

T A T E   O F   N E W   J E R S E Y

P U B L I C   H E A R I N G

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 29, 1968  
State Museum Auditorium  
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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THE CHAIRMAN: We will call the hearing to order. This morning we have as our first witness the Honorable Charles W. Sandman, Congressman from the Second District.

Congressman Sandman, if you would identify yourself for the record then I would like to swear you in.

CONGRESSMAN SANDMAN: In this connection I think you would want to identify me with the New Jersey Narcotic Drug Study Commission which was formed by Senate Resolution in 1963. I have been Chairman of that organization from then up to the present time.

C H A R L E S   W .   S A N D M A N ,   J R . ,   sworn.

THE CHAIRMAN: Do you have a statement for us that you would like to present?

CONGRESSMAN SANDMAN: I have no statement, Senator, other than what I may say extemporaneously or in answer to questions that your Commission may have.

THE CHAIRMAN: Well, then, Mr. Lumbard, will you proceed?

MR. LUMBARD: Congressman,

how would you describe the dangerous drug and narcotic addiction problems in New Jersey today?

CONGRESSMAN SANDMAN: Well, I would say that they are quite severe. We have approximately 5600 known addicts in the State and we know that there are more than that. The problem is on the increase. It's not on the decrease. We have not found a cure to it, anymore than anybody else has.

We've tried to make recommendations to improve the situation. We've tried to do it by not involving the states in vast sums of money. The pilot program which was started in Skillman was started as a result of recommendations of this Commission and it has had some results--of course, not as good as we'd like to have.

The problem is on the rise, especially in lower ages. The average use of New Jersey addicts, the first use, is age 19. And we found that 90 per cent of the causes of the



first use had to do, mainly, with curiosity. In lots of testimony that has been taken-- we have not released too many of the details on it because of the highly confidential nature of it.

One indication of the rise was in the interviews that we took at the various reformatories in the State, at Bordentown, especially. As long as five years ago there were only about seven people out of 350 there that had any experience at all with drugs. Last year when we interviewed inmates there and went over the records we found that the number today is in the seventies as compared to only five five years ago. The alarming thing about it, too, is that some of those were already addicted to heroin. Not many, less than half a dozen. So this I cite as an indication of the problem as it has grown in the State.

MR. LUMBARD: Yesterday Assemblyman Dennis testified before the Committee. He has been making a particular study of this subject, having been newly elected from Essex

County and he being personally concerned about conditions in Newark particularly. He said that he and his staff had come to the conclusion that there were from thirty to forty thousand persons in New Jersey who are now involved quite seriously with either narcotics or dangerous drugs. Would you comment on that estimate?

CONGRESSMAN SANDMAN: We have probably in our State the most accurate statistics of the fifty states and our figures don't get anywhere near that figure. Of course, it has to do, too, with what he was referring to as an addict or a user. If he is taking in all categories, even those that use goof balls and use marihuana and also those that are addicted to the hard forms, you probably could reach a figure that would go into the thousands. But the figures that we have are only those that pertain to known addiction and this is taken as a result of all of the statistics from the court hearings around the State and you will find that these



are quite accurate.

MR. LUMBARD: Could you be more particular, Congressman, for the Committee about the trends that you see in terms of different kinds of narcotics being used or different kinds of dangerous drugs, on a factual level?

CONGRESSMAN SANDMAN: Yes. The thing that seems to be on the rise is the use of goof balls, the acceptance of marihuana.

Only two days ago I interviewed a young man in one of the outstanding law schools in the District of Columbia and he told me that he doesn't know ten people in the whole law school who hadn't had some experience with smoking marihuana, not that they do it habitually. But he said it had become more or less of an accepted thing.

These things, I think, are tremendously on the rise and this, again, is due to a lot of unwarranted publicity, the looseness of so many other things that have brought this thing into the limelight.

As far as the hard use of the opiates

is concerned, I think it has had a gradual rise, nowhere near the fast rise of the other forms.

MR. LUMBARD: What are the present responses of the State of New Jersey to those problems?

CONGRESSMAN SANDMAN: Well, prior to the formation of this Commission New Jersey had almost no kind of a treatment program. New Jersey has never appropriated a whole lot of money in this particular field. Of course, we did have some kind of services at some of the State hospitals such as Marlboro and a few others.

MR. LUMBARD: That would be under the jurisdiction of the Department of Institutions?

CONGRESSMAN SANDMAN: Department of Institutions and Agencies. But these were only good for very limited use where a person was found pretty much under the influence. It was used as a place where you could put somebody in a hospital to get some kind of



treatment.

Prior to 1964 we had no center as a center anywhere in the State and in 1964 we legislated the creation of the Skillman Institute which, again, was only a pilot program.

On this one I would like to enlarge a little bit on why we did it this way. This was done as a result of two years of intensive study. I served in the Senate here for ten years and I served on a lot of committees, but I never served on one that was as diligent or worked as many hours as this one. We went to the trouble of looking into almost every possible kind of a treatment that we could. At that time the big publicity that was given on the thing known as Syn ion seemed to be spreading all over. The Committee then went to Westport, Connecticut, which is the holding center of Syn ion. Again, we interviewed the people there. We weren't altogether satisfied with what we saw, but at Westport we were told this was only a holding

center and the big operation was at Santa Monica, California. We then went to Santa Monica, California and we looked over Synonon from the first doorknob to the top of the roof.

MR. LUMBARD: It's in a beautiful spot, right on the beach.

CONGRESSMAN SANDMAN: Yes, the beach is beautiful but it's a far cry from being a cure. It's no more than trying to isolate somebody. It's a known fact that when a man is in the State Prison he is not using heroin. He can't get it. So it is at Synonon. While he stays there he is off the drug. There is no question about it. But their claims on having rehabilitated so many people--they can't prove that they rehabilitated anybody. And the system that they used, to me, was no more than just an isolation of people.

In our report we did say that we felt that Synonon was a good thing because it was keeping some 350 people off the street that may have been on drugs but it wasn't the answer, a far cry from the answer.



While we were there we went to the California Institute of Corona. In this one the report again recites that this is, perhaps, the best setup of after care in the whole country. But the California system could not work in New Jersey because of our laws. I doubt if your constitution would allow the after care treatment that California does where they have the mandatory Nalline treatment and the mode of incarceration where they keep a person there for three years.

MR. LUMBARD: What in the New Jersey constitution would forbid that?

CONGRESSMAN SANDMAN: Well, there's several sections and I'm not an expert on this particular thing.

It seems to me the requirement of mandatory Nalline treatment after the man has served his time in Corona, which runs as high as three years, if you were to do that in this State I have some doubt that this isn't invading the man's private rights.

He has served his time. He has come out. Under California law if he's found to be back on the use again he then is sent to Corona for an indeterminate sentence. I have some doubt that that, really, isn't a double jeopardy. I can be wrong.

At any rate, we did make all of these explorations. We later went to Lexington, Kentucky. We had an entire day of conferences with the best authorities that I think exist in the country. Lexington wouldn't work here, either, because up to that time they couldn't keep people there for the full treatment. At the end of five days anybody that had signed themselves in could easily sign themselves out. Lexington has no statistics because the inmates are from the whole country. They did complete, prior to our getting there, the statistics on the State of Kentucky. These, I think, do show that Lexington does serve a real good purpose. These are people from Kentucky who went to Lexington and then later went out and the authorities, in cooperation

with the State authorities, located these people. They found that the treatment at Lexington had kept a lot of them out of jail for as long as five or six months longer than they would have been had they not gone to Lexington. Of course, you can't use that either because you have a different kind of drug addiction in that part of the country. Heroin is not nearly as prevalent in Kentucky as it is in the northeast. One of the hardest drugs they use there is cocaine and it's easier to break the cocaine habit than it is the heroin habit. So, again, these statistics don't mean a whole lot to us here.

MR. LUMBARD: The question we are still working on is what is New Jersey's response to the problem you first described. The first step about which you have been testifying is that New Jersey has this study commission you're talking about?

CONGRESSMAN SANDMAN: Yes.

MR. LUMBARD: Then you also mentioned one program in the Department of Institutions.

CONGRESSMAN SANDMAN: When we saw the tremendous amounts of money that were being spent by so many states in exploring the problem and at the same time looked at their statistics or improvement, we didn't feel that this state should go into just dumping millions in the bucket and have no result. For that reason Skillman was set up under Senate Bill 210 in 1964.

Again I say that prior to that there was no center anywhere in the whole state which would be really a center for treatment of addiction. None exists today, only Skillman itself which is very limited. It only has approximately sixty beds. That, really, is the response.

Now, to make it even worse Senate Bill 210 went even further than just creating Skillman. It allowed the addict to have the choice of going for treatment or going to jail. If he didn't go for treatment or if he stayed not as long as he should, he was returned back to jail on a breach of



probation. There are a lot of wrinkles to iron out in this thing. This is not the answer, either. It's an experimentation.

The next and only response to the thing was that Senate Bill 210 also created a fund which would create clinics in counties where the problem really exists, such as Essex.

MR. LUMBARD: What kind of clinics?

CONGRESSMAN SANDMAN: These would have been clinics for the purpose of detoxification and clinics for the purpose of trying to place people somewhere.

MR. LUMBARD: Voluntary clinics?

CONGRESSMAN SANDMAN: Yes.

MR. LUMBARD: Out patients?

CONGRESSMAN SANDMAN: Yes. Now, the fund that was created was a 75 per cent State grant. This committee met with the authorities in Essex County I don't know how many times in an effort to get something started. The same year the Federal government had passed a Federal grant of 100 per

cent for these kinds of clinics. The position taken by Essex County and the counties that really need clinics badly was, "Well, we don't want the 75 per cent State money. We will hold out and see if we can get the 100 per cent Federal money."

Well, the Federal fund was exhausted rather quickly. As a result no clinic was built for many years even though the State fund of the 75 per cent grant was available. This can hardly be a shortcoming on our part because we tried our very best to get these people to establish something.

The next thing that happened, by way of response to the problem, happened about eight months ago when the OEO got interested in drug treatment, especially in the large counties. The State was fortunate enough to get a Federal grant of a million seventy thousand. We have devoted most of our time this year in trying to utilize that million seventy thousand. We are very happy that the State got this money. We are not at all

satisfied that the money is being spent really for the purpose it was intended. The great fear that I have is that this will not be refunded next year because of the lack of productivity with the money available in the state today. Now, we have met with these people countless times.

MR. LUMBARD: Which people, OEO?

CONGRESSMAN SANDMAN: The people from OEO who are handling the problem, mainly in Newark. We have had meetings in Newark. We have had meetings in Trenton. We have talked to about everybody that we can talk to. They have a program that in my opinion they cannot institute in less than four or five years because it goes into so many fields. It was my proposal that this money should be spent now on a better after care program, specialized probation, which you don't have anywhere in the State. In Newark the average probation officer's case load is as high as 75 cases. In his 75 cases he may have only five or six addicts. He cannot possibly oversee these

people well enough with such a heavy caseload.

So in our first report we recommend there that a specialized probation section be set up in places like the City of Newark where a probation officer would have a limited case load and he would deal only with addicts. It was so bad when we wrote the first report that instead of a probation officer going to see the addict the addict was told to come to some location and talk to the probation officer. Well, he wasn't using anything for two or three days before he saw his probation officer. As soon as he saw him, knowing he didn't have to go back for a couple of weeks, he would go right on it again. In fact, we had one girl testify that she liked to go see her probation officer because the ladies' room was so neat and clean that it was nice and she took her own package and after she talked to the probation officer she took a fix of her own and went home.

With this kind of a system you have no real after care and this is where I think

this million should be spent. We have talked to the Federal authorities and we have requested some leeway where this can be spent for better use and I think that it can.

The program that they have set up is one which not only goes into clinics: it goes into reach-out stations; it goes into halfway houses; it goes into all kinds of things. It will take them years to set up.

MR. LUMBARD: Congressman, having talked about New Jersey's response, such as it is, what do you recommend for the future?

CONGRESSMAN SANDMAN: We brought Mr. Brill in about a month ago to find out what his real problem is in getting started.

MR. LUMBARD: Mr. Brill from New York?

CONGRESSMAN SANDMAN: Mr. Brill who is in charge of the OEO program in Newark. He has some genuine complaints here which make it extremely difficult for him to get started and one is that he does not have the proper facilities to use for detoxification. He estimated that he would need, even starting,



between 300 and 350 beds, just to get started in some sort of a skeleton form in the City of Newark so that he can do something intelligent with the OEO unit that he has.

At that point I asked Dr. McCorkle to find something where we can at least recommend the creation of 300, 350 beds. Dr. McCorkle wrote a letter to me on March 13th which recites his exploration of this particular problem. We will recommend to the legislature--and I hope we are a little more successful on that than we were on the reconstitution resolution. It hurts a little bit to spend five years of your life and a lot of your own money to do a job on something and then have your old buddies pass a resolution that all it wants you to do is be instituted for the purpose of filing a final report. This I don't like at all. I take it as an insult.

We will recommend to the State Legislature that there is a place in Ocean County where we can accommodate approximately 500

persons a year. There's 300 beds there. It's a defunct nursing home. The estimated annual operation cost of this, figuring it costs \$3600 a year per addict, will cost \$1,080,000 for the fiscal year.

In addition to that, there is approximately another half million that will be needed to support what should be New Jersey's first real system of probation and parole. Without this we may as well spend nothing. So we are talking about a project that's going to cost a million and a half. This will be in our recommendation this year.

I would like this Commission to know that by virtue of your reconstitution resolution this kind of testimony has to be digested in the report. The attorney that we have gets the grand sum of \$2500 a year. That's all he gets. And I don't know of any lawyer that would like to wade through that (indicating) and get \$2500 for coming up with his recommendations. We have left \$1500. That is not enough money to print this report.

If this is economy, then I went to the wrong kind of a school. This report has to be published. This is a genuine report. I think it's going to be one of the best that we've ever had, but we need \$7500 to print this report. It's that simple. Even if this is our last report, it's going to be the best one this State has ever seen.

MR. LUMBARD: Congressman, where are the most addicts in the State?

CONGRESSMAN SANDMAN: Approximately 80 per cent are in metropolitan Essex County.

MR. LUMBARD: Where is Ocean County in relationship to Essex County?

CONGRESSMAN SANDMAN: It is, I would guess, about 60 miles south. But, you see, we have this problem. Everybody recognizes this to be a very serious problem and everybody wants to do something about it. We are overwhelmed by do-gooders and we are overwhelmed by a lot of people who think they are experts--and I found very few experts in this field no matter what they tried to do. They

say, "We ought to have an institution. We ought to have one, but don't put it where I live."

This is what you find every time you try to move. The one that Dr. McCorkle refers to here is in the Pinelands area. It has been set up as a nursing home. It's far away enough from the built-up areas that I don't think we will get too much objection here and this is why we recommend it. Also, the environment there is really good and there is enough improvement that you can make on this whole facility that can give rehabilitation for these people to do something while they are there.

MR. LUMBARD: What is the relationship of narcotic addiction to crime?

CONGRESSMAN SANDMAN: Well, of course, it is directly related to crime in many respects. The male addict, in order to keep his habit going, has to involve himself in larceny, burglary, and other kinds of things. The female addict immediately becomes a

prostitute. And all of these things have to do with crime. They're all violations of law.

MR. LUMBARD: Do you think perhaps a much larger program would be justified in view of the crime problem that now confronts the State of New Jersey, especially in metropolitan areas around Newark?

CONGRESSMAN SANDMAN: Yes, sir, I do.

MR. LUMBARD: Do you think you are really going to do anything about it if you are going to get something in the order of three or four hundred beds in Ocean County?

CONGRESSMAN SANDMAN: The most that you're really going to do under present methods of treatment, in my opinion, in all honesty, is keep these people off the streets and keep them from committing crimes.

MR. LUMBARD: Do you think that serves a purpose or not?

CONGRESSMAN SANDMAN: Oh, that would serve a definite purpose.

Secondly, it does make available some



kind of treatment which you don't have today. It can have some small recoupment. The ratio of people breaking the habit, especially on heroin, is so small that no one really gives it any credence at all. Some of the minor things, sure, you can break those.

MR. LUMBARD: Well, I am not trying to get down to whether I agree with those value judgments or not, most of which I don't, but the point I am trying to get at is the order of response that you are suggesting and whether that's really meaningful in terms of what has to be done or whether New Jersey doesn't have to face really saying, "We are not really going to try hard" or "We're going to do it with mirrors or something else." That's the question that seems to me to be posed by your testimony.

CONGRESSMAN SANDMAN: Well, Corona, which has the finest treatment of any of the institutions that I have seen, has a massive institution replacement value which would exceed a hundred million. The operation cost

at Corona is six million. It's a big program. It's the only reason I cite it.

MR. LUMBARD: I am familiar with it.

CONGRESSMAN SANDMAN: And they have a very excellent after care program.

MR. LUMBARD: Is there any movement in California to abolish Corona because it isn't sufficiently useful?

CONGRESSMAN SANDMAN: I don't know. I would rather think not. I think that Corona has had results in the sense that it has kept the average person who leaves there out of jail for as long as six, seven, eight months longer than would have been the case had he not gone there. And it's a big institution. So I think that Corona, even at its high cost, is beneficial to California.

MR. LUMBARD: One last question. As I understand it, there is presently in this State involvement of the Department of Institutions in this field. There is now in the Community Affairs Department a growing involvement in narcotics, about which we will

hear more later. I am uncertain as to what it all means. There is your group which I gather is going out of existence. Do you think that it's useful to have two separate State Departments each proceeding down different roads toward narcotic programs? That is, the Department of Institutions and the Department of Community Affairs? Does that make good sense to you in terms of organization?

CONGRESSMAN SANDMAN: No, it doesn't. It bothers me very much.

MR. LUMBARD: What is your recommendation?

CONGRESSMAN SANDMAN: You really have three groups. You have the OEO group, you have the Governor's Advisory Council, and you have our Commission.

MR. LUMBARD: When you say the Governor's Council, which one is that?

CONGRESSMAN SANDMAN: He only has one on narcotics.

MR. LUMBARD: You are not talking about

the one on causes and control of crime?

CONGRESSMAN SANDMAN: Oh, no.

MR. LUMBARD: Don't they also have a narcotics subgroup, or don't you know?

CONGRESSMAN SANDMAN: Oh, no. They only have the one which is the Governor's Advisory Council on Narcotic Addiction and Control, headed by Dr. Scott.

MR. LUMBARD: The Governor also set up a general committee dealing with crimes, the Council on Crime, which has broken down into various subcommittees. Perhaps you are unaware of this, but I have been informed that it has a committee on narcotics.

CONGRESSMAN SANDMAN: Well, I am not familiar with that. That must have been created this year.

MR. LUMBARD: Yes, recently.

CONGRESSMAN SANDMAN: I am not familiar with that.

I think that this whole problem should be in a section of Institutions and Agencies. I think that to create a whole new system just

for narcotic addiction and control would not be the best way to handle the problem. You have a tremendous problem in trying to get a staff to run any kind of a program and this has been our problem right along. This is Dr. Brill's problem. It's really difficult to find the kind of special technicians that you have to get and Dr. McCorkle, in my opinion, is one of the most knowledgeable people in this particular field that I've met anywhere in the country. I have no hesitancy in saying that publicly.

THE CHAIRMAN: Just in summary on that point, Congressman, I would believe that you are thinking that perhaps narcotic control should be at a division level in the Department of Institutions and Agencies.

CONGRESSMAN SANDMAN: Right.

THE CHAIRMAN: That would be specifically your recommendation, that all the State's forces should be centered in this one division?

CONGRESSMAN SANDMAN: That's right.



THE CHAIRMAN: Do the Committee members have any questions?

SENATOR DUMONT: Congressman, how many counties, if any, have actually created clinics in response to the recommendations of your Commission?

CONGRESSMAN SANDMAN: I'm not sure, Wayne. Dr. McCorkle has all of this information. To my knowledge, I think there are four.

SENATOR DUMONT: Do you know which ones they are?

CONGRESSMAN SANDMAN: I am not sure of the ones that are actually signed up and in being. I would rather you got that information from him. They are all in the metropolitan areas.

SENATOR DUMONT: You were talking about the monetary situation of your Commission. Actually, your Commission has received fairly substantial appropriations over the years of its existence, has it not?

CONGRESSMAN SANDMAN: I have a state-

ment here. We received, since its inception, a hundred ten thousand. And we have a breakdown on how that's been paid.

SENATOR DUMONT: Have you any results actually to report in the State of New Jersey other than this one section that was set up at Skillman, which does many other things aside from this?

CONGRESSMAN SANDMAN: Well, in addition to setting up the benefits under Senate Bill 210 the Commission did last year revise the entire Food & Drug Act, which took about eight months of that year to do. We were the first State in the Union to outlaw the use of LSD or the possession of it. That was done as a result of this Commission's recommendations. We have stopped a lot of bad legislation and I think that we have saved the State millions of dollars effectively.

SENATOR DUMONT: Do you have any active legislators, current legislators, who are now serving on the Commission?

CONGRESSMAN SANDMAN: We have two

vacancies which were caused by the last election. The Senate member is Senator Kelly and the House member is Paul Policastro.

SENATOR DUMONT: And you have two vacancies?

CONGRESSMAN SANDMAN: Frank McDermott was on it as a House member and that caused a vacancy because he became a Senator.

SENATOR DUMONT: Thank you.

THE CHAIRMAN: Senator Kelly?

SENATOR KELLY: No questions.

THE CHAIRMAN: We thank you very much, Congressman, for your appearance. I think we have a problem here and I assure you this Committee will be concerned about trying to help find solutions.

CONGRESSMAN SANDMAN: Senator, do you want the breakdown of our expenses?

THE CHAIRMAN: If you would like to put it in the Committee record, we will be glad to have it.

CONGRESSMAN SANDMAN: I would like to also give you Dr. McCorkle's letter to me.

I would like to have a copy back, though, because it's the only one I have.

THE CHAIRMAN: We will arrange to see that you get that back. Thank you.

(Witness excused.)

THE CHAIRMAN: We will take a recess now.

(At this point there is a short recess.)

THE CHAIRMAN: Commissioner Ylvisaker, we welcome you. If you would identify yourself for the record, then I will take the opportunity to swear you in.

COMMISSIONER YLVISAKER: Thank you, Senator. I am Paul Ylvisaker, the Commissioner of the New Jersey Department of Community Affairs.

C O M M I S S I O N E R   P A U L   N .   Y L V I S A K E R ,  
sworn.

THE CHAIRMAN: Do you have a statement that you would like to read?

COMMISSIONER YLVISAKER: Yes, Senator,

I have a quite brief statement which I would like to read, if it's agreeable with the Committee. I have also given copies so if the members of the Committee would like to follow along, perhaps they will do that. Is that agreeable?

THE CHAIRMAN: Thank you. You may proceed.

COMMISSIONER YLVISAKER: "The Department of Community Affairs has the major task of assisting and strengthening our local communities and their local governments. We concentrate on those problems which communities find most pressing at this time in our history--housing, urban renewal, community development, youth, poverty, fiscal affairs, planning for an orderly growth, federal liaison, and efficiency and economy through modern government practice. We concentrate on these issues, but we must be flexible enough to respond to whatever call is made upon us by local officials, and as you know, the communities of New Jersey and their

problems vary widely.

The Department of Community Affairs has no direct role to play in the law enforcement system of New Jersey, but as a consequence of our work with local communities, we do come to deal with some of the administrative aspects of this most important function of local government. In addition, we deal with some of the social causes and effects of crime through our anti-poverty programs. I hope that our limited activities in this field will be of some interest to this committee.

Let me take those areas where we probably come closest to the interest and concern of this Committee. First, the legal services program."

MR. LUMBARD: Would it be satisfactory, Commissioner, since you have separated your statement into categories, for us to discuss each as they come along rather than you go through the whole thing and then come back?

COMMISSIONER YLVISAKER: Entirely at your convenience.

"The Department of Community Affairs, through its Office of Economic Opportunity, conducts a program of assistance to the Legal Services Projects throughout the State. The projects are operated locally with almost all funding coming from the federal government. I appreciate this opportunity to describe the work of the Legal Services Projects, because they are responsible for quiet but sound successes. But let me emphasize the fact that these Legal Service Projects are primarily concerned with civil matters; only 6% of their cases are in the field of criminal justice.

The thirteen legal Services Projects in New Jersey employ seventy-four full-time attorneys.

The federal government pays four-fifths of the bill, which is currently \$1.7 million. The remainder is provided by local contributions of services and cash, and, in



some cases, through grants made by the Department of Community Affairs.

The Legal Services Projects handled more than 28,000 cases last year, divided into the following categories:

Consumer problems	- 17%
Administrative problems	- 6%
Housing problems	- 12%
Family problems	- 58%
Miscellaneous (Juvenile, School, Disorderly Persons)	- 7%

As I mentioned before, only 6% of all the cases handled last year can be described as criminal or quasi-criminal. Most of these were municipal court cases of disorderly conduct and Juvenile and Domestic Relations Court cases. On a rare occasion, an assignment judge has directed a legal services project to represent someone indicted for a misdemeanor or high misdemeanor. This practice is infrequent and will continue to be so. The guidelines of the Office of Economic Opportunity prohibit Legal Service programs from undertaking the defense of any new

criminal case at any stage following indictment unless the defendant is indigent and would not otherwise be able to secure adequate legal assistance. The existence of the Office of the Public Defender makes it unlikely that New Jersey's Legal Services Projects will be called into criminal cases.

We anticipate that the reliance on the Legal Services Projects in juvenile cases will show a sharp increase. The Public Defender is not now authorized to appear in juvenile court under the present Statute. As New Jersey begins to fill the need for counsel in juvenile cases that was created after the U. S. Supreme Court decision in the Gault case, the Legal Services Projects will be called upon in ever-increasing frequency, unless the jurisdiction of the Public Defender is expanded to cover these offenses. A bill is now in the Legislature to expand the functions of the Defender.

I have prepared a detailed chart showing the activities of Legal Services Projects in New Jersey, which I will submit for the

record rather than taking your time here.

As you know, the tragic disturbances of last summer imposed a huge workload on the legal system in the areas affected. The Legal Services Projects did their share and more in providing legal assistance for all who needed and qualified for help. The Committee on Law and Poverty of the New Jersey Bar Association undertook an investigation of the role of the Legal Services Projects during those troubled times. I would like to quote the final conclusion of that report:

'The legal profession, including the Public Defender, the Director of Legal Services of the O.E.O. for New Jersey, the Officers and Staff of the Newark Legal Services Project, and all of the other Legal Service Systems and private attorneys who volunteered their assistance in the emergency, worked tirelessly to provide legal services for all who needed and qualified for help. This duty imposed a tremendous burden upon the Bar, which was faithfully

and creditably discharged in the best tradition of the legal profession.'

"The Department has also had indirect involvement in the criminal justice process in the course of providing assistance to local governments. The Office of Community Services responds to the requests of local officials whenever it can, and in several cases, those requests have been for assistance in the field of public safety.

In Somerset and Middlesex Counties, we have been asked to help in the development of programs to improve and expand police communications, record-keeping, and training.

In southern Middlesex County, ten municipalities are designing an extensive public safety program. The plan has the concurrence of all the police chiefs and mayors of those ten municipalities representing a population of 105,770 people.

We helped the mayors and police chiefs to establish the Joint Southern Middlesex County Coordinating Committee. We are assisting

a subcommittee in writing a proposal for Federal funds under the Safe Streets and Crime Control Act of 1968 based on preliminary evaluation of the strengths and deficiencies of existing police services.

