

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  
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Before

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

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THE CHAIRMAN: I will call the hearing to order. Our first witness this morning is Mr. Guy Calissi, Prosecutor. Will you identify yourself for the record and then I'll swear you in.

MR. CALISSI: Yes, Senators, my name is Guy W. Calissi, Prosecutor, Bergen County.

G U Y W. C A L I S S I, duly sworn.

MR. LUMBARD: How long have you been Prosecutor of Bergen County?

THE WITNESS: Since July 1st, 1954.

MR. LUMBARD: How large is your office?

THE WITNESS: My office comprises 63 persons in toto.

MR. LUMBARD: In what categories?

THE WITNESS: In the categories of 23 detectives and investigators -- 17 detectives, six investigators -- one extradition clerk, and then, of course, I have ten assistant prosecutors -- actually nine assistant prosecutors and one special assistant, I call him special assistant, because he is on the legal staff for appeals and he doesn't get as much money as the others, because he's not full time. All the others are completely full time.

MR. LUMBARD: Are you full time?

THE WITNESS: Completely full time, more than full time.

MR. LUMBARD: Do you think it would be desirable if a statute were passed and said prosecutors would devote full time to their job?

THE WITNESS: I would have no objection to that kind of statute, providing the statute was clear about the responsibilities and obligations of the office.

MR. LUMBARD: Are any of your personnel allowed to participate in political activities?

THE WITNESS: I ask them not to participate, and they do not participate to any great extent.

Now, the previous week there was some kind of a controversy in the Women's Democratic Club, there was an office of president being contested, and you would think it was for presidency of the United States.

One of my assistant prosecutors did register some girls, so they would be in time to vote in that election, which may be a little uphill, even though that might be a trivial part of politics.

I don't care to involve myself too much in



politics.

MR. LUMBARD: Do you think it might lead to bad implications?

THE WITNESS: I do not think so. I think it depends on the individual.

As a matter of fact, I think there are some people, because they're Democrats, if there is a Democrat involved in the investigation, would bend over backwards to show he is not being prejudiced. So it depends on the individual himself.

As a matter of fact, everything, in my opinion, in law enforcement depends on the quality and the integrity of the individual more than the system, although the system is very important. I don't think that anyone can live in a political vacuum in our country. But to the extent that the office will be considered or will project the image that it is politically tainted, I think that is wrong.

I think you should conduct yourself in such a way that people know that you are impartial and you are fair, and if you get yourself involved too much in political activities, I think that image could be tarnished.

MR. LUMBARD: Are you familiar, Mr. Prosecutor, with the Federal Hatch Act?

THE WITNESS: Well, yes, I am. I have heard about it and I have talked to people under the so-called Hatch Act, could not engage in political activities.

MR. LUMBARD: Yes. It tries not to improve people, which is the thrust of what you are saying, but simply saying a minimum basic and the guide for conduct, that there would be no political activity while in office.

THE WITNESS: Well, as I say, I don't quarrel with that, because the most important thing in a Prosecutor's office or District Attorney's office is the image that it is not a political oriented or politically inclined job.

MR. LUMBARD: There is no etiological way to handle a case, no Republican or Democrat way.

THE WITNESS: That's right. You don't decide whether a person is a Democrat, whether he should get the so-called business or not. You just do it that way. But in order to give to the public the right kind of an image, I think it's required that you don't get yourself involved too much in politics. I don't think you can be completely



immune from it. You can't be in a vacuum in this day and age. Politics is all around us. It is the lifeblood of Democracy. You can't do anything about it, but, I say, being politically partisan in an office like this would be tragic.

MR. LUMBARD: You are telling us about the number of persons in your office and what they do. Could you continue that a little bit further?

THE WITNESS: Yes. I have 17 detectives, six investigators. However, in addition to the 17 detectives and the six investigators, I also have 15 other law enforcement personnel that -- I guess the word would be borrowed from the County Police Department.

We are one of the counties, maybe the only county that has a county police, with the exception of Hudson County, where they have the Boulevard Police.

We have, for some years, a Bergen County Police Department, made up of over a hundred men.

I have asked from personnel from that department, rather than hire additional detectives and investigators, because I felt there were men in that department that could do the work, rather than hire someone new. These men are assigned to two squads, the gambling squad and the narcotics squad. They do this specialized kind

of work.

So when I say I have 17 detectives and investigators, these are people that I actually appoint. The others are borrowed people.

I have one man from a local department, the Borough of Lodi, who works in the narcotics squad, and in that particular squad two State Troopers also assist, and I plan this week to increase the narcotics squad by including approximately four to six men from the Sheriff's Department.

My narcotics and gambling squad is actually an amalgamation of County Police, men from my office and State Police and also from the Sheriff's Department, so we have a kind of consolidation in those two areas, and I find it to be very efficient and work very, very well.

MR. LUMBARD: It leads also, however, naturally to the question of who is the chief law enforcement officer in the County.

THE WITNESS: I don't think there is any problem with that at all. I think State vs. Winne decided that some years ago, and Bergen County, unfortunately, was the county where this particular situation arose and the language of State vs. Winne to me, seems very, very clear, and in my



county, I can tell you, that the Sheriff and I work very closely together. In fact, we worked together until 11:30 last night in Fair Lawn, New Jersey, where Dr. Spock spoke, anticipating perhaps there might be some trouble.

The situation there was well organized and showed a great deal of cooperation, was an excellent bit of cooperation by Fair Lawn itself, together with the Sheriff's Department, my department, State Police were there and F.B.I. Very quiet, nobody tried to pull rank on anybody else.

The Sheriff and I are very, very good personal friends. He's not trying to rank over me, nor do I rank over him, we work together.

MR. LUMBARD: You state that State vs. Winne is very clear to holding what?

THE WITNESS: In holding that the Prosecutor is the chief enforcement officer of the county. I don't think there is any question, in my mind, as far as that interpretation is concerned.

MR. LUMBARD: We had some information that some sheriffs don't agree.

THE WITNESS: Yes, I understand that to be the case. I want to emphasize here, that Sheriff Job and I work together and we work together a

hundred percent, not 99 and nine one-hundredths percent, but one hundred percent. He happens to be a very fine individual and we have absolutely no trouble.

MR. LUMBARD: Do you think it would be important to have clarification of this apparent diffusion, whatever is the clear lesion you say of State vs. Winne?

THE WITNESS: It would be important to have clarification if there are people who are contending that it isn't so. I think if a lawyer reads State vs. Winne, there should be no question about it. However, if there is some confusion in the minds of others, why not have it cleared up.

MR. LUMBARD: What are the advantages of having it clear that the Prosecutor is the chief law enforcement officer of the county?

THE WITNESS: The only advantage is that the other would know. The Court spoke specifically on that question and answered the question.

MR. LUMBARD: Why should it be that the Prosecutor is the chief law enforcement officer, rather than, say, the Sheriff?

THE WITNESS: Someone has to be the chief law enforcement officer of the county; someone has to



assume the primary responsibility; someone has to call the Chiefs of Police into meetings, seminars, for the purpose of explaining Mapp vs. Ohio or the Wade case or something else, and we do that regularly; someone has to be in a position to write a letter, for example, to a police department, notifying them of the fact that -- I believe you heard that there is some rumor about some gambling.

I recently wrote a letter of that kind. It's only the chief law enforcement officer who can write that kind of a letter, and, I might say, you might be interested in the last paragraph of the letter. It says, "It is my unshakable opinion that no gambling can exist in any community for an extended period of time unless there is corruption of law enforcement officers."

That is the last paragraph of the letter. So, I mean, how could I possibly write that kind of a strong letter unless I considered myself in a position to be the chief law enforcement officer. I'm not trying to usurp anybody's powers. I read State vs. Winne. I realize this obligation and I try to fulfill it. I fulfill it in a sense as I would any other obligation. I'm not here to wave a flag about

Bergen County, but we cooperate in Bergen County.

During the Englewood disturbance -- we don't call it a riot, because it didn't reach that proportion, I don't believe -- there were 33 departments in Bergen County who all contributed men and equipment, and I think it's fair to say that we were not criticized by anyone with respect to the manner in which that particular disturbance was handled. The only possible slight criticism I heard, that we were overmanned. Well, you know, everybody has 20/20 hindsight. You don't know how many men you really need. We had over 300 men available and they were there.

So anytime there is a call for personnel in Bergen County by me, I have absolutely no trouble in getting the kind of cooperation that is necessary to cope with the problem, and I have 70 communities, 70 different police departments, where we're kind of unique in New Jersey, maybe United States, I don't know. We have 70 separate, distinct police departments in Bergen County.

MR. LUMBARD: Ranging in what size?

THE WITNESS: They're all different sizes, from Teterboro, and I think now they have a second man, I think they hired another man -- for many years there was only one man, a chief.

MR. LUMBARD: Do you really think  
a police department that size/<sup>is</sup> functional?

THE WITNESS: No, absolutely not. I mean,  
the man earns his pay, the chief earns his pay. You  
see, what happened in that town, was that he was not  
the only man involved in law enforcement. The County  
Police Department covered.

MR. LUMBARD: Well, that is what I would like  
to get at, if I may. You have described 70 police  
departments ranging from one or two.

THE WITNESS: Actually 71, because you have  
the Bergen County Police Department.

MR. LUMBARD: Ranging from one or two in  
Teterboro, up to -- what is the largest?

THE WITNESS: The largest town in the county  
is Teaneck.

MR. LUMBARD: How many do they have?

THE WITNESS: Maybe 70. About 70. Paramus  
is about 60, 70.

MR. LUMBARD: We had Chief Fitzpatrick here  
last week. He told us somewhere in the mid seventies.

THE WITNESS: Right.

MR. LUMBARD: And then your county department,  
which is around a hundred, I gather?

THE WITNESS: Yes.

MR. LUMBARD: And then you have a Sheriff's Department?

THE WITNESS: Yes.

MR. LUMBARD: Then you have a Prosecutor's office squad of the size you described, 17 and six, within the office, plus 15 borrowed, was the phrase you used.

THE WITNESS: I used borrow for want of a better term. They're there, they have been there for a year.

MR. LUMBARD: What I'm getting at, is this really functional or could it be better, could it be stronger, could it provide more specialized services, could there be a realignment that would be useful to the public?

THE WITNESS: I suppose anything can be improved, but I can only speak from my own experience. I don't know what experiences other prosecutors had in their county. I can speak from the viewpoint of Bergen County. Even though it might seem kind of ridiculous where we have all these police departments, I can understand where someone would come to that conclusion immediately, but all I can say is, again, it depends on the personnel involved, the willingness

for people to cooperate and to consolidate services to exchange information, to communicate, and, of course, for someone to follow the lead of the person who is responsible.

I have had over the past almost 14 years absolutely no problem, I mean no problem, with any department at all. If they have a serious case and they need my assistance, they can call me at any time. They have been told this. They call me at 4 o'clock, 5 o'clock, they call me at 7 o'clock, 1 o'clock in the morning, it makes no difference. If they have a serious investigation going on, where they need our assistance, we send our men, because our men in our department have gone to special schools and have specialized -- I have squads. I have the Homicide Squad. I have the Narcotics Squads. They are large squads, as I see, compared with other communities, and I have a Gambling Squad, and the Arson Squad. These people have gone to specialized schools and they have been trained because of the experience they have been able to obtain from the actual doing of the work and they are the people who go into the towns and assist when any assistance is needed.



MR. LUMBARD: Well, there are various alternatives to any sort of amalgamation of presentation, as I am sure you are aware.

The present Crime Commission has a recommendation for what I call either consolidation or pooling <sup>of services,</sup> /pooling being a word much used in California, on the West Coast. I don't know if it is used in Bergen County. <sup>is that</sup> The essence /communities might merge <sup>one</sup> into various services <sup>into</sup> /stronger entity. Are you familiar with that?

THE WITNESS: Yes, I am familiar with that, and we have had some talks about consolidation. There has been a lot of talk about that.

MR. LUMBARD: A very sensitive subject.

THE WITNESS: You're talking about the sacred cow. You have to be practical about the thing. If it could be done easily, we could talk about it very easily. You can see how we can do this. You have a setup where they have Lieutenants in Puerto Rico, and I understand they have a fine system, every police officer is a State Police, State Trooper, and different Lieutenants in charge of various towns.

What is the use in talking about that, if it is not going to happen. In my honest opinion, it is not going to happen, and I have been in New Jersey

since Lincoln's second administration. I know something about the climate, I know something about home rule. I was the Mayor of my community for three terms, and I'm close to the people. I speak a great deal, but I think that's another one of my responsibilities. I got to go and tell the people what I think and let them cross-examine me. I really don't think this is going to happen. It is just not going to happen, not in my lifetime.

MR. LUMBARD: I am not trying to say it will or won't, but I only suggest one example to you, which is Suffolk County, <sup>at</sup> the end of Long Island, <sup>and that this county</sup> has many <sup>to yours</sup> analogies/ in terms of community. It didn't have 70 police departments, but a large number. Starting around 1958 and working over the years, it did work into a county-wide police department, it did manage to solve all the problems of egos, even to the extent of making all chiefs inspectors, but they did solve all the problems you're talking about, and I think it is the unanimous view, if I report this to you, of the government authorities out there, that this has been a most salutary undertaking.

THE WITNESS: It could very well be.

MR. LUMBARD: And vastly improved the public protection.

THE WITNESS: It could very well be, but from my own knowledge, I don't profess to be an expert, you people are far more expertise than I am, but I don't see this happening.

MR. LUMBARD: One of the things that was brought to the attention of the Committee on the very first day, was some testimony by Attorney General Sills, to the effect that in New Jersey there was something over 12,000 police officers and some 429 police chiefs.

THE WITNESS: That's right.

MR. LUMBARD: A very extraordinary ratio.

THE WITNESS: That is true. Again, I must tell you, I have to go with Bergen County. I know in Bergen County I can say to the Police Chief in this town, you are responsible for the enforcement of the law in that community, whether it be Teaneck, the largest, or Teterboro, the smallest, or those in between. We have all different shapes and sizes in Bergen County.

So the responsibility is pinpointed, as far as I'm concerned, right then and there on that particular person. And the government -- by government, I'm talking about the Police Department -- is very close to the people in the communities of Bergen County, which, to me, is very, very important. They talk

about the long arm or the short arm of the law in Bergen County. The people know their police officers. They know where they are good, bad, or indifferent.

It seems to me that is a very important factor. I didn't study this Suffolk County system. We did a survey of Nassau County some time ago. They have approximately the same thing as Suffolk County.

MR. LUMBARD: A little different.

THE WITNESS: That is what I say, approximately. We have found the cost is about two and a half times what the cost is in Bergen, their budget is two and a half times larger than ours, even though they only have about a half million more people in Nassau County.

MR. LUMBARD: You can interpret that to mean that Bergen County may be underpoliced.

THE WITNESS: You can interpret it any way if you want to, but I think we have to go by the performance, you know, the crime rate, the number of indictments, the number of convictions, and what-not, and I don't believe Bergen County suffers by comparison in that respect.

MR. LUMBARD: By the way, do you make an annual report to the public of the work in your office?

THE WITNESS: I make an annual report to the Attorney General.

MR. LUMBARD: Not to be released to the public?

THE WITNESS: It's for the public. I don't put it in the paper, except that the papers pick it up and make their own analysis.

MR. LUMBARD: Do you have a copy of that for 1967, which the Committee could have?

THE WITNESS: Yes. This is the form that's supplied by the Attorney General's office, and we file that form.

MR. LUMBARD: This form becomes part, I gather, of the annual summary that the Attorney General puts out and is -- contains other information, but doesn't contain a narrative analysis, any trends, data, comments, doesn't alert the public as to what you think is any problem or good success. In other words, it doesn't serve the full measure of an annual report in the full meaning.

THE WITNESS: Yes, I get the gist of that question now. All during the course of the year we're forever giving out information respecting crime, thefts, narcotics, what-not. The County paper, The Record, just completed a series on the narcotics problem in the County and obtained all the statistics or most



of the statistics from my office. So you will find that in Bergen County the newspapers keep the public aware of exactly what is going on in the field of law enforcement, very much so, every week.

We had also for a long period of time on the first page the gambling arrests that we made, and we have made many, because I have a great, great deep-rooted antipathy for people involved in that kind of activity, I detest them, and I have concentrated on that, as well as narcotics -- not that I have slipped on the others, but the papers in our County report daily, weekly, with respect to trends and what-not.

Now, as you know, there is a problem of marijuana and that subject was fully, aired by the County paper and also both other papers that are circulated in the County. By the County paper, I mean the one paper that is published in Bergen County.

MR. LUMBARD: Is that a growing problem in Bergen County?

THE WITNESS: Yes, marijuana is.

MR. LUMBARD: What views did you report to the press in Bergen County on that subject?

THE WITNESS: Well, I gave them what my opinion was.

MR. LUMBARD: What is that opinion?

THE WITNESS: Well, my opinion is that we have an ambiguous, distorted value sometime today. I think that we have to get back to one oh cat, two oh cat, three oh cat, ringa-lario values. I am from that era and I guess that is why I talk from that era. I think in times of affluent times, it is a national disgrace that we have this kind of a problem.

I just can't conceive that my father and my mother and people that I knew when I was a young boy would put up with anything like that. My father had cat-like reflexes. He would take his strap off so fast, I didn't know what happened, and that was it.

This is their kind of values today, it's permissive, people experiment.

Of course, you have the added problem that you have educated idiots like O'Leary to receive Ph.D.'s and get on television and proclaim their great thesis about LSD and the other problems,

which I think is a problem in kids experimenting. Kids are impressionable. Somebody like that, we have a man who is a research psychiatrist, paid by County money in Bergen County, thinks marijuana is no worse or no better than alcohol or cigarettes. Kids read this. Papers print this. It is dramatic. It's news, and I think they lean on this kind of situation and experiment.

I think a lot of marijuana smoking has to do with the experimentation of our young men and then they get themselves a little bit more involved. This is the kind of discussion I had with the reporter who asked me a few questions.

Of course, it went on for a long time. I am sure you don't want to hear all my philosophy on that subject.

MR. LUMBARD: One of the ways to look at what effectiveness this system has, whether police courts or prosecutors or institutions or whatever, is to analyze it by category of problem?

THE WITNESS: Yes.

MR. LUMBARD: Could you take three, juvenile delinquency, narcotics, organized crime, as you see them reflected in Bergen County, and the police or prosecutor's office, and work at that problem?

THE WITNESS: As far as juvenile delinquency is concerned, we have, I would say, a slight percentage increase in that particular area. It's not the kind of problem where we have to hold our heads in despair and say, what's happening to the youth of Bergen County.? As a matter of fact, I think it is very, very unfair that the majority of our kids are painted with the same brush. More than 90 percent of our children are very, very good people. They are going to be better citizens than we were, or ever were, I sincerely believe that, and I think it is wrong there should be such stress and publicity to those who wear their hair very long. I don't say that because I'm jealous, but there is this little slight increase in juvenile delinquency in Bergen County.

There isn't the same respect for the law; there isn't the same respect for anything that I knew many, many years ago. I mean, I'm talking about the minority, I'm talking about the people who get themselves involved.

They, for some reason or another, they just weren't taught or maybe they have something wrong with them, they just don't have the respect they should have for their parents, for school teachers,

for law enforcement. It is a lack of respect.

When I was young, I wouldn't dare talk back to an adult. I was taught you had to respect an adult. If somebody was older than you were, you had to say sir. But some of our minority, again, don't feel that way, and they're rebelling, and we're living in a cockeyed world and it is difficult, and I can understand how some of these young people can be confused.

For two thousand years we had made tremendous strides. We can shoot missiles to the moon and take pictures of it. We can watch colored television, but when it comes to the brotherhood of man, we have this problem, and the same God that gave us this intelligence to conceive these devices, is the same God who says, "You only live here a short period of time, will you please have a course in the school from the first grade on teaching you how to get along with each other, so you don't kill each other."

We learned how to shoot and kill better, not live better. But the kids growing up see this world -- I can understand them sometimes saying, "What is this? What is the use?"

I try to tell them, "Don't say what is the



use. You got to have guts in this world, and dope and marijuana don't help you."

MR. LUMBARD: How do you see the juvenile delinquency related in the police and prosecutor's office, such as it is in Bergen County?

THE WITNESS: I don't.

MR. LUMBARD: What kind of cases do you have? What kind of preventive action do you have?

THE WITNESS: Most of the cases that we get involve thievery, that is not only juveniles, but also adults.

In Bergen County we have now many big department stores and a great deal of shoplifting goes on in Bergen County. The people are not all from Bergen County that do this, I want to be fair about this, but the juveniles are involved in that kind of activity and, of course, adults are also involved. That is the most prevalent crime of all, stealing. I guess it has been that way since the beginning.

MR. LUMBARD: Do you have anything you want to report to the Committee of the present laws of New Jersey with respect to juvenile delinquency, whether they should be changed or altered in any

respect?

THE WITNESS: No. And I would be the worst person in this world to make any changes, because, very frankly, I'm very soft on young people. I'm perhaps too soft. I don't think so on narcotic pushers and people like that and bookmakers, but when it comes to kids, they can twist me in all kinds of knots.

I think the system where rehabilitation is the fundamental principle, is a very good system.

As I say, in this world of ours, where it's so difficult to cope with some of the psychological factors that we have today, compared to the days when I was young in New Jersey, especially where I was brought up, was sparsely settled, I can see where you have to show a little bit of understanding and guidance. So I'm not for saying you have to put all juveniles in jail or down in Bordentown or anywhere else. I'm strongly for some method of rehabilitation.

I recognize that perhaps we could do a better job in that area, spend more money in that area, have better facilities and dedicated people who are paid sufficiently.

Some of the salaries that are paid to people

who work in institutions are a disgrace, and I don't see how you can get anybody to do that kind of work.

Except for that, I'm not for changing laws which make juvenile delinquency a crime.

I do say, and say this now, if a person is over the age of 15 and is a repeater, as far as juvenile delinquency is concerned, I don't see any reason why his name shouldn't be given to the newspapers, and newspapers should print it. I'm talking about serious crimes, not malicious mischief.

MR. LUMBARD: ~~Excuse me~~, what is the problem as you see it in Bergen County, through your office and the police departments that work with you in the field of narcotics?

THE WITNESS: I see that the use of marijuana is increasing, from a personal standpoint, at a fast rate. For example, this has to do, I suppose with the fact that the squad is working maybe harder, but in 1967 we had 302 narcotic arrests in Bergen County. Now, to date, this is January, February and March, I have this figure -- I just want to be sure -- approximately 60 arrests up to this particular time, and divided almost equally between marijuana and heroin. So we do have a problem.

MR. LUMBARD: Do you have the use of heroin on the rise or stabilized?

THE WITNESS: Heroin is not on the rise to the same extent as marijuana.

