

PUBLIC HEARING

THE SPECIAL JOINT LEGISLATIVE COMMITTEE TO STUDY CRIME
AND THE SYSTEM OF CRIMINAL JUSTICE IN NEW JERSEY, AS
CREATED BY SENATE CONCURRENT RESOLUTION NUMBER 44

HELD:

March 26, 1968
Assembly Chamber
State House
Trenton, New Jersey

Before

THE SPECIAL JOINT LEGISLATIVE COMMITTEE TO STUDY CRIME
AND THE SYSTEM OF CRIMINAL JUSTICE IN NEW JERSEY

Members of the Committee:

SENATOR E. B. FORSYTHE, Chairman

SENATOR W. DUMONT, JR.

SENATOR W. F. KELLY, JR.

SENATOR J. A. LYNCH

SENATOR F. X. McDERMOTT

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ASSEMBLYMAN A. S. SMITH

ASSEMBLYMAN P. W. THOMAS

ELIOT H. LUMBARD, ESQ., Chief Criminal Justice Consultant,

HENRY S. RUTH, JR., ESQ., Asst. Criminal Justice Consultant.

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AND THE SYSTEM OF CRIMINAL JUSTICE IN NEW JERSEY

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SENATOR FORSYTHE: Gentlemen, I will call this hearing to order, and I will at this time read an opening statement to set the stage for the proceedings which we expect to carry out in these next two weeks.

This State and this Nation are faced with the most startling increases in crime in our history. Our system of administering criminal justice is challenged as never before.

The people of New Jersey, and the people of all other states with similar problems are expressing great concern for their safety and for the safety of their families. That concern also is directed at governments response to crime, whether it be through the system or in social programs directed at causes of crime. Are they effective? Can they be improved?

The central reason for this concern is both elementary and deeply disturbing. It starts with the fear of our citizens.

In the not too distant past our citizens dreaded entering certain neighborhoods in certain cities. They dreaded traveling certain routes during certain hours of the night. Today this fear is far more wide-spread for growing numbers of the citizenry. Neighborhoods in our smallest communities know crime as well as in our large cities. And fear does not depart as the sun rises, for many,

even when they are within their own homes.

As Legislators, we must take steps to get at the roots of the crime problem in New Jersey. Today, we embark upon what can only be considered a first step toward these objectives.

The sessions which have been scheduled within the next two weeks have been designed to scrutinize our existing systems of law enforcement and the administration of criminal justice. We must know if these systems are adequate for today's needs, for today's problems.

Our goal is the restoration of a peaceful climate for all our people.

To achieve this goal, there would be little gained by placing a spotlight on notorious criminals and racketeers if our present system of law enforcement and justice are not adequate to remove these persons from our midst. We do not conceive ourselves to be engaged in a notorious adventure of some sort. We are determined that these hearings will be held with dignity and respect for the serious subject which is the Committee's concern.

Therefore, this first step is taken at the invitation of the Governor in his annual message to the Legislature to examine and evaluate the

present systems. We will do that.

Should the present approaches to crime control in New Jersey be found lacking, the Committee will recommend appropriate remedial steps to the respective houses of the legislature.

We embark upon an educational process for ourselves and for the public.

We ask and seek the co-operation of all men and women of New Jersey, be they public officials or private citizens.

I think at this point it would be appropriate to introduce the members of the Committee this morning; and to my left is Senator Wayne Dumont of the 15th District; Senator Lynch, 7th District; Assemblyman Thomas, 10th District. To my right is Eliot Lumbard, our chief consultant to this Committee, and Senator McDermott, 9th District; Senator Waldor, 11th District; Assemblyman Rinaldi; and to my rear and left is Assemblyman Gavan of the 9th District, Senator Kelly of the 12th District, Assemblyman Dickey of the 3rd District, and I believe that accounts for the members present at this moment.

At this point we welcome as our first witness the Attorney General of the State of New Jersey, the Honorable Arthur J. Sills. And, Mr.

Attorney General, as will be the case with all of the witnesses that we ask to appear before us, would you mind being sworn to the testimony that you are about to give?

GEN. SILLS: Not at all.

A R T H U R J. S I L L S, Attorney General of the State of New Jersey, was sworn by Senator Forsythe and testified as follows:

SEN. FORSYTHE: Mr. Attorney General, do you have a statement that you would like to make to the Committee?

ATTY. GEN. SILLS: Well, I have this, Mr. President. As you know, you and Mr. Lumbard came to see me and indicated to me the areas in which you desire that I present something to the Committee.

As I understood it, the first area about which you were concerned was that of the jurisdiction of my department. The Attorney General is a constitutional officer who serves as the sole legal advisor to the State and all of its departments, divisions and agencies, and is the head of the Department of Law and Public Safety.

He possesses all of the powers and duties which devolve upon the Attorney General of England, in addition to and not inconsistent with those delegated to him by statutory enactment. He is

charged generally with the obligation of enforcing the provisions of the Constitution and all of the laws of this State with certain relevant statutory exceptions and performing all of the duties conferred and imposed upon him by law.

Now, I assume, of course, that you are concerned mostly with his criminal jurisdiction. Generally speaking, the county prosecutor has the legal obligation of prosecuting the criminal business of the state within his county. Except, that the Attorney General may include the duties and responsibilities of the county prosecutor in certain instances:

(1) And this is by statutory enactment; when there is a vacancy in the office of the prosecutor.

And I might note parenthetically, that since 1962 my office has for short periods of time performed the duties of county prosecutors in Hudson County, Somerset County, Camden County, Ocean County, Atlantic County and Hunterdon County. These were instances when there were, of course, vacancies in the office of the prosecutor.

(2) The Attorney General may assume duties and responsibilities at the written request of the county prosecutor. About 90% of the criminal

litigation which is handled by my office is obtained by virtue of such requests.

(3) The written request of the assignment judge of the Superior Court, and since I've been in office -- no, that's not accurate--in the last two years I think two such matters have been presented to my office by virtue of written requests of the assignment judge. The other two instances would be:

(4) At the written request of the Board of Chosen Freeholders, and I have received no such requests since I've been in office.

(5) The direction of the Governor, which generally is unnecessary, because if my office is concerned with a particular case, we call the prosecutor and it generally falls into the second category, he asks us to take over the case.

Now, whenever the Attorney General must assume the function of the county prosecutor, when that office is vacant, he has all of the powers delegated by law to the prosecutors, including the authority to appoint temporary legal assistants, investigators and other personnel. As a matter of fact, whenever the Attorney General has taken over, because of the vacancy, he has kept in office and worked with all of the legal assistants, investigators and other personnel who were in the office at that point.

In terms of supervision, it is mandatory that all county prosecutors make annual reports to the Attorney General concerning the performance of their duties. These reports which reflect the prosecutor's office workload are collected and collated by people in my office annually and are distributed to public officials, legislators, libraries and other interested official authorities. The prosecutors are also obligated to make such other reports to the Attorney General as he may from time to time request. And I might note again parenthetically that in the past we have requested and still receive periodically the following types of reports:

(1) Quarterly gambling reports. We get monthly gambling reports from every police chief in the State.

(2) Reports concerning the nature -- now this goes back through the years -- we have had reports concerning, for example, the nature of the enforcement of the abortion laws; the reports of the impact of Mapp against Ohio, Miranda against Arizona, reports concerning various organized crime activities in various areas, reports concerning the effectiveness of the assigned counsel system, the need for the public defenders office, reports concerning the implied consent law, reports concerning the need for a state medical

examiner, and, of course, as you know, the Legislature passed such a law last year. Reports concerning the impact of Gault against Arizona, reports concerning anticipated civil rights problems, and reports of variances in the State where state police evidence is suppressed by a court, or wherein the prosecutor intends to enter an acquittal in a matter initiated by the State Police. These are just instances where reports from time to time are requested from my office and are furnished by the prosecutor. There are many, many more, but I have given to you a sampling of the reports I have asked for from 1962 to date. In fact, the very last one I gave you was a result of a recent incident where the Supreme Court of our State was aware of an instance where a prosecutor had not appealed from the suppression of evidence in a given case where the State Police were involved, and now we request every prosecutor to report to us where there is such a motion and it is successful, or where he intends to enter an acquittal, and then he consults with me prior thereto. In addition to this, in the Summer of 1963 my office instituted a law enforcement intelligence unit which was repertorial in nature, which required from the prosecutors the answers to three questions that concern themselves strictly with gambling. The first question concerned itself with those who had been convicted in the

particular jurisdiction of a chief of police. The second concerned itself with names and addresses and locations of all suspected operators and operations, together with a brief description of modus operandi and associations. And, thirdly, a list of motor vehicle registration numbers of all automobiles suspected of being used in such activities and such other information as the chief deems to be pertinent. These reports are given monthly from the chiefs to the prosecutors and then forwarded to our L.E.I.U. After being scanned by our L.E.I.U., these reports were then sent over to the State Police Investigative Unit contained therein for such action which they deem appropriate. In the last two years there have been some changes with respect thereto, and I'll get to that in a little while.

The L.E.I.U., such as it existed in my office, is being merged, if it already hasn't been done so, presently into a different system which has been setup within the organization of the State Police themselves. And as I say, we will get to that in a little moment when I get to the State Police as such.

Now, in addition to the prosecutorial duties, the Attorney General, as I indicated, is the head of the Department of Law and Public Safety, and, as such, he is in charge of the activities of the Division of Law, the Division of State Police, the Division

of Alcoholic Beverage Control, Division of Motor Vehicles, Division of Weights and Measures, Division on Civil Rights, Division of Professional Boards and the Office of Medical Examiners.

You can see, Mr. Lombard, it is somewhat different from the duties and obligations of Mr. Lefkowitz of the State of New York.

MR. LOMBARD: It is not exactly like the Attorney General of England, either.

ATTY. GEN. SILLS: There are the inherent commonwealth powers which the Attorney General has, for example, one of my predecessors in office established a precedent in the State in the case of Wilentz against Hendrickson, where it was determined that the Attorney General and Mr. Lefkowitz in New York take the same attitude when he goes after fraudulent consumer deals, that the Attorney General is the guardian of the people.

Within a division of law may be found the State's legal office, also the Bureau of Securities, the Office of Consumer Protection, the Escheat Bureau and the Bureau of Claims. Now, each of these divisions which I have mentioned, I have mentioned specifically since in one form or another they have certain law enforcement functions, and further there is a continuous coordina-

1964. We have another man with a law degree and a member of the Bar of the District of Columbia, a veteran, and an F.B.I. agent from 1942 to 1966. Another man, a high school graduate, who took courses at Rutgers University, with the Health Department Section and holds a New Jersey license as a Health Inspector. Another man who is a graduate accountant, was an I.R.S. agent from 1935 to 1965, he was Assistant Regional Commissioner of Intellegence in the Boston area. We have another man who has an A.A. in police science, a B.A. in education, was a police officer from 1955 to 1964 and an investigator with the Waterfront Commission from 1964 to 1966. Another, who has a college education, and, from 1940 to 1967 in the I.R.S. Intelligence Division, he was an acting regional co-ordinator; another man who is on retirement from the New Jersey State Police, has a high school education and was with the New Jersey State Police from 1938 to 1954, he was a credit investigator from 1959 to 1963, was an investigator for the highway department from 1964 to 1966 and served as a special agent for the Army Counter-intelligence Corp.; another man, college, three years of college with specialized training in criminology at Army and private schools, he has had continuous investigative work since 1945 with the Military C.I.D., Division of Motor Vehicles and the Alcoholic Beverage Control. Another man with the C.I.S.

since December of 1959, high school graduate, three and a half years of college. He also worked with the Bureau of Securities since 1962, and, as a matter of fact, is working with that right now.

This generally indicates the character of the men who are working with the C.I.S. now. They are divided so that four are here in Trenton and six are assigned to Consumer Fraud and two to the Bureau of Securities, however, they are used interchangeably where necessary. As a matter of fact, one man now working with Consumer Fraud, a Mr. Cox who was with the F.B.I., has been used for very special assignments in our office.

That generally indicates the jurisdiction of the Attorney General's office. Now, you also asked me for resources, and I'll commence first with the--I've given you the criminal investigation staff in my office as such.

Now, the State Police, at the present time the total strength is 1248. Our total authorized strength -- there's a little dispute going on now as to whether it's 1303 or 5 or 4 less than that and this comes about as a result of some meetings which we've had with the Atlantic City Expressway. They're having

some difficulty down there and we believe their complement should be a total of 22, and, I believe they're having some difficulty, especially in the winter months, and are asking us to pick up on our budget, I believe, four men, which accounts for some of the discrepancy at the moment. But as we view it, the men useable to us is a total authorized strength of 1295 and we have a vacancy of 47. We requested in our budget, for '68-'69, 220 new men. 60 new troopers allowed thus^{far,} unless I can be more fortunate than others and you're in a position to find somebody, I'm in a position now of hoping to appear before the Legislative Appropriations Committee on Thursday and ask them that we get more than the 60 which have been allowed to us by Budget.

Now, with respect to the Criminal Investigation Section in the Division of State Police, just for three years, I'll give you the assignments for 1965, 147; in 1966, 166 and 1967, 212. As I indicated to you, the Division of State^{Police} has its full^{police} power, is authorized to enforce any law or order anywhere in the State. Of course, a great portion of the duties revolve themselves around highway patrol work, so that you'll find the greatest compliment to be on the highways rather than involved in criminal work as such. As I indicated, there are 212 men at the present time so engaged.

This does not mean that we do not take men from highway work and put them into criminal work when occasion demands. It also does not mean that the men on the highway are not involved in criminal activities, because they are, and, as a matter-of-fact, as you are aware, in the State of New Jersey, while we have 567 municipalities, we have here a discrepancy which I will have to resolve although it's not of paramount importance.

The Police Training Commission informs me there are 431 organized police departments. The New Jersey State Police have on record 429. Two are missing somewhere but we'll resolve. But, having 567 municipalities, and 429 or 431 organized police departments, it becomes necessary so that the State Police in their primary function patrol these other areas by themselves, and of course, there they are engaged in doing the very work which local police departments should do.

Of course, as the members of the Legislature know full well, the State Police also engage in co-operative efforts with many of these police departments, as you know, a great many of them have very small departments and are in need of assistance from the State Police from time to time and fairly often.

There are 96 police agencies in the State of New Jersey which have from one to five

officers. There are 90 which have six to ten. There are 138 which have eleven to twenty-five; 60 which have from twenty-six to fifty; 16 which have fifty-one to seventy-five; 11 which have from seventy-six to ninety-nine and there are 20 which have 100 or more officers. And, I might also indicate that there are, as of July 1, 1967, 12,555 local permanent police officers in the State. There were 425 chiefs and at that time, according to police commission reports, there were six unfilled vacancies in the ranks, so that 425 and 6 comes to 431.

MR. LUMBARD: I didn't get that myself. The total number of men in the State are 12, what?

ATTY. GEN. SILLS: The total number of local permanent police officers is 12,555.

MR. LUMBARD: And the total number of police chiefs?

ATTY. GEN. SILLS: 425, with 6 vacancies. That was as of July, 1967.

There are 76 deputy chiefs.

MR. LUMBARD: Is the 425 chiefs included in the 12,000 total police?

ATTY. GEN. SILLS: Yes.

There 8,109 patrolmen; 985 detectives; 1595 sergeants; 881 lieutenants; 455 captains; 29 inspectors; 76 deputy chiefs, and I gave you the chiefs,

425.

MR. LUMBARD: I have some pretty good notes. I wonder if you could have that list typed up and give them to us?

ATTY. GEN. SILLS: Sure.

MR. LUMBARD: When was that taken?

ATTY. GEN. SILLS: This is as of July 1, 1967.

MR. LUMBARD: Do you think it's changed in any material way?

ATTY. GEN. SILLS: No, I don't think its changed materially. If anything, I think we've lost some patrolmen.

MR. LUMBARD: More chiefs?

ATTY. GEN. SILLS: Yes, I think we have more chiefs, we need more Indians.

Now, as for State Police, with respect to their activities, personnel assignments at the division headquarters, criminal investigation staff have increased from 64 men in 1964 to 92 men in 1967. Now, some of these men, and I'm leaving out the number at the moment, it's not large in number and I wouldn't care to reveal it, are assigned to a task force known as the Organized Crime Task Force. This was estab-

lished in October of 1967.

Criminal investigations have increased from 12,163 in 1965 to 13,362 in 1966 and to 17,642 in 1967. Criminal arrests have risen from 901 in 1965 to 972 in 1966 and to 1,381 in 1967. During the same period, throughout the entire Division of State Police, there were 54,317 investigations conducted in 1965 with 7,638 arrests, 62,723 investigations conducted in 1966 with 9,324 arrests and 69,515 investigations conducted in 1967 with 9,429 arrests.

There are two units in the Division Headquarters Criminal Investigation Section. The gambling undercover unit and the narcotics unit. These units have as one of their prime functions, the obtaining of evidence prior to arrests by means of undercover investigations. At the conclusion of these investigations, raids generally are conducted. There's been a steady rise in the number of raids conducted and the number of defendants arrested and in the value of confiscated moneys and contraband drugs.

The increased enforced activity in gambling is self worthy I believe, particularly in view of the number of man-hours that were devoted by these personnel for riot control work in 1967. And, through the year it shows that 1961 there were 23 gambling raids,

46 individuals arrested, and \$42,480 confiscated. In 1962 there were 108 gambling raids, 290 individuals arrested and \$32,796 confiscated. In 1963 there were 186 gambling raids, 332 individuals arrested and \$59,110 confiscated. In 1964 there were 168 gambling raids, 318 individuals arrested and \$73,041 confiscated. In 1965 there were 92 raids, 300 defendants and \$80,865.32 confiscated. In 1966, 159 raids, 286 defendants and \$78,768.98 confiscated. In 1967, this past year, notwithstanding, I think you know, something like 93,000 man-hours used by the State Police, 40,000 in Newark and 53,000, if I recall correctly, in Plainfield covering, pretty much, the month of July and August, and, also, notwithstanding, I don't know how many hours investigative work in looking back at the riots and determining investigative procedures as a result of arrests and so forth coming out of riots, notwithstanding that, there were still 162 raids with 334 defendants and \$146,113.58 confiscated.

MR. LUMBARD: When you say the gambling activities are rising, do you mean that there is more law enforcement activity against gambling or more gambling, or both?

ATTY. GEN. SILLS: Of course, it is difficult to say, because gambling is so prevalent, that our problem, as I think you are well aware, is the

problem of getting the evidence, having the manpower and putting in the time in order to be able to get a warrant for the raid and for the arrests. I imagine that given more men and given more money and resources, this figure could go up and up and up, because gambling is just that prevalent. I would say that because of the interest at the State level we have made determined efforts to break in, especially at the organized crime area, and in doing so, having set up as we have since 1966 our intelligence unit within the State Police and having moved the investigative unit over into the Organized Crime Task Force to some extent, this has accounted for the increase under Col. Kelly of these raids and individuals arrested and amounts of money confiscated.

MR. LUMBARD: We'll come back to that later.

ATTY. GEN. SILLS: Now, this investigative unit which I was talking about was merged into the Organized Crime Task Force in 1967, has the following responsibilities:

The broad objective is to gather information and translate it into effective action, to analyzing, evaluations, co-ordinations and disseminations. The specific objectives are to establish the existence of organized crime, where it is, its strength,

its structure and principal income; to identify current and emerging leaders and their associates, prepare and maintain dossiers on them and conduct investigations in depth; identify areas of industry, legal or illegal which are most vulnerable to organized crime; to maintain a division-wide program to encourage the position of information and to disseminate effectively information to division personnel; to maintain accurate records and files with cross-reference and system of rapid retrievals; to co-operate with other law enforcement agencies in exchanging information concerning organized crime. And, of course, to keep the superintendent and myself fully informed of all matters pertaining to these things.

Now, with respect to the accomplishments arising from these responsibilities and objectives, we have completed dossiers on leading figures in organized crime that are either living in New Jersey or have connections in New Jersey. We've established a central file system containing information on organized crime. We've established good relationships with law enforcement agencies on the federal, state, county and municipal levels, which facilitates exchange of intelligence with respect to organized crime.

This unit has been accepted for membership in the Law Enforcement Intelligence Unit,

which I think Mr. Lombard is familiar with. It's a nationwide organization of carefully selected law enforcement agencies, was founded in California, I believe, in 1946, by the California Department of Justice. This is the only agency in the State of New Jersey which has been accepted within this unit.

We've established the fact that there are certain groups or families identified with organized crime here in New Jersey, and, that members of these groups are located in the New York Metropolitan area and come over into New Jersey. There is one family which is very active in the Philadelphia area, which is also active in Central and Southern New Jersey, and, there is one, which was mentioned in the President's Crime Commission Report and in other communications and periodicals, who is very active in Northern and Central New Jersey.