With some assistance"--

MR. LUMBARD: Commissioner, we are sort of past the legal thing. Why don't we pause there and then go back to this point? We are not going to leave it.

COMMISSIONER YLVISAKER: All right.

MR. LUMBARD: The first question I have to you is: Does your Department have a recommendation to the Legislature with regard to the bill to expand Public Defender services in the Gault area?

COMMISSIONER YLVISAKER: May I turn to the Acting Director of our Legal Services Program for this answer?

MR. LUMBARD: This Committee, I am sure, would allow that.

COMMISSIONER YLVISAKER: Would you like to swear him as he answers these questions?

MR. LUMBARD: Obviously, if the Public Defender were to be expanded to cover that area then your Department need not be involved.

COMMISSIONER YLVISAKER: Yes, sir. There is no concern on our part with that.

This is Mr. Carballo.

THE CHAIRMAN: Would you identify yourself for the record?

MR. CARBALLO: My name is Manuel Carballo and I am Acting Director of the Legal Services Office in the Department of Community Affairs.

M A N U E L C A R B A L L O, sworn.

MR. LUMBARD: The question I had addressed to the Commissioner was whether or not the Department had a recommendation to the Legislature, now before the Legislature, to expand the Office of the Public Defender to include juveniles in the so-called Gault type cases.

MR. CARBALLO: Yes, sir. The Depart-

ment supports the expansion of the jurisdiction of the Public Defender into this area for a number of reasons. The first of them is that as a result of the Gault decision this now becomes a constitutional responsibility or it may very soon become a constitutional responsibility of the State to provide individual defense in these circumstances.

Experience in the past with the O.E.O. has been wherever there has been a constitutional responsibility on the part of the State to provide defense counsel that O.E.O. refused to fund such programs. Consequently, whatever we can do in that area in this interim stage is something which will surely be cut back as the constitutional burden is imposed on the State.

MR. LUMBARD: I understood you to say that there really isn't any question as far as your Department is concerned because under the general OEO rule you really can't do anything further in that area, anyway, whether or not the Legislature expands the Public Defender's

office.

MR. CARBALLO: No, sir. Under the OEO rules and regulations criminal cases prosecuted by an indictment may not be defended by Legal Services Projects. That does not include juvenile delinquency in this State in which, technically speaking, this is not a criminal offense.

THE CHAIRMAN: In fact, isn't it currently the practice at the county level that attorneys are now being assigned to the indigent in the juvenile area to comply with the Gault decision?

MR. CARBALLO: Yes, sir. The burden is already on the State.

THE CHAIRMAN: The burden is now being carried and, in essence, the proposed legislation merely determines where it should be funded rather than whether or not counsel is to be supplied.

MR. CARBALLO: Yes, sir. As I stated, we do support the expansion of the responsibility of the Public Defender in this area.



MR. LUMBARD: Just briefly could you state for the record what kinds of criminal cases make up the 6 per cent that the Commissioner testified to and with respect to your office's involvement?

MR. CARBALLO: Right. The 6 per cent figure includes criminal and quasi-criminal cases. In New Jersey we have, for instance, disorderly persons offenses which are, again technically speaking, not classified as crimes. "Crimes" are defined as misdemeanors and high misdemeanors. The statistics indicate that the great bulk of the offenses in which there is representation relates to disorderly persons offenses and, in some cases, juvenile delinquency.

MR. LUMBARD: You are saying these are OEO legal services?

MR. CARBALLO: Programs which are under our Department or in some way related to them, wind up defending only when the person is indigent and cannot procure private counsel.

MR. LUMBARD: But they do wind up defending?

MR. CARBALLO: In some cases, yes. In some cases they are assigned by assignment judges.

SENATOR McDERMOTT: I have some questions. These 74 full time attorneys, in what counties are they employed?

MR. CARBALLO: Sir, at the appendix to the Commissioner's testimony there is a chart.

COMMISSIONER YLVISAKER: Turn to the last page.

MR. CARBALLO: This gives you the number of attorneys in each county, approximately the case load that has been handled in each county, and the budget of the Legal Services Projects in that county and or city. In some cases there are split city projects and county projects running concurrently.

SENATOR McDERMOTT: Your attorneys don't total up to 72, do they?

MR. CARBALLO: They should.

SENATOR McDERMOTT: I have 68. Did you lose four this morning? Attorneys do get jobs outside of government.

MR. CARBALLO: I imagine that footnote 6 might explain that discrepancy. It does not include administrators and assistant administrators who themselves are attorneys, in most cases.

SENATOR McDERMOTT: In those counties where the County Bar Association had established legal services, bureaus for people, legal aid services, has your office replaced this voluntary service?

MR. CARBALLO: No, sir. Under OEO regulations any project to be funded by OEO must be submitted to the local bar association for its review and comment. The Bar Association in New Jersey has cooperated across the board with the establishment of legal services programs. In some counties the local legal aid associations have been complimented or supplemented or expanded through the OEO programs. In other cases,

they have remained active independently. It really depends on each county and on the aggressiveness or activities of the legal aid society.

SENATOR McDERMOTT: Would you say that the purpose of this office is to help the indigent?

MR. CARBALLO: It certainly is.

SENATOR McDERMOTT: I notice that you have twelve alone in the City of Newark and eight in Essex and eight in Hudson.

MR. CARBALLO: Yes, sir.

SENATOR McDERMOTT: I also notice that in my own county of Union you have six. I didn't know that we had that many indigents in Union County. I'm very serious on that.

MR. CARBALLO: The number of attorneys in all cases are assigned to meet the minimum standards established by the National Legal Aid & Defenders Association. That is on the number of attorneys that should be available per thousand poor persons. In every county

the number of attorneys assigned is below that national standard, including Union County.

I don't have with me the statistics on the number of people with families under \$3000 a year income, which is the usual standard, but I could secure them if you would like them.

SENATOR McDERMOTT: I would certainly like that because this is a matter of pride in our county. One of our counties that I know is considerably more affluent than Union County is Somerset County. It's called God's country. You have to have a lot of money to buy a home up there, yet you have two attorneys in Somerset County.

MR. CARBALLO: Well, there are in Somerset County, as in every part of this State--as I remember the statistics--at least 10 per cent of the families falling within the poverty category. In every county.

SENATOR McDERMOTT: They won't be happy to hear that you have four in Monmouth

County.

MR. CARBALLO: In many of these counties you do have a large migrant labor problem and migrant labor, of course, generally falls in the lowest income category.

SENATOR McDERMOTT: I have another question.

COMMISSIONER YLVISAKER: Excuse me. On that would the Committee like us to provide by counties the potential case loads here; that is, the number of indigent families?

THE CHAIRMAN: Yes.

SENATOR McDERMOTT: I will be very frank with you, what my concern is, Commissioner. You know, the Bar for many years has volunteered the services of its attorneys as a profession to help indigent people and, obviously, in a way when you put six attorneys in Union County it sort of indicates that the Bar of Union County had not been doing its job prior to this.

MR. CARBALLO: No, sir. At no point

does this indicate that. What it indicates is that very often the amount of work, the need, is considerably greater than the resources that are available. In every case in which the legal services program has been set up, it has been established in the county with the support of the County Bar Association. It is recognized by the County Bar Associations that there is a need and it is also recognized by a subcommittee of the State Bar Association chaired by Mr. Honig, Emanuel Honig from Franklin Township. It has also been recognized that the need far exceeds the resources of the Legal Aid Societies.

SENATOR McDERMOTT: You mentioned the fact that these are full time attorneys. Is there a full time attorney in charge of the office in Union?

MR. CARBALLO: Yes, sir.

SENATOR McDERMOTT: Doesn't Mr. Brinkmann work for Johnson & Johnson?

MR. CARBALLO: No, sir. He is on

leave from Johnson & Johnson.

SENATOR McDERMOTT: One final question. These consumer problems that are outlined here, how do they differ from the work that is presently being done by Mr. Krebs' Office of Consumer Protection?

MR. CARBALLO: There are two matters. On the one hand, this is not limited to consumer fraud, which is the responsibility of the Office of Mr. Krebs.

In addition, we have worked out relationships between the local Legal Services Projects and Mr. Krebs' office to supplement and complement each other's forces in the county as they are needed. As I understand it, Mr. Krebs currently has six investigators, which is certainly inadequate to cover the entire State. To the degree that we have an office in an area where he does not have an investigator available, we can provide some supplemental service.

SENATOR McDERMOTT: Obviously, you feel there is no duplication.



MR. CARBALLO: No.

THE CHAIRMAN: Assemblyman Owens?

ASSEMBLYMAN OWENS: I notice on Appendix A a category of Project Legiscope, Inc. What is the jurisdiction of that?

MR. CARBALLO: That covers the three southern counties, the three counties that are covered by scope. They are Gloucester, Salem and Cumberland Counties.

ASSEMBLYMAN OWENS: I notice that your largest percentage of cases is in the area of family problems. Can you give me some breakdown as to what is current in that category?

MR. CARBALLO: Yes. That includes everything ranging from divorce to adoption to suits for support. Anything, generally, falling within the relationship among members of the family.

ASSEMBLYMAN OWENS: I wonder if you have any idea of a percentage breakdown on those subcategories?

MR. CARBALLO: Within that category?

ASSEMBLYMAN OWENS: Yes.

MR. CARBALLO: We do for some projects. There is an information system which has recently been developed and hasn't been adopted by all of the projects. But for some of them, yes, we can give you a pretty detailed breakdown on exactly how many are divorce cases, how many are support cases, et cetera. If you would like, I would be happy to submit that to you.

ASSEMBLYMAN OWENS: I would appreciate it.

I have one further question. There are some very specialized civil areas of law which indigents may become involved in from time to time. How do you handle those situations?

MR. CARBALLO: Specialized areas of what type?

ASSEMBLYMAN OWENS: Well, for example, bankruptcy or certain administrative proceedings, immigration. Just a few examples.

MR. CARBALLO: Right. In Bankruptcy

in some cases under Title 13 the lawyers involved are themselves competent to handle such cases. Wherever there is a feeling that it calls for a very specialized treatment --for instance, immigration might be a case-- there are funds usually available, federal funds, for the hiring of consultants which, in effect, means that they can hire an attorney who specializes in this particular area, for assistance.

ASSEMBLYMAN OWENS: I don't know how other counties work, but the Essex County Bar Association has a referral service that might be of use to your project to reach attorneys immediately that are in these areas of specialty.

MR. CARBALLO: There are links established with the referral services in those counties that have them. This is necessary for other reasons as well; specifically, when the income limitations established by OEO guidelines are exceeded, the person involved is referred to a referral service who then

refers him to private attorneys.

ASSEMBLYMAN OWENS: Thank you.

THE CHAIRMAN: Senator Woodcock?

SENATOR WOODCOCK: I have no questions.

THE CHAIRMAN: Senator Waldor?

SENATOR WALDOR: No questions.

THE CHAIRMAN: Senator Dumont?

SENATOR DUMONT: One question. I notice in adding up the counties in your report that the only ones where you have no attorneys would be Burlington, Hunterdon, Morris, Sussex, and Warren. Does that indicate that we don't have any indigent or poverty problems there or that the Bar is doing a better job in those counties?

MR. CARBALLO: In Morris County, for instance, there is a very active Legal Aid Society. I think in all of these cases the Bar is doing an outstanding job within the resources available to it. In every county except Warren, I believe, there are applications in various stages of preparation for

funding. However, the federal monies available for Legal Services Projects have been cut back during this last year as a result of the President's Executive order transferring some funds to employment projects and it will be very difficult to fund new projects, although we are moving ahead as best we can.

SENATOR DUMONT: I am not complaining. I just wanted to get your explanation for that.

MR. CARBALLO: In Burlington County, for instance, the Bar Association has passed a resolution in support of an application for Legal Services Projects. In Hunterdon and Sussex they are considering a joint application at this time.

ASSEMBLYMAN OWENS: Mr. Chairman, before leaving this category I have one further question on the chart, Appendix A. I notice in note 3 the Essex County project is being phased out. Would you explain why that is?

MR. CARBALLO: Yes, sir. That is a technically correct statement. In Essex County the entire Community Action Program is being restructured in part by the Board of Freeholders and in part as a result of conclusions drawn by the regional offices of OEO as to the adequacy of the services provided. The Legal Services Program is consequently caught up in that particular reorganization. What will happen or what they expect to happen is that this project, a new project, will be refunded. But it will be a reconstituted project because, strictly speaking, the old project is in fact being phased out.

ASSEMBLYMAN OWENS: I was concerned because of the obvious needs in Essex County.

MR. CARBALLO: Yes, sir. There will be a project in Essex County, to the best of our knowledge.

THE CHAIRMAN: Senator McDermott?

SENATOR McDERMOTT: I refer you back to Appendix A. What is the case load in Union

County now being held by the six attorneys?

MR. CARBALLO: The offices were opened very recently and we simply don't have the statistics available. The Union County program started, I believe, less than six months ago. It's probably four months that they opened their offices.

SENATOR McDERMOTT: The reason I bring that up is that, again, this is a matter of pride. You have number 5 here and you describe number 5 in your footnote as new projects which have no cases at all. You have six attorneys in Union County and you have no statistics for case loads.

MR. CARBALLO: Yes, sir.

SENATOR McDERMOTT: Quite different than Newark which are what I would expect. You have 6,188 cases.

MR. CARBALLO: Newark was funded in 1965, the Newark Legal Services Projects. The Union County Project was funded less than six months ago and opened its doors less than six months ago and these are, again, case load

figures that relate to the Legal Services Projects that do not relate to any work that has been done by Legal Aid Societies or by private attorneys. The Legal Services Projects have just begun and, consequently, it has no statistics, no history.

SENATOR McDERMOTT: Six months ago?

MR. CARBALLO: Roughly, yes.

MR. LUMBARD: Commissioner, we were at the bottom of page 3, turning to another area now. Will you commence with the last paragraph on that page?

COMMISSIONER YLVISAKER: Yes. I had read several paragraphs.

MR. LUMBARD: Why don't you read that again to keep the record clear?

COMMISSIONER YLVISAKER: "The Department has also had indirect involvement in the criminal justice process in the course of providing assistance to local governments. The Office of Community Services responds to the requests of local officials whenever it can, and in several cases, those requests have been



for assistance in the field of public safety.

In Somerset and Middlesex Counties, we have been asked to help in the development of programs to improve and expand police communications, record-keeping, and training.

In southern Middlesex County, ten municipalities are designing an extensive public safety program. The plan has the concurrence of all the police chiefs and mayors of those ten municipalities representing a population of 105,770 people.

We helped the mayors and police chiefs to establish the Joint Southern Middlesex County Coordinating Committee. We are assisting a subcommittee in writing a proposal for Federal funds under the Safe Streets and Crime Control Act of 1968 based on preliminary evaluation of the strengths and deficiencies of existing police services.

With some assistance from us, Somerset County submitted its planning proposal to the Department of Justice on February 2."

MR. LUMBARD: Commissioner, could we

stop there now? The Safe Streets Act has not been passed?

COMMISSIONER YLVISAKER: That's right.

MR. LUMBARD: Who in the Department of Community Affairs is your expert on public safety, police communications, record keeping and training?

COMMISSIONER YLVISAKER: What we have done is several things. One, we have an assistant commissioner who is trying his best, working with other departments in the Governor's office, to get whatever funds can be got from the federal government under its grant programs. As you know, there are about 459 of these right now and it takes quite a bit to find them.

MR. LUMBARD: Four hundred what?

COMMISSIONER YLVISAKER: Separate programs.

MR. LUMBARD: Unrelated to law enforcement?

COMMISSIONER YLVISAKER: Yes. So we know these. When a new act arises, like the

Safe Streets Act, We will try to find out as much as we possibly can about the availability of these funds, the conditions under which they are to be obtained. We acquaint ourselves with the people who are running the program in Washington and with the various Congressional committees that are involved.

MR. LUMBARD: Has a decision been reached that if the Safe Streets Act is passed and the money is then available to all aspects of the criminal justice system in New Jersey that your department will be the one or the key by which the money goes in and out?

COMMISSIONER YLVISAKER: No. What we hope to do is this -- let's take in the case of the Middlesex County people, ten mayors and police chiefs down there. They do not, in many cases, have the time or the personnel to track down all of the available federal

assistance and they want to work cooperatively. We then assign a person from our staff to work with them.

MR. LUMBARD: He helps write the application?

COMMISSIONER YLVISAKER: Yes. He helps write the proposal and he does that in conjunction with the Attorney General, in this case. Then, as well, what we will try to do--as I indicate here below, there are some people in the police field, like Galassi, the Public Safety Director of Woodbridge, who is exceptionally capable. He'll talk with Colonel Kelly to get approval, to make sure we are dealing with people he will approve, and we will then make available to these communities that kind of an individual, in some cases pay for part of the release time.

MR. LUMBARD: So you are providing a service function, no substantive contacts?

COMMISSIONER YLVISAKER: No, except as our people work at these things over a period of time, trying to pick up conditions.

But we are trying to work in the background, in substance, and doing the facilitating work.

"We obtained a \$15,000 Law Enforcement Act grant for the City of East Orange, which used it to develop a Police Community Relations Program. The intention was to achieve maximum community involvement, a goal which has yet to be fully realized. Shortly, we will undertake a review of the program at the request of Mayor Kelly and help modify it for inclusion in the East Orange Model Cities application.

At the invitation of Mayor Miller, the Department is providing the City of Englewood the wherewithal, through our Municipal Personnel Interchange Program, for an intensive study of the Englewood police department, including office space, organization and administration, work schedule and procedures, recruitment training and promotion procedures, equipment communications and record keeping systems, police community

relations, and so on. We have arranged for Mr. Joseph Galassi, Director of Public Safety for Woodbridge Township, to be engaged as a part-time consultant, and we will be reimbursing Woodbridge for his time. Final recommendations will be submitted to the Mayor for possible use as a demonstration police program for Federal funding.

As part of our Model Cities program, we are assisting several cities, including Jersey City, Plainfield, and East Orange, in writing law enforcement components for inclusion in their Model Cities applications. In addition, the cities of Belleville and Paterson and the counties of Essex, Warren, Hunterdon, Sussex and Ocean have requested various forms of technical assistance related to law enforcement. The requests for assistance, especially those involving applications for Federal grants, should increase upon enactment of the Federal safe streets legislation, since the Department of Community Affairs is the major liaison among our Federal, State, and local governments."

MR. LUMBARD: In that connection, if you have a regular department of long standing, say like Institutions, which has mental health as an area -- and, of course, the federal government has had a traditional program there of many years -- doesn't that department have its own liaison with its own federal counterpart and run its own programs?

COMMISSIONER YLVISAKER: Yes, and you can imagine how sensitive we have had to be in planning this function. I can give you a bit of the historical background on this.

It was intended when the Department was created -- and the Governor reaffirmed it when I got my authority to take over the Department -- that it be the principal liaison with the federal agencies for the communities. Let's take the mayor of City X. He has to look upward at this complex array of State agencies and Federal agencies and a great deal of frustration is experienced at that level. He would

like to be able to go to one place where he can fan out. That's why the Legislature, in creating my Department, created the Office of Community Services which is now headed by Jack Gleeson. That office is supposed to be kind of a one-stop shopping center for local officials who are looking for State and Federal assistance.

Now, you know, you never start things with a clean slate and I think you never push things to their logical conclusions. We have tried to be as sensitive as we can. Take Commissioner Kandle in his Health Department. They have had long experience there, far longer than we have, with local officials throughout the State. We have made a determined effort, and the Commissioner and I certainly see eye to eye on this, that we should not interfere with their relationships of long standing both at the Federal level and the local level.

Here's a case in point. A new mayor will come into office. He hasn't had some of this background. He will call us up and say,



"Can you possibly arrange a joint session with the other State agencies?"

We will then call up Commissioner Kandle and say, "Can you send your expert on water supply and sewers?" We will call the Attorney General and say, "Can you send us one of your assistants to come over and talk?" We will ask Commissioner McCorkle.

The advantage of that to the mayor is, in one sense, that he gets a general picture of all of the different departments and their workings, gets acquainted with it.

I hope I gave you the sense of how we are trying to go about the job.

MR. LUMBARD: I understand what you are saying and we have the same thing in New York in many ways, but that's not my basic point. My point is that you have the traditional areas where these relationships are worked out. Now, a new area of Federal funding is coming in the criminal justice area, an entirely clean slate. What would be immediately obvious, first, is you are now doing

it, not the Department of Law or the State Police, for example. What is the reason?

COMMISSIONER YLVISAKER: On the Safe Streets one, let me make this clear. I assume that the Attorney General really has major jurisdiction here. He has his Council on Crime right now, of which I am a member. There is a planning committee which means both state government and outside people charged with the responsibility of preparing the State's requests under the Safe Streets Act. We in this case are hoping to assign one of our people to the Attorney General's office.

We also have some internship money which the Legislature has granted where we can use, particularly during the summer, law students out of Seton Hall, Rutgers, and places like this. We will assign a quota of these students to the Attorney General, which he can use as staff. So that we will cooperate, supplement, where we can.

Then as we get the requests from com-

munities to assist them in this program, we can assure the fact that there will be the same principle, the same format, the same assumption used in working the State program out.

MR. LUMBARD: Now, coming to another point. Perhaps you don't know, but the Safe Streets Act has been amended so that you don't have the traditional, in the last few years, direct Federal-to-local government funding. You will have Federal to State and the State will then allocate. So the network you are now talking about will not be applicable or needed under the Safe Streets Act, other than that it might be under these 400-odd programs you talked about. Rightly or wrongly, a number of people want to change that program, starting with the Safe Streets Act.

COMMISSIONER YLVISAKER: Yes, I understand that.

MR. LUMBARD: If that comes about wouldn't it be simpler to have a State agency

which is the direct contact, which is the direct force allocating the Federal funds as they come to New Jersey direct from the Federal government?

COMMISSIONER YLVISAKER: Yes, I think so and in this case we will be referring the communities and counties to that agency.

MR. LUMBARD: Which has its own expertise and doesn't need just a service function.

COMMISSIONER YLVISAKER: That's right, and we don't want to duplicate, in any case.

THE CHAIRMAN: I think we had better break for a recess at this time. Ten minutes.

(At this point there is a short recess.)

THE CHAIRMAN: I will call the hearing back to order.

MR. LUMBARD: Would you continue from the middle of page 4, Commissioner?

COMMISSIONER YLVISAKER: Four or five?

MR. LUMBARD: I'm sorry. Narcotics, Rehabilitation.

COMMISSIONER YLVISAKER: The middle

of page 5.

At this point I would like to introduce Charles Morris, who is the head of OEO, but as well he is responsible administratively for this narcotics project. Perhaps he can join me here. Would you like to have him identified and sworn?

THE CHAIRMAN: Yes. Will you identify yourself for the record, please?

MR. MORRIS: Charles Morris. I am Deputy Director of the New Jersey Office of Economic Opportunity.

C H A R L E S   M O R R I S,   sworn.

COMMISSIONER YLVISAKER: "I would like to turn at this point to a federally financed program which we have sponsored to assist in the rehabilitation of narcotics addicts. Of course, this program should not properly be categorized with 'Criminal Justice,' since it involves a sociological and psychological approach to the problems of drug addiction and is not concerned with the law

enforcement aspects, which are the province of other agencies. I know that this committee will be dealing with drug abuses in the course of its investigations, and I have included this program in my testimony for that reason. I want to emphasize again that our work with addicts is directed at their return to society and, we hope, to their final exit from the system of criminal justice, rather than to their involvement in the criminal process.

The narcotics program is now getting under way in four counties--Essex, Hudson, Middlesex, and Monmouth, with a grant of \$1 million plus from the United States Office of Economic Opportunity. I will give you a brief description of the program.

Each program has a Screening and Referral Center which receives addicts who apply or who are referred from Skillman or from a court or probation department. The Center then plans an individualized program of treatment and rehabilitation, taking advantage of

existing programs and facilities wherever possible. Each program will have three out-patient centers for addicts who do not need 24-hour environmental treatment and are living at home. At the patient center, the addict will take part in group therapy treatment, will be tested for job aptitude, and when he is more secure in his withdrawal from drug use, he will begin job training.

The program also includes methadone treatment at the out-patient clinics of co-operating hospitals during the period of withdrawal.

An essential part of the program is the residential center for those addicts who require constant attention and therapy and whose home environment is not conducive to rehabilitation.

The program was originally designed with staff from the Department of Institutions and Agencies--" Perhaps I should stop there because the remainder is a kind of catchall which gets into other agencies.

MR. LUMBARD: I have a lot of thoughts about this.

COMMISSIONER YLVISAKER: We all do.

MR. LUMBARD: First of all, is there any State money in the program, this narcotics program?

MR. MORRIS: No.

MR. LUMBARD: That is, has this narcotics program on a program level been processed through the Legislature in terms of policy?

MR. MORRIS: No.

MR. LUMBARD: Has your Department ever informed the Legislature that you are under this OEO program? You say you are giving methadone and narcotics at outpatient clinics.

MR. MORRIS: We thought at the beginning methadone and we discussed this extensively with the Attorney General. I might add--

MR. LUMBARD: My question was whether it had ever been presented to the Legislature.



Would you regard that question, as to whether or not State agencies or local agencies under State sponsorship should be providing narcotics on an outpatient basis, as involved in fundamental policy?

MR. MORRIS: I might say--I might tell you what process we follow there. I couldn't say . . . I think--

MR. LUMBARD: I am not trying to make a judgment whether it's right or wrong. I'm raising a policy question.

COMMISSIONER YLVISAKER: May I go back? I think it important to see the chronology of this program and also our reason for being in it and how we presently feel about that involvement.

When I first came on, this was last March, the poverty program, as you recall, was already in existence, the OEO. The Office of Economic Opportunity in Washington had these funds available for experimental treatment of addicts. The fund in Washington that this money came from is for research and

cost of development. It is not to be for standardized treatment that's been tried elsewhere. It is to be for new and different things.

Now, when our staff originally alerted us that there were these funds we went to work with the Department of Institutions and Agencies and their staff--Dr. Davis, I think it was, there. The staff came in with an agreed-upon program. This was to be an experimental program. The application went forward to Washington for funding as a common program by the two Departments.

After the application was in and, I think, the funding decision made--I can go back to get the exact chronology--Commissioner McCorkle had second thoughts about his involvement. I think that I would rather not speak for the Commissioner, though I could cite a letter which he wrote. So he did have these second thoughts.

MR. LUMBARD: What were the reasons why he did not participate in the program?

COMMISSIONER YLVISAKER: Not cited.

I think the letter is May 10, 1967. I could submit this for the record, but he does not indicate in this letter his reasoning and I think it much better that you talk to the Commissioner himself and let him speak for himself on this.

MR. LUMBARD: Is it that he is opposed to the funding aspects or the substantive program?

COMMISSIONER YLVISAKER: I think the difficulty that he found for his own stance in this was the involvement in the community. Now, the nature of the program is one that could easily be very controversial, could raise lots of questions, because it is of a research character, of a demonstration character. What it involves, the feeling behind it is this: It is going to be terribly expensive--and let me agree with the Congressman who preceded me. The narcotics field has shown few winners. You know, we've been coming up with blanks time after time in

trying to deal with the narcotics problem. The Kentucky situation shows the high rate of return. He indicated his feelings about Synanon. There is some back and forth about their rate of success and the validity of it. There are questions still about methadone which seem to have to do with the moral problem of transferring addiction to another drug, even though with the second drug you are in a better position to return to society.