MR. LUMBARD: Is it on the rise at all?

THE WITNESS: Slightly, I would say, on the rise. They're experimenting. Now they have this Speedo business. Marijuana seems to be more readily available, and that's the main problem.

I'm of the opinion that this is a very serious problem, because while so-called experts say it's not so, I find from my own experience, from my own statistics, that people do go from marijuana to the harder drugs. I don't say all of them, but I say there is a percentage of them that do, and it's over 50 percent, as far as I'm concerned, so it's a serious problem.

MR. LUMBARD: Do you have any recommendations to the Committee with respect to the area of narcotics and dangerous drugs?

THE WITNESS: The Senate passed a bill the other day, which I think is going to be helpful, I hope. It's a mandatory sentence bill. Ordinarily, I'm not for mandatory sentences, except in two areas, and these would be the two areas. I guess I'm saying that because of the deep feeling I have

because of narcotics and gambling. I think it should be mandatory in those two areas.

The problem of narcotics, in my opinion, can only be solved -- this may sound like an over-simplification -- by the change in values. It's a question of what kind of a world these young people of ours want to live in. They're going to be the leaders of tomorrow. There is no question about that. That is not a Fourth of July oratory. That is a fact. The question is, what kind of world is this that they want. So they do have a stake in determining what is going to be done.

I'm talking about the high school kids and the college kids. So it is a question of making an evaluation of what this drug business is all about and why, why it is necessary. Why do people have to go for narcotics? It has to be an educational problem. The teachers have to get involved, and in Bergen County we are involved.

I may say, in Bergen County, by reason of a Grand Jury presentation, we have a Bergen County Narcotics and Drug Abuse Squad that is doing an excellent job, and all the departments cooperate, and we have regular meetings and set up a system



of speaking engagements.

People from my office are speaking all over the County. I'm speaking all the time on this particular subject. I think education is very, very important in this area. Without education, we're not going to solve this particular problem, and this has to be a concerted effort by those in law enforcement, because when I go to speak to high school people, I'm playing cops and robbers as far as they're concerned.

I think you have to get the medical profession involved, and in Bergen County we have the medical profession involved. We had a seminar only about a month ago, set up by the Drugs & Narcotics Bureau Council, where Dr. Baide and a man by the name of Levine, who was with the Federal Bureau of Narcotics, gave a lot of talks and answered a lot of questions, and one man came up to me and said, "I been a doctor 40 years, I didn't know anything about this."

That is true of all doctors. A doctor has to get involved. A doctor tells a young person, "Listen, this is going to happen to you," it is going to have more of an impact than my telling it. He figures this fellow doesn't want to work too hard. He figures

not too much narcotics, he can sleep nights.

You reach doctors, you reach teachers, you reach young people themselves, to decide what <sup>role</sup> they're going to play in this.

I'm not asking them to be informers or anything like that, although there is nothing wrong with that kind of a request, because you're either on the side of the law or not. It seems to me that they too have a very important stake in the world of tomorrow, and the way things are going, it looks like a cockeyed place to me, and I'd be the first person to the moon, to see what's up there, although I would take a round trip ticket, because it may be worse than this.

So it will have to be a concerted effort by all responsible people, and I want to say that there isn't sufficient awareness. I think the awareness is coming. I think it's coming, but for some time while this thing is taking hold, the public itself was not as aware as it should have been, and in our system, in our Democratic system, nothing can happen of any tragic consequences when the public is behind something.

So what we have to do is make the public aware of the cancerous proportions and the dimensions of this particular problem, and in this way I think we can be helped, because everybody will join. We can't do it alone, I can tell you, it can't be done.

MR. LUMBARD: Now, let's turn to organized crime. Same question, what is the nature of the problem and what can the Committee do to assist the police and prosecutors.

THE WITNESS: I feel very strongly about organized crime. Organized crime could not exist without official corruption, and I'm talking about elected officials and police, it couldn't exist. That, combined with apathy and indifference on the part of the public, is what permits organized crime to continue. There couldn't be organized crime, except for those factors, and I feel very strongly about that. I don't profess to be a genius, but I have been in this <sup>profession</sup> /almost 14 years, and I feel very strongly about that.

These people don't want to do any business any place where they're going to be harassed, and, therefore, again, you have to have awareness on the part of the public. If the public didn't really

want organized crime to the extent that they would do something about it, voice their opinion, then this too could be remedied.

I don't say you can wipe it out, because you will never have a perfect society, but it wouldn't have the dimensions it has today.

In Bergen County we have about 44 or 45 people who are persons in the Mafia, Casa Nostra, and I can tell you that from my investigation, surveillances, and I can't go into that phase how I know, they are not operating in Bergen County. They have a saying that I can't put on the record, about not operating where you live, but they don't, and I might say this, the FBI and I work very closely together in Bergen County. I have no problems with them and they have no problems with me, and any information that I have, they can have, and I have received valuable information from the FBI.

You probably will call somebody from the FBI to testify on organized crime.

MR. LUMBARD: They don't testify in public.

THE WITNESS: Then in private you should probably get them and you could ask them about the 44 or 45 people who live in Bergen County, and

I think they'll tell you, they're not operating in Bergen County. I can tell you that I know where they go, but I rather not do that in public, unless I'm charged.

MR. LUMBARD: You mean they're living in your County and operating elsewhere?

THE WITNESS: They're operating elsewhere. They play golf in my County.

MR. LUMBARD: From your experience, which I gather has been extensive do you think it would be advisable or useful to you and to other law enforcement officials for the Legislature to pass a statute authorizing electronic surveillance under strict court standards?

THE WITNESS: Yes, sir, I definitely do.

MR. LUMBARD: Could you spell it out a little bit?

THE WITNESS: I'm opposed to it and it is so repugnant to me that anybody should be listening on my phone, so I'm against this evasion of privacy on anybody in the whole world, but I must say, wire-tapping and eavesdropping under proper supervision

and control, I don't say that every Tom, Dick and Harry that goes to the Court and files a piece of paper and wants to tape his phone should get it, I'm saying, you can make it strict, so that only the Assignment Judge of the County could be permitted to authorize a tap, after an affidavit has been presented, just as in the case of a search, and it can only be obtained by the Prosecutor of the County, or you could name any other individual, although since the Winne case may the Prosecutor the chief law enforcement officer, I think he would have that responsibility too. I think that would be helpful.

Other people are tapping our phones. It seems ridiculous. We can't do anything about it. You have to fight fire with fire in this business.

I hate to see anything like this invade anybody's privacy, and anything that can be done by the Legislature to put the safeguards around that kind of a law, I would be completely in favor of.

MR. LUMBARD: Have you had your office phone tapped or local police tapped by organized crime?

THE WITNESS: All I can tell you, in more than several cases when we prepared to make raids and we got there, the phones were torn off the

walls and there was nobody there. So someone must have given some information somewhere, and we made it a practice that only certain individuals in the office are given the information, and I don't know how that information could have gotten out.

I trust the people I give this information to with my life, one of them being Captain Kirkerk. When we got there, they weren't there. So somebody who knew something -- and on Judgment Day maybe I'll find out who told or who tapped -- to this day, I don't know. So I have a very strong suspicion that this goes on, and I have other reasons that I will be glad to discuss with you in private, on that basis, too.

MR. LUMBARD: Do you think it will be useful in fighting organized crime or the narcotics traffic or perhaps some other instance as well, or the Legislature to pass a witness immunity Statute?

THE WITNESS: Yes, I do.

MR. LUMBARD: Spell that out, please.

THE WITNESS: It makes it very difficult, because you know a witness will give you information, providing the witness isn't indicted, and there is no way I can say to the witness -- well, there is a way, it's been done, but they have to

trust me. I will say to the Grand Jury, if you indict this fellow, we have no witness, we have no case, and this is the way it is done in the practical kind of way, but there is no law that permits this. So there are times when a person would be willing to or should be compelled to testify, and if given immunity,<sup>it</sup> would be very, very helpful, especially in the area that you're talking about, organized crime and narcotics.

MR. LUMBARD: Do you have any other suggestions on those subjects for the Committee?

THE WITNESS: I think there should be a mandatory sentence for anyone involved in gambling activities.

MR. LUMBARD: Would you spell that out, please.

THE WITNESS: You see, the people who are involved in bookmaking, if they're charged -- if a fine is imposed, that is a license fee. It may be a large license fee, but it is a license fee, and they're going to get that money back some way, by continuing to operate.

It seems to me, the fines should be increased and <sup>these</sup> should be a mandatory sentence, even for the first offender. I'm not ordinarily for this type of sentence, because I think the Judge should be



given discretion with everybody, but we're talking about a certain specific breed of animal, and when you're talking about a bookmaker, you're not talking about a psychopath, somebody whose mother dropped him on the head when he was a baby. You're not talking about a person I brought back myself, I brought back from Puerto Rico, whose mother died when he was three years old, father a drunkard, grandmother tried to raise him, and shipped him to New York to an uncle, that this uncle didn't want him. You're talking about a person who deliberately sits down and schemes in his mind how he is going to become a parasite and panders to the basic weakness of people, and this is a lot different from the ordinary type of an individual, and I think if somebody can deliberately sit down and decide I'm going to violate this law and become a bookmaker and he makes money on it and bribe if he has bribe, he can find somebody that will take it, and not bother too much, this kind of activity should be subject, in my opinion, to mandatory sentences.

This is the only answer they know. Money isn't going to be that much. Of course, if you make the fine \$50,000, that is different. But, of

course, the Legislature would think I'm an idiot if I made that kind of suggestion. I think if the fines are higher and the sentences mandatory, this is the way you fight this kind of operation, and the only thing they don't like is jail.

Money, they can make money, but jail is something different. This is my recommendation as far as that is concerned.

MR. LUMBARD: Now, the Attorney General has made a proposal in his testimony before the Committee that there be a new kind of statewide Grand Jury, which he would service in the fashion of prosecutor, I gather. Do you have any comment on that?

THE WITNESS: I don't think there would be anything wrong with that kind of Grand Jury, especially if that kind of Grand Jury would investigate organized gambling or problems that affect a region of the State, no problem with me. Might be an improvement, and that Grand Jury, I hope, would be like every other Grand Jury, present to the public certain issues.

For example, the Bergen County Grand Jury, the Legislative knows, has been very active in the field of presentments in the field of traffic

safety. A very long session of the Grand Jury and the presentment, I think, has borne some truth, that after a hundred years, they're putting a center island down Route 17, after this presentation.

I think that had something to do with it. I think the Grand Jury requested this Narcotics and Drug Abuse Council.

This Grand Jury, being dedicated, would respond if someone talked to them about a problem, they want to learn and they want to be of service. I'm an advocate, a strong advocate of the Grand Jury system.

MR LUMBARD: Do you have any other recommendations you want to give the Committee about the system of administering criminal justice in New Jersey?

By the way,, may I add, before you say that, if you have any other records or reports you want to give the Committee that would enable us to make a study of what is going on in your office, we'll be very grateful.

THE WITNESS: I have many documents here, but I'm very poor at referring at documents. I have to talk from the top of my head, and even when I look at the numbers, I can't see them.

It seems to me that we ought to think very seriously about the importance of the police officers in our society. It's been too many years that there has been" he's only a cop'kind of attitude. There has been an improvement in salaries and working conditions and what-not, and it seems to me that the police themselves have a responsibility to project a clear image for themselves, but it seems that the Legislature and the public should also realize that these people are very, very important people, and that the kind of person appointed to that kind of job should be qualified and trained, not only educationally, but also psychologically, and I think every single person who makes an application to become a police officer, whether it be in Teterboro, a one-man police force, or in the larger cities in the State, should be psychologically tested to be determined that he is psychologically fit for this job.

I don't say that in criticism of the police officers that are around. I just say that it requires that kind of a test, because it's that kind of a job. It isn't sufficient that you can pass a Civil Service test.

I want to know that, for example, whether this person realizes that he is not going to be making \$25,000 a year in this job; he's going to have some job sending his children to college under those circumstances, because the salaries aren't that much; why does this man want to be a police officer, and I want to be sure the factor of honesty is involved here.

You can give me a person who can get a hundred percent on the Civil Service test, but I rather have a fellow who gets 70 percent and is a man of integrity. This to me is an important factor, and I think the psychological testing -- and this is not something I say now, because our Grand Jury, again, some years ago handed up a presentment to the Assignment Judge, making that kind of suggestion, and some of the towns in Bergen County have followed that suggestion. So I think this is a necessary thing.

I think it should be an upgrading of police officers in that they should be properly trained. In Bergen County we have an academy. That is part of our work in the Prosecutor's office. I say, we have the Assistant Prosecutors on full time. Part of their time is to teach at the academy, training,

education, having them realize, and I harp on this all the time -- the State Troopers who are here have heard me a thousand times -- you can be a good cop without being a bully. You don't have to be a tough cop. Kindness doesn't cost anything.

The police themselves are going to have to completely project that kind of image, but we have to have the understanding on the part of the Legislatures and the public, that we're trying to do the job in the midst of crises. We're living in times of great stress and pressure, and police departments and policemen do very, very important work, and they should be compensated for that kind of work, and some of them frankly aren't. They don't get paid enough money, and you can't attract people into the police department if you don't pay them a sufficient amount of money. It is as simple as that.

THE CHAIRMAN: Mr. Prosecutor, just a couple of questions. Director Spina recommended that the probationary period for a new police officer should be extended to a year. Under our laws now, I believe, it is 90 days. Would you think this would be helpful?

THE WITNESS: Yes, it would.

THE CHAIRMAN: In finding the men most fit for this work?

THE WITNESS: Yes. I do think that would help, although I can conceive that someone could mind his P's and Q's for a whole year, but at least it will give you a whole extended period of time to make a more complete analysis of the qualifications, the attitude, and all the other factors necessary to make a police officer.

A police officer has to be a certain type of individual. He has to have an awful lot of common sense and has to be devoted and dedicated and can't be hasty and all these factors are important.

THE CHAIRMAN: We have had testimony that certain forms, <sup>of gambling</sup> without specifics, should be legalized. How would you react to that?

THE WITNESS: I would react very violently to that. Legalized gambling, legalized bookmaking is not going to eliminate a bookmaker. Anybody that has tried to cope with this problem realizes that the credit system in bookmaking is very important. It's as important as in Alexander's or Macy's or anywhere else, in a credit card society. This is very true in gambling.

I may be a \$50 a week credit gambler, and he may be \$200, and you people may be \$300.

THE CHAIRMAN: \$10.

THE WITNESS: Whatever it may be, but everyone has a certain credit with the bookmaker. You don't pay the day you make the bet. You settle up at the end of the week when you get paid.

Now, you can't do that with legalized gambling. You go there with legalized gambling, you put your money on the table and you get your ticket. This is a very important factor, especially the way we're oriented with credit.

Besides, I'm sure, if you try to legalize gambling, that if the odds were 20 to one at the track, the off-track bookmaker would give you 21 to 22 to one and give you purple stamps, and I don't think that legalized gambling is going to eliminate the bookmaker and organized crime.

THE CHAIRMAN: Thank you. Senator DuMont.

SENATOR DUMONT: The psychological testing you're talking about, Mr. Prosecutor, you do this at the Bergen County Police Training Academy?

THE WITNESS: No. You see, I don't have any authority to say to a municipality you have to test this man. All I can do is what I did, discuss this with the Grand Jury and say, 'Don't you think, under



the circumstances, that before a police officer is appointed, you should see if he is psychologically fit for the job?"

And then we have home rule. Now, Rutherford is doing it and East Rutherford. So there are towns that have taken up this suggestion and are doing it. I can't compel anyone to do it.

SENATOR DUMONT: The Board of Freeholders operate the Police Academy?

THE WITNESS: Yes, they do.

SENATOR DUMONT: Last week when Chief Fitzpatrick of Teaneck was here, he indicated that a salary spread in Teaneck was not very good, despite the fact that it is considered a wealthy community.

Is this true throughout the communities in Bergen County?

THE WITNESS: There is a disparity in starting and maximum salaries in Bergen County. I have them all here, if the Committee would want me to give you a complete list, of all the municipalities, the minimum and maximum. They're going up. The maximum is increasing, and the minimum is increasing, and I think that the lead that we have taken in our office has helped a great deal.

Here is an average. The average is \$5800 to

\$7,000 is low, and we have a range of \$6,500 to \$8,850 is high. The highest \$5,800 to \$7,000 is the lowest of the towns, and \$6,500 to \$8,850 is the highest.

Now, in my office the detective's maximum is \$9,700, and we just spoke -- we had a conference with the Sheriff and the County Police Chiefs, with the Freeholders, and we are setting up a system whereby -- it goes into four steps. So we're going to have a fifth and sixth step on merit basis, so it will be \$10,300 to \$10,900.

Now, \$10,900 for a detective is not bad pay. You would expect that particular detective to really produce.

In fact, \$9,700 is a lot better than when I first got the job, when the minimum was \$3,500. That was some years ago. I am not claiming any great deed there, but there has to be an increase in salaries. There has to be, in my opinion, merit increases.

How do you keep someone from going to play politics in a police department and give them a raise when they don't deserve it?

Again, we get in the police department the kind of people that can do the job, impartially

and fairly.

SENATOR DUMONT: Do you have any problems with recruiting in your office?

THE WITNESS: No. I have a problem with too many people asking to become members of my staff. I don't have a full complement in accordance with the statute. I can have 34 detectives and 34 investigators, but, as I said in the beginning, I borrowed and I put that in quotations, borrowed men from the Bergen County Police Department, because there are men in there I can train quickly. I rather do that, because, otherwise, I would have to put more men on and the budget would be higher, and I don't think it would be necessary and these people do an excellent job.

SENATOR DUMONT: Chief Fitzpatrick, he would favor lowering the recruiting age to 20 years, rather than raising on the other end.

THE WITNESS: I don't agree with that. I think 20 years is kind of young. Depends where he puts them. If he puts them in the office, to do clerical work and draw complaints and things like

that, all right, but to put someone on the road to cope with some of the serious problems that we have and the dangers that are involved -- you hit me quickly with that question, and right offhand I think -- you have to be a mature person.

Now, if the psychological testing people say this man <sup>is mature</sup> -- and some people are more mature at 20 years of age than 60 -- then there is no problem. You're looking for people with maturity, common sense.

I have found in my experience that you can be a Ph.D. and have no common sense. So I look for people with common sense, who can make valid judgments, rather than other people who can have all kinds of degrees -- not that it is not good, because the most important investment in the world is education.

SENATOR DUMONT: Would you, in view of your answer about gambling, would you also be opposed to a statewide lottery or off-track betting?

THE WITNESS: Yes, I would. And here comes my prejudice. I warned you before I say it, I think there are better ways and fairer ways of raising money, rather than through this gambling

lotteries and things of that kind.

THE CHAIRMAN: Thank you. Senator Rinaldi.

ASSEMBLYMAN RINALDI: Prosecutor, you talked about the increased amount of education which should be brought about in school to help combat drug addiction. What form of education is there in the Bergen County school system with this? Are specific problems implemented in the schools which formally bring to the student's attention the problems of narcotics and addiction?

THE WITNESS: Yes. We have a problem which has been spearheaded by the Narcotics & Drug Abuse Council, where qualified people, for example, Dr. Lubell, considered an expert in the area of narcotics, would take a group of teachers and hold seminars, speak to them and try to indoctrinate them and let them know what this is all about. It is a very difficult task.

You have to be very careful that the teacher, or in my particular case, you don't whet the appetite of the person or make the person a little more inquisitive than before. This is a very difficult job. It seems to me that teachers have an affinity with the students or anyone else, and if they are

taught properly and are given the proper statistics and proper information with respect to the damages of marijuana, and not told that there is nothing wrong with it, then perhaps students can be educated to the dangers of experimentation.

This is what the teachers are being told in seminars and study-ins, whatever they call it. This is what is being done in Bergen County.

ASSEMBLYMAN RINALDI: Does the formal part of the instructions stop right there at the teacher level or is there a regular formalized curriculum, whereby it is assimilated by the teachers to the students, which has been presented by Senator McDermott? He's of the opinion that the Department of Education should somehow implement the whole program of narcotics, and the government has seen the wisdom.

We're getting over to the problem of education and law enforcement. Does it go beyond the power of the teachers?

THE WITNESS: In our county?

ASSEMBLYMAN RINALDI: Yes.

THE WITNESS: Yes, it has.

ASSEMBLYMAN RINALDI: Is every high school student in Bergen County formally exposed to some kind of education about the narcotics problem?

THE WITNESS: Not yet, but since the establishment of the Narcotics & Drug Abuse Council and this cooperation with all of the departments that I spoke about before, there has been now a start in that direction, but every school child doesn't get the education.

ASSEMBLYMAN RINALDI: Would you recommend it?

THE WITNESS: Yes, I would, absolutely, but I would also recommend that the course of instruction to the teachers be such and that care be given to the choice of the particular teacher who is going to be teaching it, because I don't mean to say this disparagingly, some people can impart knowledge better than others.

I had some professors in college that were up in orbit some place, they were talking to somebody else, not me, but they were brilliant people. They just didn't have, in my opinion, the ability to impart the knowledge. This is a very serious subject.

You have to get the kind of teacher who has, first, the respect of the student body and their teachers, and then the teacher has to know his or her subject very, very thoroughly, because, in my opinion, speaking in school they ask piercing questions. They want to know specifically what the answer is.

Our children are well trained and intelligent and alert, and they want to know about marijuana. They want to know all about it, how many people have you arrested on the road that killed somebody that are under the influence of marijuana as compared to alcohol. So the teacher has to be well trained. She should be told the kind of questions that will be asked of them, because, after awhile, it becomes a real test, and the questions are very pertinent.

ASSEMBLYMAN RINALDI: One last question, Mr. Prosecutor. With respect to the question of mandatory sentencing in the area of gambling, <sup>about</sup> which you feel quite strongly, both with respect to increased fine and jail sentences, do you have any recommendations as to what type of sentence you would care to see the legislative bring about? First in the area of jail confinement.

THE WITNESS: I don't think --



ASSEMBLYMAN RINALDI: As a first offender.

THE WITNESS: First offender, one year.

ASSEMBLYMAN RINALDI: What would you suggest for a second offender?

THE WITNESS: Three years.

ASSEMBLYMAN RINALDI: Would you suggest anything in the way of fines for the first offender?

THE WITNESS: Yes, I think the fine should be raised from the \$1,000 that it is now to \$5,000.

ASSEMBLYMAN RINALDI: Do you have any suggestions or recommendations with respect to mandatory sentences in the area of narcotics, pushers, the first offender who is not an addict, a narcotics pusher, who is pushing not to feed his habit, but let's say pushing to somebody under the age of 18?

THE WITNESS: He's not an addict?

ASSEMBLYMAN RINALDI: Not an addict, hard core addict. He's caught selling to someone under the age of 15.