Now, I indicated there was an investigative unit in the State Police. I won't give you the number of men who are engaged in that activity, and, as I've indicated, it's been merged into the Organized Crime Task Force.

We also have a security control unit which was previously known as the subversive unit.

MR. LOMBARD: Would you give

me those titles again?

ATTY. GEN. SILLS: Central
Unit
Securities /formerly known as subversive unit.

MR. LUMBARD: What does security have to do with subversive?

ATTY. GEN. SILLS: Security Control which concerns itself with either right-wing organizations, left-wing organizations, militant groups. The undercover unit, polygraph unit, teletype unit, private detective unit, the State Police have the responsibility for licensing private detectives in the State of New Jersey. Race track unit, the State Police have the responsibility for patrolling the race tracks in the State of New Jersey and enforcing the law which does not permit people who have criminal records to appear at the State's tracks.

The Auto Unit, which is an auto theft squad.

A Human Relations Unit. Now, in 1965 there was one sergeant, one investigator who spent 2,445 man-hours inquiring, lectures, conferences conducted and attended, attendance at minority group meetings and serving as observers at demonstrations including investigations surveillance at Klu Klux Klan rallies. They covered 37,468 miles in the process. In 1966 there

were three investigators and one sergeant, who spent 5,787 man-hours and covered 83,972 miles with the same activities. In 1967, there were three investigators and one sergeant, who spent 7,608 man-hours and covered 12,836 miles with the same activities. This does not include the riot activities during 1967. I indicated to you before, that something over 23,000 extra man-hours were spent by State Police personnel, in addition to the four men assigned to the Human Relations Unit on riot control duties in this area for civil disturbances in the year 1967. The Human Relations Unit were observers at eight demonstrations in 1965, 25 demonstrations in 1966, and 50 in 1967. They attended 10 minority group meetings in '65, 40 meetings in '66 and 60 meetings in 1967.

We have a narcotics unit, with investigators, detectives and lieutenants in charge, who conducted 3,742 investigations and made 544 arrests in 1965, in 43,239 hours, and confiscated drugs for a value of \$9,749.

MR. LUMBARD: Is this a separate unit from the narcotics unit that you mentioned previously?

ATTY. GEN. SILLS: No, this is the narcotics unit.

MR. LUMBARD: It is the same one that you were talking about before?

ATTY. GEN. SILLS: Yes, I am now giving you their activities in the years.

In 1966 they conducted 45 investigations, made 650 arrests and expended 42,897 man-hours, and, confiscated drugs with a value of \$30,845. In 1967, they conducted 4,968 investigations, made 1,068 arrests, expended 43,037 man-hours, and confiscated drugs in the amount of \$286,380.

There were 107 raids in 1965 in 21 cities; 153 raids in 1966 in 15 cities and 244 raids in 1967 in 21 cities.

The State Police also have a liquefied petroleum gas unit. Under the statutes this is a technical service which they must perform and do perform. I don't think this would be of much interest to the Committee here today.

Now, in addition to what we have in the division headquarters, we also have five Troops. We have five Troop commands under the State Police, designated A through E. Troops A, B and C do general work. Troop A generally works in the southern area, Troop B generally in the northern area and Troop C generally is in the central area of New Jersey. In

addition, Troop D controls the turnpike, and Troop E controls the Garden State Parkway.

Now, within the Troops there are detectives, investigators and people in charge, and investigations are conducted by these men, and they also, of course, make their particular arrests.

Now, within the State Police, we also have the State Bureau of Identification. The State Bureau receives and collects, criminal records and statistics, from all police agencies, and provides criminal information and statistics. It consists of 18 State Police personnel, and 106 civilian personnel. It is divided into the following units:

The State Bureau of Identification; The Uniform Crime Reporting Unit; a National Crime Information Sending Unit; Crime Records; Firearms Laboratories; Chemical Laboratories; Photo Laboratories; Documents; Firearms Investigations Unit and Jewelry-Laundry Marks.

Now, the Uniform Crime Reporting Unit became operational on January 1, 1967. The Legislature, of course, will recall that the law was passed in the preceeding session and six months was permitted to allow for the setting-up of the particular unit.

It processed, in 1967, 89,633 uniform crime reporting forms, which were received from 592 police agencies. The five field representatives, who are members of the State Police, contacted, instructed and assisted these agencies in 2,564 visits. In February, 1967, it submitted the plans for monthly uniform crime reports for each organized police agency, including 425 organized municipal police departments, 105 non-organized municipal police departments, 42 prosecutors and sheriffs' offices, 11 state agencies and 9 county police organizations. And, that was in the State of New Jersey.

We assisted in furnishing this information, of course, to the F.B.I. Jerome Daunt, the F.B.I. director of the Uniform Crime Reporting System, has highly recommended the New Jersey system as a model. I think I ought to get that plug in.

We estimate that by 1970, it will be processing 231,366 monthly reports, on an annual basis.

MR. LUMBARD: General, now that you've had that unit in operation for the full 1967 calendar year, when is the public going to learn the results of what it accumulated?

ATTY. GEN. SILLS: Well, we have a statistical manual which will be entitled "Crime

in New Jersey" and the first publication is due in August, 1968. And, if you will help us get the system computerized, we will be able to get it in about one month at the earliest, two months latest, after the end of a given year.

MR. LUMBARD: In other words, for the calendar year 1967 you still have no figures to release?

ATTY. GEN. SILLS: We could give you figures, but you are asking me as to when the public -- when the statistics will be available for the public in total form, and we will not be able to have that until about August of 1968. Because, you know, the F.B.I. itself doesn't come out with their annual report until about six months after the year is over.

MR. LUMBARD: But, General, the annual report for the past calendar year they have already released the gross figures.

ATTY. GEN. SILLS: We can give you statistics on a quarterly basis, we can give you statistics on a monthly basis, but drawing an evaluation from these statistics takes a little bit of time too.

MR. LUMBARD: Have you released yet the 1967 total gross figures, whether or not analyzed in full detail?

ATTY. GEN. SILLS: In given

instances, one asks for given things, not complete, no.

MR. LUMBARD: Well, for example, the F.B.I. did put out from the Uniform Crime Reports several weeks ago the total national figures for 1967. Couldn't you at least do that for New Jersey?

ATTY. GEN. SILLS: I think we could do lots, and are doing lots, as a matter of fact, but, you must recall, that this is our first year. The F.B.I. has been in existence for many years --

MR. LUMBARD: I'm not trying to be critical in that sense, I'm trying to say that the total gross figures are easy to add up, all you do is add up the four quarterly reports, and that could be released.

ATTY. GEN. SILLS: But in releasing that we would be giving figures which in a sense are in a vacuum, because we have nothing to compare them against insofar as the State of New Jersey is concerned.

MR. LUMBARD: That may be the main point, because the State of New Jersey has not had any kind of crime reporting up to date, and the public is really relatively uninformed as to what the nature and degree of crime is in this state.

ATTY. GEN. SILLS: Except for the F.B.I. reports, which you see reports in something like 280, I believe it was, or something thereabouts,

police agencies in the State of New Jersey.

MR. LUMBARD: Well, I think you and I could agree what's been going on by way of crime reporting here has not been able to draw a portrait to the public.

ATTY. GEN. SILLS: Right, but I think we must be careful, we give the information to people who have a reason to want the information, who have the need for the information quickly, but we have a feeling at the moment, right or wrong, that just to come out with statistics as statistics, might not be of the great value which you believe, unless and until we are able to put it into the proper prospective. For example, one thing which I know and which is being evaluated, although, for example, the crime statistics in New Jersey have gone up as per F.B.I. reports, as they have throughout the country, still the rise in New Jersey has been much less than what it is throughout the country.

MR. LUMBARD: But, General, without a base-line, without any prior years to compare against, how can you make that comparison?

ATTY. GEN. SILLS: On the basis of F.B.I. reports.

MR. LUMBARD: But you just said they are half incomplete.

ATTY. GEN. SILLS: You said they are half incomplete, I'd say they are half complete.

MR. LUMBARD: Either way, we don't get much comfort from comparing whatever figures you are going to release for crime in 1967 in New Jersey with the past years of the F.B.I. reports.

ATTY. GEN. SILLS: I once made a similar statement to that effect to a national conference of attorney generals, where Lynn Edwards, an inspector in liaison with the Department of Justice of the F.B.I. to the attorney generals/^{was}present, and within one week after returning to my office I received a letter from the Honorable J. Edgar Hoover telling me how wrong I was.

MR. LUMBARD: I'm not trying to tilt windmills with Mr. Hoover here today at all, I'm merely trying to make the point that you have the total figures on crime in New Jersey for the years reported in 1967 for the first time in state's history, and I'm merely trying to say to you, perhaps, as a sense of urgency, to release this figure to the public, perhaps even in gross form, and then take more time to analyze them, but at the present time the public doesn't have a clue.

ATTY. GEN. SILLS: I believe

the public has a clue from what's going on. I don't believe that the F.B.I. statistics are so inaccurate that they are unable to ascertain that we do have a great crime problem in the country today. As I indicated before, I accept your comments as they are given. It is my feeling at the moment that we must be careful in putting out gross figures, especially when they cannot be compared to anything else in the State of New Jersey for prior years except the F.B.I. reports, which, as we both indicate, have 280 some reporting units as against the 500 and some which we will have.

MR. LUMBARD: General, what is the purpose in putting out any crime statistics to the public?

ATTY. GEN. SILLS: In order to evaluate them, to let the public know whether it is a large, small or medium problem and what must be done in the particular areas.

MR. LUMBARD: And don't all those reasons apply to the release of the statistics now for 1967?

ATTY. GEN. SILLS: Not necessarily in my opinion.

MR. LUMBARD: Well, let me give you one right away. In many communities people are

going to have to make budget decisions about police departments, about what resources in their community should be allotted to the criminal justice system, there is nothing more important to the Freeholders or the other government officials in this state who are trying to make these judgements, than the crime figures, because that's really the work product, the reason for the whole system existing. And if they don't receive this information, or if they're not in a position to have released at the earliest possible time what crime is in their community as compared to crime in a comparable community the same size, or whatever, in which they can make the judgement, then a very important government purpose is being defeated.

ATTY. GEN. SILLS: Each police department in the State of New Jersey has its own figures on the form which they submitted to us, and they can show those figures to their mayor and council of their municipality. In addition to that, the colonel meets quite regularly with the Police Chief's Association, has conversations with them and indicates to them what these figures are showing. In addition to that the police chiefs in these various communities are well aware of what their problems are and what their manpower needs are. Our problem is on the state level where we deal, and on the state level all of this information, I can

assure you, it will be made available to the Legislative Appropriations Committee when we come in and say why we need 220 men instead of 60.

MR. LUMBARD: That's not my point. I'm sure the police chief knows what crime is in his community. I'm sure that the Legislative or inside officials can find out, but those are vastly different purposes than notifying the public of what's going on in their communities.

Let me give you an illustration. Last fall I was in Essex County and went to a number of police departments. Of the 21 police departments in Essex County, not one had a report that it released to its community of the crime figures in its community, not one. I've never been anywhere where the whole system was as obscure as it is here, and everywhere there seems to be this resistance on the part of the people involved in the system, including the police chiefs, to release the figures to the public period, and I can't understand why, except possibly embarrassment, as to how many cars are stolen in the community or how many burglaries occurred. So, why couldn't the gross figures be put out instantly? Are you getting a lot of heat from the local community not to put them out?

ATTY. GEN. SILLS: Oh, no,

this is just a matter of manpower and hours on our part in putting all these things together. But what we would like to do in our first manual is to have an analysis of this as well as putting out just the figures. We'd like to be able to show what these figures mean really than just to say that there were 300 homicides in New Jersey last year period.

MR. LUMBARD: You could do what the Uniform Crime Reporting system does, what most states do, they try to get out quickly the gross figures and then go on to analyze it more efficiently.

ATTY. GEN. SILLS: I suggest that they have a pretty pat way of analyzing, and that the figures fit almost into the analysis even in the quarterly reports that they put out. So you give us the experience which they have had, and you'll get it just as quickly, and as far as we are concerned, we want to get them out quickly. I haven't seen these figures yet, and it is important for me to see them.

MR. LUMBARD: You haven't seen them yet?

ATTY. GEN. SILLS: No, I haven't seen them.

MR. LUMBARD: Have you made your budget appropriation request to the Legislature?

ATTY. GEN. SILLS: Surely, they were made up in August and September of 1967 before the first year of the Uniform Crime Reporting System was completed.

MR. LUMBARD: Shouldn't they be readjusted on the basis of what the current crime problem is?

ATTY. GEN. SILLS: Sure they should, but if you speak to the Legislature you will find out it is not going to make much difference. We have a problem with revenue in the State of New Jersey period, and I can assure you that all this will show is that we need more money, not less. We have already been given less than what we asked for based upon the experience that we have had without the Uniform Crime Reporting statistics.

MR. LUMBARD: Well, General, I can only say two things, since you're starting out I'd suggest to you the system and approach that Mr. Beatty uses in the State of California. It is by far the best state system.

Secondly, I cannot understand why the gross figures cannot be made immediately available, especially to you and the Governor.

Well, you are in the middle

of your statement.

ATTY. GEN. SILLS: We have a unit, which became operational on February 1, 1968, which supplies computerized police information, on a twenty-four hour basis, to over 580 state, county and municipal police agencies in New Jersey. Since its inception only seven weeks ago, it has supplied information on inquiries from these police agencies which resulted in the recovery and apprehension of 225 stolen cars, guns and articles. This, of course, was tied in with the N.C.I.C. in Washington.

We have a criminal information and fingerprint section. This section is responsible for processing and updating of all fingerprint records. In 1965 it received and processed 135,000 fingerprints. In '67 it received and processed 178,000 fingerprints. It is estimated that it will receive and process approximately 260,000 fingerprints annually by 1970. Its records contain 3½ million prints which are collated in an index card system containing 1½ million name cards.

MR. LUMBARD: General, on that point, you say it is 3½ million prints. How much overlap, how much repetition is that? In other words, how many different individuals are represented by the 3½ million sets of prints? Because it occurs to me that the total state population of New Jersey when com-

pared with 3½ million prints indicates something may be amiss.

ATTY. GEN. SILLS: That would be approximately 750,000.

MR. LUMBARD: 750,000 different subjects?

ATTY. GEN. SILLS: Yes.

MR. LUMBARD: Just so the record is clear, these would be prints that came in at subsequent stages of the processing of those persons' cases, and they're overlapped?

ATTY. GEN. SILLS: Right.

MR. LUMBARD: Do you have a program to cleanse those files?

ATTY. GEN. SILLS: Yes.

MR. LUMBARD: I'd like to hear about that later.

ATTY. GEN. SILLS: The Colonel could give you that.

MR. LUMBARD: I wish you would, Colonel, because clearly, if you are trying to find one thing out of a file of 750,000, it is vastly different than trying to find one thing out of 3,500,000, and a great amount of inefficiency is involved here.

ATTY. GEN. SILLS: This unit

processes inquiries of law enforcement agencies, both by the submission of names and other pertinent information as well as by the submission of fingerprints.

Requests for criminal lookup, for Grand Juries, state agencies, state commissions and state employment police agencies, have increased to approximately 310,000 per year and is projected by 1970 this section will receive and process over 500,000 requests to determine whether persons have criminal records.

We have a Firearms Laboratory. In 1965 there were 739 cases received for ballistic checks, in 1966, 904; 1967, 947. During these years personnel, who have conducted the ballistic examinations, were requested to spend 34 days in court to testify in '65, 41 days in '66, and 58 days in 1967.

We have a scientific crime detection laboratory. In 1965 they processed 1,886 cases.

MR. LUMBARD: This again is the same one that you mentioned before? Now you are going from the general to the specific?

ATTY. GEN. SILLS: Yes. You asked for resources and workload, as I recall, and it's indicating that.

In 1966 it processed 2,122 cases, 1967, 2,417 cases. We have six chemists in the

laboratory.

The average subpoena rate to appear in court is about 150 per month. It is estimated that by 1970 it will be necessary to institute laboratory examinations at the rate of 5500 per year.

During '67, there were 413 toxicology cases received for analysis in the laboratory. Thirty-three days were spent by personnel in court to testify in connection with the examinations. Chemical analysis are performed by this unit on a practically unlimited arrangement of materials, including body tissues, narcotics, clothes and many other objects which are capable of chemical, toxicological, narcotic identification, microscopic analysis or physical examination.

We have a photo laboratory. This unit takes and provides photographs for criminal identification. It takes moving pictures of acts of individuals for use in court as well as for the study of police problems, not too many. In 1965 it rendered 26,173 units in service in the nature of film negatives, photo prints, photo enlargements, evidence photographs and technical services. The services increased to 31,112 in '66, and 35,429 in '67.

We have a document examination section, in '65 they examined 2447 documents and

176 cases. In 1966 they examined 3,225 documents and 155 cases. In '67 they examined 6,698 documents and 185 cases. While the work in this unit includes mainly handwriting analysis and document identification, it is presently studying the relatively new field of voice print identification with respect to its reliability.

We have a firearms investigation unit, and the primary work of this unit is to coordinate control and record all firearms purchases and sales within the state, and to investigate retail and wholesale dealers and manufacturers of firearms. During the three-year period 1965-1967, 187,117 applications were received to process of which 2,151 were applications for retail or wholesale dealers and manufacturers. And on the three-year period 1965, there were 34,283 applications, 1966, 59,153, 1967, 93,681. During 1967, 30,438 of the applications were approved for firearms identification cards, 15,418 were approved for pistol purchase applications, 518 of firearms purchase I.D. cards were rejected, 338 pistol purchase permits were rejected.

We have a laundry-jewelry mark unit. This unit maintains an index card system of items comprised of cases submitted to it for identification, as well as information supplied on a voluntary basis. In 1965 they had 170 cases, in 1966, 161, in 1967, 164.

The index cards on file today are 266,324. This includes 30,000 jeweler marks, representing jewelers from 26 states east of the Mississippi. The records of identification in these files are used by all law enforcement agencies in the United States.

And, of course, we have the activities which I related to the criminal investigation section.

We have the traffic unit. As I indicated to you before, they're daily charged with enforcing the traffic laws. The normal function of the State Police personnel, located in the various headquarters throughout the State, is to conduct police patrols, where much of the attention is directed towards traffic violations. This is particularly so in rural areas where there are no organized police forces.

Now, in addition, in 1965, through legislation, the Highway Patrol Bureau was established to supplement existing police patrols where hazards exist. The bureau is composed of three operational units which function in the areas of Troops A, B and C, and one administrative unit which operates from headquarters. The operational units consist of mobile teams as well as radar teams and weighing teams. They work in groups of four and five vehicles on a designated

portion of a highway and concentrate on strict enforcement of all moving accident causing violations. The task force patrols consist of 24 troopers in each of the three road groups and 12 troopers on the turnpike. In 1965 they issued 33,765 summons, '66, 47,510, '67, 40,895.

We have a fatal accident unit, whose purpose is to reinvestigate all motor vehicle fatalities in the State. The reports are forwarded to the various state agencies and county prosecutor offices. On the basis of these investigations, fatal accident hearings are recommended to the driver improvement section of the Motor Vehicle Division. In 1965 they conducted 2,316 investigations in 994 fatal accidents, which involved 1,095 fatalities, and they recommended 398 hearings. In 1966 they conducted 2,510 investigations in 1,015 fatal accidents, which involved 1127 fatalities, and they recommended 339 hearings. In 1967 they conducted 2,570 investigations and in 1,040 fatal accidents, which involved 1168 fatalities, they recommended 338 hearings.

And, of course, there's the truck weighing program, and this is for the enforcement of the overweight laws on the highways. I don't think you're too much interested in that.

We have a chemical breath testing program. In 1966, with the establishment of the

Implied Consent law by legislation, it's my responsibility to approve breath methods to be used and to certify operators for the drunkometer and the breatholizer. The superintendent of the State Police by directive has established methods to be used by certified operators. In 1965 one hundred new municipal and state operators were trained, 135 instruments were inspected monthly. In 1966, 266 municipal and state operators were trained and 995 operators attended refresher courses and were certified. In 1967, 562 new municipal and state operators were trained, 986 operators were certified by me and 1859 operators attended refresher courses, and 235 instruments were inspected. In addition, the State Police certified operators issued 535 summons in '65, 821 in '66 and 1210 in 1967.

Then, of course, the same unit has a radar program, and this is for traffic patrol, as you know. Now, there have been some decreases in activity in this area in 1967, which we attribute to the fact, as I indicated to you before, that many of the men in these teams were assigned to the control of the riots during the Summer of 1967.