There is a lot of controversy here and a lot of difficulty and frustration, but the only alternative to the present system that we are dealing with is terribly expensive. This means, if you are going to institutionalize an addict to keep him off the streets, the State of New Jersey will probably be getting into expense of the magnitude the Congressman indicated.

Beyond that we see Governor Rockefeller in New York with a 300,000,000-dollar program and the best advice I have gotten from certain people is, "Don't commit

yourself to such a big program as that until you see how New York turns out." The presiding magistrate of New York City was one of those who has indicated that to me.

Now, the purpose of this experiment is to see whether you can reduce costs and still work constructively with the addict after his apprehension, drying out, and the rest of it. You can, hopefully at least, screen out those who can profit from being in their community close to a facility, a halfway house, or whatever it may be. This program also has the thought that you might, like Alcoholics Anonymous, begin using ex-addicts who themselves could help with the addict, reinforce him, which means both employment for the ex-addict, and reduced costs of supervision.

But still all this to be under extraordinarily close scrutiny.

I think I would be glad to submit herethefour local agencies who are involved. Father Yantelli in Jersey City, of St.

Peter's College, is the head of one of these programs that we are now discussing. This program should not be separate from the other operations.

MR. LUMBARD: Other operations of what?

COMMISSIONER YLVISAKER: From the whole care and treatment of the addict. The whole problem of addiction ought to be, we think, centralized under one agency.

MR. LUMBARD: What agency?

COMMISSIONER YLVISAKER: Not ours.

MR. LUMBARD: Go ahead. Keep going.

COMMISSIONER YLVISAKER: You mean which one?

MR. LUMBARD: No. I'm sorry I interrupted you.

COMMISSIONER YLVISAKER: This is kind of an historical accident where we were in the direct line of funding and staffing and suddenly a program that would be integrated broke off. We had the million dollars from the Federal government which is available for this kind of work. The Congressman indicated

that he would like to see this money brought over for extension of specialized probation work. It's very doubtful, under the guidelines of this funding, that it could be used for that purpose. It should be used for this kind of experimental purpose.

We would agree very strongly, and I will offer this as soon as the institutional situation can be cleared up and arranged, that this program ought to be tied with other narcotics efforts of the State agencies involved. So you will have no jurisdictional problem with us. It's really a question of thinking through what the best way of doing the whole thing is with this experimentation as part and parcel of that.

MR. LUMBARD: Well, I have a lot of questions.

COMMISSIONER YLVISAKER: I am sure.

MR. LUMARD: First of all, you have spoken of the program as research, demonstration, and experimental?

COMMISSIONER YLVISAKER: Right.

MR. LUMBARD: These are all lingo of the day. What do they mean in terms of this program?

COMMISSIONER YLVISAKER: What it means is using your ingenuity as far as you possibly can, to crack what seems to be an almost impossible problem.

MR. LUMBARD: You are aware of the fact that in New York there is a great deal of experimentation going on under the programs of Dr. Gold and Eisman and others. So it would seem to me that New Jersey, if the purpose is research to try to find a new way for society, does not need to get involved in the program.

COMMISSIONER YLVISAKER: I would like to have Mr. Morris speak to that, but we were terribly anxious not to break off from that line of experimentation. Dr. Brill, who was chosen to head this work, has had 20 years of work in the mainstream with the New York people and also with the National Institute of Mental Health.



MR. LUMBARD: I know Dr. Brill is a fine person. I don't in any way dispute that and I don't in any way dispute that it is a sincere effort to do good. What I am concerned with, and I think the Committee is, is the function; whether or not the program which involves, perhaps, important policy for the community to know--since narcotics are being distributed on an out patient basis in the community--has ever been presented to the Legislature for review or clearance.

COMMISSIONER YLVISAKER: As a simple fact, no.

MR. LUMBARD: Do you think that's orderly government? Do you think it should?

COMMISSIONER YLVISAKER: It raises a question. These are responsible executive agencies working under the Governor with certain policy determinations which have been broadly authorized by the Legislature. It will be a question of interpretation, at what level one thinks one should go back for policy determination from the Legislature.

Now, as far as I am concerned, this was no attempt to bypass. I would welcome discussion of this. I do not really want to get very far out from anybody on this subject because of its history and its difficulty. I would like the Legislature to be completely informed on it and would be content with their judgment when they make that judgment.

MR. LUMBARD: Would that be especially pertinent in view of the fact that Commissioner McCorkle, for some reason, refused to take over the program and do it himself in the Department of Institutions, which is where most State narcotic addicts unwind?

COMMISSIONER YLVISAKER: Yes, I think so. You appreciate our situation with a grant of a million dollars having been made from Washington and with the hope that we could continue to put it back in the system and bring the system along. I suppose the choice would have been and may still be if you want to take that million-dollar check and send it on back. But I should think the State would

have second thoughts about giving up very precious resources on a very difficult problem. That has been our assumption, that we would like to put that to use as quickly as possible.

MR. LUMBARD: You mention in your statement on narcotics rehabilitation that "Of course, this program should not properly be categorized with 'criminal justice' since it involves a sociological and psychological approach to the problems of drug addiction and is not concerned with the law enforcement aspects, which are the province of other agencies." How is that possible?

COMMISSIONER YLVISAKER: Well, I wouldn't want to quibble on the words and would amend that because both of us know how close this thing is really tied in.

MR. LUMBARD: Intimately.

COMMISSIONER YLVISAKER: Yes. It is closely tied in. For example, we know what a high percentage of the street crimes that most of us are worried about these days come

from addicts, not on a fix, but looking for the money to get a fix.

MR. LUMBARD: Indeed, <sup>doesn't</sup> /the criminal justice system bear the burden of the problem at the present date?

COMMISSIONER YLVISAKER: That's right.

MR. LUMBARD: It certainly isn't being handled in New Jersey by the public health area, is it?

COMMISSIONER YLVISAKER: Right. What this attempts to do on this experimental basis is to find out as the AA, the Alcoholics Anonymous, have found out whether there isn't something you can do to increase motivation by having the support, <sup>of</sup> /others who have gone through the same business. This does involve the use of ex-addicts in the program. This raises questions from the law enforcement side. They begin to get a little nervous with the high rate of recidivism in <sup>this field.</sup> When you use ex- <sup>addicts</sup> build them into your program, aren't you really risking some problems? Close controls are exercised here, including

sudden unannounced examinations to make sure of the status of the people you are working with.

But I would think, too, that responsible people like Father Yantelli have thought through this pretty carefully. They feel the State would be derelict and they would be derelict in their community if they didn't exercise every bit of ingenuity they possibly could.

MR. LUMBARD: Commissioner, having gone through the Department of New York's program myself, I am merely trying to suggest that perhaps there should be exposure to the Legislature of such questions as the use of ex-addicts, the program on the street, the problems that will be created with law enforcement agencies and what not. Such problems as narcotics to be given on an outpatient basis should first come to the Legislature, as a matter of proper public policy. However, you have testified to that point.

COMMISSIONER YLVISAKER: Yes.

MR. LUMBARD: The program is not without controversy. I think you certainly agree with that?

COMMISSIONER YLVISAKER: Yes, we know that.

MR. LUMBARD: And perhaps it presents issues which should be resolved above a staff level within your agency, however right you may be, whatever your motives and good intentions might be.

COMMISSIONER YLVISAKER: Yes, but again I think these are questions that I am sure the Governor has considered and must consider as a responsible head of the executive establishment. Also as you know know, we are constantly subject to the scrutiny of the Legislature. Our budgets are presented and must be fully discussed. There are these ways of communicating.

MR. LUMBARD: Do the OEO programs which are wholly federally financed really get that kind of budget scrutiny?

COMMISSIONER YLVISAKER: They are

certainly available because the Legislature does appropriate -- the money 1.7 million this year -- which directly goes into the Office of Economic Opportunity program. I can assure you that last year as I went before the appropriations committee I think the Legislature was aware and asked some fairly good questions.

MR. LUMBARD: About this narcotics program?

COMMISSIONER YLVISAKER: Not about this narcotics program because remember the chronology: the funding and the program here came at the end of the legislative session last year.

MR. LUMBARD: As we sit here today has this program been exposed to the Legislature heretofore?

COMMISSIONER YLVISAKER: No, it has not. But the Legislature has just met and it is now being exposed and we willingly expose it.

I want to state again that those of

us working in these tough fields often have a feeling, you know, that we would just as soon not go out there at all. It's easy to get shot at out there. But I think the Legislature and the Governor and the State feel they are dealing with problems now where somebody's got to be out there taking some of the heat. We're willing to do that on some of these programs but, as I say, we're doing it exposed to everybody.

At least, when I hear the artillery I have a feeling we are under complete exposure.

MR. LUMBARD: We each have an armored suit. The point I am trying to get at is not whether you do as an individual need an armored suit, but whether or not major policy questions aren't presented to the Government of the State of New Jersey in this program and whether or not they shouldn't first come to the Legislature. That's all.

COMMISSIONER YLVISAKER: I sometimes wonder whether the Legislature would like to



have a hand in every one of these things that we do. If they would like to join us out there and get fired at, we would be happy for the company.

THE CHAIRMAN: I am not sure that you will have any volunteers.

Any questions from Committee members?

SENATOR WOODCOCK: Commissioner, in looking at the programs that you undertake on page 4--under the Office of Community Services, I suppose it is--these services are requested by the communities. Is that so, sir?

COMMISSIONER YLVISAKER: Yes.

SENATOR WOODCOCK: Your Department never initiates a program on their own?

COMMISSIONER YLVISAKER: Let me try to be as fair as I can in that response.

In the Model Cities program, which was started at the federal level, the State of New Jersey before I arrived took an initiative in saying, "This makes a lot of sense and let's go into it ourselves with some degree of influence." The Governor created a special task

force which included the variety of State agencies which were affected and these people fanned out into the field and dealt with mayors and I'm sure in many cases encouraged mayors to make applications under the Model Cities application.

I think this may have been the intention of your question. Do we sometimes say, "Yes, we think this makes sense," and talk to the mayor in those terms. Yes, many times we do, but we never act without municipal consent and cooperation.

SENATOR WOODCOCK: Commissioner, have you read the Report for Action put out by the Governor's Select Commission on Civil Disorders?

COMMISSIONER YLVISAKER: Yes, I have.

SENATOR WOODCOCK: Have you read the recommendations of that Commission?

COMMISSIONER YLVISAKER: Yes, I have.

SENATOR WOODCOCK: With respect to the police-community relations in the City of Newark--

COMMISSIONER YLVISAKER: Would you

like to read them again because I can't recite them.

SENATOR WOODCOCK: Well, it says, one, that a five-man board made up of outstanding citizens representing the total Newark community should be named by the mayor to receive and review all citizen complaints of police misconduct. It goes on but actually I am not asking you about specific recommendations and so forth, but has your Department been contacted by the City of Newark seeking your cooperation in setting up such a program?

COMMISSIONER YLVISAKER: No, they have not, as far as I know.

SENATOR WOODCOCK: No one from your Department has been in contact with Newark with respect to the recommendation made in this--

COMMISSIONER YLVISAKER: You are referring to the police complaint group? No. As far as I know, we have had no contact either at our initiative or theirs about that subject.

SENATOR WOODCOCK: In any other area dealing with the recommendations made by this Select Committee has your Department been active in that area?

COMMISSIONER YLVISAKER: Yes. In the one sense, as I recall, they were, certainly. The Commission talked about the medical school as one of the arenas of controversy in Newark.. As you know, our Department along with Commissioner Dungan, at the Governor's request, have been there almost continuously over the last months trying to negotiate a settlement of the medical school issue, which also involves us in a consideration of Model City programming because the medical school is in the Model City target area. This gets into an almost incredible series of negotiations because you are dealing with City Hall, the State, the various State agencies, the Federal office in Philadelphia, and several Federal Departments in Washington. At one point or another they all get involved.

Then it was also a question of who in the community, you know, should be represented in these discussions, a question which we finally resolved by throwing them open to public hearings, in effect. Anybody was welcome to come and talk and raise his voice at these hearings.

These negotiations were concluded with the community groups welcoming the medical school, which we were very pleased about.

SENATOR WOODCOCK: One of the other recommendations made in the report is with respect to housing in the City of Newark. The second recommendation under that section on page 167 states: "The State Housing Division, the Department of Community Affairs, should use its power under Section 20, Chapter 448, Laws of 1948, to plan, supervise and implement relocation of low income people from the inner city to the outlying areas."

Has anything been done with respect to that recommendation in your department, sir?

COMMISSIONER YLVISAKER: Let's take it point by point.

On the general subject of relocation, you will recall that the Governor made a public commitment that every last person in the medical school area would be relocated into safe, decent and good housing. We, therefore, have that stand, by commitment, to honor.

The major relocation responsibility is in the hands of the local housing authority, Mr. Lou Danzig, and the locality. Our relocation manual, under last year's law, has not yet been published. There isn't a formal jurisdiction that we have. We can't say right now that they are subject to our relocation standards which haven't yet been promulgated. But generally what we are trying to do is honor the Governor's agreement by working with the local housing authority.

In addition to that, we are contemplating a contract with Mt. Carmel Guild to handle probably 75 of the families in that area. And Mt. Carmel Guild

with money through that contract, could proceed to see if they could find housing for these people.

SENATOR WOODCOCK: Commissioner, in what other areas is your department proceeding with respect to a program of preventing the disorders of last summer from recurring?

COMMISSIONER YLVISAKER: Well, this is kind of a 24 hour, seven day a week activity, as you know.

We are attempting a variety of things. One, certainly, in the field of housing. We are now active in Camden with at least two groups there. One is the Interracial-Interfaith Group of clergymen who are doing rehabilitation work with money which we have helped advance. We are also dealing with CHIP, the businessmen's group headed by William Bell of the bank there and the participation of businessmen throughout the Camden area in a rehabilitation program that will eventually come up to at least a hundred houses a year on an annual flow basis.

We are also active in Trenton. We are contemplating now getting together with a Trenton urban coalition headed by a bank here and the Trenton Times to see if we can't advance money to them as they get into housing rehabilitation.

The housing program of rehabilitation is also going forward in Hoboken.

We are talking about the same kind of planning in Atlantic City.

In Newark we have started with Prudential a cooperative unit in the Central Ward, using some of the monies which Prudential has pledged under the insurance companies billion-dollar fund, that they are associated with, the Jack Parker Project which will have an indigenous group as its cooperative members. Through our Housing Finance. Agency, we can guarantee them we will provide the mortgage at a rate which is set with Prudential, through sale of our revenue bonds, we will provide the mortgage after construction is completed. Prudential has committed itself to



buy at a certain rate. If we can beat that rate on the open market, we will. We have also made advanced funds available through our housing demonstration grant fund to one or two indigenous groups in that area.

We are now discussing with Queen of Angels Parish, which is doing some extraordinarily good work in the Central Ward, the possibility of planning a <sup>project on land that was</sup> formerly part of the medical school. If this goes forward we can give them advance money. They are working with neighborhood groups. We can give them advance money so that they can plan the architectural work, a complete layout of housing, and other community facilities in that area. Much of this will be funded through our middle income housing program..

I could go further. We are also active in the employment field. In New Brunswick, for example, there is an urban group which was started largely by Johnson & Johnson and about forty-one different companies which

are now beginning to do the kind of employment with the hard core programming that Mr. <sup>of Prudential</sup> Beal/ and Mr. Stanton of Jersey City are involved in in a different program.

We are working through OEO with a lot of different agencies who are providing adult literacy/<sup>training</sup>and also providing employment skills training, on the job training, and we are trying to move that as fast as we possibly can.

We are also active in trying to devise, for example, credit help assistance in some of these ghetto areas. As you know, the rate of interest that many of these people have been subjected to has really kept them tied down in a constant debt situation. So we are devising now--I don't want to identify it too directly until negotiations are complete--but we are devising a plan with commercial banks where we might be able to help out with some administrative costs while the commercial bank gives prime rate loans to individuals who have a reference from the

community groups.

In addition, I think probably as important as anything, we are trying to keep lines of communication open in these areas. When I went through the riots of last summer it became very apparent that the violence came in the absence of a feeling in the community that they were being listened to, that their grievances were being talked about, and something was going to be done. There has been a great gap growing and in Atlantic City it became very apparent. Mayor Jackson was quite quick to recognize this. We went down and helped him in August, for example, to establish lines of communication between the NorthSide Afro-American Community and the Mayor and assisted wherever we could. For example, Commissioner Male established a wage board. We came in with housing inspection. Our inspectors, it turned out, hadn't been there for twenty years to take a look at the condition of housing. They uncovered some 992 violations.

What we are doing is to open the

communications. That has been the whole purpose of the negotiations of the medical school proposition in Newark. Generally, we are finding that there is a very responsible, constructive attitude in these ghetto areas. Far more than one would expect, given the riots. Individuals who have even spoke up militantly, we find, in many of these negotiations are prepared to do constructive things.

So we are working wherever we can with the mayors and with others to establish these lines and try to turn that sharp edge of protest into performance in housing, employment, credit and the rest, into responsible citizenship.

I am sure this is too long, in one sense. Probably in another it is too brief.

SENATOR WOODCOCK: One other question. Are you satisfied with the progress made to date in developing this type of communication, particularly in the areas where we had the problem last year?

COMMISSIONER YLVISAKER: Not entirely

satisfied. It varies from community to community. As you know, what may suddenly seem one day to be lack of communication may turn out to be a political argument and you can quickly get caught in politics in a situation. Therefore, there is a lot of subjectivity about how one describes it. But, generally, I would say we are still behind in this kind of communication. We still need a lot more dialogue than we have had and we need some working relationships.

I get nervous now that I see evidence in our communities of fear and panic on both sides: tremendous fear, ~~in~~ the Negro communities, of retaliation and tremendous fear in the white communities that there is going to be further disorder. And fear is not a good climate in which to get going the kind of conversation and dialogue and partnership that we really have to get going.

SENATOR WOODCOCK: Well, what specifically can the Legislature do in this area to be of assistance?

COMMISSIONER YLVISAKER: I would hope, first of all, let's say to the degree it wants to and has to/<sup>it</sup>would familiarize itself personally and directly with the situation that we are talking about. This means, I would hope, that some of the Committee would be willing to go into the ghetto areas: see it, feel it, smell it, talk to the people and get a sense of real intimate relationship with it. I am sure, by the way, that when they return they will ask me some very hard questions. You know, are we really going to cut the mustard down there? I would welcome questions coming from that kind of exposure and commitment. I would say, first, to familiarize itself as much as it can with the problems in these areas.

Second, I would hope, of course, that this Legislature would seriously consider the proposals that we in our shop are putting forward to improve the housing, employment, and other opportunities. I think that's probably for another occasion next Friday when I am

scheduled to go through that before the Appropriations Committee.

SENATOR WOODCOCK: Thank you.

THE CHAIRMAN: Assemblyman Owens?

ASSEMBLYMAN OWENS: I have many questions prompted by your last series of statements. However, I realize we are already running over quite a bit. I will limit myself to one question prompted by your comments as to the Atlantic City experience in the area of housing inspection.

You indicated that there had been some considerable interval since there had been an inspection and that you found numerous violations at that time. I am just wondering how does the Bureau of Housing Inspection function? Are you adequately staffed and just what kind of a job are you able to do in the area of enforcement of the State Housing Code?

COMMISSIONER YLVISAKER: I've got to level with you that we are inadequately staffed, and so much so that it weighs very heavily on my conscience and, I hope, on the

State's.

Let me give you this statement. We are responsible now for the inspection of some 480,000 multi-family dwellings in the State. We have an inspectional force that I am sure in the field at any one time has not numbered more than twenty. Paid salaries of five to seven thousand dollars. This means that if we had a rotating schedule we would get to each building every twenty-first year.

What we are proposing in this year's budget is to get more inspectors both by working cooperatively with local governments to upgrade their inspectional force and to help them on the burden of work. Our inspectional force, which we have to increase and certainly to program on a much more systematic basis, would then be used as a kind of overdrive and error-checking/<sup>mechanism</sup> to make sure that the system is working throughout the State. But we have to get a collaborative effort going now and the problem, as I think



you know, is that while we have to increase the available staff and tighten up the inspections, often the victims of that tightening up get to be the ones that you don't want to be hurt; that is, the family gets evicted from a home you find to be sub-standard. Therefore, particularly in those cases where we are dealing with a small owner who is really on the margin and can't put in that fire escape or do the porch over, we want not only to hit him over the head with a legal club but we want to be able to say, "Here is a low-interest fund and technical help on how you can upgrade that dwelling." We want to work with him because we do have a shortage of housing in these areas and to demand code enforcement without the other <sup>help</sup> /is going to put him in a tough position.

THE CHAIRMAN: Senator Dumont?

SENATOR DUMONT: On page 3 of your statement you mention a bill to expand the functions of the Public Defender's Department

under the Gault case. Is that before the Legislature and, if so, what is the purpose of it?

COMMISSIONER YLVISAKER: Yes, it is. I will turn to Mr. Carballo, if I may.

MR. CARBALLO: There are two bills. I don't remember the numbers.

THE CHAIRMAN: Senate 294 and 550.

SENATOR DUMONT: What was your role in Plainfield last July?

COMMISSIONER YLVISAKER: Controversial.

SENATOR DUMONT: I am aware of that. I want to get your thoughts on it.

COMMISSIONER YLVISAKER: May I give just a brief chronology?

SENATOR DUMONT: Certainly.

COMMISSIONER YLVISAKER: By the way, if I may, the role is completely described in the hearings before the McClellan Committee in Washington. I have the document with me where sworn testimony simultaneously of myself, Attorney General Sills, <sup>and</sup> Colonel Kelly, was taken. I think if you really want the

testimony, there it is.

I also did the same in front of the Governor's Select Commission on Civil Disorder that is sworn testimony which is available to this group, too, if you would like it.

Very briefly it went this way. We had no role in the disturbance until Governor Hughes called me and some of his assistants into Newark, as you recall, on Saturday morning, which was about the second or so day of the disturbances. What we then found was that it was terribly important to get communications across the line; that is, to find the people in the communities, the ~~min-~~isters and others, who would be willing to go out in the streets / <sup>wearing</sup> arm bands and begin to calm the situation. This meant establishing relationships with people who, in many cases, were frightened or who had the feeling, you know, of being on the outside.

With the Governor and with Colonel Kelly, I and the others began establishing these connections and making these arrange-

ments. These were all worked out with Colonel Kelly and with General Cantwell and with the Governor at that time, along with the Mayor and others who participated in these meetings. We were there taking on other special assignments.

It became very evident that food was going to be in short supply, medical facilities weren't out there. It became my job to call Washington to get the Office of Emergency Planning to send its people in, particularly the small business people who could talk to owners of the burned out businesses and find out what kind of emergency measures and help they could get. It also became necessary to call in the Red Cross. And we were constantly hampered at that time by the fact that this <sup>disorder</sup>/satisfied no definition, no legal definition of an emergency. The Red Cross and the others were all dealing with other kinds of emergencies and we had to bend a little bit and extemporize.

It turned out that we were in the position of being the only ones there who

could start organizing emergency distribution of food, which we did cooperatively with the Red Cross, General Cantwell and others.

On Sunday evening we were still in Newark and I stayed overnight at the Robert Treat that night. At about five o'clock in the morning after Colonel Kelly had made a reconnaissance mission to Plainfield to decide how serious it was over there, the Governor called me and we had a breakfast meeting with Colonel Kelly to hear the results of what he had found. And the Colonel, as you know, by that time recognized that this was an emergency situation and had moved the State Police and the National Guard to Plainfield.

Again the Governor asked me to provide, through our Department, personnel who could get into the riot area, and talk to the community and begin finding out where you begin discussing to get it calmed down. I sent several of my people over to Plainfield during the day and we were

constantly in contact with Colonel Kelly. By the way, I refused to come to Plainfield until Colonel Kelly invited me in. I want to keep that relationship clear all the way through.

When my people went there--I didn't get there until the middle of the afternoon on Monday--they began getting into the community through local references and talking and it became very obvious that the members of the community wanted to express grievances to the City Council, to the Mayor, and to the State officials. A meeting was arranged during that day, again with the consent of all concerned, that members of the community would come up to the Plainfield City Hall, state their grievances, and have <sup>a</sup> discussion with the Mayor and Council. I came over that afternoon about four o'clock, about the same time as the Attorney General, and the two of us along with Colonel Kelly then attended this meeting in City Hall where we listened to the grievances. Then it

was spontaneously suggested that we should all show in the community itself.

After we had completed these arrangements and had these discussions in both places--and it was pretty rough going, I can assure you, Senator, it was pretty rough in the neighborhood at that time.--we did manage to begin getting the conversation going. There was a long exchange that evening in City Hall where we were broken in upon by two of the people from the community. It actually turned out one was not from the community and had a criminal record. The other one is now a leader in the youth programs in the city.

These people then expressed the urgency of the situation. There were long discussions and I don't know if you want me to go into them now.

The next day after that I was in Washington with Attorney General Clark and the various other department members. I spent all day in Washington with Congressmen

Minish and Rodino, talking about the assistance that we could get into Newark and the State at that time.

The next morning we had a discussion of Plainfield in the Governor's office. While I was gone a decision had been reached to have a search to find the weapons that were stolen and in that discussion several things were agreed, among them that the Plainfield police would not take part in the search and this was communicated to Colonel Kelly, that they were not to be there because of the very sharp feelings that were existing at the time.

Then the Attorney General and I, after these meetings, went directly to Plainfield where the Attorney General was supposed to read the proclamation. But we were late and the search was just about on. Then occurred that thing at the street corner.

I had a very sharp feeling there was too much of a display particularly in this case, of the armored personnel carriers because I knew the community was



sensitive in this matter and that this might well have started up the whole episode again. I exercised a discretionary decision at that time, and stopped the armored personnel carriers, which Colonel Kelly and I disagreed about, because Colonel Kelly thought that this was the only method of conveyance. Standing on the corner there were members of the community, including Milt Campbell, the decathlon champion. I did not notice the Plainfield police at that time.

Then I spotted the Plainfield police in the convoy and this was in violation of the agreement that they were not to take part. This was somewhat misunderstood by Colonel Kelly because Colonel Kelly thought that they were not to be part of the search itself but were needed as observers. We did not have a chance at that time to communicate between us as to whether they should be there and under what circumstances. When the community members on the street corner said they were there, then Colonel Kelly got them out of the convoy and they

did not participate, which caused a great deal of feeling in the Plainfield police department.

That afternoon, as the search went on--I think you know the rest of the story. Our department left late that afternoon and withdrew from Plainfield.

Now, there are many ways of judging that episode. Colonel Kelly and I tried as closely as we could to work together. We recognized that we played different roles. His was a security problem. My job in that case was communications, try to get the groups talking, and the community members to cool the situation over there. Both of us feel that despite the missing of communications on one or two points that, on the whole, the operation was a success. After the State arrived there was very little property damage and no further deaths. There were sharp feelings because this was a situation where a lot of people have sharp feelings and express their differences of opinion about who did what, who

should have done what, but we were there on an emergency basis.

That, I believe, is about the best description I can give you of the role that we did play.

THE CHAIRMAN: Commissioner, with both Colonel Kelly and General Cantwell there developed in their testimony a feeling that master planning in terms of civil disorder problems had not moved in the way they seemed to think it was going to go. Later, in Mr. Lilly's testimony, he rather indicated that it was limited to the enforcement area. But, as I say, both Colonel Kelly and General Cantwell seem to think that there should have been a broader scope. I am wondering if you would elaborate as to that since you had a great involvement here. Without some pre-planning don't you have a vacuum problem and potential for the future?

