
Public Hearing

115
10
597
1992

before

SENATE JUDICIARY COMMITTEE

"Juvenile Auto Theft"

LOCATION: Bloomfield Town Hall
Bloomfield, New Jersey

DATE: September 23, 1992
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator William L. Gormley, Chairman
Senator John A. Girgenti

ALSO PRESENT:

John J. Tumulty
Office of Legislative Services
Aide, Senate Judiciary Committee



New Jersey State Library

Hearing Recorded and Transcribed by

The Office of Legislative Services, Public Information Office,
Hearing Unit, 162 W. State St., CN 068, Trenton, New Jersey 08625-0068



WILLIAM L. GORMLEY

Chairman

JAMES S. CAFIERO

Vice-Chairman

JOHN O. BENNETT

LEANNA BROWN

JOHN E. DIMON

LOUIS F. KOSCO

BRADFORD S. SMITH

JOHN A. GIRGENTI

EDWARD T. O'CONNOR, JR.

RAYMOND J. ZANE

New Jersey State Legislature

SENATE JUDICIARY COMMITTEE

LEGISLATIVE OFFICE BUILDING, CN-068

TRENTON, NEW JERSEY 08625-0068

(609) 292-5526

NOTICE OF PUBLIC HEARING

The Senate Judiciary Committee will hold a public hearing on the following topic:

Juvenile Auto Theft.

The hearing will be held on Wednesday, September 23, 1992 at 9:30 a.m. at Bloomfield Town Hall, Bloomfield, New Jersey.

The public may address comments and questions to John Tumulty, Judiciary Section, Office of Legislative Services, (609) 292-5526. Those persons presenting written testimony should provide 15 copies to the committee on the day of the hearing.

Issued 9/9/92

TABLE OF CONTENTS

	<u>Page</u>
Robert J. Del Tufo Attorney General New Jersey Department of Law and Public Safety	2
Senator Joseph L. Bubba District 34	10
James F. Mulvihill Essex County Acting Prosecutor	12
Andrew Rutolo Union County Prosecutor	13
Senator C. Louis Bassano District 21	21
Assemblywoman Marion Crecco District 34	24
Assemblyman Monroe Jay Lustbader District 21	26
Sheriff Armando Fontoura Essex County, New Jersey	28
Cardell Cooper Mayor East Orange, New Jersey	31
Karen Spinner New Jersey Association on Correction	45

APPENDIX:

Statement submitted by Attorney General Robert J. Del Tufo	1x
Comments submitted by Mayor Douglas H. Palmer Trenton, New Jersey	6x

mjz: 1-48

* * * * *

SENATOR WILLIAM L. GORMLEY (Chairman): I would like to thank everyone for attending. I'm sorry for the delay.

What we are going to do today -- and I appreciate those in attendance -- is, we are going to review a variety of suggestions that have been made by legislators, by the Attorney General, by law enforcement officials, as they pertain to the serious question of juvenile auto theft.

Certain people might say that this is a problem unique to a few communities. It is not unique to a few communities. It is just as much a problem for Cape May when Newark gets publicity, because what we have is a circumstance. When they read those articles outside of the State of New Jersey about the quality of life in this State, when they read about one municipality, the perception goes to the entire State. Newark's problem, or any other town's problem, is all of New Jersey's problem. I think, given the spirit of cooperation that I have seen-- I think we can come through with a package that will be meaningful and will hopefully address this very difficult and complex problem.

It is not just a question of mandatory sentencing. There are certain social problems that have to be addressed simultaneously. There are issues that are very complex, and ones that require a lot of time. That time and effort is being given by the law enforcement community; it is being given by dedicated professionals, obviously the majority of whom will not take to the mike today, or won't be on camera. But they are the people on duty during the 12 to 8 shifts, early in the morning, who, quite frankly, are fighting the fight at the level where it is most difficult.

I would like to welcome today to lead off, a trio of witnesses: the Attorney General, Robert Del Tufo; Senator Joe Bubba, our host Senator today, and also a sponsor of legislation directly addressing this issue; and the Prosecutor

of Essex County, Prosecutor Mulvihill. What I would like to do is lead off with the Attorney General.

General, we appreciate your taking the time from your busy schedule to be here today. I know, as we have dealt on other issues, and I think it is appropriate to state, that issues we have dealt with in the Attorney General's Office, quite frankly, have never been politicized. We have dealt with them on the merits. I have been very happy with the character and caliber of legislation that has come out through this level of cooperation. General?

A T T O R N E Y G E N . R O B E R T J . D E L T U F O :
Good morning, Senator, and thank you very much for those -- the last remarks especially. Good morning, Senator Girgenti.

You're absolutely right. We have a problem, and it is not simply a localized problem. It is a statewide problem; it is a national kind of problem. The problem deals with car thefts which plague our urban centers.

The solution we see, again as you have so accurately commented, Mr. Chairman-- There are short-range solutions and long-range solutions. Short range, I think, can be characterized by saying that we want to see some stricter penalties to deter would-be car thieves and to increase the likelihood that anyone who engages in a joyride in a stolen vehicle, is going to take a more solemn ride in the back of a corrections van.

Long range, we have to really address some of the root causes of the problem, but also we have to reach out to the community to participate in controlling it. There is a small number of, at least in the Newark area -- a small number of kids who engage in this activity, and it needs to be stopped, I think in the long run, by some community oversight.

A couple of weeks ago, Governor Florio and I traveled to Newark to announce a plan to try to deal with the problem in Newark and in neighboring Elizabeth. We first attended a

meeting -- a community meeting -- in St. James Church in Newark to hear from the community people themselves.

I have to say to you that long range, I think, there is a great deal of optimism that we should have. People, before even hearing any plan that we had, stood up and were making statements about their neighborhoods and about their city, with a great deal of pride and a great deal of affection and a great deal of enthusiasm. I think a lot of that is also due to the fighting back initiative which is ongoing in Newark, which is designed to revitalize neighborhoods, revitalize communities' institutions and values, and to bring people out to help themselves.

They were talking about reaching out to families that were in trouble; helping to supervise kids who were, perhaps, on probation; helping to supervise kids who were about, possibly, to get into trouble, and really to join hands and to do things for themselves.

So I think those long-term solutions are a real thing and are very important. But I think we need to address the immediate problem in law enforcement types of terms to try to end the destruction that has occurred to property and to life and to persons because of high-speed chases and turning donuts in streets and the effects of automobiles, largely committed by a small number of people.

You have a prepared statement which I have submitted, but I have no intention of taking your time to read through it. I am trying to summarize some of it, and I shall continue to try to do that.

Last December, in response to this problem, Prosecutors Mulvihill and Rutolo -- Prosecutor Rutolo from Union County who is here and whom you will hear from later -- formed an Auto Theft Task Force, which has proven very successful. There have been more than 250 arrests. They have recovered almost an equal number of stolen vehicles. Largely,

this operation has been financed with equipment purchased with forfeiture funds.

We have also recently started a Chronic Juvenile Offenders Program through the Essex County Prosecutor's Office, to try to ensure that those people who are responsible for a disproportionate amount of this crime, receive expedited prosecution and custodial terms. We have been working with the Corrections Department on a model juvenile program to rehabilitate nonviolent offenders through a structured custodial period of up to three months, and later closely supervised community service. If at all possible, we want to return young offenders to the community with a set of skills and a sense of purpose. But we need to do more, and we are, and will.

After listening to the residents at St. James Church in Newark, I outlined a program to try to deal with car theft that recognizes the need for tough law enforcement measures and creative neighborhood initiatives. The plan calls for special judges, attorneys, and probation officers to ensure that auto theft cases are handled in an expeditious manner. We set up such a unit in the Essex County Prosecutor's Office. We have added State troopers to the Essex/Union Task force. Prosecutor Rutolo will tell you about the results of their first--

SENATOR GORMLEY: That has been done administratively.

ATTORNEY GENERAL DEL TUFO: Yes.

SENATOR GORMLEY: I would be curious, whenever you have the opportunity, for you to indicate whatever costs-- I mean, everybody agrees with the action, the type of immediate response you like to see from government, but immediate response sometimes costs money. I would just appreciate knowing the costs, if you would be able to interject that from time to time, because obviously there is some burden, or it took away from some other area. I think, to be fair to you, to be fair to the Prosecutor's Office, whenever you can interject

whatever the cost might have been, or the projected cost, we have to know that because people tend to forget these by budget time.

ATTORNEY GENERAL DEL TUFO: Right. Well, certainly the members -- the police officers who are on this unit -- are taken away from other assignments while they are doing it. There are four State troopers now assigned. Last night was their first night -- as I said, Prosecutor Rutolo will tell you about what happened at that time -- so these people are away from their particular units. The State troopers come from specialized units that try to deal with disorders in various places, so they are missed to a certain extent. As I say, we have invested a couple of hundred thousand dollars of forfeiture money in equipment, computers and the like, to be able to look up license plates rapidly in the cars while moving, rather than otherwise. We also want to get some special vehicles, such as vans, which permit people to ride higher to survey the scene better, to try to deal with these offenses with more safety. Again, Prosecutors Mulvihill and Rutolo will be able to talk to you about that.

In addition to that, we have recommended a change in court rules that would make auto theft charges subject to warrant complaints, rather than summonses, in order to permit judges to more promptly impose bail for adult offenders and make them answerable in the system.

We have worked with Commissioner Fauver to find 100 beds in correctional institutions, largely for juveniles, so that there is a real threat of incarceration realized when a person is apprehended for one of these types of offenses. If we are able to congregate juvenile auto theft offenders, we might be better able to initiate remedial educational programs in that institution, so they will be better served, and society will be better served when they are released.

We also wish to pursue some legislative initiatives to amend the criminal and juvenile codes so that the penalties for this type of conduct will reflect the risks to public safety which are posed by auto theft and the ensuing events that inevitably take place after a car is stolen.

I might just interject here -- and I am going to get to the legislative proposals in just a second -- that at the same time this plan looks to the longer term solutions, and we intend to work with community groups to help steer kids in a positive direction, we are going to meet with the Fighting Back people in Newark, and other community groups in Newark and Elizabeth, to develop this type of program to try to identify would-be juvenile offenders and to oversee those kids, and also to have the community participate in overseeing the probation, for example, of adjudicated delinquents, and even hopefully to be able to house adjudicated delinquents right in the community, which is, I think, the direction of the future in juvenile corrections. We will get the community involved in that, as well.

The current law, in my judgment, given the magnitude of the problem, does not adequately address the situation, and reforms, I believe, would be most appreciated. Punishment for car theft must be more certain. Under current law, it is unlikely that a person who steals a motor vehicle will go to jail. The crime is one of third degree, and courts are required to presume that first offenders should not be incarcerated. Even when dealing with a second offender, judges are equally free to impose a sentence of probation or jail. Accordingly, to make jail terms for repeat offenders the rule, rather than the exception, we would suggest codifying a presumption of incarceration for persons who have previously been convicted of motor vehicle theft or of joyriding. To make jail terms for first offenders a real possibility as well, we

would suggest an amendment which would deprive first offenders of any presumption of nonincarceration.