Now, there are many activities in the State Police which I have not discussed. I haven't discussed, for example, what we've done, that is

in detail, in data processing. The microfilm system.

The administration and processing of a tremendous volume of internal records and reports, pre-service and in-service training, that is within the State Police, and other administrative functions.

We also have a Bureau of Safety Education, where instructions are furnished to schools, adult programs, as well as other law enforcement agencies.

Another thing we did, of course, in 1967, was to set up, through executive order, the school known as "Operation Combine for Civil Disorders". This was formed, as you know, in the Fall of 1967 following the summer riots. We've conducted courses at Seagirt and we've had 510 supervisory members of the State Police, national guard and municipal police departments trained in riot control and prevention in eight classes.

SEN. FORSYTHE: Mr. Attorney General, I think we should give our reporter a break, and I think we've scheduled a fifteen minute break at this time. So, we will recess for fifteen minutes.

(At which time a fifteen minute recess was taken.)

SEN. FORSYTHE: Gentlemen, I think we should try and keep on our schedule, so I will

call this hearing back to order and the members will take their seats.

We will proceed, Mr. Attorney General.

ATTY. GEN. SILLS: Thank you.

MR. LUMBARD: General, could I express the views of several of the committee members who spoke to me during the recess? They inquired if I might, perhaps, do some night-time reading of some of the statistical material you have, and, if you could, perhaps, in swift strokes summarize some of the essentials that you have, and then we could get on to questions.

ATTY. GEN. SILLS: I certainly want to co-operate, but I was asked to come here and give some basic material at a public hearing so that the public will know it as well, and my giving it to you will not let the public know about it, and it seems to me it would be of some interest to the public to know the amount of work that is being expended by the State law enforcement agencies for the detection of criminal activities in the State and what goes into the makeup.

MR. LUMBARD: General, I do think it is quite clear that those things are important. I would also say that it is a thousand times more impor-

tant if they know how many felonies have been committed in the state and how many hours have been expended on the drunkometer tests.

ATTY. GEN. SILLS: We get 58% of our drivers involved in fatal accidents, homicides.

MR. LUMBARD: How many homicides were there in New Jersey last year?

ATTY. GEN. SILLS: Off hand I can't tell you, but the ratio here is about 3 per 100,000, so it would be approximately a little over 200 in the State of New Jersey.

MR. LUMBARD: And would you have a breakdown into what categories they fall into?

ATTY. GEN. SILLS: Oh, yes.

MR. LUMBARD: Vehicular and so forth?

ATTY. GEN. SILLS: Oh, yes.

MR. LUMBARD: Could you give them to the committee?

ATTY. GEN. SILLS: I don't have them with me now, no. But we can get those.

MR. LUMBARD: We would like that kind of information.

ATTY. GEN. SILLS: I will get it for you.

The State Police, of course, you want to know their resources, they have various equipment, of course, they have the buildings from which they operate, they have transportation equipment, they have sidearms, and, I'm doing this rapidly now, a certain amount of radios, teletype equipment, radar equipment, drunkometer equipment, breatholizer equipment, and we have scientific crime detection equipment, not enough but some, and, I won't go through these with you but I do have available the various kinds of equipment which we do have. And, of course, very recently we rented equipment so that we could tie with N.C.I.C., and I think it's important to know that we have a control unit of printers keyboard, a tape reader, a tape punch, a card reader, a printed card punch, and an ASR teletype, all making up the equipment necessary for receipt of information from the N.C.I.C., about which I spoke before.

Now, getting away from the State Police but still staying within the area of criminal law and criminal law enforcement, I indicated to you before, that the Division of Law and Public Safety had a criminal investigation section. I think I neglected to tell you that it's under the immediate supervision of an Assistant Attorney General, and, in the State of New Jersey, an Assistant Attorney General is a higher designation than a

deputy attorney general, and this assistant attorney general is designated as the director of criminal investigations, who has three deputy attorney generals working with him and they are members of the State Bar of New Jersey. I indicated to you before that working with him are the group of investigators. Now, this section advises and assists with out-of-state agencies, prosecutors and police departments in the form of letters, formal opinions, consultations, and, of course, investigations. The deputy attorney general sometimes substitutes for prosecutors, as I indicated before, where the law permits and where requested.

The criminal investigation staff generally participates in the following kinds of matters:

This was established many years ago, I think in the time of Attorney General Parsons, I believe, -- Van Riper -- that was before General Parsons.

Investigations pertaining to alleged criminal activities within state agencies, institutions and departments, investigations in co-operation with the Division of Law, involving escheats and voided corporations, which result in financial benefits to the State.

Investigations requested by county and municipal authorities within the State.

Matters where criminal activities are alleged but it is not clear initially whether criminal conduct is actually involved. General investigations, in support of the legal work, for the Division of Law and investigations of matters coming to the attention of the attorney general, which generally do not fall into the hard criminal investigations operations of the State Police.

I gather, you don't want me to give you the statistics for the criminal investigation section as the cases received and docketed?

MR. LUMBARD: I would like that in brief text.

ATTY. GEN. SILLS: In 1965, they received and docketed 442 cases; 253 were referred to county prosecutors for their further handling; 50 were assigned to deputy attorney generals; 94 were handled directly by our own investigators; 23 were referred to the State Police; 22 were assigned to other departments for their handling. In '66, 510 cases received and docketed; 285 were referred to county prosecutors; 56 assigned to deputies; 100 directed by our own investigators; 47 were referred to State Police and 22 referred to other departments. In '67, 697 cases were received; 352 referred to county prosecutors; 123 assigned to

deputies; 151 handled directly by our own investigators; 49 referred to the State Police and again 22 referred to other departments. Now, this section also conducts monthly meetings of all prosecutors in the county, which I generally chair. At which time, there's an exchange of information on criminal law and enforcement problems. There is also a presentation at each meeting under the topic of immediate or current concern to all prosecutors for which problems and view points of the prosecutors are presented in open discussion. There is sometimes emanating from these discussions -- the reports about which I spoke before. I have further instances of kinds of reports but I think I've illustrated before sufficiently.

Now, in 1968, we've already received 75 cases for investigation and 31 investigations center in eight different counties.

Some of the more noteworthy kinds of cases which were disposed of during 1967, to give an example of what they handled, were cheating in Civil Service examinations, stolen Traveler's checks, racial bias, stolen Esso credit cards, theft of government funds, a killing by police, breakdown of law enforcement in this particular area, vice in this particular area, discrimination in poverty programs, court discriminations against Negroes, fraudulent repossession of a home, padded

purchases by utility authorities, baby selling, wire tapping, stocks frauds, leftist organizations, atrocities against certain Negroes, inflammatory handbills and fraud by developing. Now, these are allegations, of course. This is the subject for investigation. Collusion in public bidding, the conflict of interest with respect to state employees, the mishandling of borough funds, police brutality, again cheating on Civil Service exams, police ticket section, pilferage at a state college, an incinerator contract without public bidding, investments fraud, irregularities in county administration, bail bond irregularities and securities fraud. These are the kind of things which were handled directly by the C.I.S., within the office of the Attorney General and the Division of Law.

These deputies also participate as lecturers and panel members in training programs with the State Police. The deputies also handle criminal appeals for the State, as well as applications for post-conviction release, presenting matters that have been investigated by the department for the Grand Jury or trials. Of course, we get into that either on the request by a prosecutor or, as I indicated before, in accordance with the law or by an Assignment Judge and so on.

We compare rules and regulations, as well as legislation if required for a particu-

lar department or commission, municipal court appearances, traffic tickets and so forth, drunk driving hearings, Civil Service appeals and disciplinary hearings before a bureau or commission to which they may be assigned. Now, these investigators also review the monthly, quarterly and annual report which are received from the various prosecutors. All of the personnel in this particular division assisted in the work during the Newark and the Plainfield riots.

Now, in the Bureau of Securities

we have the bureau chief and three investigators. And they are also the positions of senior accountant and special investigator. At the moment these two positions are vacant. The Bureau of Securities administers the uniform security laws and the Uniform Real Estate Syndication Act. All persons who deal publicly with securities in New Jersey must be registered with the Bureau. It maintains a vigilance on the operations of persons dealing with securities in New Jersey; it investigates complaints of dealers or unauthorized personnel in alleged fraudulent transactions. There's an average of 10,000 applications for registration procedures each year, 1/3 of which are generally initial applications, the balance are generally renewals.

The Uniform Securities Act

was adopted in '61 to replace the old Fraud Injunction Securities Law, which was in operation before that. In 1965 the Uniform Real Estate Syndicate Law, based somewhat on a New York law, was adopted, which extended the authority of the Bureau from persons dealing with securities transactions to transactions involving the syndication of real estate. In 1967 the law was revised to include the registration of securities themselves in addition to the registration of persons which we also have. So, at the present time the Bureau supervises and processes registration statements in connection with real estate securities and intra-state securities offered. They conduct examinations of applicants.

MR. LUMBARD: General, I think we could swift-stroke this one as an illustration.

ATTY. GEN. SILLS: Well, during 1967, for example, they referred four major violations of the Security Act to the prosecutor's office after the Bureau had conducted an investigation and prepared the case for presentation to the Grand Jury; which then brings you into the criminal law area, which is what I wanted to indicate, and in three of those cases convictions resulted. As a matter-of-fact, within the last month, a matter was presented to the Passaic County Grand Jury through our office, resulting in an indict-

ment.

MR. LUMBARD: Have you about finished your direct statement that you wish to give to the Committee?

ATTY. GEN. SILLS: Not when we are talking about the Department of Law and Public Safety.

MR. LUMBARD: Well, what are the principal areas that you wish to tell us about that haven't been covered so far this morning?

ATTY. GEN. SILLS: Well, I think that it's important to mention the Office of Consumer Protection. I think it is important to mention the Police Training Commission.

MR. LUMBARD: Let's go to the Police Training Commission.

ATTY. GEN. SILLS: All right. You don't want to hear about Consumer Protection?

MR. LUMBARD: I'm not saying I don't want to hear about anything.

ATTY. GEN. SILLS: I mean for this moment?

MR. LUMBARD: I'm talking about the purpose of testimony.

ATTY. GEN. SILLS: In July

of '67 there were 642 cases of consumer fraud as against 1134 in January of '68. I should tell you that -- I think is very important -- that a Division of State Medical Examiners was established in January of this year, and we're just getting started on that now. We've abolished the coroner system in New Jersey, and there are no statistics available at the present time because we're still underway. We have a director, a Doctor Albano, who is a county medical examiner and pathologist in charge. And the office is covered on a 24 hour basis to receive information and answer inquiries from the county medical examiners and their staff. And I'm sure you will appreciate how important this is in the overall theme of criminal law enforcement.

Getting on to the Police Training Commission -- the Police Training Commission is a nine member non-salary body. It was established under discretionary law in 1961. In 1965, the Police Training Act was amended to train every county and municipal law enforcement officer appointed in this State after July 1, 1965. Early in 1962 a survey was made in the State of New Jersey at which -- excuse me a moment. The survey ^{it} was made in 1962, and, I don't have/in front of me, but ^{showed that of} roughly it/ 12,500 permanent officers in New Jersey, about 1/3 had received no training whatsoever. And, of

the balance, their training went from something of inadequate to something less than adequate, very frankly.

MR. LUMBARD: General, is what you are about to say summarized in the Police Training Commission section of your last annual report in 1966 report? There is a table in there with the workload and a summary of the 1961 statute and 1965 statute and so forth.

ATTY. GEN. SILLS: No, what I'm going to give you now is a little more up to date. Of course, in our report you will get the function of these training commissions, and if you want to read it there and my not indicate to you that portion of it, you will find it in there, yes. I'm not sure whether you will find in there that we have a mobile training unit which was financed by federal funds which consisted of four police instructors, a driver and a stenographer, and we got something like a hundred fifty some thousand dollars for a two-year grant from OLEA. This unit has been traveling throughout the State giving mostly supervisory training to officers mostly in rural areas. I believe it's the only project of its kind, at least that I know about, in the United States. I wanted to point out that to date, 5,220 law enforcement officers have attended commission approved schools and there are fourteen approved schools.

And the projected enrollment for '67-'68 was 1125 officers. We have over 300 certified instructors who service the schools, and, these instructors are recommended by the federal, state, county, municipal agencies and private sources. At the present time, we have an average of 300 hours of instruction in these schools. You'll probably recall that the President's report recommended 400. We have, as a mandatory requirement, 240 hours; 197 hours are prescribed and the balance are optional subjects. Not many of the schools are down to the 240 level, most of them are over 300.

Now, in 1967, you won't find this in reports, there were 28 approved training courses conducted throughout the state. One thousand forty-five law enforcement officers representing 219 agencies attended. Of this number, 14 law enforcement officers failed the program.

I've gone through this as quickly as I can, with the Police Training Commission, eliminating many things which I could talk about with you, but, for the sake of getting down to your questions.

Remember this too, there is the Motor Vehicle Division and within the Motor Vehicle Division we have a, what was generally called

an inspector force, which is now called the Motor Vehicle Officer Force, comprising the budget positions of 175, and we have 151 of the jobs filled now. These men do have general police powers, but, to prevent overlapping, ^{has taken them} assignment to them/out of the general police area.

But, they do work on driver's tests, driver licensing, automobile dealer investigations which sometimes dovetails with work done by the State Police, they supervise commercial driver's schools, automobile race tracks, junk yards, they investigate fraudulent certificates of ownership and counterfeit drivers licenses. They supervise and investigate motor vehicle agencies. We have a system of motor vehicle agencies in the State of New Jersey, which operate in conjunction with the central agency here, in the granting of license plates and drivers licenses or renewal thereof.

MR. LUMBARD: General, have you now finished the review of all of the major divisions of your office?

ATTY. GEN. SILLS: Except for the Division of Alcoholic Beverage Control.

MR. LUMBARD: Well, we are going to have the director appear here.

ATTY. GEN. SILLS: Let me say this, we have a new director --

MR. LUMBARD: Well, he can bring with him his assistant or somebody that can provide this information, and they can prepare jointly.

ATTY. GEN. SILLS: Well, I'll abide by what you tell me to do, but I think it is very important in the overall picture to know what they do is tied in with what my other divisions do. They have their own undercover squad and the information they gather is forwarded to me and then forwarded to the State Police, and this covers gambling in taverns and other parts of vice, and constitutes part of the overall law enforcement picture.

MR. LUMBARD: Well, we are aware of that.

Now, if you were to say who was in charge of society's crime control efforts in New Jersey, who would you say that person is?

ATTY. GEN. SILLS: Well, I don't think that that is a question which can be answered.

EXAMINATION
BY MR. LUMBARD:

Q Well, let's put it this way, who is in charge of law enforcement in New Jersey?

A There is no one person in charge of law enforcement in New Jersey.

Q Do you think there should be?

A I would have to know what you mean by that and just what the extent of that jurisdiction might be. I would say that I myself would be opposed to any one man having authority over every law enforcement agency in the State of New Jersey.

Q It depends, again, as you say, on what authority is. There is a difference in having a direct line administrative authority and perhaps an involvement, a questioning, a concern with standards and an inspection power.

A That could carry itself right up to the federal government. You could ask the same question of a man at the federal level and say to him, "Do you think one man should be in charge of all criminal law enforcement in the United States of America?"

Q And I'm sure everyone in this room would say no.

A I would.

Q I will come back.

We now have a functional system in New Jersey of police, prosecutors, criminal courts, probation, institutions and parole. Six different kinds of services that are concerned with the whole system of administering criminal justice, is that correct?

A That is true.

Q How would you summarize your relationship with each of

these? First of all, the police?

A I only have a co-ordinating activity with respect to local police departments which comes about through the bit of supervision which I have over county prosecutors who in turn have a bit of supervision over the local chief of police.

Q And I gather from what you say you are in direct charge, in effect, with prosecutors?

A I am not in direct charge. Prosecutors are appointed by the Governor with the advice and consent of the Senate.

Q Do you have ^{anything} to do with those appointments as a practical fact?

A I am at times asked by the Governor what I know about a certain person who he has in mind for an appointment as a prosecutor.

Q And they meet with you monthly?

A They meet with us monthly.

Q They receive instructions from you?

A I don't know whether you could call them instructions or not, we talk things over and generally we come to an agreement on things, not all the time.

Q Who has power to remove the prosecutors?

A Not I.

Q Who?

A Well, the courts would have the power in the event of an

abuse of the office.

Q Are they appointed at will by the Governor?

A No, they are appointed for a term of office, five years.

Q Do you think it would be advisable that they be appointed at will?

A I don't know, I've never evaluated that situation. I wouldn't like to make an offhand opinion. I could see both sides of the situation like that.

Q Could you voice to the committee your opinion after you've had several days to think about it?

A Yes, but I could assure you it is not going to be an off-the-hip evaluation and I am not going to be able to do it in a day or two.

Q Of all the people in the State of New Jersey who work with prosecutors, who are not a prosecutor, you are the most informed, and your judgement would be most significant.

A I can appreciate that, but at the same time I would think you would want an informed opinion, not an off-the-cuff opinion from an individual. As I understand it, the Constitutional Convention in New York took several months to determine whether or not the attorney general should be elected or appointed. So, in that body, if they took that period of time, certainly you couldn't expect me to give you an answer in respect to this in a day or two. I am just speaking my experience, because it just so

happened that I testified before the Committee. And I took at least two months in surveying that situation.

Q Do you think the prosecutor, perhaps, should be elected?

A No, I don't.

Q Why not?

A Because I don't think that those entrusted with law enforcement should have to go to the people in order to obtain their office.

Q That includes anybody in law enforcement?

A Yes.

Q Are sheriffs elected in New Jersey?

A Yes, they are.

Q Are you against the sheriff system in New Jersey?

A I'm against the election of sheriffs.

Q How would you have it handled?

A I personally believe that the time has come where the functions of the sheriffs should be re-evaluated, but this would mean an amendment to the constitution.

Q How would you describe your relationship with the courts? How do you maintain liaison as to workloads and what's going on so that those aspects of the system, the prosecutors, the courts, the institutions thereafter are meshed together and work together?

A I'm not sure that I understand the import of your question.

Q Well, let's put it this way; on occasion, as in the riots

last summer when an abnormal workload came upon the system, all parts of the system had to work together in an unusual way. They might have to do this in a regular way, but there had to be some activity that co-ordinated the efforts of the various elements in the system.

A Well, we sit down with the administrator of the courts.

Q That's what I'm getting at. So, you do do this?

A Of course.

Q Well, would you tell the Committee what you do with the administrator of the courts in that regard?

A Just that. We go to the administrator and speak with him about the workload of prosecutors or unusual situations and try to work out in that instance what should be done.

Q All right. Now, how does your office work with what follows thereafter in correctional process, probation, the institutions or parole?

A I have nothing to do with probation or parole.

Q How about the institutions?

A Only to the extent that we provide council to the departments of institutions and agencies, and we handle those matters which come up on post-conviction remedies, some Habeas Corpus matters.

Q Could you supply subsequently by letter to the Committee the statistics on post-conviction remedies, which I don't think you gave us, and the activity?

A The greatest amount of that, you see, is handled by the prosecutors, not by my office.

Q Whatever your office has had to do with that I think we would like the figures.

Now, from your experience and your involvement, would you tell the committee what you think are the principal crime problems confronting the citizens of New Jersey today?

A Again, now that's a very broad question to which a broad answer is "organized crime, everyday crime and civil disorders."

Q Well, those are the three you would pick out. General, I'm not trying to trap you in any way.

A I understand that, except the question is so broad I wouldn't know where to start except in these large categorical areas.

Q Well, you are certainly, from the information you receive under your own description of the duties of your office, as informed as anyone in the State, or, perhaps, more so. Now, the Committee is interested in the amount and nature of the crime problems in New Jersey because that is the workload of the system, and would you address yourself to that? We can take it by categories, if you wish. I thought I'd give you the opportunity to take it in your own fashion.

A I would suppose that the best way which I could approach this would be to pick up with you the analysis which was made by the President's Crime Report, because the very things which were contained in that report are the things which we are confronted with here in New Jersey, and they concern themselves with what I said were the three major problems.

The one, for example, with respect to civil disorders, one of the big problems which we have in our state is the establishing of community relations in the various departments throughout the state to serve the very substantial minority populations which we have, for example.

Q Do you categorize civil disorder as a crime problem?

A It is when it gets to the point of looting and rioting, which generally comes along with it. When it comes to the point of violating various laws when demonstrations are being conducted, breaking windows, lying down in the streets and preventing cars from passing by, barricading buildings and getting involved in assaults and batteries and things of that nature. And, of course, this tends to escalate. When it escalates, it becomes, I think, a very, very serious problem and a law enforcement problem.