COMMISSIONER YLVISAKER: Let me say, first of all, that we are trying to do what we can and very much in concert with Colonel

Kelly at this point to anticipate what needs to be done in cases of major disorders this next summer. One can never plan enough, if you know what I mean. I think that I would agree and everybody would agree that we have to think out beforehand most of the contingencies and the needs.

Therefore, I have assigned two persons on my staff to meet regularly with the Colonel on matters of planning. And we are taking up questions of emergency food distribution, medical supplies. It might even be housing if you've got major damage and dislocation.

I would subscribe to the view -- not in the sense of a comparison saying we should have done more -- but that we should be doing everything we can now to get these kinds of plans in motion.

Two things I do want to say, however -- one, that by planning one can also produce provocation or fulfillment of prophecy and you have to be a

little careful here that you don't give the impression that we are so sure that things are going to happen that everybody goes around making sure that they do happen.

Another thing, it's always easy to fight the last war. Last summer may have been one thing. This summer, I suspect, will be a little different kind of thing. Therefore, we have got to anticipate, perhaps, certain numbers statistically of provocative happenings and incidents. I would hope, however, that this year we're not going to see the isolated incident turn into the massive kind of violence that we saw last summer. As I say, a different kind of planning which we will try to anticipate.

I hope this is not too long an answer, Senator.

I would agree very much that we in responsible positions here have to do everything we can.

MR. LUMBARD: Commissioner, the Lilley report on page 1 specifically called for "The

State"--I'm reading now--"in cooperation with counties and municipalities should immediately draw up a master plan for the control of civil disorders."

Do you know if such a master plan has been drawn up?

COMMISSIONER YLVISAKER: Let me give you the ingredients that I know of. A committee of the Crime Council, of which I am a member of one of its subcommittees, sat just about a week ago with a number of mayors and police chiefs and testimony was taken about what the plans were in these communities, what they are doing about it, which then filters into the State planning mechanism.

As I mentioned, we're doing what we think is our part by considering these other factors that I mentioned, in concert with the Attorney General. I would assume that this is planning. Whether it's master planning--

MR. LUMBARD: Both Colonel Kelly and General Cantwell testified here before this Committee in the past several days that there

was no such plan or no plan under way that they knew of at this time.

COMMISSIONER YLVISAKER: There is such planning, as I have indicated. I have given you facts and somebody else should give a title to it.

MR. LUMBARD: What is the State of New Jersey's plan to combat juvenile delinquency?

COMMISSIONER YLVISAKER: Presently I think it's fair to say that there is no plan. There is the Juvenile Delinquency Act coming up, as you know, in which we have raised the question of whose responsibility it ought to be to prepare the plan for federal funding.

MR. LUMBARD: You are talking about the Federal Act?

COMMISSIONER YLVISAKER: Yes.

MR. LUMBARD: That is just a funding program. I am talking now substantively. Who in the New Jersey State Government is charged with and concerns themselves with the problem of juvenile delinquency in the State of New Jersey?

COMMISSIONER YLVISAKER: We do, in the bits and pieces that we have mentioned. Legal Services programming gets into it. We have a Youth Commission which has not been, I think it very fair to say, adequately funded and has not had a strong program in the last years.

MR. LUMBARD: Would it be fair to say it is practically defunct at this point?

COMMISSIONER YLVISAKER: Yes, I think it is, as a commission.

What I am now doing is to propose an overhauling of the Commission and its program. I have a strong feeling that before we get into delinquency we should look at youth activities. I have been saying this far and wide: That the problem between black and white is probably with the younger people who are not fully occupied and challenged in our system. This applies to the affluent kids, including mine, as well as some of the poor kids. What I would like to do is involve the younger generation in the State in some very constructive



activity, both providing employment during the summer and in some cases doing community service work. We have put in some internship programs in my shop which are showing us what these kids really are capable of doing if you challenge them, but I think the tradition in the past has been<sup>that</sup> when you create a commission you say you are solving the problem. But you are not doing too much about it. I would like the younger people actively involved on the Commission and help work out their own programs.

MR. LUMBARD: What I am trying to get at is, again, the response. You have to have somebody assigned the responsibility as a regular matter, it would seem to me, to head up, to react to the problem of juvenile delinquency in the State. I gather, as far as you know, there is no such person at this time.

COMMISSIONER YLVISAKER: As far as I know, none has been given the definite duty, "You are responsible for the juvenile delinquency program."

May I also add that every one of the problems where we deal with juvenile delinquency is not necessarily categorized. You put a man in charge of juvenile delinquency and you soon find him in welfare, in court.

MR. LUMBARD: That's true of life. Welfare isn't under your Department, is it?

COMMISSIONER YLVISAKER: We have got to try to cope by categorization. What I am suggesting, however, is when one does get an assignment like, he must have, to begin this kind of endeavor, everything on ~~that~~ assignment.

MR. LUMBARD: What I am trying to get at, to clarify for the Legislature, is the fact that at the present time the State of New Jersey has no juvenile delinquency program insofar as preventive action is concerned.

COMMISSIONER YLVISAKER: Well, hold on.

MR. LUMBARD: Insofar as assignment of responsibility to develop and carry forward

that program.

COMMISSIONER YLVISAKER: I think, now that you have begun defining it that way, that one should be a little careful. Take Commissioner Male. He has a remarkably effective program now working with--

MR. LUMBARD: You mean in terms of jobs?

COMMISSIONER YLVISAKER: In jobs. You mentioned prevention. Therefore, I think it only fair to say that he has done some extraordinarily good work.

We can also look at Commissioner Roe in what he has done with the idea of transporting kids during the day, to day camps. He has done some very effective work along these lines.

We are presently working with Commissioner Roe, Commissioner Male, and others, and the Governor's staff in getting a very sizable summer employment program going for the age groups that you're talking about. I would plead second to none, you know, in

the efforts we are making there.

Therefore, if one were to say, as I did, that there is nobody that I know of who is responsible for juvenile delinquency/<sup>programs</sup> that is not the same as saying there is no one working at or responsible for the preventive programs that I have described.

MR. LUMBARD: I agree, but what I am trying to get at is juvenile delinquency responsibility because we are here concerned, primarily, with the criminal justice system and how it functions, who is assigned to what responsibility.

COMMISSIONER YLVISAKER: By your narrow definition, then, I should think Commissioner McCorkle and the Attorney General are most affected, if you are confining it to those who have committed acts.

MR. LUMBARD: Well, again, I am not trying to walk that tight a line, either.

COMMISSIONER YLVISAKER: No, but before one makes a general charge one should define the terms.

MR. LUMBARD: I am not trying to make a general charge.

COMMISSIONER YLVISAKER: I ~~thought~~ I heard that.

MR. LUMBARD: If there is an answer to the charge, please say so.

COMMISSIONER YLVISAKER: I have given you the answer which I would prefer to stand by.

MR. LUMBARD: Your budget contains a request for five positions for this Youth Council?

COMMISSIONER YLVISAKER: Yes.

MR. LUMBARD: What would that agency do?

COMMISSIONER YLVISAKER: What I would like to have them do are things of this kind: First, to begin going around in the areas, the municipalities of the State, and identifying the youth organizations that could be brought into a State program; to begin dealing with high school guidance counsellors, social science teachers, and begin getting

them, I would hope, to stimulate these kids to an interest in the community affairs and problems of their community. There is no reason why just because they can't vote until twenty-one that at age fifteen and on they can't be talking about the needs of their community, actually working along with their planning commissions, their city governments. This kind of thing would, I think, be very constructive.

We are talking, also, about community service projects where we could get kids, sometimes even on a competitive basis, to work at such things as neighborhood parks, on the Delaware Canal and the rehabilitation of that Canal. Things which the kids can look on proudly and say, "We did this and it occupied our time in a very constructive way."

THE CHAIRMAN: In view of the Child Labor Law situation don't we have greater problems in really operating? The Child Labor Law covers them, the very children that you're

talking about.

COMMISSIONER YLVISAKER: Yes. Commissioner Male, by the way, has provided a list of over 200 jobs, as I recall, that are okayed under the present legislation. But he and I agree that we have to take a look at the restrictions. There are too many restrictions. There are a lot of things that they could do that that law prevents them from doing. Also, you get into the insurance problems of employers and their ratings, how closely they can work with certain machinery. We are going to take a look at these things, too.

THE CHAIRMAN: Commissioner, we thank you very much for coming and at this point we will break for lunch for one hour.

(Witnesses excused.)

(Luncheon recess.)

A F T E R N O O N   S E S S I O N

THE CHAIRMAN: We will call the hearing back to order. Our first witness is

Commissioner Dominick Spina.

Would you identify yourself for the record, Commissioner, and then I would like to swear you in.

DIRECTOR SPINA: Just to correct you, I am the Director of Police; the same duties, different title.

D O M I N I C K A. S P I N A, Director of Police,  
City of Newark, sworn.

THE CHAIRMAN: Will you proceed? I believe you have a statement you would like to present.

DIRECTOR SPINA: For the record, I will read this, and when I am through--or if you would like to cut in while I am reading it--I will be very happy to answer any questions.

"The massive avalanche of crime that is engulfing this nation is a national disgrace and a shocking indictment of the American people. There is no other problem today other than the war in Vietnam, which is as



important as anything facing the American people. It is my prediction that if some action is not taken in the next few years this nation will be in the throes of anarchy. It is my further prediction that the desperate, helpless populace will cry out for a leader and this nation will become a dictatorship.

America cannot hope to become a happy nation if terror stalks in the street by night or day and people are terrorized even in their own homes. This is not only true today in the large urban centers, but also increasingly in suburban areas. The F.B.I. statistics for 1967 indicate an increase of 16% in suburban crimes.

We have become a permissive nation with an increasing tolerance for crime and disorder. Crass commercialism has become our living philosophy. We have lost the old-fashioned ideals of integrity, loyalty and patriotism. We no longer want to become involved in community responsibilities and

duties as citizens. Violence has increased and I wonder how much crime can America take?

There are many reasons given for the causes of crime. Indeed, there are as many reasons as there are philosophers, professions and ideas. No one truly knows the answer.

For many years, intense studies have been made of the sociological causes of crime. Society has evolved many professions for these studies including psychologists, psychiatrists, sociologists and penologists.

All these to no avail because crime has continued to increase in a most alarming fashion. We are a changing society with breakdowns in the family order and failures in the educational systems. We have become an irreligious people and there appears no deterrent to crime and disorder.

In 1967, crime nationally increased 16% over 1966. Almost three and one-half million Part I or most serious crimes were committed in this country. In cities having

a population over 250,000 crime increased 17% in Part I crimes."

MR. LUMBARD: May I interrupt there for clarification of the record? I think you and I know what Part I crimes are, but could you just list the seven for the benefit of those who do not know?

DIRECTOR SPINA: The Part I crimes are set up as criteria for the efficiency of the police and for the amounts of crime. They are murder, rape, robbery, burglary, larceny over \$50 and larceny under \$50, auto theft, and aggravated assault. Those are the seven categories. They were set up by the International Association of Chiefs of Police and the F.B.I. They are now maintained by the F.B.I.

MR. LUMBARD: Thank you.

DIRECTOR SPINA: "In Newark, in spite of the fact that we suffered a tragic insurrection, there was an increase of 19.4% for Part I crimes. Crime has continued spiraling in the City of Newark the first two months of

1968. In January and February of 1968 there was a 29.3% increase in Part I crimes over January and February, 1967.

Newark today is suffering from many problems. The accumulation of social ills through the last century have finally made conditions in this city well-nigh unbearable. A symptom of these social ills finally erupted in the tragic civil disorder in our city last year. Since this unfortunate event, conditions have not improved and as a matter of fact, it is my opinion that they have become worse. Crime, violence and disorder are on the increase. Hostility between the races has never been on a worse plane--the general populace is arming at an alarming rate. There is much need for dialogue, for assistance in the State and Federal Government and for men of good will to sit around a conference table and discuss how best to become a unified people in spite of our differences.

A manifestation of the sign of the times is the unfortunate number of resigna-

tions, early retirements and requests for leaves of absence to test other employment, from the Newark Police Department, since the riot and especially since the issuance of the Governor's report on the study of civil disorder. I have lost two lieutenants, 11 sergeants and 72 patrolmen. I am now short 238 patrolmen. This is such a serious situation that I am now requesting men to work on their days off and perhaps employ policemen on their vacation time.

In the area of recruitment, I have tried every scheme possible. A month ago with the assistance of the New Jersey Civil Service Commission, I had young boys in our Junior Crime Fighters Program deliver one application to every single family in our city. 80,000 applications were issued along with much fanfare and publicity. The results were that approximately 540 applications were received by Civil Service, 248 individuals actually took the examination and only 64 passed. Of the 64 successful candidates, we

are now engaged on a crash basis investigating backgrounds, etc. We are scraping the bottom of the barrel. For example, just the other day we had rejected one candidate and he had appealed to me to reconsider his application. While I was reading his folder, I was notified that he had been arrested for break and entry the day before.

In the area of recruitment I have tried for the past four years to get much needed legislation to enlarge the field of recruitment. For three years I succeeded in having introduced into the State Legislature a bill by which I could recruit throughout the State with the provision that they move into the city within one year after admission. This bill, which last year was Bill #A-137, was never passed.

For the past three years, I had introduced a bill extending the age of admission to 35 years and last year it was vetoed by the Governor at the request of the Pension Commission. At my request, these bills have

been re-introduced and I urge speedy action on them.

It was recommended by the Governor's Commission that the Newark Police Department improve its police community relations programs. I state without any equivocation, and firmly, that the police community relations programs in our department were the finest in the United States. It would take me at least twenty minutes to recite some of the programs which were initiated and put in operation by our department. When I attended the Department of Justice Conference on Civil Disorder for the Chiefs of Police of the largest cities in the United States recently, all the law enforcement administrators present were surprised at the daring, the number and the scope of our programs. But even these programs didn't stop a riot because they could not reach every element, every strata of our population.

We have been improving and adding to our programs since the disorder. However, an

area where we had been extremely successful apparently is no longer open to us. This was the summer block recreation program which the Newark Police initiated and was imitated by other departments in the United States. The Federal government this year, in spite of all our entreaties, has not seen fit to finance this program because they lack funds.

In the field of organized crime, Newark is not too different from many large urban cities in the United States. As a matter of fact, it is my opinion that it is cleaner than most cities.

We have no organized prostitution whatsoever. We have no organized card games and dice games anywhere in the city. However we do have lottery operations and bookmaking. Bookmaking operations are extremely difficult to combat. Most bookmaking operations in Newark occur in apartment houses and ordinary residences. All business is done by telephones. Inasmuch as electronic bugging of telephones is illegal, we are unable to fight



this evil with much success. We have been more successful with lottery operations. The major difficulty in this form of gambling is that it is necessary to obtain warrants to search and arrest the runners and the pickup men. Our Intelligence indicates that there are no banks for lottery operations in the City of Newark and that because of the constant surveillance, banks have been moved to suburban towns and other counties.

Of the shylocking operations, we know that this is current and perhaps extensive; and again, because we have no complainants, we are unable to fight this type of illegal activity successfully.

It is my opinion that the majority of Americans gamble in some form or other. Therefore, gambling is not offensive to our citizens and we do not get the assistance or information that we need to stamp out organized crime. Make no mistake--organized crime is dangerous because the illegal cash that the professional gambler receives,

influences politicians, thereby creating a danger to democracy. In 1963 I addressed the Essex County Grand Jury Association and I recommended that gambling in the form of lottery and off-track gambling be legalized. I do not believe that all types of gambling be legalized, especially that type of gambling which makes it possible for the gambling fraternity to handle or manipulate gambling paraphernalia. In the legalization of gambling, it deprives the racketeer of much-needed money with which he corrupts politicians and police departments. It also frees for the fight against violence in the streets, much needed manpower in the police department.

Last, but not least, it is a source of income for the State Government. There is a need for greater centralization of all agencies to combat organized crime. There is a need for information to flow back and forth between local police departments and federal agencies. At the present time, this

is a one-way street by pressure on local police departments to filter information to the federal agencies. There is never any information coming down from federal agencies.

There is a need to, as has been stated over and over again, for law enforcement agencies to enact a Witness Immunity Law. We in law enforcement cannot understand why this bill has not been moved at our request years ago.

There is a need to have legislation, under Court jurisdiction, for wire-tapping and permission for electronic bugging. We in law enforcement plead for these tools to fight this menace.

Bad however as is the spectre of organized crime, it is not as alarming to us in law enforcement as the violence and terror in the streets of our cities. Much of it is due today in the State of New Jersey because of the prevalence of narcotic addicts. Newark statistics indicate that 75% of arrests for

armed robbery are narcotic addicts--75% of burglars arrested are narcotic addicts--99% of the prostitutes arrested are narcotic addicts. There are over 2000 registered addicts in our city of Newark. We estimate that there are probably 4000 addicts in our city. Newark ranks fifth nationally in the number of narcotic arrests.

Over 50% of the crime that is committed today in the City of Newark is committed by these unfortunate addicts. There was a time when the addict came from the lower socio economic strata. Today the addict comes from every strata of society and not only from the core centers of our cities but in every town and hamlet in New Jersey. We in law enforcement have repeatedly warned members of the State Legislature and the executive department of the alarming increase of addiction. We predicted years ago that what is happening today in New Jersey was certain to take place and unfortunately, this is true. The narcotic addict today is not

the passive, submissive, sick individual of eight or ten years ago. Today he is belligerent, violent and commits every crime possible to obtain money to satiate his craving. Unfortunately again, it is apparent that well-meaning judges do not understand this problem. They feel sorry for the addict and repeatedly give him probation or the benefit of the doubt.

Our Narcotic Bureau took a survey of the sentencing by judges in Essex County of all cases of sale or possession of narcotics. The chart which I have here shows that Essex County judges gave suspended sentences of three of them, gave probation to 137 and gave prison terms to 157. These were all Newark cases for 1967 that were heard by Essex County judges."

I have the charts here but I prefer not to give them out because I list the names of judges and I don't think this is proper. If you like, I will cut the names off of the judges and give you the charts.

MR. LUMBARD: Could you do that, please?

DIRECTOR SPINA: Yes, sir.

"Narcotics, contrary to what is heard around the state, is only a minor problem in our high schools with a few students experimenting with marijuana. All arrests that have been made of these students indicates that literature which they read gave them the impression that marijuana is not dangerous. I, as one of the founders of the New Jersey Narcotic Officers Enforcement Association, had been interested along with the members of the Association, for the prevention of addiction in our state. We have repeatedly recommended that there should be some course of education by specially qualified school teachers to give instructions to the youngsters in our schools about this problem of narcotic addiction. Unfortunately, up to the present time, the New Jersey Board of Education has not successfully produced a regular manual and guide for these teachers. We

recommend that this be done as expeditiously as possible."

Incidentally, I might say we met with them on at least three occasions in the past three years. We haven't received the kind of results that we think should have been given.

MR. LUMBARD: What is the reason for their resistance?

DIRECTOR SPINA: There isn't a resistance. This is the bureaucratic frustration that I always experience in State, County, and in municipal courts and federal court. I think that there has not been unanimity of opinion between the members of the Board of Education. They did set up a manual, but I don't think that the manual is acceptable to everybody. I am also a member of the New Jersey State Narcotics Advisory Council and we have discussed this, too, with the State Board of Education. But, again, they have not produced a suitable manual. They have set one up, but nobody seems to

agree that it's a good one. And I think that time is of the essence and it is something that should be done.

"The Newark Police Department has one of the finest Narcotic Squads in the United States. They are a dedicated group of men, they work above and beyond their tours of duty and have made increasing arrests every year.

In summation of the narcotic problem, it is the opinion of almost all law enforcement personnel involved in narcotic crimes, that there is much needed legislation in this field. It is our opinion, and a strong one, that there must be mandatory imprisonment of any pusher, whether he is an addict or not, to go to jail for treatment and rehabilitation for at least three years. There is an urgent need for a program for treatment of addicts and this under civil commitment by the state government. The present program is a flat failure. The legislature must be cautioned that millions of dollars must be



spent for new security buildings to treat these addicts. We in law enforcement insist ~~that~~ this be done as expeditiously as possible to save innocent sons and daughters of our citizens from this unfortunate course and to save thousands of prospective victims of possible criminal attacks.

We find that in juvenile problems, Newark is in a very sorry situation. Newark is in the throes of a population explosion. We have thousands of young people under the age of 15. The situation in the school system is so acute that there is a need for security officers to keep intruders out and to help maintain discipline within the schools. Because of the dangers in the school buildings, large numbers of qualified teachers have resigned to work in suburban schools. This helps to create an educational crisis."

I might add these teachers that we do have in the school system are so busy trying to maintain discipline that they are unable to teach.

"Over 75% of the young people who are arrested come from broken homes. We in law enforcement have noted a delinquency pattern which repeats itself over and over again. However, because of the shortage, guidance counsellors, psychologists, psychiatrists, etc., very little is being done in this area.

The typical delinquency pattern starts with cutting classes, chronic truancy, defiance of school authorities, vandalism, larceny of small objects, mass larceny of bicycles, larceny from automobiles, larceny of automobiles and then into various crimes including narcotic addiction."

This is truly over and over the pattern, gentlemen.

"We in Newark Police Department, because of the large number of young people who are becoming involved in crime, are extremely fearful of what may occur in the next decade. Ironically, three years ago, I had introduced before the City Commission, an ordinance to license and regulate and to give instruction for safety purposes of young people in re-

gards to bicycles. The City Council refused to pass this ordinance.

Another problem in relation to the delinquents is the large number of young people who repeatedly become involved in crime and are never sent away to an institution for treatment. The failure of the courts to send these young people to an institution makes justice a hollow mockery, fails to deter the young delinquent and fails to deter other possible delinquents. I have in my possession, many names of young people who have come before the juvenile courts for possible sentencing. Sometimes as many as seven to nine different charges on different dates. These have never been sent away for treatment. It isn't the fault of our juvenile judges. The fault lies with the fact that there is no room in these institutions for these children to be sent away for treatment. We have a dire need for the construction of more institutions and we also have a need for more probation officers to

supervise smaller numbers of these children."

I have names and records of young people who have been involved in crimes-- as many as 40 here and if you would like the list I will give it to you--indicating that at no time in the courts in four or five years have these young people been sent away to an institution. And some of these crimes are fairly serious, including rape, et cetera.

We have bad situations in our city. For example, at Broad and Market for a long time we had pursesnatching and larceny from persons and pocketbooks and we would arrest these young people, bring them to the juvenile courts--there is one here in particular, seven times on seven different occasions arrested for pocketbook snatching at Broad and Market and he is still out on probation. And people complain to us.

"There are many areas in which the State Legislature can assist law enforcement in New Jersey. There is a dire need for a

'watchdog' legislative committee for the Senate and the Assembly to push through needed legislation. I have already mentioned legislation to assist in recruitment, also legislation for 'witness immunity law' and for the legalization of wiretapping under proper judicial control."

MR. LUMBARD: When you say wiretapping, do you really mean electronic eavesdropping which embraces both wiretapping and eavesdropping?

DIRECTOR SPINA: Exactly.

"New Jersey has been negligent in enacting clear legislation concerning the specific powers under which law enforcement personnel can make arrests as stated in State v. Smith some years ago. In this area of law enforcement, there is a need for specific procedures for 'Stop and Frisk' as laid down by the American Law Institute and a modified uniform arrest law. Because of the unbelievable violence used in criminal acts, it is the consensus of opinion by people in law enforce-

ment that there should be a mandatory jail sentence where weapons or force is used.

There is a need for more courts and more judges and more assistant prosecutors to speed up justice. One of the failings for the administration of justice are the long delays. These long delays are detrimental to the prosecution because memories are short and witnesses are prone to forget for many reasons. As stated repeatedly by J. Edgar Hoover, Director of the F.B.I., 'Justice is best served when it is swift and sure.'

We in law enforcement sincerely deplore the trend of many courts to accentuate the rights of the individual. We believe that society too has rights--the right to be secure in their homes, and secure on the streets against rape, robbery and murder. This new cult, the worship of the right of the individual, against the rights of society, do not make for justice. We deplore, too, the fact that no longer do courts serve

as a search for the truth as stated by Blackstone.

Today it is a search for a legal error with the result that many hardened criminals walk our city streets without any deterrent and in search of more innocent victims. The criminal today is indeed living in a golden age and crime does pay.

One of the most important deficiencies and problems that face our cities and especially Newark, is the lack of radio frequencies. For example, in the City of Newark, we have only one frequency."

I want to explain that, what I mean by one frequency. We do have two, but we can't use the other one, as I will explain later on.

"I have tried desperately since I became the Police Director to get other frequencies. But unfortunately, have only been able to obtain one other frequency, which is impossible for Newark to use because it is too far away on the spectrum. The F.C.C.

should study the possibility of regionalization of small communities so that those cities which have dire need of radio communication, may be afforded these frequencies. It has come to my attention that the F.C.C. has reserved for other segments of industry, e.g., forestry and conservation, who have no use for these frequencies in these locations. Our Congressmen should prod the F.C.C. for the much needed frequencies.

There is also a dire need for at least 100 more walkie-talkies in the City of Newark. Unfortunately, budgetary restrictions beyond the control of the administration do not make it possible to obtain same. If the 'Safe Streets and Crimes Act' which President Johnson proposed a long time ago is ever passed, perhaps funds from this legislation could assist us.

Newark needs, besides the 238 policemen that we have been unable to recruit, at least 100 more policemen because of the problems in the city. An example of the critical



need for manpower is indicated by the fact that in 1932 the table of organization in Newark called for 1409 men who at that time worked 60 hours a week. Besides this these men received only two weeks vacation, were not called upon to go to grand juries and courts, as much as policemen have to do today, and there were no auxiliary services that must be provided today. For example, community relations, personnel, administrative division, no emergency bureau and much fewer men in other categories, as the Detective Bureau, Radio Communication, Youth Aid Bureau, men assigned to vice, gambling and liquor etc.

Today, 1968, we have 1375 men, working 40 hours a week with the increased duties. Under these circumstances it is extremely difficult for in-service training and for leaves of absences for special college training.

We in law enforcement are of the opinion that in order to get the type of men that we

need for our police department, a salary of \$10,000 must be given. However, here again under the financial problems that our city has it is impossible to grant this even though Mayor Addonizio is extremely favorable to this.

There is a need to have extended, the probationary period of our recruits all over the state for one year. The present interpretation of the state law indicates that a three-month probationary period is possible only. However, we in Newark, by a technical device, have been able to maintain the probationary period for one year. We are not certain as to the legality of this technique and we therefore desire to have passed the necessary legislation for one year probationary period."

I might add here again that for the past four years I have been trying to get the Legislature to pass that kind of a law and we have not been able to get it.

"There is a need in all of North

Jersey for a computer to expedite information on crime. Four years ago the Newark Police Department obtained the services of the Systems Development Corporation as to the possibilities of the utilization of a computer. The survey indicated exciting possibilities. However the price was so prohibitive that we could not entertain the installation of such equipment.

Every police building in the City of Newark is obsolete and antiquated. There is not one building in the city which is less than 50 years old, including police headquarters. Police headquarters building was originally constructed for the use of the Water Department. Upon completion, it was turned over to the police department. It is not only not functional for police work, but is absolutely too small and antiquated. Our five precinct buildings, because of urban changes, are no longer geographically centered, are dingy and obsolete and should be demolished. However, here again comes

the question of money.