Beyond this, our suggestions are that the penalties for eluding must be increased. Those who take law enforcement officers on motor vehicle chases create an intolerable risk to human life, and interfere with the administration of justice. Yet, under current law, eluding an officer is a disorderly person offense, unless the flight creates a risk of death or injury, in which case it would be a crime of the fourth degree. The proposal which we have set before you would elevate the base offense from a disorderly person offense to a crime of the third degree. It would grade the offense as a crime of the second degree when the eluding creates a risk of death or injury. It would regrade related aggravated assault offenses to make any eluding that results in injury a crime of the second degree, and it would require a minimum term of incarceration for persons who injure another while eluding.

In addition, we must recognize that joyriding cannot be treated as a minor offense. This is really a question of-- Whether it is theft or joyriding is a question of subjective intent. I think we have to raise the stakes for people just taking cars and taking them for a tour. Our proposal would accordingly upgrade joyriding to a crime of the fourth degree for motor vehicles; would upgrade joyriding to a crime of the third degree when the motor vehicle is operated to create a risk of injury to a person or damage to property; would also codify a presumption of incarceration for persons convicted of joyriding who have previously been convicted of either motor vehicle theft or joyriding; and would treat the offense of causing injury while joyriding similar to the offense of causing injury while eluding, as a second degree crime. Finally, it would eliminate the presumption of nonincarceration for joyriding in the third degree.

The ones that I have just articulated are amendments -- proposed amendments -- to the criminal code. But because much of this activity is undertaken by juveniles, we also believe that there should be amendments to the juvenile code to also provide stiffer sanctions for juveniles.

In essence, we are proposing some mandatory sanctions as amendments to the juvenile code. We would propose that the courts be authorized to either enter a judgment for incarceration for some term or some community service -- 60 days community service -- for the following offenses: Motor vehicle theft by a first offender; joyriding that creates a risk of injury or damage to property; or eluding that creates a risk of injury. We recommend incarceration for a minimum of 60 days for motor vehicle theft by a repeat offender, or aggravated assault injury by a person who is either joyriding and driving recklessly or eluding.

We recommend incarceration for some term, or 30 days community service, for joyriding when there is no risk of injury, and eluding when there is no risk of injury. And we would impose incarceration for a minimum of 30 days for repeat adjudications of joyriding or eluding when there is no risk of injury.

Finally, in order to really try to deal with the problem, there has to be a consequence for parents who do not know, or do not care, about their children being out in the middle of the night stealing cars. You know, there are a lot of recreational facilities available in the City of Newark, but it is a different kind of problem. We have kids out on the streets at 2:00, 3:00, and 4:00 in the morning stealing cars and doing things. There is obviously a breakdown in parental responsibility and the discipline that has to be maintained in an orderly society.

This is why we need to reach out to the community for longer term solutions to provide that kind of discipline. But

also, I think it would be good to recognize that we all have an obligation to our kids. So we would propose that the Legislature authorize courts to require parents or guardians who neglect to exercise reasonable supervision and control over their kids, which is the standard applicable in tort cases generally, to pay restitution to car theft victims.

Mr. Chairman, that essentially comprises the legislative program that we would recommend be enacted as part and parcel of the plan that we have put into place, and intent to put into place to try to deal with this problem short term. I can assure you that my Department and various county prosecutors and others around the State will also work for those longer term, broader based social solutions to the problem.

SENATOR GORMLEY: Just so I give you an outline of how we want to deal with this, Senator Bubba and Senator Bassano -- and Senator Rice, who isn't here yet, but who has been in the forefront of this issue-- We will be working on putting the package together for introduction next week, in conjunction with current legislation they have.

From the Assembly, we have Assemblyman Lustbader here, and Assemblywoman Crecco. They have, and are working on the issue, obviously, and will be working on the package in the Assembly.

I talked to Senator DiFrancesco, and I know Assemblyman Lustbader and Assemblywoman Crecco are working with Chuck Haytaian. Our goal is to try to get a package through and on the Governor's desk before the end of October. If we work together on this, if we show the spirit that has been demonstrated today--

One thing I have been impressed by in reading the reports is, I have been impressed by the people of Newark. I have been impressed by the law enforcement community. I have been impressed by how everybody is really trying to deal with a

very, very difficult situation. I have been impressed by Mayor James' comments about not wanting to have excuses, or whatever, but really wanting to get on with the question.

One of the points-- and I would like to go into Senator Bubba's bill-- Senator Bubba called me about four or five weeks ago with a chief of police and brought up -- which I found to be unbelievable, but the more I get into this issue, it is an unbelievable issue -- regarding people stealing automobiles, then ramming into the rear of police cars. I mean, I had never heard of that. You know, I thought I had heard of a lot, but I had not heard of this -- ramming into the rear of police cars to blow up the air bags, which I found unbelievable.

One of the areas that would appear to be a natural fit for your package was Senator Bubba's bill -- which he is going to address -- specifically related to car theft for the purpose then of committing another crime. Very frankly, I would add an additional penalty to it if they rammed into a law enforcement vehicle, if that offense was directed toward limiting the ability of the law enforcement community.

With that, Senator Bubba, would you please make your comments?

S E N A T O R J O S E P H L. B U B B A: Thank you very much, Mr. Chairman, Mr. Attorney General.

First of all, I want to thank you for having this hearing here. I know it is quite a trip for you, Senator Gormley, and for you to show the importance of this bill in this particular area, to have this hearing here, I think, is a credit to you and your Committee.

I want to talk about S-1069, which upgrades the penalty for car thefts, and also S-1090, mandatory jail sentences. Once and for all, the time has come to stop the despicable "steal a car and stomp a cop" mentality that has captured the imagination of too many young people in this area.

Last year alone, in Bloomfield, 679 cars were stolen. In Belleville, there 547 cars stolen, and neighboring Clifton suffered 691 losses. But the problem doesn't stop with cars alone. These stolen vehicles are being used as getaways for youthful muggers, purse snatchers, and robbers. As the police give chase, often a second stolen car is used to ram the squad car and explode its air bag, making further pursuit impossible. In just one month prior to our announcement of this legisltion, Bloomfield alone suffered five incidents in which police cars were rammed. For these young hoods, this is a lark. To the police, to pedestrians, to other drivers, it is a life-threatening situation.

Many of these kids are too young to drive legally, but their crafty maneuvers make them look like professional racers, and they are certainly not too young to know how to hot-wire a parked car. What perhaps started as a way of gaining some added income, has become a game as well. That is because the punishment doesn't even come close to fitting the crime. These youngsters are back on the street, out of a revolving door, in many cases within a day. It is my hope that the threat of real punishment under these bills will make the young thieves think twice. The will find it is no fun to be tried as an adult and suffer the consequences of their actions under the provisions of our bill, S-1069. If they use the stolen auto to commit a violent crime, a jail sentence will be mandatory under the second bill, S-1090.

Now, I fully understand that penalties alone will not solve a problem of this immense proportion. It now involves not only disadvantaged youths, but the more comfortable suburban offspring as well. We cannot permit this to continue while we search for ways to solve the underlying social, economic, or family problems that give rise to such crimes.

The two approaches must go hand in hand, and I certainly will support efforts to better the world in which

these youngsters have been raised. But I will not tolerate letting these kids put the safety of innocent persons in jeopardy today, while we find answers, as I said, to these broader questions.

I am particularly delighted that partisan politics has not interfered with the efforts to solve this pressing problem. My Democratic colleagues, Senator Rice and Assemblyman Brown, have joined Assemblywoman Marion Crecco and myself in moving this legislation. We are eager to hear your responses to these bills, as well as any additional suggestions you might have. Working together as concerned citizens and public officials, we have to forge a more effective, responsive solution to this problem.

I thank you, Mr. Chairman.

SENATOR GORMLEY: Thank you, Senator Bubba. I appreciate your concern in bringing this up. Obviously, it is of concern to a great number of people, but recommending that we have the hearing here-- As I said, I don't think the schedule I have given is an ambitious one, given the level of cooperation. I'm sure the Governor will--

What we will do, though, is work with the Attorney General's Office, with the Governor's Counsel's Office, and Legislative Services, because one thing about a schedule of moving legislation through that quickly, is that we want to make sure that it is tight, and it will be. I appreciate your echoing that level of cooperation.

Mr. Prosecutor, everybody else is going to get the other pieces of legislation. I am going to have the supplemental appropriation bill to pay for this, so you and I will work together on the appropriations end of it. But what I would like to do is ask you to make any comments you might like to add.

ACTING PROS. JAMES F. MULVIHILL: Thank you, Mr. Chairman. I am very pleased to be here, and

very pleased that this very serious problem is being given attention by the Legislature on a bipartisan basis. We are focusing on the problem, and this is a very important piece to the entire effort that must be made to address the problem.

The Essex County Prosecutor's Office, our staffs handling both adult and juvenile, have given direct input to the legislative proposals that were submitted to the Committee by Attorney General Del Tufo. We know they are going to go a long way to help address this problem properly.

I just want to say that with our Essex/Union County Auto Theft Task Force we have magnificent cooperation from our law enforcement chiefs of police and police directors from Newark, from Irvington, from East Orange, from Belleville, from Orange, from the Sheriff's Department. And, of course, in Union County we have help also from Union County police agencies.

We are very pleased that you are here in Essex County. This is a statewide problem, not just a problem for Essex County or Newark. We know this is going to go a long way to improve the quality of life of the citizens of New Jersey.

Thank you.

SENATOR GORMLEY: Thank you. Well, you have given quality to the word, "Acting." I want you to know that. We don't know each other that well, but that is the reputation you have in the law enforcement community. You have done an excellent job.

Joining you is the Prosecutor of Union County, who has been working with you.

PROSECUTOR ANDREW RUTOLO: Senator, I, too, want to thank you for directing your attention, or focusing your attention on this complex issue.

I don't want to be too anecdotal, but what we have learned through the Auto Theft Task Force is that there has been a lot of myth breaking. We now know -- we have a model --

of who is stealing our cars. We have a profile of what has happened to them in the past and how early the tools of law enforcement have not been available to deal with it.

The Auto Theft Task Force was really given birth because the General, my colleague, Jim Mulvihill, and others, understood that there were inherent risks with capturing auto thieves by a single patrol car; that the patrolman in that car only had two options: to get involved in a pursuit, which could lead to a high-speed chase, with the attendant consequences, or let the vehicle go. The Task Force was formed to respond to that need. There have been no high-speed chases. They act in concert, almost like sheepdogs. They are all equipped with computers, purchased through my office, and Jim's office, through forfeiture funds, which can identify a stolen car within seconds. As a consequence, I have 30 or 40 cops out there every night in vehicles that can surround car thieves, and the numbers show their success.

With the supplemental help of the State police, which started yesterday, in the first hour they arrested four individuals, recovered three stolen cars, and, most noteworthy, one of those vehicles had been stolen at knife point, now popularly known as "carjacking." We have called them "felony vehicles," and they are nothing new to us.

What we have discovered in the process -- because we are out there every night and we're seeing the same individuals committing the crimes -- is, you can't paint them with the same brush. You have professional car thieves out there. Somebody the Task Force arrested admitted to stealing three cars a day, every day last year. That's \$2 million worth of cars he stole on his own. He stole them with caravans of a stick-up gang that used these stolen cars to commit other felonies throughout the night, and then dump the cars. That is on one end of the spectrum.

On the other, we had an 11-year-old whom we arrested who was out there for the pure sense of something to do. When we called to have his parents pick him up, there were no parents at home. There was only a grandmother who was blind, and my officers ended up driving the kid home themselves after hours. So you have a wide range of individuals committing these crimes.