Q I'm not denying the seriousness. No, you primarily

isolated three, "civil disorder, organized crime and juvenile delinquency --

A And everyday crime.

Q You mean street crime?

A House crimes, we've had an upsurge of breaking and enterings as a matter of fact.

Q I'm trying mentally to cope with the difference between everyday crime and juvenile delinquency.

A Well, that's engaged in everyday crime.

Q You do not, therefore, include narcotics?

A To me that's an everyday crime. I will get into all of these things, but, you see, if you would pinpoint these things to me, it would be that much easier. By doing it in a very broad pervasive way, that's the way I have to do it.

Narcotics is a problem, drunkenness is a problem, gambling is a problem. All of gambling and narcotics and loan sharking, as you know, infiltration of people from what you would tend to call the confederation, which is generally called the Cosa Nostra or Mafia or syndicate or organization getting into legitimate businesses, collusion in public bidding. I mean, all of these things tend, for example, all to focus in the organized crime area.

Q You've mentioned organized crime a great deal. We have

to cope with it in some rational way. Why don't we take that first as an area?

A All right.

Q Now, would you tell the Committee what your approach or your plans are for combating organized crime in New Jersey?

A While there is in my office a criminal investigation section, in my opinion it is not sufficient to meet the demands of this situation today.

Q That's what you called the C.I.S. before?

A Right. And the first thing that would be necessary would be to beef-up that particular section. Now, this year, for example, I have about sixty some lawyers in my office and this year I asked for an additional twenty, four of whom would have been assigned directly to the C.I.S. and two of whom would have been assigned directly to organized crime and nothing else. I have been allowed out of the twenty, and the twenty would cover my whole department, I've been allowed so far by budget, four. And I could indicate to you that of the four I already have eight places where I must put them. So this cuts me back immediately on the one thing which I believe to be necessary in order to combat organized crime.

Q When you say "by budget", to whom are you referring to?

A I am referring to the budget office which is in the Treasury Department which overviews the budget as sub-

mitted by the various heads of the department for the administration, and then that is given to the Legislative Appropriations Committee for their overview and determination as to what shall be done, and that ultimately finds its way into a bill which is passed and then given to the Governor for his signature, and that constitutes the appropriation for the State.

Q When the administration did not give you these four or five or eight positions, what did you tell them about the nature and scope of the organized crime problem to which these persons would be addressed?

A I've told them what I'm telling you, that it is necessary. And I've told them of the various things which are occurring in the State of New Jersey.

Q Could you tell the Committee?

A Well, I must indicate to you that many of these things are under investigation today, and I don't believe that it's in the interest of anyone in the state for me at this moment to declare openly what we are investigating.

Q I might agree with you if you are talking about certain named individuals who are under investigation, but you can discuss things conceptually. There must be a way, as happens in Congress and many other places --

A Well, I've already indicated to you today that of the twenty-four families that are in existence in the United

States, seven of them either reside or have activities going in New Jersey. I indicated that to you at the very beginning when I spoke. Now, I think that indicates that if there is seven families in operation in New Jersey, something is going on and there is a problem present.

Q Now, let's come back to what your plans are to do something about the seven families.

A Well, the first thing is money and manpower and the C.I.S., the second is increasing the State Police resources, beefing up our intelligence unit and the task force which I mentioned to you before. I didn't give you the figures with respect to the number of men in the intelligence unit or the number of men in the organized task force because, again, I do not believe it to be in the public interest to give them in this open hearing. I would be glad to give them to you in executive session. But I would say, generally speaking, for the problems involved, they are minimal. And, I indicated that we had asked for 220 men and we're being allowed 60. It seems to be perfunctory now, each year when we need more men, no matter how many we indicate we need, we get 60, and that is what has occurred this year.

In addition to that, we've asked for legislative tools in the past, and we are still asking for them, and we are still moving forward with

them, and I've noted that recently some legislation has been presented before this Legislature for enactment.

And in the main they are a witness immunity law, my office has prepared a wire tapping legislation, which we think conforms in the case of Katz against the United States and to some extent is predicated upon what was indicated by the President's Crime Report Commission.

Q Does it include eavesdropping as well as wire tapping?

A Yes. I used wire tapping, actually I should say electronic eavesdropping.

Q And you recommend such a bill?

A I recommend that there be a dialogue with respect to such a bill.

Q What does that mean?

A What that means is that there be people get up and speak on both sides of the question, that is what I understand dialogue to be.

Q Has the Governor taken a position on that bill?

A I don't know whether the Governor has taken a position on it or not.

Q What I'm trying to get at, you are giving us a list of your plans to combat organized crime.

A Yes.

Q I'm trying to find out if among your plans there be a recommendation that there be electronic eavesdropping.

A This is one of the things which I have been wrestling with for quite a period of time, that is with respect to electronic eavesdropping.

I wrote an article on the computer in the invasion of privacy, which precedes an article that you wrote in the Council^{of}/States publication, and I think some of my views are expressed there. I do believe that there is a lot to be said about invasion of privacy, and I think it becomes very important that we weigh all of these things in the balances, and it is very difficult for me to make up my mind while on one side that I recognize that there is organized crime and I recognize that there are people who say you cannot get to the higher-ups unless you have some wire tapping, and I recognize on the other side that there has been a great deal of wire tapping by many agencies, certain agencies in the country for many years, and notwithstanding that, there has not been too much conviction with the so-called real higher-ups.

Q That's due to legal problems which have only recently begun to see daylight.

A Well, I don't know. If you read Katz against the United States very carefully, I think you will see the manner in which you can wire tap is so circumscribed that it might not be so all encompassing as you might think. You

have still got to be able to say to the court that you've engaged in all other kinds of surveillance and investigative methods first, and that you've been unable to do anything with respect thereto, and you still have to indicate to the court the nature of the conversation that you expect to seize.

Q Is there any doubt in your mind that in order to get the evidence that you must get to convict the higher-ups, the right to eavesdrop is essential?

A Yes, there is some doubt in my mind.

Q Have you been getting that evidence in the past several years without the right to eavesdrop?

A That's a loaded question. We are not allowed to wire tap in New Jersey by law. So, of course, we haven't had that evidence.

Q That's what I'm getting at.

A It's true that we haven't gotten to the higher-ups, but then I don't know that the F.B.I. has been so terribly successful in these many years with respect to these 24 families in the United States, and they've been able to wire tap for many, many years.

Q General, I wouldn't agree with that on any aspect of the statement about the bureau, whether they have the right to wire tap, the right to use it or have or have not been effective.

A I don't say whether they have the right to use it, but I think the history will recall to you that attorney generals have issued directives from World War II on giving the F.B.I. the right to wire tap in certain cases period. ^{Section} /605 was interpreted by the attorney general as not permitting them to wire tap and pass on the information to other people. But this was also interpreted by the Attorney General of the United States as indicating that it could be used within the department.

Q General, you are not really saying that you think the federal agencies have had a clear road to eavesdropping in the past few years?

A No, I wouldn't say a clear road. Again, that's a very broad use of language. One would have to understand what you mean by a clear road. A clear road could also mean that they not have to go to a court in order to get a warrant in a certain situation. This would mean the indiscriminate wire tapping and electronic eavesdropping, which I, very frankly would oppose. If this were your idea of a clear road, I would be opposed to it.

Q I don't have a clear idea of a road of that nature. I think both of us would share the view that any such system would have to be under court control, and very tight control.

The question is, however,

assuming you do have a court controlled system which is tightly controlled, do you recommend electronic eavesdropping as a useful and important tool to fight organized crime in New Jersey today?

A I say this would be a useful tool. At the present moment I am not sure whether in the balance -- this is myself speaking personally -- whether in a balance it would be an effective tool even to the extent of clearing up organized crime problems. I note that, as a matter of fact, in the report which emanated from the Oyster Bay conference, that there was an indication that these so-called higher-ups did not use telephones, that is directly themselves, did not become engaged in the criminal activities themselves, but saw to it that others lower down in the line did. Now, I am not sure that if that is the case, and I accept it as such from the report of those that were present, that electronic eavesdropping or wire tapping would assist you in getting evidence to these particular people. But let me say this, because I think there is something first and foremost which has to be done which has not been done in these United States, and that is the professionalization of police forces, and you have to have that first and foremost before you start talking about a tool such as this.

Q Well, organized crime is a current problem in New Jersey,

is it not?

A Yes.

Q As you say, there are seven families operating here now. Could one venture safely that a goal such as professionalization of police, however important, is five years away, four years away; and by making such a decision and judgement, don't you leave the field sort of abdicated during the interim of upgrading and professionalization?

A Again you are ^{getting} broad and pervasive. It does not leave the field abdicated, because we work on this problem every day using hard and very good investigative law enforcement methods even without the use of wire tapping.

Q Shouldn't both roads be pursued?

A Well, that's the question you're asking me, and we're getting back to the same thing all over again. If this Legislature and the majority of the people are of the opinion that the kind of a wire tapping bill which my office has prepared and which I believe to be in the conformity with constitutional standards, and that's my job as attorney general, this Legislature passes such a bill, this instrument will be used and used in accordance with the law and the constitution. Now, you asked me my candid views, and these are my private views. It is just my feeling that there is this question of invasion of privacy involved. No one, as far as

I'm concerned, I respectfully disagree with you, has been able to show that through wire tapping or electronic eavesdropping they will be able to put the 24 families out of existence. New York used wire tapping and used the evidence in wire tapping up until the Bergen case, and this was good evidence in the State of New York, but New York has as big, if not a bigger organized crime problem than the State of New Jersey. So, this is no cure-all, this is a tool -- and the question, and I say at least in my personal mind is, and this is only a personal observation, do we do society more good or more harm with this kind of a tool? Now, this is the dialogue about which I'm speaking. I think the people of the state in a situation such as this have a right to speak their mind. The Legislature will then determine as representatives whether they feel it is more useful to have this and not be concerned with the invasion of privacy, and as I say, if they pass such legislation, I can assure you that it will be used to its fullest extent. This is my personal view, and this is not the view of the Colonel of the State Police, the superintendent, he favors it. His view may be better than mine, but you asked me for my view, I'm under oath and I'm giving you my honest view.

Q Now, let's come back --

A If I may, you asked me what else I thought was necessary.

I think my office, for example, does not have the power of subpoena and I'm unable to -- and the State Police is unable to ask a man to come to visit us, that is to make him come and visit us.

Q I'm not clear. Power of whom to subpoena?

A The power of the attorney general to subpoena someone to come before him in order to answer questions.

Q You mean an administrative sort of subpoena?

A Yes.

Q Is there any police agency in the United States that has the power of subpoena such as you are recommending, that is for the police to subpoena a citizen to come to talk to the police at the police station?

A Well, because there you have the police operating through the prosecutor and the Grand Jury system.

Q Yes, of course.

A The attorney general does not have those people. If I get a State Grand Jury Act, I will have that.

Q That's a different thing, maybe I misunderstood you. Off-hand I do not know of any police agency in the United States where the police level personnel have the power to subpoena citizens to themselves. Do you?

A No, offhand I do not, except through the Grand Jury system.

Q The only possible exception might be the special agents

of the Internal Revenue Service which have the power to subpoena taxpayers down to administrative hearings which might turn into a criminal tax case.

A We have the same thing in our division with respect to a motor vehicle, Bureau of Securities and Consumer Fraud, we have the power of subpoena to bring people in for administrative hearings -- and Division on Civil Rights.

Q But administrative hearings are clearly different, I think you will agree.

A Yes.

Q So you are not suggesting subpoena ^{powers} to the police?

A No, no, only through a State Grand Jury.

Q Continue?

A Which we think would be of vital assistance, especially with respect to the organized crime area.

Q Are you recommending such a Grand Jury?

A Yes, I am.

Q Would it have statewide jurisdiction?

A Yes.

Q Where would it sit?

A It would sit where the assignment judge recommends it, Superior Court.

Q How do you cope with jurors, would they be drawn statewide?

A Drawn from the panels of the county jury, but no more

than four from each county. That bill is already in the Legislature.

Q I'm sorry, I don't understand. How would it work, would a Grand Juror drive from the north part of the state to the south, or vice versa for a day's hearing?

A Yes, the same as when he goes to a federal Grand Jury in Newark.

Q What is the need for that Grand Jury?

A Because county prosecutors are circumscribed where organized crime is concerned because the activities go across the county lines and they become problems with respect to whose case it is or where the venue shall be laid and where was the crime committed and things of that nature.

Q Don't you resolve those conflicts of that nature as attorney general?

A No, they're brought before the court.

Q You mean two prosecutors contesting which has jurisdiction goes before the courts?

A No, it is a matter of the defense coming in and stating that the venue is improperly laid.

Q We are in the investigating stage now --

A I'm talking about presenting a case, not investigating a case.

Q Well, in other words, are you saying that you now have cases which are already prepared and investigated --

A No, no, I'm talking about the theory of the State Grand Jury.

Q That's what I'm trying to get at. If you've got a case --

A The theory of the State Grand Jury is for the matter to be presented by the attorney general through Grand Jurors who are picked on a statewide basis rather than from a particular county, and it will be before a Grand Jury which will be selected by delving into the panels which have been selected or whichever way the Supreme Court will determine, because this would be their function by rules to establish how the Grand Jurors shall be picked.

Q What I don't understand is the need for it which is not now served by the present prosecutors and their Grand Juries?

A I'm sorry, what was that?

Q I understand the mechanics of where the Grand Jurors would come from, what I don't understand is the need for this new kind of system unless ^{it is} not served or could not be served by the present prosecutors and their Grand Jurors.

A Well, the county prosecutor by law can only indict for crimes which occur within his county.

Q You and I know that if he has a multi-jurisdiction situation, he can put it in any one county which has sufficient acts and involvement in that county, and there has to be some such county among the many where it occurred.

A Well, I don't like to be in the position of making a decision which is then to become a matter for a court case where some Appellate Court later on may determine that the determination which we made in the first instance was wrong when we don't have to get into that. I mean, why should we stick to a system which can develop into technicalities where someone can get off from something on a substantive charge where we could have eliminated the whole thing by having the statewide jurisdiction. We did the same thing with respect when we established the Superior Court in New Jersey, where county courts had county jurisdiction and Superior Courts had jurisdiction throughout the State. Then we didn't have to worry about where the automobile accident occurred.

Q Let me come back to this, perhaps it would help if we separated several functions. The police in the investigative function from the prosecution function? Now, it seems to me that the police in the investigative function can go on, as it does now, whether or not you have a statewide Grand Jury, and that question isn't involved at all. So then you come to the question of the prosecutor. At this point the police either have a case packaged up to give a prosecutor to present to a Grand Jury, or they have a case maybe half matured and they have to use the Grand Jury to investigate and assist, right?

A True.

Q Why can't that be given to any prosecutors office either way?

A It can and often is. But, again, as I stated, there may be questions involved as to where the actual crime was committed, and we may make a wrong determination in the first instance. Why should we have to rely on that? Also, you have got to remember that you are talking about here the State Police perform a certain function, and it is my opinion, although we definitely must have the assistance and co-operation of local police, that organized crime could best be combatted through the State Police organization which can function statewide throughout the State, and when they get this information I think it is better if that information is handled through the attorney general's office rather than through one of the twenty-one county prosecutors.

Q Aren't you really talking about the difficulties in a multi-jurisdiction case on an investigative level rather than on a prosecution level? You've got it investigated and you've isolated your defendants and you have your charge, and you know what you are after, then you can file it in any county.

A I'm sorry, I don't think it fits into the pigeon hole that easily.

Q Why?

A The reason may be that somebody starts it in Passaic County and somebody else winds up in Bergen County, and you have a question of where the actual crime was committed.

Q Don't you have the power to co-ordinate these activities with the prosecutor?

A That has nothing to do with venue, it has nothing to do with the defense attorney coming in and saying there was no crime committed in Bergen County.

Q Maybe I don't understand, maybe you ought to move on to something else, because I don't see why it couldn't be done the other way, unless you are really telling me two things, the first is that the local police do not make organized crime cases very often, is that a fact?

A I don't think they do. Again, you see, definition, when they pickup gamblers or they pickup some narcotic people, which they do, they're part and parcel of the organized crime picture, but what I'm thinking in terms of are these so-called heads of the families, captains, lieutenants and so on. These people, generally speaking, the local police do not get.

Q Are cases against those people being made at all in New Jersey these days?

A We have three thousand names under investigation.

Q To say you have three thousand under investigation is

almost to say that there is so many nobodys, really, under investigation. You can't investigate three thousand people at once, it is impossible.

A It all depends by what you mean by investigation.

Q The whole federal government select list is only five thousand for the national.

A If you are talking about making a case against many people, then the answer is yes. It all depends how you define investigation. I term investigation in this instance to mean that we are alerted to the possibility that there are these many persons who may be involved in organized crime activities.

Q In New Jersey?

A And on the basis of priority -- well, these people are connected in one form or another, who are so-called heads of families or high-up in the hierarchy of these families, and these people are in our files, and depending upon the priority and what's before us at the particular time, they are either under current investigation or will be in some way sooner or later checked out to determine whether or not our suspicions are founded or unfounded, or whether they are engaged or not engaged in these illegal activities about which we are speaking.

Q General, in other words, there are about three thousand people in New Jersey who are related, part of or partici-

pating in criminal activities --

A No, I didn't say that, I said there are these three thousand names which we have gotten which in some form or another we feel may have a connection.

Q To organized crime in New Jersey?

A To organized crime, and these will have to be checked out, they will be checked out, they are being checked out. But on the basis of priorities, we take those who we have more reason to believe are involved first, and we work on them.

Q Now, the other side of developing the case from the police is the prosecutor. Are you saying that there are difficulties with prosecutors in one way or another that lead you to want to have the statewide Grand Jury insofar as organized crime cases are concerned?

A I won't say ^{difficulties} ~~in~~ prosecutors. I said that the activity is better co-ordinated when the State Police, who are under the jurisdiction of the attorney general deal directly with him. This doesn't mean that they do not today work with the 21 county prosecutors, they do. I'm talking now specifically in terms of a very distinct and important problem and a very specific problem, with respect to organized crime, and that is where you and I both know that it is a situation that takes long, hard and tedious work and which takes long periods of time.

It is not generally done overnight.

Q But the implication, the implication of what you are saying is that the combination of the municipal or local police and county prosecutors has been unsuccessful in reaching the high-ups in organized crime in New Jersey, and that you prefer a new combination, State Police and attorney general? Is that a fair conclusion?

A May I answer it in my own way?

Q Yes.

A I would say that the problem of organized crime exists throughout these United States and it is not a matter which is specifically to be attributed to the State of New Jersey, and any failure on the part of the prosecutors or local police in the State of New Jersey as such, I am saying that in order to get at the problem in a better way I do believe that it would be better to co-ordinate the facilities at the state level and have state investigators handle this problem directly with the attorney general so that the matter need not be proliferated through the 21 county prosecutors. And I think this would be a better method of coping with the problem. Your Grand Juries within a given county today are not permitted to go beyond their county lines.

Q You mean physically to go beyond, can't they get a witness from beyond the county?

A Sure. They can get a witness beyond county lines.

Q For investigative purposes?

A Sure, of course. But the investigation starts before the Grand Jury, and when you have an investigative unit --

MR. LUMBARD: May I only say that the Chairman has said to me that it is lunch time?

SEN. FORSYTHE: It is now 12:40, we will take a full hour, return at 1:40. We will adjourn for lunch.

(At which time the hearing adjourned until 1:40 P.M. for lunch.)

SEN. FORSYTHE: We will call the hearing back into order, and, Mr. Lumbard, if you wish to proceed?

CONTINUATION BY MR. LUMBARD:

Q General, when may the Legislature expect the eavesdropping bill that you said you had drafted?

A Well, if I may explain this way -- you will recall I indicated to you that I thought that a bill of this type was of such public importance that I felt that there should be what I termed a dialogue, that the public be aware of this kind of a measure and that the representatives of the public have some idea as to what the people might think with respect to this on both sides. In line with that, the Governor of our State appointed an execu-

tive commission known as the Council against Crime. This was along the lines of some thirty other states, and in accordance with the President's crime commission report with its primary import to obtain funds when possible from the so-called Safety in the Streets Act, which we hope Congress will enact sometime in this late spring now. Just the other day, last Thursday I believe it was, we took the draft of the bill which my office had prepared, from a period of time emanating from after Katz until February, and as a matter of fact, I've had conversations with respect to this bill with Elliott Richardson of Massachusetts and Herbert De Simeone of Rhode Island and James Irwin of Maine, all of whom are interested in pretty much the same thing. And, after collating information with them and having some ideas with respect to what should be contained in such a bill, we put ours together and we presented it to the Council Against Crime last Thursday. In addition to that, the Council was also visited by Mr. Andreoli, who I believe you know, who is a senior D. A. in Mr. Hogan's office in New York, and he explained to them the manner in which wire tapping could be used and what he thought to be the effectiveness of -- when I say wire tapping, I mean electronic surveillance too. What he thought to be the use of it and so on.