To free policemen for their primary and basic responsibility in law enforcement, we feel that a police aid program should be instituted under civil service. These individuals would operate in the many auxiliary police services which are now being done by regular policemen. Last year we attempted to get such a program under the auspices of the Federal government and it did look promising. However, after much discussion and planning, nothing has been done. This is typical of Federal bureaucratic frustration.

There is a need for making civil service more flexible. The Civil Service Commission is not at fault but is 'hide-bound' by statutory regulations. It is my belief that some of the fields that can be improved by a flexible civil service system is that of promotions, flexibility of changing titles and duties under the table of organization. For example, promotions today in rank are based only on examinations of

various types. It is the opinion of law enforcement administrators that to these different kinds of examinations, there should be added the evaluation grading of the individual which should be done on regular stated periods. The evaluation grade should at least be one-third of the entire composite rating for promotion."

I would like to say that I discussed this three years ago with civil service. They were favorable to it, but no program has ever been worked out.

"It is also the opinion of law enforcement administrators, that the administrator of the department should feel free to select any individual for his staff from the rank of Captain. At the present time, the administrator is forced to accept those individuals who have passed examinations with the staff positions. Very often, he finds himself strapped with individuals who sabotage his policies, who do not cooperate and who are incapable of functioning in

those levels. Most big cities in the United States permit the administrator of the Department to pick the individuals for his staff.

About one-quarter of the arrests made by police officers concern alcoholics. The Supreme Court of the United States has held that they can no longer be treated as offenders but are sick people."

MR. LUMBARD: Not yet, Director. The case was argued, but the Court hasn't so held yet.

DIRECTOR SPINA: I'm sorry. That was my interpretation.

MR. LUMBARD: Many courts have so held and there is such a case before the Court, I understand.

DIRECTOR SPINA: Well, it was my understanding that the decision was made. It was concerning the District of Columbia case, but I may be wrong. You know, you are a lawyer and I am not.

MR. LUMBARD: The Circuit Court in

the District of Columbia so held. Go ahead.

DIRECTOR SPINA: Well, I hope it is decided the other way, which I don't think it will. The trouble--well, I take that back.

"However, the problem remains that the drunks insult citizens in the street, frighten individuals by their activities and are a general nuisance in our streets. The police of necessity must custodize them because of these problems. It would be more advantageous to the alcoholic and the police officer if a treatment center could be established for these alcoholics. This type of institution would free the policeman of many hours so that he could use the time for the safety of our citizens.

Many times citizens see crimes committed or about to be committed in the streets, and sometimes they themselves may be victims of crimes, and very often because of the lack of the requisite of a coin, they are unable to make telephone calls to the

Police Department for assistance and information. It is necessary in our State for the Bell Telephone Company, as a public utility, to provide free communication for distress calls. I might call to your attention that in all of Europe, a citizen in distress dials 999 and is able to communicate with the police. I testified some months ago before the P.U.C. on this specific problem and no results have been forthcoming.

In the entire state there is no one special commission sitting as a body to assist, to help, to evaluate the hundreds of law enforcement agencies in the State. Such a Commission is necessary to establish standards, to evaluate statistics, assist in training and education and a myriad of functions that go along with perfecting the law enforcement. Such a Commission has long been needed in this State."

MR. LUMBARD: Do you think that same point could be made for a Department? Couldn't it also



be a department? Need it be in commission form?

DIRECTOR SPINA: Either one.

MR. LUMBARD: It is the function you are getting at?

DIRECTOR SPINA: This is true.

MR. LUMBARD: You think there is a real need for that?

DIRECTOR SPINA: We find in law enforcement we are speaking of the same problems but because of the similarity of names, nomenclature, we don't know what we're talking about. It was only the year before last they were able to push through, for example, in the State University, Rutgers, a program for police science. The Newark Police Department five years ago worked hard on this program, but if you had a department which could use the kind of influence that they could use it probably would have been done a long time ago. There are so many enormous fields they can go into and law enforcement would and should benefit.

"This Nation is at its crossroads. If crime continues to increase at the same proportion as it has been for the past five years, every man, woman and child born by 1970 will have been affected by a crime of some sort by the time he has reached age fifty. We can no longer say 'it can't happen to me'--it makes no difference whether you live in urban or suburban area. Men cannot live in our complex society today without a system of laws. Our system is doomed unless the laws are enforced and a police officer is ineffective unless his efforts to protect life and property are supported by the Government and the people.

Crime is everybody's business, not just the problem of governments, policemen and courts. The war against crime will only be won when each citizen feels involved and makes it his personal battle. Now is the time for positive action before it is too late."

MR. LUMBARD: Director, it sounds

as though on an overall basis you feel that the system has collapsed or is on the edge of collapse.

DIRECTOR SPINA: I certainly do. You know, I sit in a chair in a city which has many problems and I hear countless numbers of people come to me and talk to me, crying about the crime and the violence in the streets, and this is every segment of the population in our city. For example, I now have tenants living in the projects who never had any kind of communication with the police coming into my office in large groups complaining about the acts of burglary in the projects.

MR. LUMBARD: These are public housing projects?

DIRECTOR SPINA: Yes, sir. There are so many addicts coming into the projects that they tell me they're not safe, the tenants are not safe. Fifteen minutes after leaving their apartments some addict is in there stealing what little things

they have.

The violence in the street is terrible. It's to the degree where we went to a meeting just the day before yesterday and there were not only merchant association people there but the citizens from this vicinity came into that meeting and they are all crying the same cry, the violence in the streets. I think something must be done, as I keep saying. I may sound pessimistic, but I do believe--

MR. LUMBARD: You certainly do sound pessimistic. That's a fair statement.

DIRECTOR SPINA: I certainly feel this way. I'll tell you. You know, Rome and other great civilizations were destroyed because of the amount of crime, corruption, greed, moral degradation, et cetera. You know, crime is nothing more than a reflection of the spiritual, moral degradation of a community, a city, a nation or a civilization. If we don't do something about it here in the United States, the United States

is doomed, too.

MR. LUMBARD: I have some specific questions, Director. What do you understand the State of New Jersey's program to combat juvenile delinquency to be?

DIRECTOR SPINA: They don't have any.

MR. LUMBARD: What do you understand New Jersey's program to combat narcotic addiction or dangerous drug abuse to be?

DIRECTOR SPINA: It's very poor.

MR. LUMBARD: What do you understand the State of New Jersey's program to be to combat organized crime?

DIRECTOR SPINA: It's not as good as it should be.

MR. LUMBARD: How would you describe the results of the institutional system on the State level as you see it from the police level?

DIRECTOR SPINA: In what regard, Mr. Lumbard?

MR. LUMBARD: Well, the results of

the system in terms of rehabilitation.

DIRECTOR SPINA: As regards addicts, you're talking about?

MR. LUMBARD: Anyone after conviction, assuming you do manage to catch them.

DIRECTOR SPINA: We don't have an effective system because we refuse to spend the money. For example, our parole system is bad because the parole supervisors have too many cases to take care of. I know, for example, in Essex County they take care of up to 90 cases. That I've heard. No parole supervisor should handle more than 30, and that's at the very most.

MR. LUMBARD: What is the probation officer case load in Essex County?

DIRECTOR SPINA: About the same.

MR. LUMBARD: Could you tell the Committee what you understand the Narcotics Advisory Council on which you served has accomplished?

DIRECTOR SPINA: Very little.

MR. LUMBARD: Would you tell the

Committee about that?

DIRECTOR SPINA: Well, I only got on this Committee about eight months ago because I have been complaining, I suppose, about the narcotics problem in New Jersey. Much to my surprise, when I got on the Council, I found out that the Council really didn't have much power. It doesn't have very much power, but what we have done in the last few months, I think, is significant in that we have been able to point out that the program is not an effective one. It's not effective for many reasons.

First of all, the law is a poor one in that it only provides on a voluntary basis for counties to set up treatment clinics. And there's only been four clinics established out of the twenty-one counties in the State and, unfortunately, the one county which should have set up a clinic, Essex County, didn't do it. Now, Newark ranks five nationally in the number of narcotic violators in the United States. We

have 2,000 registered addicts in Newark and we feel that there's probably 2,000 more running around that we never caught up with. So it is extremely important for us in Newark and Essex County to do something about this problem, and Essex County never did.

But even so this program would not have been effective. They don't have any treatment center, no detoxification center except Skillman, and the most that Skillman can hold, if I remember correctly, is 49 beds. When you start thinking about 4,000 addicts running around the City of Newark and 49 beds in Skillman, where are you going to go? And, actually, there is not good security in Skillman. There hasn't been and they're just beginning to try to install more security in Skillman.

It's on such a minute scale that you can't do anything with this program. It's got to be done on a Statewide basis. You have to have either one or two large



buildings. I don't care if you call them hospitals or jails, but the hospitals have got to have iron bars around them; otherwise, you are not going to have security. But you got to do this and these institutions should have the capability of taking in about four or five hundred addicts for treatment.

MR. LUMBARD: Per year?

DIRECTOR SPINA: That's right. Otherwise, you are not going to have a successful program.

MR. LUMBARD: Where should they be located?

DIRECTOR SPINA: Essex County definitely should have one and you should have one in Southern New Jersey around the Camden area.

MR. LUMBARD: What is the relationship, if you can portray it or if you have an expert opinion, between narcotics and dangerous drug abuse and narcotic addiction and dangerous drug abuse and crime?

DIRECTOR SPINA: Well, in Newark, for example, 50 per cent of the crime-- better than 50 per cent of the crime--is committed by narcotic addicts. We took a survey in Newark in 1966. 75 per cent of the holdup men are narcotic addicts. Better than 75 per cent of the burglars in Newark are narcotic addicts. 99 per cent of the prostitutes are narcotic addicts. The percentage is extremely high.

You know, the narcotic addict today is different than he was, say, eight or ten years ago. Eight, ten years ago he was considered passive, submissive, and he engaged in the type of crime that did not involve violence; for example, stealing from cars, shoplifting, stealing checks from mails. This is the type of endeavor that he engaged in. But today it's totally different. He's belligerent; he's violent; he commits murder, any type of crime that you can think of. This is the narcotic addict today.

MR. LUMBARD: Have you found any reaction to the narcotic problem in Newark as a result of New York State developing a strong program?

DIRECTOR SPINA: We anticipated it. I know that in Bayonne and, I think, Jersey City has had some influx of narcotic addicts because of the program in New York. But I think the real reason why we have not been getting the narcotic addict from New York City is because their program still isn't in being. Their program is still not a good solid program, the way I see it. They're having problems with their program and because of this the addicts are still there and there's 60,000 of them kicking around New York City alone. But I am very much afraid when and if the New York law does become a solid program that a lot of the New York addicts are going to come streaming into New Jersey.

MR. LUMBARD: Do you have any comment, Director, on the Lilley report that

you would like to offer to the Committee?

DIRECTOR SPINA: I have a lot of comments on the Lilley report.

MR. LUMBARD: I think you can assume that the Committee has read it. There has been a lot of discussion here about it and the Chairman, Mr. Lilley, appeared.

DIRECTOR SPINA: I am sure that the Committee has read the report.

I am extremely unhappy about the report as it relates to police recommendation statements that have been made. I agree with a lot of the things it says about sociological causes for the disorders, et cetera. But when it imputes corruption to the Newark Police and to the City administration based merely on hearsay this, to me, is un-American and it's not democratic and I resent it very deeply. I think the mere fact that this allegation was made has hurt the Department. We have a great many policemen who have quit since then, and that's not the only reason. We are also

angry that nothing was said about the agitators, nothing was said about the leaflets. If you want copies of some of these leaflets I'll show them to you, and leaflets that we have been getting since the riots. That's another problem that you people in the State have to start considering, what's going to happen now next summer. We feel deeply about this, too, because we know the protest speeches that were made, the threats of blood letting in the streets, the leaflets, the filthy leaflets that were passed out. These have told how to make Molotov cocktails.

We resent being made the scapegoat for this report. We did not cause this riot. We were merely the victims ourselves of this riot and we did not use the kind of force that this Commission says that we did. I think it's extremely unfair and I resent it very, very much.

MR. LUMBARD: Could you let us--

DIRECTOR SPINA: I just want to

make one more point about that corruption business. Even if this were true, that there were corruption in the City and its police department, this is not a cause for a riot. Why this was discussed I don't know unless it was meant to be a red herring for other things that they had. I don't know about this.

MR. LUMBARD: I think the Committee would like to receive the material you have brought. What do you have to say about the material you have brought? What do you have to say about next summer?

DIRECTOR SPINA: Well, we will give you leaflets here, circulars that have been passed out in certain areas, not only in the Negro areas. For example, in the quite subversive areas like the SDS, some of the niceties that they have in store for us. I will not discuss them now because there are people here, the press are here, but the type of problem that we are going to have next summer is more guerrilla warfare, not

the riot against the police or just lootings as it was last time. It is going to be the vicious kind of a riot. They are going to go down in the business area down town. They are going to go into the white areas and they are going to go into the white suburban towns in and around the City of Newark. So it's a very serious problem.

They explain how to make different kinds of Molotov cocktails. For example, the niceties on how to make one that will blow out a tank; even little things like in case there's a riot everybody should turn on the taps in their houses to cause low water pressure so that the firemen can't fight the fires; how to set up sniper and burning teams to go into the white areas to burn them. They had one saying that they should throw sand and sugar into the gas tanks of police automobiles and those kinds of automobiles that are necessary for the function of government and last week I issued an order that every automobile in

the police department now have a lock and key to make sure that they don't do this to our cars. We don't want to be immobilized in this event and I hope and pray to God that we don't have a good fire. They even have niceties, for example, to paint thumb-tacks black, to throw them around tires of cars, so that they can't be seen easily. There are so many. You can read them yourselves. They are very cute.

MR. LUMBARD: Do you make an annual report to the public of the activities of your department?

DIRECTOR SPINA: I make it by press releases. I don't have the money, for example, to put out a book like this like I gave you. We have always been short in the budget. I have had very serious problems since I became the Director and I guess those that preceded me had the same problems. We can't put out the money for that kind of an annual report.

MR. LUMBARD: Do your press releases



include the amount of crime in Newark on an annual basis as you report ~~it~~ to the Uniform Crime Reporting System?

DIRECTOR SPINA: Even more. Finer distinctions are made.

MR. LUMBARD: Do you also include clearance figures; that is, arrests made?

DIRECTOR SPINA: Yes.

MR. LUMBARD: Do you think it would be in the public interest if you did have the funds to make an annual report to the public of the Department's activities?

DIRECTOR SPINA: I am a firm believer in having the people in the community know everything that's going on concerning crime. As I said in this press release that I issued today, crime is everybody's business. I think that every citizen should know the amount, the type, and the time of crime in their neighborhood. I think it's extremely important because when they know these things then they can talk to the administrators and to the police

department and to the city administration and perhaps something can be done, instead of just mere complaints.

MR. LUMBARD: Director, you mentioned that you thought there should be a computer to coordinate intelligence and operational information in the northern part of the State. Do you think that should be Statewide as well?

DIRECTOR SPINA: Well, I think that if you have it to cover the whole State, as it was explained to me, by the fellows with the long hair that ran that survey for me--

MR. LUMBARD: System Development Corporation?

DIRECTOR SPINA: Yes, sir. Very brilliant men they were. They stayed with me for two weeks and went out with me in the car at night time and they are very excited about the possibilities. They told me they can almost predict the crimes for the next day and you would have at your fingertips the kinds of crime, the patterns

of crimes that are happening by the hour.

If this were done on a Statewide basis, they didn't think it would work as well, but they did say it was too much just for the City of Newark.

MR. LUMBARD: There are two separate things, crime prediction such as in New York or the Philadelphia police departments. Perhaps you had a chance to study those. It is different from a file reservoir of past history of people or intelligence information. They're two different things.

DIRECTOR SPINA: Mr. Lombard, they told me you could do everything with it. For example, MO files. You could have an MO file with it; you could have employee characteristics; the statistics; names; plate numbers; occupations.

MR. LUMBARD: Would such information be of material value to the Newark Police Department?

DIRECTOR SPINA: Of inestimable value.

MR. LUMBARD: Would you recommend such a system?

DIRECTOR SPINA: Certainly.

MR. LUMBARD: No further questions.

THE CHAIRMAN: Committee members?

SENATOR WALDOR: Director Spina, let me say at the outset that much of what you have said and is contained in your report I agree with wholeheartedly and I assure you that I have co-sponsored a witness immunity law and some of the other legislation that you recommend.

However, there are sections of your remarks with which I take wholehearted disagreement and I should like to discuss them with you very briefly. I would like to start on page 10 of your statement where you say that you deplore the trends of many courts to accentuate the rights of the individuals and you believe that society, too, has rights. I don't want to engage in a debate with you on semantics, the meaning of words, but I am sure that you and I can

agree that the meaning of the word "society" is a collection of individuals and nothing more than that. So that the protection of the rights of individual, as I see it, is the protection of the rights of society. I cannot distinguish between the two and I'm being completely honest with you.

As a police director and with your wonderful educational background, with which I am familiar, and the record that you have compiled over a period of years in law enforcement, I don't know how you can conceivably and repeatedly--and it has frankly bothered me over a period of years on a philosophical level--how you can say and repeat that the courts are being soft on individuals and not protecting the rights of society when, in fact, you must agree that the rights of any individual and their protection constitute the protection of the rights of the society as a whole.

Please explain for me, if you can, what you mean when you say individual rights

are adverse to society's rights? I can't understand those terms at all.

DIRECTOR SPINA: Well, I disagree very strongly with the philosophy of the Supreme Court of the United States.

SENATOR WALDOR: I am familiar with your disagreement.

DIRECTOR SPINA: I think that it has done more to bring about crime, disorder, permissiveness and lawlessness in our country. When they took the Constitution and the Bill of Rights and they made the interpretations that they have been making of certain of the amendments and interpret them in such a way as to give overriding rights to individuals, I think that they hurt society.

SENATOR WALDOR: Let me--

DIRECTOR SPINA: I can give you some examples.

SENATOR WALDOR: In your Department examinations, I am sure, would be Mapp and all succeeding cases. I am familiar with

that and I think the press is. But as I sit here, Director, I don't think I can be particularly classified as a bleeding heart. I have been the victim, as you know very well--or a member of my family was hurt very seriously in his home, my father, when he was a councilman in Newark. So I am not speaking from the standpoint of not knowing what it is to be the victim of crime as well as being on the side of the fence in defending those persons charged with crime over a period of years. But when you say "This new cult"--and let me assure you that if you are referring to individuals like myself who believe that protecting the rights of individuals is protecting the rights of society, this new cult existed from the birth of our Constitution, in my opinion. And I am not talking about hippies or yippies or anything of that nature. I am talking about people who have respect for the Constitution and what it means to the individual because what it means to the individual it

means to society.

I want to say this, sir. Do you not think that by perhaps a more extensive educational process given to the members of all police departments--and I am not reflecting on the Newark Police Department--as to what search and seizure means or the methods of arrest, as you have asked for in this State vs Smith, and keeping them constantly advised--and perhaps you do. I am not saying you don't, but perhaps an educational program for the police as to what functions are theirs exclusively and how they must observe the decisions of the United States Supreme Court, whether they agree with them or not, could perhaps do a lot more to cut down on the difficulties that you speak of which you think--and I disagree violently--are arising from decisions of the United States Supreme Court.

Don't you think that some sort of course given to the police on a regular basis--and I am not now talking about a



formal educational course. I'm talking about instructing them as to the new decisions of the United States Supreme Court and that sort of thing, and the implementation by the New Jersey Courts. Don't you think that would be of more assistance to them than reflecting upon the United States Supreme Court in its efforts to protect the rights of individuals under the Constitution? Or are such courses given to the police at the present time?

DIRECTOR SPINA: Well, Mr. Waldor, that needs a long answer.

We try, as best we possibly can, to instruct our police officers on the new decisions of the Supreme Court. However, they keep coming so fast and the changes are so quick that our officers don't quite know. There are so many laws they don't even know. You know, a policeman can't go out on the street with his limited education, only a highschool education, and make a decision as to what will result from

his action at a specific moment when later on lawyers will argue and judges will argue for three or four years after that act was committed.

SENATOR WALDOR: True, but--

DIRECTOR SPINA: Let me finish.

SENATOR WALDOR: Go ahead. I'm sorry.

DIRECTOR SPINA: Policemen today are handcuffed and teaching alone is not the answer. They are handcuffed so badly it's not even funny.

You look at your clearance. Mr. Lumbard asked me if I gave the statistics on clearance of arrests. Today it's down to about 23. There was a time when it was up to 38, depending on the type of crime.

MR. LUMBARD: You are talking about percentages?

DIRECTOR SPINA: On percentages, yes. I'm sorry. Murder, for example, we used to have about 98 per cent clearance. Now today, if you see last year's statistics,

1967, we are down to about 57 per cent. You can't take these people in and question them any more.

MR. LUMBARD: Down to 57 per cent in murders?

DIRECTOR SPINA: Yes, sir. Well, we had a riot, too, you know.

MR. LUMBARD: I understand.

DIRECTOR SPINA: 57 per cent. If I skip a word or other in between, I hope you understand.

There are so many things. We get blamed. The police department gets blamed. They say the police aren't doing anything.

You take a simple thing like a citizen calling for a policeman to help, that somebody was fooling around at her window at night time, and the policemen come to the scene and see a stranger walking down the street maybe about 10 or 15 feet from her house. They can't stop that man and search him because of the new interpretation of the Supreme Court.

SENATOR WALDOR: They can stop and ask him. They can stop him and perform their duty.

There are three, as I see it, jurisdictions involved generally in law enforcement. The police have the function of investigation and arrest. Isn't that so?

DIRECTOR SPINA: Yes.

SENATOR WALDOR: The prosecutor-- and I note he is in the audience--of Essex County, Mr. Lordi, has the function of further investigation and prosecution. And the court and the judge has the function of trial and sentencing.

Now, you wouldn't suggest, would you, in your testimony here or over a period of years that any one or all three of these functions be given to the police department so that, in effect, the police would be the judge and the jury in determining the sentence of a person who has been convicted of a commission of a crime, that he should be the one who prosecutes, or that he should

have an interest other than that of an ordinary policeman who makes an arrest, in the outcome of a case. Because his function is arrest and investigation. The prosecutor prosecutes and the judge conducts the trial and sentences.

DIRECTOR SPINA: You are absolutely right, Mr. Waldor.

SENATOR WALDOR: If any one of these functions fall or fail our entire society collapses with it.

DIRECTOR SPINA: You are absolutely right.

SENATOR WALDOR: But what you are saying, in effect--and I am not trying to argue with you--but what you are saying, in effect, is that the police should not only have the function of arrest--you eliminate the step of prosecution because, obviously, you are reasonably satisfied with that--but that a policeman should also determine the sentence of a person who is convicted of a crime. This is by innuendo

what you are suggesting in your remarks here and have suggested over a period of time and I have disagreed violently, although I have agreed with you in many other areas.

Let me go to these statistics you have given which I question the accuracy of. And I haven't seen the cards that you have there. You say on page 7--

THE CHAIRMAN: Senator--

SENATOR WALDOR: I am here for a hearing and I want to question Director Spina. I think this goes to the core of the problem. I was quiet all morning, which is unusual. I will make up for it now.

On page 7 you discussed statistics as to the sentences of the judges and you say that you have a chart and suspended sentences were given to three people, probation to 137, prison terms to 157. Now, obviously, this doesn't make you happy. But I would like to know, of the 137 people who received probation, how many of them

were first offenders? Do you have those statistics here?

DIRECTOR SPINA: Not in this sheet here. I think we have in other material. We have breakdowns on all these people.

SENATOR WALDOR: I know that your records are extensive.

DIRECTOR SPINA: We can show you, for example, people arrested four, five times for narcotic violations and the last charge was a pushing charge and he's on probation.

SENATOR WALDOR: Director, there is no question in my mind that you could show me many examples of this.

DIRECTOR SPINA: More than one example.

SENATOR WALDOR: I am talking about what you have given us here. You say suspended sentences to three, probation to 137, and prison terms to 157. What I want to know is of the 137 and the three--that makes it 140--how many of these people who received

probation or suspended sentences were first offenders on narcotic charges?

DIRECTOR SPINA: How many illegal sales and possession these arrests were for?

SENATOR WALDOR: Yes.

DIRECTOR SPINA: I only have one here.

SENATOR WALDOR: Well--

DIRECTOR SPINA: I will be glad to get you the statistics. I know there's a lot of them that are repeaters over and over again.

SENATOR WALDOR: Let's confine it to what I am talking about, the 137 and the three.

DIRECTOR SPINA: Mr. Waldor, I don't have them here.

SENATOR WALDOR: It would be my opinion that the overwhelming percentage of these people who received probation from the Essex County judges which would be included in that 137 and three receiving suspended sentences, were first-time narcotic



violators because the 157, probably, represent those who have been multi-narcotic violators. But we will have to wait for the statistics and see.

DIRECTOR SPINA: I am also interested and I think I have the statistics in my office. If I don't, I will get them for you for our mutual benefit.

SENATOR WALDOR: I would appreciate it, for my own information.

DIRECTOR SPINA: Yes, sir.

SENATOR WALDOR: I want to say this. You have referred on page 6 to--you used a term and maybe I am nit picking, but it means something to me personally, whether it does to this committee or not. You used the term "unfortunate addicts." Right?

DIRECTOR SPINA: Yes.

SENATOR WALDOR: And through the course of your entire report and the extemporaneous remarks you made I gather that you and I agree that rehabilitation and training and so forth is an advisable

type of assistance to these people?

DIRECTOR SPINA: I agree.

SENATOR WALDOR: All right. Now, you know and I know that at the present time in the State of New Jersey the facilities for treatment or rehabilitation of a narcotic addict or addict pusher is almost nil. I mean, for all practical purposes.

DIRECTOR SPINA: Agreed.

SENATOR WALDOR: You so stated to Mr. Lumbard in answer to his questions.

DIRECTOR SPINA: I agree.

SENATOR WALDOR: Do you think, sir, that in view of the fact that the State of New Jersey, for whatever the reason may be --lack of finances or placing gambling, for example, as a higher priority than narcotics or something like that--do you think that incarceration without the facilities of rehabilitative treatment to those addicts is any kind of an answer to the ever-increasing narcotic spiral that exists in the State?

DIRECTOR SPINA: Yes, indeed.

SENATOR WALDOR: Because there is no other alternative?

DIRECTOR SPINA: That's not the only reason, Senator. There's many reasons for it.

SENATOR WALDOR: What are they?

DIRECTOR SPINA: In the first place, when the addict is off the streets people are secure in their possessions and property.

Secondly, very often it happens that while he is in prison he himself becomes rehabilitated, and nobody knows why.

SENATOR WALDOR: Only for the time he is in prison.

DIRECTOR SPINA: No, sir. Even when he gets out, sometimes. He comes out and is rehabilitated and nobody knows why.

One of the problems with narcotics is that it is an unknown thing and nobody knows anything about it. There is a need for more study.

Some of them come out dry and stay

dry.

SENATOR WALDOR: Very few.

DIRECTOR SPINA: That's right.

SENATOR WALDOR: Your own narcotics squad, with whom I am familiar, have indicated to me--as have other members of narcotics squads--that the people who come out dry don't remain that way very long, as a general rule.

DIRECTOR SPINA: This is true, but so what? It's worth the experiment. The very reason why I say they should be in some kind of other institution is because every addict--one addict begets four. Now, you can take any neighborhood that has been devoid of any narcotic addicts and we in law enforcement can tell you that within six months if one of these addicts moves in there 25 per cent of the young people in that neighborhood become addicted. That's all over the State, not only your urban areas. Suburban areas are experiencing the same thing. I say, as much as I don't

like it, the best thing for them is behind some kind of bars.