THE WITNESS: Go to jail a hundred years.

ASSEMBLYMAN RINALDI: That might be hard. What would you recommend, seriously, as a sentence?

THE WITNESS: A person that you have just

described, in my opinion, should not serve less than, serve, I'm not talking about -- when we talk about one year, that means three months. That is the problem. People sometimes go to jail for a year and you get a report that they are on parole or they are eligible for parole in three months. A person like that should serve not less than five years in jail. Anyone who sells to a minor should not serve less than five years, as far as I'm concerned, if the Legislature says he should go to jail.

Excuse me. May I just revise a figure I gave you before? The arrests in Bergen County to the end of March, for this year, were 115, compared to 302 last year.

MR. LUMBARD: You said 60 before.

THE WITNESS: Yes, excuse me.

ASSEMBLYMAN RINALDI: You wouldn't recommend the same mandatory sentence for the person whether he is on marijuana or heroin?

THE WITNESS: Yes, I would. From the information that I have tried to obtain, I think qualified people in the field -- Dr. Neathmidst, from St. Dismas in Paterson, <sup>who</sup> ~~lectured~~, has been working 18 years on this, <sup>gave a lecture</sup> ~~and he claims that the use of~~ marijuana <sup>who</sup> ~~not a person~~ /smokes marijuana for a year, but/ <sup>who</sup> ~~first~~ by

smokes marijuana, the first cigarette and second,  
suffers destruction/<sup>of</sup>chromosomes.

This is his claim. This is not a man that wants  
to make a lot of money. He is a dedicated scientist  
that works for Monsignor Wahl, at the  
rehabilitation/<sup>Center</sup>in Paterson.

There are other studies. You can discount  
them if you want to, but there are other studies  
that marijuana is an unpredictable kind of drug,  
destructive. No one knows how someone is going to  
react to marijuana.

When you are talking about marijuana, you are  
not only talking of the kind of garbage sold today,  
you are talking about hashish, which is also  
marijuana, ten timesmore powerful than the stuff  
sold around.

So~~when we cover~~a particular subject matter like  
marijuana, you are covering all the different purities  
of marijuana. Marijuana can be a very dangerous and  
is a very dangerous kind of drug, drug in parentheses,  
because I understand it is not considered a drug,  
but included in the drug law here in New Jersey.

It's regrettable that over a period of so many

years that marijuana has been smoked throughout the world, that there hasn't been a much clearer picture which has been projected by the medical people. As I said before, we can say anything we want, and people might think, you know, who's he, a prosecutor, he sends people to the electric chair. It is the medical profession<sup>which</sup> has to come out with the clarity that is required to indicate what is good, bad, or indifferent about this.

As I said before, we have a person on the County payroll who says it is no worse than alcohol. But then if you read the studies and dig deep enough, you will find many, many people more qualified than this individual, who will tell you that there have been studies made in jails, hospitals, other places that indicate this is a dangerous drug.

ASSEMBLYMAN THOMAS: Do you think a Prosecutor should be elected or do you consider the present system of appointment --

THE WITNESS: If you are going to elect them, you are going to get them involved in politics. You cannot get elected without politics. The Sheriff is that kind of situation. He has to run for election. You have to go around shaking

hands and asking for campaign contributions and what-not, you're involved in politics. I don't think they should be elected.

ASSEMBLYMAN THOMAS: Do you think the Sheriff should be elected?

THE WITNESS: No. I think all important officials like that should be appointed, in my opinion.

ASSEMBLYMAN THOMAS: You testified that you got about 44 or 45 members of the Mafia who commute in your community?

THE WITNESS: Yes.

ASSEMBLYMAN THOMAS: Have you been able to determine to where they commute?

THE WITNESS: Yes, sir.

ASSEMBLYMAN THOMAS: I'm asking, do you know where they go?

THE WITNESS: Yes, sir, I do.

ASSEMBLYMAN THOMAS: Is that within New Jersey?

THE WITNESS: No.

ASSEMBLYMAN THOMAS: It's not within New Jersey?

THE WITNESS: Sometimes in New Jersey, to

golf places and places like that.

ASSEMBLYMAN THOMAS: I mean to work.

THE WITNESS: We're getting to a -- some of them are within New Jersey, but most of them not.

ASSEMBLYMAN THOMAS: Do you have that information, that they are operating in New Jersey --

THE WITNESS: No, no. I don't know of any operation now in New Jersey. I don't know of any. You're talking about commuting. They will go some place in New Jersey, and I know of no specific person in Bergen County, of that list that I have, that is operating in New Jersey. I don't know of any such person.

Now, maybe FBI --

ASSEMBLYMAN THOMAS: I thought you testified that they live there, but work elsewhere, that criminal operation.

THE WITNESS: Whatever that operation might be, it certainly is not anything -- and I can't follow them into a particular place. Now, if in private, I will tell you what I have done to ascertain what I'm telling you now. I don't think it's proper for me to tell you in public how I got this information.

ASSEMBLYMAN THOMAS: I'm not asking you that.

But do you know whether or not they operate in New Jersey?

THE WITNESS: No, not the 44 or 45 people that I have mentioned.

ASSEMBLYMAN THOMAS: All right.

THE CHAIRMAN: Just one more question, Mr. Prosecutor.

We have had considerable testimony in the past week about Municipal Courts, that we should consolidate them, that something should happen, that our Municipal Court system isn't what we should have. Do you have any reaction to that?

THE WITNESS: I agree with the Chief Justice. When I go back to Bergen County, I'm going to get killed, but I agree with the Chief Justice.

THE CHAIRMAN: Thank you. Any other questions.

(No response.)

THE CHAIRMAN: Thank you very much, Mr. Prosecutor. We'll take a 15 minute break.

(Whereupon, a short recess was taken.)

THE CHAIRMAN: I call the hearing back to order, and our next witness is Mr. Granite. Would you identify yourself for the record, and then I would like to swear you in.

MR. GRANITE: My name is Alvin E. Granite.

I'm the Prosecutor of Gloucester County here in New Jersey.

A L V I N     E.     G R A N I T E, duly sworn.

THE CHAIRMAN: Do you have a prepared statement or would you like us --

THE WITNESS: I do not have a prepared statement, Senator.

THE CHAIRMAN: All right. You're welcome to sit.

THE WITNESS: All right. Actually, at this moment, I'm trying to get together for you two copies of our last report, which I think you requested in one of your telegrams.

THE CHAIRMAN: Mr. Lombard.

MR. LUMBARD: How many men work in your office, Mr. Granite?

THE WITNESS: I have three Assistant Prosecutors.

MR. LUMBARD: Are they all part-time?

THE WITNESS: They are all part-time. I define part-time to mean part-time, but, nevertheless, that time which is absolutely and actually necessary to devote to the office.

MR. LUMBARD: Well, part-time, their main employment in life is not in your office?

THE WITNESS: I would hope so.

MR. LUMBARD: How about yourself?



THE WITNESS: The same.

MR. LUMBARD: You are part-time, not full-time?

THE WITNESS: That's right.

MR. LUMBARD: Do you think it would be in the public interest if the prosecutors were made full-time?

THE WITNESS: I do not.

MR. LUMBARD: Why?

THE WITNESS: In order to make them full-time, I feel that you would have to either have them elected, which I am against, or you would have to give them tenure, just as you give Judges tenure after a certain period of time, and I do not feel that either of these is proper.

I think our present set-up is the most preferable.

MR. LUMBARD: Is there enough of a workload in your County so that if you were full-time and say one of your assistants were full-time, they could handle a full load?

THE WITNESS: I don't think so.

MR. LUMBARD: How would you adjust it; three full-time people? How many full-time people could handle the load?

THE WITNESS: I'm hesitating, because certain things have occurred within the past year which have changed the complexion of the prosecutor's office a

great deal, including, of course, the fact that we are now required or at least requested to appear in formal hearings in Juvenile Court.

My guess would be that we need at least three full-time at the present time and it will not be too much longer before this would be increased, if the case loads continue to increase, I would say three.

MR. LUMBARD: Now, do you have any rules about yourself and your assistants who are part-time with respect to their handling proceedings against the State?

THE WITNESS: Oh, yes.

MR. LUMBARD: Do you try civil cases, however, before the same Judges?

THE WITNESS: Yes, we do.

MR. LUMBARD: Do you think that that might lead to some problems?

THE WITNESS: I do not think it leads to any problems. Whether it might or not is something I can't answer. It hasn't, to my knowledge.

MR. LUMBARD: Do you think it might lead to suspicion on the part of the public mind, even misunderstanding?

THE WITNESS: I don't think so. I think the public is aware that Prosecutors practice law, as well as being Prosecutors.

MR. LUMBARD: Now, the Committee is calling a number of persons before it from all the areas of the administration of criminal justice. They have been selected at random, large offices, small offices, medium-size offices and what-not.

We're particularly interested in getting whatever recommendations you may have to the Committee for strengthening the system, as you see it, in your office.

THE WITNESS: All right.

MR. LUMBARD: Could you give them to the Committee, please.

THE WITNESS: Yes. Our County, Gloucester County, is a medium-size County in our State. I would estimate that we have somewhere between 150 and 160,000 resident population. We have a few semi-peculiar problems, however, in that we are within 20 minutes from downtown Philadelphia, as well as downtown Camden, and that there are many large industrial plants in our County, which gives us a daily population, in my opinion, of well over a quarter of a million people.

We do not, as far as I know, have organized crime in Gloucester County. We have some unlawful gambling. We have attempted constantly to determine every time we detect unlawful gambling whether or not it is part of a syndicated or other form of organized gambling or criminal activity, and to date we have found no indication.

We don't have a narcotics problem as such in the County. We have a few arrests from time to time, but I don't think that we have the type of problem that you have in the large counties, where you have large urban areas.

The present problems are many, and they are due not only to the increase in population and increase in transportation and communication, but they're due to new rules, the new Public Defender system, the item that I mentioned a few minutes ago, the fact that we are now required to prosecute formal juvenile hearings, the fact that criminal law has become sophisticated over the past five or six years, starting with the Mapp Case, all of these items, added to the general increase throughout the country in crime, have increased our problems.

We started out in 1960, when I first took office,

with two detectives, and two detectives were adequate. We now have six detectives, and we could use a few more.

We started out with two prosecutors. We now have four, and I have just asked our Board of Freeholders, informally, with the approval of our Assignment Judge, under the Statute, for the creation of an additional Assistant Prosecutor position.

The reason for these things based upon the items that I have just said. The actual increase in case load in our County has been gradual and predictable, based upon the factors of population, et cetera.

However, because of these other items, the sophisticated items, the items that don't appear in statistics, more motions to suppress, more post-conviction relief applications, more motions for this item or that item, these things increase the thickness of the individual files, and this is where we are running into difficulty.

Now, this has been true through 1967. However, I have determined that we have had a tremendous increase in the case load itself during the first three months of 1968, and, as yet, I do not know what this should be attributed to.

Last year the incoming cases for the first three months, that is the year 1967, were 93. For the same period this year, 139. Last year, from the months June through October, we had seven homicides, in quiet little Gloucester County.

We are going through a transitional period. We are going from a rural or at least a partially rural and partially suburban county into a, more or less, fully suburban and partially urban county.

I think there are other problems, gentlemen, and I think these problems have to do with our criminal code, and I don't want to leave here without making a few comments concerning that.

I was sitting here when my colleague and very good friend, Guy Calissi, spoke before, and I hope you never ask me to follow his act again, he's a tough act to follow.

MR. LUMBARD: I hope he wasn't an act at all.

THE WITNESS: No. You know what I mean. Guy is a very sincere man and a very, very capable prosecutor, in my opinion, but I disagree with one of the things that he said, and I am personally against mandatory minimum sentences, period.

MR. LUMBARD: He mentioned it in two areas, narcotics and gambling.

THE WITNESS: I heard him. I think that in certain areas, such as narcotics and unlawful gambling, that perhaps it would be a good idea to increase the maximum penalties, both insofar as prison terms are concerned as well as fines, but there is always that set of circumstances that are unforeseen at the time a piece of legislation is passed, in my opinion, and I think many times, not only does it present an unfair situation under a set of unforeseen circumstances, but more dangerously, for our purposes, it can boomerang.

As an example of this, in my opinion, it is our kidnapping statute in this State. Now, obviously, that kidnapping statute was passed right after the Lindbergh case. Now, there are two basic provisions in the kidnapping statute, one pertaining to kidnapping for ransom and another section, plain ordinary kidnapping. That says anybody convicted of that statute will be sentenced to a minimum of 30 years.

How can we ever use that statute on a normal case, when some fellow for some reason, unknown, grabs a young woman or a young man or

an old woman or old man and harasses that person by riding here and there and everywhere and does very little else.

It is not practical to have that person convicted for kidnapping, because you know the defense attorney will get up and say, "Do you know what happens if this person is convicted? The smallest penalty is 30 years."

MR. LUMBARD: Is he permitted to say it before the Jury?

THE WITNESS: He says it.

MR. LUMBARD: Maybe that is the problem.

THE WITNESS: But he says it.

MR. LUMBARD: Would you be for a statute that prohibits Counsel, Defense Counsel, cannot mention before the Jury the amount of penalty that can be received?

THE WITNESS: Yes. Because it is not the function for a jury to take into consideration the potential punishment, other than murder cases. I would be in favor of that.

There are other areas, the area of rape. Now, we get into the arena, and whether we want to admit it or not, there are two kinds of forcible rape. One is where the young man is taking his date



home from a party and they park the car, and this is fine, and they start to pet, and this is fine, and all of a sudden he gets carried away and he forces this girl into sexual intercourse. This is not the same situation as where someone is lurking in the shadows of an alley and accosts some woman walking home, dragging her in the alley and then rapes her under those circumstances.

Now, the difficulty here is that we have to present both of these matters, and we find in general, that it is difficult in some instances, I'm not saying absolutely, to convict under the first situation.

Now, if we were to change our statute to perhaps have degrees of rape, or if through perhaps what you are suggesting indirectly or what I have agreed to, namely that Defense Counsel cannot discuss potential punishment to a Jury, that perhaps would eliminate it also. But it is done, and whether you object or not, it is already done.

So we have this occurring very, very often.

I would also like to get into the item of detectives' salaries, because I assume this is --

MR. LUMBARD: Before we pass on to that --

THE WITNESS: Yes.

MR. LUMBARD: -- you have mentioned several specific criminal statutes where you feel there is a defect of one kind or other to their proper administration; is that a fair statement?

THE WITNESS: Yes.

MR. LUMBARD: Without going further into others at this time, do you feel that there is a sufficient problem with respect to the criminal statutes in New Jersey of this order and nature as to warrant a general revision of the criminal statutes in the State?

THE WITNESS: I do.

MR. LUMBARD: You do?

THE WITNESS: I do.

MR. LUMBARD: Could you pause on that for a moment and say why? That's a rather enormous undertaking, as I am sure you are aware.

THE WITNESS: Well, it's an enormous undertaking. On the other hand, there have been many detailed studies made by highly reputable people -- I'm thinking about the Model Penal Code as a starting point. Certainly that could be taken by the Legislature and used as a beginning and could eliminate a great deal of the legwork.

MR. LUMBARD: That is true. Of course, many states have recently done this, New York, Wisconsin, Illinois, it's underway in many places.

THE WITNESS: Yes.

MR. LUMBARD: It is relative on the shelf and still it is a big job.

THE WITNESS: It is a big job, but if I am correct in stating, that a modernization of our Penal Code, Criminal Code, would make it easier to convict persons correctly accused of a crime, it would be worth it.

MR. LUMBARD: Persons correctly accused?

THE WITNESS: Yes. I think it would be.

MR. LUMBARD: You think there are enough problems in the criminal statutes that call for this?

THE WITNESS: Yes, I do.

MR. LUMBARD: Was the last revision, which I gather was in the late forties, a major revision or not?

THE WITNESS: I really can't answer that question. I don't know. The last revision, changing it to A from old two to two A, no, that was not a revision. All it was was a change from codification.

MR. LUMBARD: Labels?

THE WITNESS: Labels.

MR. LUMBARD: Not of a substantial provisions?

THE WITNESS: Yes. I'm sure you're aware of this, and I'm not saying this is necessarily bad, although it's not good. Our Criminal Code does not define any of the crimes.

Now, the crimes are defined elsewhere, that is, in the case book law.

MR. LUMBARD: Common law?

THE WITNESS: That's right, common law. We have that catch-all, which is not a bad point, 2A:85-1, all kinds of common law will remain crimes.

Nevertheless, reading the murder or homicide statute, for example, I would defy the average, intelligent layman to read that and tell me what it says, really.

MR. LUMBARD: How it should guide their conduct?

THE WITNESS: Pardon?

MR. LUMBARD: How it should guide their conduct?

THE WITNESS: Yes.

MR. LUMBARD: That's your point?

THE WITNESS: Yes, that's exactly right. I'm in favor of a revision.

MR. LUMBARD: Has the --

THE WITNESS: Excuse me, one moment. There are many things in there that don't belong in there. I'm pretty sure treason is still in there. Now, treason is a Federal offense. I don't know how you could commit treason against the State of New Jersey.

MR. LUMBARD: You might commit sedition.

THE WITNESS: Yes, but they are two different things, and in law, we should be semantically correct if we can.

I am not saying that this is a perfect example of my point, but if something doesn't belong in there, it should be eliminated and not offered.

MR. LUMBARD: Well, one of the things that strikes me about what you say, is whatever my views may be is irrelevant. We have had a great many witnesses before the Committee, but you're the first that made this point. Just as an individual, it appeals to me, that often because of the innumerable changes in the procedure that have to be effected by the Supreme Court in the last five or six years.

THE WITNESS: Staggering.

MR. LUMBARD: Do you have any explanation

why any of the other prosecutors or judges that appeared have not raised this revision concept?

THE WITNESS: No, but I would guess that the majority of them agreed with this position.

MR. LUMBARD: As the prosecutors as a group discussed this?

THE WITNESS: Yes.

MR. LUMBARD: Have they come to a conclusion?

THE WITNESS: Yes. I think we adopted a resolution -- I may be incorrect -- I am pretty sure we adopted a resolution, asking for the Legislature to study the Criminal Code for the purpose of revising it.

I think revising is not really the word I want, but ripping it down and building it up again.

MR. LUMBARD: Re-thinking?

THE WITNESS: Yes.

MR. LUMBARD: Completely.

THE WITNESS: Yes.

MR. LUMBARD: If you are going to take the road to the Model Penal Code or any of the other State revisions, that is what you are in, complete re-writing.

THE WITNESS: Yes.

MR. LUMBARD: You mention part of your problem comes from the Public Defender system. By that you get much more active, vigorous participation on the other side, or is there something in the Public Defender's Act that is defective?

THE WITNESS: In all fairness to the Public Defender system, it is comparatively new in our State, and before I can criticize, I have to wait. What I meant, however, in our County we are under Camden County, I don't know, but we are in a few very major cases recently, the Public Defender took over, these are homicide cases, we were preparing the matters, ready to move them for trial, and at the last minute the Public Defender decides that they were too busy and then they assigned them out to other Defense attorneys, competent men.

When we said, "Let's go, we're ready to go. Well, I just got this case."

Now, we're back to where we started from. We're no further along the line than we were before the Public Defender system went into being.

Now, if this is smoothed out, all well and good.

MR. LUMBARD: Do you think that is a problem

that can't be smoothed out by administrative action?

THE WITNESS: I think it can. I think it is going to take some time, and I hope that it is accomplished. I can see some very fine points in the Public Defender system.

MR. LUMBARD: In any event, I gather you don't have any recommendation in changing the Public Defender system, or do you?

THE WITNESS: I think that it would be too early in my experience with the public defenders to come up with any recommendations at this time, except that I think each county should have an autonomous Public Defender, at least our County should have one, because we're relying on Camden County, and it's a real mix-up.

MR. LUMBARD: Now, you also mentioned that part of your current problems arise out of the necessity to be in juvenile cases. Could you spell that out?

THE WITNESS: Yes. Just as Calissi is not too good at statistics, I'm very bad at names of cases, but there is a --

MR. LUMBARD: Gault?

THE WITNESS: Yes, that is the case, which, of



course, gives juveniles all the rights that adults have, and as a result of this --

MR. LUMBARD: It doesn't quite go that far.

If it does, then you are going to have a lot more work.

THE WITNESS: But basically, for our purposes, it does, and I'm familiar with the case slightly, at any rate. We have now been requested, and I think this is a mild term, to appear in all formal juvenile cases, and as a result of this, one of our associates spends two days every other week in Juvenile Court, and we have reached the point where we are going into full-time criminal court, in our County, it will be happening very shortly.

When I took office, if someone would have told me this would have happened in this short period of time, I would have never believed them.

MR. LUMBARD: It shouldn't mean a full-time Prosecutor?

THE WITNESS: No, I don't think so, because of the other problems that would come along with it. You see, if you could wave a magic wand and create full-time prosecutors without the attendant problems,

which in my mind are greater than the problems that exist today, that would be fine, I would agree, that would be a good idea. But you can't make full-time prosecutors without giving them tenure, because you're not going to get the men you want, you're just not going to get them. You're not going to be able to tell a man, who is a fine, capable attorney -- of course, it's difficult for me, because by saying this, I'm indirectly trying to pat myself on the back, but I don't mean to, but I'm honest with you, I have to, I'm under oath.

You're not going to get a man who has a half-decent law practice, who is on his way up, to take three, four, five years, whatever it may be, out of his life, away from that practice entirely and devote it to something like this, without something like tenure. I don't know how you can do it.

Now, most of us are members of firms, some small firms, some large firms, and this, of course, is a necessity for a Prosecutor, to have at least one partner. I would think it would be very difficult not to. In the larger counties, I would

assume that in the larger counties, these prosecutors very seldom see their private offices, but at least they're able to keep that name on the door, and I'm in favor of the present system. You're smiling, and I don't know why.

MR. LUMBARD: You're in favor of the present system, you're smiling too, and I don't know why either.

We have had a number of persons who have testified about an organized crime problem, which you say you don't have in your community. However, I would like to ask you these questions.

THE WITNESS: All right.

MR. LUMBARD: Do you think it would be advisable or useful to have a statute authorizing electronic surveillance in appropriate cases and under a court jurisdiction, and would it be useful to you?

THE WITNESS: It would be useful, I would answer that question yes, and I really don't know how I feel about this. I feel both ways. Certainly if there were such a thing as true, strict surveillance and if we didn't make gross errors under a system whereby we could apply to some high ranking judge, and so

forth and so on, then it would be good. If we made some glaring errors, then I think it would be really bad. I really don't know. My conscience goes in both directions.

I'm against big brother. I think we all are. I'm in favor of apprehending and pursuing people engaged in organized crime, and it's a tough question to answer. I don't know the answer to that question.

MR. LUMBARD: Are you in favor of a witness immunity statute?