In addition to that, there

was a demonstration given by the telephone company, and then there was a dissertation on the law by my first assistant, Mr. Hoffman, who sits next to me, and who was in charge of criminal investigations up until this past January when my first assistant became a Superior Court judge and Mr. Hoffman succeeded to his position, at which time Mr. Hayden, who sits next to Mr. Hoffman became the criminal investigation director. Mr. Hayden being the senior man in that position prior thereto. So now it's before this Council Against Crime, and I hope to get a recommendation from the particular committee in that council to which it was given, which is known as Organized Crime Committee, and then it can be taken up with the entire council, and then a recommendation from them will emanate to the Legislature.

Q When?

A Well, it's all a question of time. I don't know. I can't answer that. As a matter of fact, I may point out to you that this council now was created on January 4. We've had meetings on 2/9/68, 3/8/68, 3/11/68, 3/19/68, 3/21/68 and 3/22/68.

Q All on eavesdropping?

A No, no. These are matters on witness immunity, on everyday crime, rioting -- as a matter of fact, there are six committees which have been established. These committees

are planning committees, training and standards committees, committee on correction, a committee on organized crime, a committee on local crime and civil disorders, and a committee on science and technology. It is my function to try to channel the workloads so that we can move as quickly as possible and not have one committee backed-up. This I feel, this wire tapping I feel, could be more pertinent to the organized crime area and that's the reason why I funnelled it into the organized crime section. That organized crime section happens to be headed by a Mr. Thompkins, who was a former U. S. attorney and a former assistant United States Attorney General, and I'm sure that he will act quite promptly with respect to this matter which is before me. But, I'm not in a position of giving you a timetable with respect to when Mr. Thompkins and his committee will work on this. Now, of course, in the meantime this does not prevent the Legislature or any member thereof from drafting its own bill.

Q All I did was start out with a simple question, "When might the Legislature expect your bill?"

A I gave a simple answer.

Q The way you've described this group, it goes far beyond the scope of a mere recipient agency for, federal money, under the Safe Streets and Crime Control Act if and when it comes. Do you plan to use this Council

in effect, for the task/^{of} reorganization of the state level law enforcement structure?

A Yes. You had asked me a question before and I hadn't finished the answer. Unfortunately in a dialogue of this kind, a question leads to another question and another question, and we never get back to the original question which from you to me was, "What were your plans with respect to dealing with crime in the State?" And I had indicated to you certain things, the first thing was, I think, the question of manpower, and I don't think we can overlook that. That is first and foremost, the problem here in this State, even if we have wire tapping, it's my understanding, as Mr. Andreoli's, if you desire to have a twenty-four tapping, you'd need eight to ten men for that one tap. Now, this means manpower. I appreciate the reason why, but, I wasn't able to give you our entire workload, but, if I can give you my entire workload, you would see that whatever available manpower we have is more than utilized at the present moment, so that even if the Legislature should pass an electronic eavesdropping or wire tapping piece of legislation, we would still be in need of the manpower to man the tools.

Q General, I think we are drifting off here. I agree with you, but the question I have pending is the Council, as you have described it, a first or final^{step} looking toward a

reorganization on the state level of law enforcement and criminal justice.

A This Council was organized first for the purpose of being able to take advantage of the Safe Streets and Crime Control Act. However, for two years I have advocated for the State of New Jersey what I call an On-going Crime Commission, which would study continuously law enforcement in the State of New Jersey, which would recommend certain things to the police agencies in New Jersey, which would recommend when necessary the reformation of our criminal laws, which would look into things like regionalization or pooling or consolidation of forces. In other words, mass attack. This would have been one the answers which I would give you for the question which you posed originally.

Q Would you give that Council or that group subpoena powers, power to hold hearings?

A I would, but, of course, that is an executive commission and it doesn't have it. Now, I have spoken to the members of the Legislature and I have indicated to the members of the Legislature that I would very much appreciate if they would give us both money and subpoena powers.

Q Well, I'm not discussing the organization of this particular council,
/ what I'm more concerned with is the function. Do you feel, as I gather you feel, that there should be some

state level agency with subpoena powers, hearing powers, continually reviewing what's going on in the criminal justice system, is that right?

A I feel that they should be set up as a master planning agency.

Q I don't know what a master planner is, I'm not sure of what would be a master planning agency.

A I don't want to delve into a manner which, for example, zoning ordinances in various communities are established, but they're first established by master plans, and the master plans are established by virtue of the committee getting together and determining what the facts are in a given state, what the needs are and what must be done in order to put these things together in order to come to a solution. In my mind this is master planning. Now, in this particular situation, for example, this kind of a committee would have to determine, for example, if we need more centralization, if we need better co-ordination in order to have better law enforcement, to allocate the various resources which we may have in this state. How one may be used one place or another. Now, for example --

Q None of those things now take place in your department?

A Oh, of course, they take place today, but there is a certain fragmentation. Now, at the moment, for example, I have to serve parts of this function, Council Against

Crime serves part of this function. Now, of course, I serve with them, so that's being put together. The Legislature has a function in this respect, and I don't know how many other agencies might be working on plans of this kind.

Q I gather you feel, therefore, that there is an important change that must be made whether in one form or another that will improve the quality of what's going on in the criminal justice system in New Jersey?

A I think it is needed in every state.

Q Is that the major point?

A I think this is needed in every state.

Q Well, in New Jersey. I'm not concerned with every state at this point?

A I believe it is needed in every state.

Q While we were at lunch one of the committee members asked me if you would merely state the names of the seven organized crime families that operate in New Jersey without getting involved in any investigations or current activities?

A Genovese, Lucchese, Gambino, Columbo, Bonanno or DeGregorio,

Q You are using that as alternatives?

A Yes. Those are the five we believe located in the New York Metropolitan area and also

The Brunos, which emanates

from Philadelphia, and DeCalvalcante.

Q Is it possible to say in any respect, again without compromising anything, where in New Jersey these people operate, or do they overlap or what?

A We feel there is an overlapping.

Q An overlapping throughout the state?

A Yes.

Q Without jurisdictional areas or territories?

A Yes. Our determination has been that there is not this cutting up and assigning of a particular section to a particular family. There is a certain amount of competition and, therefore, overlapping.

Q Would that be by subject to criminal activity or just generally, all activities, whatever its nature? In other words, would a particular subject like narcotics be divided up, although the families might overlap in terms of other activities?

A No, all activities.

Q All activities are mixed up?

A You don't find any particular segregation either as to the subject matter or geography, there is an overlapping.

Q Could you characterize for the committee the dimension of the organized crimes problem presented by the seven families in New Jersey, in some way? How would you describe it to the public in gross situation? Is it

important, not so important? Is it major? I don't think you have described the problem in any respect.

A Well, of course, it is always a very difficult thing to establish in terminology, mostly because it is almost like an iceberg, I mean you see a little bit on top and you feel there is so much more underneath, yet, at the same time you are unable to reveal exactly what is underneath. Now, we know from the investigations that we conduct, even though the kind of information we get is not evidential and presentable before a Grand Jury, that there is, let's say, great activity. And I don't know that I can use another phrase. Great activity. Gambling -- no question. Loan sharking -- no question. Infiltration into legitimate business areas -- we have reason to believe that there is a great deal of that. Now, I cannot define for you what I mean by a great deal, except to say that it is enough for us to take note and to take determinative steps in order to try to prevent it from spreading further, and, as a matter of fact, to limit it.

Q Would it be possible to say, if only to alert the public and business men involved, what businesses are particularly involved in the problem of infiltration at the present time?

A Well, again, if I had evidence of that, it would be one

thing. I have hearsay information, and I hesitate very much --

Q General, I'm not asking you to name a particular company by name, but industry, what is the industry?

A If I give industry it is, in effect, pointing to certain people, and those of us here in the State of New Jersey know this, once I say something -- I don't mind saying this to you in executive session, but I don't believe I ought to do it here in the public forum.

Q Well, I'll only say this, that part of your problem, I understand, in New Jersey and elsewhere in prosecuting organized crime is to gain potential witnesses, the greatest difficulty is obtaining evidence, and without the evidence you can't prosecute. That means you've got to get a climate of public acceptance/ ^{of civic responsibility,} which produces for you on certain occasions certain amounts of those witnesses.

Secondly, business men, ^{that} labor union leaders in certain areas/ have that activity, which might have been a problem, could be alerted. I recognize full well the inhibitions and the propriety in being specific, which is a different thing.

A Well, in this individual case, being general, it may in many instances be specific at the same time, and I must say that I'm very happy to give that information to

any member of the Legislature -- of this committee in executive session, but not in a public hearing.

Q All right. General, I will ask you directly, would you favor a centralization of the prosecution function in New Jersey under your office?

A Well, I started to answer this before. What I favor is something which I have tried to work out and am in the process of working on now. That is that all appellate matters should be handled by the attorney general, not the trial masters, and if I could relieve my deputies from going in, for example, and trying some cases before county Grand Juries, which is sometimes the case, then I could establish the system and I think we need legislation for it whereby county prosecutors could lend assistance from one county to another.

Q What about post-conviction remedies?

A We would take post-conviction remedies too, I consider that an after-trial procedure. I think for the purpose of uniformity and establishing a proper policy would be better emanating from a central office.

Q But you are not in favor of central prosecution under your direction?

A Central prosecution, no, I think it poses too many problems.

Q What are some of the major problems?

A Well, covering the whole state.

Q Well, I'm not sure I follow that. The United States Attorneys system under the Department of Justice is centralized and covers the whole United States.

A But he doesn't run the gamut of cases that we run in the state.

Q I'm trying to get at what the conceptual functional difference is from one as to the other and why you oppose it?

A He would find it very difficult to obtain as many lawyers as would be necessary to handle it, that's number one. It is a money problem. The way things are now, the county, for example, pays the assistant prosecutors. Under the plan which you suggest the state would be paying.

Q I'm not suggesting anything, I'm merely inquiring.

A This is one of the reasons I understood it to be a recommendation from you, but not withstanding, it seems to me that the trial matters are handled very nicely today in the everyday cases by the county prosecutors, and if I could, in co-operation with the prosecutors, and, by the way, I've surveyed all of them and they think it would be a good idea too, if I could use their men so that if there were a conflict in one office, they could use a man from another county to handle that, then all the appellate matters would be picked up, relieving them of

that burden, and on that kind of centralization I'd recommend it.

Q General, what are your plans, or what is the state administration plans to combat narcotic addiction and drug abuse, dangerous drug abuse?

A Well, the state itself has passed a number of laws in the past few years. I believe it was in 1966 we passed a law which was somewhat based upon the President's Crime Report study. We changed the penalties, we provided for a commitment in lieu of jail with respect to addicts. I don't think it has worked very well and I think we've got to do something else. I've been discussing with the Governor something similar to what is done either in California or in the State of New York. This is what we feel, at least my point of view, should be done in the narcotics area.

Q That is civil commitment programs?

A Yes. I think the most important feature, it seems to me, is the treatment. Now, I've always taken this point of view, first of all that narcotics users are sick people, but not withstanding the fact that they are sick people, if they commit a crime other than just the use of narcotics, then in some form or other they have to suffer a penalty for the commission of that crime. On the other hand nothing is achieved merely by committing them and

then letting them go free again into the community where they probably go back to their old habits for the same reason that they started in the first place.

Q Of course, that depends on the program and how you work it. It doesn't have to happen that way?

A Well, of course, you are not giving me the opportunity to answer the question. And that's where I think we've got to place our major emphasis, which means that we have to concern ourselves with the treatment of these people and with the treatment of these people it is my feeling that this should be centralized and it should be on a state basis here in New Jersey.

Q Under a new state agency or under a present state agency?

A Well, I'm not quite sure at the moment just what the organizational chart should be.

Q Are you going to make a recommendation to the Legislature this session to that end?

A Let me say this, that ordinarily that matters come within the province of institutions and agencies here in the State of New Jersey and our health commissioner. I, of course, as you probably know, always put my two cents in, but the primary function there belongs to those particular departments, except, again, for the fact that we do have a narcotics advisory council, and as attorney general I sit on that council and, therefore, make any

recommendation to that council, which in turn reports to the Commissioner of Institutions and in turn reports to the Governor.

Q Perhaps you can answer this yes or no. Is there going to be a narcotics program sent to the Legislature this year from the administration?

A I have to say I don't know at this moment.

Q Very well. The Governor's annual message to the Legislature includes a large discussion on the subject of crime and crime control. Many bills are mentioned. When may the Legislature expect to receive the full package of all those bills?

A Well, the Legislature has already received witness immunity, which was mentioned by the Governor. We spoke about mid-Atlantic State Police compact, that's now in the Senate Committee, public defender for juveniles, that's now in the Senate Committee, loan sharks, to the Senate on second reading, waterfront and airport commission compact, in the Senate on second reading; out-of-state gun purchases, in the Senate in committee; appropriations for the State Police and civil disorders, passed in both Houses; CAC appropriation, in the Assembly and Committee; explosives and ingredients related to the weapon control law, in the Assembly in Committee; medical examiner and laboratory appropriation, in the

Assembly Committee; State Grand Jury Act, ready for introduction; witness immunity was introduced yesterday, I believe. It had been given and was ready for introduction a week or two ago. Intrastate anti-trust, we are working on that right now, and that should be ready within a week or ten days. Wire tapping, I explained that to you and I have no particular date, although I will say that legislation that we've drafted is available for any Legislator who would like to look at it. Blue ribbon review of our criminal statutes, this is being studied by our council against crime, by scholarships, police centers for college training, also with the C.A.C., police cadet, C.A.C.; hiring civilians for police chores, C.A.C.; lateral entry for police, in the C.A.C.. Now, those are the ones which deal directly on the package which was presented by the Governor --

Q C.A.C. is Council Against Crime?

A Yes.

Q Now, is a determined effort going to be made in that council to breakout things that are before it that have to do with the potential legislation this session within the reasonably near future?

A Yes.

Q When might the Legislature expect these various study matters that are now before the Council?

A It's up to the members of the Council Against Crime. I have already been admonished by one of the members, Mr. Stretch, that I'm calling meetings too rapidly and too quickly, and the council members are unable to meet the short notices which are given. So, in dealing with these men I must take into account the fact that they are very responsible citizens and have other functions as well, and also the fact that we are working without a staff because we don't have money, and the staff has been assigned to the council by me out of my office, which to a certain extent has fragmented the duties of the people in my office, and, again, I spoke to the members of this Legislature last week, hoping that perhaps we would be able to get an appropriation which we will be able to match from OLEA, which would enable us to get an executive director and full time staff, in which event these things would come out much more rapidly and they could be working on it, prior to the time they come in to the final session.

Q General, what you've said about the difficulties with the Council leads one to, perhaps, observe a regular important state function is involved, perhaps it is a miscasting of an advisory type group to put them into the posture where state business gets held back because they're non-compensated, part time, although very well

meaning, perhaps the reasonable answer is to house those important functions in a regular government agency, whatever it might be.

A There are 30 states which have done it just about the same as we have done it here, fortunately in some of those states, like in Massachusetts the Legislature saw fit, in that case a Democratic Legislature to give to a Republican Governor and a Republic Attorney General something like \$35,000 to get them started. This can be done. And also the manner in which we are set up --

Q I think you misinterpreted me --

A -- , the manner in which it is setup conforms with the President's Crime Commission Report called for, and this is the kind of committee that is going to be in a position of getting money from the federal government, whereas the kind of committee that you are talking about, where are we going to get money for many things that we have to do, and I think that we've got to have that kind of a commission which can get these monies from the federal government.

Q Well, General, I'm not talking about the federal government, nor am I talking about whether or not it is necessary to qualify for federal funding to have such a committee, because you and I know it isn't. You could qualify your own office for the federal agency if you

wish to.

What I'm trying to say is if important legislation is being held back because part time, unpaid gentlemen, however abled and good-willed, cannot get to it, and the legislation sessions might go by without the recommendations, perhaps the wrong function is involved here.

A I think the record will indicate that nothing has been held back.

Q The Legislature will get those bills in?

A I've already testified they have some of these bills.

Q I'm talking about the full package which has to be assessed together?

A Well, now eleven of the things which I mentioned, out of twenty, are already in the Legislature.

Q General, is there anything that the Council can do that you can't do in your office?

A Yes, give me a very broad prospective point of view. Because if we had the time, of course the members of the Legislature know I could give you the names of the people who are on this Council. I think that you will find that it has elements of everything which we need necessary; law enforcement, business people, public support, local officials, and I think all of this is necessary if you want to come up with something which the people of the

state are going to accept.

Q In other words, the real value to them that you find unique, it serves a sort of cross-section interpretation of the community, is that it?

A That's one of the big factors.

Q What other values does it have that cannot be served by the Legislature or by you in your office?

A I think it has greater expertise in these areas than the Legislature per se.

Q Expertise?

A Yes.

Q Your office would have the same?

A Sure, my office could have the same. But you go ahead and give me the 20 deputies that I asked for, or make the recommendation and let the Legislature give it to me, yes, we will do the same job.

Q There are several recommendations that were made in the civil disorder report that --

A Excuse me, we will do the same job from the point of view of expertise. Whether or not we will get the same public acceptance, I don't know.

Q There are various recommendations in the Governor's Committee reports on civil disorder, some have to do with crime and law enforcement, as I'm sure you are aware. May the Legislature expect those in the near

future, or is the Governor going to present a package?

A That has not been presented to me, I don't know. I can't answer that.

Q Are you part of making those decisions, your office?

A It depends on what you are talking about.

Q I'm talking about the crime law enforcement recommendations?

A Which ones?

Q Police training, police standards, in terms of Grand Jury and Newark?

A All right, if you just give me one at a time I'll answer them all for you. I can't sit here like an encyclopedia and remember each and every recommendation in the report.

Q Let's take the one that has to do with corruption in Essex County.

A The matter has been already forwarded to the prosecutor of Essex County, and he's already on his investigation and he will determine after his investigation whether or not he has sufficient evidence to present to a Grand Jury.

Q Now, do you play a role in any of those decisions?

A I played a role in the decision with the Governor as to who should handle the original investigation.

Q Whether that would be the prosecutor of that county or not, or what was the decision to be made?

A That's right. Well, if you read the report, the report said there were three alternatives, either the prosecutor,

the attorney general or a particular statute in the State of New Jersey which would permit the citizens to be called together in New Jersey by the assignment judge. We went over this and discussed the matter, and the Governor, the former prosecutor, Mr. Byrne, who is now president of the Public Utility Commission, and the present prosecutor, Mr. Lordi, and as a result of those conferences, Mr. Lordi was asked to conduct the investigation.

SEN. FORSYTHE: Mr. Lombard, I think at this time, if members of the committee want to ask questions, because we do want to keep to our schedule. While it may develop, Mr. Attorney General, that before we complete our complete hearing, we may want to ask you back and work out a convenient arrangement.

ATTY. GEN. SILLS: As you know, Mr. President, I pledged my co-operation within the limits of my schedule. I certainly will make myself available.

SEN. FORSYTHE: I would like to start in this area by going back to an area we covered this morning having to do with your ability to get out the reports on the Uniform Crime, and you indicated you had a staff problem here, and you've told us that you were short in terms of the State Police and

in some of your other areas, but I would gather that this would be in your civil employees, in your department, that you need additional personnel and you have made a request for the ensuing budget which has not been granted. But I ask you, of the 298 budgeted positions that you have as of this current fiscal year, how many of those are filled?

ATTY. GEN. SILLS: I can't answer offhand. I will certainly have that information on Friday. As you know, I am to appear before the Legislative Appropriation -- excuse me, on Thursday, Thursday, and I will have that information ready there. I don't have it before me at the moment.

EXAMINATION
BY SEN. FORSYTHE:

Q Well, the point is, is it a question of being able to recruit or a question of budgeted positions?

A Well, it depends on what area, for example, that we are talking about. For example, if we are talking about chemists for the State Police, we are unable to recruit at the salary which has been set up, for example, see? In other areas we can recruit.

Q In the area of getting these crime reports collated and so forth?

A As far as the crime reports, let me say this to you, if

you pose that question to the Colonel, I'm sure that he is in a better position to respond to what the problems are with respect to collating the information from the Uniform Crime Committee than I am. I have great reliance and great respect for the superintendent of our State Police, and, very frankly, when I call him and I ask him whether or not the report is ready, and he says to me we are having certain problems, I only say are they problems with which I can help? If he says not at this moment, I leave it and I leave the delegation of authority to him to work out those particular problems. So I am sure he's in a better position to tell you what the problems may be other than I. The policies -- I would be involved in them.