SENATOR WALDOR: As much as you don't like it?

DIRECTOR SPINA: That's right.

SENATOR WALDOR: We can agree, can we not, that the greatest supply of narcotics--and I am including marijuana even though I don't believe it should be included in the Uniform Narcotics Act, but I am including it because the law so states--that the greatest supply of marijuana and or narcotic drugs, comes into New Jersey from New York? Would you say that is probably true? Because there has been such testimony before us from Attorney General Sills, as I recall.

DIRECTOR SPINA: Well, he's right. You know, for 40 cents you can get a bus ride to New York.

SENATOR WALDOR: I understand there are no major narcotics pushers syndicated.

DIRECTOR SPINA: We have a good

narcotics squad.

SENATOR WALDOR: That's true. Isn't there some means or some device by which you and your understaffed and underpaid department--and I don't mean that sarcastically. I have fought for a 10,000-dollar salary for police. Isn't there some means or device by which--and this used to happen in the old days, I think, in the early days of your being director or perhaps even before that--perhaps surveillance could be maintained of the buses or something of that nature to prevent the influx of these narcotic drugs or marijuana into the State of New Jersey from New York?

DIRECTOR SPINA: Mr. Waldor, this is exactly what I am talking about when I talked to you about the Supreme Court of the United States.

SENATOR WALDOR: They haven't affected that in any way.

DIRECTOR SPINA: They do. You can't look at a man and search him even though you

know he is an addict. Let me tell you this--

SENATOR WALDOR: There are means.

DIRECTOR SPINA: We can't do it.

When we are watching the buses what they're doing is using private cars. I can tell you some of the means they use to bring it over are not exactly clean. Some of the women here--

SENATOR WALDOR: So I have heard.

DIRECTOR SPINA: This can be done on a world wide basis, but somebody is not paying attention. You know, the poppy seed is only grown in about five or six countries in the world. It appears to me that the United States government who in many of these countries gives foreign aid to these countries could say to these foreign countries, "if you don't stop growing the poppy we will not give you foreign aid," or say to these countries, "If you get your farmers to stop growing the poppy we will give you X numbers of dollars."

This is one way it could be done.

SENATOR WALDOR: It's a little more complex than that.

DIRECTOR SPINA: They do a lot of other things.

MR. LUMBARD: As a matter of fact, the Department of State last year started an interesting sort of reverse agricultural subsidy program with the government of Turkey by which it gives the government of Turkey a certain amount of money per acre so that the government of Turkey persuades farmers not to grow poppies.

DIRECTOR SPINA: The other thing is that the Federal Bureau of Narcotics, I think, has only 232 men in the whole world. It seems to me maybe three or four hundred men, maybe 500 men, in the principal cities of the United States like New Orleans, New York City, Philadelphia, Los Angeles, could maybe curtail more of this stuff.

MR. LUMBARD: May I interrupt you? The Chairman has asked me to read in a few statistics. In 1965 the Newark Police



Department reported B & E's, breaking and entering, 1700; in 1966 it reported 10,200; in 1967 it reported 11,900.

For larcenies in 1965 your department reported 8800; in 1966, 10,300; and in 1967, 11,300.

The trends are very steep upward in both of these.

DIRECTOR SPINA: Yes, sir.

MR. LUMBARD: Do you foresee any reversals in these conditions?

DIRECTOR SPINA: No, sir.

THE CHAIRMAN: Senator McDermott?

SENATOR MC DERMOTT: Director Spina, this morning Commissioner Ylvisaker said fear and panic exist in Newark. He said of the Negro communities that they had fear of retaliation and he said of the white communities that they had fear of trouble. Now, is this an accurate description of the situation as it exists in Newark today?

DIRECTOR SPINA: Well, Ylvisaker was sitting at a meeting where I was testifying

last week and he might have gotten some impressions like that.

The situation today in Newark is a bad one. You have people arming at an alarming rate, as I told you before. The hatreds between the white and the colored are greater than I ever remember in my lifetime. The hostility is great. The protests are still being made.

On the other hand, you gets whites who are becoming militant. You got two white groups who have publicly stated that they are arming and you got a situation in which if a disturbance breaks out next year you are not going to have the same type of disturbance that you had. It will probably be black against white and white against black. This is the kind it's going to be.

SENATOR McDERMOTT: You also made some reference to guerrilla warfare, about people going down and shooting up the business section. Do you think, then, if there is some kind of trouble it is going to be

sort of patterned after the Vietcong warfare where there is infiltration, sudden outbreaks of bombings?

DIRECTOR SPINA: In these circulars it tells you. They come from Che Guevara, from Ho Chi Minh's book. They're adopting principles of warfare that these two individuals expound. The first is from Cuba, the second from China.

THE CHAIRMAN: Senator Dumont?

SENATOR DUMONT: Director, I want to indicate on behalf of myself that I can find very little in your statement that I would not agree with. As a matter of fact, I think it's an outstanding job that you have done in your statement including, I might add, your comments about the Supreme Court of the United States. While I don't suppose it's right for a legislator to talk about making book, I would be willing to make book that your experience probably wouldn't indicate that offenders are sick people rather than the contrary, in line with some other

decisions they made.

Now, there was one comment in this Report for Action that I asked Mr. Lilley about the other day and I want to ask you about it, too.

On page 144 it says: "The evidence presented to the Commission does not support the thesis of a conspiracy or a plan to initiate the Newark riot." Do you agree with that statement?

DIRECTOR SPINA: I agree with the word "initiate." I don't agree with the rest of it.

SENATOR DUMONT: You feel that there was a plan?

DIRECTOR SPINA: There was a loosely-coordinated plan. The more we look at the facts and the more we look at the events as they occurred, the more we are sure about this. As a matter of fact, we are just about ready to complete our investigation and we are going to bring it to the legislature for their study to decide whether or

not conspiracy to commit riots are possible. That's how strong we think this investigation is.

SENATOR DUMONT: Have you any idea how early this plan might have been formulated in regard to the riot of last summer?

DIRECTOR SPINA: Well, we have evidence that in the summer of 1966 there was almost a determination to create a riot. The leaflets were being passed around the City of Newark with pictures of Bambergers burning, with Molotov cocktails and sketches. You were in the National Guard and you know what I'm talking about. They're better than the National Guard book, incidentally, and the Army Reserve. We all use the same ones. There was definitely an attempt and with Stokely Carmichael's coming that summer that was supposed to provoke it, from what we understand now. But it didn't happen in 1966 and it wouldn't have happened in 1967, but just these kinds of situations occur where there's explosions.

For example, the one in 1967 last year wouldn't have happened unless there were these kids from fifteen to nineteen that nobody has ever reached starting to throw rocks and we know individuals who were urging them on in the background. I won't disclose their names at the present time, but we do have some good evidence to present.

SENATOR DUMONT: Do you think the fact that the Army National Guard units that are normally quartered in Newark and West Orange were at Camp Pickett, Virginia last July had anything to do with the planning in respect to this riot?

DIRECTOR SPINA: No, sir, I don't think so. I think that this was just a sporadic incident that occurred that set the fuse off. We know a lot of phone calls were made right after the John Smith arrest, which might have caused this series of events.

SENATOR DUMONT: Finally, I take it

you would agree with the bill sponsored by Senator Beadleston, which passed the Senate last Monday, calling for mandatory sentences in the case of pushers and users of narcotics?

DIRECTOR SPINA: Yes, I do.

SENATOR DUMONT: Thank you.

THE CHAIRMAN: Senator Woodcock?

SENATOR WOODCOCK: How long have you been police director, Mr. Spina?

DIRECTOR SPINA: Five years.

SENATOR WOODCOCK: Director, you have indicated that--and I don't know whether I am quoting you correctly--you said that if there is or was corruption in Newark that this didn't cause the riots. Is that correct?

DIRECTOR SPINA: Absolutely.

SENATOR WOODCOCK: Would you say that if there is or was corruption it contributed to the riots?

DIRECTOR SPINA: I can't see it in any way, form or fashion.

SENATOR WOODCOCK: Would you say that effective law enforcement comes from a respect for law?

DIRECTOR SPINA: There was no allegation of widespread corruption in this report. If there had been widespread corruption, I would say yes.

SENATOR WOODCOCK: Well, let me quote from the report itself, on page 20. It states here, "That there is widespread belief that Newark's government is corrupt."

It goes on to say "That in April, 1965 the Grand Jury Presentment charged political interference in the Police Department and a lack of enforcement of gambling laws in Newark. In addition, the Grand Jury criticized the appointment of Harry Tip Rosen as public relations man for the police department at a time when Mr. Rosen still held a part time job in a firm owned by Gennatto Catino who had been widely reputed to be a syndicated leader in New Jersey."



The presentment said, "We have a lack of full confidence in the Newark Police Department's enthusiasm for a crackdown on the underworld. Nowhere has our attention been focussed on any policy statement by the police department vigorously attacking organized crime."

Then it goes on to quote "Deputy Police Chief John Redden who was asked about the prevalence of bookmaking and gambling in Newark. He told the Commission, "Based on my own experience, based on previous Grand Jury investigations, based on the statement, the public statement, of a man such as former Assistant Attorney General Bergen, I would say that it was very prevalent. It's a very large business."

Now, it seems to me that there have been four Grand Jury Presentments, going back as far as 1961 and another in 1964 and two in '65, all indicating that there is, in fact, in the City of Newark some widespread criminal activities of an organized

nature.

DIRECTOR SPINA: Well, now, I disagree completely with you in the statement you just made. I disagreed with the Essex County Grand Jury when they made these statements. The presentments, in the first place, are unfair. They're un-American. They don't give you a chance to answer back the allegations that are made. Harry Tip Rosen--I didn't even know he was employed by the vending machine company he was working for. And what that had to do with corruption in the City I just don't understand.

Now, there is gambling in the City of Newark and I have told you this before. There's gambling in every city in the United States and there are always these rumors and stories about "City Hall is corrupted." You know yourself that everybody talks about politicians, saying politicians are corrupt. Because they make these kinds of allegations does that mean that they are, that there is corruption in the city?

I don't understand yet why a body of people like this should ask for a Grand Jury investigation on the allegation of corruption. This had nothing to do at all with the request or the direction, rather, given by Governor Hughes to this Commission. This, I say, was a red herring thrown across this investigation or this report and I don't know for what reason. They know their reasons.

SENATOR WALDOR: May I interrupt for a second?

I might say, Director, that when Mr. Lilley testified the other day in answer to my questioning he admitted that not only was this statement based--not based on hearsay, but it was based on pure rumor for which there was no substantiation and for which, other than what Senator Woodcock read to you, there was no basis. It was purely rumor, not even at the hearsay stage. So this is one area where we can agree.

SENATOR WOODCOCK: Director, let me

ask you this: As a result of the four Grand Jury Presentments that were handed down in '61, '64, and two in '65, what did you do during your term? Of course, you weren't there in '61. Is that correct?

DIRECTOR SPINA: Yes.

SENATOR WOODCOCK: You were not there then, but in '64 and '65 what did you do with respect to these presentments?

DIRECTOR SPINA: Well, see, this Commission was absolutely wrong in its conclusions. They said in this Report for Action, whatever they call it, that I did nothing about the '65 recommendations and this is a fabrication because I did everything that was requested by that Grand Jury, even though I thought it was wrong for them to make these demands on me.

I want you to know that I have been in law enforcement for twenty-seven, twenty-eight years. My educational background is of the best, especially in this area, and I got to have people from the Grand Jury or a

Commission tell me how I got to run my department when I know more about it than they do. It's just like I would go into their business and tell them how to run their business. I think this is wrong and still I did everything they wanted me to do except one thing, and that was to make the choices that I want to make for assignments. I think I have this right. For example, Negroes or Spanish-speaking people in any special assignment in the Detective Bureau. If I had to go according to examination, there is no examination in the world that can tell me how much loyalty a man has to the Department, his integrity, his desire and ability to work long hours, or whether or not he is going to be a good detective. I would rather have the right to find out whether he is rather than have a test. There is no such test.

SENATOR WOODCOCK: Mr. Spina, the report also contains this statement: "That in December, 1965 the Grand Jury returned

another presentment on gambling enforcement. Mr. Spina's public response was to label it vicious. In a newspaper story on December 1, 1965 he challenged Prosecutor Brendan Byrne to show him the organized gambling in Newark. Within 48 hours the Prosecutor's office raided two apartments in Newark and charged fifteen people found in them with operating a lottery."

DIRECTOR SPINA: So what about that?

SENATOR WOODCOCK: Don't you think that if the Prosecutor's Office has to go out and make these kinds of raids that a statement of yours that there is no widespread gambling in Newark is a little inconsistent?

DIRECTOR SPINA: You could make arrests in any city at any time you want to. That's how much gambling there is in any society and it's in every city in the United States. So don't think mine is any different from any other and I say my city is cleaner when it comes to gambling than

most cities in the United States.

SENATOR WOODCOCK: You say that it's easy to make arrests in Newark?

DIRECTOR SPINA: Comparatively, yes.

SENATOR WOODCOCK: How many arrests were made in 1967, then?

DIRECTOR SPINA: I don't know how many were made.

SENATOR WOODCOCK: Well, you say that it isn't widespread when you can go out and make arrests for gambling that easy?

DIRECTOR SPINA: You can make arrests.

THE CHAIRMAN: Assemblyman Owens?

ASSEMBLYMAN OWENS: Director Spina, as you know, I am from Newark so your testimony is of particular interest to me.

I was very much struck by the second page of your prepared statement in which you said that hostility between the races has never been on a worse plane. I agree with that and I am very much alarmed and concerned

about it. Even worse is the statement that follows it: "The general populace is arming at an alarming rate."

I guess I have heard as much of the talk about the arms coming into Newark as anyone. You mentioned two particular groups. One group that I've heard of is in the Vailsburg area.

I am wondering if there is anything that has been done or that you can conceive of that can be done by the Newark Police to help dampen this danger. I am thinking it might be one area for an exercise of the community relations function, if you can't do anything in a strictly uniform police procedure manner.

DIRECTOR SPINA: Well, you know, Mr. Owens, we went more and more in law enforcement into programs that weren't even related to law enforcement because of these problems.

I have been talking to Antonio Imperiale of the North Ward Citizens Committee. I have set up a meeting this Friday



in my office of the worst militants in the city. This will be something to see. I have a recorder on that one. I asked Leroy Jones to be there, Willie Wright, Imperiale, the fellow that heads the LALO--that's the Vailburg group you're talking about--Don Gotworth, the Reverend Sharper, Al Black of the Human Rights Commission, Robert Kerwin--who doesn't like me, but I am asking him to come, anyway. There's twelve going to be in my office, I hope, this coming Friday. And I hope to continue a dialogue between them or with them and have them sit around a table and see whether we can kind of resolve some of the differences or at least lose the militancy that they have. I have found out in my lifetime that if you can get people to stay in the same room and talk that in most instances, not all, you will get some kind of amity between them. And this is one area that I hope it will be successful.

ASSEMBLYMAN OWENS: I got the

impression, overall, from your comments that you feel that there will be a riot in Newark this summer. Do you?

DIRECTOR SPINA: If I gave you that impression it wasn't meant that way. I am very pessimistic, let me put it that way. But I have no knowledge that a riot will actually occur. I don't have the information necessary that would make me say without any exaggeration what would happen. I just don't know and I am going to sit and pray like I have done for the past four summers and not go on vacation.

ASSEMBLYMAN OWENS: Referring to the Report for Action, I read the recommendations in the area of community relations and I think it would be very helpful because I agree that the police image in Newark among the people is quite bad. There is no need to discuss the merits as to whether or not it is justified. The fact, I believe, is that such a feeling does exist. There is one segment of your

force, I believe, that adds perhaps to this feeling. It is little discussed and I don't know too much about it except from my personal experience, which is quite limited, in viewing their operations around the City. This is the special police.

Can you tell me how many special policemen you have in Newark?

DIRECTOR SPINA: We have 127 special policemen.

ASSEMBLYMAN OWENS: What are the requirements for their appointment?

DIRECTOR SPINA: They got to be able to read and write. They must be free from infirmities. They are given a medical examination. There is no age limitation except they must be 21 years of age. This is about all.

Now, this has been going on in this fashion since time immemorial. But two years ago, noticing that they looked sloppy, that they had no training at all in any aspects of law enforcement, I had our police

academy begin, free of charge, giving them instruction. Not only in the fundamental principles of arrest and public relations, human relations, but--

ASSEMBLYMAN OWENS: May I interrupt here? Is this voluntary or mandatory?

DIRECTOR SPINA: Voluntary.

ASSEMBLYMAN OWENS: All right.

DIRECTOR SPINA: (Continuing)  
--practice in the use and familiarization of firearms.

ASSEMBLYMAN OWENS: Do you have any idea of the percentage of this 127 who have taken advantage of that offered training?

DIRECTOR SPINA: All but ten.

ASSEMBLYMAN OWENS: Is there any basic educational requirement?

DIRECTOR SPINA: No, just that they know how to read and write. The State law says that.

ASSEMBLYMAN OWENS: These people are, however, permitted to carry guns, aren't they?

DIRECTOR SPINA: Yes.

ASSEMBLYMAN OWENS: And they do carry guns?

DIRECTOR SPINA: Yes, sir.

ASSEMBLYMAN OWENS: What specific functions do they serve?

DIRECTOR SPINA: Well, they're hired by private industries. For example, they work for dance halls. They work as security in different companies, trucking companies or whatever.

ASSEMBLYMAN OWENS: Would taverns be included in that?

DIRECTOR SPINA: Very many are hired by taverns, too.

ASSEMBLYMAN OWENS: Are your regular policemen permitted taverns? They are never assigned to taverns, are they?

DIRECTOR SPINA: No, sir.

ASSEMBLYMAN OWENS: What are the salaries?

DIRECTOR SPINA: They have a union scale. I think it's \$3 an hour.

ASSEMBLYMAN OWENS: Who pays them?

DIRECTOR SPINA: The employers, the private employers.

ASSEMBLYMAN OWENS: So that a tavern could hire one of these policemen and they would pay him?

DIRECTOR SPINA: That's right.

ASSEMBLYMAN OWENS: Who interviews these people and who determines that they have met the qualifications? You know, these very minimal qualifications that are set for them?

DIRECTOR SPINA: We do.

ASSEMBLYMAN OWENS: Who is "we"?

DIRECTOR SPINA: The police department.

ASSEMBLYMAN OWENS: Is that by way of a test or what?

DIRECTOR SPINA: No. All they have to do is know how to read and write. That's what the State law says.

ASSEMBLYMAN OWENS: Who in the department exercises the function of deter-

mining whether or not these policemen meet these minimal requirements?

DIRECTOR SPINA: Captain Smith.

ASSEMBLYMAN OWENS: You have one individual specifically assigned to that?

DIRECTOR SPINA: He's got a detective under him, Detective Herman Byer.

ASSEMBLYMAN OWENS: Are these people trained in the use of firearms?

DIRECTOR SPINA: Yes. Starting two years ago I started it.

ASSEMBLYMAN OWENS: Prior to that there was no training?

DIRECTOR SPINA: No, sir. Not only that, we have to now certify that their guns are good. Before that they had all kinds of guns including nickel-plated, English Bulldogs, which went out of existence 50, 60 years ago.

ASSEMBLYMAN OWENS: Who issues the guns today?

DIRECTOR SPINA: They buy their own guns but they have to be guns that are

recognized and registered with the Newark Police Department.

ASSEMBLYMAN OWENS: I just wonder, are Newark procedures with respect to special policemen general? I mean, as far as you know do other departments follow more-orless the same practice?

DIRECTOR SPINA: No. There are some cities that won't permit special police. Any private jobs that are obtainable go to the regular city or town police. For example, Plainfield is one of those towns. I think Irvington is another one.

SENATOR WALDOR: Millburn?

DIRECTOR SPINA: Millburn, too.

ASSEMBLYMAN OWENS: What use, if any, do you as Director of Police make of these 127 men?

DIRECTOR SPINA: No use at all except that from time to time I ask that they come out and help the regular city police. For example, at football games, at parades. I started this. This was never



done before. Halloween. Did I say parades?

ASSEMBLYMAN OWENS: Yes.

DIRECTOR SPINA: Well, things of this type.

ASSEMBLYMAN OWENS: If I understand you, they are primarily, however, hired by and paid by the private sector. Is that right?

DIRECTOR SPINA: That's right.

ASSEMBLYMAN OWENS: Getting away from this now. You made mention of a loose plan that you thought had appeared in the riots. What I wasn't clear on was whether or not this plan was something that materialized after the initial outbreak or whether or not this was a loose plan to generate the outbreak.

DIRECTOR SPINA: No, not to generate it. The incident that happened, I think, was just a happenstance.

ASSEMBLYMAN OWENS: That's all I have.

THE CHAIRMAN: With that, Director,

we thank you for coming and appreciate your appearance very much.

(Witness excused.)

THE CHAIRMAN: We will take a five-minute recess. We still have a considerable number of witnesses and we are very sorry that we are holding them up, but it is important that we try to complete our testimony.

(At this point there is a short recess.)

THE CHAIRMAN: We will call the hearing back to order.

We have Mr. Melleby. Would you identify yourself for the record, sir?

CHIEF MELLEBY: Chief of Police, City of Camden.

H A R O L D M E L L E B Y, sworn.

THE CHAIRMAN: Mr. Lumbard?

MR. LUMBARD: What is the population of Camden?

CHIEF MELLEBY: Approximately 15,000.

MR. LUMBARD: How many square miles do you cover?

CHIEF MELLEBY: 9.6 square miles.

MR. LUMBARD: How many men do you have in your department?

CHIEF MELLEBY: At the present time we have 219 active personnel.

MR. LUMBARD: Of that how many are detectives or investigators?

CHIEF MELLEBY: Thirty-five.

MR. LUMBARD: Do you have laboratory services within your department?

CHIEF MELLEBY: No, sir, we don't. We lean heavily on State Police Laboratories and Laboratories of Federal Bureau of Investigation.

MR. LUMBARD: Do you hire any private laboratories?

CHIEF MELLEBY: No.

MR. LUMBARD: Do you have a communications system of your own?

CHIEF MELLEBY: Yes, we do.

MR. LUMBARD: In what county are

you located?

CHIEF MELLEBY: Camden County.

MR. LUMBARD: Do other police departments in the County have separate communications systems?

CHIEF MELLEBY: Yes. They are on separate frequencies.

MR. LUMBARD: Is the State Police on a separate frequency?

CHIEF MELLEBY: Yes, sir. However, we monitor the State Police.

MR. LUMBARD: How many frequencies are used in the county?

CHIEF MELLEBY: I'm not sure of how many frequencies are in the county. In the city of Camden we use two frequencies. We have been allocated two higher frequencies by the Federal Communications Commission and we are asking for an additional two and we are also doing a study now for a new communications system.

MR. LUMBARD: What is your total budget?

CHIEF MELLEBY: The total budget is \$2,808,800.

MR. LUMBARD: Does your department maintain an intelligence unit within the detective area?

CHIEF MELLEBY: Not within the detective area. We do have an intelligence unit created approximately two months ago dealing strictly in the area of pursuing information relating to racial information in the city.

MR. LUMBARD: Do you have a specialized area for organized crime?

CHIEF MELLEBY: Yes, sir, we do, the Vice Control Unit within our department.

I would like to comment about what you mentioned relative to the total number of personnel in the Camden City Police Department. We have 219 active personnel. We are short 131 or more than one-third of the force.

MR. LUMBARD: You mean you are one-third under your authorized strength?

CHIEF MELLEBY: Yes, sir.

MR. LUMBARD: What is the reason for that?

CHIEF MELLEBY: Inability to recruit personnel.

MR. LUMBARD: What are the principal considerations?

CHIEF MELLEBY: The reasons for this are residency requirements, inadequate pay, and so forth.

MR. LUMBARD: Spell it out specifically, please.

CHIEF MELLEBY: The residency requirement, as an example, we cannot tap the reservoir of returning servicemen because of the State stipulation that the applicant for these civil service positions of a policeman must be a resident of the State for one year.

MR. LUMBARD: Has your city enacted anything to allow you to recruit outside?

CHIEF MELLEBY: Yes, sir, we have. At the present time we can recruit in Camden,

Burlington and Gloucester Counties. This hasn't been successful because there is a stipulation that the successful candidates must move into the city within one year and I would think this is a bar to effective recruitment. After all, school teachers don't have to live in the community that employs them. I don't see why police officers should.

MR. LUMBARD: Do you recommend that bar be removed?

CHIEF MELLEBY: Yes, sir, I do.

MR. LUMBARD: What other reasons are there for unsuccessful recruitment?

CHIEF MELLEBY: Inadequate pay scale. We received a 1300-dollar pay increase as of January 1 of this year. There was a referendum in Camden. We went on the ballot, which brings the top pay for patrolman during the second year to \$8300 and I think it should be 10,000.

MR. LUMBARD: Are there any other principal factors governing recruitment

problems?

CHIEF MELLEBY: I would say there is a lack of interest, generally, in law enforcement.

MR. LUMBARD: We are somewhat tied up for time, as you know, so I am going to go right to it instead of asking you a lot of questions.

Could you discuss or summarize briefly for the Committee what you see as the nature of the crime problem confronting your department in the Camden area now and any trends with respect to that problem?

CHIEF MELLEBY: Yes. I would like to qualify this statement with the fact that in August of last year the city okayed the expenditure of \$25,000 for a survey in depth in the Camden Police Department. The survey was just completed and will be published on April 19th. The survey was conducted by the Public Administration Service from Chicago. We had some of the top men in the country studying the problems. I wouldn't want to



comment on our operations in the area because I think it would take the edge from the survey report that will be published on the 19th of April.

MR. LUMBARD: I am not interested in reports on the problems of the department so much as I am talking about the crime problem, the work load.

CHIEF MELLEBY: Our work load in crime has gone up in Camden about 48 per cent in 1967, Part I offenses, over 1966. Our work load is increasing approximately --that's called for services--44 per cent from 1964 to the present time.

MR. LUMBARD: Do those Part I offenses, which have risen 48 per cent in one year, show a rise in any particular category?

CHIEF MELLEBY: Yes, sir, they do.

MR. LUMBARD: What is the explanation for that?

CHIEF MELLEBY: Auto thefts, 73 per cent; larcenies over \$50, 24.3 per cent;

burglaries, 43 per cent; atrocious assault and battery, 89 per cent; robberies, 45 per cent; rape down 2 per cent; homicides, 15 per cent. A grand total increase of 48.5 per cent.

MR. LUMBARD: Chief, frankly, what is the explanation? Is there more accurate reporting now or what?

CHIEF MELLEBY: There is more accurate reporting. That would be one of the factors. Last year there were four segments of the Department that were getting the information relative to the Uniform Crime Reporting. It has now been centralized and as Chief--I have been chief for approximately a year now--I recognized this problem and we have now centralized and we are reporting accurately.

As an example, I don't know what other police are doing relative to auto theft, if there is a 24-hour or 48-hour waiting period. We check them immediately and score it as such.

Many times a bicycle will be devalued to the point of \$45 because it's under \$50. But we score accurately.

Another problem that results is in your urban renewal program. The boards go up on the houses, but the houses have been entered and copper pipe stripped. I communicated with the Uniform Crime Reporting Center in Washington as to whether this should be considered as breaking and entering and larceny. They said it should.

MR. LUMBARD: Do you think there has been a real rise in crime rather than just a reported rise?

CHIEF MELLEBY: There has been.

MR. LUMBARD: Do you have any estimate of that?