The important thing about the General's response, and bipartisan legislation that is being proposed, is that it gives us the chance to divert these individuals in the areas they should be; whether it is community service, or there is some accountability that can help us with that 11-year-old when we have to intervene meaningfully in that child's life, and not just warehouse. Then we have that other area where we have a professional car thief who is committing \$2 million worth of car thefts a year. We have the one available, we have bail available, and we have the traditional incarceration available under these proposed legislations.

It is always a difficult process when we are dealing with young offenders. Do we just warehouse our kids, or do we give them meaningful intervention? I think we are committed, in law enforcement, to doing the latter. We appreciate that this is a response -- a sensitive response by the Legislature. It gives us the tools to do the hard core law enforcement. It gives the vehicle, the verbalizing necessary.

When the General speaks of this community outpour-- In my county we have a community food bank moving in. We have a vo-tech institution. We have a great many community leaders who are willing to take on the responsibility of these kids post their judicial process, on their own, volunteering, asking for little, or no help, in fact, in terms of money from the State Senate.

A lot of people are coming together. What is the most exciting part of this process for me has been that very

enlightened people are coming to the forefront and are willing to solve a complex problem, which this is. I think if we do that, the State of New Jersey will really be on the cutting edge once again on an issue, and the rest of the world will look to us.

I should tell you, other states have contacted Jim and myself asking if we can set up task forces, as the one we are operating now. But I guess the model that you have to recall, and remember, and what the General is speaking to, is the 102 juveniles who were first arrested by the Task Force. Sixty-eight percent had prior arrest records, and of those 68 percent, 90 percent had prior arrests for auto thefts. That recidivism is the most destructive thing in law enforcement, because it undercuts the morale of my Task Force, which is out there every night, because it is our members who are out there getting rammed; our members who go home with fractured necks. It is our members who have to go out there every day. To see the same kids starting to be arrested twice, when they have already been arrested three or four times, just demoralizes them.

So we need this further equipment. We need these vehicles in the law. There has been an awful lot done by my State Senator. Senator Bassano has been in the lead on this for many years, and the General has come forward with some very thoughtful legislation.

I would just tell this Committee that both Jim and I are available to help in any way to demystify and give you the facts of whom we are arresting and what they are doing.

SENATOR GORMLEY: Thank you.

Senator Girgenti?

SENATOR GIRGENTI: Thank you, Mr. Chairman. First of all, I want to commend you for coming up here and really addressing this issue that has become very timely of late. I want to also commend the AG for putting together, I feel, a

comprehensive program to tackle this crisis in the sense of a problem in our streets.

General, maybe if I can ask you just a couple of questions, just to get your input on this: First of all, one of your suggestions is in terms of 100 beds. I don't say that I disagree with that at all. I think you are on the right track in terms of dealing severely with this problem. In view of the situation we have with prison overcrowding right now, how is that going to be dealt with? Do you have anything in mind at this point?

One thing that comes to my mind, and I know we have been advocating this in the past, and maybe this could be an opportunity to move in that direction, is the shock incarceration camp type of idea. I see that that is one of the bills that is in our package today; one of the bills that will be discussed. Is that what you have in mind, or is it something different?

ATTORNEY GENERAL DEL TUFO: Well, the 100 beds that I had in mind was, again, short term. This is an immediate type of situation. I contacted Commissioner Fauver and we are making arrangements to find those beds, largely juvenile beds so that we can make the risk of punishment a real one. I think Prosecutor Rutolo just said that it is very important on that score.

Also, if we have these people together, we will be able to institute some type of educational/remedial programs and continue those programs when they get back to the community, either governmentally operated or community operated. I think community operated is much better.

We are also working, Senator, on trying to establish impact residential facilities right in the urban centers. There is one in Camden run by the Division of Youth Services in the Department of Corrections, where kids go out every day and rehabilitate housing in Camden, and then come back. They learn

a trade. I think that is a win/win type of situation. We have also found that if you can maintain our youth who may go astray in the community, we will have a much better chance of saving them. These are kids who are not incorrigibly violent. I mean, we have to treat those people entirely differently. So we are working on that type of program.

I think a boot camp would be a very welcome addition to the resources we have in New Jersey. You know, we had a proposal and we also had some funding set aside from nonbudgetary sources to locate a boot camp up in Sussex County in the Tocks Island area on Federal property. That is still a possibility, but because of some -- well, I won't characterize it -- but because of some vocal opposition and some, I guess, political reaction to it, it has not taken place as yet. We continue to work on it. And there may be other sites for this type of camp, perhaps at Fort Dix or other places.

But I think in the long run, trying to establish some residential impact facilities in the communities would be a very, very positive step.

SENATOR GIRGENTI: Well, there is no question to what you have said already, that you want stronger tools to deal with the situation. Right now, the laws that are on the books are not as effective, in the sense that you can't do what you really want to in terms of dealing severely with some of the people who are evidently repeat offenders. As you mentioned, there are about 100 people that you have identified who are responsible for a great deal of the car theft crime out there right now. I think I read that in the paper.

ATTORNEY GENERAL DEL TUFO: Yes.

PROSECUTOR RUTOLO: Yes, we are convinced of that. If we took 100 of the ones that we could identify off the street now, we could cut it 40 percent.

SENATOR GIRGENTI: The only other question I would ask, and I don't know-- In other words, you have degrees if an

injury is created as a result of this in your suggestions. The thing is, how would you differentiate if a person, you know, if someone was fleeing from you, or eluding you-- If an injury takes place as a result of it, what would they be up for? How would you know that someone would not be hurt in the process of somebody eluding them?

ATTORNEY GENERAL DEL TUFO: That is not a change in present law. Those things are there now. It is really just a question of the factual circumstances. I think probably I could have shortened my statement previously by saying what we are really trying to do is bump up the severity of these things, and also to remove a presumption of nonincarceration. That does not mean that the court judge has to send a first offender away, but just if we get rid of that presumption of nonincarceration--

SENATOR GIRGENTI: I guess my question is: How would you joyride without creating a risk of injury? How would you know that?

ATTORNEY GENERAL DEL TUFO: Well, if you stopped for the lights.

SENATOR GIRGENTI: All right. I would always take the more severe route.

ATTORNEY GENERAL DEL TUFO: You would have to see someone speeding by or doing donuts or doing--

SENATOR GORMLEY: We even have props here. (referring to plate of donuts nearby)

SENATOR GIRGENTI: Again, I just--

ATTORNEY GENERAL DEL TUFO: That's all right, it was a long drive.

SENATOR GIRGENTI: Again, General, I--

SENATOR GORMLEY: I got confused when you said "donuts."

SENATOR GIRGENTI: Again, General, I want to commend you because I believe you are on the right track. There has to

be a severe dealing with this problem, because obviously it is out of control. When you see that there are blatant acts conducted, and they are being done just for the effect of doing them, you know, it is like they are challenging you to do something about this.

When they come out blatantly and ram police cars, and they go out of their way to cause destruction and damage, I feel that is the time when you do have to take a severe, strong stand. You know, we do not want our streets to become chaos. I think we have to make sure that the laws are on the books to deal with these individuals severely. We have to have justice, but on the other hand we have to have sympathy for the victims of these types of situations, which I have always felt is where our priority should be in a sense, concern for the victims of these wanton acts of violence, really.

ATTORNEY GENERAL DEL TUFO: Well, we've got to have responsibility and accountability. I think that covers kids, parents, the community.

SENATOR GIRGENTI: Right.

ATTORNEY GENERAL DEL TUFO: I would just like to emphasize again the work of this Task Force. This Auto Theft Task Force has been exemplary. I really think that Prosecutors Rutolo and Mulvihill deserve a lot of credit, and the Sheriff and other people who have participated in that effort.

Echoing Senator Gormley's comments before, I want to congratulate, in advance, the community, too, because in Union County and Newark and in Essex County, people are becoming involved again and interested again. They are taking pride and they want to participate. That is really the solution to this problem and to many others that confront us.

SENATOR GORMLEY: I would like to thank all of you for appearing today. General, we will commence today our staffs working together on an introductory package on the 1st, and it will be listed for a Committee vote on the 8th of October.

ATTORNEY GENERAL DEL TUFO: Thank you very much, Senator.

PROSECUTOR RUTOLO: Thank you, Senator.

SENATOR GORMLEY: The next trio of witnesses will be Senator Bassano, Assemblywoman Crecco, and Assemblyman Lustbader. Senator Bassano?

S E N A T O R C. L O U I S B A S S A N O: Thank you, Senator Gormley. I appreciate the opportunity to be here today.

In a highly publicized press conference held two weeks ago on September 8, the Governor and the Attorney General announced a plan calling for mandatory jail sentence or community service for juvenile car thieves. After working on various legislative efforts the last several years to crack down on auto theft, I was extremely pleased to see that the idea of incarcerating minors involved in car theft has now won the support of the executive branch.

On August 3, I introduced Senate Bill No. 1093, which would impose mandatory minimum terms of incarceration for juveniles who are adjudicated delinquent for the crime of car theft. The only difference between the Governor's statement and my bill is that S-1093 does not include community service as an option. The Committee obviously has the power to add that option. If my bill becomes law, juveniles who steal cars will go to jail -- period.

Under the terms of the bill, juveniles adjudicated delinquent for a first offense of auto theft would receive a minimum term of at least 30 days incarceration, and would be required to serve up to a maximum of one year. A second offense would carry a minimum term of at least 90 days, and up to two years, while the third and subsequent offenses would require a mandatory minimum term of at least two years incarceration.

I believe the effort by the State's top law enforcement officials to shift the State's antitheft crackdown

effort from concentrating on adult offenders to prosecuting juveniles involved in stealing cars will lead to a significant reduction in this type of activity. Law enforcement studies of the motor vehicle theft problem, particularly in cases where chop-shop operators are involved, consistently reveal that juveniles are the ones who are out in the front lines doing much of the dirty work. Usually this occurs because the organizers and leaders of such car theft rings try to shield themselves from prosecution by hiring minors to steal the merchandise.

Because current State law specifically prohibits the courts from sentencing minors to spend time behind bars for auto theft, youths involved in this type of activity end up back on the streets, resuming their criminal behavior, shortly after their arrest. But if the State takes action to change the law as I have proposed under S-1093, prosecutors and police will finally have the capability to put a stop to the turnstile justice that is handicapping any legislative effort to crack down on the auto theft problem.

A look at the most recent statistics compiled by the Union/Essex Auto Theft Task Force clearly reveals that juvenile offenders are involved in a disproportionate amount of this activity precisely because of the laxity of the current law. For the first six months of this year, out of the 247 arrests made by the Union/Essex Auto Theft Task Force, only 108 of the individuals charged were adults. The large majority, or 139 of those arrested, were juveniles. The same pattern held true in 1991. According to the Uniform Crime Reports, there were only 175 adults arrested in Essex County on auto theft charges all of last year, compared to 496 minors. In Union County, 73 adults were arrested on motor vehicle theft charges, compared to 107 juveniles.

Or a quick glance at the statewide figures provides you with even further evidence of the need for this

legislation. While the number of adults arrested for auto theft fell by 9 percent, from 1516 in 1990 to 1387 in 1991, the number of juveniles arrested actually increased by 10 percent. The number of youths aged 18 years or younger arrested for auto theft increased from 1922 in 1990 to 2112 in 1991.