Q Well, we will be glad then to wait until the Colonel is on the stand.

Do you have any difficulty in getting these records from the local police?

A Well, as I recall it, again the Colonel could answer it better, or one of his men, that the only kind of difficulties would be mechanical difficulties. First of all, in getting used to the form which has been set up and in sitting down with the various police officials in each municipality and getting them to understand what was meant by some things on the form, and then sometimes

the problem of reporting improperly so that someone had to go back to the particular agency to inform them that they had made a mistake. As a matter of fact, I must point this out, when my office originally drew this legislation we called for monthly reports. For some reason unknown to me the Legislature at that time did not want to empower us to receive monthly reports, and they said that I could only demand the reports quarterly, notwithstanding that every chief of police is more than happy and does report on a monthly basis as a matter of discretion, because they know that this is truly the only way in which it can be done.

SEN. FORSYTHE: Thank you.

Members of the Committee?

EXAMINATION

BY SEN. MC DERMOTT:

Q Gen. Sills, I must confess, I was very astonished by this revelation that there are seven Cosa Nostra families operating in New Jersey, I guess this is pretty old hat, isn't it?

A Oh, yes, I guess the Life Magazine last September mentioned all this, the Associated Press, I believe the United Press and other newspapers in New Jersey have indicated this from time to time.

Q I presume that your State Police knew about this prior

to the Life story?

A The State Police have had information concerning this for many, many years.

Q In general, what was the delay in setting up this organized crime section in your department? If I understood your direct testimony, you said it was created in October of '67.

A That's the organized crime task force in the State Police. Originally it was known as the investigative unit. It contained responsibility which was beyond that of organized crime. In 1966, I believe it was, Col. Kelly formed an intelligence unit within the State Police and after the intelligence unit was finished with this kind of work, the Colonel was of the opinion that the follow-up should be through a specific task force bureau to follow out the leads which would be given to them by the intelligence unit. Therefore, it was broken out of the investigators unit and setup as a separate unit to do just this kind of work.

Q As of October, '67?

A Yes. The only reason why, things occur, Senator, as a matter of priority. And where you sting the most at a particular moment is where you apply some ointment to try to remedy the situation. We lack manpower. I could give you figures which would show you that we could use

every member of the State Police just doing highway patrol. So, as I say, on a matter of balances, we have to shift and twist and turn and try to apply our forces as best we can where the priorities demand.

Q General, with regard to these monthly gambling reports you received from the police chiefs, what have they generally shown, an increase in gambling?

A They show a variety of things. They do show that gambling doesn't stop in one jurisdiction. It goes across municipalities, across county lines. In fact, across state lines. As a matter of fact, a lot of that information when channeled into the State Police, they're able to work-up and form a basis, many times for raids, which we conduct. But this information which may come from a local man may not assist him within his municipality, but it may assist us, because it gives us an indication many times of where certain people are appearing. So we know they are traveling from one place to another and this gives us an opportunity to find out why they're traveling from one place to another. Many times we find out because they are living in one place and conducting their operations elsewhere.

Q Which counties are the worse offenders?

A I couldn't answer that question. I think this is a state-wide problem.

Q Would some counties have greater incidents of these crimes than others?

A Are we talking about gambling?

Q Yes.

A Wherever you find the greatest number of population, you find the greatest number of incidents.

Q And has there been an increase in gambling in these counties in recent years?

A Again, I don't know if there's been an increase. It's hard to say, I'm of the opinion that there is probably more gambling today only because we are more affluent today in society than we were some years ago. But I say this, the more manpower you would give us and the more opportunity we would have to investigate, we would never run out of cases, in my opinion, and, of course, the more manpower you have, the more raids you have. If you look at the statistics, you would say that gambling is increasing, it would only mean actually that law enforcement is better because we have more men to apply to it.

Q Do you use these reports as a basis for making raids, is that it?

A Well, as a basis for intelligence, which sometimes develops into a further investigation, the making out of search warrants and, yes, conducting of a raid.

Q Suppose in a given municipality, the police force was not doing its job, and yet the rest of the county indicated a high incidence of organized gambling, which I presume comes under the syndicate. When you see this one town as not having enough arrests, as compared to the rest of the municipalities around it, what do you do?

A Well, the State Police have their methods of investigation and their own undercover men. And we believe these areas are covered to the best of the ability of our manpower.

Q In other words, you might suspect there is something wrong in that particular town and conduct an investigation?

A Oh, yes. We've been in positions, very frankly, where we've gotten a call from a chief saying he wanted the assistance of the State Police because his men were known in that area, and then we've picked up his reports and we found nothing in his reports indicating that he suspected gambling going on, and at that point we asked him, "You didn't indicate you had it, why do you indicate you need help now?" And whatever his answer was, we supplied the help.

MR. LUMBARD: Does the Governor here have the right to remove police chiefs?

A There is a statute, I don't think he has the direct right to remove a police chief, let me say that first --

MR. LUMBARD: But do you

think he should have that power?

ATTY. GEN. SILLS: Excuse me for a moment. There is a statute which indicates that if law enforcement points out to a chief of police where there is gambling activity, he doesn't do anything about it, he can be subjected to a criminal penalty.

MR. LUMBARD: Has that happened in New Jersey lately?

ATTY. GEN. SILLS: Well, before I was attorney general, I believe such an incident occurred, I believe, in Camden.

MR. LUMBARD: But it hasn't happened during your tenure?

ATTY. GEN. SILLS: No.

MR. LUMBARD: Do you think the Governor should have the direct power to remove police chiefs?

ATTY. GEN. SILLS: Again, I hate to answer that question quickly. There is this question in my mind about home rule or local rule, and just where the state fits into the picture or the county fits into the picture, and where a locale fits into a picture.

MR. LUMBARD: Even though the chief isn't doing the job?

ATTY.GEN. SILLS: If the chief isn't doing the job, there is no reason why the mayor in the town shouldn't have that function. I don't know why the Governor should have that function.

MR. LUMBARD: Suppose the mayor doesn't exercise it?

ATTY. GEN. SILLS: If a man is guilty of malfeasance in office, and the matter is brought to our attention, we will present it to a prosecutor so that he presents it to a Grand Jury.

MR. LUMBARD: Has that happened during your tenure?

ATTY. GEN. SILLS: Yes.

MR. LUMBARD: Police chief?

ATTY. GEN. SILLS: Yes. As a matter of fact, one of them was overturned recently in the United States Supreme Court.

MR. LUMBARD: How many times has it happened since you have been attorney general?

ATTY. GEN. SILLS: Oh, I can't answer that.

MR. LUMBARD: A dozen?

ATTY. GEN. SILLS: I won't get into a numbers game, I don't know.

EXAMINATION
BY SEN. WALDOR:

Q Getting back to the general question of centralization insofar as law enforcement is concerned, you are, technically at least, head of the prosecutors of the 21 counties. Would that be a fair statement to make?

A I don't believe so.

Q You can establish policy, can you not, insofar as pure law enforcement is concerned for the prosecutors in the 21 counties?

A I can give guidance.

Q Fine. You used the term "priorities" before, and it's a term I'm greatly interested in. You indicated in your direct testimony, as I recall it, that there were three general categories of crime. I think you said "organized, everyday," and what was the third, juvenile?

A Civil disorders.

Q Yes, civil disorder. And I'm in agreement with the establishment of these categories. Have you, however, within these categories established any priorities as to what crimes, for example, in the area of organized crime, everyday crime -- let's leave out civil disturbances for the moment -- in either of these two categories or both have you established priorities insofar as what constitute the greatest menace to the people of New Jersey?

A In organized crime I would say gambling, loan sharking and narcotics. I'll put it in that order, although it would seem that loan sharking is kind of catching up on gambling.

Q This is the area that I wanted to discuss, General, and I think these hearings can be productive.

A I think much more subtle and much more dangerous in the long run are, very frankly, one is the infiltration by organized businesses, and the next, which I feel, I say it is subtle, but extremely important, is the kind of corruption which comes out of some entanglements between these people and public officials without which perhaps they wouldn't be able to get into these legitimate businesses.

Q Well, let me ask you this, General. I want to confine it to as narrow an area as I possibly can, without taking up too much time. You indicated that of the three that gambling was first and and I think you listed narcotics third, I have, as a practicing attorney for many years, wondered, very frankly, and, perhaps, this hearing can be productive of this -- have you had any part in establishing as a policy for the various prosecutors designating gambling as the top priority, in each county insofar as law enforcement is concerned? Does that emanate from your office?

- A No, because the statute says that the criminal business of each county is run directly by the county prosecutor which he is responsible for.
- Q I understand that. Now, what I am saying is by the power of suggestion or conference based upon the experience of your office and that of the State Police and so forth, I want to know whether or not if you can answer this, and it is possible that you can't, whether or not gambling has been established as the priority crime in the various sister counties?
- A I'd say yes.
- Q All right. Now, I would like to know, sir, if you can tell me why, since it would appear to me as a lawyer and lay-person and as a father and citizen of the community, that the vitals of each community are being stricken more heavily by traffic in narcotics than by gambling and loan sharking, why it is that this area has not been listed, and I'm asking this for information purposes only, as a top priority in each of the counties, as well as with the State Police and so forth, and I'm not talking only from the standpoint of organized crime, but you used the terminology and I agreed with it before that this was considered an everyday crime, and as well in many cases it is. And I agree. I was wondering why, sir, that the emphasis, insofar as pure enforcement, I'm not talking

about prosecution, but enforcement has not been concentrated in the area of everyday crime of narcotics, or the organized crime of narcotics, because I think it fits into both categories, as contrasted to that of gambling, when the / youth of our state, very frankly, and I think you are aware of this, and the State Police are aware of this, and I am vitally concerned about it, and each community are presently being affected more adversely in narcotics and the traffic in narcotics and marijuana and so forth, than they are by gambling?

A Well, let me say this, Senator, that I'm not sure that the statement that you make is one which can be backed up by statistics. The question of narcotics is one on which you get a unanimity of opinion. It is called "dirty business".

Q Not according to the bills yesterday.

A I'm talking about how to treat it. I'm talking about the problem of narcotics. Newspapers will continuously write up this kind of thing. The public generally does not buy this product. The public generally buys the product of gambling, but what the public doesn't understand is that the profits which come out of gambling are used by the organized crime racketeers to subsidize themselves to get into the narcotics racket.

Q I don't want to engage in that colloquy General, insofar

as this is concerned, but I think that you will agree --

A Don't believe that emphasis is not put on narcotics, because it is.

Q I am not saying that it is not, I'm talking about priorities, I'm not talking about -- nor am I criticizing, very frankly, law enforcement insofar as any of these areas are concerned, but I'm here for information.

A I think you find better law enforcement throughout the State on the local level in the narcotics area than you do in the gambling area.

Q I want to suggest this to you, General, that it is true, or I accept it is true what you say, taking into consideration your experience in the area, that the funds for all of the activities of organized crime, let's say, emanate from gambling. But it is further true that in every household today that contains teenagers, I don't care what economic status they may come or what strata they may be in, that they must be constantly vigilant against the distribution in their own home of narcotics, marijuana of one kind or another. As a parent I know I am vitally concerned because I know what goes on in the Town of West Orange in which I live, and the surrounding municipalities. And I wonder, sir, that irrespective, because you have all the -- and when I say "you", the attorney generals who have preceeded you in office felt the same

way, obviously, that you do, because this has been a policy in the State as long as I can remember, and still there exists the so-called seven families and three thousand people, and I'm not being critical of that because I know the problems that are encountered in law enforcement in that regard, but apparently the fight against gambling has in no way cured the situation so far as the seven families. We haven't been rid of them or their activities in this State. As a matter of fact, the traffic in narcotics has increased and has hit one out of every four or seven households -- this may not be a fact that I can produce proof of, but judging from statistics that I have received from police chiefs in the areas in which I live, I have been informed that at least from one out of four to one out of seven households have in some way have had children that have had experience with marijuana or continue to have experience with marijuana. It would appear to me, sir, that the entire concept or the entire philosophy of law enforcement insofar as the concentration on gambling is concerned, is somewhat archaic in view of the fact that there have been no great results in the elimination of the seven families that profit from this, while every household is presently subjected to the infiltration of narcotics. And I am wondering whether or not there could not be greater stress and greater emphasis placed upon

the discovery of the distributors, whether it's organized or everyday of marijuana in local municipalities than on gambling.

I don't know if I've asked you a question or made a statement.

A Let me respond. First, let me say this to you, so far as the State Police are concerned, the biggest unit we have is a narcotics unit, it is bigger than the organized crime task force that I told you about. That is my base point of view.

Secondly, you talk in terms of the widespread use of narcotics. Now, of course, I appreciate that you are talking about marijuana --

Q Yes, sir.

A But then you tend to emphasize, respectfully, I believe unduly what the answer to it may be by talking in terms of "Why don't you get the people who are pushing this and so forth and so on? Why don't you investigate there?" We know. These police chiefs will tell you that, especially the youngsters go over into New York City and buy over there and come back here. Our investigations do not indicate that there is any widespread or big-time pusher of marijuana in the State of New Jersey.

Q Are we then to close our eyes to the fact that narcotics are coming into this State from New York and say, "Well,

it's coming from New York, there are no pushers in New Jersey and, therefore, we can't do anything about it"?

A I didn't say that.

Q I know you didn't say that, but I want to narrow this down to the specific question that I've raised, sir, and I'm vitally interested in stopping this traffic, and I say to you that there must be, and there are legal means by which the traveling to New York and the return to New Jersey with narcotics in their possession can and should be stopped. I am talking about local police departments, local prosecutors office, sheriffs office and so forth. Not nearly enough has been done to stop this traffic because everyone knows the truth of the statement that you just made. They go to New York and return here with it. Yet nothing is being done to stop that, and if we strike at the core of the problem, being, I think, that perhaps part of the problem will be eliminated.

A I don't think that's a fair import of what is occurring. I think that you have got to understand that you are dealing here with a question of morality, you are dealing here with a lack of education, you are dealing here with a great deal of information which has been disseminated by some sources to the effect that the smoking of marijuana is, for example, not injurious, and, as a matter of fact, it is more injurious to drink alcohol,

and all of this has disseminated mostly amongst the young people, and when this occurs and they get this kind of information, they have the feeling that there is nothing wrong in what they are doing. Now, I don't know how it is possible from the way in which you are presenting it for law enforcement people to stand guard at the borders, or whatever it might be, to try to catch these people, and I don't know how you would do it by virtue of Mapp case, or even if you didn't have a Mapp case to stop these kids as they came back from New York to find out if they're bringing marijuana with them, to me it seems, and you've touched on it before, it seems to me that in order to come to grips with this problem, first and foremost parents have to understand that they cannot forego or abdicate their responsibilities, and they have to start this immediately in their homes.

Q General, we are all in agreement on that. Let me ask you just one more question so I don't belabor this point. Actually, what you've said is something that we are all familiar with, and I agree with you, that apparently there isn't anything more that is going to be done about it than has been done. You raised as your own reason, as I understood you, as your own basis for support of the State Grand Jury, or statewide Grand Jury, the fact that it supersedes county lines, in effect. As a lawyer,

is that the basis or the sole basis of your support of the State Grand Jury?

A I can't find it here now, but I believe what I said before that one of the important reasons other than what you've just mentioned was the fact that in situations where organized crime is concerned, I feel that there has been a team effort and that we are best suited here in New Jersey for having the investigation come out of the State Police, and it would be easier and more harmonious. We could have a better team effort if the State Police could deal with one office in presenting this kind of a matter rather than having to deal with 21 county prosecutors.

EXAMINATION

BY SEN. WAYNE DUMONT:

Q General, last summer before, or just prior to the time when there was a question of whom to send in in respect to help in Newark, my recollection is that there was a disagreement in division of opinion as to whether the State Police or National Guard should go in first, is that correct?

A I really do not know what you are referring to, Senator.

Q I thought I read a statement that you made publicly that you thought the National Guard should be sent in before the State Police rather than vice versa, that is for help to the local law enforcement people in Newark

when help was asked for because of the fact that in other states where the National Guard had been used, that the people had become acclimated to it. Did you ever make such a statement?

A I don't recall ever making such a statement publicly. I do recall being in a conference I think in 1965 involving some mayors, the State Police, the Governor, other officials, at which time I indicated at that time that in my opinion if there were a mass outbreak we would need mass numbers, and I did not believe that the State Police Force had ample numbers to cover such a situation. I also recall that, perhaps, more recent than that, perhaps in the Governor's office I may have reiterated something of that nature. But as of the time from 1965 until the time it went into effect, whatever my opinion was, or I had stated whether it was privately or publicly, and I don't recall, there was a plan of operation, and this had nothing to do with anything which occurred.

Q Was there a plan of operation by, say, the 13th of July or thereabouts, 1967?

A Yes.

Q What was that plan, who was to go in first?

A The State Police.

Q And was that your plan? I mean was that your own personal position?

- A As to July 13th? Yes. As a matter of fact, as of three and four months prior thereto even. There was a meeting prior thereto which also was a meeting about which you might have information, I don't know, where Gen. Cantwell indicated that since the procedure had been worked out, that was the procedure which he would tend to follow and I went along with him.
- Q Well, was it at his recommendation that the State Police should go in first, or yours? Or who made the recommendation?
- A The recommendation was worked out on the basis of consultation with the Governor, Colonel of the State Police and myself. There are many things where I dissent at the very beginning, Senator, and I tried to be reasonable when others indicate that they know more about the subject than I, I accede.
- Q Your original position had been that the National Guard should precede the State Police, is that right?
- A My original position was that -- it would have to be yes, based upon the fact that I thought if there was a major outbreak there would not be sufficient numbers of State Police available.
- Q Although you were aware of the fact that as of that time, of course, the National Guard had not had any training in civil disturbance?

A I was not aware of it at that time. When I expressed my opinion I was made aware of that.

Q How many troopers were assigned to Newark and Plainfield last year?

A My recollection, somewhere between six and seven hundred in toto.

Q About half the force?

A That would be a half, or more.

Q You indicated that you are in favor of a law enforcement agency in New Jersey, I think you said in every state. Do you have any specific thoughts as to the composition of the agency? How many people should be on it? Whether it should be salaried or ^{not?} / Whether they should be lay people outside of government, and what kind of staff it should have?

A Yes, I do. It is my opinion that there should be representatives of both the Senate and the Assembly, that there should be State Cabinet officers that are concerned through the areas of police on through to the other end of the scale, parole and probation, and that there should be public members on that Board who would have expertise in these various fields and in general citizens.

Q Well, are you talking then about an agency as large as the Governor's Council Against Crime, or some agency that

could operate much more rapidly, perhaps, and, perhaps, much more efficiently because of the smaller size?

A Well, you draw your own conclusion as to whether a small agency can operate ~~more~~ rapidly. . I do believe there is a size that gets too great and a size that gets too small. But I believe whether it operates rapidly and efficiently depends much more upon the executive director and the staff than on the size of the agency. I had originally proposed a council of about 21 people for a council of which I had in mind.

Q How many are on the Governor's Council?

A Thirty.

Q Thirty?

A Give or take one or two, I don't recall at the moment.

EXAMINATION
BY SENATOR WOODCOCK:

Q General, with respect to the Grand Jury that you were speaking of before, you indicated that it would be mainly, as I understand it, one of limited jurisdiction, the State Grand Jury?

A No, it wouldn't have limited jurisdiction, Senator, but it would be oriented to handle organized crime problems. In a situation of that kind it would be up to the assignment judge in charge to determine whether or not on good cause shown he would convene such a Grand Jury.

In other words, there is no Carte Blanche to the calling of such a Grand Jury. We'd have to show the assignment judge why a particular county Grand Jury couldn't handle the situation. And as I indicated, it is oriented towards the situation that I mentioned of organized crime which would be crossing many county lines.

Q Well, General, this Grand Jury would only be summoned when an assignment judge thought it proper?

A Yes, on good cause shown to him.

Q And it would not be a sitting Grand Jury at a regular term to take on these specific matters of organized crime as they determine it?

A No.

Q And would it be also called into being to handle the everyday crimes?

A In my idea of the thing, no.

Q But certainly in the area --

A Possibly it could be if the assignment judge, if ^{I or}some other attorney general might change my mind in a particular case and presented it to the assignment judge, it would be up to him to determine.

Q And certainly in the area of the civil disorders?

A Yes.

Q Well, General, wouldn't you think that it would be better to establish, if we were going to establish a State Grand

Jury, that it be a sitting body as the Grand Juries within the counties now sit by term?