CHIEF MELLEBY: No, sir, I don't.

MR. LUMBARD: What are the principal kinds of crimes that confront your department?

CHIEF MELLEBY: The specific types of crime? The Part I offenses, principally

robbery, assault, breaking and entering, larceny, and auto theft.

MR. LUMBARD: Do you have any recommendations to make to the Committee as to laws to propose or devices or assistance of one kind or another that would assist your department in that area?

CHIEF MELLEBY: Sure. We could use a lot of money to subsidize police salaries and facilities to attract more men to work on this problem.

MR. LUMBARD: Anything else?

CHIEF MELLEBY: Not right now.

MR. LUMBARD: Thank you.

THE CHAIRMAN: You say you are a hundred short of your authorized strength. Was that increased markedly in recent years, the authorized strength?

CHIEF MELLEBY: No. It's been that way for some time, although the City is only allowed a budget of 250. They have now, last year, approved the figure of 86 and this year for 86 additional men. The City

Council cut that in half because they felt we couldn't attract that many men and didn't want to budget for that many men.

THE CHAIRMAN: Committee members?

MR. LUMBARD: I have one more question. Chief, does the Camden Police Department appoint special policemen of the nature you heard Director Spina discuss?

CHIEF MELLEBY: Not of that nature. There are special officers in the City. There are two categories. One are used as guards, special officers. They do not carry firearms but do have the power of arrest and so forth for any disturbance that would occur in the plants. There are special officers in the Department of Public Works who issue summonses in the sweeper program in the city to clean the streets.

MR. LUMBARD: That's all?

CHIEF MELLEBY: That's the limit, sir.

THE CHAIRMAN: Assemblyman Dickey?

ASSEMBLYMAN DICKEY: Chief, do you

think that recruitment could be improved if you were permitted to recruit outside the city for your policemen?

CHIEF MELLEBY: Yes, sir.

ASSEMBLYMAN DICKY: Would you request the Legislature to permit you to do that?

CHIEF MELLEBY: Yes, sir, I would.

ASSEMBLYMAN DICKY: Is that the position of the city administration?

CHIEF MELLEBY: I don't know that it is and I don't care that much. It's my position as Chief of Police.

ASSEMBLYMAN DICKY: Chief, you have had a relatively good record as far as riot problems in Camden. Can you give us any reason why things have been better in Camden than in some of the other major cities?

CHIEF MELLEBY: Well, to begin with, in the police department approximately 25 per cent or over are Negro. I think there is a relationship here between the police department and the community, to begin with. I would like to add that principally the reason Camden's riot record is relatively good is because of the good people in our community, who have to date, avoided civil disorders, and have helped tremendously to cool tense situations. Additionally, I would like to correct my statement relative to negro superior officers. The negro superior officers are confined to the rank of Sergeant, and the percentage is 21%, or of 38 sergeants, 8 are negro.

About 24 per cent of our patrolmen are Negroes; 34 1/2 per cent of the detectives are Negroes; and 21 per cent of the superior officers are Negroes, or of 38 sergeants, 8 are Negroes.

And we have an effective community-relations program in the city. I would think that together we just haven't got to that point yet, as the other cities have, although it would appear that this summer is going to be the hottest yet for Camden.

ASSEMBLYMAN DICKY: I know there was a report issued by Reverend Greesman on the subject just a day or so ago. Are you familiar with that?

CHIEF MELLEBY: Only what I read in the press.

ASSEMBLYMAN DICKY: He seems to indicate that the problem in Camden is displacement of people because of the highways and urban renewal. Would you say that is a big problem?

CHIEF MELLEBY: I am not familiar with that problem.

ASSEMBLYMAN DICKEY: Thank you very much.

THE CHAIRMAN: Senator Dumont?

SENATOR DUMONT: Are you for a witness immunity law?

CHIEF MELLEBY: Yes, sir, I am.

SENATOR DUMONT: How about a law to permit wiretapping and electronic eavesdropping under certain prescribed limitations?

CHIEF MELLEBY: Yes, sir, I am.

SENATOR DUMONT: Thank you.

THE CHAIRMAN: Any others?

(No response.)

THE CHAIRMAN: Thank you very much, Chief.

CHIEF MELLEBY: I would like to make a brief statement.

THE CHAIRMAN: We would appreciate it.

CHIEF MELLEBY: The position of the Camden City Police Department in the area of organized crime is that we have an excellent relationship with all Federal agencies



and with the State Police in intelligence and in enforcement. I would think we could use some legislation in this particular area, wiretapping, as the Senator mentioned. For instance, there is the use of water soluble paper that we have come into in a number of raids. I think that the use of this in a gambling operation should be made a misdemeanor. We are finding it very difficult to get the evidence once we get in.

ASSEMBLYMAN DICKEY: Would you explain water soluble paper?

CHIEF MELLEBY: Yes. I have a sample with me if you would like to see it. In all raids that we have encountered we have encountered barricaded doors. By the time we take the door off with a sledge hammer the papers that the bets have been written on are bathed in a bucket of water and it just dissolves. The paper dissolves.

I will demonstrate it if you want to put it in water.

MR. LUMBARD: Go ahead.

(Witness demonstrates.)

CHIEF MELLEBY: There. It's going.

This is one of our biggest problems in the gambling area. I would think that and the distribution and use of telephone equipment and lines in gambling operations should be a misdemeanor and I think there should be a mandatory jail sentence on conviction for a gambling offense.

THE CHAIRMAN: Any other comments?

CHIEF MELLEBY: No, sir.

MR. LUMBARD: Thank you very much.

THE CHAIRMAN: Thank you very much.

(Witness excused.)

THE CHAIRMAN: Senator, would you identify yourself for the record?

DIRECTOR KEEGAN: For the record, my name is Joseph M. Keegan. I am Director of the New Jersey Division of Alcoholic Beverage Control and of the Games of Amusement Chance Commission with its counsel of the parts statutorily given to my office.

I have filed with the Committee a prepared statement. I will put it on the record, if you would like, or if you gentlemen would like to receive the same it's at your pleasure, Mr. Chairman.

THE CHAIRMAN: Well, we would like to swear you in.

J O S E P H   M .   K E E G A N ,   sworn.

DIRECTOR KEEGAN: If I may for the record at this time, Mr. Chairman, I would like to introduce two people who are here with me, members of my staff: Mr. David Piltzer, who is counsel, and Major Hugo Stockburger, who is Deputy Director in charge of enforcement in our Division.

MR. LUMBARD: Senator, could you summarize the essence of your report, which I note substantially contains much statistical material, and for the information of the Committee what particularly you feel your Department or Agency is doing with respect to its role in the enforcement of the

law and what particular needs or recommendations you wish to express.

DIRECTOR KEEGAN: Fine. I will make it just as terse as I can.

I won't point out statutorily what our duties are as far as the regulation, sale, manufacture and distribution of alcoholic beverages in the State are concerned. You have my statement on that.

With respect to the enforcement, both of the regulations and of the statutory requirements, I make these observations for the benefit of the Committee. We have some 77 personnel who are in the enforcement end of the Alcoholic Beverage Control Statutes and Regulations. Of these some 51 are actually engaged in undercover work. Obviously, because of the nature of the alcoholic beverage industry, most of our contacts with the problem of enforcement comes with that at the retail end of the industry. It is at that point that I think we hit the particular purview of your Committee.

I have submitted data, and activity report for the past year, and respectfully I would point out that our problems are those that are pretty much endemic as far as enforcement personnel are concerned. We have an authorized strength of approximately 85. We are functioning now with 77. Our problems of recruitment and of attracting qualified personnel to the Division to serve in an enforcement capacity are the problems that I have heard during the course of the previous witnesses before your Committee: Salary, working conditions, and so forth, and a general problem as far as having people come into the division to serve in an enforcement capacity.

As you know, I am fairly new in my position but I can point out and I would call your attention to some of the items which I have set out in this statement, more particularly with respect to gambling which is one of our problems.

MR. LUMBARD: Is that really the

principal enforcement-type problem?

DIRECTOR KEEGAN: No, it is not our principal problem. Our principal problem, actually, goes to our regulations.

However, there has been in the past two years under my predecessor the institution of a special unit which I think is important and noteworthy for your committee to consider, the institution of what is a Statewide squad. Reading the statistical data, it just jumps off the page at you. There are people who are especially assigned and who have taken the special assignment on a Statewide basis where we were given specific complaints as far as gambling. Well, gambling and prostitution, which are two of the areas where we come into the purview of your Committee.

We find that the institution of this squad as set up by my predecessor has been noteworthy just in the past year, since the institution, and the activities of this squad following through on complaints

which come from local police enforcement agencies--by local I mean communities or counties--as well as even a non-community complaint. We find that by concentrating on those problems, that though we are not in an area of enforcement as far as higher ups and so forth are concerned, that there is a connection in some instances between the retail liquor outlets and the actual transactions, betting transactions. I think you will find, if you read our activity report, that with the continued emphasis which I have made very definitely part of my statement of policy as far as the Division is concerned that this will be continued. I think that the other area which might be of interest for you, Mr. Lombard, and to the members of the Committee, are the so-called, as they are termed in our division, the front investigation. We have stepped up completely at our own innovation--never mind as the result of

complaints that are received--a great deal of increased activity as far as fronts are concerned. Again, the emphasis being placed upon the ascertaining of who, in fact, does own a license or have an interest in the same and our continued vigorous application of investigating procedures will continue.

MR. LUMBARD: Would you describe that kind of a problem as a reflection, in its own way, of organized crime?

DIRECTOR KEEGAN: Not specifically. I will be perfectly frank with you. There are some and I have reports of active persons whom my Division under the direction of Major Stockburger are interested in. They number approximately some 25 people whose interest either actual, purported, or hoped for, in the liquor industry is under continuous scrutiny.

MR. LUMBARD: Your unit is in the Department of Law, is it not?

DIRECTOR KEEGAN: That's right, sir. We are part of the Department of Public



Safety.

MR. LUMBARD: Earlier this week the Attorney General testified that there were seven so-called families active now in New Jersey. Do you have any activities under way with respect to them and the so-called front cases?

DIRECTOR KEEGAN: The activity that might be so characterized, Mr. Lumbard, through our investigations--as I say, there are some approximately 25 to 30 names in which we are interested. I have active files and I would be happy to give the details, as much as is consistent with good investigative procedure.

MR. LUMBARD: We are not looking for the details on any active case.

DIRECTOR KEEGAN: You might be interested to know that in the past two weeks there was just one incident that our Division was able to head off at the pass, somebody whom we didn't feel should have access to a retail outlet as far as New

Jersey is concerned.

MR. LUMBARD: Thank you.

THE CHAIRMAN: Senator Dumont?

SENATOR DUMONT: No questions.

THE CHAIRMAN: Senator Waldor?

SENATOR WALDOR: No.

THE CHAIRMAN: We thank you very much.

DIRECTOR KEEGAN: Thank you very much, sir.

(Witness excused.)

THE CHAIRMAN: Would you identify yourself for the record, please?

CHIEF FITZPATRICK: I am Chief of Police Robert Fitzpatrick from Teaneck in Bergen County.

R O B E R T F I T Z P A T R I C K, sworn.

MR. LUMBARD: Chief, what is the jurisdiction that you cover?

CHIEF FITZPATRICK: I cover the Township of Teaneck in Bergen County.

MR. LUMBARD: How many people live

there?

CHIEF FITZPATRICK: We have a census population of 42,000, an estimated population of 1967 of 45,000.

MR. LUMBARD: What is the geographical territory?

CHIEF FITZPATRICK: 6.7 miles.

MR. LUMBARD: How many men are in your department?

CHIEF FITZPATRICK: We have an authorized strength of 74. At present we have 69.

MR. LUMBARD: Of those how many are investigative personnel, detectives?

CHIEF FITZPATRICK: There are ten detectives, six assigned to the Detective Bureau and the others to our Youth Bureau.

MR. LUMBARD: Do you also have detective work or investigative work in your Town covered through a countywide investigative unit?

CHIEF FITZPATRICK: No. Normally, we would perform the work within our town.

However, we do work very closely with the other agencies: the Prosecutor's office, State Police, FBI, and whatever. Whenever one of our investigations might relate to them, we would work closely with them.

MR. LUMBARD: If there were a homicide in your community who would investigate it?

CHIEF FITZPATRICK: We would be responsible, but we would call in the Prosecutor's Office. We would notify the Prosecutor immediately and we would work together.

MR. LUMBARD: Would the Prosecutor's office, in fact, provide the main part of that investigation?

CHIEF FITZPATRICK: We would do it jointly. I don't think--they would not just walk in and take over. We would work jointly although eventually the Prosecutor would be responsible in that he would have to present the case.

MR. LUMBARD: Do you maintain a communications system?

CHIEF FITZPATRICK: Yes. sir.

MR. LUMBARD: Independent for your own town?

CHIEF FITZPATRICK: Yes, sir. Well, it's independent of our police department although it is a municipal band so we have fire department, DPW. However, we are now planning to provide a separate frequency for police and we will have it, a dual frequency.

MR. LUMBARD: How many police departments have separate communications networks in that county?

CHIEF FITZPATRICK: There are 70 police departments in Bergen County and of that number I couldn't tell you how many had separate, because many of them are regional. I would not know the figure.

MR. LUMBARD: To whom do you look for laboratory services?

CHIEF FITZPATRICK: We use State Police and we use private service and FBI.

MR. LUMBARD: How do you retain the

private services?

CHIEF FITZPATRICK: Most of our narcotics work is now done by Lacune Laboratory, which is a local company in our township, and we also use St. Dismas in Paterson.

MR. LUMBARD: Do you have any estimate of the proportion of your laboratory work going to those three categories?

CHIEF FITZPATRICK: Well, very little is now going to the State Police. We do for our gun work. Ballistics would go to State Police, all of that. But for our narcotics work presently it is going to the private agencies.

MR. LUMBARD: Do you maintain any kind of intelligence files?

CHIEF FITZPATRICK: We do not have an intelligence unit per se, but our detective bureau performs that function.

MR. LUMBARD: Do you have any organized crime specialists in your Department?

CHIEF FITZPATRICK: No, I would not

say that we have organized crime specialists.

MR. LUMBARD: Do you have any narcotics specialists?

CHIEF FITZPATRICK: Oh, yes. Yes, indeed. We have done quite a bit of work along these lines. We have nine men who have been instructed by the Federal Bureau and have had extensive training in narcotics. In addition to that, incidentally, I would say 40 of our men have had some specialized training in the narcotics area over the past few years.

MR. LUMBARD: Are all your men trained as recruits in the first instance?

CHIEF FITZPATRICK: Oh, yes. We have a very intensive training program, in-service training program.

MR. LUMBARD: I am talking now about recruits.

CHIEF FITZPATRICK: Oh, yes. They must.

MR. LUMBARD: How long is their course?

CHIEF FITZPATRICK: Well, it will vary depending upon what academy we can get them into. Some have attended Newark Academy, a 13-week course. The municipal training at Sea Girt conducted by the State Police is a six-week course. The recruit training program at the Bergen County Police Academy is a nine-week course.

MR. LUMBARD: So that your men go to one or the other?

CHIEF FITZPATRICK: Well, we are not able to get them into the academies at our pleasure. It depends on when we are able to put the men on and what schools are available.

MR. LUMBARD: Would you summarize for the Committee what you now see as the major crime problems confronting your department in Teaneck and any trends connected with those problems?

CHIEF FITZPATRICK: Well, I think that almost anything we touch on here in some way or other, you know, has been touched.



on in some way or other, relates to Teaneck. But I see a growing crime problem. We are largely a residential town, an affluent type of town, and we have a high degree of breaking and entering in Teaneck. We had an increase last year, although our breaking and entering rate has always been high. It was higher last year than it had been.

MR. LUMBARD: By how much?

CHIEF FITZPATRICK: In 1963 we had 173; 1967 we had 207.

MR. LUMBARD: Is there any particular reason to which you attribute that rise?

CHIEF FITZPATRICK: No. We are part of the general increase in that type of crime in the suburban areas. It's pretty much the same in our whole area.

MR. LUMBARD: How many arrests for burglaries did you make last year?

CHIEF FITZPATRICK: A total of 22.

MR. LUMBARD: Twenty-two out of 207 reported cases?

CHIEF FITZPATRICK: That's right.

MR. LUMBARD: I gather the rate doesn't satisfy you.

CHIEF FITZPATRICK: Absolutely not, sir.

MR. LUMBARD: What can you do about it?

CHIEF FITZPATRICK: Well, we are doing things. We've changed our patrol setup. Traditionally, we have used marked cars and we've now taken patrolmen and put them into unmarked cars to ride these areas, placed emphasis on our regular patrol to be alert to the type of offense that is being committed.

MR. LUMBARD: Of the 22 arrests is there any percentage you could give us on how many were addicts or had a drug involvement?

CHIEF FITZPATRICK: No. Of course, there are a number of juveniles involved. Some are very young people and this wouldn't enter into it. We keep these crimes as they are supposed to be kept. Sometimes it will

involve some very, very young children, seven or eight years old, breaking into a school or something like that. We do not have figures, nor are they kept anywhere that I know of, that would indicate just how many of these people are addicts. My own opinion is that quite a few of them are, in fact, addicts.

MR. LUMBARD: Do you have any recommendations or suggestions that you would like to make to the Committee?

CHIEF FITZPATRICK: Well, one of our problems in Teaneck and, of course, I suppose it relates to every police department--

MR. LUMBARD: Just tell us about Teaneck.

CHIEF FITZPATRICK: (Continuing)  
--in the State is the manpower problem, the recruiting problem, and what not. In Teaneck we do recruit outside of the township. We recruit throughout the county.

THE CHAIRMAN: Are you in the situ-

ation where you require them to take up residence within a year?

CHIEF FITZPATRICK: We now require them to take up residence within a year after their permanent appointment, but the Town Council is considering permitting them to live within an area within five miles of our headquarters.

THE CHAIRMAN: This will take State legislation?

CHIEF FITZPATRICK: No. It's permissive now.

MR. LUMBARD: What other problems concerning manpower?

CHIEF FITZPATRICK: I think if we were permitted to recruit at age 20 rather than 21 it could be helpful. Normally, these officers are not useful to us until they have spent at least a year on the force, by the time they have completed their basic training. So they would have attained the age of 21 before they actually got out into the field and started to perform police

services alone.

I think that the important thing that has to be done is to raise the image, the police image. We are not attracting the type of recruits that we should. I think that the police training is important and we should attract college caliber people. Presently I have six men who are taking college courses, which are paid for by the Township. This is under a plan which we instituted some two years ago.

However, I think there is a better plan and this is the plan that I like to refer to as the Risacher plan, which was instituted by Chief Louis Risacher in Fairlawn where policemen are paid for it as part of their salary. In the case of Fairlawn it's \$79 for each semester hour credit that they earn toward a degree in police science. The same plan is now in effect in Clifton and a similar plan in Paterson and I have submitted it to our Town Fathers and they are now studying it and I hope

that they will be able to do it. It will do a number of things for us. It will permit us to bring people in at a higher salary.

MR. LUMBARD: What is your starting salary?

CHIEF FITZPATRICK: Our starting salary is 6250. Our top salary is 8051 for patrolmen.

I bring this up because I think it's a direction in which we can go, the police can go, to raise our image.

MR. LUMBARD: Is there any legislation by the State needed to enable you to do that?

CHIEF FITZPATRICK: No, there is not. No legislation is needed. To lower the age to twenty, I think, civil service rules would have to be amended. I would much prefer to recruit at 20 rather than to raise the age to 35 or more.

MR. LUMBARD: Anything else?

CHIEF FITZPATRICK: Well, not unless you have something to ask.

MR. LUMBARD: I do have one last question. Does the Teaneck Police Department appoint special policemen such as you heard Director Spina speak of here today in Newark?

CHIEF FITZPATRICK: No, sir.

MR. LUMBARD: Thank you.

SENATOR WALDOR: I have one brief thing. This is by way of commendation. I am familiar with the Town of Teaneck to a great extent. You haven't had any real racial problems, notwithstanding the fact that yours is a highly integrated community and I think that you and your department are to be commended for your activities in this regard. I would like to say that for the record, for the benefit of the Committee. I don't know whether Mr. Lumbard is familiar with the makeup of Teaneck or not. That's all.

THE CHAIRMAN: Senator Dumont?

SENATOR DUMONT: Are you having a problem with police salaries in Teaneck?

CHIEF FITZPATRICK: Yes.

SENATOR DUMONT: Even though, as you describe it and I know from my own contacts with it, that it is an affluent town?

CHIEF FITZPATRICK: Pardon?

SENATOR DUMONT: Even though you describe it as an affluent town or township, and I know it is from my own contacts, you are still having difficulties with salaries. Is that correct?

CHIEF FITZPATRICK: Yes, sir. Our men are dissatisfied with the salaries.

SENATOR WALDOR: They should be.

SENATOR DUMONT: I would think they would be, from what you mentioned. You haven't had any luck with your governing body in raising the salary?

CHIEF FITZPATRICK: Not this year. Last year we got a 10 per cent raise which brought it up to 8051 for patrolmen. This year we got some fringe benefits. Our clothing allowance was raised from \$100 to \$200. We were give four additional holidays.



We received eight off-duty tours, tours off for holidays. We now receive twelve.

SENATOR DUMONT: Are you for a witness immunity law?

CHIEF FITZPATRICK: Yes, sir.

SENATOR DUMONT: How about legalizing wiretapping and use of electronic eavesdropping under proper restrictions?

CHIEF FITZPATRICK: I would be in favor of them under proper restrictions, and I do stress that.

SENATOR DUMONT: Are you concerned over any civil disturbances in the forthcoming summer or do you have that pretty well under control?

CHIEF FITZPATRICK: I don't think there is a police chief in the United States that isn't thinking about it. We are concerned. I don't look for any. I don't think that we have the social ghetto problems in our town that normally are described when we talk about civil disorders and this type of thing, but there's always

a possibility of some kind of an unanticipated outbreak that may be unrelated to that that might result.

SENATOR DUMONT: Thank you, sir.

THE CHAIRMAN: Assemblyman Dickey?

ASSEMBLYMAN DICKEY: Chief, with reference to recruitment, would a change in the law permitting recruitment to age 35 help you?

CHIEF FITZPATRICK: Well, I wouldn't be in favor of it, sir. I would prefer to bring young men into the police service, not bring them in at 35.

ASSEMBLYMAN DICKEY: Don't you find they are more stable between 30 and 35 than, say, 20 to 25?

CHIEF FITZPATRICK: Well, it could be that they are too stable. At 35, I would say that anyone that was then looking to start in as a policeman--I would assume that a man at 35 would be pretty well established in some other field.

As a matter of fact, when our police

department played baseball we had two groups, those under 35 and those over 35. We all wanted to stay out of that over 35 group.

Frankly, I think that's too old.

THE CHAIRMAN: Thank you, Chief, for coming. We appreciate it very much.

(Witness excused.)

THE CHAIRMAN: Would you identify yourself for the record, Mr. Lordi?

MR. LORDI: Joseph P. Lordi, Prosecutor of Essex County, and on my right is Tom Ford, First Assistant Prosecutor.

J O S E P H   P .   L O R D I ,   sworn.

THE CHAIRMAN: You have a prepared statement. You know the hour, sir. Can you help us by--

MR. LORDI: Perhaps I can skim through it, if I may, because there are things that I think the Committee may be interested in.

THE CHAIRMAN: I am sure we are interested.

MR. LORDI: The first two or three pages refer to the statute and State vs Winne. I understood that the Committee was interested in the jurisdiction of the Prosecutor's office. State vs Winne, of course, states among other things that the Prosecutor is, in effect, the highest law enforcement officer of the county.

MR. LUMBARD: Is that challenged by any Chiefs of Police or Sheriffs in the State?

MR. LORDI: I think it's been challenged by the Sheriffs, without question. I think that they feel that theirs is the only constitutional office and, therefore, the highest law enforcement office of the county.

MR. LUMBARD: Does that cause you any trouble?

MR. LORDI: It hasn't caused me any trouble.

MR. LUMBARD: Do you think that should be clarified?

MR. LORDI: I think it should be,

without question, either by judicial decision or perhaps by the Legislature.

MR. LUMBARD: Go ahead.

MR. LORDI: Perhaps I can go into the structure of the Prosecutor's Office. I might say that attached to the statement is an organizational chart together with a sheet which sets forth the amount of money that's been appropriated to the Prosecutor's office for the year 1968 and for prior years.

The Essex County Prosecutor's Office is comprised of two main divisions, those being legal and investigative. The former consists of 32 Assistant Prosecutors including one person who serves as the First Assistant Prosecutor. The latter category is comprised of 25 detectives and 30 investigators. In addition, there are 22 persons assigned to the clerical functions of the office.

We deploy the legal staff in various ways. Two Assistant Prosecutors prepare

cases for and present cases to the Grand Juries which are sitting within the county. I might say that there are two Grand Juries sitting four days a week every week during the course of the year with the exception, perhaps, of August.

MR. LUMBARD: Do they generally sit for one month at a time?

MR. LORDI: No. They sit for six weeks although we occasionally have a hold-over jury and we have one right now. This Grand Jury is presently listening to those death cases arising out of the race riots in Newark this past summer. So there are at the present time three Grand Juries sitting and occasionally a special Grand Jury is impaneled over and above the two regular Grand Juries.

In addition, two assistants--that is, two assistant prosecutors--are assigned to the juvenile court. This has been necessary since the important decision of the United States Supreme Court known as the

Application of Gault.

We have one Assistant Prosecutor stationed in the Newark Municipal Court presenting cases there. Just the other day I had occasion to talk to my Assistant Prosecutor assigned to the Municipal Court and he advised me that it's quite possible we may have to assign additional Assistant Prosecutors. Their reasoning being that, I believe, it was the City Council that provided for two additional Municipal Court judges. That would make six. That would mean that probably one, two, or three judges would be listening to indictable offenses and unless the City of Newark were prepared to assign an assistant corporation counsellor, it would become the responsibility of the Prosecutor's office to assign additional assistant prosecutors.

Four assistant prosecutors make up the Appellate section of the office and they work full time there without any let up.

I might also make some comment in this area that since the advent of the Public Defender --and I say this not by way of criticism but as a fact--that there has been an increase in the number of appeals that are being taken in the Essex County Prosecutor's Office. I should say as far as defendants are concerned. I anticipate that there will be a continued increase in this area which may, in fact, require additional assistant prosecutors in the future.

There are 22 assistant prosecutors assigned to try cases in the eleven courts presently considering criminal matters in Essex County. In other words, we have 11 county court judges sitting five days a week on criminal court cases and two assistant prosecutors are assigned to each of these courts.

There are also assistant prosecutors assigned to the various enforcement squads in the office including fraud, homicide, gambling, narcotics, arson, planning



and intelligence. The staff is under the supervision of the Chief of County Detectives. Below him are two captains and six lieutenants. Two investigators are assigned to each of the criminal courts of the county. Members of the investigative staff are also assigned to the enforcement squads previously mentioned.

The clerical staff speaks for itself and we set it forth here in the various squads, the arson squad, the gambling squad.