THE WITNESS: Absolutely.

MR. LUMBARD: The Attorney General stated he would like a statewide Grand Jury to be used for organized crime cases. Are you in favor of that?

THE WITNESS: I am in favor of that, knowing some of the problems in the larger areas.

MR. LUMBARD: Do you have any other recommendations? You mentioned detective salaries, and we turned off onto the law at that point.

THE WITNESS: I would like to get back one second to the witness immunity, if I may.

MR. LUMBARD: Yes.

THE WITNESS: The witness immunity bill, if it is ever adopted, I think would be very helpful in

combating non-organized crime, as well as organized crime, and it works both ways. As happened, I believe, in Chicago, where instead of getting the little guy and giving him immunity, they got the big wheel, you have immunity, they said talk. He didn't talk and they held him in contempt.

MR. LUMBARD: You're talking about Sam DeConte?

THE WITNESS: That's right. It actually works both ways. I'm very much in favor of it. I'm in favor of it in general also, because, once again, I was sitting here when Calissi was talking, and heard what he said, and I would want to reemphasize that there are many instances in which in order to prosecute a case, somebody has to be let off the hook, because otherwise you don't have any witnesses.

Now, is it better to go through the fiction of requesting a Grand Jury not to indict this guy because you need him, which is not right, it's a fiction, but it accomplishes a good end. Is it better to do that or is it better to give him immunity by Statute, and therefore, do it with a little more of the fresh air approach?

The answer is obvious. Give us the fresh air approach.

MR. LUMBARD: Detectives' salaries.

THE WITNESS: Yes. The Statute provides for minimum salaries of \$5500. This -- yes, \$5500 for detectives, in my County, anyway.

MR. LUMBARD: What Statute is that?

THE WITNESS: Or \$6,000, it's one of the two.

THE CHAIRMAN: Minimum salaries are provided by State Statute for actually all of your persons?

THE WITNESS: That's right. I believe I didn't look at this when I left the office this morning, but I'm pretty sure it's \$5500, that is the minimum salary for detectives. This, of course, goes back to 1959 or 1960, it's something like that, at any rate.

My men do as much work as the men in Camden-- I'm not going to say more, but they certainly do as much. The Camden detectives get \$9,000 a year minimum. My men, after begging the Freeholders for increments, and so forth and so on, are making somewhere around \$6500. This is very, very unfair, and I think it's time the Legislature upped the minimum for these men, because they're dedicated men and they're good men.

I'm not talking only about Gloucester County, I'm talking about other counties, where I know this problem exists.

It's more important that they get paid well than it is that we get paid well, although I am in favor of that, too.

MR. LUMBARD: Not that I'm trying to deviate from budget presenting, but I gather that Bergen County had eight homicides.

THE WITNESS: We had seven in a short period of time, but this happens from time to time. It gets very warm down there in Gloucester County, and this creates a situation where people want to do something.

THE CHAIRMAN: Any members care to question the witness?

SENATOR DUMONT: You said you thought the Legislature ought to raise the minimum for detectives. How much would you recommend?

THE WITNESS: My recommendation would be \$8,000 minimum.

SENATOR DUMONT: What about the local police departments in your County, Mr. Prosecutor, what are their salaries? Do you think they're adequate or they're too low?

THE WITNESS: Some of the municipalities, they're adequate. In the City of Woodbury, they're somewhere near \$8,000, \$7,000, \$7,900, something like that.

Now, this is getting back to what I said a moment ago. This creates a ridiculous situation, where the local police officer is making a thousand dollars and more than my men and coming to my men for advice on how to handle a criminal case.

In some of the municipalities they're pretty low, they're in the \$5,000 area. But, you see, they have one thing the County Detectives do not have, they have the ability to go to the people, to get a referendum and to create publicity in their favor, and this has worked. It has worked in the City of Woodbury and a few other communities in the County, but our men can't do this.

SENATOR DUMONT: We had one witness that testified that the recruiting age for policemen should be lowered to 20 years. Would you give me your point on that?

THE WITNESS: I think that's too young.

SENATOR DUMONT: How do you feel about Director Spina from Newark, he indicated we might do better



to legalize bookmaking and other forms of gambling.  
What is your feelings with respect to that?

THE WITNESS: It would not eliminate unlawful gambling, it would not do it.

MR. LUMBARD: How do you feel about a State Lottery or off-track betting?

THE WITNESS: Senator, let me tell you this. We have enough problems with legalized gambling and the moral question involving gambling, with bingo at the firehouse and going to the Garden State Racetrack, and we arrest the other guy for doing the same thing, that it is unlawful. The more the State agrees that gambling is moral, the more immoral, unlawful gambling you are going to have, and I can't say any more than that. My answer is no.

SENATOR DUMONT: Thank you. Very good.

THE CHAIRMAN: Senator Lynch?

SENATOR LYNCH: Mr. Prosecutor, you would like to see the Criminal Code revised?

THE WITNESS: Yes, sir.

SENATOR LYNCH: There has been some talk in recent years of revising the Criminal Code, at the same time downgrading some of the minor offenses so

that a young individual or even an older individual who commits a very minor offense, which now constitutes a crime, was reduced to Disorderly Conduct charge and handled in the local police court thereby relieving the load of the Prosecutor's office and mininizing a person's record. Would you be in favor of that in some instances?

THE WITNESS: I would be in some instances, and I can give you an up to date example of that. I was in favor of making such a provision in regard to carrying a weapon, when the consideration was given to that gun bill. I'm only talking about that phase of the gun bill now.

I'm against allowing potential killers and hold-up men, and so forth, to carry weapons, as everyone else is, but many times we have a situation whereby a law-abiding citizen, especially from out of State, where it is lawful to carry this weapon, is apprehended for one reason or another and is found to have a weapon.

SENATOR LYNCH: This is a daily occurrence in

New Jersey.

THE WITNESS: It is, that's right. And this many times involves law-abiding citizens, and I think in those instances, there should be some machinery whereby this could be handled as a Disorderly offense. Certainly if larceny can be handled in a Municipal Court, in some instances, of course, although it would constitute a record, nevertheless handled there, I don't see why other things cannot be handled there.

SENATOR LYNCH: Thank you.

MR. LUMBARD: In other words, Prosecutor, you not only advocate rehauling of the language that sets out the various crime, but you also suggest a rethinking and relook at the penalties involved?

THE WITNESS: Yes.

THE CHAIRMAN: One question, Mr. Prosecutor. We have heard a lot of testimony about our Municipal Court and suggestions that they be integrated, abolished, that they be full-time and many other things. How would you react to this?

THE WITNESS: Well, you know, the old saying, some of my friends are for it and some of my friends are against it. You know me, I'm always with my

friends.

By eliminating, you would be taking away the age-old custom of local flavor, you would require many people on very minor offenses to take time off from work, because we would assume if they would be eliminated, while many of them are in the are now held in the morning, many of them are in the evening, especially the traffic court, this<sup>change</sup> would require people charged with going through a stop sign, something like that, to take a day off to go down to a regional court that would take the place of a municipal court.

On the other hand, if we're interested in the one, again, improving our system of justice, if that is of main importance, which I assume it is, eliminate the municipal courts and have some sort of regional or district type court handle it, no question about it.

THE CHAIRMAN: They should have night court, too.

THE WITNESS: Perhaps that's a good idea.

THE CHAIRMAN: Anything further?

(No response.)

THE CHAIRMAN: Thank you very much, Mr. Prosecutor.  
Sheriff Jamison.

MR. LUMBARD: Sheriff, I notice you have many people with you. Do you care to have them called up here or not?

SHERIFF JAMISON: I may call on our Sheriffs Association Counsel, Mr. Richardson.

THE CHAIRMAN: Sheriff, would you identify yourself for the record.

SHERIFF JAMISON: Sheriff Robert H. Jamison, President of the New Jersey Sheriffs Association and Sheriff of the County of Middlesex.

R O B E R T   H .   J A M I S O N, duly sworn.

THE CHAIRMAN: Mr. Lumbard.

MR. LUMBARD: Sheriff, do you have a statement you wish to read?

THE WITNESS: Yes, I do, for the record.  
Mr. Chairman and gentlemen of the Committee:

This Committee, the Forsythe Committee, is investigating the administration of criminal justice in New Jersey to determine if it is adequate to meet the needs of the state today. As the Sheriff of Middlesex County, having held office for 15 years and having observed this question at close range, I answer it with an unequivocal no, it is not.

The Federal Crime Commission Report, some months ago, reflected the great increase of crime in the nation, and this report is representative of a somewhat similar condition in New Jersey, particularly in our larger centers of population. I need not elaborate on, nor argue, the statistics of that report. I believe them accurate and I don't think the conclusion to be arrived at therefrom is debatable, and that we in New Jersey are not meeting our state needs as regards the administration of criminal law. I will now give you my own reasons for this belief.

MR. LUMBARD: Sheriff, one question. You introduced yourself as two things, the President of the State Sheriffs Association and as Sheriff of your County. When you are saying, "I will now give you my reasons for this belief," are you speaking as the Sheriff of Middlesex County or are you speaking as the President of the Sheriffs Association or as both?

THE WITNESS: Mr. Lumbard, I would like to reply to your telegram, which was specific as to what was required of me. I incorporated in these envelopes not only my own material, which you

requested of me, but also that of the State Sheriffs Association.

MR. LUMBARD: So you are really speaking as both, both capacities in this State?

THE WITNESS: There is plenty of law enforcement available in New Jersey, but no matter how much manpower there is by way of courts and jails and prisons, this manpower is fighting a steadily losing battle against crime, because its approach to the problem is largely that of a deterrent to crime, not to prevention, which is the root of the whole case.

We are locking the stable door after the horse is stolen, and while deterrent measures, of course, must continue, great emphasis should be placed on real preventative measures, some of which I might enumerate as follows.

The great bulk of our people are not participating in the problems of crime and the causes. Community liaison between the people, law-abiding citizens and the disturbing discontented groups, mostly underprivileged, does not exist in any meaningful measure.

There is a wide gap, an absence of responsible participation, a loss of the old neighborhood

understanding between the forces of law and order and the forces of disorder. Too much loss of home life and training and too much burden put on the schools.

To overcome this, we must have community or neighborhood groups, coordinating local activities with law enforcement. Specifically, the head law enforcement agencies in the country should have personnel committees of citizens, meeting with him every week or so in the affected areas, so that these local groups can take corrective measures, local in nature, and best suited for their locality. They should be prominent men and women of the area, who, knowing of their local condition, can see that acceptable, corrective measures are taken.

This plan has been tried in some places, like Memphis, Tennessee, and other spots, and has worked out well.

I must emphasize that the complacency of citizens in their own community towards crime has got to be overcome, and they have to turn and assist in the prevention of crime, if this problem of crime increase is to be licked.



The sentences of our courts, are, in my judgment, entirely too lenient. The so-called probation rehabilitation plan, laudable as it is in its purpose, is a failure in most respects, but I think it can be salvaged and maybe improved, if after probation these offenders' cases are referred to the type of community personnel committees I have indicated for continuing attention. This committee will be in a better position to help rehabilitate these offenders.

Unless the rehabilitation process is strengthened, the purpose of lenient sentences lose their virtue.

In fact, instead of the Court relying almost wholly on the probation report, the Court might helped by asking for and receiving from these personnel community committees, some further report that might be very helpful in guiding its decision. I speak now mainly of the first offenders.

Hardened convicts, repeaters, should get very little consideration, because, for the most part, they are not going to reform.

For first offenders, the chances of rehabilitation will be immeasurably enhanced by the method I suggest and will constitute one of the greatest steps

we can take in our future administration.

The community liaison committee is the solution of the problem, both by way of preventing crime and in helping the Courts' sentence to be more meaningful.

There is not too much call for new legislation. There is, however, a demand that we have better enforcement on the legislation we now have on the books. It is not what new laws, whether bad or good, that will solve crime, it is the type of men who enforce the law. Good laws will not give good results under bad officials, but good officials can obtain good results even under bad or insufficient laws.

The present structure, however, has more or less grown up and been pyramided from a way back. It has been added to and built on over a long period of time and should be largely left as it is, because it now has become more or less stabilized and interpreted to have certain meanings. A new code or great changes will require a new period of trial and error, like a newly married couple.

I am not one who advocates change for change's sake. I believe we have a workable system of criminal law, and while some changes may be desirable, they

should be first shown to be necessary and desirable and should fit the existing pattern.

There should, however, be better clarification of duties by the Administrator of our Courts, between the various law enforcement agencies, the Prosecutor's office, the Sheriff's office, the County Clerk's office, and the various police departments, including the State Police. There is now much, too much, fragmentation and dispersal of effort, and in some cases duplication.

The Administrator of the Courts should exercise some supervisory control so as to see that the law enforcing machinery, which, after all, is the conduit that leads to the end result, Court action, does its job with the efficiency and dispatch.

In the last analysis, the Courts are looked to and held responsible for results, and they should have the right to correct intermediate causes of the failure for which they ultimately are answerable.

The Sheriff, the Prosecutor, the Police, are all arms of the Court and there should be, as such, closer coordination. This coordination should include training programs that now only the Governor has control over, and as it is gradually put into effect, it will have a very beneficial overall effect. In essence, it will

eventually make the Administrator of the Courts, the chief law enforcement agency of the State, or as I prefer to call the plan, the Chief Coordinator of Enforcement.

I don't think that the statutory right of the people involved would hinder this plan from becoming very helpful. There should be clarification of the existing authority.

As of now, the Governor controls the Prosecutor, but not the Sheriff or the Police in various communities. Making a centralized head of enforcement of criminal laws, will pinpoint responsibility in an area that is largely now a vacuum.

Like the Public Defender takes care of the rights of the accused, the Administrator of the Court will take care of the rights of the public, to see that effective, non-partisan enforcement of the law is carried out by the law enforcing agencies charged with so doing.

True, it may create something of a Frankenstein, but this may be all to the good, because today many agencies that could help law enforcement are resting on their oars.

Apathy of the public has pervaded into areas where there should be no apathy, because crime, like liberty, needs to be constantly attended to, otherwise it goes into mothball inertia. The Administrator of the Courts could help stimulate needed activity.

Now, taking up some of the other subjects of your investigation, namely, jurisdiction of the Sheriff's office, its actual operation and its future plans, I will, with your indulgence, give you my reaction on all of these phases of the Sheriff's office, including suggestions for reform and improvement in this office.

I attach hereto a report referred to as Exhibit A, which is a consolidated report of the activities of the Sheriff's office, Middlesex County, for 1967. Included is the jail report for 1967, the Jail Welfare Fund, the Identification Bureau's Report, the Report of Assignment of Courtroom Personnel, as well as the Report of the Detective Bureau operating out of the Sheriff's office, some 17 pages of statistics, which are self-explanatory.

A Summary Report to the Freeholders, a reprint of a news release, of March 17, 1968, is also attached as part of this exhibit, as well as a Summary of Arrests,

et cetera, entitled, "Instructions."

Now I will go on to the jurisdiction of the Sheriff's office. I recommend that legislation be enacted clarifying the power of the Sheriff's office to pay its bills.

Presently, disputes exist with the Freeholders as to what bills the Sheriff may incur. We have drafted such proposed legislation, and we have a copy of it, which is herewith attached and marked Exhibit B. We have drafted a proposed law regarding the processing of gun permits, which we submit as Exhibit C.

As a statement of general principles, I think the jurisdiction of the Sheriff's office, being constitutional in its nature, needs only to be understood to be somewhat co-extensive with the Prosecutor's office, and to that extent, the payment of its bills should receive similar treatment as now accorded the Prosecutor's office by Statute.

There is, of course, an area reserved to the Sheriffs that the Prosecutor does not possess, namely the right of comitas posse', the handling of riots, and unlawful assemblies, et cetera. But, generally speaking, and subject to the

foregoing, I think the jurisdiction of the Sheriffs should stay as it is now.

Future training programs should, of course, include the Sheriff's personnel, whether state financed or federally assisted, and it goes without saying that duplication of work between the Prosecutor and Sheriff should not exist.

The attached report, Exhibit A, fully covers the operational phase of the Sheriff's office, as well as the jail activities. While statistics alone don't tell the whole story, I think they speak volumes as showing the actual accomplishments. My office more than supports its expense, as the Exhibit A, the news release of March 17, 1968 shows. I do not want to belabor the statistics, but I do recommend their careful perusal.

There should be no double expense or overlapping of duties, except that I want to make it very plain, I am in favor of the Sheriff's office enforcing the criminal laws as a part of his constitutional duties. If he does not, he can be indicted for non-feasance or misfeasance, as has already happened in this State, and there are reported cases on this.

The Prosecutor has the duty to apprehend, arrest and convict. The Sheriff has the duty to apprehend and arrest. Both have these powers by statute, and a sensible arrangement indicates that cooperation of the highest order should exist to avoid double work and extra costs. But I am in favor of more law enforcement, not less, and I am in favor of more Sheriff activity in this field, not less.

Today, we need all the muscle we can muster to enforce the law, and I hope the Sheriffs can make their contribution. It is sadly needed to take up today's slack.

The work of the Sheriff's office is constantly expanding. When I came into this job there were two courts operating in our county. Now there are some 17 courts operating. The future looks as though there will be increased courtwork, judging by the past years, and there is no miracle of handling it by less cost, if the present adequate services are to be maintained.

We are moving the accused as fast as possible, either to bail or early trial, and, as I said in my early statements, we will have to plan better control of the disturbing element through community relations,



if the future is to be an improvement on the past.

This Committee has before it the recent report of the so-called George Committee, which reports the present police system out of date.

I am myself a member of the present Governor's Crime Committee, studying this matter of future improvement. The Association of Sheriffs, which I now head, is diligently trying to improve the existing techniques and approaches, and we shall all try to continue and enhance our efforts to this end.

The Sheriffs will play an increasingly fruitful role in law enforcement and not a lesser one, as some quarters seem to believe.

We refuse, especially in these critical times, to believe that by lessening law enforcement activity, by delegating the lawful work of authorized agents, that we can thereby increase the total combat effort against crime.

This applies not only to recent criminal tendencies among the younger echelons, but particularly in the area of syndicated crime, of which the Mafia is perhaps the outstanding symbol.

The Sheriffs will increase their law enforcement muscle, not decrease it, and that this Committee can

be well assured of.

To those who would abolish the Sheriff's office, we pass on to them two thoughts. First, this cost would have to be absorbed somewhere else, the personnel would simply have to be used elsewhere, and such a decentralization such as suggested by some uninformed persons, would cause chaos and the loss would far offset any gain.

Secondly, the office cannot be abolished except by constitutional amendment submitted to the people. The remedy is not abolition. The remedy is more efficient, more efficacious operation.

Most Sheriffs now, unlike some in the past, are dedicated officials, and their elimination would be a catastrophe of serious moment and a great and lasting disservice to the public. We are at the breastworks of law enforcement and intend to fight there and do our part.

There is a big change from the old Sheriffs political sinecure, and the image of the new Sheriff, which we are now in the process of making.

We ask your cooperation and pledge to you our undivided help.

What changes in the criminal laws your Committee

may recommend, I don't know. My thoughts have run mainly towards more and better enforcement of existing laws and some needed clarification and better coordination. There are other approaches, but what I have done is try and stick by the experienced law enforcing agencies we now have, to step up their efficiency, to better train them to do their job.

I do not favor abolishing experienced agencies, even though crime enforcement is on the increase. Rather, I favor increasing the efficiency of existing forces in the areas we know they are weak and ineffective and to some extent a failure. But we can plug these holes and avoid creating a new system, which, when tried, may have all the weakness of the present one, plus an added weakness, inexperience.

We have a good workable system now and we need some better enforcement and particularly better help from the public, in the manner I have indicated, the system will operate more nearly to its proper degree of efficiency.

There will always be the drawback in securing personnel because of salary limitations. Integration of municipal courts into the state system is, in my opinion, not going to be helpful, except possibly as

a matter of disciplining the municipal judges, which can otherwise be done without this change. I think the Public Defender program must be scrutinized in the light of its actual operation, and, so far, it has developed a bad leak, the great increase in appeals to the upper Courts, because they are free and the accused has nothing to lose, not even his time, because in many cases he is already in jail.

In closing, I must mention that greater stress should be had in special fields, like narcotics and the treatment of chronic disorders, like alcoholics and narcotic users.

Just how far we can go is problematic, because of costs, but at least a high degree of educational treatment is indicated. That much we can and should do.

I also favor the creation and activity of the Legislative Crime Committee, so that in its overall jurisdiction they can be ready to step in those areas where local enforcement has broken down.

As I have repeatedly said, I favor all the law enforcement activity that our society can muster, the more the merrier, and it will be to the public's

best interest in the long-run.

MR. LUMBARD: Thank you, Sheriff. I'm afraid, as a matter of time, that we will have to recess at this point for lunch and make it back at 1:30.

(Whereupon, the noonday recess was taken.)

THE CHAIRMAN: All right. Sheriff, we'll call the hearing back to order, and, Mr. Lumbard, will you proceed.

MR. LUMBARD: Yes. Sheriff, we have had testimony from a wide variety of witnesses before the Committee in the past week and today, and a good many of them seem to conclude in one way or another that the mechanism or the apparatus of the system, whichever word you use, is in need of change or in need of one thing or another. Again, <sup>are</sup> there/ wide variety of views of what it needs.

I notice that perhaps the main thrust of your statement is the reference in several occasions that there needs to be a new kind of coordinating mechanism, I think as you put it, and you specifically talked on page four of your statement about how the Administrator of the Courts is the person you suggest to solve this function. Before we come to the specifics,

however, right on that page, you also say you are not one who advocates change for change's sake.

So the real problem, what is it about the present system that isn't working well enough or could be improved and thus would lead you to recommend that the Administrator of the Court should serve this new function?

THE WITNESS: First, I would like to clarify that in this respect. I think the main problem is that there has to be a central coordination of responsibility in all these activities. I don't suggest the Administrator of the Court himself, but through his staff or office that these things be centralized, so that they can be resolved on a scale downward as to responsibility.

MR. LUMBARD: Before we get to the solution, let's talk about the problem.

THE WITNESS: Right.

MR. LUMBARD: What is it as you see it on a day to day basis, can you spell out what you feel that needs to be coordinated that is not coordinated; what is the problem?

THE WITNESS: First I would like to clarify it, too. While my statement is in reply to your telegram, it covers many areas. I add to that, that I am the Treasurer of the Statewide Citizens Committee on Correction and Moral Association, which familiarizes me with some aspects of the statement. I'm the past president of the National Jail Association and traveled throughout the country. I am one of the members of the 12 man committee of the Metropolitan Regional Committee on Police Matters and helped organize it.

I think that gives me a little background for these statements.