As a citizen and a legislator of this State, I am extremely concerned every time I read the latest national studies showing me that New Jersey cities rank among the highest in the country in the number of auto thefts. The most recent study conducted by the National Insurance Crime Bureau reported that five New Jersey cities rank among the 10 worst in the nation for auto theft. Newark was reported to have the highest rate of stolen vehicles of any city in the nation. Is it any wonder that New Jersey has the highest auto insurance rates in the nation when so many of our cities are plagued by this problem, which is predominantly fueled by juvenile offenders who remain practically untouchable due to an inadequacy in our laws?

As someone who has had two of his cars stolen in the past five years, with a total of over \$10,500 in damage, I possess a personal awareness and an appreciation for the seriousness of the problem. I also know, from having gone through the process of filing claims for my unrecovered vehicle, that it is the auto insurance system that ultimately ends up paying the bill. Then in turn we, as consumers, get socked with higher and higher auto rates year in and year out.

The time has come to put some teeth into the law, to give our police officers and law enforcement officials who are out on the front lines fighting the auto theft plague some genuine backup support in the form of much stiffer sentencing. I am hopeful that the recent announcement by Governor Florio and Attorney General Del Tufo advocating incarceration for juvenile car thieves will help lead to bipartisan support for S-1093 that will ultimately result in its enactment.

While I am glad to see that the rate of stolen vehicles fell 1 percent in 1991, and it appears to be decreasing again in 1992, we need to do much more. I, for one, would like to see the day when the latest report about the 10 worst cities in America for car theft does not include a single mention of New Jersey. Passing a law to put juvenile car thieves behind bars would go a long way toward accomplishing that.

In closing, let me say that I believe the punishment must meet the crime. I certainly understand that there are problems with space for putting people behind bars, and I would urge this Committee to look at in-house arrests, and to look at the bracelet type of arrest where people are detained in their homes, as means to incarceration.

You know, 150 years ago if you stole a horse, they would hang you. If you walk into a bank today with a gun and steal \$20,000, you are going to jail for 20 years. Yet, a person can steal a \$20,000, \$30,000, or \$40,000 car and be right back on the street before the day is over. It seems to me that there are some inequities in the law, and I certainly hope that we begin to address those inequities, and do it quickly.

Thank you.

SENATOR GORMLEY: Thank you. Assemblywoman?

A S S E M B L Y W O M A N M A R I O N C R E C C O: Mr. Chairman, I want to thank you for inviting me here. I also want to thank you for being in my town, Bloomfield.

About two months ago, our Police Chief here, Chief McNiff, called my office and apprised me of what was happening. We really were not aware that not only were police cars being destroyed, but our policemen were being injured. We then met with Senator Bubba and discussed this, and we also spoke to you on the phone. I did want to mention that because I, personally, was unaware of how many problems we were having with these juveniles.

As every motorist in New Jersey knows, the crime of automobile theft is costly in terms of property damage and insurance premiums. However, many people are still unaware of the frequency in which stolen cars are used as weapons themselves, or as instruments with which to commit even more dangerous crimes. In the last few weeks, for example, newspapers have reported on the new and dangerous trend among car thieves called "carjacking." In such crimes, thieves, many of them minors, will lie in wait for a driver to stop, at which point they spring on the vehicle and force the driver, at knife- or gunpoint, to abandon his own car. Newspapers have also reported a number of cases in which the robber has used the stolen car to ram police cars in order to escape arrest. These are clear signals that car thieves are becoming bolder. I believe our response should be just as bold.

I have proposed legislation that would make car theft much riskier for adult and juvenile criminals. One of my bills, which I am cosponsoring with Assemblyman Brown and also Assemblyman Lustbader, would require that all cases of car theft involving juveniles in which a serious or violent crime is also committed, be tried in adult court. It is no fluke that more and more minors are resorting to auto theft. It is a multimillion dollar industry in New Jersey, and it is even more tempting for minors, since they are treated more lightly by the courts. For that reason exactly, teenagers make attractive recruits for chop-shops and auto theft rings. This legislation would make it mandatory for the courts to treat minors as adults in the disposition of auto thefts and charges that involved serious or violent crimes.

Teenagers must know that they can no longer hedge the leniency of children's court against the risk of getting caught. I believe the only way to deter them from stealing cars and other serious crimes is to raise the stakes. If they

know that they are more likely to do hard time, they will be less likely to commit the crime.

Once then arrive in adult court, under a second bill proposed they will find higher penalties for crime involving auto theft. This bill would require the imposition of a term of imprisonment for car thieves who use stolen cars to commit other serious crimes, such as robbery, aggravated assault, and manslaughter. Under the bill, people who are convicted of a serious crime involving auto theft would be sentenced to a prison term appropriate for the crime of one degree higher than the crime they committed. In other words, if a person is convicted of a second degree crime involving auto theft, he would actually do time for a first degree crime. A person who commits a first degree crime would face a mandatory sentence of between 15 and 30 years behind bars. The normal term of imprisonment for such a crime is 10 to 20 years.

Make no mistake about it. Car thieves are more aggressive and more dangerous than ever before. They have less respect for the law, for other people's property, and for the lives of innocent citizens. If we are going to stop this wave of evermore violent car thefts, we must resort to more serious penalties.

Thank you, Mr. Chairman.

SENATOR GORMLEY: Thank you. Assemblyman Lustbader?

A S S E M B L Y M A N M O N R O E J A Y L U S T B A D E R:
Thank you, Mr. Chairman. Your Committee's presence here today makes it obvious that the serious problem of auto theft has been certainly mentioned in the Legislature, and for that we are grateful.

I introduced a bill, A-1841, and that bill provides a mandatory three-year prison term for any person who, in the commission of an auto theft, causes death or serious personal injury. This bill has the bipartisan support of Senator Ronald

Rice, who also introduced the same bill earlier, in March of 1992.

The increasing level of violence involved in auto theft makes more serious punishment imperative. Auto theft can no longer be treated as a crime against property or as a third degree crime. This legislation for mandatory prison sentences follows the mandatory prison sentence required in current law for the commission of a crime with firearms or for the manufacture and distribution of illegal drugs. Senator Rice and I believe that until the judicial system and the law treat auto theft as a serious crime, the perpetrators will continue to defy law enforcement and menace our communities.

Essex County has become the hotbed of rampant auto theft and consequential personal injuries. On a recent list of 20 cities, a credible list promulgated by the National Insurance Crime Bureau -- as mentioned by Senator Bassano -- out of 20 cities, the highest rate of autos stolen-- New Jersey was mentioned six times. It is obvious that we in New Jersey have the most to gain by halting this epidemic. The rankings are as follows: Newark, number 1; Irvington, number 3; Camden, number 6; East Orange, number 7; Elizabeth, number 9; and Trenton, number 13.

It is most appropriate, therefore, Mr. Chairman, that this Committee hearing take place in Essex. Hopefully, this will galvanize opinion in the Legislature for the earliest possible enactment of A-1841 and other related bills sponsored by the people here today.

Thank you.

SENATOR GORMLEY: Thank you. I want to thank all of you. I appreciate, not only the legislation you have put in, but the fact that you will be working on the omnibus package we are putting together, and the work of our Assembly representatives, working with Chuck Haytaian to make sure that

we have expeditious movement of this bill. I want to thank all of you for coming to testify today. Thank you very much.

Sheriff Fontoura? And they're not from central casting; they are actually public officials.

S H E R I F F A R M A N D O F O N T O U R A: Incredible. Well, we figured if you drove all the way up from Atlantic County, the least we could do was drive from around the corner and meet you here.

SENATOR GORMLEY: And I figured you would want to go on last so you could take me to lunch.

SHERIFF FONTOURA: Actually, we have somewhere else to go.

SENATOR GORMLEY: Oh, yeah. There you go.

SHERIFF FONTOURA: I'm already late.

SENATOR GORMLEY: All right.

SHERIFF FONTOURA: If you will take a raincheck, that will be fine.

Actually, I am not going to reiterate anything that has been said already by the Attorney General or Prosecutors Mulvihill and Rutolo. They have very well articulated some of our concerns -- all of our concerns in the law enforcement field. I just want to say this: Prosecutor Rutolo, who is a forward-thinking and progressive young law enforcement official, had the good sense to create what I think, from my 26 years of police experience -- 23 of them down in the City of Newark -- has been one of the best strategies and one of the most productive initiatives in the law enforcement field in a long, long time; that is, the creation of the Union/Essex County Auto Theft Task Force, which has been so successful.

The only problem I have with all of the proposals being put before your Committee that you are looking at, new laws, etc., etc., is that as successful as the Auto Theft Task Force has been, and it has been very, very successful -- they have developed an awful lot of intelligence -- these young

people, in my experience, and in all of our experience, know that the bottom line is that nothing happens. That's basically it. They are very savvy, whether they be juveniles or young adults that we are arresting. They are extremely -- very, very savvy. They know that the likelihood of any consequences coming to them as a result of their actions, is almost nonexistent. Nothing happens.

Something has to happen. You can write all the laws you want. You can revise; you can revamp; you can mandate. You can take discretion away from judges; you can mandate that they go to jail. But the bottom line is, there are no spaces for these people to go into. We talked about a boot camp, which we all favor in law enforcement, and which most public officials and elected officials favor. We need to get that going. If you want to get this legislation through by October, get the boot camp by October -- by the end of October -- or November.

SENATOR GORMLEY: There is something that I find ironic, and it is something that I have indicated to the counties that are opposed to it because it sounds good. Everybody is for State mandate/State pay. The irony of this is, this is a package that will pass, but there will be impact at one time or another on the county jail system, in one form or another, because there will be tougher penalties for adults or people involved. There will be higher penalties.

Now, we will omit putting in any State mandate/State pay line in this. That is something that, when I mentioned the appropriations bill to go with it-- We do have to seriously address that as we go along. We do have to seriously address the problems of a Mayor, in terms of the social service issues. We have a hearing next week, and I am very happy. We have been able to put together Brenda Bacon with Helen Walsh, the County Administrator of Atlantic County, on a program that, quite frankly, was endorsed by both Governor Florio and

Governor Kean. It revolves around the delivery of social services out of the schools.

As you know far better than I, Mayor (addressing Mayor Cooper, sitting with Sheriff Fontoura), given the social problems you have to deal with, you have a problem delivering human services to younger people. The same problem: What are they going to do with their free time? We had a child in Atlantic County, a sophomore in high school, with a father in Rahway. You have seen the pattern a million times, a dysfunctional family. He is an "A" student, can bench press 360 pounds, could go to any college that child chose to go to, play any sport that child would have chosen, but there was nothing to do in the summer months. And now that person is incarcerated. That potential, that raw potential, was thrown away.

It is only the tip of the iceberg to deal with the mandatory sentences. In terms of substantive backup, when it isn't as visible, that is really the long-term issue here.

SHERIFF FONTOURA: Incarceration shouldn't be out of the question. Incarceration is necessary for the 100 people or so that the Prosecutor talked about here in our county and in Union County. They should be incarcerated, but there should be somewhere-- If you talk about 100 beds-- If I come here and I hear about 100 new beds being created, as opposed to 100 beds in the existing system, I have a problem with that, because we only have 600 beds available for the entire State of New Jersey for juveniles -- 600 beds. In Essex County alone last year, we had over 19,000 crimes committed by young people, juveniles, that would have been indictable offenses. We're talking about serious crimes. Just from our county alone, it doesn't go into that 600.