A Perhaps, Senator, but I don't know how practical that would be under the given circumstances, especially when the jury would be convened only on a special cause. We asked, when an inquiry was made of a Superior Court assignment judge. It would be kind of sitting in limbo, to say.

Q True, except that a Grand Jury sitting in a county now, may of its own volition undertake an investigation that it sees having some significance.

A Well, that's true, but they have regular business, so to say, so they're operating at all times, whereas this State Grand Jury is sort of a superstructure which has extraordinary kind of business.

Q But it was my understanding, and correct me if I'm wrong, that when we were talking, or rather you were discussing the State Grand Jury and the State Police and the Attorney General's office sort of working in conjunction to make a fight against the organized crime in the State of New Jersey, that it would seem to me that it would follow that if that were to happen, this Grand Jury, you'd have a lot of business to do.

A Well, it's true, they could have a lot of business. The results of that business might be a presentment rather than an indictment, as occurs many times with county Grand

Juries. It may very well be that if such legislation were adopted, there might be immediate steps to convene a Grand Jury, and it might very well be that that Grand Jury might remain in existence for a long period of time before the matters before it are resolved either by way of indictment or presentment. So, I think, Senator, although we may be saying different things, it might amount to the same thing once it got started, that is a question whether or not it should be on call for an individual instance or whether or not it should be sitting at all times.

Q Well, it was my impression from your discussion earlier today, for instance, the subject of loan sharking, which does not recognize a territorial boundary, it goes from Hudson County to Essex, Bergen and throughout the north-east, and probably down into the southern part of the State. This has a movement that would require this kind of Grand Jury rather than the Grand Jury located in Hackensack, and so that I think if we are going to attack the problem of loan sharking, wouldn't it be better to have this Grand Jury sitting at all times to handle that problem along with the gambling, along with every other problem of this type, the type that moves?

A As I say, it may turn out that way because if the legislation is passed, and I'm advised by the Colonel that he is ready to move in certain area, whether it be for

indictment or presentment, we would then try to show a Superior Court judge, if we have good cause, and he would convene that jury and it would stay in existence as long as necessary for this particular problem.

Q Just one other question, General, with respect to narcotics, you indicated there was traffic out of New York and into New Jersey with respect to marijuana, and I got the impression that you almost thought that fight was one that had to be lost because of the interstate complexion.

A No, sir, I hope I didn't leave that impression. I was merely saying that I didn't think that one could say that we were not emphasizing the narcotics problem in New Jersey because we weren't arresting the big pushers of New Jersey. I was indicating that our evidence, our investigations don't indicate that there is evidence of big time operators in New Jersey pushing either marijuana or the hard stuff, that New York is the market place for this.

Q Does your investigation indicate the best method of attacking the problem of marijuana and narcotics in New Jersey?

A It is my opinion that the problem must be met on an education level as well as on the enforcement level, as well as on the treatment level, and I think these things are necessary.

EXAMINATION
BY SENATOR LYNCH:

Q General, the witness immunity bill you referred to here before, I believe was introduced in both Houses of Legislature yesterday. Do any other states have a similar type legislation?

A Yes.

Q Can you tell me what states they are?

A Well, Illinois has it, Maine has it, I believe Rhode Island has it -- I can get the list of the states for you, if you want it.

Q It is not necessary.

A I know those particularly, I've spoken to the various attorneysgeneral of those states.

Q Has this type legislation ever been tested in court?

A Oh, yes.

Q The United States Supreme Court?

A Yes.

Q What would happen to an individual who was given immunity and testifies and his testimony reveals he may be guilty of a federal offense? Would that immunity go so far as to protect him with the federal offense too?

A Murphy against the Water Front Commission says yes.

MR. LUMBARD: Only if, of course, it is the same subject matter in the same area.

ATTY. GEN. SILLS: That's right. I assume that was included in the Senator's question. The Senator is one of the able lawyers of the Bar of New Jersey.

EXAMINATION
BY SEN. THOMAS:

Q General, with respect to this State's Grand Jury concept, who would try the cases, what agency would try the cases in which indictments were made?

A I'm sorry, I didn't get the first part of the question.

Q With respect to the State Grand Jury concept, what agency would try the cases in which indictments were handed down?

A The Attorney General's office.

Q Would the attorney general then have statewide jurisdiction to try a case in any county as to avoid this question of jurisdiction or venue?

A Yes.

Q What assignment judge would convene the State Grand Jury?

A One appointed by the Chief Justice.

Q So there would be just a single assignment judge that had that responsibility?

A No, I think he would probably give a few of them that responsibility, from what I understand in conversation with him.

Q What would be the basis for picking one or two, as opposed to having the assignment in any county or venue being able to convene this State Grand Jury?

A A matter of uniformity and orientation and a knowledge of the subject matter which might make it easier for all concerned.

Q With respect to narcotics there are two bills, there is a bill in the Senate and one in the Assembly that deal with a means of civil commitment. Do you favor this kind of approach to the narcotics problem?

A I favor the civil commitment approach. I haven't studied those bills carefully yet, I'm not sure what's contained in it.

Q I'm not trying to commit you to the bills, just to the philosophy.

A I do favor a civil commitment approach.

Q With respect to labor unions, and I don't know whether this would fall into the category that you communicated before that you would rather talk to us in executive session, but can you tell us to what extent labor unions in this state may have been infiltrated by organized crime?

A I'll only say in a general way that there has been an infiltration on both the employer and the employee side.

Q Is any action being taken in this particular area to

combat this infiltration?

A Yes.

Q Can you tell us what that is?

A These matters are under investigation by the State Police.

There may be other local police forces as well, but at

least from our level they are under investigation by the

State Police.

EXAMINATION

BY ASSEMBLYMAN GAVAN:

Q General, in answer to a previous question you indicated that the syndicate from its profits in gambling gets into narcotics and other matters. When we speak of gambling, are we speaking of gambling in the broad sense, or do we restrict it mainly to off-track betting and numbers or policy?

A All kinds of betting, /^{Assemblyman.} off-track, racing, the sports other than racing constitute a large area of which there is betting, football, baseball, basketball. It used to be in fights, but I'm not quite sure whether it is anymore. A fellow used to write "Don't bet on fights" in the Old World Telegram, and since he has deceased, and perhaps, the public is now back to betting on fights, I don't know. But I don't think it is as big a sport as it used to be.

Q But gambling you indicate is the profitable venture of

the syndicate?

A Very profitable. Again, it is a numbers game, but estimates that you read say that the national gross product runs anything from nine billion to fifty billion.

Q In light of that, and I'm thinking now of some editorials that I've read in some newspapers, I'm wondering whether or not, and I don't know whether you want to answer this, whether or not in your opinion if your package of bills contained a bill which permitted the people of this State to vote on a referendum to legalize off-track betting or numbers, whether this would tend to take the profit from the syndicate, and at the same time alleviate the law enforcement problem?

A It is not an easy question, to be frank with you, and I have thought about it before, Senator, and I do have some views with respect to them. However, this is one of the areas into which our Council Against Crime is delving at this particular time. They are looking into whether or not gambling should be legalized, how they believe the narcotic addicts should be treated, and also what to do with respect to alcoholics, and this is all on recommendation to the President's Crime Commission reports. I hesitate, I have hesitated to make any views known publicly because I'm serving as chairman of this commission. I would like to get an opinion from

members of this commission without my saying publicly what I believe, but I have said publicly that I believe that this is a question with which we must come to grips. On the one hand it is easy to say and, perhaps, can be said that like with alcohol, if you legitimize it, you take it out of the field of being a crime, and, therefore, you may be taking away the profit of the organized crime people. On the other hand, there are those that say it might not be feasible in a country such as ours, to the extent that it has been in New Zealand, and to some extent in England, that a great deal of the gambling in this country is done on credit, and a state regulated agency would not operate on credit. Therefore, there would still be this great area open. And then again, there is the saying that if there is enough water around, too many people may drink it. Which means that there are some people today who don't gamble because it's illegal, they're hard to find, I think, and that this might lead them to do gambling which otherwise they would not do.

EXAMINATION
BY ASSEMBLEMAN OWENS:

Q General Sills, of course, you are familiar with the system whereby our prosecutors are appointed throughout the State of New Jersey, Something that disturbs

me to a degree is that men are appointed as prosecutors and then they are permitted to carry on their law practice. Do you, in your opinion feel as though if the prosecutors were compelled to give up their law practice, that this would strengthen law enforcement in these particular areas?

A Yes.

Q I wonder if you have any comment in general on this?

A The answer to the question is yes.

MR. LUMBARD: Do you have the power to so state or enforce?

ATTY. GEN. SILLS: No.

MR. LUMBARD: Do you think you should be given that power?

ATTY. GEN. SILLS: No, I think that's a matter for the Legislature. I don't think it should be a matter of discretion with an attorney general. I think the determination should be made as to whether a law enforcement officer of this type should be full time or not full time.

MR. LUMBARD: Do you recommend a statute that would so state?

ATTY. GEN. SILLS: I am in favor of full time prosecutors.

MR. LUMBARD: And you believe to make it effective it would have to be done by statute?

ATTY. GEN. SILLS: Yes.

Of course, I might point out that commensurate with that, you would have to increase the salaries of these men, which might increase mine too.

CONTINUATION BY MR. OWENS:

Q Attorney General Sills, earlier I believe you stated that the Essex County prosecutor's office was to investigate the charges or the feeling of corruption in New York as outlined in the Report for Action. I am very much concerned about these charges, and that an early resolution, or that an early report come forth. I think you would agree and the Mayor of Newark I think agrees and has so indicated that he would like this investigation and as quickly as possible. Yet, I'm struck when I read at page 141 of the same report in the section dealing with the deaths in Newark during the last riot, that these words "The location of death, the number of wounded, the manner in which the wounds were inflicted, all raised grave doubts about the circumstances under which many of these people died. Prosecutor Byrne Lordi's predecessor, testified that his office was inquiring into

each of the deaths." and they go on, "As of January 18, 1968, these investigations were still pending."

Now, to the best of my knowledge these investigations are still pending. And it will not be too long before a year will have passed. Now, this same office is undertaking, as I see it, two very, very crucial investigations. Have you discussed with Mr. Lordi, first of all, the riot death investigations and when they might be completed, and is there any projection as to how long it might take them to complete the investigation for corruption?

A Well, first of all let me say I think that you may not be aware that all of these cases, although you may call it investigation, and it may still be considered investigation, have been presented to a Grand Jury in Essex County, and they have been considering the deaths about which you are talking. So, if you are thinking of an investigation in terms of field investigation and not presenting to a Grand Jury, then that's not so. These matters have been presented to a Grand Jury in Essex County. Just when the Grand Jury will act upon it, I don't know, I don't have the power to tell the Grand Jury when they should act or when they should make known their findings, that's within the jurisdiction

of the court itself and the prosecutor who is presenting the case.

Insofar as the other allegations, that of alleged corrupt practices in Newark, I believe that the report to which you refer came out in February, and I believe that there was an announcement in the newspaper -- well, when the Governor came back after his difficulty, physical difficulties, I believe it was in -- I guess the end of February or early in March when the announcement was made that the Prosecutor Lordi would handle the investigation. And then again, you've got to have a background that during Prosecutor Byrne's tenure in office there were five Grand Jury investigations on the same subject, none of which led -- I think one of them may have led to an indictment and a conviction in one case, which didn't clear up many things, if they were there. But, with all of this I think that you can understand that you can't have the report in February and the prosecuting of the case in March and have an answer by this time.

Q I'm not suggesting that at all. What I'm concerned with -- perhaps I'd better ask another question first.

If I understand you correctly then, since the February date mentioned in the

report and today, may I assume then that the investigations that they speak of that were then not completed, have since been completed?

A They have been presented to a Grand Jury.

Q That's what I mean. So in the intervening time --

A I think they were being presented to the Grand Jury in January while this report was being written. You see, I think they probably finished the testimony here in November or December, and while they were drawing the report as of, you know, as of the previous date, the prosecutor had been moving forward.

MR. LUMBARD: One last question. You mentioned before that there was a major organized crime problem with the families moving or infiltrating into legitimate business. You do not mention infiltration into the legitimate trade union movement. However, is that a problem as well?

A Yes. I thought I answered Assembleman Thomas over there when I said it was both on an employer and employee basis.

SEN. FORSYTHE: I think at this time, Attorney General, we appreciate your appearance here and I think, as has been indicated by the members of the Committee, that we will try and work out

a schedule to ask you back for both an executive session and, perhaps, some more open testimony, and we will be in contact and try to work out a convenient schedule.

ATTY. GEN. SILLS: I would just like to say this, Mr. President, that on the original question which was asked of me of what our plans were, that I've given you about fifteen percent of what I intended to, because there are many other things about which I can talk and which I have not had the opportunity to discuss, and I understand the reasons why, but I just want you to know that there is much more than just the question of witness immunity and wire tapping and loan sharking. I didn't even talk about loan sharking legislation, but there are other things about which we could talk. And may I, if I can, suggest, if possible, that if you would give me, perhaps, a list of the questions in advance, that I might be in a better position to bring forth statistics or give you information on paper which would not call for the necessity of my reciting statistics to you in order to show you what our workload is, for example?

MR. LUMBARD: General, it is like you said, it is a question of staff.

SEN. FORSYTHE: Thank you very much. We will recess now for fifteen minutes.

Following the recess, Colonel Kelly, I will ask you to speak.

(At which time a fifteen minute recess was taken.)

SEN. FORSYTHE: The hearing will be back in order, please.

Colonel, would you identify yourself and then we can swear you in?

COL. KELLY: I am Col. David Kelly and I am superintendent of the New Jersey State Police.

C O L O N E L D A V I D K E L L Y, was sworn by Senator Forsythe and testified as follows:

EXAMINATION
BY MR. LUMBARD:

Q Colonel, how long have you been superintendent of the New Jersey State Police?

A Since January, 1965.

Q For how long had you been with the New Jersey State Police in any capacity?

A I enlisted in the State Police in April, 1946.

Q What are the major crime problems confronting New Jersey in your opinion?

A I probably have to reiterate what the Attorney General

just said in terms of crime problems. If you are talking about syndicated crime, you are talking about narcotics and shylocking.

Q You would start with organized crime?

A Primarily, yes, I would.

Q You consider that to be the single most important or difficult crime problem now confronting New Jersey?

A Because of its influence in other areas.

Q Would you spell that out, please?

A I would consider that organized crime would be the prime consideration right now because of its influence or their influence in other areas of the state.

Q Could you tell us in what respect?

A In respect to narcotics for one. Also in respect to complacency, and possibly apathy, on the part of all concerned regarding gambling, the effect that gambling would and does have. We talk about gambling on the streets, we talk about gambling in the cities, but little is said about gambling in industry and the protectiveness of gambling within industry. We've had people, undercover people, in industrial shops I person-

ally made a request to a friend to see if we could get an undercover man into an industrial area plant. This mere approach shook him because of problems he may have had or may have with the union. And this is why I say gambling, organized crime affects many areas.

We are now talking about the working people, we are talking about unions.

Q You mean that the unions obstructed your investigation of gambling?

A I didn't say that. I said I made an approach to the plant manager but he was afraid to have an undercover man in this plant because of repercussions by the union if we did any raiding or if we upset what was going on in this plant.

Q Because the union wanted gambling to continue?

A I didn't say that either. I don't know whether the union wanted it to continue or not, but he said he was afraid of repercussions, afraid of a possible strike or afraid of internal disorder that could be caused by the union if we were to conduct a raid there.

Q On how many occasions have you had any such situations?

A Three.

Q Are you continuing your efforts in plants or have you stopped because of what the unions may say?

A We are continuing.

Q Continue.

A I just wanted to create the whole picture for you. There are people involved other than the people on the streets and in the cities and we looked into this and we talked to our people that had been in plants, and we talked about the protectiveness of a plant. The system is so designed within a plant, that if you are hired and you want to place a bet, you can only place it in the area that you work. If you go to the next area, they say, "Look, go back and place your bets elsewhere." This is what we call protectiveness.

First, we can't get a job, or if we do get a job, you have to know the individual that you are betting with in your area and if we are talking about plants, plants of any size could be areas of thousands and thousands of dollars a day in betting, lottery, horses. If you try to find out how the slips come out, they will come out at a different time. I would say that if we looked at the hard working people, they think that there is nothing wrong with this, "We are having a little pleasure, \$2, 50¢ on a lottery," but little do they realize that this \$2 goes elsewhere and affects

the whole State and the whole country.

Q Have you been able to trace the implant gambling of the nature that you have discussed to the families that the Attorney General said operated in one or another degree in New Jersey?

A If I could weigh that question and possibly talk to you in executive session, I could probably answer that.

Q In executive session?

A Yes.

Q Do you make the same offer to the Committee that the Attorney General did about talking more openly about organized crime in executive session?

A Yes, sir.

Q Well, without getting into the areas, Colonel, where you might feel would be a problem to discuss in public some aspect of details, could you continue for us why you feel that organized crime is a problem and you have problems dealing with it?

A First, let me go back for a bit, if I may, and give you the organizational structure that we have, and why we reorganized, and this will probably give you some of the problems that we encountered .

We have three basic troops
and there are forty State Police stations that

operate throughout the State, each with the full responsibility of crime, general police and traffic. A troop headquarters controls 13 stations. The troop headquarters has the responsibility of seeing that these stations function properly. But we found that there were blanks, there were voids between State Police, local police, county police. People were taking advantage of these voids by operating in these areas. As such, we reorganized and the station has the responsibility of the everyday crime, the general crime, whatever would come up. We organized a crime task force that would fill the void and operate within municipalities and counties, where these voids existed. The primary responsibility of the crime task force is to obtain information and do such things as is required to combat organized crime.

We think that the organized crime problem here today is the great influence throughout the State. We can get great co-operation from each and every police department if we are talking about murders. B and E's, narcotics and rapes. But as soon as we say gambling, there is a kind of

draw-off attitude. The dramatic things we can get, as we talked about here before, and much emphasis is placed on narcotics, and rightfully so.

Q Do you find that generally you do not get co-operation from the local police with regard to any of the organized crime areas, or is it just gambling?

A Well, there are areas where local police departments would be totally ignorant of such operations. They would be totally ignorant that such a condition did exist. Some of the people in organized crime live in one area but operate in another area. In the area where he lives, he's probably the nicest neighbor that you ever met. He has a fine family, contributes to the church, but his operation is not in the neighborhood that he resides. Consequently, the people in the area of operation do not know this man and the local police department sometimes could not tie these things together. This is why we have organized this task force. Our job is to

inform the local

police departments, and we have established this intelligence unit and we have profiles on sixteen or seventeen of the major people in this State.

Q Sixteen or seventeen?

A Yes, lengthy profiles.

Q How does that figure relate to the 3,000 the General discussed?

A We are talking about some of the members and lesser members who fit into this program.

Q Would you say, therefore, you have in your view now 16 or 17 major targets in the State at this time?

A We have 16 or 17 individuals that we consider prime targets.

Q In organized crime?

A Right.

Q Currently active?

A Yes.

Q Now, of that group has your organization ever made a case against any of them?

A We are working on some of these.

Q I mean historically?

A Again, I will talk to you in executive session.

Q Well, if you've convicted them, it is a fact.

A We haven't convicted.

Q Have cases been made by municipal police departments or local law enforcement against these people?

A I'm sorry?

Q Have cases been made by municipal police departments, to your knowledge, against these people?

A Yes sir.

Q Do you find that the municipal police departments in this State are able to cope with organized crime in their jurisdiction?

A Well, again, this is generalization. A number of police departments can't because of their size, and capacity of the police department, they can't.

Q They what?

A Some of them can't.

Q Do they in fact?

A As best we know, they do. Again, as I say, it may be lack of criminal intelligence on the part of the local police department in that they just don't know who are operating. They may know the local bookie, which is a constant problem for them, but they really don't know where the money is going.

Q They don't know the higher-ups?

A They just don't know. Sometimes we don't know. We assume it is going to certain places, but we have no proof as to where.

Q Well, then, I gather it is your testimony that you have felt it necessary to go to a statewide operation even

within the State Police alone, so far as organized crime is concerned?

A Right, sir, because of the concentration. We are concentrating on this particular group.

Q Yes, concentration on manpower, better co-ordination and collection of intelligence. Don't these reasons also apply within the county, say, within the police departments of a county, if they have the same function?

A I missed your point.

Q If between troops of the State Police, one entity, you have some loss of effectiveness against organized crime in terms of intelligence, concentration of efforts, specialist assignments or whatever, wouldn't those situations also apply to police departments within the county?

A Yes. I said that.

Q Now, has your organization participated in any kind of plan or made any recommendations with regard to the fragmentation of local police departments in New Jersey?