There seems to be a wide variance of procedures throughout the state, from the north to the south. Whether the Sheriff makes arrests and extraditions-- in an area of extraditions, where our Supreme Court in Washington is very sensitive about the rights of prisoners -- some areas of the State, we have Sheriffs doing extradition and others the Prosecutor. It is our feeling that perhaps the Prosecutor transgressed in the area of the rights of the accused and subsequently he comes into Court and subsequently prosecutes this individual.

The question can be raised, does he, as he is

bringing that prisoner in, is he going to try and maybe get statements or something like that from him.

That is one of the reasons we have our Public Defender, to protect the rights of these people to be brought to trial.

One area of the State we have duplication of duties, where the Sheriff in Mercer County does the extradition, other counties he doesn't. In Essex, the first person who gets the indictment is the Sheriff. In the other Counties, the Sheriff never sees it.

I think there should be on all levels a coordination of procedures, whether it's in our favor or the opposite. Do I answer your question with that?

MR. LUMBARD: Well, I'm looking for specific problems such as extradition. In Essex the Sheriff gets it first?

THE WITNESS: He gets a copy of the indictment and makes the arrest.

MR. LUMBARD: The Sheriff arrests on indicted cases?

THE WITNESS: That's right.

MR. LUMBARD: Are there other places where there are differences, and what are the differences?



THE WITNESS: Well, as to the authority of enforcement, many areas there is resentment on the part of some people of the Sheriff's activities and enforcement.

MR. LUMBARD: Resentment in what regard?

THE WITNESS: Of getting into an area which some feel they shouldn't be into.

MR. LUMBARD: Could you give us one or two specifics?

THE WITNESS: Well, arrests, narcotics or other criminal violations, very many sheriffs do that, and a very commendable job.

MR. LUMBARD: In any event, you feel there is a need for direction and coordination of a new order; is that right?

THE WITNESS: That's right. I also believe that today, all these problems need the addition and the help of all jobs that have the authority to function in them, in other words, muscle for it.

MR. LUMBARD: Now, you suggest the Administrator of the Court. I ask this question, in all sincerity. Would that not be a miscast of the functions between the Courts, as a neutral, independent, fact-finding agency, and say the police or the prosecutor, who are, of course, on one side of the situation?

THE WITNESS: Well, that's almost like an answer in the parallel I drew to you about the rights of the prisoners and the prosecutor extradicting. I would say only this, perhaps my offer is not the ideal solution, but it has to be a central point where things should come down from. I feel not necessarily starting with the Administrator of the Courts himself, but from his office. There has to be a coordination of all these things by someone.

MR. LUMBARD: Which does not now occur?

THE WITNESS: Which does not now occur, and we have to recognize one central authority. I name the Administrator of the Court as an example.

MR. LUMBARD: In other words, it's really the need you're telling the Committee about, rather than the particular solution?

THE WITNESS: That's correct. I feel that his office and the directives coming from it are respected, and I think that this would be an ideal place for it to come from.

MR. LUMBARD: All right. There has been some difference of testimony among individuals as to the role of Sheriff and the role of the Prosecutor, as

to who, if in fact, is the chief law enforcement officer of the community. Would you tell the Committee your view on that?

THE WITNESS: I could spend a great deal of time on this. I find this is a very rewarding and worthwhile experience. We have taken this matter into Court in the County of Essex, for Neil Duffy, the Sheriff, who is now a County Judge, on his rights as a Sheriff, and we were successful in the Court, with the Board of Freeholders, even to the extent of being successful in appeal to the Courts for the payment of counsel fees for the counsel to represent the Sheriff.

It is my feeling, and I think the law is specific, the Sheriff is the oldest office in our form of government. It is constitutionally one -- he's the only police official elected to public office and is removed by the people.

He's given his powers through the Constitution and the Statute and the old common law applies to him.

I think the Prosecutors should stick to the prosecution and leave the other areas to the Sheriff, because it's like Topsy and Eve, it keeps growing

and growing, one overlaps the other.

MR. LUMBARD: What I'm asking you, what do you think the law is, and I gather that you think the Sheriff is the chief law enforcement officer?

THE WITNESS: I don't speak myself as an authority. I think it is quite explicit and clear in the statute, the Sheriff's right and authority as to the enforcement of the law.

MR. LUMBARD: There is a difference between whether or not he has a right to enforce the law and whether or not he is the chief law enforcement officer of the county. What is the position of the Sheriff's association?

THE WITNESS: That he is the chief law enforcement officer of the County.

MR. LUMBARD: Were you here when Prosecutor Calissi testified this morning, that when he testified as to State v. Winne?

THE WITNESS: No, I didn't hear that.

MR. LUMBARD: Do you think it will be useful or important to have this controversy clarified one way or another?

THE WITNESS: I think it should be clarified. I think unquestionably it should be clarified and

would do much to help the situation, and the only way it could come about, through a constitutional amendment. It could not be done through the Legislature or any other act. It has to be submitted to the people, for a referendum.

MR. LUMBARD: Well, I'm not trying to make a legal judgment one way or another in that regard. The Courts interpret the Constitution every day, with at least a semblance of authority and finality. I have no further questions.

THE CHAIRMAN: Committee members. Assemblyman Smith.

ASSEMBLYMAN SMITH: Sheriff Jamison, it has also been a puzzle to me, as chief enforcement officer in the County, why the Sheriffs allow the Prosecutor to take over part of their duties.

THE WITNESS: Well, this is perhaps an answer to the entire problem. Originally in the Constitution, the Sheriff was limited to one term in office, and, therefore, a three-year term ended his duty.

With the 1947 Constitution, the Sheriff was permitted to succession in office, and I want to say, it was with great pride that I point out the people who are engaged in the 21 counties of our State, we

have had Congressmen, State Senators, the head of the largest Turnpike authority in the world, Sheriffs and law enforcement officials, such as the former State Troopers, retired State Troopers. So these men who now enter the office, because of having the opportunity of succession, devote their time and energy and also make it a career.

ASSEMBLYMAN SMITH: I asked that question, Sheriff, being a former Undersheriff myself, as you know. But in my short tenure in that capacity, I could see the Prosecutor taking bit by bit away from the Sheriff, to the point where the Sheriff at that time threw up his hands and said, "Yes, that is it."

At that time I thought the Sheriff should have battled right back, because the Constitution said they were the chief arresting officer, yet they were whittled away gradually by the Prosecutor's office.

THE WITNESS: This is very true, Assemblyman Smith. As a matter of fact, Senator Kelly on your committee is a former Sheriff and Senator Ridolfi is a former Sheriff, but not being able to succeed themselves, they just let the thing slide away.

I can say, by and large, the Sheriffs are doing a commendable job, and the paper speaks for itself.

In my community, we had 22 or 23 arrests on narcotics, because of the efforts of my department, and an educational campaign, we have given 180 lectures and the distribution of hundreds of thousands of pieces of literature.

As a matter of fact, let's take the word "political" out of the activities. I'm sending my trained men in narcotics out in the field with literature, 240 miles up back into New York State, to give a lecture before 300 Girl Scouts.

I think this is an indication of the public service that Sheriffs are contributing today, besides the duties of their office.

ASSEMBLYMAN THOMAS: What is your opinion of the Sheriff having to run for election every three years? I notice you point out and stress, more or less, having a career there, and when a man has to run for office every three years, there has to be a certain amount of appeal to the general public to get reelected. What is your opinion along these lines, do you have any comments?

THE WITNESS: Yes. I feel very strongly, I feel that is true. The Sheriff is a public official and he has to lay it on the line to be elected. If he is not a good official, he is not elected. The Prosecutor, the Public Defenders and Judges are elected to public office. Maybe this is the ideal solution. We're not going to isolate Sheriffs in this instance.

I think it is applicable to any of the offices, prosecutors or judges, if you want to feel that way.

ASSEMBLYMAN THOMAS: The Sheriff brought out Judges. In the State of New Jersey you have some Judges that are elected to office?

THE WITNESS: Not that I know of.

ASSEMBLYMAN THOMAS: Neither do I. I just wondered why you brought it out.

THE WITNESS: In California, New York, other states. I don't know whether this is an ideal situation or not, but it is a comparable instance of saying a sheriff or any prosecutor or anybody should be elected to the office.

ASSEMBLYMAN THOMAS: That would be other states.



I would confine myself to New Jersey.

THE WITNESS: I say leave well enough alone. We're elected, and leave it that way.

ASSEMBLYMAN THOMAS: In other words, you're satisfied with the system as it stands at the present time?

THE WITNESS: I certainly am. I feel it is very satisfactory. The Sheriff can succeed himself, and if he doesn't do a good job and the public are not happy with him, they turn him out of office.

ASSEMBLYMAN THOMAS: No further questions.

SENATOR DUMONT: Sheriff, I have been interested in one thing. I don't remember too well the Constitution on this, but why do you think it takes a constitutional amendment to determine who is the chief law enforcement officer, rather than a statute?

THE WITNESS: Because of the many instances we have been involved in controversies, and if I may ask the permission of the Committee, I think our Counsel is well versed to speak on that, because he has represented us in all these matters.

MR. RICHARDSON: I don't think the Constitution does determine the chief law enforcement officer.

SENATOR DUMONT: You don't think it does?

MR. RICHARDSON: No. I think what the Sheriff had in reference to the Constitution, was any move to abolish the office of Sheriff itself would have to be subject to the Constitution.

SENATOR DUMONT: Yes, but merely to determine who is the chief law enforcement officer?

MR. RICHARDSON: No. I might say, there has been a great dispute about whether the Prosecutor or the Sheriff is the chief law enforcement officer, and it might be better to have the question determined at some time or other, but the thought occurred to me, that even after the determination of who is the chief law enforcing agent in the County, that that's only the use of words, very largely, because you have to come to the point where the Prosecutor and the Sheriff have to coordinate their efforts and cooperate.

Now, in the case before Judge Waugh, in Essex County, Judge Waugh discussed this very case, and he said that he hoped, while the question of precedent wasn't very clear between the Sheriff and Prosecutor, this much was clear, that in the interest of the public, they ought not trespass on each other's domain, they ought not duplicate each other's work,

and they ought not pile up unnecessary costs on the public, and that's the approach I have taken as counsel to the Sheriffs.

I said, we'll get further by having coordination and cooperation between the Sheriffs and the Prosecutor. Now, in many counties that exist.

I could point out with pride the cooperation that the gentleman that was here this morning, Prosecutor Calissi, with Joe Job, they get along very well together and there is no difficulty and they talk things over and they act together, and I think that's the solution.

This matter of precedence, who is the boss, who is the chief law enforcement agent, is wound up in this sort of dilemma. The Governor has the authority over the Prosecutor, but he does not have any authority over the Sheriff. The Sheriff is not a State officer, he is a County officer. Therefore, while the Governor signs the Sheriff's Commission, he has no authority over the Sheriff himself.

That leaves us in a position that the Governor, when he speaks, he can speak with authority insofar as the Prosecutor's office is concerned, but it does not affect the Sheriff.

So I'm not too much concerned about who is the chief law enforcement agent, I'm more concerned in seeing this thing worked out by way of a clarification by some principal coordinator at the head.

The trouble with enforcement, the criminal law, is a lack of specific authority at the top that can issue the orders and see that they are carried out.

Now, <sup>if</sup> we get that kind of pinpoint responsibility and a clarification between the Prosecutor and the Sheriff in their day to day work, through some law enforcement agent at the top, I can see a great improvement in the administration of criminal law.

I'm not one of those who go to these reforms for reform's sake. They seem to make a change, but after you deal with them a little while, you find they have the weaknesses of the prior law, plus the experiences as the Sheriff has pointed out.

I think you have got a good law enforcement system in this state. It needs, however, a little clarification about the respective responsibilities of the Sheriff and the Prosecutor, in particular, and in some instances, the County Clerk.

We had an incident of the salary dispute in our County very recently, where the County Clerk took one position, the County took another position,

and these positions could have been clarified before they reached a boiling point, if somebody had supreme authority.

When I state the Administrator of the Court, there is no public official more burdened with a greater responsibility than the Administrator of the Courts, but he would not be expected to personally supervise, but to create in his office a branch or an agency that would have this responsibility and put it through, because I think the Courts, most people look to the Courts for final results of the administration of at least criminal law, and, although we could go into court and have a declaratory judgment one way or another to decide whether the Sheriff is boss or the Prosecutor is boss, we're still faced with the efficient performance of duty, which I contend that can only be arrived at through coordination and cooperation. Otherwise, you have the Sheriff on his own and the Prosecutor on his own, and I don't think the diversion is very far away.

Our Sheriff is active in narcotics, the Prosecutor is not. One is active, the other is not. As long as the field is properly covered. That is the cooperation we are getting.

We didn't have much trouble in our County --

extradiction, a few things like that, that is not too serious, but in some counties, I daresay, there is some misunderstanding between the Sheriff and the Prosecutor's office, which leads to some disputes, especially the line in supplies to be ordered.

Now, the Sheriff has very little influence with the Board of Freeholders, when it comes to getting allowances for his budget, unless he stands in with the majority of the Board, and if the Board of Freeholders doesn't approve the Sheriff's budget, where are you? The Sheriff can go to Court, but there is no law that says that the Freeholders have to appropriate that money, unless they feel it should be appropriated.

So we have authorized these companion bills, one a gun bill, to give the Sheriff the right, as well as the same as the Chief of Police, to approve an application for a gun permit, and the other to clarify the areas of expenditures. I would go in front of the Freeholders, approach them, talk to them, explain to them in the event of a dispute. I would move that dispute to the Courts in our County or any County, and before the Assignment Judge and let him judge whether the Sheriff or

Freeholder is correct, the same as the Prosecutor's bill.

MR. LUMBARD: Thank you.

ASSEMBLYMAN GAVIN: I wonder if you have any thoughts or comments toward the abolition of the local municipal courts, towards a centralization of their particular job?

At the present time you have the local municipal courts, but the consolidation of the local municipal courts in one area has been suggested.

THE WITNESS: I think I mentioned that in one of my statements. I feel that if there is a move to centralize the courts, I would not be in favor of it.

I think we're all losing sight of <sup>the fact that</sup> in all these hearings, whether they be on the county or the state or federal, we're taking the government away from the people. I think the Magistrate is appointed by his local officials, he knows his people, he knows his community. If he doesn't do a good job, the officials remove him from office.

I don't believe in taking any form of our government too far away from our people. I think Municipal Magistrates may be like the Sheriffs, and the office needs a little straightening out,

but I think they're good and effective.

ASSEMBLYMAN GAVIN: How about towards regionalization?

THE WITNESS: Well, there is a great deal of theory in regionalization, whether detention homes, jails, prisons. I've seen that in the west. I'm not too much in favor of that, because there does exist, again, the problem of one area has great disputes with the other.

I don't think, therefore, that they say this is our jail, this is our court, this is our this. I think there also exists friction and tension in the consolidation move.

ASSEMBLYMAN GAVIN: In other words, you would be an advocate of home rule?

THE WITNESS: I'm a firm believer of home rule, keep the government close to the people. I think we have gotten too far away from our people. We lose sight of many things, from early time up, which is very important today.

ASSEMBLYMAN GAVIN: I want to say I agree with you wholeheartedly.

THE CHAIRMAN: Thank you.

THE WITNESS: Thank you.



THE CHAIRMAN: Any further questions?

(No response.)

THE CHAIRMAN: Thank you very much.

THE WITNESS: I brought enough of these statements for any other members.

I request now that you take the two statewide reports of Sheriffs, county by county, and look under each county and look under their activities, the volume of money taken in, the amount paid to jurors, the number of jurors, gross receipts. The State pays, through the counties, practically two million dollars in jury fees, at a cost of \$5 a day, that is two million dollars for juries, Grand Jury and Petit, to service the Courts. I don't think any other report you get, would visibly bring to you just what the Sheriffs do in each County, as the two reports for 1967 and 1966, which is the latest.

THE CHAIRMAN: Thank you. Mr. Rush.

MR. RUSH: I am John F. Rush. I'm the Warden of the Essex County Penitentiary in Caldwell, New Jersey.

J O H N F. R U S H, duly sworn.

MR. LUMBARD: Mr. Rush, do you have a statement of any kind for the Committee?

THE WITNESS: No, sir, I do not.

MR. LUMBARD: Do you have your last annual report with you?

THE WITNESS: Yes, I do.

MR. LUMBARD: Do you have a copy or two for the Committee? If you have only one, you might keep it in front of you while you are testifying and we can have a copy later.

THE WITNESS: Yes.

MR. LUMBARD: Will you submit such a report to us?

THE WITNESS: Yes. I have, if Counsel and the Chairman would like, I would like to give you a bird's eye picture of the penitentiary at Caldwell.

THE CHAIRMAN: Thank you.

MR. LUMBARD: That's located, of course, within Essex County?

THE WITNESS: Yes. The Essex County Penitentiary was built in 1874. They had a facility at that time for some 250 inmates. Since that time there have been additions made to the institution.

At the present time we have facilities for 729 inmates, 627 males and 102 females.

We have a complete operation, as far as a penal institution is concerned. I think that we compare with any of the larger State institutions.

We have a greenhouse, to which an industrial officer was assigned, and up to as high as 12 to 15 inmates.

We have a garage. We repair and service all the cars of the county, with the exception of the highway department.

We have a craft shop and auto body shop. We strip down all of the beds, cabinets of the hospital, furniture, we repair and repaint them. All the body work is done by that shop. We have a shoe shop. We make our own shoes and we repair our own shoes.

We have a tailor shop. We make all of the clothing worn by the inmates and repair them.

Two and a half years ago we organized a sign shop. We are now making all the signs that are used by the County Highway Department, on county roads, and we are supplying, at a tremendous savings, to some of the communities, approximately 48 to 52 percent in purchase of signs.

We have 9,000 chickens, which supplies us with a million two hundred and fifty thousand eggs. We have a population of 400 pigs, that supplied us with 72,000 pounds of pork last year.

We have a farm, approximately 90 acres, under cultivation. We supply all of the fresh vegetables during the season for the institution, for our hospitals, and the county jail.

We have a narcotics program. We have two psychiatrists, six counselors. We have a program where we work very closely with Alcoholics Anonymous.

We have an art class which is supervised by a retired artist.

Two and a half years ago we introduced a school. We have a qualified teacher with a certificate from the State of New Jersey. We have a music teacher. We have a painter who does the instructing of inmates in the institution.

We have two nurses working full-time and a doctor.

For those in our narcotics program, we have a doctor on the outside that the inmates can go to, at no cost to him, after his going through our narcotics program. We have outside recreation, for both males and females. Incidentally,

both of those programs were opened up yesterday.

We are now working on, and I think the Legislators will be asked, on a work release program. By that I mean, inmates who are in the institution, prior to their release, will be permitted to work on the outside and retire to the institution at night.

I just spent a full day up at the Federal Prison in Danbury. They have an excellent working program there, and Freeholder Mintz and I were desirous of seeing it, and we expect that legislation will be requested granting us permission to do this.

MR. LUMBARD: Do you need a change in the State Law in order to do it?

THE WITNESS: Yes. We have what I consider the best narcotics program -- as a matter of fact, it was the first one that was introduced in the eastern part of the United States.

With the cooperation of the State Unemployment Service, they're coming into our institution now and giving aptitude tests to the inmates prior to their release, so that when they are released from the institution, they will be in a position to go to the employment service. Their applications

will be filled out at the institution by the state worker.

This is a picture of our institution.

THE CHAIRMAN: Mr. Lombard.

MR. LOMBARD: Warden, you have described a wide variety of programs. Could you summarize for the Committee, however, your theory of rehabilitation. As I gather from your statement, regarding your institution, it is one of both punishment and rehabilitation.

THE WITNESS: I would like to say this. My whole background has been in the field of correction, some 41 years. I have always felt that in dealing with people who have come into conflict with the law, they have made a mistake. I think possibly it can be corrected.

I never lose sight of the fact and never have lost sight of the fact that when these people are committed to us, that they are human beings, and we try to treat them as human beings.

This is my thinking, it's the thinking I want the staff of the penitentiary to have, that if we can correct these people or help them to correct themselves, that we're doing a good job.

Just let me give you an example. On February

the third of 1964, we instituted the narcotics program, and each inmate who is committed to us is asked a question, "Do you want help with your drug problem?"

In 1967 we received at the penitentiary, 943 people who were convicted of drugs, and each of these individuals were asked that question. 603 said, "Yes," and 340 said, "No."

I don't say that the 340 meant that. I think that there are many factors involved as to why they say no, but they are not just confined to the institution. We do make efforts during their stay to try to show them that we are willing to help them, if they are willing to help themselves.

Now, as I said, in 1964, February 3rd, we instituted the program at the penitentiary on narcotics, and prior to that I had made a ten-year survey, between the years of 1950 and 1960, and I found that eleven hundred people had been confined to the penitentiary for the use of drugs, and they were just, as far as I was concerned, a lot of vegetables just thrown in, and that they had served from one to eleven times during that ten-year period of time.

Now, since 1964 we have had 1088 people become

involved in our program.

MR. LUMBARD: The narcotics program?

THE WITNESS: The narcotics program. We like to work with them for no less than six months.

MR. LUMBARD: Why is that?

THE WITNESS: Of the 200 -- 1088, since 1964, 208 have been returned to us. By returned, have been rearrested again for the use of drugs.

MR. LUMBARD: And sentenced to a short term, such as would put them in your facility and not in a state institution?

THE WITNESS: That's correct. Now, going to the so-called successes of narcotics on a national basis, both out of Fort Worth and Lexington, I think you would agree, out of 1088 in a four-year period, a return population of 208 is a success.

MR. LUMBARD: Is that really a fair comparable figure? Because those persons might have been reconvicted in New York or somewhere outside of New Jersey or somewhere in New Jersey.

THE WITNESS: I was going to come to that. At Lexington and Fort Worth, their successes, and this is from the statement of Dr. Vogel, when the narcotics problem developed, told us, that he couldn't honestly say that one and a half or two



percent of those who have gone through those two hospitals were successes.

Now, when I say that 208 out of 1088 have got to be returned to us in a four-year period, I'm not in any position, because of lack of follow-up.

Now, they may be arrested in Chicago, Detroit, or Philadelphia, but, I say, that their roots were originally within the City of Newark.

MR. LUMBARD: But, aren't narcotics users notorious drifters, once an addict? Were at the point in the country where the average American family moves every five years. I don't see how you can make a conclusion which is confined to one County.

THE WITNESS: As I say, the majority of these people, their roots were within the City of Newark, and I think that based on that, that there is a certain success to the program.

MR. LUMBARD: Well, could I come back to my question, what is the theory of rehabilitation on which you operate your institution, or the theories?

THE WITNESS: As I said, that we try to have these people who are confined to us, not to make the same mistake a second time. We try to get over to them we're there to be helpful and we want to help them.

It's unfortunate that people have to be committed to places like a penitentiary or prison, but I think that prison administrators today, in the State of New Jersey, are sincere, dedicated and loyal, and that there is a tremendous satisfaction in helping these people who make mistakes.