So, unless we have additional resources to be able to show these young people, "Hey, if you do this, these are the consequences. This will happen to you. There is no question

about it." But now they are going to laugh at us again, and say, "Hey, guys, you arrested me five or six times already." Our Auto Theft Task Force personnel are on a first name basis with some of these kids. They have had them six or seven times. They go into a car, drag a kid out, "Okay, come on, it's time to come out," and the young man puts the car in gear and takes off with the police officer hanging on, causing one of my young officers, 22 years of age, to shoot the young man in the hand. That is a very traumatic experience for a young police officer. Not only are they getting injured and rammed, but the actions they have to take cause, sometimes, trauma to them and to their families.

So we need to come up with something concrete. We need to bite the bullet, whether it be at the State level or somewhere else, and say, "Hey--" As I go around, as the Mayor goes around every evening to talk to different community groups, they seem to be in favor of our position. They want these young people put away. So let's do what we have to do to create the resources, to create the boot camps or the jail space, to put them away until they are rehabilitated and come back out. Something has to happen. That is my point.

Thank you for the opportunity.

SENATOR GORMLEY: Thank you. Mayor?

M A Y O R C A R D E L L C O O P E R: Thank you very much. Senator, again, welcome to Essex County.

Certainly, we recognize the work that the Legislature has to do in order to give us the tools, if you will, to do some of the things that need to be done. Of all the speakers who have gone before me, I think one thing is very clear: This issue about people looking at juvenile car theft as some new phenomenon and some phenomenon that has taken off at some degree in the press as a result of people dying, as a result of young people stealing cars, with the end result of a police officer shooting a young person who has gone out and committed

this crime, or someone who was standing on the sidewalk, some innocent bystander, who is hit by one of these vehicles, or property damage that is incurred-- We can look at all of those things and realize that life and property are being severely damaged as a result of this phenomenon that is going on.

I think it is also equally clear that people in the community are very tired of the type of things that are going on. They are very concerned that by the time an arrest is made and the person hits that door -- that revolving door -- that person is out in another stolen car, perhaps, before the police can finish writing the final reports. It is a very frustrating kind of thing.

We have also heard from time to time criticism that, "Well, there is nothing for these young people to do." In East Orange, New Jersey, we have spent an exorbitant amount of money trying to improve the quality of life of all the residents there, and trying to provide the types of services and activities, recreational programs in the parks, out of the parks, in community centers, when, in reality, we may not have all the dollars we need to do expanded recreation programs or for the hours that we operate that that money -- taxpayers' money -- is being spent.

At 2:00 in the morning, I don't care what Mayor it is or what city you're in, that is not a normal recreation hour. Vehicles being stolen, being taken, and then to cry, "Well, if the kids had something else to do, this would not be going on--" I totally, totally disagree with that when we are talking about the types of car thefts that are happening in the middle of the night.

I also think there has to be a serious partner in addition to the State, Federal, and local governments. Parents have to be partners in this situation. I know, coming from difficult circumstances of my own, growing up in a family of 11 boys and knowing the toughness and what it is trying to beat

these mean streets, that you still need a parental arm around you somewhere. I can't expect my police officers to raise people's children. I cannot expect every schoolteacher to come or police officer or parent-- I can't expect every legislator to raise someone's children. We all love them; we all care for them; we all want the best for them. But we have to tie some parental responsibility into this somewhere. If that means legislatively that parents are going to have to be held accountable and fined for their children who are not where they should be, which is home at a reasonable hour, then that, too, has to be placed in the bills. I think parents would have a different purpose, a sense of purpose, if you will, if they were going to pay the price of some of these things.

Now, some people will say, "Well, some of these young people do not have parents." I have watched the unfortunate situations of funerals and the crying of parents after a child's life is lost, so they do have someone who cares, and someone who loves them. We need to enforce that, and somehow move that piece forward.

The final part is, no matter how often we go to the Legislature and create laws, if we create laws that are not enforceable -- the Sheriff is right -- you will have the youngsters laughing. They do it now. They say, "Well, yeah, that's fine. You wrote a law that says there is going to be a curfew at 10:00. Now that you picked me up after 10:00, where are you going to put me?" The reality of it is, the jails are overcrowded. The reality of it is that the "No Vacancy" sign goes out before we construct the next one. We spend a lot of money, if you will, on that system, and then the social service that has to go with it when people have to reenter the community.

So, there have to be some teeth there that it is swift and certain punishment. At no point do I support any form of police brutality, but I do believe that the police officers

have to protect the balance of the community and, in doing so, must exercise their authority within the scope of their responsibilities. But at the same time, we are going to be serious about what we are doing, and I believe we are. I believe the State Legislature certainly -- the bill that is before you, the conversations we have had with the Prosecutors and certainly with the Attorney General-- Mayor James of Newark, and other Mayors, have said the same thing. We cannot sit idly by and say, "Well, we are just going to sort of say we can't solve this problem," or, "It is not the kids' fault." We are viewed sometimes as, you know, the guys who, if you will, are protecting this unfortunate situation.

As we talk about this bill, and as you push forward with the October date, certainly on my end as a Mayor I am going to every group that I can where parents are -- PTAs, PTOs, community meetings, and everything else -- to say, "These are your kids. You've got a stake in this bill. Realize that something is going to happen as a result of this bill that is going to affect the children of this community. And, if you will, we would like you to be a partner in signing off and saying, 'Yes, this is a good bill, and, yes, we will do our part and be there for our kids.'"

So, again, my commitment is to try to assist in any way I can in trying to prevent any further damage to human life and property as a result of this epidemic of stolen cars.

Let me just mention one thing in closing about my city, the number of cars that are stolen in the City of East Orange, and the volume in which they are stolen. Part of it has to do with kids who steal cars for the sake of what we have seen: ramming police cars and joyriding. The other part is, there is a profitable business out there where folks have young people stealing cars, because they make money as a result of receiving those stolen cars. I believe Senator Girgenti mentioned this earlier. But keep in mind, why is the number so

high? You have the Garden State Parkway coming north/south through the city. You have 280 going east/west. We are only 3.9 square miles. Any thief who is going to take a car can move from any quadrant of the city on to a major highway and out of this county -- our of this county -- in the bat of an eye. We need to look at the geographics of where our cities are located and where things are happening. Perhaps as we do that we can start doing some joint policing with the State Police and others to deal with this urgent problem.

Again, my support is here for the bill. I appreciate the opportunity of speaking to you this morning.

SENATOR GORMLEY: Coming from the other direction, the day-to-day problems that urban Mayors have to deal with, the ones that are not as visible as the human problems, talking about taking over the court costs, which I think, if it passes on the ballot, would be a great help to Essex County and the tax base, but also to the delivery of services out of the Family Court-- I see a lot of this tied to either remedies available through the Family Court that we talked about in urban areas, or what, aside from the package, maybe coming from a totally different direction-- What legislation have you wanted to see, or what type of legislation have you wanted to see that would actually help the community or help the Mayor? You know, maybe it isn't at the PR level, but it is substantive.

MAYOR COOPER: I don't know if there is any individual legislation, but I can tell you that when we have programs and dollars that make sense, for example, I think each Mayor and local people have an understanding of their community. For example, Bloomfield, which is right next door to East Orange, has a set of problems. We are right next door, and our problems are quite different sometimes than the problems Bloomfield might be facing. You can't tell or make a program of what you can do.

For example, we need to take a look at what has caused this decline, if you will. We did some research on housing issues, for example. When people do not have clean, affordable, decent housing to live in, and they are out in the street, you have a problem. Now, giving them decent, affordable housing is not going to solve the problem if you can't give them a job also.

SENATOR GORMLEY: I understand.

MAYOR COOPER: There are things that you or myself individually cannot solve, and certainly the Senate of New Jersey cannot solve. What we need to do is go back and look at what did work.

I am just going to give you one program that I continue to think -- two of them that made sense some years ago. Revenue Sharing made sense. If you ask any local official around this country, they will tell you that Federal Revenue Sharing made sense because it gave, if you will, a vision to people of a city to do things. Community Block Grant money made sense because it could do things for individual communities that made sense. It took care of some of the social services, as well as the physical needs of a community.

We just need to get back to that kind of thinking of, how do we best target dollars so that we don't waste money. I think that any program that is wasteful needs to be eliminated. But there were some very, very significant improvements made in the system using those two programs. That's Federal dollars.

But now, Senator, quite frankly, what is going on is that you have the State versus the county, the county versus the city, and we are all fighting for a limited pot of money. All of us are scrambling for answers, and, unfortunately, sometimes we go at each other's throats, instead of trying to sit down collectively and solving our problems. I don't think

it is fair to the folks at the State, the county, or the municipal level to be placed in that position.

We have a long road to go, if you will, to solve some of the problems, but I think that if we reach back and look at what were-- We need to revisit those kinds of things in our cities as well. I think we also need to be honest about what the real problem is. You know, it's like drugs. Everybody says that drugs are a problem; drugs are a problem. We knew drugs were a problem. It appeared to be an urban problem, but drugs are a problem for America today. Because everybody viewed it as a urban problem, they threw some dollars out there to try to chase the problem away, and now it has infiltrated society. We need to look at it from the other end. Instead of chasing the problem, we need to somehow get in front of it, and view it to see where it is going.

SENATOR GORMLEY: John?

SENATOR GIRGENTI: Well, Mayor, I want to thank you. You made a very good presentation. I agree with a lot of what you had to say. I think the key, as you said-- I think that sometimes decisions should be made locally, because you people at the local level probably know the problems better than anyone else. So that type of arrangement was a good arrangement in terms of Federal Revenue Sharing and that. Hopefully, at some point we will go back in that direction. I know that Senator Gormley is sincere when he asks you about this, because it is a problem that we all have to deal with every day.

The only other thing I would say, Mr. Chairman, is that the reason I brought up the boot camp thing is that it is great to come out, and I commend everyone for coming out with the stiff sentencing and all this. I think it is important, but we also have to-- You know, we can't just say, "That's it; that's the solution." There has to be-- As was said, we have to have a boot camp arrangement set up so we can put these

people into these places. You were complaining about prison overcrowding and what are we doing to do with the problem. I think that was mentioned by the Sheriff and the Mayor. Actually, we can put all the tough laws on the books, but if we can't accommodate the people-- I mean, if we have to go out and put up another prison, then we should do that, if that is the case, if that is the will of the people, if they want respectful legislation.

I think it is much more complex, and I know you agree, than just saying, "We are going to make stiffer penalties." When you hear of these atrocities that take place, I think anyone would say that we have to deal with them severely. But we also have to have the other aspect. We have to put the resources and the commitment toward dealing with the problem thoroughly and comprehensively. It is not enough just to say, you know, that we are going to do the one end. The other end is not as glamorous. The other end, as you mentioned, is not the part that everybody likes to be identified with.

SENATOR GORMLEY: The appropriations bill. I get that. I'm the Chairman.

SENATOR GIRGENTI: But that has to happen.

SENATOR GORMLEY: I get the appropriations bill.

