried over the last 20 years. But, ladies and gentlemen, we've been unsuccessful. Why? How do you reform a criminal mind when you have no understanding of what the criminal mind is? How do you bring about change when you don't know what to change? So instead, we try our attempts, we make our efforts, and then send that criminal back out on to our streets. In the perfect world, we would reform. But, ladies and gentlemen, we don't live in a perfect world.

Right now, the average person committed to prison for armed robbery spends about four years behind bars. The average person committed for rape spends about six years behind bars. The average person committed for murder spends less than eight years in prison, and he is back out on the street to rape, to pillage, and to murder. I have heard it said, in fact, just recently in the Asbury Park Press, I heard a member of the ACLU say, "We have no proof that if you have committed a crime once, you'll commit it again." I'll be very happy to show that person the statistics.

If we had every parolee off the streets last year, we would have eliminated three quarters of the violent crimes that

occurred in this country. The time has come where we must refocus. We cannot reform, so we must revert back to the basic premise of why we formed a society, and that is for the protection of the citizenry. And that protection will only occur when we are sure that those persons capable of committing crime are kept a safe distance from the rest of society.

Thank you very much.

ASSEMBLYMAN CATANIA: Thank you, Mr. Paterson. Any questions? (no response)

Nick Saviano.

N I C K S A V I A N O: Thank you.

My name is Nick Saviano, S-A-V-I-A-N-O. I'm from Whiting, New Jersey. I'm a concerned father of six grown children and four granddaughters.

On November 12 of 1985, in Toms River, New Jersey, Shawn Milne, age 15, was accused of murdering a 13 year old girl, Barbara Harrison. The mother, Marianne Harrison, said in the local Toms River Observer and the Asbury Park Press, "We are still \$6,000 in debt for the funeral." The mother said, "I feel like somebody cut part of me out and buried it in the grave." So I, Nick Saviano, went to the Local Observer and Asbury Park Press and said, "I would like to help raise money for the funeral" -- back on December 24, 1985, and now it's called the Barbara Harrison Memorial Fund.

On January 28 of 1986, we, the people of Ocean County, outside Ocean County Court Complex in Toms River, saying with signs, demonstrating and protesting that Shawn Milne should be tried as an adult, because Superior Court Judge William Kearney ruled that Milne should be tried as a juvenile.

Well, on July 23, 1987, Shawn Milne was tried as an adult by Superior Court Judge William Huber. And he was sentenced to 50 years in prison, 40 years without parole, for the 1985 rape and slaying of a 13-year-old neighbor, Barbara Harrison.

We, the people, should seek to change the State law, govern our system, and our Constitution of the Bill of Rights by putting Kevin Aquino to death, because we do have the death penalty in New Jersey. And I hope Governor Whitman will use it on the hideous, senseless crime. It's time for a change. It's time we talk the talk and walk the walk.

Remember, in 1991, Kevin Aquino sexually assaulted three girls -- four, five and six -- and nothing was done by the legal system -- the lawyers, who hid it under the rug and so did the superintendent's office, Joseph Scozzari, and the Board of Education. Why? If we can't take the heat, then get out of the kitchen.

I believe in the death penalty. My opinion is, an eye for an eye and a tooth for a tooth. And everyone here, don't take your family for granted everyday. Most people figure, my kid will always be there.

The time has come to stop giving juveniles a break. Kevin Aquino was 17 when he committed these violent crimes on these girls, four, five, and six. It is time to make the juveniles responsible for the crime that has been committed. Laws must be mandated so that youth committing violent crimes will be punished instead of rewarded and enabled, enabled to go out at a later date and commit the same crime, as now Kevin Aquino -- brutally murdered Amanda Wengert. Our treatment of violent crimes among youth is a mockery of justice and a slap across the face to the rest of the community and all over the United States of America.

I was watching the Academy Awards last night -- Holly Hunter, best actress for her role in the Piano -- and then she said at the podium, "When I was six-years-old," as Amanda was, "I started to learn how to play the keyboard piano." Whoopi Goldberg, MC for the event, said at the end, "Kids at home, someday you might win an oscar." Amanda has no goals to go

for. What we should do for Amanda is use the death penalty on Kevin Aquino. Why should he live the rest of his life in prison?

May Amanda rest in peace, and may God be with Amanda and her family.

Thank you.

ASSEMBLYMAN CATANIA: Thank you, Mr. Saviano.

(applause)

Henry Swordsma, New Jersey Association of Forensic Scientists.