MR. LUMBARD: Is your rehabilitation effort built around work programs of one kind or another, teaching a trade or whatever?

THE WITNESS: Yes.

MR. LUMBARD: What percentage of the prisoners on any one day are involved in these programs?

THE WITNESS: Approximately 52 percent.

MR. LUMBARD: On that given day, what would the other 48 percent be doing?

THE WITNESS: Confined.

MR. LUMBARD: Would they be idle?

THE WITNESS: With the exception of what we normally refer to tier men, who keep the place clean.

MR. LUMBARD: Do housekeeping duties?

THE WITNESS: That's correct.

MR. LUMBARD: What is the average length of stay in your facility?

THE WITNESS: Approximately five and a half months. You see, our institution is maximum stay of 18 months. We get them from one day to 18 months, although they can receive consecutive stays, but the average stay, I would say, is approximately five and a half months.

MR. LUMBARD: From the point of view of rehabilitation, do you have any judgment, based on your experience, to offer the Committee about how long you really have to have someone with you before you can do a meaningful job?

THE WITNESS: That's a very difficult problem, question to answer.

MR. LUMBARD: I know it's difficult, but we're seeking your judgment.

THE WITNESS: I would only say this, that with our narcotics program, we feel that from experience, that six months is a reasonable period whereby we could be able to be helpful to the individual.

MR. LUMBARD: The minimum or maximum?

THE WITNESS: Minimum.

MR. LUMBARD: Minimum?

THE WITNESS: Minimum.

MR. LUMBARD: Have you so informed the Judges in your County?

THE WITNESS: Oh, yes, they're well acquainted with that. In any instance, the Judges will know, they do know, we like them there for six months.

MR. LUMBARD: On the other hand, since your average stay is only five and a half months, I realize I'm talking about the whole population and not narcotics alone, do you have any rules of thumb that you have given the Judges in terms of stay that people should be there?

THE WITNESS: What?

MR. LUMBARD: Rule of thumb that you have given to the Judges about how long people should be in your institution before you can do anything by way of rehabilitation.

THE WITNESS: Yes. I have personally discussed it with many of the Judges.

MR. LUMBARD: What have you told them?

THE WITNESS: That I felt that particularly -- I must particularly stress narcotics, because as of today our population is quite high on narcotics. The population of the penitentiary today, both male and female, is 641. Our drug census on male is 228.

MR. LUMBARD: Is that what it has been running about lately?

THE WITNESS: Yes, up to about 50 percent. Both male and female, that is less.

MR. LUMBARD: Are there any of those persons in there less than six months, narcotic addicts?

THE WITNESS: Some of them are there for ninety days.

MR. LUMBARD: Do you think it does any good for them?

THE WITNESS: No.

MR. LUMBARD: With the program you have?

THE WITNESS: No, I don't.

MR. LUMBARD: Have you told the Judges that?

THE WITNESS: Yes, I have. The majority of Judges are in Municipal Court that sentences a man to 90 days.

MR. LUMBARD: Do you inform them?

THE WITNESS: Yes.

MR. LUMBARD: They know that?

THE WITNESS: Yes.

MR. LUMBARD: Would you comment on that in any way?

THE WITNESS: No, I wouldn't want to comment on that.

MR. LUMBARD: I'm trying to make a point here. You have a short term institution, where 48 percent of the people are idle. I gather that is a rough figure. You're in a metropolitan area. You have a large percentage of those working in agricultural pursuits, to run your farm. What percent would that be?

THE WITNESS: Approximately 40 percent.

MR. LUMBARD: Is there any farm in Essex County, other than your institution?

THE WITNESS: Penal?

MR. LUMBARD: Farm at all?

THE WITNESS: Yes.

MR. LUMBARD: Are there many farms?

THE WITNESS: Not many.

MR. LUMBARD: To the extent, one of the jurisdictions, as having part of your training, would be farm workers, you wouldn't say that is true in Essex County?

THE WITNESS: No.

MR. LUMBARD: So this gets back to the theory of the institution. Is it in part to really do County work, to perform services for the County, rather than so much training for a job that the man could use on the outside when

he did get out?

THE WITNESS: I wouldn't say that was just to supply the County with labor and any of the many items we either manufacture or grow. I wouldn't say that's the theory of operating the penitentiary, no.

MR. LUMBARD: I didn't say the whole theory of the institution, I didn't say that, obviously. Equally so, it is apparent, however, that a number of persons working there are really working on County endeavors.

THE WITNESS: That's correct.

MR. LUMBARD: Like running the farm, which saves the County money, but doesn't necessarily or very rarely train a man for a job in farm work.

THE WITNESS: That's correct. You can't make a comparison with the farm. Take, for instance, when we opened the sign shop. We were able to teach the inmates, and the first man who had completed his term was able to go back into the community and we were able to get him a job that paid in \$95 a week.

Therefore, what we were able to do for him, we can't do for many on the farm, I agree with you. But take, for instance, in any of the other

industries, our sign shop, tailor shop, garage, we can teach people where it is a benefit to them.

MR. LUMBARD: Do you have any job training programs under the O.E.A. or any other programs that has the training of the man to a job he did not have before for a new employment when he leaves your institution?

THE WITNESS: No. We have just two possible prospects. One of the things that is unfortunate, and I at times am inclined to resent, one, we have now pending, and it has been pending for two and a half years, the placing under the vocational schools of Essex County, the teaching of radio and television repair.

Now, we have made an application to the Federal Government, through the necessary agencies, and with this work release program, the Federal Government tells us that there is a possibility of getting \$20,000 on this work release program, but it's a long, drawn-out affair. Every other institution, with the exception of surplus food/<sup>gets things</sup> from the government, but we can't. We can't get khaki trousers, which we use. A year and a half or two years ago, when the government closed in on the people who manufactured the



khaki, we had to go out and expend a large amount of money in order to get a so-called khaki cloth in order to make trousers. Now we can't get any of these things. I wish we could. I wish we could get shoes and other items. It would be a tremendous savings, as far as we are concerned.

MR. LUMBARD: I am not so much concerned in the savings, although I think it is very important. What I am trying to do is find out what, for the Committee, what job training programs you have, and you wish to tell us about, or perhaps we have exhausted that subject.

THE WITNESS: There are things I would like to see.

MR. LUMBARD: Would you tell us about that?

THE WITNESS: Say, for instance, this radio and television, I'm very much interested in programs of this type. I'm interested, if I had the funds and the facilities, to teach machining, machinist trade or any of the allied trades, because as I pick up the Newark Evening News every day and see five, six pages of want ads, machinists, carpenters, electricians, I would be delighted to have that kind of facility,

and the Freeholders would, because it would be productive, as far as the community is concerned, because when we release these fellows back into society, that they have a basis and a basic training of being able to earn a decent, legitimate livelihood.

MR. LUMBARD: Why doesn't that come about?

THE WITNESS: I think that the members of the Legislature will appreciate what I am going to say. I think they have heard this before and they will hear it again many times. Money.

MR. LUMBARD: Well, is it only money or is it the unions in the area resisting this new development?

THE WITNESS: I don't think that.

MR. LUMBARD: Because all the trades you did mention are in the area of organized union activity.

THE WITNESS: True. But let me say this to you, Counsel. I think that if you get around and you watch them putting buildings up today, you will find that at least -- this is my observation -- you will find that the average man in the trades today is in his late forties up. I'm a great advocate of vocational schools.

Now, somebody must replace these people. Somebody must be taught these trades, and I think it's a misstatement to say that the unions would be opposed to this type of training.

MR. LUMBARD: I didn't say that. I just asked you --

THE WITNESS: Don't misunderstand me, I say, it would be unfair to say unions would be opposed to this, because I think they themselves have started an apprentice program. I think we had these fellows in vocational schools -- to give you an example of how important a vocational school is to me, I received a call at the penitentiary from a public official who had a father in his office. He wanted me to talk to him. He had a son who had no interest whatsoever in school, and I talked with this man and I questioned him, and the child was getting what they call social promotion, was going right ahead and learning nothing.

So I said to the father, "Let's you and I talk like we should talk."

And I found out from the father, during the conversation, that this boy, if he had a pair of pliers, a screwdriver and a wrench,

would take any automobile apart and put it back together, and I asked him if he ever discussed it with the Guidance Counselor, the possibility of referring this boy to a vocational school, and he said no.

Well, I then said to him that I felt that if the Guidance Counselor in the school was consulted, that this boy has prospects of being a good automobile mechanic. It's a boy that could become a delinquent.

That's what I mean, that these fellows who are so-called -- referred to as dropouts -- why do they drop out? Are we paying enough attention to them? Are we trying to discover the real reason? If we are not, then I think we should.

I strongly recommend, and I have for years, more vocational schools.

MR. LUMBARD: Now, speaking of teachers, you said you have one qualified teacher in the roughly over 600 inmates?

THE WITNESS: That's correct.

MR. LUMBARD: What does that teacher teach?

THE WITNESS: His steady population will average between 30 and 40.

MR. LUMBARD: What subjects?

THE WITNESS: Just plain ordinary reading and writing, Counsel, because I find, and we find at the penitentiary, we get a lot of people who can't read and write.

MR. LUMBARD: What percentage would you say; ten percent?

THE WITNESS: No, it doesn't run that high.

MR. LUMBARD: Are these illiterates or non-English speaking?

THE WITNESS: No, they're illiterates. The thing I'm concerned about, when a fellow goes out of the penitentiary and he doesn't have a job to go to and he goes into an employment office and they hand him an application and tell him to fill it out, just forget about it, he's not going to get any job, because he can't read or write.

What we're trying to do, and I feel very proud of this part of our program -- because there was a young fellow there that couldn't read or write, and he was in the class for four or five months, when he wrote a letter to me in which he said that he was very thankful for the opportunity that he was given to be able to learn to read and write.

MR. LUMBARD: Have you been able to get teaching assistance from the Board of Education in your community?

THE WITNESS: Yes. In all of our endeavors, we cooperate very fully.

Take, for instance, our farm with our chickens and all of these items. We cooperate very fully with the Agricultural College.

Before we started our school, we sought the assistance of the Montclair State Teachers College, which is within the county.

MR. LUMBARD: One last area of questioning, what proportion of your population would you say is really there because they had a problem with the bottle?

THE WITNESS: As of today, April the 2nd, we have 32 males who have an alcoholic problem and no females.

Now, in 1960, the records indicated that one-third of the population, or two hundred people, were committed there for alcoholism. I know the efforts that have been made in the alcoholic problem within Essex County.

MR. LUMBARD: Would you say the drop in

your alcohol problem, from one-third to the dramatic figure you mentioned, is a reflection of the alcoholic problems in Essex County?

THE WITNESS: Yes.

MR. LUMBARD: And not from sentencing practices in Courts?

THE WITNESS: No. It could possibly be, yes, because in the Magistrate's Court in Newark, the Essex County Probation Department set up a program whereby certain offices have been assigned to do nothing but to deal with alcoholics, and with the very strong cooperation from Alcoholics Anonymous, the program has been working out very successfully.

MR. LUMBARD: Thank you.

THE CHAIRMAN: Committee members?

ASSEMBLYMAN GAVIN: I have just one brief question. Do you have any problem with overcrowding at this particular time?

THE WITNESS: No. As I say, I have facilities for 627 males. As of today, I have 612. So I'm not, as of this moment, overcrowded.

THE CHAIRMAN: Thank you very much.

MR. LUMBARD: You'll submit to us a copy of your report?

THE WITNESS: Yes.

THE CHAIRMAN: Thank you.

THE WITNESS: I only have one copy with me, my original. Do you mind if I send it to you?

MR. LUMBARD: All right.

THE CHAIRMAN: Mrs. Rainey. Will you identify yourself for the record.

MRS. RAINEY: Mrs. Ann Rainey, Assistant Chief Probation Officer from Hudson County. I am here today to take the place, if I may, of Mr. John Keogh, our chief, who is at present in the hospital and has just undergone an operation.

A N N R A I N E Y, duly sworn.

THE WITNESS: I would like to introduce to the panel, Mr. Harvey Newman, our Legal Aide, who has been of great assistance in our department, and particularly to me.

MR. LUMBARD: What does Mr. Newman do as a Legal Aide to the Probation Office?

THE WITNESS: You want to answer that question, Harvey?

MR. NEWMAN: Under the present set-up, I



supervise the non-probation staff, such as the Financial Division. In our Hudson County Probation office we have clerical help handling support matters, such as the support cases emanating from the Domestic Relations Court, from the Chancery Division of the Superior Court, and handle the matters of the Chancery Division and the Court matters in both Domestic Relations and supervisory division of the Superior Court, Matrimony Division.

MR. LUMBARD: You function not as a lawyer, as a --

MR. NEWMAN: As a lawyer in recommending legal aid and rendering advice to the probation staff and persons placed on probation who have legal problems and referred to me by the probation office.

MR. LUMBARD: Mrs. Rainey or Miss?

THE WITNESS: Mrs.

MR. LUMBARD: Do you have a statement of any kind you wish to present?

THE WITNESS: I don't have a statement. I have a lot of figures here, because Mr. Keogh was preparing a paper probably for this. I don't

have a prepared statement.

MR. LUMBARD: If you have any statistics --

THE WITNESS: I have a set-up of our office and the jurisdiction, I have this, that I think that might be of benefit to the Committee and also the physical set-up of our office.

MR. LUMBARD: May I say this, since you apparently only have one of a kind, you can take them back and Xerox them.

MR. NEWMAN: We have two copies.

MR. LUMBARD: That would be most helpful.

MR. NEWMAN: We have a statistical report.

If we don't have them here, we will present them.

MR. LUMBARD: Would you please?

MR. NEWMAN: Yes.

MR. LUMBARD: How are your probation officers appointed?

THE WITNESS: They are appointed after a -- they have completed a civil service examination and are put on the list for the attention of the Judges when we need probation officers.

MR. LUMBARD: They are appointed by the Judges of the County?

THE WITNESS: That's right.

MR. LUMBARD: Could you give us a breakdown

of the time spent by the personnel of your office between pre-sentence reports and supervision and probations?

THE WITNESS: We have two distinct divisions. One division does the pre-sentence investigations and then we have a core of probation officers who supervise only.

MR. LUMBARD: Different people do these two different functions?

THE WITNESS: Different groups.

MR. LUMBARD: Should they be housed in the same department or agency?

THE WITNESS: I think physically it's all right. We're in the new building in Hudson County.

MR. LUMBARD: For example, in some places there is a thought that the investigation could and should be housed with the court, but the supervision could easily be housed in another agency, that may be due to parole or other things. The Federal people combine parole and other things in the same office.

THE WITNESS: I don't think it is feasible in our County. In the first place, the physical

condition of the building, although a new building, the space is pretty well taken up.

MR. LUMBARD: Just put up a new wall.

THE WITNESS: I think Mr. Newman could tell you more explicitly, because he does do a great deal, in fact all of our legal work.

MR. NEWMAN: I think maybe I could answer your question, sir. If I understand it correctly, you suggest that the investigation division be separated and apart from the supervisory?

MR. LUMBARD: I am inquiring as to your view.

MR. NEWMAN: We did have the same officer for a long period of time doing investigative work and supervisory work. We found that it didn't work out.

MR. LUMBARD: I think that is a general conclusion.

MR. NEWMAN: It did not work out, because there was no supervision whatsoever, the officers were out in the field continuously making investigations, and whatever supervisory work was being done, was just going through the

motions of having the gentleman, the defendant, or the probationer report, and whatever he told them, he wrote down, and that was it. As a matter of fact, he had little or no time for it, because most of his time was spent in the field.

We operated under that, on the dual supervision and investigation, for a period of about four or five years.

Our chief, here in the past six months, divided it. We took five officers from the supervisory division and set up a separate and distinct part of our department an investigational division with the supervisors. So actually, our investigation is done separate and apart today from the supervision of the probation, and we think that is a far better plan, because we get better supervision and better investigations.

MR. LUMBARD: That was the thrust of what I was suggesting, since they are completely separate, in fact.

MR. NEWMAN: They are in separate rooms in our department.

MR. LUMBARD: Does it make any difference

then whether the separate entities are in one house or another?

MR. NEWMAN: I think not.

MR. LUMBARD: Now, do you have any figures on your average case load?

THE WITNESS: Yes, I do. We have a workload of investigations last year -- our last report was 1,831.

MR. LUMBARD: That's on an annual basis?

THE WITNESS: Yes.

MR. LUMBARD: What is your current case load per officer, which might be a little more meaningful to cope with?

THE WITNESS: I don't have that.

MR. NEWMAN: The case loads in our department vary. In our juvenile division, they run anywhere from about 75 to about a hundred forty-five, depending upon the territory, to one hundred forty-five, plus investigation, depending on the territory.

MR. LUMBARD: You mean one officer might have 145?

MR. NEWMAN: He has.

MR. LUMBARD: And also has investigations?

THE WITNESS: No.

MR. NEWMAN: This is the juvenile division, to the tune of maybe 20 a month, investigations. And I only, yesterday, called to the attention of one of the officials in the County, that under the present rules adopted in 1967, it seems to me that the rule reads that in every case, where the Court is of the opinion that sufficient facts have been established to declare the juvenile a delinquent, he must order an investigation.

Yesterday our department received 22 investigations from the Juvenile Court. We have a total staff in that division of 14 officers.

MR. LUMBARD: Well, pardon me for saying this, but it raises the question of whether you have probation in form, without the fact.

MR. NEWMAN: We have, in my opinion, my personal opinion, we have become an investigative body for the Courts.

MR. LUMBARD: Not a supervisory agency?

MR. NEWMAN: Positively not. I think that is more or less universal.

MR. LUMBARD: In the State?

MR. NEWMAN: Most departments in my observation. We not only make pre-sentence investigations,

pre-hearing, we make pre-sentence investigations for the County Courts, we make custody investigations for the Superior Court, we make investigations of earnings, and our investigations, I think, Mrs. Rainey was about to give you that figure for a year, last year we completed, from August 31, 1966, to September 1, 1967, 1831 investigations.

MR. LUMBARD: Do you think this is sort of inevitable conclusion, when you have probation under the Court, because the Judge's prime interest is that immediately in front of him and must be part of his investigating process, for example, what the Judge doesn't see the one year, two years supervision?

MR. NEWMAN: He does not, although they are interested. Only this week, Mrs. Rainey called to my attention, she had a request from the Chief Judge of the Jersey City Magistrate's Court or Municipal Court, to submit a quarterly report of everyone he put on probation.

Now, with making investigations such as we do and the volume being so great, the big problem, how are we going to cope with that. But definitely on probation, as much as the staff works, they



work hard and are a good staff, the demands made upon the department for investigation is so great, that there is little, if any time, for any worthwhile supervision.

THE WITNESS: I don't know whether Mr. Newman made it clear, we only have 39 probation officers in our department, although we have been able, when you go moneywise, to collect \$3,548,423.86, that was support and alimony. The fines and costs, we collected \$32,639.90. Restoration, pay to people who are injured, by the people under our supervision, amounted to \$29,051.94. There is a grand total of \$3,548,423.83. \$230,171.98 was collected in Juvenile and Domestic Court, included in the support and alimony figure.

MR. LUMBARD: What was your total number of persons under supervision in 1967?

MR. NEWMAN: Over 10,000.

THE WITNESS: I have it here, Harvey.

MR. LUMBARD: With 39 officers?

THE WITNESS: We have 10,785 under supervision. That includes all the courts, not just one.

MR. LUMBARD: With 39 officers?

THE WITNESS: Yes.

MR. NEWMAN: May I clarify that?

MR. LUMBARD: I wish you would. It staggered me.

MR. NEWMAN: We have, of the 10,000-some odd persons under our supervision, I would say roughly almost 7,000 of them are involved in support matters, they are not actually criminal cases. Offhand, without looking at the figures, about 2300 adult probationers and we have approximately 1,000 juvenile probationers. So the total case load of criminal are those persons adjudicated delinquent, totaling the two, totaled approximately 3500.

THE WITNESS: Our staff remains at 39 probation officers. We not only service the County Court, we service, what I was brought up to understand, the old Police Court. We really service every Court in our County.

MR. LUMBARD: Out of the one headquarters?

THE WITNESS: Out of one headquarters.

MR. LUMBARD: Do you have any regional offices?

THE WITNESS: Yes. The main office is considered the main office, but we do have three branch

offices. Isn't that true?

MR. NEWMAN: Four.

THE WITNESS: We have one in Hoboken, one in Bayonne, one in Union City -- where is the other one?

MR. NEWMAN: West Hudson, up in North Bergen.

MR. LUMBARD: Do you have any figures on the success of your office or the lack of success, or the repeater rate or however you measure this matter, difficult as that may be?

THE WITNESS: That would be difficult, because the ones that are successful, we never hear of. We only hear of the ones we get to know by name, recidivists that come back and back.

MR. LUMBARD: Do you have any figures on recidivism?

MR. NEWMAN: In the Juvenile Division, recently we checked the records, and we found about 50 percent of the juveniles presently on our books have been known to us before.

MR. LUMBARD: To your own office?

MR. NEWMAN: To our own office.

MR. LUMBARD: Does that check, however possible, check whether they were known to other offices outside of Hudson County?

MR. NEWMAN: No. They were cases we had previously. Some of them may have been elsewhere. That is not included in my 50 percent figure. In the adult division, about 34 percent.

MR. LUMBARD: Were known to your office?

MR. NEWMAN: Known to us before.

MR. LUMBARD: Same problem again?

MR. NEWMAN: Yes. It surprises me, and we checked out, that out of the Municipal Court, the cases of the Magistrate's Court, only about 24 percent were known to us before.

MR. LUMBARD: Because probation may not be used as frequent in County Court?

MR. NEWMAN: Yes.

MR. LUMBARD: Do you have any general conclusion to offer the Committee then in view of this testimony as to whether probation is meaningful and useful in Hudson County or not?

MR. NEWMAN: Probation is most useful. In servicing all the Judges in the County, perhaps on time, we have as good investigators as they get in the State, I had occasion to talk

to the late Homer Sink, he stated Hudson County was the most efficient in presenting investigations than any other county in the State.

My personal opinion, that the work done by our office, is as good or not better than most other offices.

From the standpoint of supervision, it is a question of volume, more probation officers, less investigation.

MR. LUMBARD: The question to the public is one of the safety or the threat, rather than less investigation or more supervision. Therefore, the probation is being used as an alternative, to perhaps other forms of sentencing, than a real question existing as to what the public thinks they're getting by way of probation, is, in fact, occurring. Do you have any comment to that?

MR. NEWMAN: Actually, they are not getting what they think they should be getting. They think the probationer should be supervised, rehabilitated. We have the people who are qualified to do it, but when you're working for the judges, and the judges hire you and arrange your salaries, you take care of the judges and get your pre-sentences

to him on time, to have a good reputation.