There is also another intelligence squad or unit in the Essex County Prosecutor's Office which is staffed by an Assistant Prosecutor and one detective at the present time. That unit compiles information on the activities of various sociological groups and individuals within the county and reports to appropriate agencies, State, Federal and local, with respect to its findings. The squad keeps the prosecutor informed with respect to the current situation in the county and assists in the

preparation for any possible future disturbances. I might say that the squad was formed about a month or so ago and we work in conjunction with various local police departments. That includes the City of Newark and the police departments within the County of Essex as well as the State Police and other State agencies. It also takes part in coordinating the plans of all municipalities in the County with the Master Plan of the Prosecutor which is being developed to be utilized in the event of civil disorders. We, in fact, are working on a master plan. We are assuring ourselves that the local police departments within the county also have a tactical plan that they can put into operation should there be a civil disturbance. We are in the process of coordinating that plan with the assignment judge and with the State Police and the Attorney General's office.

We have had several meetings with the Chiefs of Police within the county.

We have a narcotics squad just formed about three weeks ago. It consists of an assistant prosecutor and two detectives. Its duties include the obtaining of narcotic information and the investigation of narcotic activities in conjunction with local agencies. It is just a few weeks old. Already, however, there have been sixteen arrests made by this unit in cooperation with local police departments during the weeks of March 11th and March 18th. I might say for the benefit of the Committee that these arrests were made in the suburban areas and involved marijuana.

The homicide squad of the office is staffed by an assistant prosecutor plus three detectives and two investigators. This squad, in cooperation with local police departments, investigates homicides in every municipality throughout the county. I have some statistics I can give to the Committee later on concerning an increase in the number of homicides in the County of Essex

within the last five or six years.

MR. LUMBARD: I would like that.

MR. LORDI: One of the very new bureaus--and I think this is a very significant bureau--in the Essex County Prosecutor's Office is the complaint bureau. It was established by me on March 4th of this year. It is designed in the hope that persons in the community will take confidence in the fact that there is a place to which they can come with their problems. Any problems of a criminal nature may be handled by this complaint bureau and non-criminal matters may be directed to proper agencies. The thinking has been that a complaint bureau such as this goes a long way in buttressing the confidence of the public in the Prosecutor's Office and in the whole concept of law enforcement. Since March 4 of 1968 110 persons have appeared personally at the Essex County Prosecutor's Office to make complaints. There have, in addition, been 113 telephone calls received

by the complaint bureau. Many complainants were seeking advice and, wherever possible, such advice was given to them. Referrals were made of the majority of the complaints. When a referral was made, the appropriate agency was notified by the complaint bureau and the name of the complainant given to it. At this time the bureau is staffed by an assistant prosecutor and three detectives. I believe that this complaint bureau warrants particular attention in the future because it seems uniquely capable of providing a place to which citizens may come with problems and be secure in the knowledge that they will be accorded the kind of attention that is properly due to them.

I would like to focus my attention, if I can, on some of the individuals that we have in the Prosecutor's Office. I believe that the staff is a very dedicated and very enthusiastic staff. In reference to Assistant Prosecutors, for example, we are constantly attempting to maintain a high

level of proficiency within the office. We have staff conferences. We often invite outside experts to lecture to the Assistant Prosecutors. Just recently we established within the office itself a criminal law workshop in which we get the more experienced assistant prosecutors to lecture on various aspects of the criminal law to the lesser experienced and newer prosecutors in the office.

Our Assistant Prosecutors participate as much as time permits in the activities of the various State and National agencies such as the New Jersey Prosecutor's Association and the National District Attorney's Association. We have found in our experience that these agencies are most helpful in providing imaginative and refreshing ideas which can be invoked in the prosecution of criminal cases. Many of them have attended special courses at Northwestern University in Chicago given specifically for those involved in law enforcement.

With respect to detectives and investigators in the Essex County Prosecutor's Office, I say without hesitation that they are a talented and unusually skilled group of individuals. In order to be a detective in our office one must have three years of investigative experience in a law enforcement agency or must have a bachelor's degree and one year of investigative experience or must have a law degree. Many of the detectives in the office have prior experience as supervisory officers in local police departments. Many of our investigators are college-educated persons. Several have gone on to become Assistant Prosecutors and many of our detectives and investigators have attended the FBI school in Quantico, Virginia. Many have also attended such things as the Harvard University Course in Homicide, the United States Treasury Department Narcotics School, the supervisory police training course at Northwestern University, to mention just a few.

Many of our personnel have elaborate and lengthy backgrounds in their respective fields of expertise. Whether we are discussing narcotics or gambling or arson or fraud or virtually any other aspect of law enforcement, it is possible to reach out into the ranks of the Essex County Prosecutor's Office and find persons who are eminently well trained in their respective areas. Of course, I am talking about civil service employees and some of the investigators as well, men who have been there for a good many years.

Traditionally, the staff of the Essex County Prosecutor's Office has cooperated with local law enforcement agencies in the advancement of law enforcement concepts. Each year a law enforcement seminar is conducted by this office for the chiefs of police of the 22 municipalities in Essex County, as well as their designees. We invite leading authorities in the area of criminal administration to lecture at these



seminars on subjects that run the gamut from actual practical developments in criminal investigation to the meaning of leading appellate decisions of our State and Federal Courts. The Essex County Prosecutor's Office also publishes a periodical known as the Enforcer and in this we attempt to include as many of the reported decisions as possible with a special emphasis upon those cases that speak about the job of a police officer.

There are also periodic meetings held with the Chiefs of Police and myself. Our office has also traditionally provided both assistant prosecutors and detectives and investigators as instructors in various training institutions throughout the county. For example, at the long-established and highly regarded Newark Police Academy assistant prosecutors have been invited each year to lecture on such things as search and seizure, confessions, and the like. We have also provided instructors to the Essex County Police

Academy and the State Police Academy. Special classes are conducted for police officers in specialty fields such as gambling and narcotics.

I make a comment in my statement about the need for coordination and cooperation among all law enforcement entities throughout the county. Some of the ways in which such coordination can be brought about have already been discussed. There are other means that can be implemented as, for example, the day-to-day informal communication between assistant prosecutors and local police officers. As a matter of fact, there has long been a program in Essex County whereby every assistant prosecutor is specifically assigned to a given municipality as the legal advisor to that municipality's police department. I believe this program is a unique one. It has been very successful in providing a facility for local police officers to obtain the answers to legal problems that may arise

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from time to time. But there is clearly a need for more to be done in this whole area of the coordination of law enforcement agencies.

One of the things which I think can be done and should be done is the establishment of a county police academy. Such an academy could be subsidized by Federal and State funds and would include a laboratory and technicians who would be available to provide the technical information and services truly necessary in the effective carrying out of police work. I am referring to the matter of chemists, handwriting experts, fingerprint experts, and the like.

There is a great deal else that's been said in the statement itself, but I assume that the Commission will have an opportunity to read this statement.

I do feel, however, that the County cannot bear the expense of such a county-wide police academy and serious consideration should be given by the Commission to

the enactment of legislation requiring the State to absorb the expense with Federal assistance.

THE CHAIRMAN: Thank you verymuch.

MR. LORDI: There are some recommendations--

MR. LUMBARD: Would it be all right if we sort of skimmed and summarized, because it is clear that this reflects a lot of work and thinking on your part.

MR. LORDI: I think it is obvious that in order to carry out the obligations --and this is most important--that are properly assigned to it, the Office of the Essex County Prosecutor must be provided with additional funds and additional staff. It is a matter of simple arithmetic to determine that there is a great deal of duplication of personal effort in the office at the present time. One assistant prosecutor is assigned to several enforcement squads as well as to miscellaneous duty and to the

trial of cases. Detectives and investigators from the homicide squad are also assigned to operate a polygraph machine or to receive complaints in the complaint bureau or to present cases to the Grand Jury.

There are not enough hours in the day to permit all this work to be done. Time and time again I have seen men from my office give up their own time, often without pay, in order to carry out investigations. The time has long since past when society can afford the luxury of an insufficient number of law enforcement officials. It is my opinion that there should be as many assistant prosecutors and investigators in the field as there are in the office. No case can truly be in a state of readiness unless a skilled and trained assistant prosecutor has had an opportunity to conduct an investigation, speak to witnesses, and survey the scene of crime. Such a staff of assistant prosecutors and investigators has never been available. But now that the

volume of criminal cases has grown to the proportion that we all know it has reached, I think it necessary that we seriously consider taking steps through legislative enactment for providing such an augmented staff to the Prosecutor. Cases can be won and lost sometimes by virtue of what occurs moments after a crime. It is necessary that we have persons trained in such things as taking statements from witnesses or evaluating evidence at the scene of a crime with an eye to how to best use that evidence at a subsequent trial. We cannot have this kind of activity and at the same time prosecute cases in eleven criminal courts.

What I suggest here should come as no surprise to anyone who has been cognizant of the developments in the criminal field over the past years. The statutes dealing with the Prosecutor and physical structure of the Essex County Prosecutor's Office have remained substantially unchanged for a great deal of time. But the

criminal law and the volume of criminal cases has multiplied enormously over the past years. We cannot effectively meet the challenge that this has brought about unless the staff additions and the financial appropriations are forthcoming.

I think, also, it is important to begin to provide for the betterment and greater professionalization of local police departments within this County. Clearly, higher pay is needed to attract into the police departments persons who have the kind of background necessary to be good and effective officers. Many police departments need to have more modern equipment with which to fight crime.

These are all things which we must be aware of as we face the challenges in the criminal field that lie immediately ahead. I would urge that the major cost for the things that I have discussed in regard to the improvement of law enforcement be born by the State rather than the

County. In addition, it would seem that the assistance of the Federal Government in this area would be needed and appropriate.

I have several recommendations that I wish to offer at this time for the Committee. I submit that legislation is needed so that the Prosecutor can obtain an eavesdropping order from the court and thereby attempt to gather evidence which, particularly in the area of organized crime, might otherwise be made unavailable. I believe the Constitution and the most recent decisions of the Supreme Court of the United States permit such an eavesdropping statute to be enacted.

I think, also, that a central corps of undercover men under the supervision of the Attorney General of New Jersey should be created for assignment to a given prosecutor upon request. Anyone who has ever been involved with law enforcement recognizes the value of an undercover man. The limitations on personnel in the Prosecutor's Office makes it impractical to utilize any



members of his staff as undercover men for any length of time. Experience has shown, especially in the New Jersey State ABC, that a large group of investigators working undercover can be shifted throughout the State without fear of being discovered.

I believe that our gambling laws should be amended to provide for maximum fines of \$10,000. Those men controlling the gambling operations can be directly affected if such a recommendation is adopted. The reason is that if those in control refuse to pay such a fine for a convicted defendant, the latter may well retaliate by divulging to law enforcement authorities information regarding organized gambling activity.

I think it is also most important that legislation be enacted granting immunity from prosecution to witnesses and, too, the power of direct subpoena should be given to the Prosecutor in order to effect continuity and efficiency of investiga-

tions.

I think that a special Grand Jury should be empaneled for an indefinite term to meet as the occasion demands and deal with the problems of organized crime. Finally, I envision the need for greater liaison between Federal agencies and State and County agencies to the end that there will be greater cooperation and sharing of information concerning organized crime among those entities.

As I say, I also have statistical data prepared for the years 1965 and 1967. Comparative statistical data that are based on complaints are in our record room at the Prosecutor's Office.

MR. LUMBARD: On page 26, to begin with the last page, you asked for the power of direct subpoena for the Prosecutor. Do you know of any other states where prosecutors have that power?

MR. LORDI: Offhand, I don't think so. It is my understanding that they may

have it in New York.

MR. LUMBARD: They send them a letter that they like to pretend is a subpoena, but if you ask them they will admit it isn't.

MR. LORDI: I would say most prosecutors would like to have it for the reasons I expressed, but I can't say offhand whether or not any other states do have it.

MR. LUMBARD: Could you spell out your meaning or suggestion that there is need for greater liaison between the Federal agencies and State and County agencies to the end that there will be greater cooperation and sharing of information concerning organized crime among these entities?

MR. LORDI: Well, I don't think there is sufficient exchange of information. All of us, whether we be legislators, prosecutors, attorney general and the like, are interested in making inroads into the field of organized crime.

But if the prosecutor of one county has information not available to me -- such information can be obtained from the Attorney General's Office and the State Police query; Can we get information, for example, from the Internal Revenue? Can we get information from the Federal Bureau of Investigation? Can we get information from national law enforcement agencies? This can be of great help to a prosecutor and to an attorney general endeavoring to do such a job. Can we?

MR. LUMBARD: Well, if we were to reverse our roles I would say you can't, but I am not --

MR. LORDI: I didn't say --

MR. LUMBARD: I think there is a terrible problem, much greater than the public

appreciates. I did not realize that it extended from county to county Statewide within New Jersey, prosecutor to prosecutor.

MR. LORDI: I said it was a little easier for us to obtain this information. The Attorney General has been endeavoring to do this. When I was State ABC Director he held conferences with prosecutors and regulatory agencies to see if information could not be filtered into the Attorney General's Office for the benefit of Prosecutors and other law enforcement agencies. But there may be times when something may happen in one county as distinguished from another and before it finally gets to us it's lost its effectiveness. It's of no value. I think in that area of organized crime there should be much greater liaison, day-to-day liaison. There should be almost a cooperative link between all of the counties in this area, to the

point of designating one man within each county in the Prosecutor's Office constantly exchanging ideas and information. This is not to suggest that cooperation doesn't exist. I am saying there is always room for improvement in every area and I envision, for example, that one man from each prosecutor's office as a part of the whole would see to it that there was this constant daily communication among the prosecutor's, in the area of organized crime.

MR. LUMBARD: Do you think that the meetings that the Attorney General testified that he has every month or so can adequately serve such a dual operation?

MR. LORDI: I think this is definitely a beginning, since he has the prosecutors and his repre-

sentatives meeting once a month.

Of course, we discuss many other facets and many other areas of law enforcement. This is one area, of course, he has taken a special interest in. What I am saying is we should develop it to the point that I have just suggested.

MR. LUMBARD: He testified that there were seven families effectively operating in the organized crime area in the State of New Jersey at the present time. Of course, he didn't give us any details but he mentioned the names in Newark and Essex County, the whole northern New Jersey area.

Could you tell the Committee what the plan of attack is, so to speak, for your office?

MR. LORDI: Well, we have a gambling squad. We call it gambling, but it is directed to all forms of organized crime. It consists of one lieutenant and three detectives. Obviously, its activities are

limited because of the number of men that are assigned to it so we, of necessity, have to be very selective.

Now, I had occasion to speak to Lieutenant Dougherty, who is in charge of my gambling squad, and asked him about any arrests and convictions we may have had in the last four or five years since I have been out of the office and he has indicated to me that during that period of time we have been able to arrest, indict and successfully prosecute individuals whom one might refer to as below the top but high in the echelon of syndicated gambling and organized crime within the county.

I might say one of the Senators made reference to the Grand Jury Presentments that were returned by the Essex County Grand Jury since 1959, I think the first in 1961. Well, I was privileged at that time to work under Brendan Byrne, who was then the Prosecutor, and I was his First



Assistant Prosecutor. I handled the initial investigation in which we empaneled the Grand Jury to investigate gambling and shylocking within the county. I have a copy of that presentment, if the Grand Jury does not, and I think it's a very significant presentment because it points out not only that organized crime exist but it exists across county lines. There is some excellent language in there and the language of the Grand Jury clearly points out that-- I happen to have been there and I thought they did a very thorough job.

At that time I think, for the first time in my memory, we were able to put in jail, but for a very short period of time, one of the leaders, alleged leaders, of organized crime. I would prefer not to mention his name, but I can tell the Committee later on. He was cited for contempt, found guilty, and sentenced to jail for about a month or so. It was then that I was able, as a result of this investigation,

to uncover the names of several individuals who appeared to be operating syndicated gambling or commercialized gambling within the county and while we've been endeavoring to do an effective job, I daresay that the very same persons that operated in those days still operate today.

MR. LUMBARD: That's really what it's all about. The Committee is concerned with the effectiveness of the current system of administering criminal justice. There are lots of little things all around the framework of the picture, all of which are important things to be done, but does the whole business really add up to doing a job? Does it deter people? Is it preventing crime and so on? Since you have this past history in the office, how would you assess--whether or not you can do anything under the present system and structure as against organized crime that has a real meaning and reaches

the top people and puts them in jail for a substantial period.

MR. LORDI: I think that the job can be done by the present structure of law enforcement. I think it could be done if you give them the manpower and you give them the tools. I spent a great deal of time in an attempt to point out the areas where the prosecutor is involved and how he utilize his manpower and the time that they have to give to their contacts, and their energy. I say this: If I were given a squad with at least ten investigators and detectives with about four or five assistant prosecutors, if I were given surveillance equipment and wiretapping, if I were given immunity statutes, if I were given a special Grand Jury, I think the job could be done. But I think we have to face it today and not tomorrow.

As I said before, we had the benefit of the grand jury investigation about eight or nine years

ago.

Everyone is trying to do a job in this area.

MR. LUMBARD: I gather that you and I, at least, would agree that there is a problem of organized crime current today in your county and in Northern New Jersey?

MR. LORDI: Well, we would have to be very naive if we said there wasn't. Of course, there is.

MR. LUMBARD: The question is, really, what do we do about it?

MR. LORDI: What we do about it is see to it that we reinforce our system of law enforcement and enable them to do the job by giving them the manpower and giving them the tools. Once we have done this, I think we can accomplish something in the area of organized crime.

Other areas of crime represent an entirely different situation, such as the increase in the number of breakings and enterings

and similar crimes you have been hearing about in the past several days. But when you talk in terms of organized crime I think the job can be done. I think at this time it can be done with the Prosecutor's Office, with the assistance of the Attorney General, and the State Police. But I think the Legislature has to recognize that they have to give us the manpower, they have to give us the tools, and I don't believe I've heard of any prosecutor or any of the chiefs of police and directors say that they did not need the tools and the manpower.

MR. LUMBARD: Everybody says that they need more.

MR. LORDI: It's obvious that they do. But if we are limiting our remarks for the moment to organized crime, definitely you do. How can you penetrate that wall of secrecy that organized crime works behind unless you have the tools to get beyond it?

They're not going to carry on their unlawful activities in the presence of law officials. It requires a great deal of surveillance to make one arrest.

MR. LUMBARD: Doesn't it require even a whole new intelligence concept that isn't now effectively operating around here?

MR. LORDI: Well, I think in the State of New Jersey there is a greater awareness of organized crime, more so than fifteen or twenty years ago. You say a new concept. I don't think that it's a new concept as much as it's coordination and exchange of cooperation with/intelligence. I have an intelligence squad within the office in the area of organized crime. We have developed it. We have a lot of names, we have a lot of places, we have a history of these individuals. The problem is that we don't have the time, we don't have the tools, we don't have the manpower to go out after them.

MR. LUMBARD: Is the same thing true of narcotics enforcement?

MR. LORDI: I think narcotics enforcement represents a different area. Here again, of course, the local police departments have their problems. We coordinate our activities with local police departments. We have also established within the last month or so an intelligence section

We like to think, once we can get this going, we can be of some assistance to local law enforcement groups.

Just the other day I assigned a detective in my narcotics bureau to prepare a report for me on narcotics in Essex County: the use of narcotics, the incidence of arrests, the number of convictions, and the like, and also the rehabilitation centers have in Essex County and throughout the State. The report is not complete, but I am hoping to get as much information as I possibly can which will assist not only

my office but local police departments.

In this area of rehabilitation I confess that when I walked into the Prosecutor's Office I knew very little about the field of narcotics, very little about the rehabilitation centers that we have in Essex County. But we are learning about it now. We may find that the rehabilitation centers need coordination. Someone suggested to me that each one use a different of rehabilitation.

MR. LUMBARD: What we have been learning is that there really aren't very many and they need more than coordination.

MR. LORDI: I am telling you this.

MR. LUMBARD: I would like to pose this thought to you. What you have in your statement goes in the direction of the need to build up the lawyer side of your staff, the investigators, and what not. It is already quite large, if you compare it with other states and other areas. You seem to feel you need more. Is that in reality a



reflection of the police problem underneath you and that you need to get more expert--I won't say elite, but a different kind of investigator group at the prosecutor's level which is really attached directly to it doing work that, in most parts of the United States, would in fact be done by the local police and that the public is paying twice here by having to have the local police plus the sizable prosecutor's squad. I would be interested in your reaction to that because it's sort of obvious.

MR. LORDI: If I follow your question correctly, I doubt very much if we should limit the local police departments, but I think what you intend is to attract a more talented individual into local police departments.

You may recall I made a recommendation before that we have a countywide police academy so that we can train police officers.

MR. LUMBARD: Do you think there should be a countywide police department

in Essex County?

MR. LORDI: It has merit. Let me say that.

MR. LUMBARD: Then you wouldn't need such a large prosecutor's squad?

MR. LORDI: I don't know about that. I think you would probably need--you cannot get away from a large prosecutor's staff. We now have 11 criminal courts sitting with 22 assistant prosecutors. I think we probably try--I said try now--as many cases as any court in the entire country. I said try. I didn't say we handled as many cases. With 11 criminal courts we are constantly trying cases.

I have never given any great thought to a countywide police department. I am not too sure that it will be the most effective. As a practical matter, I wonder if we will ever see one. We are still a home rule state. We have home rule as a part of our way of life and it's questionable in my mind as to

whether or not we could convince even the Legislature itself to accept a countywide police force.

MR. LUMBARD: I am not saying it should be mandated by the Legislature or even making a suggestion. I am trying to elicit your views and your possible ideas.

MR. LORDI: I would say there would be certain advantages to a countywide police department.

MR. LUMBARD: In Suffolk County in Long Island and in Nassau County, which is further in, they now have countywide police departments. Because of the quality of the countywide police departments they do not have to have anywhere near the kind of staff, investigative and legal, of the nature you have here. Some, yes, but not to the same degree. I am merely saying to you that it's sixes and sevens.

MR. LORDI: I am inclined to agree with you, in effect, if you had a county police department with qualified men it is

conceivable that the prosecutor's office would not have to spend as much time as it does in the field of investigation. But under our system, under our present structure as we operate now, I would like to say that in nearly every instance there is great cooperation with local police departments and the prosecutor's office. The local police departments look to the prosecutor's office for leadership. I can say without fear of contradiction that they do look to us for leadership. In the problems coming to me, you can rest assured that you will have full and complete cooperation. This is why we have and run these seminars. This is why we have the Enforcer, the newspaper that I mentioned. This is why we have lectures and the like. We get their constant cooperation.

MR. LUMBARD: Do you think the prosecutors should be full time?

MR. LORDI: Let me say that the prosecutor is full time in the County of

Essex.

MR. LUMBARD: Should they be forbidden from private practice?

MR. LORDI: If you give him tenure of office, yes.

MR. LUMBARD: Tenure?

MR. LORDI: Tenure.

THE CHAIRMAN: And nothing about salary?

MR. LORDI: Well, as far as the salary of the Prosecutor of the first class county, it is now \$17,000. I understand that there is some legislation afoot to increase that from seventeen to \$24,000. Whether or not the Legislature looks favorably upon it, I don't know.

THE CHAIRMAN: The point being that if you are going to demand a prosecutor to be full time and refrain from other practice, you have got to have an adequate salary level to attract him.

MR. LORDI: No question about it. But I think you would need more than just

an adequate salary level. If you are going to have a competent, qualified attorney to serve as prosecutor of your county and he's got to give up his practice completely, it goes to just more than mere money. As I say, you are going to have to give him something else.

THE CHAIRMAN: He's got to be somewhere near the position in which we put our judges.

MR. LORDI: That's exactly correct.

MR. LUMBARD: Just as a comparative illustration, the United States Attorney is not in any such situation. He is at the will of the United States Attorney General.

MR. LORDI: The United States District Attorney is--I think you have one of them in the entire area here. We have quite a few prosecutors throughout the State and I merely point out to you my reaction to your question. I say, one, we are working full time. However, we are able to maintain our own practice. I am

fortunate because I have my brother, who is my partner, and I can stay away from the office. But I daresay if I had a stranger as a partner he might not be very happy about the time that I spend.

MR. LUMBARD: Does your brother handle criminal cases?

MR. LORDI: Of course not. He couldn't possibly. There would be a definite conflict of interest.

MR. LUMBARD: Do you think it would be advantageous for prosecutors once appointed and under whatever conditions we are talking about, to have it very clearly understood that they were completely out of politics?

MR. LORDI: I have no objection to that. I think most prosecutors would prefer it that way. I think so, anyway. I think I have answered the question.

SENATOR MC DERMOTT: I have a question, Prosecutor Lordi. One witness testified earlier that in his opinion the American

public's attitude toward gambling was such that they wanted it and they didn't see anything wrong with it and that because of this attitude convictions were almost nigh impossible. Does your opinion go along with this prior witness' opinion?

MR. LORDI: I would say there is some substance to what they have said. I would not say that it's difficult to get convictions. I think that Tom Ford, my First Assistant Prosecutor, will bear me out when I say that we don't have too much difficulty getting convictions from petit jurors, given a good case, but I refer you once again to the--I don't have it here, but the presentment of the Essex County Grand Jury, 1961.

MR. LUMBARD: Could you send us one of those?

MR. LORDI: Yes, I definitely will. My best recollection is that the Grand Jury in that presentment said that there was apathy and indifference/ <sup>on the part of the public</sup> to the problem of



gambling, organized gambling, and that they failed to recognize the two-dollar bettor actually contributes to organized crime. There is some excellent language in there and I think you should read it.

SENATOR MC DERMOTT: In fact, Attorney General Sills said the same thing, that the danger was that the money coming from organized crime goes into narcotics and the feeding of the syndicate and the public doesn't realize the harm.

But in this witness' testimony, because he felt you couldn't change the opinion of the American public toward gambling, he took quite a different approach. It was his opinion that the way to stamp out organized crime was to get at it through gambling and the way to destroy gambling was to legalize off-track betting, lotteries, and so forth and so on. In other words, remove the prohibitions against gambling and, therefore, organized crime can't operate. What do you think of that theory?

MR. LORDI: I have been asked that question. If I might inject a little humor, I remember after I left the State ABC office Brendan Byrne became President of the Board of Public Utilities Commission and I succeeded him as Prosecutor of Essex County. I know that Brendan Byrne suggested a study be held to see if we couldn't legalize gambling within the State. Well, I had to take a contrary position because, while I felt that a study should be held, I personally did not think that it would solve the problem. I have always felt that if you are going into the area of legalized gambling, you can't go halfway. You can't say to yourselves, "Well, all right. We will have off-track betting on horses in New Jersey but not outside the State." You must have off-track betting on horses all over the country. Then, if you have off-track betting on horses you must, of course, accept bets on sporting events as well. Having gone that far

you must give credit because if you don't give credit to the individual placing the bet you can't compete against organized crime. Once you have gone into the field of credit, into track betting, sporting events, the next step is we get a Las Vegas-type atmosphere. I don't think the State of New Jersey is ready at this time or will ever be ready for that.

MR. LUMBARD: The problem is credit bets because this is how they get involved.

MR. LORDI: That's important, yes. Just as many companies say, "Buy now, pay later."

MR. LUMBARD: Also a problem of similar magnitude in terms of combination bets the private backer can give. With one phone call the person can get on a horse, on a ball game, and at the same time get on the first race and go away and say, "If I win on the first put this on the third." And you get into all kinds of combinations which

add up to something like service which private bookmaking systems give which no government system yet devised by man has put together.

MR. LORDI: I agree with you, Mr. Lumbard.

THE CHAIRMAN: Thank you very much, Mr. Prosecutor. I am sure we will study your testimony with interest.

MR. LORDI: And we will send a copy of the presentment.

(Witness excused.)

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#### CERTIFICATE

I HEREBY CERTIFY, that the foregoing is a true and accurate transcript of the proceedings as taken by me stenographically, on the date and place hereinbefore set forth.

  
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