MAYOR COOPER: You know, the Senator is right. If we fail somehow to deal with the fact that there is going to be swift and certain punishment and facilities available-- We can talk about boot camps. If they do not exist and the bill goes into effect, six months later no one has gone to a boot camp, and the boot camp becomes a joke. The boot camp becomes like the Youth House. Right now, the Youth House-- The only thing that goes in the Youth House is the baddest of the bad. You damned near have to have killed someone to be in the Youth House. When I was a kid growing up, the same building -- the very same building -- if you stole a candy bar off a shelf in a

store, you would at least spend one day down there. Today, you have to kill somebody to get into the Youth House.

So we are only dealing with the baddest of the bad, so that other situation is sort of spinning out there on its own. I think we really do have to be serious about how we do that. Obviously, where you locate a boot camp is sort of like the NIMBY syndrome. That also comes into play. All of those things are real in the business we are in. But I think we also have to be very public about saying, "Yes, it is going to be a reality."

I heard someone mention Fort Dix or other opportunities. We need to get all of that right away. As you are moving on this track toward the October finalization of this bill, we need to be equally looking to try to have some solutions to those locations right away.

Anything we can do to assist you, let us know.

SENATOR GORMLEY: Well, I agree with you. As I said, they always talk about State mandate/State pay. That sounds good. It never goes anywhere, because it can't. You can't waive the police power of the State to say when certain things happen to happen. The reality comes down when there is an appropriations bill with a source of money to pay for what funds the press release.

What I do want to do is, if they are going to move forward with the boot camp concept, we want to make sure that it is a reality. It is a phrase that polls very high, and has over the last seven or eight years. I have heard it a lot myself, and I think we're on the same page. We are very much on the same page. Obviously, if we offset the cost under both the county and the State-- The one area of the budget that we have increased in the last three years is the Corrections budget. It is our major growth industry.

The problem is, we cannot keep up with the mandatory sentencing. That is reality. Now we're talking about more--

Obviously, we are agreeing about some levels of mandatory sentencing today, although they are not of an extreme nature, compared to some we have dealt with. But the boot camp does offer the balancing to it, or a concept like it, so that penalties mean something. We will have to address it. That is why I did bring up, somewhat humorously, but at the same time quite seriously, the appropriations portion of this.

MAYOR COOPER: I think you're right on the appropriations issue. I think we have all had wish lists of what we would like to see. If there is ever a time when we are not trying to split fine hairs, this is one of them. I can tell you, there are bills that I read and I wonder, you know, where do they get conceived? You talk about mandatory sentencing for certain things, and you say, "Wow, you know, it is a great idea. It might be good." However--

SENATOR GORMLEY: Oh, the mandatory sentencing of the State rock. That was a good one. (laughter)

MAYOR COOPER: I could give you some local ones that would make you really stand up.

SENATOR GORMLEY: The good news is that 95 percent of the legislation does not pass. That is the good news. Thank goodness for our system of checks and balances. It usually weeds the process out.

But, see, what we do have here is something that is a tragic circumstance, but is it highly visible. It has, unfortunately, got us at the wrong end of the national poll. From a situation as highly visible as this, you should take that momentum -- and we agree on this-- We should take that momentum and try until we cross some hurdles that we have never been able to cross. Possibly we could cross that hurdle.

You know, people love to talk in terms of millions and billions. Give me 50 beds; give me 40 beds; give me a bed. See, I often find that legislation deals globally, and that is because it is going to go nowhere. I would rather deal with

100 real beds, or one real life, in terms of being changed, or taken off the street. But I find, quite frankly, the comments today were really sans politics. The bipartisan support is there and it is real. I am sure the Attorney General's comments were highly focused in terms of the concept he is talking about, because he is not talking about something that we could categorize as being impossible to achieve. He wasn't talking in terms of 2000 beds or 3000 beds. He was talking in terms of something that is within the realm-- But it is going to take hard work and hard choices being made, and somebody giving up political goodwill to achieve it.

MAYOR COOPER: Senator, I concur.

Let me just tell you something locally. We have a police station in our city that was built in 1926. We have probably been cited over the last couple of months -- couple of years, rather -- in terms of violations of civil rights of prisoners who were in there, probably about 12. On the average, on a weekend, you might find 30 or 40 people going through there. I have to make a decision to spend \$11 million that I do not have, but I have to spend \$11 million to build a new public safety complex. We cannot lock up some of the people who are out there because we simply don't have any room to put them. In addition to that, if we put them in there, we are in violation of the constitutional rights of those prisoners.

The reason I mention that is, it is not a popular thing. It is not something I would want to spend \$11 million on. I have gone everywhere, knocked on every door, to try to get the \$11 million. I can't get it, but I still have to build the place. I think sometimes we do have to do things that are-- That's real. That is a real problem that we have to wrestle with.

If I came in here today and you told me you were going to build a facility to house 2500 people and that was how we

were going to solve this problem with car theft, I would leave this room very disappointed, simply because the prison that was built in Newark-- Before the key was turned to open the door, there was a "No Vacancy" sign on the front of it. That is without anybody having to do anything. That was just to clear the backlog of State prisoners in county jails.

So, you're right. With those beds-- I think what the Sheriff was saying, as I understood it, was that those 100 beds -- if we use that as a number -- they are indeed targeted and separate and apart to use specifically to start moving towards this car theft issue, and not become 100 beds where somebody is going to scream, "Well, we need some emergency relief to take prisoners out of this location, and to put them in that location." I think that would be a tragic mistake. I think all the goodwill that all of us have, and the good intentions, would go down the tubes then, because again, the reality is that those kids will walk away. The public will become more disillusioned about how we handle our affairs. I just think that if we are going to deal with incarceration, we should deal with it in a real sense.

Again, on the boot camp issue -- and I don't know the answer to that, where it goes, how you do it-- But, you know, the problem is a national problem. I think that if we could get to the point where we are today, where this is a bipartisan effort to support some of these things and take it out of the realm of politics -- if there is a possibility in America to do that these days-- It is a national problem, and there are some national solutions that could be very good. But, unfortunately, this is not the year that we are going to get that done. It is an election year and, quite frankly, whatever side, it doesn't matter, but the point is, there are some national solutions to this problem. There are national facilities that are located within our State and other states around this nation that could take some of the edge off of what

we are trying to wrestle with here. I just don't think we are going to get there this year, but I think that all of us should be thinking towards that goal come next year as to how we can begin to use that national-- We are not just talking about money. We are talking about facilities and opportunities that we can create around this country.

Again, thank you.

SENATOR GIRGENTI: Bill, just one other interesting thing. You mentioned the Mayor. When you think about it, all of our cities today, the urban areas-- I have Paterson; I know the Chairman has Atlantic City, and right on through. We have always tried to make an available access into the urban areas. We fought for that to try to pump more economy, more lifeblood into them. But as you pointed out, as a result of that, we more or less set up a situation where you can get in and out of there in a hurry, too.

MAYOR COOPER: Yes, oh yes.

SENATOR GIRGENTI: That is part of the problem with the auto theft situation. I know in our area we have Route 80. We have a number of highways crossing us, and it is so simple to get in and out. We are fighting to get more access, but that also has--

MAYOR COOPER: Well, it has its good points and its bad points. We created a lot of economic development because of highways. In fact, I was just in the City of Atlantic City last week. We were down at the Convention Center, which is going to spur jobs and development. That is how you help a community grow again, but at the same time we add problems.

I know that years ago when that highway was built in East Orange, I don't think anyone had any idea that the issue of car theft would have anything to do with the building of that highway. Clearly, when we look at the numbers just quickly, as of how -- and believe it or not it is surprisingly shocking to us -- we have had a total of 883 vehicles stolen in

the city. We recovered 656 of them, which is a 70 percent recovery rate. That is for this year -- a year-and-a-half ago.

SENATOR GORMLEY: What is your population there?

MAYOR COOPER: Seventy-seven thousand people, but we are talking about upwards of 3000 vehicles annually, stolen prior to this in that city, just next door. Those vehicles are not being stolen and being kept in the city. A lot of that again, as I said, is because of the highway and the connection. You know, I guarantee you, if you talk to the folks who are patrolling the low jack down by the airport, you start hearing those things go off, and you can't figure out where the cars are.

SENATOR GORMLEY: So, you are dealing with a car theft problem--

MAYOR COOPER: I think we have--

SENATOR GORMLEY: --that is running at 1 percent of the population -- comparable.

MAYOR COOPER: Comparable, sure. You go to any community meeting and somebody says-- You know, we could have all the other tragedies in the world going on, but you walk into a meeting, and let one person's car having been stolen, and you want to see a traumatic experience and listen to a person cry out in pain, because I mean, you forget, it affects their ability to get to work, transport the kids to school, do all kinds of other things. It is a very traumatic experience for a person to have their car stolen.

I said to the Chief, who unfortunately had to leave, a recovery rate of 70 percent is admirable with all of the other problems we have, absolutely incredible, in fact, but at the same time the idea of walking out there and the car is gone-- Then you pick up the newspaper and hear that the new order of the day is carjacking. It seems to be escalating, and there seems to be a lot, I think, of anxiety in the community, and understandably so.

Again, thank you very much. I appreciate this opportunity.

SENATOR GORMLEY: Thank you.

We will now have Karen Spinner, New Jersey Association on Correction.

K A R E N S P I N N E R: Good morning, Senators, and thank you for the opportunity to join you. I am very sorry to have been late and having missed the Attorney General's remarks. I apologize for being late, but not for the reason.

I am a widowed, single parent, and I need to stay home until my kids go to school. I am fortunate having an employer who allows me to have that flexibility. It is not every mother or father, as a single parent, who has that opportunity, and that does lead, I think, to some of the lawlessness we see with our children, that our employment system does not give single parents the flexibility they need to be good parents.

But, be that as it may, I want to speak to you a little bit about the entire issue of mandatory sentencing for juveniles. I have some serious concerns with that. Auto theft is a very serious crime, and we are seeing more and more problems with it. However, to use mandatory incarceration for juveniles, I don't think is going to solve our problem. We do need to have a system where juveniles are kept accountable, where they are visibly punished. Removing them from the community will not achieve that purpose.

A lot of kids look at going and doing time as a badge of honor, so for them it is not punishment, not in the sense that perhaps as adults we might look at it. So I think we might be better spending our time looking at alternatives in the community, real serious alternatives, where kids are meant and made to do community service, go to school, and there is somebody there making them be accountable. By that I mean a probation officer or a community-based agency doing that. But

just schlepping them off and moving them out of the public eye and getting them into incarceration, is not going to solve our problem.

If the Legislature chooses this avenue of mandatory incarceration, at the very least we would need to talk about a massive public education kind of campaign, so that the kids would know that there is a consequence, because by and large, kids are rather frivolous, and they don't know what is going on. You know, they think it's a joke. Taking a joyride is a joke; running out in the middle of the night is a joke. Kids do not take life seriously, so we have to do a lot in that area.

The other issue is-- I did hear the Attorney General speak about the need to have impact resource centers in the community. I need to speak to the issue of siting. As an agency that provides community-based halfway houses for juveniles and adults, I can tell you that the community is not really with us on this issue, and the Legislature hasn't been with the community-based agencies either. Every session there are more and more bills introduced to restrict and to allow local communities to exclude community-based facilities. If we want to make an impact on crime, juvenile or otherwise, the community has to be willing to take their fair share of responsibility. It is not fair to dump them into jail and just assume that somebody else is going to take care of them. It is a community problem; it is not the Legislature's problem; it is not law enforcement's problem. It is everybody's problem, and unless we can all work together, we are never going to solve this problem.