MR. LUMBARD: With the judges?

MR. NEWMAN: Yes. He is your boss. As far as supervision, if we had the time, our staff is well qualified, and most probation officers that I have come in contact with are, but there are demands for all sorts of investigations, and you are doing essentially an investigative body.

MR. LUMBARD: Probation has been challenged by a number of people for being ineffective, for one or another reason. I am not saying it is or isn't. I am merely trying to talk to you and find out what is going on today in Hudson County, your views and experiences in that regard, because you will be followed by two other probation officers.

MR. NEWMAN: I have been associated with the department for 22 years. I was with the department when the overall case load was no higher than 2200, and we had the same staff then as today with the<sup>increased</sup> numbers.

In those days we did an excellent job. We were in the homes, we not only supervised the individual, we supervised the family, helped the

family, did great work. I was really proud of it and proud to be associated. But when the job load is so great and, as I indicated before, you are trying to comply with the requests for investigations -- the investigations just got us. We're just drunk with investigations.

MR. LUMBARD: Sounds like there is a collapse ahead of you.

MR. NEWMAN: We've kept up with it. We've kept up with investigations, and I don't think there has been any complaints in the last couple of years concerning getting them out on time.

MR. LUMBARD: I'm talking about supervision.

MR. NEWMAN: What little supervision we do is worthwhile, but too little.

THE WITNESS: It seems, statistically, it's little, but we have dedicated people in our office who are well acquainted with the agencies in our area, and I feel that in the supervisory field, that people who are without the things that ordinary people have, we have means of getting it. We have one man, and I want to stress this, who is a member of Alcoholics Anonymous. In fact, I wouldn't be surprised that his wife doesn't divorce him, because he gives as much time to

Alcoholics Anonymous as he does to his own family.

As a result of his interest in the alcoholics in our department, he has established in Jersey City, not far from our office, a place called Flynn House. It is now staffed by one man, a director, and the men who are alcoholics and wish to be cured go there. Mr. Taylor has never stopped his interest in that. That is one man.

Other officers have taken over projects on their own time and have given of themselves by going to the various agencies.

Now, I'm on the Board of Mt. Carmel Guild. I have been able to get physical relief and clothing, moneys, things that never appear on our probation report, because these organizations don't want that. They give it to you, because they want to give it to you and they believe you know the need and that you will use it wisely.

MR. LUMBARD: Mrs. Rainey, by my questions, and although not speaking for, but by his responses, I do not mean to impugn the integrity, the interest or devotion of those who are on the staff. I think the questions, at least from my part, went to whatever the devotion of those on the staff, can they



adequately cope and perform the service that society desires and expects from them. Under present conditions, that is really what we're inquiring about.

THE WITNESS: I didn't take it quite that way. We certainly need more officers, you know that. You know, there is a little Irish in me, and if I get a little tint of that, that was something you didn't think we were doing, that we should do, with the limited facilities we have.

MR. LUMBARD: Quite the contrary. Sounds like a heroic upstream fight.

THE CHAIRMAN: I would like to reinforce what Mr. Lumbard said, it does appear to be upstream and that stream appears to be running pretty fast at you. It's apparent to me, that in the area of supervision, that you just really haven't any effective staff to be able to cope with it.

THE WITNESS: We don't.

THE CHAIRMAN: With the workload that you have.

THE WITNESS: We don't have the staff, we really don't.

ASSEMBLYMAN RINALDI: To whom is the Probation

Department responsible in the County, who is his direct supervisor?

THE WITNESS: We are under the Director of the Chief Justice's office in one respect -- are we not, Mr. Newman -- then we have one judge that does --

ASSEMBLYMAN RINALDI: Would that be the Assignment Judge?

THE WITNESS: Yes. And then Judge Duffy is the man that is really interested and has been assigned the interest of the Probation Department.

ASSEMBLYMAN RINALDI: Are the needs and the requirements of your department spelled out to Judge Duffy and does it boil down to simply a matter of County budgetary requirements, just not enough money from the County to fill your needs?

MR. NEWMAN: I would say that is definitely right.

ASSEMBLYMAN RINALDI: Boils down to money then?

MR. NEWMAN: Well, we did in our budget request, trying to be considerate --

THE WITNESS: This is the report, the need for additional personnel in both the Probation

office and stenographic staffs. You can examine the statistical reports submitted to the Administrative office of the Supreme Court, for the years 1951 to 1965. 1951 the total case load was 2,338. In 1962 it was 4,636. In 1967, 10,785. The supervised collections amounted to \$642,100 in 1951. In 1962, it was \$1,669,092. In 1967, it was \$3,486,727.

We had in 1951, we had 38 probation officers. In 1962 we had 44. In 1967 we had 42.

We had a clerical staff in 1951 of 35. In 1962 we had 37. In 1967 we had 38. Now, those figures -- we have additional figures.

MR. NEWMAN: We have 39 today.

ASSEMBLYMAN RINALDI: When you submitted your budget for 1968, did you ask for additional money to hire more personnel?

MR. NEWMAN: It's in the budget, yes, sir.

ASSEMBLYMAN GAVIN: How many additional positions did you want to fill?

MR. NEWMAN: Considering the experience in the past, ten additional officers.

ASSEMBLYMAN GAVIN: What has happened?

MR. NEWMAN: From the standpoint of the 1968 budget?

ASSEMBLYMAN GAVIN: Yes.

MR. NEWMAN: Perhaps sufficient money to hire two.

ASSEMBLYMAN GAVIN: Do you happen to know what the new administration building cost in Hudson County?

MR. NEWMAN: No, I do not.

ASSEMBLYMAN GAVIN: Or the addition?

MR. NEWMAN: No, I do not.

ASSEMBLYMAN GAVIN: Do you know what it costs to furnish the new administration building?

MR. NEWMAN: No, I don't, sir.

THE CHAIRMAN: Thank you, Mrs. Rainey. You are doing a tremendous job.

THE WITNESS: I only had a few hours to look these things over.

ASSEMBLYMAN RINALDI: Do you know the staff of Essex County?

MR. NEWMAN: Approximately 130. Yes, I have the statistical report and breakdown here.

THE CHAIRMAN: Thank you. Michael Stabile. Would you identify yourself for the record.

MR. STABILE: Michael A. Stabile.

M I C H A E L   A .   S T A B I L E, duly sworn.

THE CHAIRMAN: Do you have a report for us?

MR. LUMBARD: Mr. Stabile, read your report to the Committee, please, and then we'll question you afterwards.

THE WITNESS: Yes.

MR. LUMBARD: Could you first, however, tell us very briefly what County you are from; Somerset?

THE WITNESS: Yes, sir.

MR. LUMBARD: And how many people are in Somerset County?

THE WITNESS: Population, sir?

MR. LUMBARD: Yes.

THE WITNESS: It's estimated now to be 190,000.

MR. LUMBARD: How many officers are in your agency?

THE WITNESS: I have 13 officers, including myself. I have vacancy for four more.

MR. LUMBARD: Thank you. Please go ahead.

THE WITNESS: It is my opinion that probation in Somerset County, as well as in the rest of the State, over the years has made unsatisfactory progress in implementing its role as a rehabilitative process. However, probation officers themselves cannot serve as the whipping boy. The

blame lies with those who have the power and the responsibility to see to it that probation serves society in the manner and<sup>for</sup>the reasons it was established.

The legislators who created probation, the Courts who give it guidance and direction, and the administrators of probation who have the responsibility of carrying out its obligation, must equally share the blame. Although the picture is pessimistic, it is not hopeless, but unless immediate steps are taken by way of reforms and improvements, an unsatisfactory situation will only expand itself. It is time that serious consideration be given to probation's needs, its problems, its aims, and most importantly, its value.

Probation may adequately and simply be defined as a procedure under which a defendant found guilty of a crime or adjudicated delinquent upon a verdict or plea, is released by the Court without imprisonment, subject to conditions imposed by the Court, and subject to the supervision of the Probation Department.

A County Probation Department operates as an enforcement arm of the judicial system and it is

charged with implementing probation orders of the Court within the County. The department is responsible for those persons placed under supervision by different courts, for making such investigations as the Court may order, and for collecting and dispersing moneys as the Court may direct.

Probation, by statute, must and does function under the direction, supervision and control of the County Court.

The department's responsibilities are two-fold, investigation and supervision. In all matters brought before the County Court, the Juvenile and Domestic Relations Court, and in some instances, the Municipal Courts, for disposition, there is available to the judge a pre-sentence investigation and report.

Now, if I may aside say, sir, that this is true in Somerset County.

This report, prepared by a probation officer, is a study into the background, character and past behavior of the offender. It is used as a tool in the judicial process in aiding the Court in its disposition of a case. All offenders placed on probation in

the County are placed under the care of the supervisory of the Chief Probation Officer.

The primary purpose of probation is the supervision of these individuals, and to this end, probation seeks to accomplish the rehabilitation of persons convicted of a crime by returning them to society during a period of supervision, rather than sending them to the unnatural and too often, socially unhealthy atmosphere of prisons and reformatories.

Successful probation entails an adequate investigation into the facts of the defendant's environment, character and previous record; a wide selection by the Court of the offenders capable of benefiting by the treatment and the zealous, but sympathetic prosecution of his duties by the supervising officer.

Probation is a method of discipline and treatment and, if probationers are carefully chosen and the supervisory work is performed with intelligence and understanding, miracles can be worked in rehabilitation.

Those defendants placed on probation are assigned a probation officer who is responsible



in seeing that the probationer not only abides by the conditions of probation, a minimum standard, but that he becomes a productive member of society. Supervision of probationers take a variety of forms and is geared to the individual needs of the probationer.

It is obvious enough that society should protect itself by putting the dangerous offender where he can be kept from harming members of the community, but the vast majority of the offenders are in no great sense social hazards. Furthermore, it would be completely impossible to incarcerate every offender, yet the Judge must do something with the guilty person.

Quite aside from its rehabilitative aspects, probation is the best answer those far devised for dealing with the first offenders who are no great danger to society. Placing such offenders under the disciplinary supervision of a probation officer is thus a practical social device. It is far better than turning them loose on their own. It is much less expensive than imprisonment. What is more important, probation is a great deal more satisfactory than any other treatment, so far as the percentage of success is concerned.

Probationers are spared the stigma of institutionalization, turn out better, support their families, and do not become public charges.

Regardless of the reactionary attitudes of critics of probation, we are convinced that it is the only complete promising reformative technique. We are frankly pessimistic of all the ambitious and highly publicized experiments carried on throughout the country in the institution. The stories coming from such places make good copy, but many of the men emerging fail to make good citizens. We must employ adequately trained probation personnel, see that they are well paid, and require them to read and study wisely in the various fields where students of human behavior are pioneering with new techniques and methods.

Unfortunately, for the most part, the original concept of probation is not being utilized. The present focus and interest is on investigations rather than on supervision, and, while we have improved a great deal in the quality of our investigations, we still end up with the proverbial "pound of diagnosis for every ounce of treatment."

As a professional body, probation officers are sorely lacking in the area of technique. Although college degrees are a prerequisite, this is our only consistent common denominator. A major in psychology, sociology, or related fields is preferable, but we have in the field of probation, a variety of educational backgrounds among our staff members.

While it is safe to say that most probation officers are intelligent, conscientious, et cetera, they are not adept at the skill necessary to perform their true function. They have a fine theoretical, although general background, but little expertise in the skills of counseling.

In Somerset County, we are endeavoring to bring into proper perspective the true meaning of probation.

For the past year, with the excellent cooperation and support of the County Court Judges and the Board of Freeholders, the majority of our efforts have been focused on expanding our supervision. We plan to reduce case loads to where they may be realistically handled.

The initiation of a program of group

supervision, although too early to evaluate, shows signs of success, and this technique, hopefully, will be expanded. Plans are presently in the discussion stage concerning the possibilities and feasibility of training certain officers to handle small case loads of alcoholics and narcotics users exclusively.

It is obvious good probation work cannot be accomplished even by the best trained workers if case loads are too high. Many probationers need more personal guidance and attention than do others. Thus, an arbitrary number of cases cannot be laid down. In some instances, 50 cases may be too many for an officer and in other instances, one hundred cases may not be too many.

In general, a satisfactory case load would be about 75. Yet, many probation officers throughout the State of New Jersey are carrying case loads of over 150 at one time. This is unquestionably too great a responsibility, if probation is to have any meaning to the probationer and to society.

While probation costs money, no one effectively challenges the fact that imprisonment costs

much more per capita than the most thoroughly supervised probation. The Task Force Report by the President's Commission on Law Enforcement and the Administration of Justice indicates that all offenders can be kept under probation supervision at a much less cost than in an institution. The national survey found, for example, that the average state spends about \$3,400 a year, excluding capital costs, to keep a youth in a state training school, while it costs only one-tenth that amount to keep him on probation.

Objections might be raised as to the validity of such comparison, since expenditures for probation services are now much too meager. However, with the one to ten cost ratio prevailing, probation expenditures can be clearly increased several fold and still remain less expensive than institutional programs.

There is little public understanding of the probation work. The public is interested chiefly in apprehending and convicting offenders. Whatever follows is probably too good for the criminal in the public's estimate. Probation is usually regarded as somewhat softhearted leniency. Probation

is an enlightened attempt to cope with crime and some of its aspects.

Not enough can be said about the importance of a good working relationship among all agencies involved in the criminal judicial system, as well as other entities whose services are important in working with probationers. This, in my opinion, is an administrative problem and must be resolved on an individual basis, agency with agency.

I am pleased that the relationship among agencies, for the most part, in Somerset County is good and there is a concerted effort to even improve on these working relationships.

Reform and improvement are vital for the immediate future of probation, unless we intend to perpetrate an unsatisfactory system that continues to grow. The present probation system in New Jersey could be ideal if properly implemented. This would include, among other things, the following:

1. A greater emphasis on supervision, with administrators being held responsible in seeing that this is accomplished.

2. Provide the educational climate with the opportunity for our people to acquire and

improve professional techniques, interviewing, counseling, understanding or behavior. This would soon turn the tide from surveillance to case work. Many probation officers do not supervise a case load properly because they do not know how.

3. With improved and satisfactory supervision or counseling, there would be a natural evolution towards more preventative work. For instance, greater emphasis on probation at the municipal level is important. Although the offenses often seem quite minor, the offenders can be quite disturbed and ripe for treatment.

4. New techniques can be explored such as group therapy, neighborhood officer approach, and increased coordinated efforts with other helping agencies. The time has come to assess not "Who can help the probationer," but "Has he been helped at all."

MR. LUMBARD: Thank you very much. A very elucidative presentation. What is the statistical load in your office?

THE WITNESS: My office, too, is divided, that some officers do supervision and some officers

do just investigation.

MR. LUMBARD: What is the division?

THE WITNESS: The division, as of now, is about the same in the criminal juvenile, and the case loads run between 90 and 95 for just supervision. I'm short four officers. This is my problem.

My budget allows for an adequate staff. My problem is, I can't get them.

MR. LUMBARD: Yours is a recruiting problem?

THE WITNESS: Yes, sir.

MR. LUMBARD: Is it your pay level?

THE WITNESS: The pay scale in Somerset County is one of the best in the State of New Jersey. I have a very liberal Board of Freeholders and a very -- two very understanding County Court Judges.

My pay scale this year and last year, and I have only been the Chief Probation Officer for a year, has been starting salaries of \$6,534, to \$8,994, starting in 1966.

MR. LUMBARD: Is that with a required degree?

THE WITNESS: Yes, you must have a degree to take the Civil Service test.

MR. LUMBARD: College?



THE WITNESS: Yes, sir.

MR. LUMBARD: Not Master's?

THE WITNESS: No, sir.

MR. LUMBARD: Do you or any of your officers hold a Master's in Social Work?

THE WITNESS: I had one, and he left for a better paying job.

MR. LUMBARD: Do you?

THE WITNESS: No, sir.

MR. LUMBARD: No one in your department has.

THE WITNESS: Yes, sir. In the beginning of 1966, that was the highest minimum salary in the State. There are several higher. It is our understanding that our maximum is the highest in the State. So compared to other probation departments, mine is not a financial problem, mine is getting the people to take the job, and I don't know the answer to that, I wish I did.

MR. LUMBARD: Do you get any assistance in recruiting from any State agency which has a broader base?

THE WITNESS: Yes, sir. The Administrative Director of the Courts, through a Mr. Hopkins, who is associated with that office, for the past two years has visited the State schools and the private

colleges in New Jersey, endeavoring to get graduates to come into the probation field.

We have one person in our office who come to us as a result of that effort.

MR. LUMBARD: What is the average turnover in your office or how long do people stay?

THE WITNESS: That is a hard question to answer, because since I have been there, I have more than doubled the staff, and the four people who are there now, were people who came as a result of my urging them to come in to probation. So I really can't tell you or give you a figure on the turnover, because most of my people are new, new in the sense that they're a year old or so.

MR. LUMBARD: I gather since you were sitting here while we were talking with the people from Hudson County, that you heard my question, about whether or not it would be advisable for the probation function by perhaps separating the investigating part and leaving it with the Court and separating out the supervisory work into some other agency, which could concentrate on that, as a supervisory agency, which is the true and important item of probation.

THE WITNESS: Yes, sir, I heard the question, and I disagree with the answer I heard.

MR. LUMBARD: What is your opinion?

THE WITNESS: I think it's one thing. We find a great advantage in staff meetings between the people doing investigations and the people doing supervision, so that they can compare notes as to the individuals that they have themselves become acquainted with.

We have found that we get a more intelligent understanding if the members of my staff are involved in the matter from the beginning to when we lose the case by normal expiration, by termination as a result of good adjustment, or termination as a result of another offense that leads to incarceration.

I believe it is all one problem, and the problem can be implemented with the finances it needs to operate. Then we would not have this problem of this distinction.

MR. LUMBARD: Do you think probation, as a service, does better under the courts or do better outside the Courts?

THE WITNESS: I have to know where you mean, when you say "outside the Courts."

MR. LUMBARD: There are various alternatives, different states do it different ways. One illustration, in the last several years, with one or two exceptions, the probation administrators in New York State voted to get out from under the Courts, primarily with the view that they feel that they could do much better, not only in terms of its own administration, but there are a lot of aspects under the Courts they find not in their interest.

THE WITNESS: I don't think you can compare us to New York.

MR. LUMBARD: I am not trying to. No, there are three or four forums.

THE WITNESS: I say this, that the talk now, and there has been this talk many times, to make probation a State agency, controlled at the State level, would be a reversal, wrong in my opinion. Probation to be successful, must be completely integrated into the community life.

I have reservations about whether or not a State agency could be as effective as a County agency in this direction

MR. LUMBARD: Could you tell me why? The United States runs what I think is generally

regarded as a fairly good probation service. It is in no sense a local agency, as you are using the term. The officers go from one place in the United States to another. They provide a professional service, out of state, sometimes a wide geographical spread.

THE WITNESS: True, and by the nature it must on that scale, because the Federal Courts sit only in two areas.

MR. LUMBARD: Yes, but it seems to work.

THE WITNESS: It is much smaller. Number two, I think you found in New Jersey there are only 14 Federal and probation offices.

MR. LUMBARD: Yes, smaller in total.

THE WITNESS: In addition to that, we do many things that the Federal probation and parole officers do not do.

Number one, they do not collect fines, we do. Number two, they don't collect support moneys in Domestic Court matters or Chancery matters.

MR. LUMBARD: Do you think both of those things should be done by probation officers or by a higher clerk personnel?

THE WITNESS: No question about that, the latter.

MR. LUMBARD: You think it could be done?

THE WITNESS: Yes, no question. It is being done in that manner in my particular office. We handle 900 support accounts, and there is only one officer for the 900 accounts, and there are four or five clerks, to see that the account payments are current.

One officer can handle an enormous amount of support cases.

MR. LUMBARD: Let's go back to State or local.

THE WITNESS: Well, as I say, other than the fact that I just don't think a State agency can integrate itself as well as a County agency in community life.

I use as an example the State agencies now. I don't think the parole system is as integrated or as effective in the community as a probation department is, and a parole is a State organization.

MR. LUMBARD: Maybe that is due to the nature of the State parole organization.

THE WITNESS: I wouldn't argue that. This may be true of the Bureau of Children's Service, and I have a great respect for that agency. It

is not as effective in the community as the probation department can be, for the simple reason, the Bureau of Children's Services in our County, the majority of people, don't live in the County, they didn't start there, and I doubt finish up there.

Whereas, most of the probation officers are born and raised in the County, familiar with resources and people.

The Bureau of Children's Services here is not as effective a community agency as probation.

ASSEMBLYMAN THOMAS: Didn't this last service, didn't that used to be under the County Welfare Department?

THE WITNESS: State Welfare.

ASSEMBLYMAN THOMAS: Was it administrated through the State Welfare?

THE WITNESS: No, sir. At this point you have an agency that has worn many hats in different names. At one time, as I understand it, and I'm no authority on it, it was a State Child Welfare Department, with County agencies.

ASSEMBLYMAN THOMAS: So it was administered at the County level?

THE WITNESS: Yes, sir.

ASSEMBLYMAN THOMAS: Instead of the way it is now?

THE WITNESS: Yes, sir.

ASSEMBLYMAN THOMAS: So what you are talking about, is when you got the County involved in probation, as the County used to be involved, supervision, the particular Child Welfare Agency, you have greater sympathy for the people you're working with?

THE WITNESS: Yes.

ASSEMBLYMAN THOMAS: I agree with you on that. I see what has happened in the Children's Services since the State took over.

THE WITNESS: I don't want to start a war with the Bureau of Children's Services. I feel I'm going to have some probation people disturbed at me for this.

THE CHAIRMAN: Any other questions?

(No response.)

THE CHAIRMAN: Thank you very much, Mr. Stabile.  
Robert Rudewick.

MR. RUDEWICK: I have here a copy of a statement I would like to make, as well as a copy of our annual report. I brought along 25 copies, so



that I believe it is adequate, if you could pass them out.

THE CHAIRMAN: Thank you.

R O B E R T   C .   R U D E W I C K, duly sworn.

THE CHAIRMAN: You have a statement you would like to read. Will you proceed, sir.

THE WITNESS: Although I understand that your Committee is concerned with the administration of criminal justice in New Jersey, I should like to deal just briefly with the overall operation of the Warren County Probation Department, inasmuch as in a multi-service department such as ours, no one function can outweigh any other in importance.

The operation of our department concerns itself with three main divisions or types of cases, juvenile, criminal, and domestic relations. Our function in each of these three divisions involves the two main aspects of probation work, investigation and supervision. We are the eyes and ears of the Courts we serve.

In addition to myself, we presently have in our department two senior probation officers,

two probation officers, with a vacancy for a probation officer, and a present clerical staff of four. Our budget for the last year totaled \$60,300, of which \$51,300 was for salaries, and \$9,000 for other expenses.