**H E N R Y S W O R D S M A:** Henry Swordsma, S-W-O-R-D-S-M-A. I am representing the New Jersey Association of Forensic Scientists, and I was asked to speak on their behalf. The reason that I was asked to speak here is because I am a local resident. I live in Marlboro, and I am employed at the local crime laboratory in Sea Girt.

I wish to speak about the negative effects of the closing of the East Regional Laboratory in Sea Girt, where I am employed, and what effect it will have in dealing with juvenile crime and crime in general.

In this time of concern about juvenile crime, it is absolutely ridiculous to remove an important tool in the fight against crime. In the recent Manalapan homicide that has just been discussed, the Sea Girt lab was the lab that received the evidence. In spite of the fact that we are working on five other homicides, we were able to assign four scientists to analyze this case immediately.

Three of the other homicides did involve juvenile victims: one was the arson homicide of two children in Long Branch, another involved a little girl who was killed by the bowling ball thrown off an overpass, and the last involved a shooting. Members of the staff from the Sea Girt lab also went to the crime scene in the bowling ball case, where, by the way, the suspect was a juvenile.

We analyze 7000 cases a year at Sea Girt, and we had a 6 percent increase in cases since last August. If Sea Girt closed, the remaining three laboratories could not possibly handle their heavy cases and the cases I've listed above. Sea Girt Laboratory is the newest laboratory and is better equipped to handle and preserve biochemistry evidence that could quickly decompose. Because of the decreased staff and reduced lab space in the other laboratories, they could not work on this evidence fast enough to preserve for such specific tests such as DNA or FLP technic analysis, which requires a well preserved sample to give accurate and specific results. Without a specific test, a suspect could be freed if their isn't other evidence to convict them. In that case, they may be freed to commit other crimes.

Also in the Manalapan case, members of the county prosecutor's office visited the lab numerous times to bring in evidence, to discuss the case, and to pick up evidence. If they had to travel to a distant laboratory, this could present a problem for them. In fact, members of the county prosecutor's office visited the Sea Girt lab twice yesterday, which was March 21st, to discuss the case.

Over the course of the last 10 years, we have trained personnel so they have become more efficient, and the backlogs have been reduced. At one time, we had very large backlogs; we do not right now. We have not hired anyone new in four years, and in the case of the Sea Girt laboratory, for the last six years, so we do not have trainees.

If a case involving a juvenile is not promptly and properly analyzed and brought before the proper authority, that case may be dismissed. That has occurred in the past when we did have backlogs. In that case, the juvenile might think that they can get away with the crime and commit more crimes.

In closing, I'd just like to say, it's totally illogical to close a new crime laboratory built in 1980 and say that you are fighting crime in the best possible way.

ASSEMBLYMAN CATANIA: Thank you, Mr. Swordsma.

Any questions? (no response) Thank you.

We're running out of time; we have to be completed by 9:00. We have two more people to testify.

Paul Schliflin -- is it?

P A U L S C H L I F L I N: Yes. My name is Paul Schliflin, S-C-H-L-I-F-L-I-N. I'm here tonight, and I feel I represent the approximately 5000 people who have signed the petition that I am circulating.

The petition calls for a Peeping Tom statute that would call for detainment for psychological evaluation of potential sex offenders. I applaud you for the bills as they are written, but I think they need to go further.

As far as juvenile disclosure, I fully believe that in the case of a juvenile who commits acts against children, we have the right as parents to provide a safe environment for our children, and we need to know who these individuals are. I would request that you make it mandatory that the juveniles are disclosed -- not at the discretion of the courts. Make it mandatory.

In the case of the criminal trespassing, make it mandatory that the person is put into the Adult Diagnostic Treatment Center for a period of time, not where he can come and go, not with the option of hiring his own psychiatrist.

There are a lot of people in New Jersey, right now, that feel that the laws just are not protecting them, and that they're going to quite extremes to protect the criminal. I think it's time, once and for all, to send out the message to the people that would protect the criminals that we're not going to tolerate it anymore, and the legislators that give into them, they're not going to be our legislators anymore.

I think most everything else that I had wanted to discuss with you has been covered by other people here. Again, I applaud you for the bills as they are written, but I think they have to go further.

Thank you.

ASSEMBLYMAN CATANIA: Thank you, Mr. Schliflin.

Charlotte Rose Kirylo.

C H A R L O T T E R O S E K I R Y L O: My name is Charlotte Rose Kirylo, it's K-I-R-Y-L-O. I come before you, just one mother, trying to make a difference in the six and a half years that I've been speaking out for sexually abused victims, especially children, in their right to innocence.