There is a fairly significant body of information and agencies that do provide community-based juvenile justice and adult justice services. That has not been tapped, I think, in the decision-making process. I would like to offer the offices of our Association and the community corrections providers of New Jersey to join with the Legislature and other law

enforcement agencies to enter into this dialogue, because I think we are missing those pieces and, you know, it is something that we all need to work together on.

Thank you.

SENATOR GORMLEY: Senator Girgenti?

SENATOR GIRGENTI: The only question, Karen-- I don't know if you heard the Prosecutors of the two counties. They mentioned 100 individuals that represented a strong percentage of the car thefts. In the case of these individuals who are repeat offenders, what do you feel the solution is there?

MS. SPINNER: There is a point where you do have to use incarceration. I am not saying that you can't lock a kid up. I'm saying that you can lock a kid up after you have tried to work with him. With all due respect to Senator Bassano, putting a kid 30 days in a Youth House is not going to be helpful for the kid or for the system. There is no place to put kids for 30 days, and a 30-day sentence, I don't think, is going to make an impact on a kid who has done, you know, enough time.

But for the first offenders, I don't want to see mandatories. We run a juvenile program in Edison. We have our fair share of kids who can pop a lock in two seconds. You know, they are a problem, and I don't doubt that some kids need to be locked up, but I don't want to see wholesale first timers going into 30 days of detention. That is not going to help any.

SENATOR GORMLEY: Thank you.

Is there anyone else who wishes to testify? (no response)

I want to thank everyone for coming. I especially would like to thank the municipality for its hospitality today. This hearing is as a result of contact through Senator Bubba and Assemblywoman Crecco, through the Chief of Police. That is why we are here today. We appreciate their desire to bring the problem to the Judiciary Committee. Hopefully, the

town will find this response to be the beginning of a substantive process that hopefully will make a difference to a problem that is one which we have to address.

Again, I would like to thank the town. They have been more than hospitable and very courteous and very friendly. Thank you all for coming today.

(HEARING CONCLUDED)

APPENDIX

STATEMENT BY
ATTORNEY GENERAL ROBERT J. DEL TUFO
SENATE JUDICIARY COMMITTEE
SEPTEMBER 23, 1992

GOOD MORNING MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE.

TWO WEEKS AGO, GOVERNOR FLORIO AND I TRAVELED TO A NEWARK CHURCH TO HEAR A COMMUNITY'S REACTION TO THE VIOLENT CAR THEFTS PLAGUING ITS STREETS. IN A SHOW OF CONCERN, RESIDENTS LINED UP THE LENGTH OF A LONG CENTER AISLE FOR THEIR TURN TO SPEAK. IT WAS AN ENCOURAGING SIGHT AND A CLEAR SIGN THAT THE PUBLIC WANTS WORKABLE SOLUTIONS TO THIS PROBLEM. AND WITH GOOD REASON.

THE WANTON VIOLENCE CONNECTED WITH RECENT AUTO THEFTS HAS HURT THE PROUD CITY OF NEWARK AND OTHER URBAN AREAS OF NEW JERSEY. PEOPLE ARE CONCERNED FOR THEIR OWN SAFETY AND FOR THE FUTURE OF A GENERATION OF NEIGHBORHOOD KIDS. THEY GO TO BED AT NIGHT WONDERING IF THEIR CARS WILL BE IN THE SAME PLACE AND IN THE SAME CONDITION IN THE MORNING. THEY HAVE SEEN INSURANCE RATES GO UP AND THEIR NATIONAL IMAGE GO DOWN. FRANKLY, THEY'VE HAD IT.

AUTO THEFT - NEVER A VICTIMLESS CRIME - HAS TAKEN ON A MORE DESTRUCTIVE FORM, CHARACTERIZED BY THE RAMMING OF POLICE VEHICLES, HIGH-SPEED DRIVING, ASSAULTS AND EVEN DEATH.

BY NOW, WE ARE ALL FAMILIAR WITH INCIDENTS SUCH AS THE ONES DESCRIBED IN THE FOLLOWING POLICE REPORTS:

AT 9:05 P.M. ON JULY 29, DRIVER OF A STOLEN CHEVROLET CAVALIER RAMS TWO POLICE CARS, PROCEEDS AT A HIGH RATE OF SPEED ON THE WRONG SIDE OF THE ROAD, STRIKES ANOTHER VEHICLE, RUNS OVER A FIRE HYDRANT AND CAREENS INTO A 16-YEAR-OLD GIRL. SHE IS TAKEN TO THE HOSPITAL IN CRITICAL CONDITION WITH MULTIPLE INJURIES AND FRACTURES. WITH THE AID OF NUMEROUS WITNESSES AND BYSTANDERS, TWO SUSPECTS ARE CAUGHT AND A THIRD SURRENDERS LATER. THEY ARE 20-, 15- AND 13-YEARS OLD.

AT 3:20 P.M. LAST OCTOBER 22, DRIVER OF A STOLEN VEHICLE TURNS TWO FULL CIRCLES IN THE INTERSECTION OF 15TH AVENUE AND SOUTH 7TH STREET IN NEWARK, CONTINUES AROUND A POLE, ONTO A SIDEWALK, STRIKING FIVE PEDESTRIANS, KILLING ONE OF THEM - TWO-YEAR-OLD DOMENIQUE LOPEZ. THE DRIVER IS 15-YEARS OLD.

SURELY, THERE ARE OTHER EXAMPLES IN OUR FILES OF RECKLESS ACTS INVOLVING STOLEN CARS. BUT OUR MISSION HERE IS TO HELP PREVENT FUTURE INCIDENTS. AND THAT WORK HAS ALREADY BEGUN.

A TASK FORCE ON AUTO THEFT IN ESSEX AND UNION COUNTIES, FORMED LAST DECEMBER, HAS MADE MORE THAN 250 ARRESTS AND RECOVERED ALMOST AN EQUAL NUMBER OF STOLEN VEHICLES. THIS ACTION HAS BEEN ACCOMPLISHED WITH THE HELP OF MORE THAN \$200,000 IN

EQUIPMENT PURCHASED WITH FORFEITURE FUNDS.

WE RECENTLY STARTED A CHRONIC JUVENILE OFFENDERS PROGRAM THROUGH THE ESSEX COUNTY PROSECUTOR'S OFFICE TO ENSURE THAT YOUNG PEOPLE WHO ARE RESPONSIBLE FOR A DISPROPORTIONATE AMOUNT OF CRIME, INCLUDING CAR THEFT, ARE TARGETED FOR EXPEDITED PROSECUTION AND CUSTODIAL TERMS.

WE HAVE ALSO BEEN WORKING WITH THE CORRECTIONS DEPARTMENT ON A MODEL JUVENILE PROGRAM TO REHABILITATE NON-VIOLENT OFFENDERS THROUGH A HIGHLY-STRUCTURED CUSTODIAL PERIOD OF UP TO THREE MONTHS AND A LATER ROUND OF CLOSELY-SUPERVISED COMMUNITY SERVICE. WHEN AT ALL POSSIBLE, WE WANT TO RETURN THESE YOUNG OFFENDERS TO THE COMMUNITY WITH A SET OF SKILLS AND A SENSE OF PURPOSE.

BUT WE NEED TO DO MORE. AND WE WILL.

AFTER LISTENING TO THE RESIDENTS AT ST. JAMES AME CHURCH IN NEWARK, I OUTLINED A PROGRAM TO DEAL WITH CAR THEFT THAT RECOGNIZES THE NEED FOR TOUGH LAW ENFORCEMENT MEASURES AND CREATIVE NEIGHBORHOOD INITIATIVES.

THE PLAN CALLS FOR SPECIAL JUDGES, ATTORNEYS AND PROBATION OFFICERS TO ENSURE THAT AUTO THEFT CASES ARE HANDLED IN AN EXPEDITIOUS MANNER. WE HAVE SET UP A UNIT IN THE ESSEX COUNTY PROSECUTOR'S OFFICE TO DEAL EXCLUSIVELY WITH ADULT AUTO THEFT OFFENDERS.

WE HAVE ADDED FOUR STATE TROOPERS TO THE ESSEX-UNION TASK FORCE TO BUILD ON ITS SUCCESSES. THE TASK FORCE WILL ALSO BE BOLSTERED WITH TRUCKS AND SPECIAL EQUIPMENT SUCH AS RADIOS AND COMPUTERS CAPABLE OF INSTANT CHECKS ON STOLEN VEHICLES.

THE PLAN CALLS FOR A CHANGE IN COURT RULES TO MAKE AUTO-THEFT CHARGES SUBJECT TO WARRANT COMPLAINTS RATHER THAN SUMMONSES. THIS MOVE WILL ENABLE JUDGES TO MORE PROMPTLY IMPOSE BAIL FOR ADULT DEFENDANTS AND MAKE THEM ANSWERABLE TO THE SYSTEM.

IT CALLS FOR A COMMITMENT OF ONE HUNDRED BEDS IN OUR CORRECTIONAL SYSTEM FOR CAR THIEVES SO THAT THE THREAT OF A JAIL TERM IS A REAL ONE.

AND IT CALLS FOR LEGISLATION THAT WILL AMEND THE CRIMINAL AND JUVENILE CODES SO THAT PENALTIES REFLECT THE DIRE RISK TO PUBLIC SAFETY POSED BY THESE HAZARDOUS, AND OFTEN REPEATED ACTS.

AT THE SAME TIME, THE PLAN RECOMMENDS COMMUNITY PROGRAMS TO HELP STEER KIDS IN A POSITIVE DIRECTION. FOR EXAMPLE, WE WILL BE MEETING NEXT WEEK WITH NEWARK FIGHTING BACK AND OTHER COMMUNITY GROUPS FROM NEWARK AND ELIZABETH TO DEVELOP A PROGRAM THAT WILL ALLOW FOR THE IDENTIFICATION AND SUBSEQUENT OVERSIGHT OF JUVENILE OFFENDERS WHO CAN BENEFIT FROM COMMUNITY SERVICE PROJECTS AS A CONDITION OF PROBATION OR PAROLE.

RATHER THAN REVIEW OUR ENTIRE PROGRAM, I WOULD LIKE TO FOCUS TODAY ON OUR PROPOSED LEGISLATIVE CHANGES WHICH MAKE IT CLEAR THAT LAWLESSNESS WILL NOT BE TOLERATED - REGARDLESS OF ITS ROOTS - AND THAT PUNISHMENT WILL BE SWIFT AND SURE.

WE WANT STRICTER PENALTIES TO DETER WOULD-BE CAR THIEVES AND TO INCREASE THE LIKELIHOOD THAT A JOY RIDE IN A STOLEN CAR WILL LEAD TO A SOLEMN RIDE IN THE BACK OF A CORRECTIONS VAN, PARTICULARLY WHEN THE CRIME INVOLVES RECKLESS DRIVING, A REPEAT OFFENDER OR THE ELUDING OF POLICE.