In the juvenile division, our department accepts all juvenile petitions for the County. Once a petition has been received and the sources are generally the State or local police, the Bureau of Children's Services, the school or the parents, we immediately file the complaint with the Court. At that time, the Judge will direct, after consultation with our senior probation officer, who is in charge of the juvenile division, that the complaint either be dismissed, referred to a Juvenile Conference Committee, or set down for a formal hearing by the Court.

We believe in referring as many cases as is possible to the Conference Committees, as we are of the opinion that local people can best handle a minor problem within their own community. Quite frequently, just the attending of a Conference Committee meeting, as the members are

all people they know and respect, is sufficient motivation for parents to begin to work on a problem with their children or take such corrective steps as might be necessary.

However, if a matter is set down for Court, our department must notify all parties concerned as to the date of the hearing, as well as see to it that the juvenile and his parents receive a copy of the complaint and are acquainted with their right to counsel, and if they cannot afford counsel, that an attorney may be appointed at no cost to them by the Court.

When the case is heard, if the juvenile either pleads guilty or is found guilty, the Court will order the probation department to conduct a full scale social investigation and postpone final decision until the report has been completed.

This past year our department received 326 juvenile complaints, of which 292 came to the direct attention of the Court, 33 were forwarded to the Juvenile Conference Committee, and one was sent to another County.

In the Domestic Relations and Chancery Divisions, where our responsibility is mainly concerned with the collection of support moneys,

our case load has been increasing steadily. At the present time we have 496 active cases from the Domestic Relations Court and 120 cases from the Chancery Court. Just five years ago, there were only 378 cases in the Domestic Relations Court and 68 in Chancery. Collections have also increased each year, with last year's total being \$378,401.19. We also collected \$4,846.60 in fines, and \$4,523.16 in restitution.

Now that I have given a rough outline as to the other functions of our department, I would like to deal more specifically with the criminal division. The statistics our department keeps are based on a Court year, which runs from September 1st to August 31st the following year. I have checked our figures for the past five Court years as to the total number of adults supervised and the number of reports or investigations submitted to the County Courts and the Municipal Courts in criminal cases which are as follows: 1962-1963, 85 investigations, 153 probations; 1963-1964, 59 investigations, 159 probations; 1964-1965, 58 investigations, 134 probations; 1965-1966,

66 investigations, 136 probations; 1966-1967,  
69 investigations, 154 probations.

I believe the above figures clearly indicate that criminal activity in Warren County has remained fairly constant over the last five years.

I should/<sup>now</sup>like to discuss the manner in which we carry out the social investigations and the various methods and resources that are available to us in the supervision of our probationers.

A pre-sentence investigation consists of a statement of the offense, a detailed account of the circumstances of the crime, statements of witnesses, a statement of the defendant, the defendant's previous Court and institutional record, and a complete social history, which covers his family relationships, residence, education, religion, marital history, employment, military service, health, finances, and finally a summary which includes, if feasible, a probation plan.

Naturally, all this information must be verified by the investigating officer, and it generally takes no less than three weeks to

complete an adequate report. In Warren County, we are fortunate that the date of sentencing is established in cooperation between the Court, the Probation Department, and the Prosecutor's office, so that no one is sentenced until a full report has been completed and submitted to the Judge.

Generally, if probation is indicated, the probation plan is included or incorporated within the pre-sentence report. The plan briefly outlines what sort of help we feel the individual requires and what steps must be taken to secure this kind of help. Our department offers both individual case work and, as two of our officers have received special training in this direction, group work as well. Other resources available for adults in Warren County or close to the County, include the Warren County Guidance Center, the New Jersey Employment Bureau, the New Jersey Rehabilitation Commission, Alcoholics Anonymous, the Warren County Welfare Board, the Warren County TB & Health Association, the Public Health nurse, and the Northampton County Family Service Agency, which we are forced to use, as Warren County has no family service agency of its own.

This past year, our records indicate that

the cost to the County for our department to supervise an individual for one year was approximately \$50. The latest figures I have, indicates that the cost of keeping a man incarcerated in New Jersey State Prison for one year is \$1,993. In addition, a prison commitment frequently involves a man's family going on public assistance which costs the taxpayer several more thousand dollars. There are many other and better reasons for an individual being placed on probation rather than being confined to prison, but the dollars and cents aspect cannot be overlooked.

The decision as to whether or not a defendant is incarcerated or given the opportunity of a suspended sentence and probation, of course, rests with the Judge. However, that decision is largely affected by the practicality or workability of the probation plan we have proposed. In some cases, because of the nature of the crime or the fact that the man constitutes either a danger to himself or the community, no probation plan is feasible and a commitment is the only answer.

In conclusion, I would like to make some

observations concerning our present system of dealing with criminal cases. In probation, the problem seems to be uniform throughout the State, that case loads are too high for effective supervision. A suspended sentence, without effective and close supervision, is nothing but leniency on the part of the Court. However, in the past few years, steps have been taken to increase salary ranges for probation officers, with the result that many more qualified people are being attracted to the field.

Our reformatories and prisons are overcrowded. The Yardville complex is the first major piece of correctional construction in New Jersey in 30 years.

Another problem that we find is that although the law, 2A:164-3, provides that adult sex offenders are to be examined at the New Jersey Diagnostic Center at Menlo Park up to and including a period of 60 days, the common practice, due to the number of such commitments, is for one-day examinations, which is often not adequate. Even for a one-day evaluation, the defendant must often wait for as long as three to four weeks.

I am glad to say that in Warren County, a



defendant awaiting action of the Court, who does not have sufficient moneys to post bail, need not necessarily languish in jail. For the past three years, our department has been geared to conducting pre-bail investigations, commonly known as ROR reports, whereby the defendant, if he meets certain criteria, may be released simply on his own promise that he will be present when any further action in his case is scheduled. Thus far, not one person released after investigation by our department, has failed to appear at a scheduled Court hearing, although several individuals released on bail in this Court year alone have attempted to abscond. One might conjecture that money alone may not be sufficient to guarantee a man's return for a scheduled Court appearance.

With our present resources and generally due to a lack of better ideas, treatment goals and probations plans are rather limited in criminal cases. Our present philosophy is too narrow and overly influenced by the theory that behavior patterns in an adult criminal are exceedingly difficult, if not impossible to change.

We measure success in a criminal case by the

degree we are able to have the individual come to operate within the law. This does not mean that there has been any real change in the individual's character or attitude. I do not believe that this must continue to be the prevailing philosophy. If only more moneys could be allocated for social research throughout the country and if our State University and colleges could offer graduate programs in criminology, this picture could change.

The bulk of our present energies seems to be concentrated toward the handling of our juveniles, as it is easily observed that positive changes can and do take place withour young people who come into conflict with the law.

However, in New Jersey there are still very few resources the Court or Probation Officer can use between probation and commitment to a reformatory.

Within the last several years, the average cost of a private residential school placement has increased from three to \$6,000 per year. In New Jersey, due to overburdened and understaffed child guidance centers, psychiatric care is a luxury only the child from comfortable, economic circumstances

can afford.

New Jersey can be extremely proud of the success of the Highfields Program, where boys ages 16 and 17 receive group therapy and are not stigmatized by having been committed to an institution. A similar program, with equal success, exists for girls at the Turrell Residential Center.

The percentage of success at the residential centers is in the neighborhood of 85 to 90 percent, which means that eight or nine out of every ten juveniles involved in this program have no further difficulty with the law. This is extremely significant when we realize that the figures are almost the reverse for those adults being paroled from our reformatories and prisons.

In summary, I feel we should be looking in the following directions:

1. New and comprehensive treatment programs for adults such as the Highfields Program for juveniles.
2. Work release programs for all offenders in the county jail.
3. Constant upgrading and reevaluation of probation.

4. I think the last and most important to the juvenile, intensive and meticulous attention to the juvenile complaints and the total family picture. Improvement in our work with juveniles may be the only criminal prevention program we can achieve.

THE CHAIRMAN: Thank you, Mr. Rudewick.

MR. LUMBARD: How many officers do you have in your agency?

THE WITNESS: We presently have, in addition to myself, two senior probation officers and two probation officers, and a vacancy for a probation officer.

MR. LUMBARD: Do you have funds for that vacancy?

THE WITNESS: Funds have been available since January 1st. The problem that I found, is the same as Mr. Stabile, I cannot recruit another officer.

MR. LUMBARD: Now, I want to congratulate you on your statement, an excellent one. Do you have anything else you wish to tell the Committee today?

THE WITNESS: No, sir. I only want to comment, if I may, <sup>on my statement as</sup> /this is what was mainly on

my mind.

I do not feel the way probation is working right now in New Jersey or in Warren County, that it's carrying out the function for which it was designed. We do great investigation work. /I feel<sup>However,</sup> we're falling<sup>down</sup> in the main aspect of probation supervision. We simply don't have the time, and the personnel are not trained<sup>sufficiently</sup> to do that kind of a job.

THE CHAIRMAN: What are the case loads in your office?

THE WITNESS: Well, we're a little different than most of the other counties, because we're small. Each of the officers carries a mixed case load. Each officer in Warren County has a case load of approximately 30 juveniles, approximately 40 criminals, and approximately 125 domestic relation cases.

THE CHAIRMAN: Committeemen?

SENATOR DUMONT: Bob, what is your salary range in Warren County? Is that the reason why you are having difficulty recruiting this probation officer?

THE WITNESS: Not at the present time. I would

say two years ago that was the problem, but at the present time our salary range has come up to what the rest of the counties in the state are offering. We're offering a little over \$6,000 to somebody who just has their degree with no training. One thing we are not offering, and that is officers who are presently working in the field don't have, Master Degrees in Social Work/<sup>and</sup> Psychology. The Board of Freeholders has been reluctant to let any member of our department take a leave of absence and get their Master's Degree.

As I said before, our officers/<sup>don't</sup> have the training to do the job we feel they should do.

SENATOR DUMONT: How about the Warren Residential Group Center, is that working out all right?

THE WITNESS: When I speak of the Highfields Program, I am speaking of that also, although the percentage of success might vary by a few percentages, it is roughly 80 to 90 percent at all four institutions.

SENATOR DUMONT: Are they full all the time?

THE WITNESS: They are full all the time, and

they have a waiting list. If we call up to get a boy into the Highfields Program, we have to wait generally as much as four or five weeks.

Actually, if you have somebody in Warren County that has to go in, it takes four or five weeks to get them in, unless we can finagle a little bit and push his name up a little bit because of the circumstances or what-have-you.

SENATOR DUMONT: Thank you.

ASSEMBLYMAN THOMAS: Do you feel the administering of the support should be removed from your office and put somewhere else?

THE WITNESS: Right now I don't feel it is true function of probation. I don't have the clerical staff to be able to shift the supervision of domestic cases between clerical and probation, and the probation officers do it. But I feel you do not need a probation officer to do it, <sup>as</sup> it is a clerical responsibility. It is one of our headaches.

On the other hand, it is one of the things, by and large, the Freeholders and the public at large have judged probation <sup>that is</sup> how successful we are as collectors.

MR. LUMBARD: Isn't that a vicious self-circle?

THE WITNESS: It is, because you can't go before a Board of Freeholders and the public and try to talk to them about the success you <sup>had</sup> might have/with a juvenile or adult probationer, because this is something they can't see in black and white. They can see last year you collected \$300,000 and this year \$400,000 and <sup>then they</sup> say this collection responsibility is where it belongs.

THE CHAIRMAN: All right. I think I would like to commend you on your report, and I think you and the two probation officers preceding you have pointed up one of the real problems we have, this whole system of criminal justice that needs a lot of attention. Thank you. Mr. Hartleroad.

MR. HARTLEROAD: I'm Frank Hartleroad, Warden of the Mercer County Workhouse.

F R A N K      H A R T L E R O A D, duly sworn.

THE CHAIRMAN: Do you have a statement for us?

THE WITNESS: No. I was told yesterday afternoon. I actually didn't know what you wanted or anything. I did bring some reports with me.



MR. LUMBARD: What we would like, the reports. What is your title?

THE WITNESS: Well, I'm a retired Colonel from the Army. They call me that, and they call me Warden. Some of the prisoners call me other things.

MR. LUMBARD: I'll call you Warden.

THE WITNESS: Yes.

MR. LUMBARD: As the Chairman, Senator Forsythe, stated to you, several persons will be visiting your institution immediately after this hearing today, so a number of questions we might have we can discuss during the course of that tour.

THE WITNESS: I didn't bring the statements or anything like that, but this is an annual report we make and it is in the works.

MR. LUMBARD: All right.

THE WITNESS: You can ask any questions on there.

MR. LUMBARD: All right. What is the jurisdiction of your workhouse?

THE WITNESS: What is my jurisdiction?

MR. LUMBARD: Yes. What kind of people do you get there?

THE WITNESS: We have them from 30 days to 18 months. Sometimes they get more, a couple of sentences, 18 months and two charges, three years.

MR. LUMBARD: Is it the same roughly as Essex County Penitentiary?

THE WITNESS: Yes, sir.

MR. LUMBARD: You call it a workhouse?

THE WITNESS: We have a farm, stone crusher, and things like that, 600 acre farm.

MR. LUMBARD: What other activities do the prisoners engage in?

THE WITNESS: We make all the clothing in the tailor shop for the inmates and the guards; we clean the uniforms for the guards at our place and the County Jail in Trenton, and, of course, we have our laundry, where we have the inmates assigned there, under supervision, of a director, same as the tailor, the same as the institutional trade.

Our mechanics in the garage is the same thing. We have 38 movable vehicles, used in various places for the crusher or on the farm.

We have a mechanic assigned there. We have a blacksmith, the same, working there. He does all

our drillwork, welding, and various things like that, and we have a carpenter. We have a dairy herd of 90-some cattle. We have about 1200 chickens and about 75 heads of hogs.

Every fall and spring, when new litters come in, we provide eggs, milk and stuff like that for ourselves, the County Jail, Juvenile Detention and all kinds of produces. We have a canning plant in Annandale, we have a deal with them. They take out enough of the produce to pay our canning bill, which is about \$4,000 a year, and we provide the County Jail and the Juvenile Center, and the last couple of years, Donnelly Hospital, since the County took that over.

MR. LUMBARD: Do you have any job training programs within the institution and try to give the prisoners a new trade or the capability for their release?

THE WITNESS: No training problem. Only, as I say, when they are assigned to various trade structures, they are instructed in that type of work, whatever it may be, tailor, blacksmith, auto mechanic, things like that.

We had several go out and get jobs in tailor shops, not a professional tailor, but pressing and cleaning, because we have a cleaning machine, and they know how to operate it.

MR. LUMBARD: Would it be fair to say that largely the work they do is sustain their own institution or other county activities?

THE WITNESS: That's right.

MR. LUMBARD: They save the County money?

THE WITNESS: That's correct, sir.

MR. LUMBARD: Have you made any recommendations or has your institution in any way made recommendations to the County that would seek to introduce these new kinds of programs, which would give job training?

THE WITNESS: Well, I don't know where I have the men. As a matter of fact, it takes about 180 to 200 men for me to operate the stone crusher and the farm and everything. I need more inmates.

MR. LUMBARD: You mean working on the County affairs?

THE WITNESS: Yes. In the summertime, when the farm is operating, it takes about 200 men to do the job right, and we run an average of about 150 right now.

MR. LUMBARD: What is the percentage of the population that come to you with an alcoholic problem?

THE WITNESS: Well, that's pretty hard to say on alcohol. If you notice the report, it will show there drunk and various things like that. A lot of them come in on other charges and drinking is the effect of that.

Of course, you have drunken driving and various things like that. Some of them there, they have disorderly, drunk, vagrancy. That is nearly all drinking. You get some others, disorderly, non-support, a lot of them. We know the background, we know drinking is the cause of that, and drunk driving, but just exactly how many there are, disorderly and drunk, 36.8 percent were charged with drinking, drunk and disorderly.

MR. LUMBARD: Would it be fair to say, as I look at the statistics, that 50 percent of the inmates are therefore an alcohol problem of some kind?

THE WITNESS: That would be pretty close. By knowing a lot of these repeaters, you know what the background is.

MR. LUMBARD: How much does it cost the taxpayers each year of this County to maintain your institution?

THE WITNESS: The exact amount I couldn't tell you, but I would say nothing.

MR. LUMBARD: Nothing?

THE WITNESS: Self-supporting, I would say.

MR. LUMBARD: Don't you buy fuel oil?

THE WITNESS: Yes, but --

MR. LUMBARD: You don't grow that?

THE WITNESS: We don't sell anything. If we sold what we produced, say the stone production, 50,000, 60,000 ton of stone that we provide the County for County roads, the townships and all them for nothing, if we got paid for all that, I'm saying, I think we'll be self-supporting.

MR. LUMBARD: How much money do you get from the County each year by budget?

THE WITNESS: Other expenses, not salary?

MR. LUMBARD: No, salaries, too.

THE WITNESS: Well, the master payroll, I don't have that. \$162,000 is other expenses, as we call it there.

MR. LUMBARD: What do you estimate salaries at?

THE WITNESS: Estimate the salaries/<sup>and other expenses</sup> at about \$580,000.

MR. LUMBARD: Altogether?

THE WITNESS: Yes, salaries.

MR. LUMBARD: So you're in the area of something like --

THE WITNESS: Over three-quarters of a million.

MR. LUMBARD: Three-quarters of a million dollars to maintain a facility that has an average population of about 150, 175?

THE WITNESS: About that average.

MR. LUMBARD: Of which 50 percent is an alcohol problem?

THE WITNESS: Yes, but they work.

MR. LUMBARD: I'm not saying that.

THE WITNESS: I'm sorry.

MR. LUMBARD: I'm sure they are. You couldn't produce all that stone without somebody working.

THE WITNESS: We usually have about 18 or 20 inmates all the time that are physically unable to do labor, hard work. Of course, they do house-keeping.

MR. LUMBARD: What is the average length they're there?

THE WITNESS: I believe that three and a half months is the average length of stay of an inmate.

MR. LUMBARD: Have you had any talks with the Judges in your area about the difficulty of really making a rehabilitative effort with someone for a short stay?

THE WITNESS: No. We have a school there that's operated two nights a week.

MR. LUMBARD: No. Have you had conversations with the Judges in this area, who sentence people to your institution, about what you might try to accomplish while they're there?

THE WITNESS: No, sir.

MR. LUMBARD: And obviously the Judges haven't spoke to you about that subject either?

THE WITNESS: We have the Judges there once or twice a year, invite them to look the institution over and tell them our problems.

We don't like these men in there with one leg and something like that, they're not much use to us. They should go to the County Jail, unworkable.

MR. LUMBARD: What is the relationship between the County Jail and Workhouse?

THE WITNESS: They have men unsentenced.



We only have men after sentenced.

MR. LUMBARD: So if the man had one leg, you would want him to be sentenced to the County Jail?

THE WITNESS: We would prefer that, because it's pretty hard to classify these people, and too many doing housework. We like to put them on the stone crusher or quarry, or driving a truck or something like that.

MR. LUMBARD: How many sentenced prisoners are in the County Jail?

THE WITNESS: Not supposed to be any down there. Only once in awhile, some Magistrate, ten or 20 days. We try to tell them not to send nobody less than 30 days.

MR. LUMBARD: Why is that?

THE WITNESS: By time you write them up, they get five days goodtime, one day to write them up, by time he comes in, he goes home, and you have to outfit him with clothing.

Frankly, gentlemen, prisoners are prisoners. I'm not a hard guy to ride some guy and make angels out of prisoners, but my job is to operate the farm and the crusher. I have to get the work done. You have some Freeholders on my back.

MR. LUMBARD: I think you're being very candid.

THE WITNESS: It's a fact.

MR. LUMBARD: What I am searching for, is where the rehabilitation comes in.

THE WITNESS: Sir, rehabilitation, we have a pretty good -- in my opinion, our rehabilitation is as good as any, keep them busy and working. We have a summer program and winter. We have our school there.

MR. LUMBARD: Can we keep this?

THE WITNESS: Yes, sir. Our men, they work all day. In the summer we take them out in the yard to play ball. They work harder at night, in the night, than they do in the daytime.

MR. LUMBARD: You have many narcotic addicts in your facility?

THE WITNESS: Yes, they're in and out. We do, mostly recently, they been getting a few, because they been making a few extra efforts around here, as you know. We got 30 awhile back. We were overstaffed with prisoners, not personnel.

MR. LUMBARD: Overstocked?

THE WITNESS: Yes. We have 58. Just to house

them, which isn't good, because we're not allowed to work them.

MR. LUMBARD: What do you do with the addicts by way of a program?

THE WITNESS: We have no program, only what the doctors take care of them.

MR. LUMBARD: What does that mean?

THE WITNESS: We have a doctor six nights a week. We have two doctors, each one comes in three days a week and we have one on call.

MR. LUMBARD: Are these heroin addicts?

THE WITNESS: A little of everything. We don't get them too bad there.

MR. LUMBARD: How do you keep control?

THE WITNESS: If they're too bad when they come in -- every new inmate comes in, the first night, the doctor comes up, gives them a complete physical. If they need it bad enough, he sends them to the State Hospital, but the others, it's up to the doctor. He's the doctor, not I. He works with them, but we very seldom have them. Once in awhile we have one and we send him to the State Hospital, but not too bad.

THE CHAIRMAN: Warden, your reaction to a work release program might be negative?

THE WITNESS: Might be what?

THE CHAIRMAN: Negative.

THE WITNESS: Might be. I've been told, if you're busy, you can't get in much trouble. We keep them busy. I think we have a good recreation program. They have television there, everything. I like to give you the menu. I've been criticized by some people in feeding our men too good. I don't believe I do, because we work them, we feed them. Most of your riots in any institution is from the mess hall.

THE CHAIRMAN: Gentlemen of the committee, any questions?

(No response.)

THE CHAIRMAN: I want to thank you very much, Warden, for being here and giving us the information that you have. Thank you very much.

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NEW JERSEY LEGISLATIVE CRIMINAL  
JUSTICE STUDY COMMITTEE

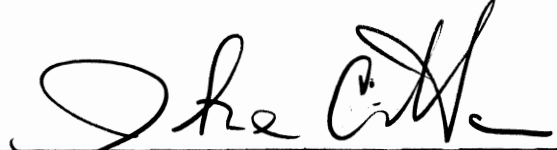
STATE HOUSE,

TRENTON, NEW JERSEY

Tuesday, April 2, 1968.

C E R T I F I C A T E

I, IKE CITTONE, a Notary Public and Certified  
Shorthand Reporter of the State of New Jersey, do hereby  
certify the foregoing to be a true and accurate transcript  
of the proceedings taken at the place and on the date  
hereinbefore set forth.

  
IKE CITTONE, C.S.R.