I come before you today because you have a town meeting here regarding juvenile crime, and I ask you and implore you to please release the information of that crime to the public, because juveniles today are very sophisticated. As you could see with the increase in juvenile crime, they really have learned how to use the system. It's not just in the cities and New York, it's here in Manalapan Township also. But the real crime stems with the -- which I would call the good old boy network of the attorneys, who can do the wheeling and dealing with the judges behind the scenes.

This man had three prior sexual abuse convictions. He could have been held in a detention center for juvenile offenders, but, you see, somebody had a contact there. Somebody did not want to see him go off to any kind of a juvenile sex offenders-- I'm sorry, but off premise counselling -- it doesn't work. I've never read anywhere of a cure of a pedophile, but yet they still prey upon our children.

Our court systems are lacking. They have these cases that would have dragged out for many, many years. I'm a mother of a victim. At the age of two, when this happened to him, he didn't come up to trial until he was five and a half years old. While his school and his class was on a class trip for Christmas, he was on a witness stand testifying -- not more, Assemblyman, from where you are to me, and that little boy was petrified.

The laws need to be changed not only in so-called protecting the juvenile criminals' rights, but in protecting the victims' rights. These cases need to come to court before two years. The victims need a time to heal. There is no child that should have to endure, at the age of two and a half to five and a half, to have to be dragged into a courthouse every three months to be conditioned to a judge, a jury, and then have to confront their perpetrator less than 10 feet away from them, when there are laws enacted that would permit closed circuit video testimony for these victims-- I mean, you know, behind the scenes.

It's really a shame here with our good old boy network that, because an attorney had a better in with a judge, that he didn't have to prepare or to present before the judge that he was in a girl's bathroom -- Aquino.

There were a lot of things that were held back, no less his three child sexual abuse charges in that. I really believe that to condition a bail on these criminals-- Have to be set-- That they have to be kept -- not only the condition to bail with no victim contact, but to be kept away from our children and our schools, and that they should not be permitted near a school or anywhere near where there is going to be children at play, even if it's at a playground. Condition to bail should be set.

I come before you really frustrated because there are many, many cases before the family court that never even get heard in the criminal courts because they don't work together. Also, I come before you frustrated, because there are known sex offenders out there -- adult sex offenders who have second and third offenses. And a recent one, in the Bray case, where he was convicted of a secondary charge of molesting his children from his second marriage. However, he was still walking the streets after he was convicted. They said they didn't have room for him in Avenel. They had to work out a little program,

but if he was a drug dealer, he would have been carted right off the court -- I mean, right off to jail.

Now, when there is a known sex offender, and he's indicted, and he's criminally charged, when it comes to trial, why don't they take them to jail? Why do they still allow them to prey on the children in the streets?

I am frustrated because this little girl did not have to die. I'm sorry, I believe what the laws that were in effect, had they been enforced, he would have been in a sex offenders detention. And he was an adult when he committed the crime of trespass, and they had other avenues for that, so he probably would have been behind bars at the time when Amanda was soundly sleeping.

I ask you, I implore you, that to protect the right of innocence of every child out there-- And I ask that the schools have to be and it should be mandatory that in-school crimes be reported to the public, because we have a right to know what is going on in the school and not just what Mr. Scozzari stated, that he would do the same thing if it happened again. He stated at the town meeting that if it happened again, and there was a trespasser on the school grounds, he said he would not notify the parents.

We're not asking you to notify us of the perpetrator's name. We're not asking you to notify us of the victim's name. We're asking you to notify us as parents and as citizens. We have a right to know what goes on in our libraries or in our schools, just as much as we have a right to know what goes on on the main street of our own town.

I implore you to please -- there are laws in affect, the hearsay laws, where if a child testifies or speaks to a police officer, or to a therapist, or to a doctor, that that is supposed to be admissible evidence in court, but it's not used here in Monmouth County. I guarantee if this public were to come forward and to demand that the Monmouth County

prosecutor's office disclosed the numbers of reported sex abuse cases, and then you asked them, how many convictions they have, and then you ask how many of these victims have to be dragged in and out of courtrooms and have to be put again in an absolute freight to face their perpetrator, when there are other avenues. So they don't get the convictions, the children are too afraid to even say their name.

So please, I implore you to disclose the juvenile criminal's record, because first time offense, granted, everybody's entitled to mistakes, second time it's our mistake and they should be treated as an adult. Thank you.

ASSEMBLYMAN CATANIA: Thank you very much. (applause)

We're going to have one-- Ryan Saint Michael.