A I know what you are talking about. I know your theory on fragmentation. In terms of assistance to local police departments, there is no question, technical assistance, a system of intelligence, a system of raids, yes, we have this.

Now, if you are talking about bodies and technical services, one police department has two men, the next one has four, the next one has twenty, and this is the fragmentation that you are talking about. I believe this takes a kind of long look into terms of assistance and the State should give assistance in

technical assistance in polygraphs. These types of service should be regionalized. Maybe four or five towns should get together for services. We agree on this, but for manpower, I don't know whether I could justifiably say yes or no to this. You have to understand the geographics of the State, the social problems of the State. The southern part of the State is not as concerned with organized crime as Essex or Hudson County.

Q Let me ask you directly, your organization works everyday with the municipality police, receives information from them, it gives information to them, exchanges services, it is deeply involved in one way or another working with the local police departments.

Has the New Jersey State Police Department, as a result of this involvement, come to any conclusions that it should or should not have so many police departments in the State of New Jersey, for example the General said there are over 400, or whatever

the figure is?

A Let me first tell you of our participation; where the State Police fits into the state's structure.

Q I understand that. Can you just say to me, "Has the department taken a position as to whether there is excessive fragmentation on a municipal police level or not?"

A I don't know, I have never made that study. I'd have to look a little bit deeper into this.

Q Whether or not the department has, what is your opinion?

A As far as my opinion, let me give you our policy, and our policy is in this regard, we have three areas of responsibility, ⁱⁿ the State Police: Full, partial and co-operative.

The area of full responsibility is where there is no police department or the police department is such that it is unorganized.

The partial is where there is a partial police department or a part-time police department or two or three policemen, and we then have partial responsibility in terms of traffic control, investigation of major crimes, co-operation with the prosecutor, etcetera.

And the co-operative area is where they are self-sustaining, self-supporting, and we co-operate at their request.

Now, we are talking about a police department that has all of the internal functions, as detectives and radio and everything. Now, where we cut this off, and how we cut this off, I'm not quite qualified to say. I have given it some thought in terms of "Should there be regionalization for three or four municipalities?". Well, they may have kind of local political problems and not be in accord with each other.

Q Let me be very clear, we are not here talking about whether there are or not political problems, because clearly there would be political problems in consolidating police departments. Rather we are seeking your technical opinion as an expert policeman as to whether this would or would not be a desirable course.

A If you're asking me about regionalization, I'm in accord with regionalization 100% for the services that they can supply to one another in court.

Q Do you think they would best be organized on a county basis?

A No, I don't think so. I think that the county lines have long gone or have been since gone in terms of

police problems

Q How would you divide the zones or districts that would be most efficient to municipal police departments?

A Well, I just can't tell you. If you asked me to study it and make a survey of it, I would gladly have this done.

Q All right. If you don't know, you don't know.

A Maybe we do, but we just are not fortified with enough information. You are asking me if we should have regionalization. I said yes in terms of services we should. In terms of people, I don't know.

Q You were going on about organized crime before when we got into fragmentation and its impact. You mentioned loan sharking, although you didn't discuss it in any detail. Can you say a little more to the Committee about what you had in mind?

A Well, with regard to the loan sharking, it is such an ambiguous thing, the only time we receive a complaint loan sharking is when the ^{victim has} been kicked around or beat up for failure to pay, and then he's afraid to be kicked around or beat up again. Generally we don't get the information from this individual because of fear or intimidation. Our laws are such that we need corrective laws in terms of loan sharking, in terms of usury.

and I understand that there is legislation.

Q Your problem is to get evidence?

A Yes. We don't know who has borrowed from whom. We will have allegations, but they are not provable in court.

Q Well, let's talk about two specific ways of getting evidence that might assist them. One would be immunity, is that correct?

A Yes.

Q And the other would be electronic eavesdropping, is that correct?

A Yes.

Q Do you have a recommendation or an opinion regarding either?

A Both.

Q What is it?

A I'm for eavesdropping, I'm for electronic devices and I'm for witness immunity.

Q Could you spell out to the Committee why you think New Jersey should have an electronic eavesdropping statute?

A Well, I want to qualify this. I am all for the rights of individuals, the rights of the people to be protected, Eavesdropping devices would have to be

used with the judicial restraints.

I think that because of the times and the trend and the complexities of our investigations, we have to have these devices either for investigative purposes or evidential purposes, and even if it is not evidential, it is at least investigative, and again I'm concerned with the rights of individuals, and I think there should be the proper restraints and restrictions on this. But it is an absolute necessity for us to function, because practically everything that is done now in terms of interstate, intrastate, is by wires or communications, and we have to be as tricky as the people that are tricking us. That's the only way I can explain it to you.

Q Would it be fair to say, Colonel, that in your opinion it is absolutely essential to have electronic eavesdropping to obtain evidence if there is to be any pretense of the successful fight against organized crime?

A I would have to say yes. It is a necessity right now. Whether it would be an absolute necessity, I don't know, but I know that it is a necessity, and I'm speaking for my own organization and the problems that we do have.

Q What kind of laboratory services do you provide to the local police departments?

A Well, the Attorney General told you some of the

services that we have, and we provide all of the services to all of the police departments that want to use them. Some of the major cities may use a commercial service. We provide all of the services, technical, toxicological and other services that would be required.

Q I understand that Newark and others, for example, hire private laboratories and persons who are not under the discipline of civil service or government employment who are entrusted with very valuable evidence. Do you think that's a good practice?

A I don't know if it's a good practice or not, but I surely wouldn't recommend it.

Q Why is it that the State Police laboratory, which is open to all comers, is not utilized by these local communities for something that I think we could agree is very significant, and why do the taxpayers go out and buy the services of these other laboratories at an extra cost?

A Well, the answer, of course, is that that we are taxed right up to our ears with a workload, in terms of an examination by the municipalities. One of the biggest problems that we encounter, and I don't know whether it's been said before or not, we have six chemists, and about 40% of their time is spent in court.

Somebody in their legislative wisdom or judicial wisdom should give some cognizance to this in terms of time spent in court. If by stipulation some of this time could be saved, everyone concerned would benefit greatly. 40% of the time of the chemists are spent in court.

Q Well, Colonel, on the other hand, though if they have to be in court and you can't do anything about it, and the local communities can't get the services they need from you folks, and they thus have to hire these commercial laboratories, you are in something of a very bad dilemma.

A We are talking manpower now.

Q I'm only addressing myself to the fact that apparently you have a laboratory which has facilities but which cannot meet the need and the community doesn't use it.

A One thing we don't know, Mr. Lumbard, is this. We don't know how many people have not sent things in, we do know what they send to us, we don't know where else they send them. But we have a manpower problem in terms of getting chemists for the price that the State will pay chemists. We have six chemists now and we are having a time trying to keep these people because of the economics of the thing.

Again, if we have to, we have a fine building, we have a fine laboratory, but we have to expand it, and we talk about another laboratory ~~anywhere~~ elsewhere in the State.

Q Should there?

A No, I feel it should be here. We have the facilities, let's expand the facilities, and I'm against spreading out manpower. We know that we are going to have 50% of the people working in the laboratory, and if we decentralize, four people here and four people here, we don't know how many people will be in the laboratory.

Q I am only reporting to you that various police chiefs have told me that they find the service fine when they get it, but it is so slow that it is in effect unavailable to them, and this would be a problem.

A It is just the manpower, it just isn't fair.

Q There's always a reason, but the end result is that it isn't fair.

A One of the things to recognize is now that we've become technical and more scientific, more police departments and policemen are bringing in evidence because of court conditions and, of course, our workload has gone up and we are just over-taxed and lack manpower.

Q And it will continue.

A Yes, sir, it will probably get worse.

SEN. FORSYTHE: I think we
can now move to members of the Committee.

EXAMINATION
BY SEN. FORSYTHE:

Q Colonel, I would like to come back to the question that the General referred, I should refer to you getting to this manpower, and specifically with the crime report. I understand you have problems in hiring chemists. Do you have problems in staff in terms of this crime report problem?

A In terms of the crime report, I probably should qualify this for you, Senator, to explain what was originally said. The year that we were in existence ended in January or December 31st. We have six men who do nothing, but go around to municipalities instructing them how to make out this form or correcting it. The majority send them in monthly, others send them in quarterly, the law requires quarterly. Most of them send them in by the month. We have to correct them. The yearly report is in. We will have all the statistics that we need by April 1st, but we are

talking August the 1st where a program, a document like this, that would be meaningful. For example, it is not a question just saying Jersey City had 3,400 some assaults. We have to explain what Jersey City is like. It is an industrial town, 400 people will move in or out, and we have to give a pictorial background of this town so that we do have a proper view as is required for the seasonal type thing. This is what we are talking about if we are going to give a good, valid evaluation of the statistics that they report. We feel that we have the best reporting system in the country, and this has been told to us by the F.B.I., simply because we have six men who go around to the municipalities developing uniformity. This is what we have, we do not have any problem getting them, we are using troopers.

Q True, I do think your evaluation, and this is all very important, but don't you believe that it also would be important to get this raw figure released as early as possible in terms of helping enlighten the people as to the problem?

A We can give the Attorney General the raw figure April the 1st. We are still moving to municipalities correcting

reports that have been submitted, and it is as simple as that.

EXAMINATION

BY SEN. WAYNE DUMONT, JR.:

Q Colonel Kelly, is it true that you have 1,295 troopers now or 1,248?

A It is 1,295. We are authorized that ^{number.} But our present strength is 1,248. We have 47, 48 vacancies.

Q And the recommendation of the Governor in the Budget Message was for 60 more in the next fiscal year?

A Yes.

Q How many periods or classes of riot control have been conducted so far?

A I think this is our thirteenth class.

Q And they've all been since the riots in Newark and Plainfield of last July, is that right?

A September, yes.

Q And how many people overall have you trained?

A Policemen, we've trained 590 some, but, as you know, we had National Guard and State Police who are either participants or they are students or they are instructors in the course. In addition to this, we have had police departments and State Police departments from 14 different states that have attended our school, and the

school is nationally recognized. The school in Ft. Gordon, Georgia, was practically developed by the system we have in this State.

Q Is this the only one of its kind in the United States?

A Yes.

Q And have you more or less broken it down pretty much into three equal parts, I mean the graduates pretty much divided into State Police, local police and National Guard?

A No, sir, proportionately we felt that the emphasis should be with the municipal police because of time. The municipal police have 590 trained, all others may be 210 proportion.

Q Do you personally have any feeling in regards to a law enforcement council or agency, whatever it might be called, such as somewhat along the lines that we used to have, but, perhaps, with a different type of organization now as to the size of it, composition of it and the staffing of it?

A No, sir.

Q I mean, are you for one or do you have any opposition to one?

A If I knew the particular function or role. I'm in the investigative end, and if someone wants to investigate the investigative end, well, I just don't know what they

would be investigating. But I think within our structure, and the State's structure, we have filled in the gaps that formerly did exist in terms of organized crime, and this would be the function of the LEC to investigate all organized crime, or would it be an all-embracing thing, I just don't know.

Q You feel that you are covering all those areas now in State Police?

A Yes

Q That would be done by such a council?

EXAMINATION
BY SEN. THOMAS:

Q A number of people have made the complaint that the leniency of judges in imposing sentences is contributing to the crime problem. Do you agree with that?

A I can't go along with this in terms of gambling. The court has taken into consideration. The assignment judge has assigned one judge in every county to be the sentencing judge, and I think this has kind of taken the so-called leniency away.

If you are talking in the narcotics areas, where these things are discretionary with the judge, and far be it for me to say, "No, you are

right" or "No you are wrong", he sits in the wisdom of the judicial robes, and I assume he will properly adjudicate.

Q There are several bills now pending that impose severe minimum sentences in the area of narcotics and area of weapons and the use of a weapon in a major crime. Do you agree with the philosophy of this type of legislation?

A From experience, some of the problems that we have are not with the judges.

I'm concerned with the sympathy that the jurors may have in terms of real severe sentences, the judge, of course, could wind up possibly with a yes/no decision on the part of the jurors, and this is what I'm thinking about.

Q Forgetting about the judges for the moment, do you think that the severe minimum penalties will act as any kind of a deterrent to crimes in these areas, narcotics and weapons?

A Let me categorize.

We talk in the area of marijuana, amphetamines and the opiates. We find out that the opiates from our information remain the same, there is no up or down, the percentage is the same.

The use of marijuana has gone up the degree or percentage, I don't know, but it has

increased. Whether/ ^{severe penalties} will be a deterrent or not, I don't know. We are talking now in the area of juvenile, high school and college. Whether the dare would still be there, whether the first try would still be there, whether the test will still be there, I don't know. I don't know whether this would be a deterrent or not.

Q Well, these bills that impose the high maximums with respect to narcotics are designed to get the pushers and the non-narcotic or addict type pusher. Do you think it will have a deterrent effect in this area?

A I assume that it will have a deterrent effect in this area.

EXAMINATION
BY ASSEMBLYMAN BUEHNS:

Q I believe throughout the State we do have high incidence of crime relating to burglaries and larceny. In line with the last comments, with the last question, do you feel that severe, well, that increased penalty in this area is likely to have a looked-for result or the hopeful result of reducing the incidence of the Commission of this kind of crime?

A Assemblyman, I don't know. I am not in the sociological field and I don't have that type of feeling.

The feeling that we have from the enforce-

ment end is that generally the man is in that particular venture, whether it be five years or ten years, would kind of go in that direction.

Another

big problem that I should have mentioned is hijacking throughout the State. This is part of the organized crime thing, and there has to be some concentration in this area too.

But to answer your question,

I really don't know, Mr. Owens, I don't know.

Q I have two more questions which are related, and mainly by way of information and your opinion. The first question would be how many non-white members do you have in the State Police? Secondly, do you feel an increase in the number of non-white members would have any beneficial result or any beneficial effect as to reduction of crime, particularly in the high density urban areas?

A We have six non-white troopers. There are two/^{more recruits}in the class right now. If we are talking about recruitment, we have conducted examinations three times a year throughout the State, ⁱⁿfour or five different places.

We have list-

ings of all those agencies that we send these notifications to if we are talking recruitment. The president of the NAACP, the Manpower Development Training Program, American Legion, Veterans of Foreign Wars, Department of Defense, National Guard, Y.M.C.A.'s, plus announcements, radio announcements and television announcements throughout the State.

Q Do these announcements also go to other police departments?

A Yes. We are talking about radios, televisions, in post offices and we are going through the Division of Civil Rights, and they have a distribution in terms of six or seven hundred copies of these announcements here. Now, this is recruitment.

And your second question was "Do you think that it would help?"

Certainly, no question about it. And you can understand that we can use many, many more non-whites and we need them because there are areas that we just cannot penetrate and we need these boys.

Q Are there any members at all of the Spanish speaking group that are members of the State Police?

A Yes.

Q How many?

A I just don't know. When you say "How many", I just don't know.

Q Well, what I'm speaking of is not just those people who may have facilities o. speech but those people who are of Spanish decent.

A That's what I'm talking about. We have some Irish people who speak Spanish.

EXAMINATION

BY SEN. RINALDI:

Q Colonel, with respect to riot training assistance which had come up in the discussion before, how is it determined which municipalities and which members of their force would be receiving special riot training in conjunction with State Police?

A We have worked ^{out} / a system with the Chief of Police Association, and all applicants and all applications are given priority through the Chief of Police Association. They had the original screening process. The first class we ran was strictly for chief of police, and they include the applicants in the area of supervision, inspectors, captains, according to the size of the department, of course.

Q Colonel, in your opinion are you satisfied that adequate riot training has been given to our respective municipal

police departments and police chiefs sufficient to meet any riot outbreak that may, unfortunately, occur this summer?

A Let me say this to you, in terms of "Am I satisfied that they are trained to meet any situation", and we really don't know all of the situations, what type or kind of situation. I'm satisfied to this extent, that the police chiefs and the police supervisors are fortified with knowledge in terms of this is what should be done, this is what other people have done, this

is the best knowledge available concerning this particular situation. We deal in the area of a political decision as opposed to enforcement decision. Whether they will be permitted to use this knowledge or not is a home problem.

Q Do you think regionalization, such as you've touched upon before could help in this area, could help with better training programs among contiguous police departments?

A Yes, there are county associations where these police departments are joined together in compacts.

There are county schools, and they are joined together in this area.

Q Colonel, I have one more question. We've touched very

little today basically on crime in the streets. We've talked mostly, I think, about organized crime and, of course, about civil disorders somewhat, and we have not talked about crime in the streets, the muggings, the rapings, the breakings and enterings, the things that make people want to stay off the streets at night. As the top-ranking police officer in the State, do you have any suggestions as to what can be done by the local police departments to implement this need, to help curb the tremendous growth of crime in the streets that the citizens are most aware and concerned about?

A Again, we are localizing now, and some towns do not have this problem, others do. Naturally, it takes more and better policemen, better equipped and better trained policemen, trained in the area of -- not in the area of weaponry, but in the area of social training, in the area of supervision, being properly supervised, being properly directed, having a better intelligence within the area of problem, concentration of patrols, concentration of effort in particular areas of problems, a study of the times and the happenings and the types and kinds of happenings and a better rapport with the kind of people that reside in that particular area.

Q Do you think the fragmentation of our police system

as it is today, in some way, is responsible for this? In other words, take the problem of breaking and entering, the average small police force is in no way capable or equipped to pursue the crime of breaking and entering, especially in some of the smaller communities. Regionalization of police efforts, it seems to me, would be able to cope with this problem better than it is being done today, isn't that so?

A I agree with you. Most counties now have communication systems that will tie together, communication wise, all police departments. This is a part of regionalization, be it by communication or be it by support in any other way, but the regionalization has already taken turns in terms of communication.

Q Do they share in their detective work?

A They probably share in their intelligence. Now, one of the things that we contend and one of the things that we can do with the uniform crime reporting is to show where, when and how to concentrate and show municipalities that maybe do not have

dialogue with one another. This is what we are trying to do. We have no comparative, this is our first year, but we have people that have to study these programs. The figures, the numbers mean nothing if the proper

analysis is not made, and we have to have people that are knowledgeable in this area, people that can evaluate, people that can assess areas, people that can determine, and this we have. We have trained people, but we need more people. It has to be done on a state level because of today's level, today's travel. We are working with and closely aligned with all State Police in the New England area, in Pennsylvania and Delaware. Why it would take about an hour and a half to get from Pennsylvania to New Jersey and New York, but you don't speed in New Jersey. But I am talking about cooperation.

We can't close state doors to one another, because this extends right now to the highway system right through our state. We do happen to be the corridor state and we get all this travel and we have to have communications with one another. This in itself is regionalization State Police wise that we are working on.

SEN. WALDOR: No questions.

EXAMINATION
BY MR. LUMBARD:

Q Colonel, does the State Police prepare a routine and briefing for the Governor and the Attorney General on organized crime in New Jersey?

A I meet with the Attorney General in the organized crime area. I would assume that the Attorney General meets with the Governor --

Q I'm certain of that in terms of relating. But the State Police does not personally brief the Governor on the conditions of organized crime in the State, I gather?

A Say that again?

Q Does the State Police directly brief the Governor on the conditions of organized crime in New Jersey?

A We brief the Attorney General. In fact, we meet Mondays in the Attorney General's office and the briefing takes place there.

Q Do you prepare that report in writing, or is your statement oral?

A I bring the people that are concerned in that particular area with me. Long ago I learned that you cannot be an all-man, and I do not know everything, so the specifics and the reason for it, I bring the man concerned in that area.

Q In other words, you do not prepare regular written reports, which is either for the Attorney General or could be passed on by him to the Governor on organized crime?

A He takes the notes and he can get the reports.

Q The disorder report mentions a State Police report called "Surveys of Cities," what is that?

A When we started this UCR program, we started it probably six months before the legislation was passed, and this is how we determined how many police departments, the size of the police departments, the equipment that the police department had, the facilities that the police department had, and this is how we gathered this information.

Q Did that program just start?

A No, sir, we started in 1965. The UCR is one program. If you are talking about the civil disorder, we have gathered all of that for civil disorder information.

Q On page 176 of the Civil Disorder Report there is a call for the State to develop a master plan to react to any further disturbances. Has that master plan been prepared?

A If it has, I know nothing of it.

MR. LUMBARD: Thank you.

COL. KELLY: We are working on a policy with regard to the Governor in relationship to municipalities and the State, but the master plan I don't know about.

SEN. FORSYTHE: Do you have anything further to close with, Col. Kelly?

COL. KELLY: No.

SEN. FORSYTHE: We appreciate your attendance here and we will try and work out this executive session situation and be in touch in terms of the scheduling.

I think with that we can declare the hearing closed for this afternoon until tomorrow morning at 10:00 A.M. in this room.

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