WHEN THE SAME KID IS ARRESTED FOR THE SAME OFFENSE AT THE BEGINNING AND THE END OF THE SAME POLICE SHIFT, AND WHEN LESS THAN A HUNDRED JUVENILES ARE RESPONSIBLE FOR MORE THAN A THOUSAND CAR THEFTS, THE LAW NEEDS TO BE CHANGED.

AND WHEN INNOCENT BYSTANDERS ARE MOWED DOWN BY CAR-SPINNING THIEVES WHO VIEW THEIR ACTIONS AS A SPORT, THE STATUS QUO IS NOT ACCEPTABLE.

CURRENT LAW DOES NOT ADEQUATELY ADDRESS THESE PROBLEMS AND REFORM IS NEEDED.

A. PUNISHMENT FOR CAR THEFT MUST BE MORE CERTAIN. UNDER CURRENT LAW IT IS UNLIKELY THAT A PERSON WHO STEALS A MOTOR VEHICLE WILL GO TO JAIL. THE CRIME IS ONE OF THE THIRD DEGREE, AND COURTS ARE REQUIRED TO PRESUME THAT FIRST OFFENDERS SHOULD NOT BE INCARCERATED. EVEN WHEN DEALING WITH A SECOND OFFENDER, JUDGES ARE EQUALLY FREE TO IMPOSE A SENTENCE OF PROBATION OR JAIL.

1. TO MAKE JAIL TERMS FOR REPEAT OFFENDERS THE RULE RATHER THAN THE EXCEPTION, WE WOULD CODIFY A PRESUMPTION OF INCARCERATION FOR PERSONS WHO HAVE PREVIOUSLY BEEN CONVICTED OF MOTOR VEHICLE THEFT OR JOYRIDING.

2. TO MAKE JAIL TERMS FOR FIRST OFFENDERS A REAL POSSIBILITY, WE WOULD DEPRIVE FIRST OFFENDERS OF ANY PRESUMPTION OF NON-INCARCERATION.

B. THE PENALTIES FOR ELUDING MUST BE INCREASED. THOSE WHO TAKE LAW ENFORCEMENT OFFICERS ON MOTOR VEHICLE CHASES CREATE AN INTOLERABLE RISK TO HUMAN LIFE AND INTERFERE WITH THE ADMINISTRATION OF JUSTICE. YET UNDER CURRENT LAW, ELUDING AN OFFICER IS A DISORDERLY PERSON OFFENSE, UNLESS THE FLIGHT CREATES A RISK OF DEATH OR INJURY, IN WHICH CASE IT IS A CRIME OF THE FOURTH DEGREE. OUR PROPOSAL WOULD:

1. ELEVATE THE BASE OFFENSE FROM A DISORDERLY PERSON OFFENSE TO A CRIME OF THE THIRD DEGREE.

2. GRADE THE OFFENSE AS A CRIME OF THE SECOND DEGREE WHEN THE ELUDING CREATES A RISK OF DEATH OR INJURY.

3. REGRADE RELATED AGGRAVATED ASSAULT OFFENSES TO MAKE ANY ELUDING THAT RESULTS IN INJURY A CRIME OF THE SECOND DEGREE.

4. AND REQUIRE A MINIMUM TERM OF INCARCERATION FOR PERSONS WHO INJURE ANOTHER WHILE ELUDING.

C. IN ADDITION, WE MUST RECOGNIZE THAT JOYRIDING CAN NO LONGER BE TREATED AS IT IS NOW - A MINOR OFFENSE EQUIVALENT TO THE TEMPORARY TAKING OF ANOTHER'S BICYCLE OR SURFBOARD. OUR PROPOSAL WOULD:

1. UPGRADE JOYRIDING TO A CRIME OF THE FOURTH DEGREE FOR MOTOR VEHICLES ONLY.

2. UPGRADE JOYRIDING TO A CRIME OF THE THIRD DEGREE WHEN THE MOTOR VEHICLE IS OPERATED TO CREATE A RISK OF INJURY TO PERSON OR DAMAGE TO PROPERTY.

3. CODIFY A PRESUMPTION OF INCARCERATION FOR PERSONS CONVICTED OF JOYRIDING WHO HAVE PREVIOUSLY BEEN CONVICTED OF MOTOR VEHICLE THEFT OR JOYRIDING.

4. TREAT THE OFFENSE OF CAUSING INJURY WHILE JOYRIDING LIKE THE OFFENSE OF CAUSING INJURY WHILE ELUDING - AS A CRIME OF THE SECOND DEGREE, AND

5. ELIMINATE THE PRESUMPTION OF NON-INCARCERATION FOR JOYRIDING IN THE THIRD DEGREE.

D. UNFORTUNATELY, RECENT EVENTS REVEAL THAT AMENDMENTS TO THE CRIMINAL CODE WILL NOT BE SUFFICIENT. JUVENILES ENGAGE IN THIS CONDUCT AND WE MUST PROVIDE STIFFER SANCTIONS FOR JUVENILES.

WE PROPOSE MANDATORY SANCTIONS. UNDER CURRENT LAW, SANCTIONS FOR JUVENILE ADJUDICATED DELINQUENTS ARE LEFT TO THE DISCRETION OF THE COURT. WE PROPOSE THE FOLLOWING MANDATORY DISPOSITIONS, IN ADDITION TO OTHERS THE COURTS ARE AUTHORIZED TO AND DO IMPOSE:

1. EITHER INCARCERATION FOR SOME TERM OR 60 DAYS COMMUNITY SERVICE FOR THE FOLLOWING OFFENSES:

- MOTOR VEHICLE THEFT BY FIRST OFFENDER.
- JOYRIDING THAT CREATES A RISK OF INJURY OR DAMAGE TO PROPERTY.
- ELUDING THAT CREATES A RISK OF INJURY.

2. INCARCERATION FOR A MINIMUM OF 60 DAYS AS FOLLOWS:

- MOTOR VEHICLE THEFT BY A REPEAT OFFENDER.

- AGGRAVATED ASSAULT (INJURY BY PERSON WHO IS EITHER JOYRIDING AND DRIVING RECKLESSLY OR ELUDING).

3. INCARCERATION FOR SOME TERM OR 30 DAYS COMMUNITY SERVICE FOR:

- JOYRIDING WITHOUT CREATING A RISK OF INJURY.
- ELUDING WITHOUT CREATING A RISK OF INJURY.

4. INCARCERATION FOR A MINIMUM OF 30 DAYS FOR REPEAT ADJUDICATIONS OF THE FOLLOWING:

- JOYRIDING WITHOUT RISK CREATION.
- ELUDING WITHOUT RISK CREATION.

5. FINALLY, THERE MUST BE A CONSEQUENCE FOR PARENTS WHO DON'T KNOW OR CARE THAT THEIR CHILDREN ARE OUT IN THE MIDDLE OF THE NIGHT STEALING CARS. IN THIS REGARD, WE PROPOSE THAT THE LEGISLATURE AUTHORIZE COURTS TO REQUIRE PARENTS OR GUARDIANS WHO NEGLECT TO EXERCISE REASONABLE SUPERVISION AND CONTROL TO PAY RESTITUTION TO CAR THEFT VICTIMS.

I KNOW, MR. CHAIRMAN, THAT WITH A BIPARTISAN, CONCERTED EFFORT WE CAN MAKE OUR LAWS STRONGER AND OUR STREETS SAFER.

COMMENTS BY:

THE HONORABLE MAYOR DOUGLAS H. PALMER
TRENTON, NEW JERSEY

PUBLIC HEARING ON JUVENILE AUTO THEFT

SUBMITTED TO:

THE SENATE JUDICIARY COMMITTEE

SEPTEMBER 25, 1992

As Mayor of Trenton, the city with the fifth highest auto theft rate in the state, I am submitting this written testimony to the Senate Judiciary Committee to be taken in consideration along with other testimonies concerning the Public Hearing on Juvenile Auto Theft.

Juvenile auto theft statistics in the City of Trenton are astounding. Since 1991, auto theft has become the second highest crime committed by juveniles, second only to theft in general. The extent of this problem in New Jersey was detailed in a recent report by the Juvenile Delinquency Commission.

We have taken several steps to try to address this problem. Earlier this year I requested the Trenton Office of Policy Studies to conduct an analysis of all the information we have compiled on each juvenile arrested for auto theft by our Police Department during the first 45 days of 1992. I was particularly interested in finding out about the age and background of these youths, as well as learning about their prior arrests.

Perhaps not surprisingly, the analysis indicated many of these youth were very young with extensive prior arrest records. The average age of those arrested in Trenton for auto theft during this period was between 14 and 15 years old, and we even had 11 and 12 year olds among the group.

While many of the juveniles had prior arrests for auto theft, the more significant finding for us was that auto-related crime was not typically their first offense. Many found their way into auto theft after engaging in other kinds of criminal activity. Equally significant was the finding that the youngest juveniles who were arrested for auto related crimes did not act alone. Older juveniles or adults were typically involved.

This data, makes it clear that we desperately need an effective strategy that will reduce auto theft. We must have stiffer penalties and improve our administration of justice. But we also must attack the root cause of the problem by involving families and communities to firmly steer our young people into positive directions.

Specifically we need to increase the level of deterrence and the extent of punishment for the crime of auto theft. Jail time should be required for offenders that meet certain criteria. I urge sentencing guidelines be established that would require hard time be served by serious repeat offenders, as well as those who are reckless in their attempts to evade capture by the police or who cause bodily injury while perpetrating the auto theft.

I also would urge that special "boot camp" programs be established for these serious offenders. These programs would help re-direct the youth who are involved in auto theft in a more positive direction. This would provide us with the opportunity to give them the type of discipline that may be missing from their lives. The programs would need to include remedial follow-up programs, much like those for drunk drivers.

For first time and less serious offenders, I urge the creation of innovative community-based programs to better punish and deter those involved in auto theft. These new programs should be based on community service, counseling and restitution by both the offenders and their families, where appropriate.

While we get tough with those who are caught stealing cars, we also must create programs that will prevent others from ever engaging in this activity. Our Weed and Seed program in Trenton is an example of the kind of program that could be expanded to offer our youth more constructive activities and positive role models. This would provide them with an alternative to the very dangerous and destructive activity they might otherwise find on the streets.

I join with our Attorney General, Robert Del Tufo, in urging certain other reforms in our administration of justice for those involved in auto theft. In addition to assigning special prosecutors and judges to these cases, I especially urge that our court rules and statutes be amended to allow the issuance of warrants at the time of arrest, and not just summons. This would allow bail to be set for these defendants to ensure their cooperation with the judicial system. It also would send a clear message that an arrest for auto theft is a very serious matter.

I also support the federal initiatives announced recently by Senator Frank Lautenberg. I am particularly concerned that Congress act to force auto manufacturers to make cars more difficult to steal. This can be accomplished relatively easily by requiring all cars sold in this country to be equipped with reinforced steering columns. In addition, the Senator's proposals to create a new federal offense for carjacking and to provide \$75 million for state and municipal anti-theft programs are welcome additions to our efforts. I will urge our Congressional delegation to support these proposals.

In closing, I realize young people need exciting recreational activities to keep them busy. But we must send a strong message to let them know that stealing vehicles is not an appropriate or acceptable pastime. We must let them know they will suffer serious consequences if they choose to engage in this crime. The time for action on this problem

is now. I urge the members of the Committee to respond to this problem in a comprehensive and effective manner.