R Y A N S A I N T M I C H A E L: Mr. Chairman, I appreciate the privilege to address the Task Force meeting tonight. I will read a letter that Senator Cardinale, from the 39th District, wanted me to introduce into the meeting tonight:

"It's with deepest sympathy for the suffering of the Wengert family over the wanton slaughter of their daughter that I address these comments tonight. I regret that I am unable to join you as you seek ways to reform the system that has permitted this atrocity. Accordingly, I have asked that this letter be read into the record for your meeting.

"It should be readily apparent that the current approach of the rehabilitation of criminals has not worked. The system that provides, in some cases, better living conditions than in the outside world has done little to change those who commit violent acts. The People's Prison Act that I have cosponsored, Senate Bill No. 454, which provided the deterrent to crime by removing amenities such as television, gymnasiums, work-out rooms, and libraries require prisoners to do 10 hours of physical work a day. I am confident that if we give violent criminals a taste of truly hard time, they will think twice before victimizing the innocent. It is time to

revamp the system devised by bleeding heart do-gooders to avoid the ill conceived programs that throw criminals back into our neighborhoods.

"Tonight, if it wasn't obvious to anybody else, it should be quite obvious that we don't rehabilitate too many people at all. The system basically recycles criminals. They put them back out on the street to make us all become victims of their rampant rage.

"Every American, every citizen in this room is in constant jeopardy of his life for something as trivial as a twenty dollar bill in their jacket, a leather jacket on their back, or the car they drive to and from work. The system is broken, it has to get fixed."

I am the National Chairman of the Committee for the People's Prison, the group that helped Senators Cardinale and Kosco sponsor this Act. What this Act does, it is making a brand-new prison in this State to take violent and repeat offenders of violent crime and put them in this prison to work a 10-hour work day, with no amenities, no gym, no basketball court, no libraries, no weight room; just a day filled with menial work and more menial work and staffed with the toughest personnel available. This bill will send a true message and a true deterrent to crime throughout the criminal elements of society that if you do violent crime in this State, it is going to be met with swift and meaningful punishment. We have Senators and legislators, and I hope you people will join when this bill gets down to the Assembly. But this bill has to be in effect in this State and throughout the country.

New Jersey is going to be the prime target for this bill for the ACLU prison advocacy groups that want to kill it. But this bill has to live, it has to survive, and it will be a true deterrent to crime, and it will be the test State for the rest of the nation. It's so hard to come down here when a crime of this magnitude hits a community.

I represent Senators Cardinale and Kosco tonight to convey their condolences, but they want to send a message that finally a bill is coming forth for the American public that will deter crime and send the message to the violent criminals that you will be dealt with the first time, not the second, or third time, for the heinous act against society that you inflict. Nowhere in our society, in any state, will the victims ever be able to induce the kind of punishment on a criminal because we are a civilized society, but this bill will start to change that around. We need this bill, and I ask for your support.

I talked to Mark Klass a few weeks ago, Polly Klass' dad, out in Petaluma, California, where his 12-year-old daughter, as we all well know, was taken out of her house from a slumber party and murdered.

When I first heard this case, the first thing I thought of was a copycat crime. It fit the bill almost to the tee. Nowhere in our society can this ever be accepted, that in our own home, someone will crawl through a window and take out one of our sleeping children and murder them. That is the epitome of what crime has become. We can stop it, we can deter it, but we need a law that will work from the top, and surface down to the criminal element that will tell them that you cannot do this heinous crime, because immediately in this State, now, you will be put in the People's Prison.

It's not a strike one, it's not a strike two, and it's not a strike three. It seems like in the juvenile justice system you can't even strike out. Fourteen, fifteen, sixteen times before a judge, just to go right back out into society. And it's not much better when they hit the adult criminal system. We can stop it and we're going to do it in this State with your support and the support of the American public.

Senator Cardinale has given me copies of the bills to pass out to anyone interested, and I hope you read it, and I hope you support it. We need this bill in America.

Thank you.

ASSEMBLYMAN CATANIA: Thank you, Mr. Saint Michael.

(applause)

We have run over a little bit on our time. In fact, we were supposed to be done at 9:00. We're just a few minutes over, and I just want to thank all of those who came out tonight to testify. And I know that myself and all of the Assembly members that are here tonight are listening with open ears and open minds so that we're able to, in just a few months, put together a package of laws that we think are going to be able to handle the current problem as it exists.

I want to thank the Monmouth County Library. I'd like to thank the Monmouth County Freeholders for allowing us to be here. I would say that the next meeting of this Committee, this Task Force, will be in Paterson on April 12. We will then have a meeting in Edison, and our final meeting will be in South Jersey at a place that we do not know at the time. The dates will be announced by the Assembly Staff.

Thank you all.

**(MEETING CONCLUDED)**

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